

Appendix 1

This form should be completed and forwarded to: London Borough of Tower Hamlets, Licensing Section, Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ or by email to licensing@towerhamlets.gov.uk with the correct fee. Payments can be by phoning 020 7364 5008 or on-line: www.towerhamlets.gov.uk/payit



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 FAHIM UDDIN
(Insert name(s) of applicant)

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 <u>138 WHITECHAPEL ROAD</u> <u>LONDON</u>			
Post town	<u>WHITECHAPEL</u>	Postcode	<u>E11JE</u>
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	<u>£ 12500</u>		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | | |
|-----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) | a health service body | <input type="checkbox"/> | please complete section (B) |
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
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	MR FAHIM BUDDIN
Address	138 WHITECHAPEL ROAD LONDON, E1 1JE
Registered number (where applicable)	AF GLOBAL BD LTD COMPANY REG:- 12622822
Description of applicant (for example, partnership, company, unincorporated association etc.)	PRIVATE LIMITED COMPANY
Telephone number (if any)	[REDACTED]
E-mail address (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
27	06	2024

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

please refer to attached plan

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

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 (please read guidance note 2)

Please tick all that apply

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

Provision of late night refreshment (if ticking yes, fill in box 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

State any seasonal variations for indoor sporting events (please read guidance note 5)

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

F

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

G

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

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	08.00 23.00	23.00 2.00			
Tue	08.00 23.00	23.00 2.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	08.00 23.00	23.00 2.00			
Thur	08.00 23.00	23.00 2.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	08.00 23.00	23.00 2.00			
Sat	08.00 23.00	23.00 2.00			
Sun	08.00 23.00	23.00 2.00			

J

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

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	8.00	23.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
	23.00	2.00	
Tue	8.00	23.00	
	23.00	2.00	
Wed	8.00	23.00	
	23.00	2.00	
Thur	8.00	23.00	
	23.00	2.00	
Fri	8.00	23.00	
	23.00	2.00	
Sat	8.00	23.00	
	23.00	2.00	
Sun	8.00	23.00	
	23.00	2.00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Will make sure there are sufficient competent staff on duty at the premises both the purpose of fulfilling the terms and conditions of the license and the both preventing crime & disorder

b) The prevention of crime and disorder

Any incidents of criminal nature will be reported to the police. We will install cctv to cover the premises.

c) Public safety

Appropriate fire safety procedures are in place including Fire Extinguishers, Fire blanket, Fire exit signs, smoke detectors, Emergency Lighting, etc.

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notice will be displayed to remind customers to leave quietly and have regards to our neighbours.

e) The protection of children from harm

All staffs will be trained for underage sales prevention regularly. The Licensee and the staff will ask person who ~~of~~ appear to be under age of ~~18~~ 18 for a photographic valid id ~~issued~~ issued by UK Govt.

Checklist:

Please tick to indicate agreement

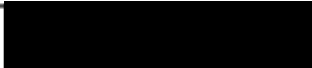
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, 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 or my share code issued by the Home Office online right to work checking service (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"> [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	27/06/2024
Capacity	Director of the Business

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

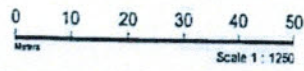
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

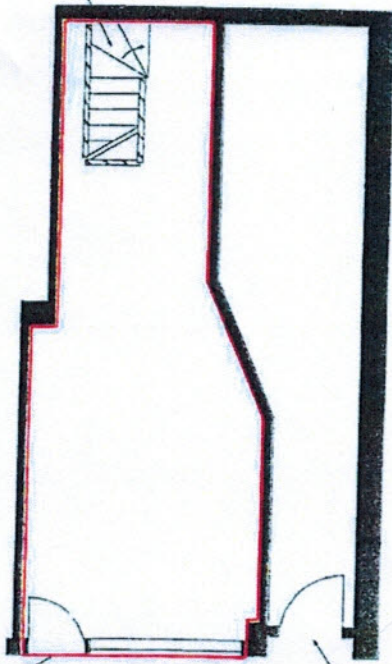
Appendix 2



Ordnance Survey. (c) Crown Copyright 2014. All rights reserved. Licence number 100022432



Stairs
Down To
Basement

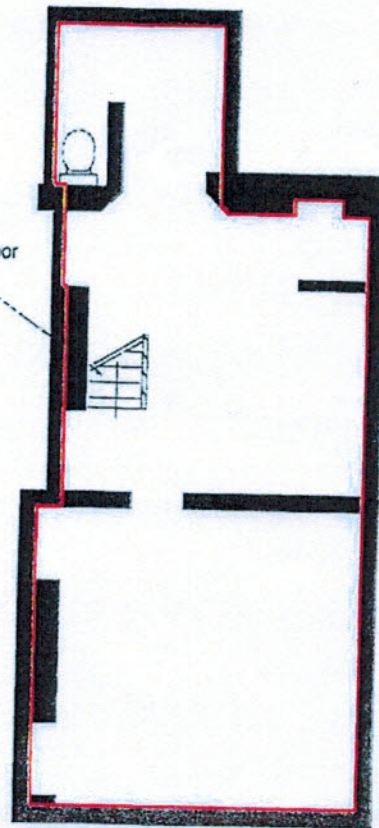


Entrance
To
Shop

Ground Floor

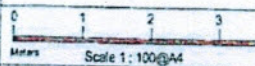
Entrance
To
Upper Floors

Stairs
Up To
Ground Floor



Basement

138 Whitechapel Road
London
E1 1JE



Gross Internal Area : 755 Ft² - 70.1 m²

RJ Stevens.
rjstevensphoto@gmail.com



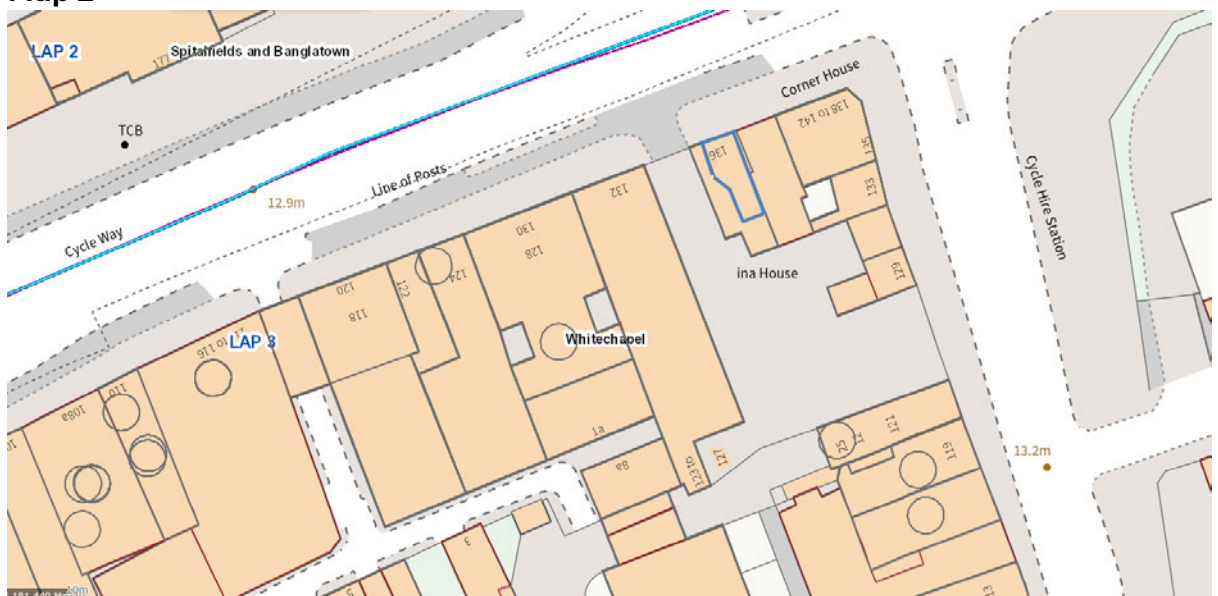
Appendix 3

Maps of the area – 138 Whitechapel Road

Map 1



Map 2




Appendix 4

Photographs of the premises – 138 Whitechapel Road



**LONDON BOROUGH OF TOWER HAMLETS
LICENSING ACT 2003**



NOTICE OF APPLICATION FOR A PREMISES LICENCE
 Notice is given that
 has applied to London Borough of Tower Hamlets Licensing
 Authority for a Premises Licence under the Licensing Act 2003

Premises details	AF GLOBAL BD LTD, T/A TEAGARDEN 138 WHITECHAPEL ROAD, LONDON E1 1JE
The licensable activities and timings are:	THE BUSINESS OPERATES AS A CAFE EVENING/ NIGHT WORKS. THE ACTIVITIES WE WILL BE TAKING PART IN IS THE SERVING OF HOT DRINK (TEA COFFEE) AND SNACKS. THE TIMES IN WHICH WE WILL BE OPEN IS FROM 23PM - 25AM. WE REQUIRE A LICENSE TO BE OPEN AND OPERATIONAL THROUGH THESE HOURS.

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Section, Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ** or email: licensing@towerhamlets.gov.uk Website: www.towerhamlets.gov.uk Tel: 020 7364 5008

Representations must be received no later than 28/02/2024

The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (unlimited fine)

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Appendix 5

Nearby Licensed Premises

Name and address	Licensable Activities/Hours	Opening Hours
<p>(Perfect Fried Chicken) 110 Whitechapel Road London E1 1JE</p>	<p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Sunday to Thursday, from 23:00 hours to 00:30 hours the following days • Friday and Saturday from 23:00 hours to 01:30 hours the following days 	<ul style="list-style-type: none"> • Sunday to Thursday, from 12:00 hours to 00:30 hours the following days • Friday and Saturday from 12:00 hours to 01:30 hours the following days
<p>Royal PFC) 178a Whitechapel Road London E1 1BJ</p>	<p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00 hrs to 00:30 hrs (the following day) • Friday and Saturday from 23:00 hrs to 01:30 hrs (the following day) 	<ul style="list-style-type: none"> • Sunday to Thursday from 11:00 hrs to 00:30 hrs (the following day) • Friday and Saturday from 11:00 hrs to 01:30 hrs (the following day)
<p>Sonargaon 199 Whitechapel Road London E1 1DE</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Supply of Alcohol Monday to Saturday 11 00 hrs to 03 00 hrs Sunday 12 00 hrs to 03 00 hrs</p> <p>Late Night Refreshment Monday to Sunday 23 00 hrs to 03 00 hrs</p> <p>Regulated Entertainment Monday to Sunday Recorded Music</p>	<p>Hours Premises are Open to the Public Monday to Sunday 07 00 hrs to 03 00 hrs</p>

	<p>07 00 hrs to 03 00 hrs Live Music Monday to Friday 18 00 hrs to 02 00 hrs Saturday and Sunday 12 00 hrs to 02 00 hrs Performance of Dance Monday to Sunday 18 00 hrs to 02 00 hrs Provision of facilities for making music Monday to Thursday 18 00 to 24 00 hrs Friday to Sunday 12 00 hrs to 15 00 hrs 18 00 to 24 00 hrs Provision of facilities for dancing Monday to Sunday 18 00 hrs to 02 00 hrs On and off sales</p>	
<p>PFC 232 Whitechapel Road London E1 1BJ</p>	<p>The provision of late night refreshment (indoors) Sunday to Wednesday from 23:00 hours to 00:00 hours; from 00:00 hours to 02:00 for delivery only. Thursday to Saturday from 23:00 hours to 02:00 hours</p>	<p>Monday to Sunday from 11:00 hours to 02:00 hours</p>
<p>Whitechapel Fried Chicken 233, Whitechapel Road London E1 1DB</p>	<p>Late Night Refreshment: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until 02:00 hours the following day.</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 11:00 hours to 02:00 hours the following day.</p>
<p>Krina News/ Off Licence) 255 Whitechapel Road London E1 1DB</p>	<p>The sale by retail of alcohol Off sales</p> <ul style="list-style-type: none"> On Monday to Saturday, 06:00 hrs to 23:00 hrs <p>On Sunday, 06:00 hrs to 22:30 hrs</p>	<ul style="list-style-type: none"> On Monday to Saturday, 06:00 hrs to 23:00 hrs <p>On Sunday, 07:00 hrs to 22:30 hrs</p>
<p>(The Blind Beggar) 337 - 341 Whitechapel Road London E1 1BU</p>	<p>The sale by retail of alcohol – On and off sales</p> <ul style="list-style-type: none"> Sunday to Thursday, from 11:00 hrs to 	<ul style="list-style-type: none"> Sunday to Thursday, from 11:00 hrs to 23:30

	<p>23:00 hrs</p> <ul style="list-style-type: none"> • Friday and Saturday, from 11:00 hrs to 01:00 hrs the following day <p>The provision of late night refreshment – Indoors and outdoors</p> <ul style="list-style-type: none"> • Sunday to Thursday (no late night refreshment) • Friday and Saturday, from 23:00 hrs to 01:00 hrs the following day <p>The provision of regulated entertainment – Indoors and outdoors <u>(Live music, recorded music and performance of dance)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday, from 11:00 hrs to 23:00 hrs • Friday and Saturday, from 11:00 hrs to 01:00 hrs the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • New Year’s Eve, from 11:00 hrs to 01:00 hrs the following day <p>On and off sales</p>	<p>hrs</p> <ul style="list-style-type: none"> • Friday and Saturday, from 11:00 hrs to 01:30 hrs the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • New Year’s Eve, from 11:00 hrs to 01:30 hrs the following day
<p>(Shell Whitechapel) 139-149 Whitechapel Road London E1 1DT</p>	<p>The sale by retail of alcohol The provision of late night refreshment <u>Sale by retail of alcohol (off sales only)</u> Sunday to Saturday 06:00 to 23:00 hours</p> <p><u>Provision of Late Night Refreshment (hot drinks only)</u> Sunday to Saturday 23:00 to 05:00 hours</p>	

Appendix 6

From: Nicola Cadzow
Sent: 23 August 2024 14:46
To: Licensing
Cc: [REDACTED] Tea Garden
Subject: 170208 MAU REPRESENTATION to new premises licence for Tea Garden 138 Whitechapel Road, London, E1 1JE
Attachments: 170208 New premises licence for Tea Garden 138 Whitechapel Road London E1 1JE
Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon Licensing,

Having reviewed the premises license application for Tea Garden 138 Whitechapel Road, London, E1 1JE I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, and the fact that the licensable hours applied for are well beyond the Council's framework hours.

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 licensable activity: **late night refreshment:**

- **Monday to Wednesday** until 02:00 hours (extension of two and a half hours on framework hours)
- **Thursday** until 02:00 hours (extension of two and a half hours on framework hours)
- **Friday & Saturday** until 02:00 hours (extension of two hours on framework hours)
- **Sunday** until 02:00 hours (extension of three hours on framework hours - with late night refreshment from 23:00 to 02:00) .

I emailed the applicant on the 15th July 2024, with the noise conditions I wished to apply to the licence, to promote the licensing objective for the prevention of public nuisance, but I have not received a response (*please see email attached*)

There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance when considering access and egress from the premises, patrons in high spirits, patrons in groups loitering outside the premises, at the late hour sought in the application.

Noise Sensitive premises: residential premises in close proximity including three residential properties adjacent at Medinan House, 136 Whitechapel Road and immediately above the venue, at 138 Whitechapel 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.
- Access & egress to and from the venue including patrons outside the premises to smoke, whilst the premises is in operation.
- Hours of operation

CONCLUSION

Environmental Protection **does not** support the application for Tea Garden 138 Whitechapel Road, London, E1 1JE for the following reasons:

- (1) There is great likelihood of disturbance to residential premises from the impact of additional footfall at the late hours sought.
- (2) The applicant has not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance, and noise conditions we wish to add have not been agreed (*see attached*)

If the committee are minded to grant this application, I would ask that the following conditions be considered:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
3. There shall be no loitering of patrons outside the premises, and once patrons have received their order they shall disperse immediately from the vicinity of the premises.
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.

Kind regards

Nicola Cadzow
Environmental Health Officer
Environmental Protection (Noise) Team
Communities Directorate

[Redacted signature]

[Redacted contact information]

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Appendix 7

Licensing Authority
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

Communities Directorate
Public Realm

Regulatory Services
(Commercial)

Service Manager: **Tom Lewis**

Trading Standard & Licensing
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Tel [REDACTED]

www.towerhamlets.gov.uk

23 August 2024

My reference: EHTS/LIC/170208

Dear Sir,

Licensing Act 2003
Tea Garden 138 Whitechapel Road, London, E1 1JE
MA 170208

I am writing in my capacity as Licensing Authority in relation to the premises licence application for the above address and wish to make representation on the grounds.

- ***Prevention of public nuisance***
- ***Prevention of crime and disorder***

The above premises has been subject to enforcement action by this Licensing Authority since 1st June 2024. The premises has had a significant history of operating daily past 11 PM without a late night refreshment licence and selling illicit cigarette to customers.

On 1st June 2024 part of nighttime operation (Op Dymock) between 2340 to 2345 hours test purchase completed for late night refreshment (LNR) under the Licencing Act 2003 at the aforesaid premises and bought 1 cup of tea, 1 coffee and 1 hot Somosa for £5.50. While Mr. Sekander Hossain (manager) remained under caution and the licensing officer was asking questions, a couple of customers arrived in and asked for single cigarette. The licensing officer then enquired as to whether the establishment sell single cigarette which was denied. Since the officer suspected that illegal cigarettes were being sold on the premises, licensing officer sought permission to search with management's consent. Upon searching, officer found 8 * 200 = 1600 cigarettes as well as 3 loose



packets, each containing 20 cigarettes (3 * 20) = 60 cigarettes. At the time advise and warning given by record of contact sheet under licensing act 2003.

Two weeks later 15th June 00:33 hours part of Op Dymock premises was witness open trading and customer having hot food and hot drinks without premises licence. At 00:40 hours officers entered and spoke with Mr. Sekander Hossain (manager) and explained not to trading without premises licence late night refreshment between 11 PM to 5 AM any day

Part of the nighttime visit by the licensing officer premises witnessed open trading two weeks later on 15 June at 00:33, with customers consuming hot food and beverages without a premises licence. Officers approached at 00:40 and reminded Mr. Sekander Hossain, the manager, that it is illegal to operate without a premises licence late-night refreshments on any day between 11 PM and 5 AM and obtain details from driving licence.

Officers observed Mr. Sekander Hossain, the manager, serving hot tea and coffee to customers through windows on June 29, 2024, at 00:15 hours and July 27, 2024 at 00:25 hours. Mr. Hossain was warned both times for customers congregating near the store, lingering there, making noise, having cigarette's, blocking the public pavement, and grouping in this location, both time warning was given to Mr Hossain.

The councils farmwork hours for premises carrying out licensable activities, are there to protect the public from nuisance behaviour at sensitive hours. There are a number of café food / drink establishment within this area trading late into the evening and I believe granting a licence for late night refreshment to this establishment will increase and attract more people to loiter in this area. The residents are already suffering from ASB, noise & crime and disorder and the granting of a premises licence will further enable such behaviour.

The licensing authority sent the business a warning letter. Trading Standard is currently pursuing legal action for operating without a licence to provide late-night refreshments and for selling illegal cigarettes.

Mr Hossain (manager) and Mr Fahim Uddin (business owner) has shown no regard to the Licensing Act 2003 and to the officers of the Council by ignoring warnings and advise given to him. Therefore, this Responsible Authority does not feel confident in that he will uphold the licensing objectives and ask that the application be rejected.

In my objection, I've included pictures of **exhibits A** and B. Exhibit A documents a test purchase made on June 1, 2024; exhibit B illustrates the trading of hot food and beverages on June 15 and June 29, 2024; exhibit C details Google's advertising opening hours on August 23. Attached There's also a record of contact and a warning letter to the premises and to the limited company.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.

Licensing Officer
Ibrahim Hussain

A solid black rectangular redaction box covering the contact information.

Exhibit A

Photo was taken on 1st June 2024 at 00:35 hours



01/06/2024
Tea Lounge
1 Tea - 1.5
1 coffee - 2
1 samosa - 2
Total = \$ 5.5
Selena VZ

Exhibit B

Photo taken in 15th June at 00:38

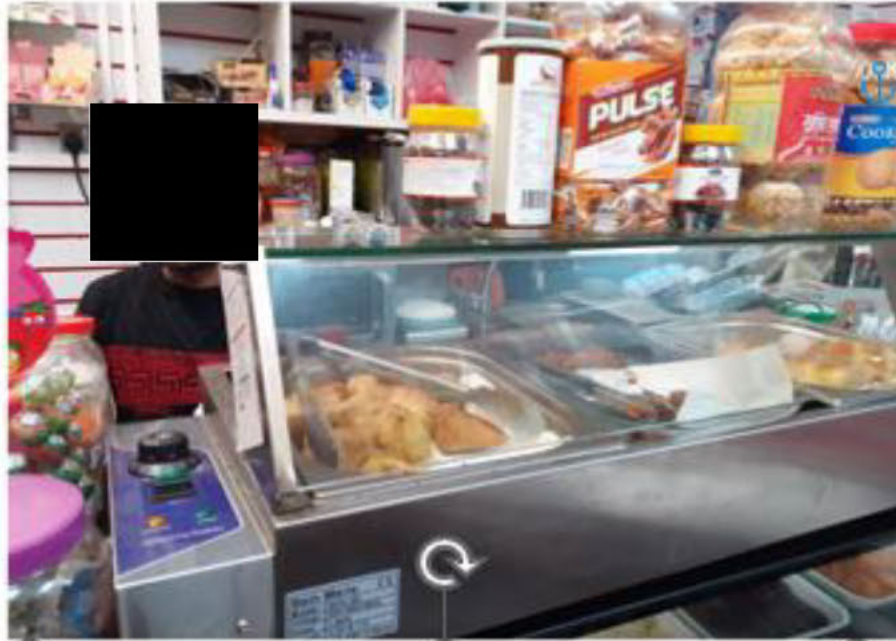
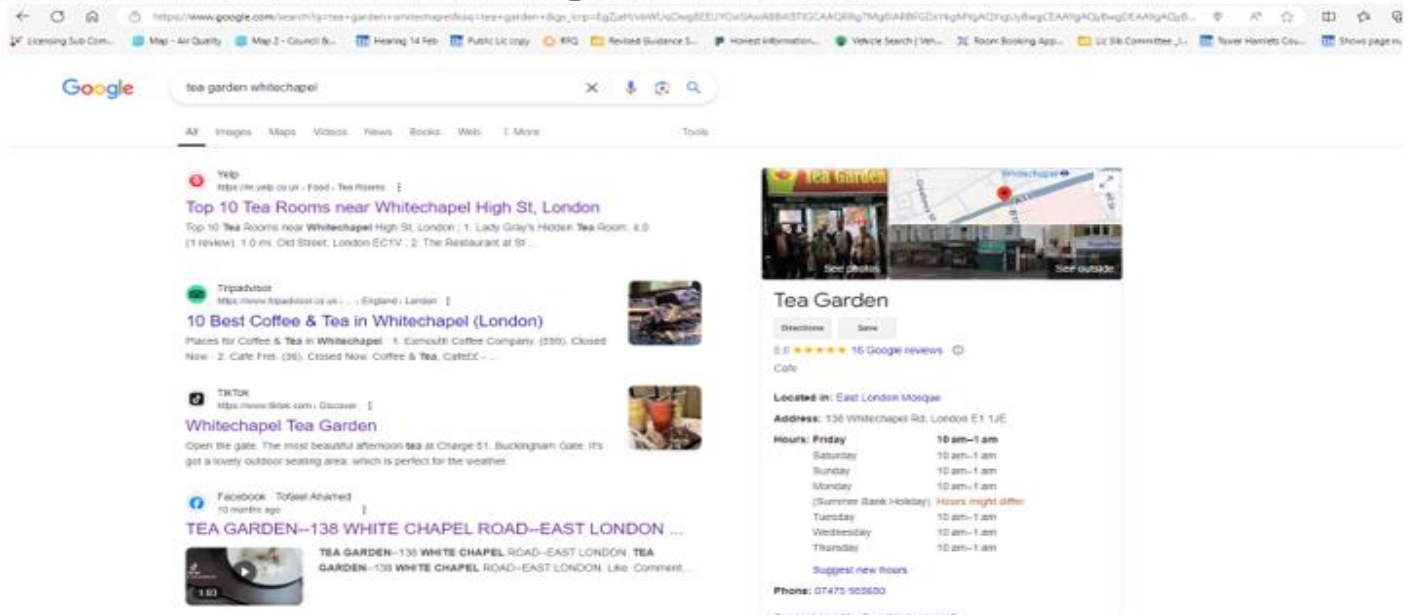


Photo was taken on 29th June 2024 at 00:13 hours



Exhibit C

The screenshot was taken on 23rd August at 18:48 hours



Address: 138 Whitechapel Rd, London E1 1JE

Hours:

Friday	10 am–1 am
Saturday	10 am–1 am
Sunday	10 am–1 am
Monday	10 am–1 am
(Summer Bank Holiday)	Hours might differ
Tuesday	10 am–1 am
Wednesday	10 am–1 am
Thursday	10 am–1 am

[Suggest new hours](#)

Phone: 07475 955650

Fahim Uddin
Tea Garden
138 Whitechapel Road
London
E1 1JE

Communities Directorate
Public Realm

Regulatory Services
(Commercial)

Service Manager: **Tom Lewis**

Trading Standard & Licensing
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ


www.towerhamlets.gov.uk

11 June 2024

My reference: EHTS/LIC/170208

Dear Sir,

Licensing Act 2003
Premises: Tea Garden 138 Whitechapel Road, London, E1 1JE

The Licensing Authority has received a complaint that you are opening beyond your licensable hours. The officer states that on Friday 1st June 2024 between 2340 hours to 2345 hours test purchase completed for late night refreshment (LNR) under the Licencing Act 2003 at the aforesaid premises and bought 1 cup of tea, 1 coffee and 1 hot Somosa for £5.50. While Mr. Sekander Hossain (manager) remained under caution and the licensing officer was asking questions, a couple of customers arrived in and asked for single cigarette.

The licensing officer then enquired as to whether the establishment sell single cigarette which was denied. Since the officer suspected that illegal cigarettes were being sold on the premises, licensing officer sought permission to search with management's consent. Upon searching, officer found $8 * 20 = 1600$ cigarettes as well as 3 loose packets, each containing 20 cigarettes ($3 * 20 = 60$ cigarettes). At the time advise and warning given by record of contact sheet under licensing act 2003.

Trading Standard will be contacting you shortly regarding a potential prosecution as a result of unlawful activities occurring on your property.



According to the Council records you do not hold a licence under the Licensing Act 2003. **The ACT covers;**

- ***the sale by retail of alcohol (on and off sales)***
- ***the provision of regulated entertainment (with or without a licence to sell alcohol)***
- ***the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)***
- ***the provision of late night refreshment (selling hot food and drink between 11pm - 5am)***

I must advise you that 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.

A person guilty of an offence under section 136 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.

You will also need to ensure you have the correct planning permission so please contact the **Planning Team.**

- development.control@towerhamlets.gov.uk

As there were complaints that you are also attracting large crowds and causing a nuisance, the following authorities and they may contact you separately:

- **Police Licensing Team:** CEMailbox-.TowerHamletsLicensing@met.police.uk
- **Anti-Social Behaviour Team:** AntiSocial.Behaviour@towerhamlets.gov.uk
- **Environmental Protection (Noise Team):**
Environmental.Protection@towerhamlets.gov.uk
- **Planning Enforcement team:** PlanningEnforcement@towerhamlets.gov.uk

Your premises will be monitored for compliance of the Licensing Act 2003. Should you be found to be in breach of the above enforcement action may be sought in the form of a prosecution again. This will also go against you should you apply for a licence in the future.

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 <https://www.towerhamlets.gov.uk/licensing>

I would welcome any comments you may wish to make in regards to the above.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Licensing Officer
Ibrahim Hussain

A black rectangular redaction box covering contact information.

C.c

Premises: - Tea Garden 138 Whitechapel Road, London, E1 1JE

Limited Company: AF Global BD Limited: Tea Garden 138 Whitechapel Road, London, E1 1JE

LONDON BOROUGH OF TOWER HAMLETS:
LICENSING ACT 2003 RECORD OF CONTACT
 Licensing and Safety Team, Environmental Health and Trading Standards
 Mulberry Place, 5 Clove Crescent, London E14 2BG



Premises / Business Name: Tea Sunday

Licence Holder / DPS / Person Seen: Mr. Sekander Hussain

Address: 138 Whitechapel Road
London, E1 1JE

Tel. No: [REDACTED]

Email: [REDACTED]

Intelligence Lead Visit (1L)

Compliance Visit (Proactive 1L)

Revisit (1R)

Notice Check (1N)

Visiting Officer (s): Mr. Hussain Hussain

App Officer Initials: James Decker

Position: Assistant Officer / M.S. Officer

Signature: [REDACTED] Time of visit: 23:45 hrs

Tel: 020 7364 5008 Email: licensing@towerhamlets.gov.uk

Offence of Licensing Act 2003	Section	ACTION REQUIRED:
<input type="checkbox"/> Unauthorised sale of alcohol [No Licence] [Suspended Licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease Sale By Retail of Alcohol with immediate effect
<input checked="" type="checkbox"/> Unauthorised Provision of Late Night Refreshment (hot food or drink between 23:00 and 05:00 hours) [No Licence] [Suspended Licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease the Provision of Late Night Refreshment with immediate effect
<input type="checkbox"/> Unauthorised Regulated Entertainment [No Licence] [Suspended Licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease Regulated Entertainment with immediate effect.
<input type="checkbox"/> Sale of Alcohol outside licensed hours	136	<input type="checkbox"/> Remove all Alcohol from Sale
<input type="checkbox"/> Provision of Late Night Refreshment (hot food or drink between 23:00 and 05:00 hours) outside Licence hours	136	<input type="checkbox"/> Display Part 2 Summary of the Premises Licence
<input type="checkbox"/> Alcohol displayed for unauthorised Sale [No Licence] [Suspended Licence] [Outside Licensed Hours] *strikeout as appropriate	137	<input type="checkbox"/> Ensure a copy of the full Premises Licence is available for inspection on the premises
<input type="checkbox"/> Keeping Alcohol on the premises for unauthorised Sale [No Licence] [Suspended Licence] [Outside Licensed Hours] *strikeout as appropriate	138	<input type="checkbox"/> Ensure a letter of authorisation signed by the DPS is on the premises to enable staff to sell alcohol on their behalf
<input type="checkbox"/> Breach of licence condition(s) (specify condition text box below)	136	<input type="checkbox"/> Licensable activity must only be carried out within the hours detailed on your Premises Licence
<input type="checkbox"/> Selling Alcohol with no authorisation from DPS / No DPS present	136	<input type="checkbox"/> Alcohol must only be Displayed for Sale within the licence hours detailed on your Premises Licence
<input type="checkbox"/> Failure to display Premises Licence Summary	57	<input type="checkbox"/> Cease the Sale by Retail of Alcohol until a DPS is in place and named on the Premises Licence
<input type="checkbox"/> Failure to produce the full Premises Licence	57	<input type="checkbox"/> Comply with all conditions stated on the Premises Licence, in particular ones found to be in breach detailed on second sheet
<input type="checkbox"/> Sale of Alcohol to a person who is drunk	141	<input type="checkbox"/> See Action detailed on second sheet
<input type="checkbox"/> Allowing disorderly conduct on licensed premises	140	
Other Offences NOT Licensing Act 2003 (please insert legislation here)		<u>ordered Sold</u> <u>2345 hours 1 tea, 1 coffee and 1</u> <u>ice cream - all bills and paid £5.45</u> <u>100 cash, hand written receipt provided</u> <u>with receipt</u>

ACTION TAKEN BY LBTH:

No further action Advice Warning Issued by way of this report Revisit needed Alcohol seized

Licence holder / DPS cautioned

Person seen: Mr. Sekander Hussain Signature: [REDACTED]

Position in business: Manager Date: 02/06/2024

This report only covers those areas checked at the time of the visit. It does not indicate compliance with any provision of Licensing Act 2003 or any associated legislation. If you have any queries regarding this report, please contact the Licensing and Safety Team or write to Environmental Health and Trading Standards, Mulberry Place, 5 Clove Crescent, London E14 2BG
www.towerhamlets.gov.uk/licensing

Premises Business Name/Address:



If you feel the action is not justified you should contact the Team Leader of the Licensing and Safety Team within 14 days of this report.

Action:

Goods seized
E.g. cigarette machine of cigarette and will be going
it to teaching standard unit one of the office will
get sent to housing 134 Whitechapel Road
management.

This visit report is to inform you of any offences under the Licensing Act 2003, or any associated legislation, and what action must be taken in light of the offences. You must take steps to ensure these offence(s) do not reoccur. The absence of any comments on this report does not indicate compliance with the Licensing Act 2003 and any associated legislation. **Failure to comply with the Licensing Act 2003, which includes the conditions and hours detailed on any Licence may result in prosecution.**

Visiting Officer:

Shabir Hussain

Date: 02/06/24 Time: 2345 hrs

Signature of Licensee / DPS / Person Seen

*Circle as appropriate

Selam

Date: 02/06/24 Time: 01:17 PM

ACTION TAKEN BY LBTH:

No further action Advice Warning issued by way of this report Revisit needed Alcohol seized Licence holder / DPS / manager cautioned

Tobacco

Appendix 8

The Licensing Authority
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

Communities Directorate
Public Realm

Regulatory Services
(Commercial) Service
Manager: Tom Lewis

Enquiries to: Alex Brander

Tel [REDACTED]

Email [REDACTED]

www.towerhamlets.gov.uk

27 August 2024

To Whom it May Concern

Licensing Act 2003 – Tea Garden, 138 Whitechapel Road, London, E1 1JE

I am writing as a representative of Tower Hamlets Trading Standards, considered a Responsible Authority within the Licensing Act 2003 regime.

This letter is to raise an objection against the application made by Mr Fahim Uddin of AF Global BD Ltd for a new premises licence at 138 Whitechapel Road, London, E1 1JE. These representations are submitted on the grounds of the **prevention of crime and disorder** and the **protection of children from harm**.

This Trading Standards Authority is aware that on Friday 1st June 2024 Council officer colleagues found multiple packs of suspected illegal cigarettes at that premises. The cigarettes were taken by the Council officers and passed to the Trading Standards team the following week for further investigation.

The total quantity found was 1642 cigarettes from three different brands and types, these being Benson and Hedges Special Filter, Platinum Seven Blue and Platinum Seven Gold. This suggests that they were not for personal use and it is suspected that people working at that premises were selling them to members of the public.

Furthermore, not all the packs were sealed. Three of the packs had been opened and contained fewer than 20 cigarettes in them. It is suspected that single cigarettes, or multiples of, were being sold at that premises, which is illegal to do so in the UK.

The packets for the cigarettes were in the brands' usual style and not in the type and colour of plain packaging as required under current UK law.

Some laws applicable to cigarettes include:



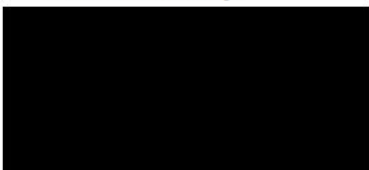
- The Tobacco and Related Products Regulations 2016 – these Regulations determine the display of health warnings on tobacco products packaging, among other requirements for tobacco products. The packets of cigarettes found at that premises did not display the applicable combined health warnings (text warning and picture) that are required under these Regulations, which would constitute a criminal offence for their supply.
- The Standardised Packaging of Tobacco Products Regulations 2015 – these Regulations determine the colour and design of tobacco products packaging in the UK. The packets of cigarettes found were not in the only colour that is permitted under these Regulations, this being Pantone 448 C, nor did the brand names on the packaging meet the set conditions contained within the Regulations.
- The Children and Young Persons (Protection from Tobacco) Act 1991 created an offence for any person carrying on a retail business to sell cigarettes to any other person other than in their original packaging. This is the law that prohibits the sale of single cigarettes and was introduced as it was more likely to for children to buy singles, rather than whole packs.

The suspected supply of illegal cigarettes remains an ongoing criminal investigation by this Trading Standards Authority.

The supply of illegal cigarettes undermines the Public Health agenda of aiding current smokers from quitting, preventing people from taking up smoking and to create a smokefree generation. In addition, the supply of illegal cigarettes impacts on duty raised by HM Treasury, which in-part could affect funding for smoking cessation services.

This Responsible Authority is not confident that the applicant will be able, intentionally or not, to uphold the Licensing Objectives, therefore we submit an objection to the granting of the licence.

Yours faithfully,



Alex Brander
Senior Trading Standards Officer



Appendix 9

From: Dalip Boora [REDACTED]
Sent: 22 August 2024 13:38
To: Licensing
Subject: Licensing Act 2003, Tea Garden 138 Whitechapel Road London E1 1JE

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

We have received the application for longer trading hours for the Tea Garden premises at 138 Whitechapel Road. Unfortunately the reference printed on the letter is unclear as only the lower half has been printed.

There are a number of serious issues with this application:

The Tea Garden has been trading for a few years from the premises at 138 Whitechapel Road. It is a small shop with very limited/ no capacity for clients to sit inside the premises. Most of their clients stand outside the premises. Smoking and drinking is carried on outside and litter is strewn around the surrounding premises. The cafe has no procedure to clear up the mess made by the disposable cups and litter left by clients. Our gates regularly have half filled coffee cups perched precariously on any flat surface clients can find to leave the cups on. Our gate posts, walls and metal furniture are marked with red paan spat by their clients. We have to employ staff to clean our car park entrance. We are unable to remove the paan stains from our metal furniture and walls.

The inability to contain clients inside the premises to consume goods sold by the business is a major problem as it causes a tremendous nuisance for surrounding owners/occupiers and pedestrians passing by. Residential occupiers will be disturbed late at night all 7 days, they will be unable to sleep and recover after a hard days work. The council is trying very hard to clean up Whitechapel but this application encourages squalor and sets back the tremendous efforts being made by the Council to clean up Tower Hamlets.

This application needs to be firmly rejected.

Yours faithfully

Dalip Boora

Capital Estates Limited

[REDACTED]

Legally privileged/Confidential Information may be contained in this message. If you are not the addressee(s) legally indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message, and notify us immediately. If you or your employer does not consent to Internet e-mail messages of this kind, please advise us immediately. Opinions, conclusions and other information expressed in this message are not given or endorsed by my firm or employer unless otherwise indicated by an authorised representative independent of this message. Please note that neither my employer nor I accept any responsibility for viruses and it is your responsibility to scan attachments (if any).

Appendix 10

**Section 182 Advice by the Home Office
Updated on August 2023**

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 11

Licensing Policy Section 11

Prevention of Public Nuisance

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has many areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
- a) Music/performances
Measures to reduce impact of noise on residents
 - b) Queue management
Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
 - c) Ingress and Egress
Measure to prevent people noise during ingress and egress
 - d) Use of outside areas (see 11.7 below)
 - e) Deliveries, particularly pick-ups by vehicles
Measures to prevent noise/fumes from engines, drivers (including smoking),
 - f) Bottle disposal
Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
 - g) Litter
Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose intended use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

- 11.6 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 11.7 **Fly Posting** – The Council has experienced 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 proportionate and 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.
- 11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
- limiting the amount of patrons permitted in the outside area, and/or,
 - restricting the use of areas after a certain time,
 - ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

- 11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

Appendix 12

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

Updated December 2022

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 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 13

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 5.14 and 5.15 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 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **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 20 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).

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 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

- Monday to Thursday, 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 16.8 of the Licensing Policy)

In considering the applicability of framework 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 16.9 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 15

Planning

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