

Appendix 1



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

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

On-Line payments can be made at:

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I/We (insert name(s) of applicant) MOHAMMED ALAM

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>222 BACK LANE</u>	
Post town <u>LONDON</u>	Post code <u>E1 6SA</u>

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 8,700

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	BLUEBELL UK LTD
Address	UNIT 2 THE CHRONOS BUILDING 9-25 MILE END ROAD LONDON E1 4TP
Registered number (where applicable)	07640845
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	3	1	2	2	0	1	3
---	---	---	---	---	---	---	---

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

Day Month Year

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

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

--

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

THE PREMISES IS A A1 RETAIL UNIT SERVING HOT AND COLD SANDWICHES AND DRINKS LOCATED AT THE NORTH END OF BRICK LANE.

THE UNIT IS ARRANGED OVER TWO FLOORS (GROUND AND BASEMENT) WITH FOOD PREP/STORAGE AND SERVICE COUNTER LOCATED ON THE GROUND FLOOR AND CUSTOMER SEATING AREA LOCATED IN THE BASEMENT. LICENCE IS ONLY SOUGHT FOR THE GROUND FLOOR AREA. AS THE BASEMENT AREA IS AND WILL CONTINUE TO BE RESTRICTED TO CUSTOMERS FROM 23:00 TO 07:00 MON-SUN.

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance) THE SERVING OF HOT SANDWICHES, TEA AND COFFEE.		
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NONE		
Fri	23:00	04:00			
Sat	23:00	04:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
				Both	
Mon			Please give further details here (please read guidance)		
Tue					
Wed			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

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

Name

MOHAMMED ALAM

Address

UNIT 2 THE CHRONOS BUILDING
9-25 MILE END ROAD
LONDON
Postcode E1 4TP

Personal Licence number(if known)

N/A

Issuing licensing authority (if known)

N/A

K

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

NONE

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:00	NONE
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5) NONE
Fri	07:00	04:00	
Sat	09:00	04:00	
Sun	09:00	22:00	

M

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

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

SEE ATTACHED SHEET
'LICENSING OBJECTIVES'

b) **The prevention of crime and disorder**

''

c) **Public safety**

''

d) The prevention of public nuisance

((

e) The protection of children from harm

((

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 : 183 - 6141
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

[REDACTED]

Date

6/11/13

Capacity

AGENT

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

Signature

Date

Capacity

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

SABINA GELUM
20 SOLANDER GARDENS
E1 0DN

Post town

LONDON

Post code

E1 0DN

Telephone number (if any)

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

[REDACTED]

Notes for Guidance

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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 un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Licensing Objectives

a) General

1. Work with the Police and Local Authority to improve upon delivering the objectives.
2. Regularly review policies and procedures.
3. Work in partnership with local businesses and residents to minimise crime and improve public safety.
4. Undertake checks on all mechanical and electrical equipment.
5. Ensure staff are familiar with the licensing objectives and adhere to them at all times.

b) The prevention of crime and disorder

1. Clear and legible notice will be placed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
2. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
3. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
4. All CCTV cameras will be maintained in good working order and will continually record and the tapes will be securely retained for a minimum of 14 days
5. Drinks will only be served in plastic bottle and paper cups.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.
7. Install registers away from customer access and upon closing, remove all money and leave the drawer open.
8. Maintain an incident log of any criminal activity or attempted criminal activity within or within the immediate vicinity of the premises.

c) Public safety

1. Adequate access is provided for emergency vehicles and personnel.
2. All parts of the premises and all fittings and apparatus including door fastenings and notices and the seating, lighting, heating, electrical, ventilation,

sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.

3. A log book or recording system will be kept in the premises for recording inspections made including those required by legislation, and information compiled to comply with any public safety condition attached to the premises license. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

4. Adequate access is provided for emergency vehicles and personnel.

5. Regular gas and electricity check will be undertaken by a suitably qualified person.

6. Exits will be kept unobstructed, free of trip hazards and clearly identified.

7. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

8. All exit doors are easily openable without the use of a key, card, code or similar means.

9. The premises should comply with all statutory fire safety controls

d) The prevention of public nuisance

1. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

2. Deliveries to the premises will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

3. Staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

4. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.

5. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

6. Noise or vibration will not emanate from the premises such as to cause unreasonably disturbance to neighbours.

7. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.

8. Customer will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.

9. Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.

10. Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

11. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.

e) The protection of children from harm

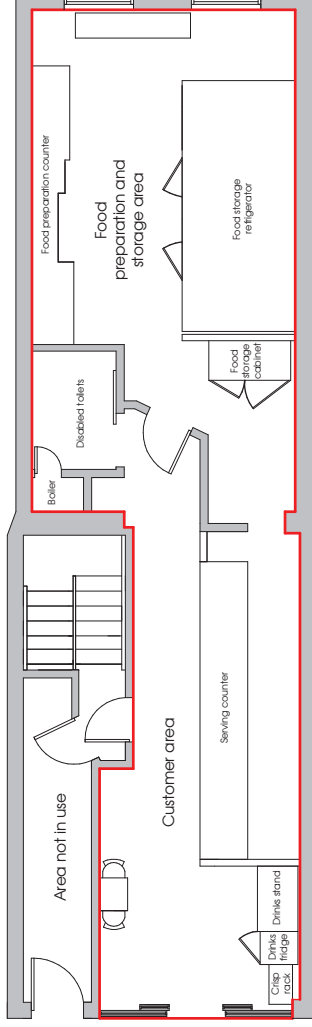
1. In the interests of protecting children from harm, children below the age of 16 will be excluded from the premises between the hours of 23:00 to 04:00.

222 Brick Lane Premises Licence Ground floor and basement plan

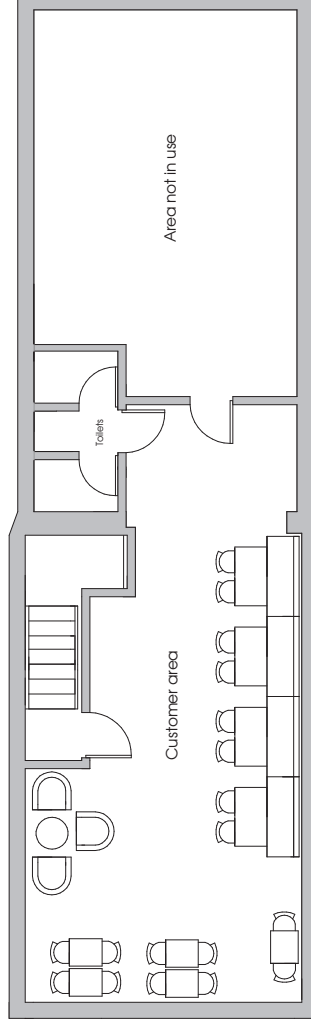
0m 0.5m 1m 2m 4m

No liability is accepted to any third party relying on information contained in this drawing.

Contractors must verify all dimensions on site before commencing any work or shop drawings.



Ground floor plan



Basement plan

 Premises licence area

Note:
Premises licence is only sought for ground floor area identified in red.
The basement customer seating area will be restricted to customers from 23:00 to 07:00.

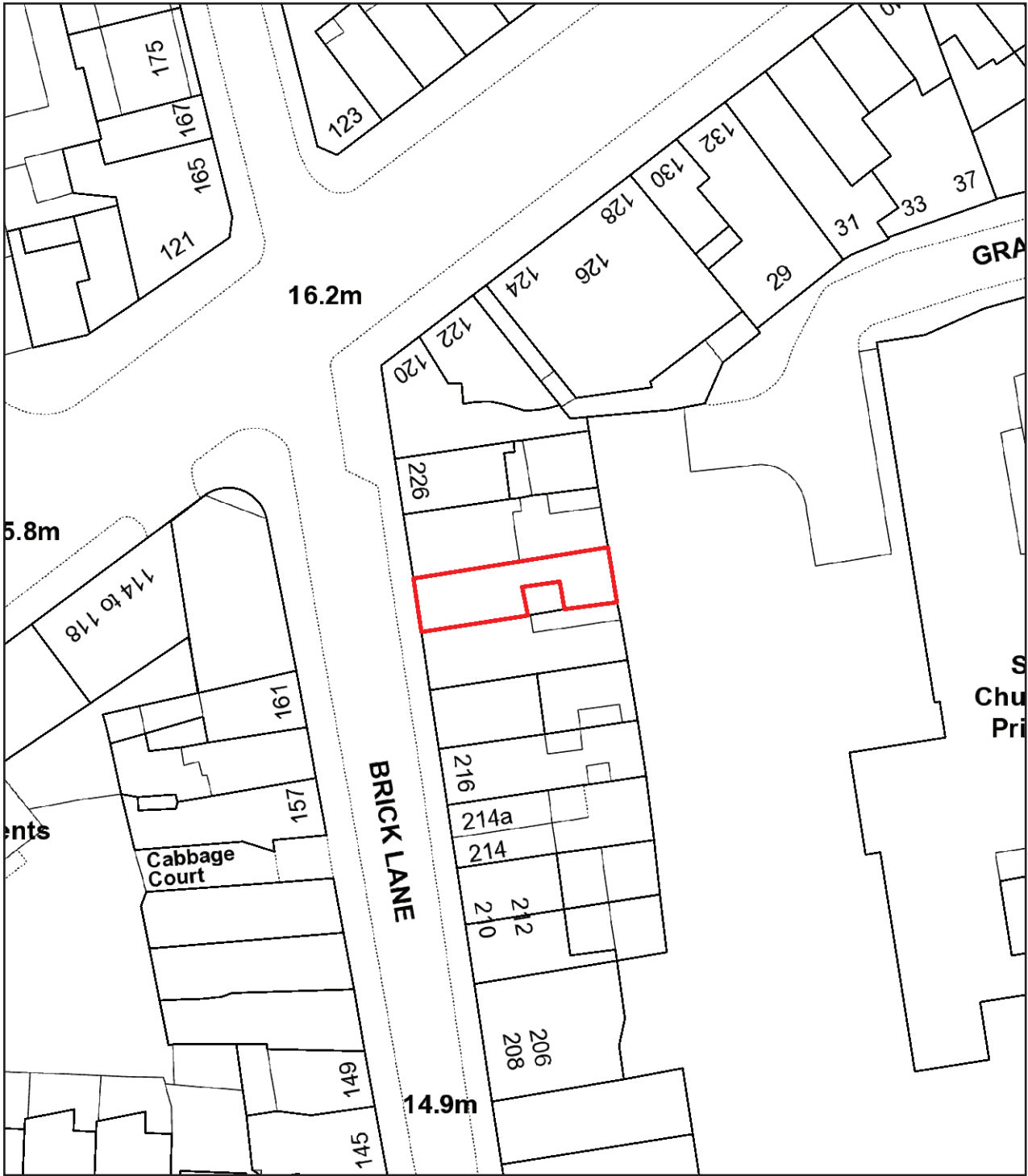
Site Location: 222 Brick Lane
Drawing No: PM13/001
Scale: 1:100 @ A3
Date: 03 Nov 2013
Drawn By: MA
Checked By: SB

ink [planning]

BMBBox 5259
London
WC1N 3XX

inkplanning@outlook.com

Appendix 2

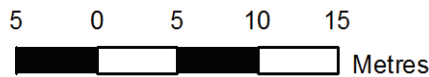


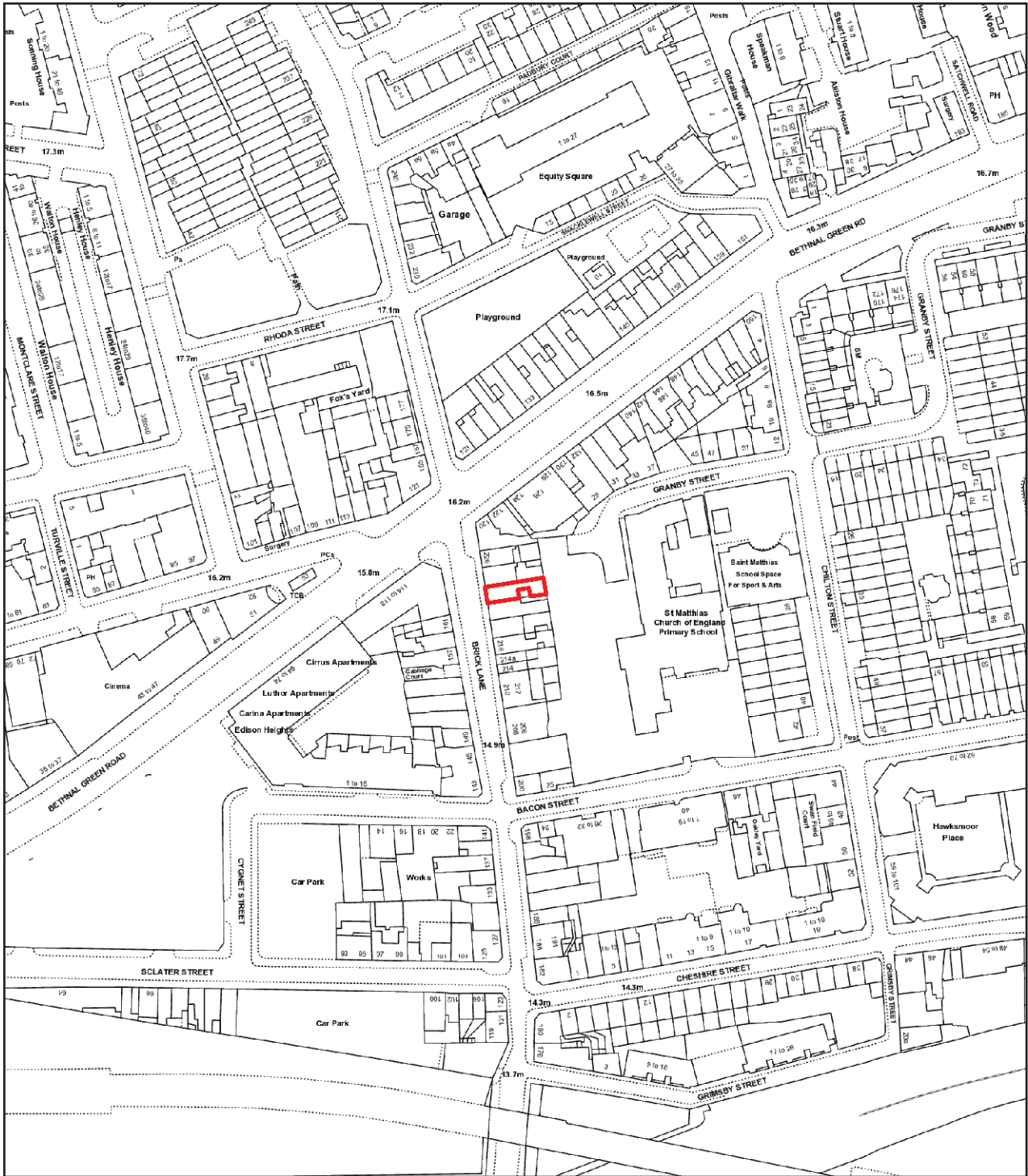
Subway

222 Brick Lane



Scale 1:575



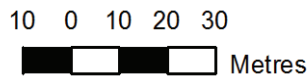


Subway

222 Brick Lane



Scale 1:1918



Appendix 3

John McCrohan
London Borough of Tower Hamlets
Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

**Limehouse Police Station,
27, West India Dock Road,
London,
E14 8EZ**

Office: **020 7275 4950/4911**

Mobile: [REDACTED]

Email: [REDACTED]

Your ref:

2nd December 2013

Dear Mr McCrohan,

Re: Application for a Premises Licence
Subway, 222 Brick Lane, E1 6SA

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

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for late night refreshments on Friday and Saturday from 2300 - 0400

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed

premises in such a small area and the resulting number of ASB calls and the potential for disorder.

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

Unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the

licensing objectives.

Brick Lane has become a “destination venue” for the night time economy in Tower

Hamlets. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems at the top end of Brick

Lane. It has been suggested at a separate hearing for a TEN application by the applicant,

that there are already two nearby shops open throughout the night and the opening of this

Subway venue will ease the congestion.

I said at the time, that if these two premises were to apply today for late night refreshments

until 5am, we would oppose it.

This top end of Brick Lane is already busy, with people hanging around the bagel shops.

The availability of alcohol and food at these late hours keeps people in the Brick Lane area

for a longer period of time, contributing to ASB and the potential for violence.

Can the applicant provide evidence that the operation of the premises will not add to the

negative cumulative impact already being experienced in this area?

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue whether it is standing in the street drinking or shouting at the top of their voices?

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

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

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

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

I am hoping to include a statement from Weavers NPT in regards to this area.

The hours applied for falls i. to the above peak hours.

In relation to Subway itself, I refer the committee to part of a TEN objection submitted by my licensing colleague, PC O'Rourke.

"At present, the venue does not hold a premises licence and therefore cannot open between 23:00 hours and 05:00 hours to sell hot food or drinks.

On Sunday, 27/10/13 at 00:10 hours, PC 291HT O'Rourke attended the premises and witnessed the sale of hot food and drink, in a statement dated 27/10/13 he states:

"At approximately 00:10 I attended the premises and saw that a male had just bought a sandwich with melted cheese on it. A female came in and bought a hot tea. Two other males then bought meatball sandwiches, which were steaming hot".

PC O'ROURKE then spoke the manager who identified himself as Mr. Mohammed ALAM, DOB 10/02/1983, who told him that he also ran the Subway in Whitechapel on Mile End Road.

In short Mr. ALAM led PC O'ROURKE to believe that there was a mix up in that Mr. ALAM understood the planning permission granted to the premises as 'A1 no restriction', meant he could open whenever he wanted and that he had emails from the Council confirming this"

Mr. Alam was reported for unauthorized sales by PC O'Rourke

PC O'Rourke later obtained a statement from Mr. Alex Lisowski of LBTH Licensing. In it, he states:

"On Monday, 29th April 2013, I received a complaint from a neighbour that Subway, Unit 2, 6-25, Mile End Road, London E1 4TP, was providing late night refreshment without a premises licence. I checked my department records, Subway did not have a premises licence. As part of my investigation of this complaint I wrote a letter for the owner of the Subway at Unit 2, advising him of the law about the provision of late night refreshment. On Thursday, 2nd May 2013 at 16:30 hours I went to Subway, Unit 2 to deliver the letter and asked to speak to the manager. The person I spoke to told me he was the owner and subsequently gave his name as Mohammed ALAM. I explained to him that I was investigating a complaint and I gave him the letter".

(Please see the statement in full)

I am concerned that Mr. ALAM either chose to ignore the advice in the letter or that he failed to open the letter, when a responsible business operator would consider this to be important.

Did he get advice from the Subway franchise on how to operate lawfully?

I acknowledge that he has operated under the TEN system without any reported incidents but there is a difference between operating on a limited number of TENs and an all year round business.

To reiterate, the top end of Brick Lane is now as busy as any part of the CIZ.

I therefore ask the committee to refuse this application as it falls within the CIZ. I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that the following CCTV condition.

Install / maintain CCTV

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

(Can one camera be placed o/s the entrance and on entry)

Alan Cruickshank PC 189HT

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: ALEXANDER LISOWSKI.....

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: LICENSING OFFICER


This statement (consisting of 1 page 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 29th October, 2013

I am a licensing officer for The London Borough of Tower Hamlets.

On Monday, 29th April, 2013, I received a complaint from a neighbour that Subway, Unit 2, 9 – 25 Mile End Road, London, E1 4TP, was providing late night refreshment without a premises licence. I checked my department' records. Subway did not have a premises licence. As part of my investigation of this complaint I wrote a letter for the owner of Subway at Unit 2 advising him of the law about the provision of late night refreshment.

I present a copy of this letter as Exhibit AL/1.

On Thursday, 2nd May, 2013, at 16.30pm, I went to Subway, Unit 2, to deliver the letter. At Subway I asked to speak to the manager of the venue. The person I spoke to told me he was the owner and subsequently gave his name as Mohammed Alam. I explained to him that I was investigating a complaint about Subway and I gave him the letter. At the time that I typed the letter I did not know the name of the owner of Subway. 

Signature: 

Signature witnessed by:

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

Exhibit number AL/1

Date 29/10/2013

Signed [REDACTED]

Name ALEXANDER LISOWSKI

Consumer and Business Regulations.

Head Of Service David Tolley

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel 020 7364 7446

Fax 020 7364 0863

Enquiries to Alexander Lisowski

Email [REDACTED]

www.towerhamlets.gov.uk

The Owner,
Subway,
9-25 Mile End Road,
London, E1 4TP.

Date: 2nd May, 2013

Dear Sir or Madam,

COMPLAINT RE TRADING OUTSIDE OF PERMITTED HOURS

Any premises which sells or supplies hot food and/or hot drink any day, anytime, between the hours of 11pm and 5am the following day requires a premises licence for the provision of late night refreshment.

One of your neighbours has complained that you are remaining open beyond 11pm on a regular basis.

Selling or supplying hot food and/or hot drink between 11pm and 5am is an offence contrary to Section 136 of The Licensing Act. 2003. Because a complaint has been received a licensing officer at some time in the future will check what hours you remain open to.

If you wish to apply for a premises licence for the provision of late night refreshment, an application form can be downloaded from the Council's website.

Yours sincerely,

Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

Appendix 4

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

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

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

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

Appendix 5

Crime and Disorder on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 6

Crime and Disorder From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 7

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Appendix 8

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 9

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

Appendix 10

Licensing Policy

8 Special Cumulative Impact Policy for the Brick Lane Area

- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.
- 8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

The Cumulative Impact Zone in the Brick Lane area

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

