

Appendix 1

**(Best Kebab)
275 Commercial Road
London
E1 2PS**

Licensable Activities authorised by the licence

Provision of Late Night Refreshment
The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

**John Cruse _____
Team Leader Licensing**

Date: 28/10/05

As amended 24th October 2007



Part A - Format of premises licence

Premises licence number

12473

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Best Kebab)
275 Commercial Road

Post town
London

Post code
E1 2PS

Telephone number
[REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The provision of late night refreshment
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Monday to Thursday until 02 00 hrs

Friday and Saturday until 03 00 hrs

Sunday until 02 00 hrs

Sale by retail of alcohol:

Monday to Thursday from 12:00 hrs to 02:00 hrs

Friday and Saturday from 12:00 hrs to 03:00 hrs

Sunday from 12:00 hrs to 01:00 hrs

The opening hours of the premises

Monday to Thursday from 12:00 hrs to 02:00 hrs

Friday and Saturday from 12:00 hrs to 03:00 hrs

Sunday from 12:00 hrs to 02:00 hrs

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

Off sales only

Part 2

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

Ibrahim Kocager
(Best Kebab)
275 Commercial Road
London
E1 2PS
[REDACTED]

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

Not applicable

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

Mr. Ibrahim Kocager

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

[REDACTED]

Annex 1 - Mandatory conditions

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. At least one personal licence holder shall be present whilst the premise is open for business and alcohol is being sold.
2. Alcohol is only to be sold when purchased with substantial takeaway food.
3. Any alcohol purchased will not be opened or consumed on the premises
4. Signage will be placed inside the premises informing customers that alcohol will only be sold when purchased with takeaway food and that it is not be opened on the premises.
5. The door closure will be used so that the premises door self closes.
6. That the extract system is annually inspected and serviced.
7. Notices shall be displayed asking customers to respect the neighbours and leave the area quietly.
8. Digital CCTV shall be installed and maintained. Recordings shall be kept securely for 31 days and made available to the Police on request.
9. No less than two members of staff will be present between the hours of 23:00 hrs and the terminal hour.

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
18 July 2005

Part B - Premises licence summary

Premises licence number

12473

Premises details

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

(Best Kebab)
275 Commercial Road

Post town

London

Post code

E1 2PS

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The provision of late night refreshment
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Monday to Thursday until 02 00 hrs

Friday and Saturday until 03 00 hrs

Sunday until 02 00 hrs

Sale by retail of alcohol:

Monday to Thursday from 12:00 hrs to 02:00 hrs

Friday and Saturday from 12:00 hrs to 03:00 hrs

Sunday from 12:00 hrs to 01:00 hrs

The opening hours of the premises

Monday to Thursday from 12:00 hrs to 02:00 hrs

Friday and Saturday from 12:00 hrs to 03:00 hrs

Sunday from 12:00 hrs to 02:00 hrs

Name, (registered) address of holder of premises licence

Ibrahim Kocager
(Best Kebab)
275 Commercial Road
London
E1 2PS

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

Off supplies only

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

Not applicable

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

Mr. Ibrahim Kocager

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

No restrictions

Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

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

Application to vary a premises licence 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 Mrs IBRAHIM KOCAGER (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 12473

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description
BEST KEBAB
275 Commercial Rd.

Post town LONDON Post code E1 9PS

Telephone number at premises (if any) []
Non-domestic rateable value of premises £ 13,500

Please give a brief description of the premises

Takeaway

Name of current premises licence holder

MR IBRAHIM KOCAGER

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick yes

- 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 yes

- 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
- o statutory function or
- o a function discharged by virtue of Her Majesty's prerogative

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

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		
Mon	23:00	04:00	Please give further details here (please read guidance note 4) Extension of hours.	Both		
Tue	23:00	04:00				
Wed	23:00	04:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None		
Thur	23:00	04:00				
Fri	23:00	05:00		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.		
Sat	23:00	05:00				
Sun	23:00	04:00				

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		
Mon			Please give further details here (please read guidance note 4) N/A	Both		
Tue						
Wed				State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

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)

N/A

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	10:00	04:00	None
Tue	10:00	04:00	
Wed	10:00	04:00	
Thur	10:00	04:00	
Fri	10:00	05:00	
Sat	10:00	05:00	
Sun	10:00	04:00	
			<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>None</p>

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

None

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Premises licence is lost. However summary on display. Please see enclosed copy of summary.

No plans supplied with this application as it is only to extend late night refreshment hours. (Confirmed with Sophie from Licensing Team on 9th July '14)

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

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

All current conditions will continued to be complied for the hours we are seeking to extend.

b) The prevention of crime and disorder

As above.

c) Public safety

As above.

d) The prevention of public nuisance

As Above.

e) The protection of children from harm

As Above

CHECKLIST:

- | | | |
|--|-------------------------------------|-------------------------------------|
| | Please tick | yes |
| ▪ I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I understand that I must now advertise my application | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the premises licence or relevant part of it or <u>explanation</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	[Redacted]
Date	9th July '14
Capacity	Agent -

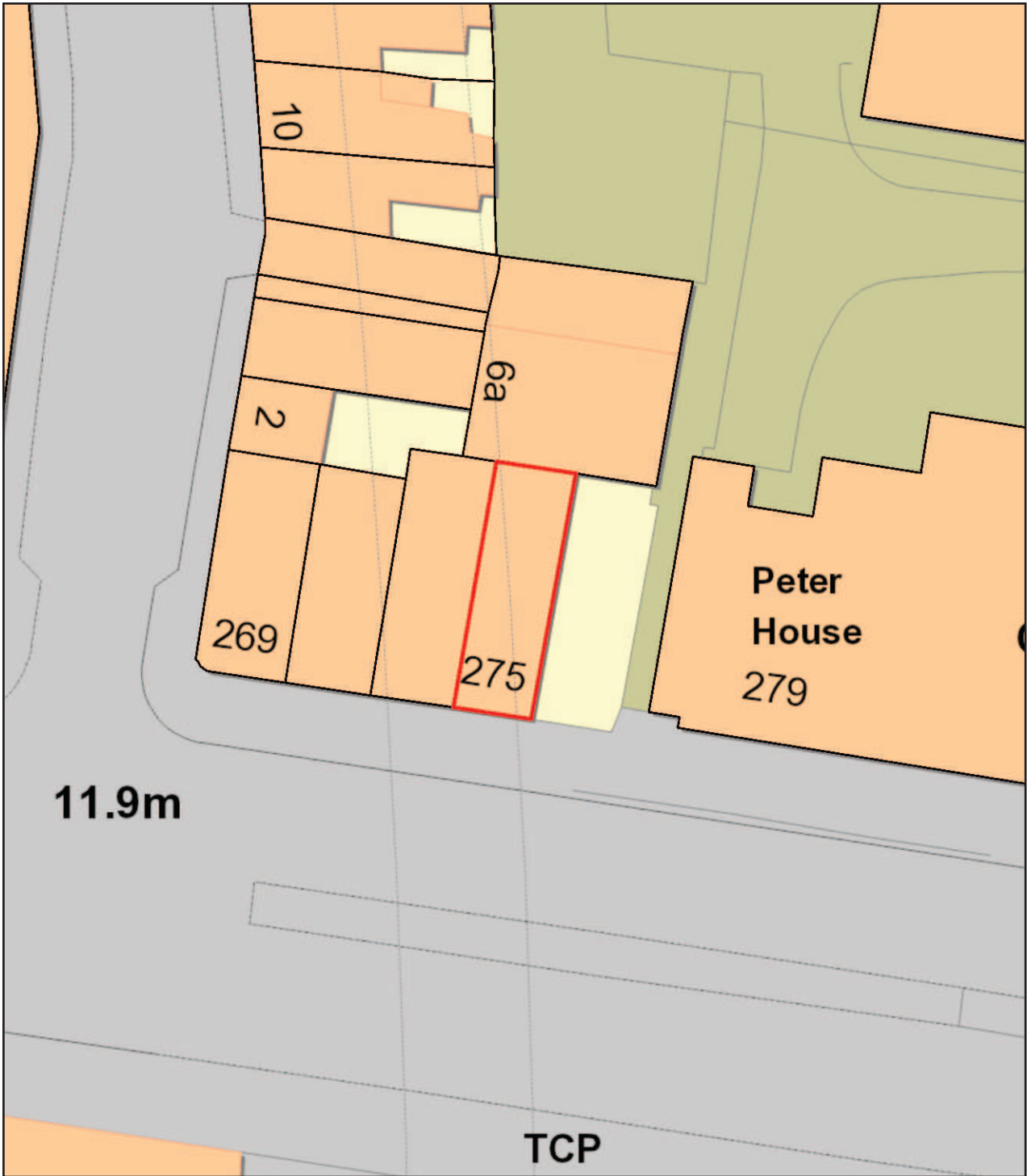
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

NAME 53 Stoke Newington High St.	
Post town	London
Post code	N16 8EL
Telephone number (if any)	[Redacted]
If you would prefer us to correspond (by email)	[Redacted]

Appendix 3

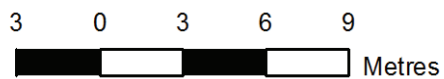


275 Commercial Road

Map 1



Scale 1:334



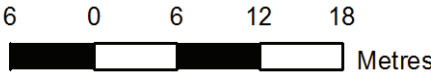


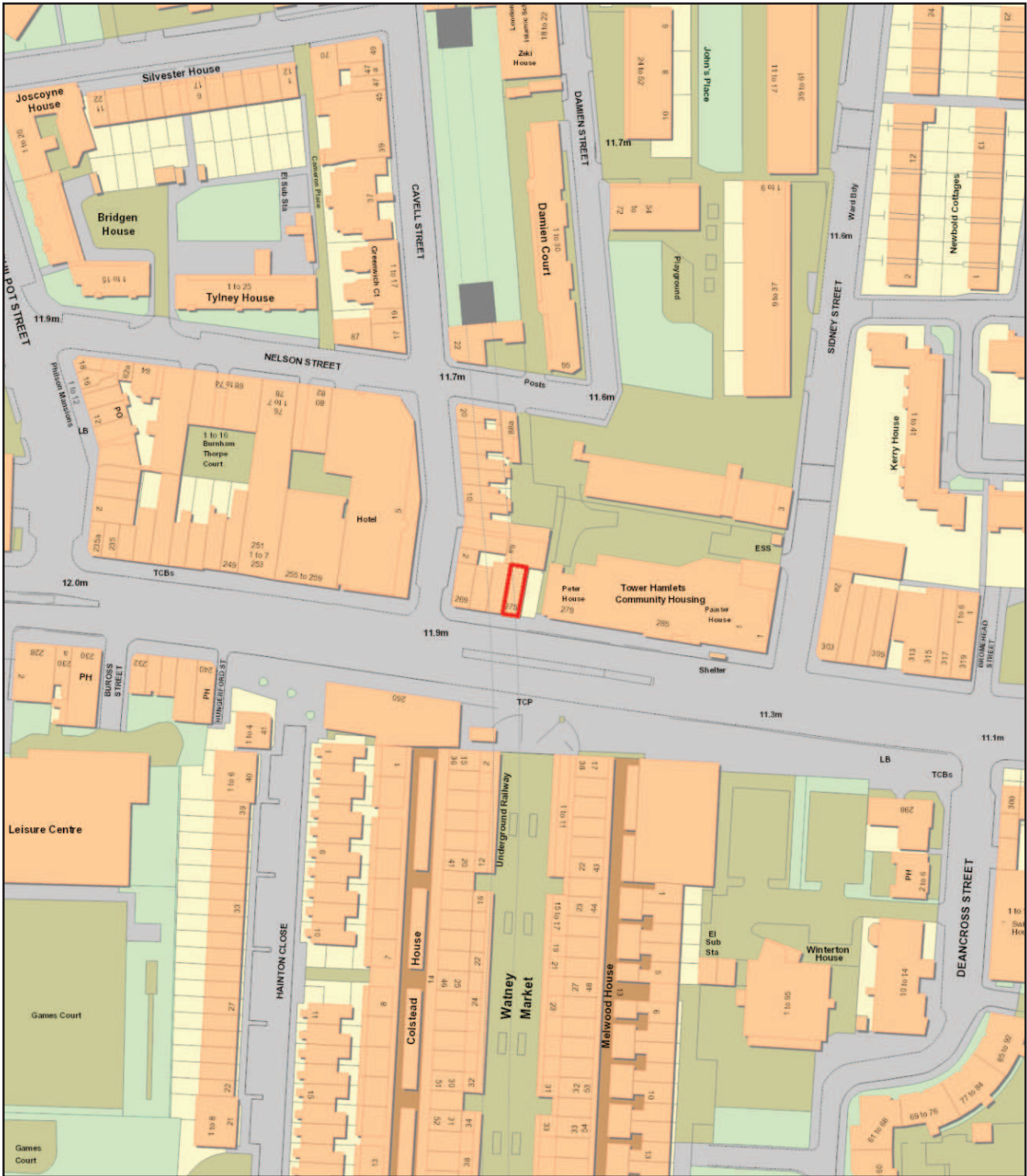
275 Commercial Road

Map 2



Scale 1:668



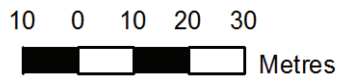


275 Commercial Road

Map 3



Scale 1:1669



Appendix 4

Section 182 Advice by the Home Office

Updated October 2012

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



**METROPOLITAN
POLICE**

TOTAL POLICING

Tower Hamlets Borough

Licensing Team

Ms Kathy Driver
Principal Licensing Officer
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**

Cc: Ibrahim KOCAGER
Best Kebabs
275, Commercial Road
LONDON
E1 2PS

[REDACTED]

Your ref:
Our ref: LIC/0069/14

6th August 2014

Dear Ms Driver,

Re: Application to vary premises licence - Best Kebabs, 275 Commercial Road, LONDON E1 2PS

I write with reference to the above application to vary, which was received by police on 10/07/14.

The Metropolitan Police object to the application for a premises licence for the above premises on the grounds of **The Prevention of Crime and Disorder** as defined in **The Licensing Act 2003¹**.

Police have also given due regard to **The London Borough of Tower Hamlets own statement of Licensing Policy² (Licensing Policy)**.

In short, the police consider an extension of the hours to be inappropriate for this venue due to the circumstances outlined below (with supporting documents to follow):

¹ <http://www.legislation.gov.uk/ukpga/2003/17/contents>

² http://www.towerhamlets.gov.uk/lgsi/851-900/860_alcohol_and_entertainment.aspx

1) The Prevention of Crime and Disorder

General:

The background to this matter is that there has been 'anecdotal evidence' from CCTV operators which indicated that these premises regularly remained open after hours. There are two highly visible CCTV cameras nearby, one outside the premises and one in Watney Market.

In particular on Saturday, 27/01/14 CCTV operators saw that the premises were seen to close at 04:10 hrs.

The premises licence hours are as follows:

- Late Night Refreshment Monday - Thursday & Sunday until 02:00 hrs; Friday & Saturday until 03:00 hrs.
- The sale of alcohol is the same hours, save Sunday which is 01:00 hrs.

Other matters:

- Tuesday, 01/07/14 @ 02:25 hrs - Test purchase by PC 291HT O'ROURKE - some 25 minutes after closing time - Hot food and a can of Stella lager sold. The Premises Licence Holder is 'Reported for Process' for three breaches of The Licensing Act 2003 - namely Sections 57(4) (failure to display part B of premises licence); 57(7) (failure to produce a full copy of premises licence) and 136(1) (selling hot food and alcohol after hours) and will be summonsed to Thames Magistrates, once information has been laid by the Borough Prosecutor.
- Saturday, 07/06/14 @ 02:01:39 hrs - CAD 1069/07Jun14 (CRIS 4213759/14) - CCTV operators advise police that there is a major fight originating in the premises, additionally police operator can hear a witness who is separately calling '999' "COME OUTSIDE AND I'LL F██████ YOU UP" - Necessitates four


police vehicles attending - Four males arrested and all suspects described as being 'under the influence'.

- Sunday, 02/03/14 @ 03:12:43 hrs - CAD1464/02MAR14 - Call to police of ten people fighting, calling mentions a 'weapon', (but not defined). Police operator hears the informant being shouted at by people in the background for calling the police. 03:16:14 - Ambulance requested due apparent 'mass casualties' at the scene. Police attend it appears those present are anti-police and 'not speaking' about what actually happened...
- Sunday, 02/03/14 @ 03:23:50 hrs - CAD 1602/02MAR14 - Complaint against police, regarding last matter.
- 06/08/13 - Commander Mak Chishty from Scotland Yard writes to every licensed premise in London asking that each premises undertakes a 'self assessment' of their licence and in particular remind the premises licence holder of the four Licensing Objectives.

My final submission to the Licensing Sub-Committee is that I ask the Committee to reject this application to vary in full.

If you have any questions, please don't hesitate to contact me.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Brendan O'Rourke

PC 291 HT

Appendix 6



2009-2010
Positive engagement of older people
2009-2010
Preventing and tackling child poverty
2003-2009
Winner of 7 previous
Beacon Awards



INVESTOR IN PEOPLE

Communities, Localities & Culture Safer Communities

Licensing Authority
6th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

6th August 2014

Your reference: L1U - 76982
My reference CLC/LIC/76982/MA

Dear Sir/Madam,

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

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Mohshin Ali**

Email [REDACTED]

Licensing Act 2003

Premises: (Best Kebab), 275 Commercial Road, London E1 2PS

The Licensing Authority as a Responsible Authority wishes to make a representation to the above application received on the 9th July 2014. The Licensing Authority believes that granting this particular application for a variation of premises licence will have an adverse effect on the following licensing objectives:

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

The **Home Office Guidance** (June 2013) Issued under Section 182 of the Licensing Act 2003 States, "the legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken" (1.2).

Current licence

The current premises licence already authorises the following late timings:

"Sale by retail of alcohol:

- *Monday to Thursday from 12:00 hrs to 02:00 hrs following day*
- *Friday and Saturday from 12:00 hrs to 03:00 hrs following day*
- *Sunday from 12:00 hrs to 01:00 hrs following day*

Late Night Refreshment

- *Monday to Thursday until 02:00 hrs following day*
- *Friday and Saturday until 03:00 hrs following day*
- *Sunday until 02:00 hrs following day"*

Variation

The application is seeking the following extension of hours:

Late Night Refreshment - Indoors

- *Monday to Thursday until 04:00 hrs the following day*
- *Friday and Saturday until 05:00 hrs following day*
- *Sunday until 04:00 hrs following day*

For late night refreshment, a licence is only required between the hours of 23:00 hours to 05:00 hours the following day. So this means the premises can remain open for 24 hours a day for Friday and Saturday. The Licensing Authority feels these timings are very excessive.

If the variation is granted, there is likely to be disturbances to residents through access and egress later into the night. The disturbances include:

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

The **Licensing Policy** states *“(15.6) The Licensing Authority is concerned to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning. For these reasons, applications to carry on licensable activities at any time outside the framework hours will be considered on their own merits with particular regard to the matters set out in the Policy section below”*.

The existing timings and the times for the variation are beyond the Council's framework hours that are highlighted below:

*“(15.8) Sunday - 06 00 hrs to 22 30 hrs
Monday to Thursday - 06 00 hrs to 23 30 hrs
Friday and Saturday - 06 00hrs and midnight*

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).

b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

d) Where the premises have been previously licensed, the past operation of the premises (this will be looked at in detail below).

e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.

f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises”.

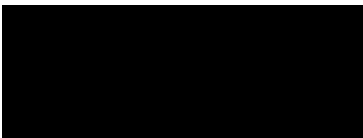
The past operation of the premises

This Licensing Authority has received a complaint (CMU-75407) that the premises is opening beyond its permitted hours, sometimes beyond 04:00hrs. Tower Hamlets CCTV has shown the premises closing at 04:10hrs on 27th January 2014. A warning letter was sent the licence holder on the 11th February 2014. The variation application was then received on the 9th July 2014.

Conclusion

The applicant has not offered any measures in the operating schedule on how they will promote the licensing objections for the additional hours. The Licensing Authority feels that granting this variation for the late hours will have a negative impact on the prevention of crime and disorder and the prevention of public nuisance.

Yours faithfully,



Mohshin Ali
Senior Licensing Officer
Licensing Authority Acting As a Responsible Authority

CC: NARTS, 55 Stoke Newington High Street, London N16 8EL
Email: info@leibermanlaw.com

Appendix 7

Mohshin Ali

From: Nicoletta C [REDACTED]
Sent: 18 July 2014 15:45
To: Licensing
Subject: RE: Best Kebab Application - 275 Commercial Rd, E1

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

Many thanks for your reply. I live above the Kebab Restaurant.

[REDACTED]
[REDACTED]
[REDACTED]

Kind regards,

Nicoletta Cristallo

[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Best Kebab Application - 275 Commercial Rd, E1
Date: Fri, 18 Jul 2014 11:20:37 +0000

Dear Sir/Madam,

Thank you for your email. Please note that we require your full address in order to consider your representation and it will become a public document. All representation must reach us by **6th August 2014**.

We look forward to hearing from you.

Regards

Mohshin Ali - Senior Licensing Officer

✉ London Borough of Tower Hamlets . Licensing . Mulberry Place . 5 Clove Crescent . London E14 2BG

[REDACTED]

From: Nicoletta C [<mailto:ncristallo@hotmail.com>]
Sent: 17 July 2014 17:02
To: Licensing
Subject: Best Kebab Application - 275 Commercial Rd, E1

Hello,

I am writing about the application on the variation of licence which Best Kebab put forward to you. This restaurant is already open very late now and there are frequent problems with noise and crowd management, people who fight and play loud music at night in front of the restaurant and many times the police was called. The restaurant does not seem to have some control over these issues and we are in a residential area, although we are located on a busy road.

I am concerned that allowing them to sell alcohol late at night until 4 a.m. from Monday to Friday and until 5 a.m. on Saturdays might exacerbate the current situation and invite more chaos and undue noise in the area caused by the additional crowds coming to buy alcohol.

Please confirm receipt of this e-mail.

Regards,

Nicoletta Cristallo

Appendix 8

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 9

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 10

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24hrs a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.19)

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 11

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.

Egress only is referred to-if necessary access can be added or substituted in.

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 Section 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**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

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 Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool 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 prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

Appendix 12

Appendix 12

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 12.8 Of the licensing policy)

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

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

(See 12.8 of the licensing policy)

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

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