

Appendix 1

(KFC)
84 Whitechapel High Street
London
E1 7QX

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 18th January 2011



Part A - Format of premises licence

Premises licence number

14651

Part 1 - Premises details

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

84 Whitechapel High Street

Post town

London

Post code

E1 7QX

Telephone number

020

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment.

Friday and Saturday 23:00 hours to midnight.

The opening hours of the premises

Sunday to Thursday 10:00 hours – 23:00 hours
Friday and Saturday 23:00 hours to midnight.

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

Not applicable

Part 2

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

Mohammed Tahir



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

Not applicable

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

Not applicable

Annex 1 - Mandatory conditions

Not applicable.

Annex 2 - Conditions consistent with the operating Schedule

1. A CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
4. Staff will patrol the pavement and gutter outside the premises at least every four hours and clear it of any litter.
5. No music system shall operate on the premises where the music is audible by any customer.

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:

26th October 2011, covering the ground floor of the premises only.



Part B - Premises licence summary

Premises licence number

14651

Premises details

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

84 Whitechapel High Street

Post town

London

Post code

E1 7QX

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment.
Friday and Saturday 23:00 hrs to midnight.

The opening hours of the premises

Sunday to Thursday 10:00 hrs – 23:00 hrs
Friday and Saturday 23:00 hrs to midnight.

Name, (registered) address of holder of premises licence

Mohammed Tahir



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

Not applicable

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

Not applicable

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

No restrictions

Appendix 2



* required information

Section 1 of 17

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Applicant Business

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

* Registration number

* Business name If your business is registered, use its registered name.

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

23,250

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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.

PREMISES SITUATED IN THE HIGH STREET IS A FAST FOOD TAKEAWAY OUTLET. NO ALCOHOL IS SOLD ON PREMISES AND NO MUSIC IS PLAYED IN THE STORE.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

N/A

State any seasonal variations.

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

N/A

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

N/A

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 17

ADULT ENTERTAINMENT

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

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

N/A

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

N/A

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

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

N/A

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

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

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

LICENCE NO 14651 ALREADY WITH THE COUNCIL

Continued from previous page...

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

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

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

CCTV INSTALLED IN THE STORE AND OUTSIDE THE STORE WITH A 24 HOUR RECORDING ON THE PREMISES

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 17

PAYMENT DETAILS

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

Variation Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Continued from previous page...

Capacity 15000-19999 £4,000.00
Capacity 20000-29999 £8,000.00
Capacity 30000-39000 £16,000.00
Capacity 40000-49999 £24,000.00
Capacity 50000-59999 £32,000.00
Capacity 60000-69999 £40,000.00
Capacity 70000-79999 £48,000.00
Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="PREMISES LICENCE"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Appendix 3

Mohshin Ali

From: Alkesh Solanki
Sent: 28 May 2015 12:06
To: Mohshin Ali
Cc: [REDACTED]
Subject: CORRECT CORRESPONDENCE. KFC, 84 WHITECHAPEL HIGH STREET. MAU 084512

Importance: High

Dear Licensing,
Please note the amendments to the application.

I do not object to this application.

-----Original Message-----

From: Ramesh Chadda [REDACTED]
Sent: 28 May 2015 12:00
To: Alkesh Solanki
Cc: Tahir; Fazan Tahir
Subject: RE: KFC, 84 WHITECHAPEL HIGH STREET. MAU 084512

Alkesh

Thank you for the offer of times we could remain open.

- Monday – Thursday, 10am start, Midnight (0000am) end;
- Friday - Saturday, 10am start, 3am end.
- Sunday, NO LATE NIGHT REFRESHMENT, as terminal hour is 11pm.

We accept the terms and will abide by these hours.

Ramesh

From: Alkesh Solanki [Alkesh.Solanki@towerhamlets.gov.uk]
Sent: 28 May 2015 10:42
To: Ramesh Chadda
Subject: KFC, 84 WHITECHAPEL HIGH STREET. MAU 084512

Dear Ramesh,

I am willing to accept the following:

Provision of late night refreshment;

- Monday – Thursday, 10am start, Midnight (0000am) end;
- Friday - Saturday, 10am start, 3am end.
- Sunday, NO LATE NIGHT REFRESHMENT, as terminal hour is 11pm.

If the above is agreeable is reply back and confirm.

Regards,
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY | 020 7364 5007 | alkesh.solanki@towerhamlets.gov.uk

Working Together for a Better Tower Hamlets Web site :
<http://www.towerhamlets.gov.uk>

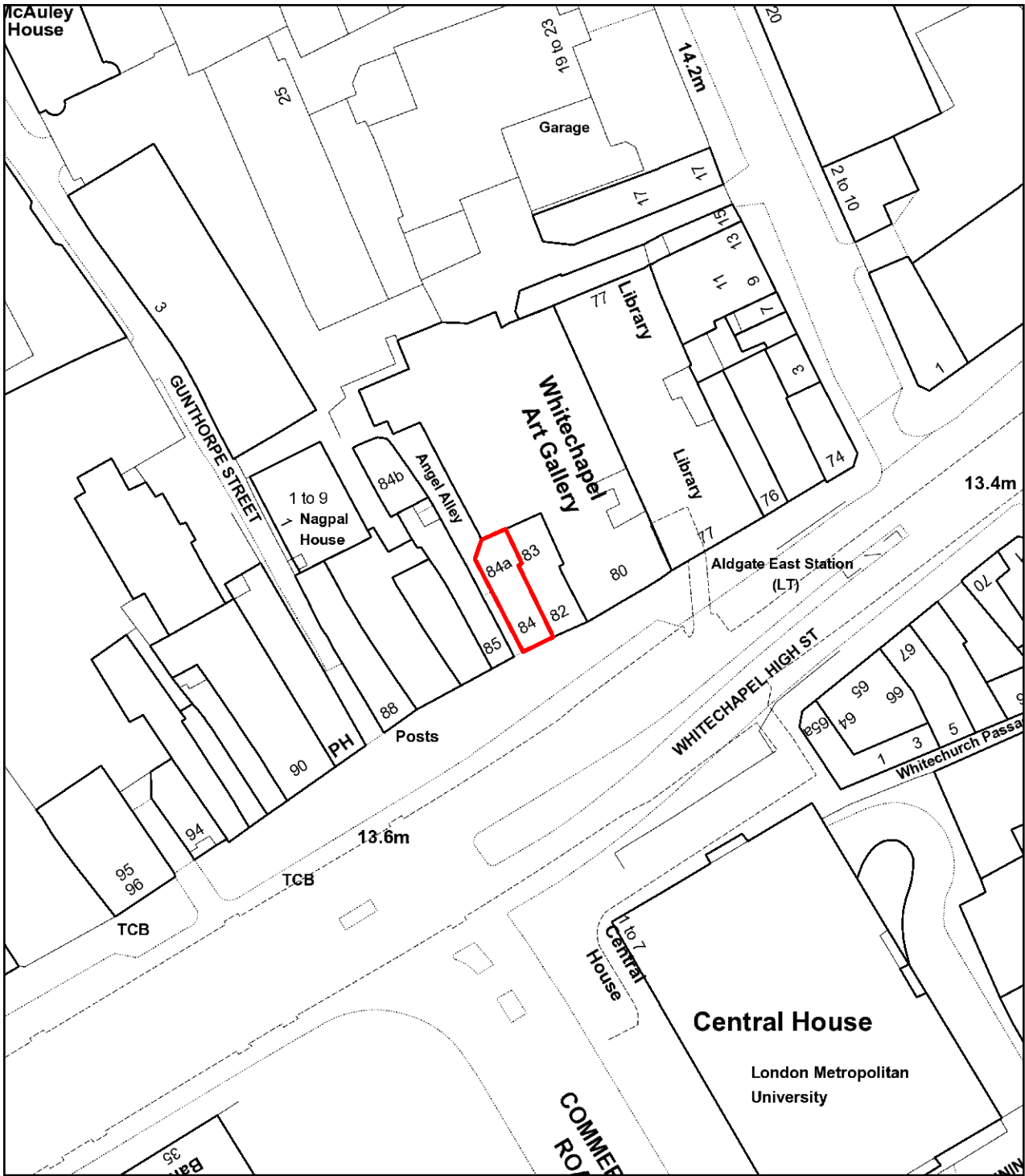
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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

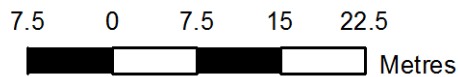
Appendix 4



84 Whitechapel High Street



Scale 1:822

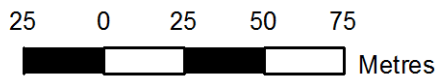




84 Whitechapel High Street



Scale 1:2878



Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

Appendix 6

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 19 May 2015 14:02
To: Mohshin Ali
Subject: FW: 84 Whitechapel High St
Attachments: 84 Whitechapel High St (May 15).doc

Mohshin,
One of yours.
Alex.

From: Alan.D.Cruickshank@met.pnn.police.uk [<mailto:Alan.D.Cruickshank@met.pnn.police.uk>]
Sent: 19 May 2015 13:28
To: Licensing
Subject: 84 Whitechapel High St

Dear all

Please accept my representation regarding the above application to vary its licence.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)

Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

John McCrohan
LBTH Licensing
Toby Club
Vawdrey Close
E1 4UA

HT - Tower Hamlets Borough
Licensing Unit

Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone:

Facsimile:

Email:

Alan.D.Cruickshank@met.pnn.police
.uk

www.met.police.uk

Your ref:

Our ref:

18 May 2015

Dear Mr McCrohan

Application to vary a premises licence

84 Whitechapel High St, E1 7QX

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 the following hours in relation to late night refreshments

Sunday - Thursday: until 0300

Friday - Saturday: until 0400

LBTH has adopted a Saturation Policy / Cumulative Impact Policy for this part of

Whitechapel and Brick Lane. This policy was adopted due to the concerns about the

number of licensed premises and late night eateries 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.*

This part of Whitechapel High St falls within the Cumulative Impact Zone (CIZ) There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems in this area. This will be one of the longest opening hours in the area and will be a destination for people, many of whom will clearly be under the influence of alcohol. The availability of hot food on a Friday and Saturday until 0400 will mean more people staying for longer within the CIZ, with the potential for ASB and violence.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have lead to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours.

One of the main reasons for the introduction of the CIZ was to combat the expansion of late night takeaways.

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.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours.

The hours applied for falls into the above peak hours.

It is unfortunate that many people who attend these types of venues are under the influence of alcohol. Quite a considerable number would be in high spirits and boisterous. Others can be aggressive and shouting at the top of their voices. It is often very difficult for staff to deal with disruptive customers. Violence can occur quickly and result in quite serious assaults.

I am hoping to produce a statement from the local policing team regarding this application.

In relation to the venue itself, on the 21st November 2014 at about 1355, a victim had their mobile phone snatched from their hand. The suspects then ran off. The victim spoke limited English and had to rush off to catch a flight at Heathrow. The report was transferred to Liverpool Police.

There is nothing further in their application that promotes the four licensing objectives.

Can the applicant provide evidence that the operation of the premise will not add to the negative cumulative impact already being experienced in this area?

Are there any specific plans in place to deal with rowdy customers or to combat theft in the venue?

I ask the committee to refuse this application.

Alan Cruickshank PC 189HT

Ap[REDACTED]dix 7

Mohshin Ali

From: Andrew Heron
Sent: 22 May 2015 12:13
To: [REDACTED]
Cc: Mohshin Ali
Subject: KFC Express - Whitechapel High Street, E1
Attachments: LA Rep.pdf

Dear Sirs,

Further to your application for a late night refreshment licence at the above premises, this Licensing Authority is making representation to that application. Please find a copy of that representation attached.

Regards,

Andrew Heron
Licensing Officer

Licensing Section
London Borough of Tower Hamlets
Mulberry Place (TC)
6th Floor Mulberry Place
5 Clove Crescent
London, E14 2BG
Tel: 020 7364 2665
Fax: 020 7364 6935
www.towerhamlets.gov.uk

Communities, Localities & Culture
Safer Communities

The Licensing Authority
LBTH

Head of Consumer and Business Regulations
David Tolley

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel **020 7364 2665**

Fax **020 7364 0863**

Enquiries to **Andrew Heron**

Email **andrew.heron@towerhamlets.gov.uk**

22nd May 2015

My reference: TSS/LIC/84512

Your reference:

www.towerhamlets.gov.uk

Dear Mr Sir/Madam,

Licensing Act 2003

Re: KFC Express – 84 Whitechapel High Street, London, E1

Further to the application made by Tafs Food Limited for a premises licence to sell late night refreshment at the above address, I am writing to make representation against that application on behalf of Licensing Authority and in support of the representation already made by the Metropolitan Police.

The hours applied for are as follows:

- Sunday to Thursday until 03:00hrs
- Friday and Saturday until 04:00hrs

In November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. Firstly, the premises falls within this designated Cumulative Impact Zone (CIZ). The Council has recognised that because of the number and density of licensed premises selling either alcohol, or providing late night refreshment (sale of hot food after 23:00hrs) within the Brick Lane Area, 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.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this CIP, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

The Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises providing late night refreshment in the Brick Lane Area as having a cumulative impact on the licensing objectives and has therefore declared a CIZ.

The effect of this CIZ 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 CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the Applicant is 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 CIZ.

The Licensing Authority is making representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. The hours applied for are unnecessarily excessive. Very few premises in the borough are granted such hours, certainly none within the CIZ, though it is acknowledged that each application must be assessed on its own merits.

I therefore draw the Committee's attention to the Operating Schedule as proposed by the Applicant. It is almost entirely blank, with the exception of the installation of CCTV. In fact the Applicant has left blank sections (b) to (e) on Page 8 of the application therefore failing to address any of the expected licensing objectives. This should be of paramount concern to the Committee.


The Licensing Authority asserts that the Operating Schedule has therefore not addressed any of the Licensing Objectives; particularly how the premises will manage to control customer egress at such late hours. If the Applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

If the Committee are minded to grant the application, I would ask the Committee to address the excessive hours by significantly reducing them.

Yours sincerely,

A black rectangular redaction box covers the signature area. A small, faint mark is visible to the left of the box.

Andrew Heron
Licensing Officer

Cc: Mohammed Tahir - 

Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 22 May 2015 12:18
To: Mohshin Ali
Subject: FW: premises licence at KFC Express, 84 Whitechapel High Street, E1 7QX

From: Spitalfields Community Group [REDACTED]
Sent: 21 May 2015 21:02
To: Licensing
Cc: Alan Cruickshank
Subject: premises licence at KFC Express, 84 Whitechapel High Street, E1 7QX

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the application for a variation of a premises licence at KFC Express, 84 Whitechapel High Street, E1 7QX. The application for opening hours until 0300 is excessive and inappropriate in an area already identified as being blighted by a culture of excessive alcohol consumption and the public nuisance and disturbance which this consumption entails. Although alcohol forms no part of this application there is a clear link between the consumption of fast food and alcohol, as frequently highlighted by the Metropolitan police who find fast outlets often prove hotspots for alcohol-fuelled conflict.

Spitalfields Community Group was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy. In accordance with this focus, SCG has recently supported the adoption of a cumulative impact zone for the Brick Lane area, within which the premises at 84 Whitechapel High Street is situated.

Many people visiting the restaurants, bars and clubs of Commercial Street, Brick Lane, Spitalfields Market and the Old Truman Brewery may pass by or near the premises at 84 Whitechapel High Street on their way to or from transport links in the Aldgate area. An fast food outlet until 0300 will encourage revellers to continue to loiter and potentially continue to consume alcohol in the local area, a common phenomenon that creates antisocial behaviour, such as screaming, shouting and swearing, and urinating and vomiting in residents' light wells and on front doorsteps.

Street drinking and consumption of fast food in this area already causes unwanted noise and nuisance, litter and ASB. There is a growing and recognised problem of rat infestation which is encouraged by the discarded food and packaging which inevitably accompanies these types of premises.

For these reasons Spitalfields Community Group OBJECTS to the variation of the premises licence at 84 Whitechapel High Street.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 9

Mohshin Ali

From: Thomas Ogden [REDACTED]
Sent: 21 May 2015 16:33
To: Mohshin Ali
Cc: Dan Eaglesham; Dominic Peach
Subject: Representation for KFC of 84 Whitechapel High Street
Attachments: KFC Late License Representation (Signed).pdf

Dear Mohshin,

Please find attached the representation of the Whitechapel Gallery for the change in provision of late night refreshment of KFC Express, 84 Whitechapel High Street by Mohammed Tahir.

Thanks,

Tom

Thomas Ogden
Operations Administrator
Whitechapel Gallery

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

[REDACTED]
[REDACTED]

Christopher Williams: The Production Line of Happiness, 29 April - 21 June 2015

Max Mara Art Prize for Women: Corwin Sworn, 20 May - 19 July 2015

A Utopian Stage: Festival of Arts Shiraz-Persepolis, 21 April – 4 October 2015

Artists' Film International: Spring 2015, 29 April – 14 July 2015

21st May 2015

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

Dear Mohshin Ali,

Mr Mohammed Tahir has proposed a change in the provision of late night refreshment of KFC Express, 84 Whitechapel High Street. Having reviewed the application submitted to Tower Hamlets Licensing on 1st May 2015, we are concerned that regarding Section 16 of 17 'Licensing Objectives' "*Prevention of crime and disorder*", "*Public safety*", "*The prevention of public nuisance*" and "*The protection of children from harm*" were all answered with the provision of CCTV recording. We would therefore like to draw attention to a number of ongoing issues we have experienced with the local area and specifically with KFC's operational approach and their staff.

Whitechapel Gallery would like to raise the following points and propose that improvements should be made before this extension is granted so it will not have further adverse effects on the local environment.

1. From April 2014-April 2015 we have recorded 90 incidents in and around the gallery. This has included 59 separate cases of anti-social behaviour half of which (largely drug use and dealing) occurred in Angel Alley by the side entrance of KFC. Allowing a late night opening would encourage this area to further serve as a hub of anti-social behaviour. Drug use in Angel Alley, between 84 and 85 Whitechapel High Street, occurs on a daily basis.
2. We have deep concerns that granting a late license to a fast food shop would greatly increase the amount of litter left by customers around the Angel Alley area. We have had to change our recycling arrangements to allow for lockable 1100 litre bins as KFC branded litter was constantly being thrown in the recycling bins. Furthermore, KFC staff frequently drop cigarette butts around the staff entrance to the gallery and the side entrance to KFC; the result of this is that we ask our contracted cleaners to tidy this area as the build up is not dealt with by Tower Hamlets street cleaning.
3. Recently there have also been a number of issues regarding the maintenance and upkeep of the property. A drain in Angel Alley on the KFC side was recently damaged by a contractor for KFC and a large section of the pipe is missing and has been since at least March 2015. A number of attempts were made by the

Director

Iwona Blazwick OBE

Chair

Alex Sainsbury

Trustees/Directors

Swantje Conrad
Maryam Eisler
Ann Gallagher
Anupam Ganguli
Runa Islam
Rania Khan
Cornelius Medvei
Farshid Moussavi
Dominic Palfreyman
Catherine Petitgas
Alice Rawsthorn
Rohan Silva
John Smith
Robert Taylor

Secretary

Clare Hawkins

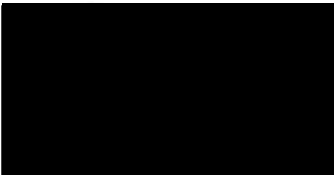
Whitechapel Gallery
77-82 Whitechapel High Street
London E1 7QX

Whitechapel Gallery Trustee Limited is a private limited company, registered in England and Wales, registered company no. 4093862 and the corporate trustee of Whitechapel Gallery, registered charity no. 312152. VAT no. 863 586 582.

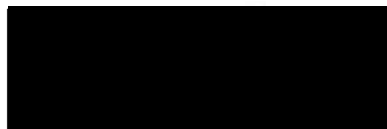
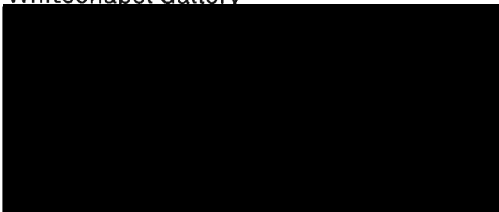
gallery to contact the manager of KFC after staff reported seeing rats entering the exposed pipe. However, KFC staff were unable to provide any names or contact details. Photographs of the pipe in question have been copied in below.

4. Another issue is the way food deliveries are sent to KFC. Currently large deliveries of raw food are deposited outside of the shop on Whitechapel High Street and down Angel Alley. This blocks the route from Whitechapel High Street to the staff entrance of the gallery and Wentworth Street. Frequently empty boxes are simply left in the alley, we regularly have to give these boxes back to staff in KFC itself for them to be disposed of properly. In April 2013 Whitechapel Gallery paid for Angel Alley (a shared area of land) to be resurfaced. Since then the strip between the side entrance of KFC and the pavement of Whitechapel High Street has constantly been damaged by oil fat dripping from waste bags taken out by KFC staff.
5. An increase in operating hours for KFC would also increase the amount of waste produced and left on Whitechapel High Street. At present waste is left on street for collection leaving the pavement in an untidy and unsanitary condition.
6. Another area of concern is the effect of late night opening on the presence of vermin in Angel Alley and Whitechapel High Street. We already deal with a large amount of rats in the area and extending the opening hours will inevitably open the area to an increase in litter left on the street late at night encouraging rats and other vermin.

I hope you will take these points into consideration when dealing with the application for late license.



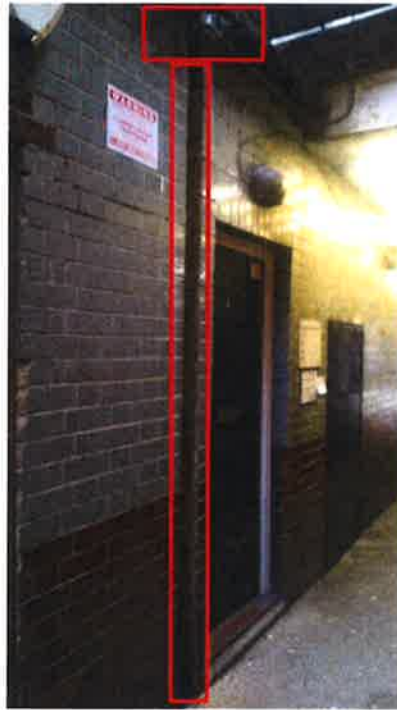
Dominic Peach
Head of Operations
Whitechapel Gallery



Thomas Ogden
Operations Administrator
Whitechapel Gallery



Images of damage to pipe work as per point (:



Appendix 10

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 19 May 2015 16:29
To: Mohshin Ali
Subject: FW: Licence Application - KFC Whitechapel High St

Mohshin,
One of yours.
Alex.

-----Original Message-----

From: Daron Pike [REDACTED]
Sent: 19 May 2015 16:19
To: Licensing
Subject: Licence Application - KFC Whitechapel High St

Dear Sirs,

Re: KFC, 84 Whitechapel High St, E1 7QX

I object to the licence application for late hours trading for the above premises.

The restaurant borders Gunthorpe St which is a residential area. Gunthorpe St suffers from excessive anti social behaviour, rubbish littered from local take aways, people urinating and defecating in the street. Granting such application will lead to other restaurants expecting the same treatment and an intolerable level of anti social behaviour in a residential street.

This area is becoming more populous as a residential area with new dwellings built. It cannot sustain the noise and unpleasantness that such late night restaurants are known to cause.

Please keep me advised of this case and I will represent personally against this application.

Regards,
Daron Pike

[REDACTED]

Appendix 11

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 18 May 2015 16:02
To: Mohshin Ali
Subject: FW: Licensing Application by KFC Express, 84 Whitechapel High Street, E1 7QX Premises within the Brick Lane Area CIZ!

From: Jon Shapiro [REDACTED]
Sent: 17 May 2015 15:47
To: Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk; [REDACTED]
Subject: Licensing Application by KFC Express, 84 Whitechapel High Street, E1 7QX Premises within the Brick Lane Area CIZ!

Dear Sir or Madam,

I would like to request that this Licence Application for extended hours should be wholly refused on the grounds of:

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

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and the Licence application asks for a Licence extension to 03.00 hours.

The very last thing needed in the Brick Lane area is yet another establishment open for the sale of food beyond core hours. Indeed I believe that to grant any such licence for extended hours would be a clear breach of the Saturation Policy in the Brick Lane area CIZ. Whilst I accept that KFC sells no alcohol, the provision of food to late night drinkers merely helps to sustain such drinkers who might otherwise have been inclined to return home at a more reasonable hour.

The CIZ is already (by definition!) over-supplied with alcohol and late-night drinkers, and is stated by our Borough Police Commander to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that no such licence for extended hours should be granted to KFC Express.

The Brick Lane area is plagued by Anti Social behaviour (ASB) and hospital admissions to A&E. Recent police action in response to violence at some Brick Lane restaurants just highlights this problem of ASB in the local area. I believe the Licensing Committee should be assisting the Police and other authorities in reducing the over-supply of alcohol and food in the area (particularly out of normal hours), since such alcohol and food are the driving forces behind these problems.

For all the reasons quoted above I request **most strongly** that this Licensing Application should be **wholly rejected**. Since I believe firmly that this Licensing application is in breach of the CIZ Licensing Policy I would like to make this request as:

- 1) A resident of Spitalfields
- 2) Chair of the Police Ward Panel, and on behalf of the Ward Panel
- 3) Chair of SPIRE which now speaks on ASB matters for local resident and community groups representing over 700 local residents in the Brick Lane area, and on behalf of those 700+ local residents.

Yours faithfully,
Jon Shapiro.

Resident at:

[REDACTED]

Appendix 12

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 18 May 2015 14:07
To: Mohshin Ali
Subject: FW: KFC 84 Whitechapel High St

-----Original Message-----

From: Craig Hutchinson [REDACTED]
Sent: 15 May 2015 23:05
To: Licensing
Cc: Daron Pike; Lawrence Kilshaw
Subject: KFC 84 Whitechapel High St

To Whom It May Concern

I am writing to object to the avarical plans by KFC to obtain a late night license throughout the entire week.

Our area already suffers with serious problems with rodents, litter, drug crime and drunkards. We also battle continually with people urinating in our Street and on our property.

To grant a late night license to KFC would only seek to exacerbate this problem and cause our neighbourhood to become a haven for undesirables.

I certainly hope you will consider rejecting the application.

Yours,

Craig Hutchinson
[REDACTED]

Sent from my iPhone

Appendix 13

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 11 May 2015 09:49
To: Mohshin Ali
Subject: FW: KFC - 84 Whitechapel Highstreet, London E1

Follow Up Flag: Follow up
Flag Status: Flagged

From: Serge Tiurin [REDACTED]
Sent: 11 May 2015 09:22
To: Licensing
Subject: Re: KFC - 84 Whitechapel Highstreet, London E1

Hello,

I am writing to express the concerns over granting the late night alcohol/refreshment license to KFC as per notification received.

Mainly, my concerns are over noise and pollution. I live few floors above the KFC. Having the KFC open for longer hours will attract more wandering tourists of Bricklane. Late hour drunk ramblers are a particular issue. Formally this will bring more noise and sleep deprivation for me.

Another aspect is the pollution level in this area and the Angel alley in particular. Usually drunk and other negligent tourists use alley to dispose their KFC packaging and leftovers. This alley also often stinks urine. I use this alley every day as the entrance to my apartment. My fears are that granting this license will exacerbate the situation, which is already not pretty. My thoughts are that granting this license will attract more trouble to the area.

I am open to discuss controls and preventative actions.

Regards,

Sergej Tiurin
[REDACTED]

Appendix 14

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**).

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.11**).

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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

Licence conditions should not duplicate other legislation (1.16).

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

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 15

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 10 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 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**)

The Council has adopted a set of framework hours (**See 15.8 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 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. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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 16

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Section 6 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 3 of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

Customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 17

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Section 6 of the Licensing Policy)**

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- Capacity
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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.

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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 18

Planning

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

Appendix 19

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

Appendix 20

Special Cumulative Impact Policy for the Brick Lane Area

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.

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.

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.

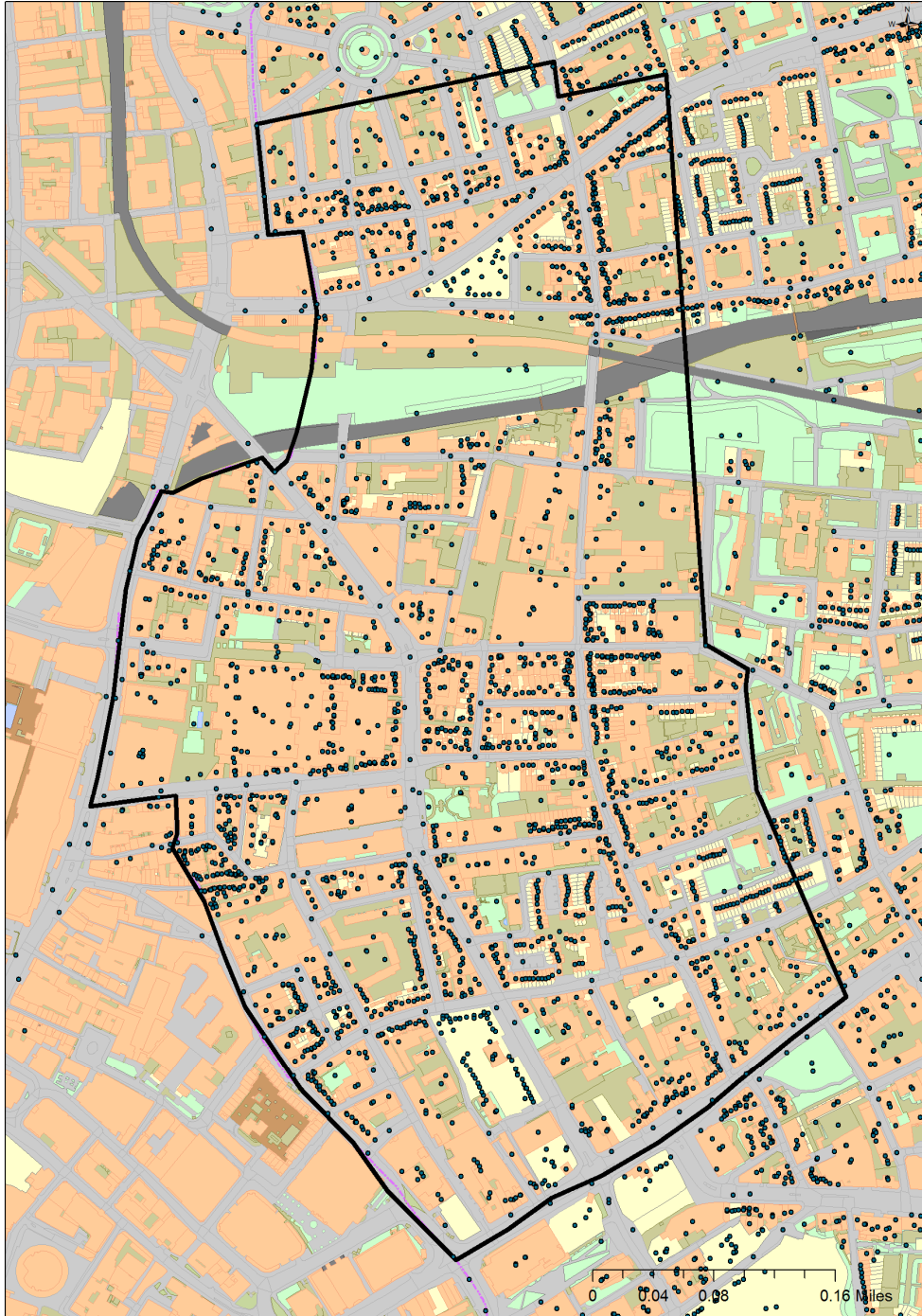
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications 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.

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.



Cumulative Impact Zone

