

Committee : <b>Licensing Sub Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>	Title <b>Licensing Act 2003</b> <b>Application to Vary the Premises Licence for Davi Dayal Newsagents, 184 Mile End Road, London E1 4LJ</b>
Originating Officer: <b>Mohshin Ali</b> <b>Licensing Officer</b>	Ward affected <b>St. Dunstans and Stepney Green</b>

## 1.0 Summary

Applicant: **Devi Dayal**  
Name and Address of Premises: **Devi Dayal Newsagents**  
**184 Mile End Road**  
**London**  
**E1 4LJ**

Licence sought: **Licensing Act 2003 variation**  
**Extending the hours for the sale of alcohol**

Objectors: **Local Residents**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

**Mohshin Ali**  
**020 7364 5498**

### 3.0 **Background**

3.1 This is an application for a variation in a premises licence for Davi Dayal Newsagents, 184 Mile End Road, London E1 4LJ.

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

3.3 The current hours are as follows:

**Sale of Alcohol (off sales only):**

Monday to Saturday from 08:00 hrs to 23:00 hrs

Sunday from 10:00hrs to 22:30 hrs

Christmas Day: 12:00hrs to 15:00 hrs and 19:00hrs to 22:30 hrs

Good Friday: from 08:00 hrs to 22:30hrs

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

There are no restrictions to the hours of opening.

3.4 A copy of the variation application is enclosed as **Appendix 2**.

3.5 The applicant has described the nature of the variation as:  
Extending the hours for the sale of alcohol

3.6 The hours that have been applied for are as follows:-

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

Monday to Sunday from 08:00 hrs to 03:00hrs the following days.

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

Monday to Sunday from 08:00 hrs to 03:00hrs the following days.

3.7 A map showing the relevant premises is included as **Appendix 3**.

### 4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7<sup>th</sup> January 2008.

4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:  
Local Residents **See Appendices 4-5**

5.2 The Metropolitan Police have not made representation, however have agreed conditions with the applicant. **See Appendix 6.**

5.3 All of the responsible authorities have been consulted about this application. They are as follows:

- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection

5.4 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.5 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti social behaviour from patrons leaving the premises
- Disturbance from patrons leaving the premises on foot
- Close proximity to residential properties

5.6 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

## 6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

## 6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out this their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).

- ❖ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (7.79). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that "In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives." (2.38)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 **Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public

safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## **8.0 Legal Comments**

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

## **9.0 Finance Comments**

- 9.1 There are no financial implications in this report.

## **10.0 Appendices**

- |                     |   |
|---------------------|---|
| <b>Appendix 1</b>   | A copy the existing licence.  |
| <b>Appendix 2</b>   | A copy of the application for variation.  |
| <b>Appendix 3</b>   | Maps of the area  |
| <b>Appendix 4-5</b> | Representations of Local residents  |
| <b>Appendix 6</b>   | Police Conditions   |
| <b>Appendix 7</b>   | Licensing Officer comments on Anti Social behaviour on the premises                   |
| <b>Appendix 8</b>   | Licensing Officer comments on Anti Social behaviour from patrons leaving the premises |
| <b>Appendix 9</b>   | Licensing Officer comments on Access and egress problems                              |
| <b>Appendix 10</b>  | Licensing Officer comments on Planning  |
| <b>Appendix 11</b>  | Licensing Policy relating to hours of trading   |

# Appendix 1



# TOWER HAMLETS

Licence / Registration

Certificate Number

09841


(Devi Dayal Newsagent)  
184 Mile End Road  
London  
E1 4LJ

**Licensable Activities authorised by the licence**

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse   
Team Leader Licensing

Date: 29/09/05

**FOR OFFICE USE**

Receipt Number

Fee Paid

Fee Req.

Date

Initial





TOWER HAMLETS

LICENSING ACT 2003

**Part A - Format of premises licence**

Premises licence number

9841

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Devi Dayal Newsagent)  
184 Mile End Road  
London

**Post town**  
London

**Post code**  
E1 4LJ

**Telephone number**  
0207 780 9240

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

See Mandatory conditions for drinking up time

**The opening hours of the premises**

There are no restrictions on the hours during which this premises is open to the public

**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**

**Devi Dayal  
184 Mile End Road  
London  
E1 4LJ  
07944 633 427**

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

**N/A**

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

**Mrs Lakvir Kaur  
184 Mile End Road  
London  
E1 4LJ  
0207 780 9240**

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

**Mrs Lakvir Kaur(personal licence details to be confirmed)**

## **Annex 1 - Mandatory conditions**

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

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

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

Alcohol shall not be sold in an open container or be consumed in the licensed premises  
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

### **Public Entertainment**

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

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

None

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

None

**Annex 4 - Plans**

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

02 AUG 2005



**Part B - Premises licence summary**

**Premises licence number**

9841

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Devi Dayal Newsagents)  
184 Mile End Road  
London

**Post town**  
London

**Post code**  
E1 4LJ

**Telephone number**  
0207 780 9240

Where the licence is  
time limited the  
dates

N/A

Licensable activities  
authorised by the  
licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:  
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.  
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.  
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.  
d. On Good Friday, 8 a.m. to 10.30 p.m.  
The above restrictions do not prohibit:  
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;  
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;  
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;  
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Devi Dayal  
184 Mile End Road  
London  
E1 4LJ

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

Off sales supplies

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

N/A

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

Mrs Lakvir Kaur

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

No





# Appendix 2



This form should be completed and forwarded to:  
London Borough of Tower Hamlets,  
Licensing Section, Mulberry Place (AH), PO Box 55739,  
5 Clove Crescent, London E14 1BY.

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.

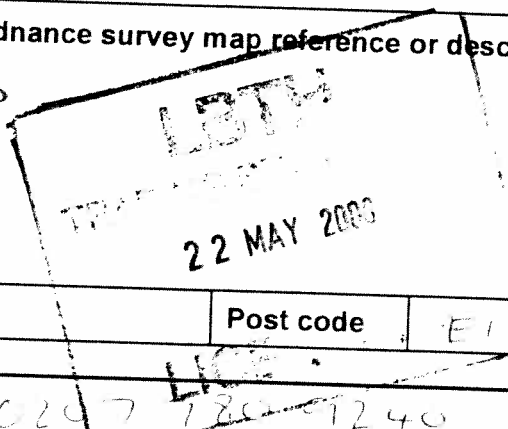
I/We LAKSHI KAUH DEVI DAYAL (Insert name(s) of applicant)

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 9841

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>184 MILE END ROAD</u> <u>E14 4LJ LONDON</u>			
Post town		Post code	<u>E14 4LJ</u>
Telephone number at premises (if any)	<u>0207 780 9240</u>		
Non-domestic rateable value of premises	<u>£ 6,000</u>		



**Part 2 – Applicant details**

Daytime contact telephone number	0207 780 9240 / 07944 33 0243		
E-mail address (optional)			
Current postal address if different from premises address	98 ANTILL ROAD BOW E3 5BN LONDON		
Post Town		Postcode	E3 5BN

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

extending extra hours

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

NO

## 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 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)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

### Provision of entertainment facilities:

- |  |                          |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I)  | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

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

**B**

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

C

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

**D**

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

**E**

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

**F**

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



**G**

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<p><b>Please give further details here</b> (please read guidance note 3)</p>	Both	<input type="checkbox"/>
Wed					
Thur					
Fri					
Sat					
Sun					
				<p><b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)</p>	
			<p><b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)</p>		

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>		
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)		
			<b>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)	
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
			Both <input type="checkbox"/>	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  extend until	
Mon	8 am	03:00 am		
Tue	8 am	03:00 am		
Wed	8 am	03:00 am		
Thur	8 am	03:00 am		
Fri	8 am	03:00 am		
Sat	8 am	03:00 am		
Sun	8 am	03:00 am	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
/				

**N**

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

NONE

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)		State any seasonal variations (please read guidance note 4)
Day	Start - Finish	
Mon	8 AM - 03 AM 10 PM	
Tue	8 AM - 03 AM 10 PM	
Wed	8 AM - 03 AM 10 PM	
Thur	8 AM - 03 AM 10 PM	
Fri	8 AM - 03 AM 10 PM	
Sat	8 AM - 03 AM 10 PM	
Sun	8 AM - 03 AM 10 PM	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 5)

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

extend timing



Please tick yes

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

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

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

**P** 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)

There are already three people employed in the shop, as it is a small shop that should be efficient enough to help carry out the four objectives below. We also have a trained Rottweiller Cross German Shepherd dog for safety and so customers not to cause trouble

b) The prevention of crime and disorder

- Additional Cameras
- Additional Signs
  - age of sale
  - No smoking
- Sell alcohol in the hours permitted.
- We already make sure, that we don't sell alcohol to the very drunk people as well as officers in uniform.

c) Public safety

- Smoke alarms
- Fire extinguisher (which is already in the shop)

d) The prevention of public nuisance

- Warn the customers & kindly be nice to them.
- Contact the police if matters get worse.

e) The protection of children from harm

- Signs - age limit
- If they ask for alcohol, check for ID to confirm age, such as, provisional license, Student ID etc. (This is already used in the shop)

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick yes

- 
- 
- 
- 
- 

**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 (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	<i>Latan Kain</i>
Date	22.08.08
Capacity	DIRECTOR <i>Latan Kain</i>

**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 address for correspondence associated with this application** (please read guidance note 13)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



# Appendix 3

# Map



Scale 1:1750

Map of:

Notes:

## 184 Mile End Road

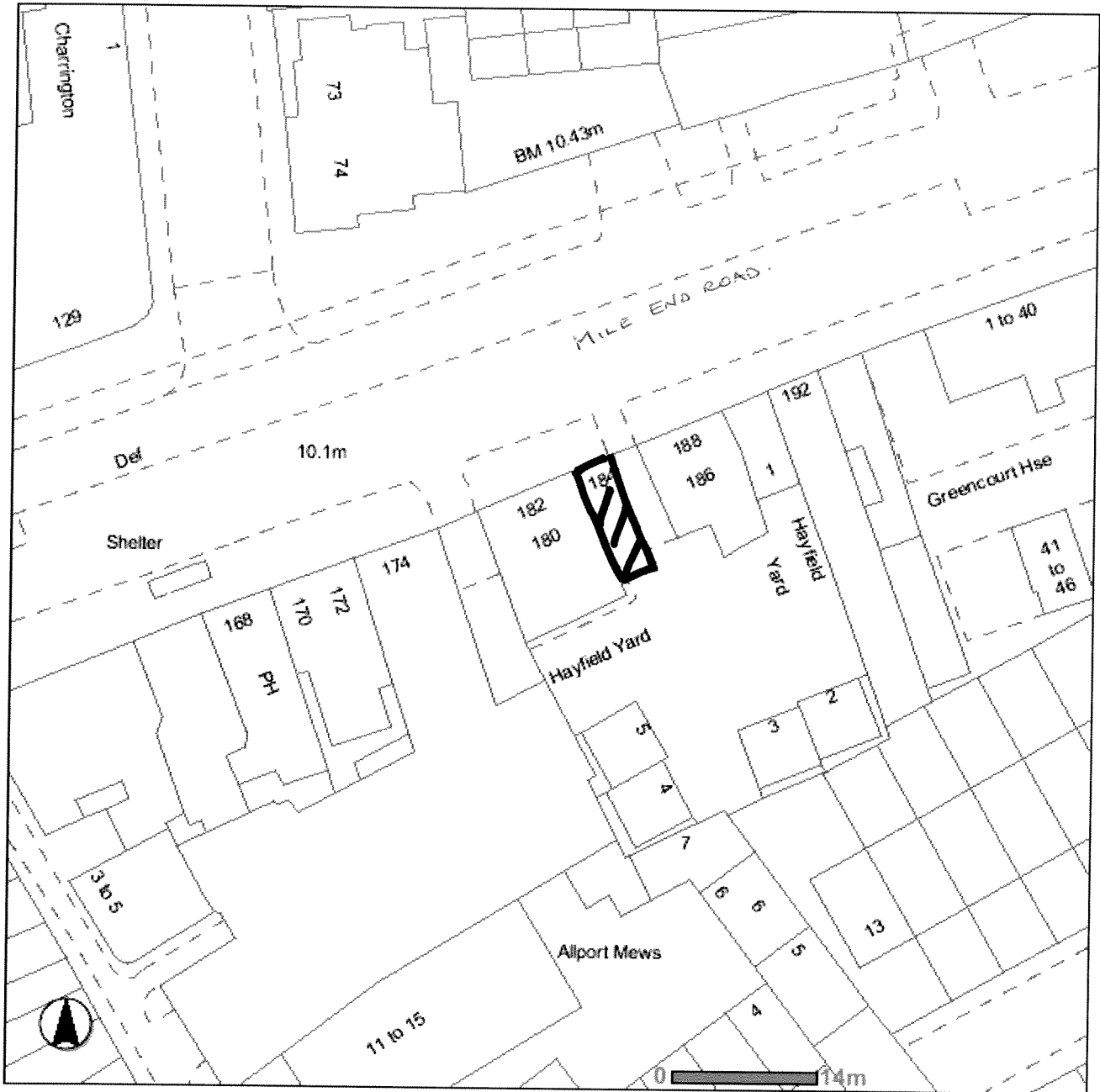
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Map



Scale 1:614

Map of:

## 184 Mile End Road

Notes:

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Licence Number: LA100019288





# Appendix 4

B. Maloney  
186 A Mile End Road  
London E.1. 4LJ

10<sup>th</sup> June 2008

Dear Sir,

**Re:Licensing Act 2003 and Devi Daval Newsagents 184 Mile End Road.E.1 4LJ**

I'm writing to you with my objections to the extension to the licensing hours for the above mentioned newsagents.

I live above the shop at 186 A and have done so for many years; my bedroom is directly above the shop and, as I am now 74 years old and not in very good health, it is of paramount importance that the noise and disturbance which will inevitably occur by the shop keeping open for longer is not increased.

The shop already has a license to sell alcohol until 11 p.m. and we have to put up throughout the day and evening with people sitting on the doorstep drinking, leaving their cans and bottles and vomiting in the alleyway between my front door and the shop.

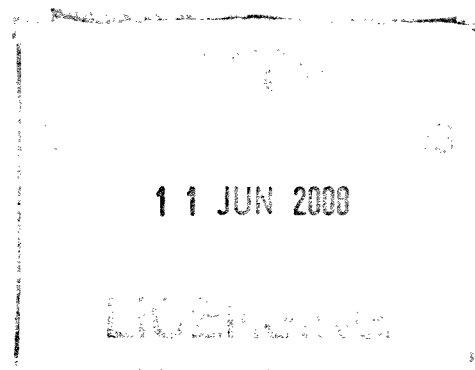
I would point out that there are several pubs and shops selling alcohol within 100 yards of the newsagent, and therefore there is no problem for the local residents to purchase alcohol.

I hope that you would consider the welfare of the residents before extending the licensing hours.

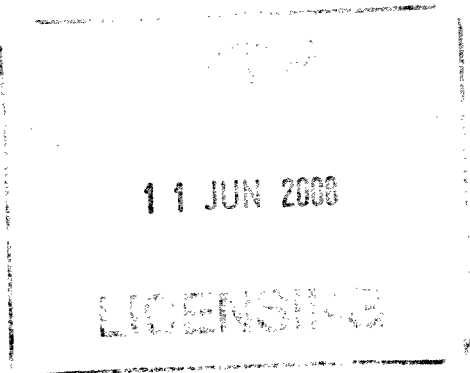
Yours sincerely,

*B. Maloney*

Mrs Betty Maloney



# Appendix 5



A.M.Benjamin  
186 D Mile End Road  
London E.1. 4Lj

11<sup>th</sup> June 23008

Dear Mr. Cruse,

**RE:Licensing Act 2003 and Devi Dayal Newsagents 184 Mile End Road E.1 4LJ**

Dear Mr Cruse,

I write to object to the granting of an extension to the licensing hours for the above newsagents

I live above the shop at 186 D and have done for 40 years

The shop already has a license to sell alcohol until 11 p.m. and we have to put up with people sitting on the doorstep drinking, leaving their bottles and cans around and vomiting in the passageway between my front door and the shop.

There are already at least four other licensed premises within 100 yards of this newsagent :

- 1) The E ONE CLUB/pub within 30-50 yards which sometime keeps open until early morning..
- 2)The SCREAM pub which opens extended hours
- 3)the Globe pub
- 4)The Co-op store open until 10.p.m.

So there is no problem for local residents who wish to purchase alcohol. We already suffer from filthy pavements and a noisy thoroughfare with lots of restaurants and fast foods on this side of Mile End Road.

I can see no sensible reason for the Licensing Authority to further encourage the sale and consumption of alcohol under these circumstances.

I do not think that this would cause hardship to the newsagents, since they are now the only newsagents left where we use to have at least three.

I would also draw your attention to the fact that a wine bar/pub called "Soma" opposite Stepney Green Tube Station was recently shut down after complaints from residents.

Living here has become hell. Please don't make it worse !

Yours sincerely;

*A.M. Benjamin*

Mrs. A..M. Benjamin



# Appendix 6

Your reference :

Our reference :

Date : 24<sup>th</sup> May 2008



Moshin Ali  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY

**Metropolitan Police Service**  
*Tower Hamlets Division (HT)*

**Licensing Office**  
**Bethnal Green Police Station**  
**12 Victoria Park Square**  
**London E2 9NZ**

Tel: (020) 8 217 4118

Fax: (020) 8 217 6688

Dear Sir,

**Re: Premises licence variation : Devidayal , 184 Mile End Rd, E1**

I write with reference to the above application which was received by Tower Hamlets Police on the 9<sup>th</sup> June 2008 , after the initial application , received on the 28<sup>th</sup> May 2008 was rejected..

I had a meeting with the applicant Mrs Kaur at Bethnal Green Police Station on Monday 2<sup>nd</sup> June 2008.

Mrs Kaur has agreed that the following conditions will be put on the licence. She will then forward this confirmation to LBTH licensing.

1. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol on the premises. Such credible evidence shall be in the form of a passport or photographic driving licence.
  2. A "refusal book " should be maintained , listing the date and time of the refusal , including a description or the name of the person who has been refused a sale
  3. A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering the entrance door and be capable of providing an image that is regarded as 'identification standard.'
- To obtain a clear head and shoulders image of every person entering the premises on the CCTV system.
  - CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the club is open to the public.
  - The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.



- An employee that is conversant with the operation of the CCTV system will be on the premises at all times that it is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.

Yours faithfully

Alan Cruickshank PC 189HT

Licensing Officer



# Appendix 7

## **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 Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

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

### Police Powers

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

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

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

The key role of the police is acknowledged (2.2).  
Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, 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 (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003  
Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

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

This relates to attempts to control minimum prices

#### Other Legislation

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



# Appendix 8

## **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 9

## **Access and Egress problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot  
Close proximity to residential properties

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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



# Appendix 10

## **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 11

## **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:

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(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