

Appendix 1

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



APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Mohammad Afruz Miah
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 273 Commercial Road, London E1 2PS			
Post town	London	Postcode	E1 2PS
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£12,200.00		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Miah			First names Mohammad Afruz		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality British Citizen					
Current residential address if different from premises address					
Post town	London			Postcode	E1 2PL
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					
N/A					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
25	11	2 02 3

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
The premise is a Restaurant, selling hot food and drinks (no alcohol) currently open from 11.00 am to 23.00pm. The premises consist of ground floor and basement with sitting capacity for 30 customers. There are no other activities carried out at the premise which may give rise to concern in respect of children regardless of whether they have access.

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

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

X
☐

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

☐

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>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</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

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

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) The business hours currently are from 11.00 am to 23.00 pm and we propose to vary the hours from 11.00 am to 04.00 am in the early morning.		
Mon	11.00am	04.00am			
Tue	11.00am	04.00am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	11.00am	04.00am			
Thurs	11.00am	04.00am	<u>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</u> (please read guidance note 6) Those listed in the column on the left.		
Fri	11.00am	04.00am			
Sat	11.00am	04.00am			
Sun	11.00am	04.00am			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>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</u> (please read guidance note 6)		

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

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

K

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

NONE

L

Hours premises are open to the public
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations (please read guidance note 5)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

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

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

The proposed extension of closing hours will not have any adverse effect or impact on the promotion of any of the four licensing objectives, because this restaurant does not sell alcohol, does not carry out entertainment, music or video inside the building.

b) The prevention of crime and disorder

I do believe the restaurant will not be prone to crime or disorder as we do not serve alcohol which usually changes customers behaviour and conduct. We have ample staffs to politely remove any unruly customers. We also have CCTV cameras and if any problems arise we will be contacted the police immediately.

c) Public safety

I believe there will be no issue with public safety as customers will be sitting inside the restaurant and not outside, further this restaurant strictly does not serve alcohol, only hot food and non-alcohol drinks

d) The prevention of public nuisance

By extending the hours there will be no nuisance to the public since the restaurant does not serve alcohol which usually changes customers behaviour and conduct, further no live entertainment or loud music nor unwanted video or films will be shown in the restaurant

e) The protection of children from harm

Children, we believe will not be on the road late hours and even if they do come to the restaurant they must be with their parents or an adult accompanying them, otherwise we cannot serve food to them and will strictly asked them to go home. In any event, the restaurant does not serve alcohol, entertainment, loud music nor unwanted video of firms that would jeopardise their protection in any way.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. X
☐
- I have enclosed the plan of the premises. X
☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. X
☐
- I understand that if I do not comply with the above requirements my application will be rejected. X
☐
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). X
☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

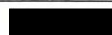


Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	27/10/2023
Capacity	Business Partner

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)



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

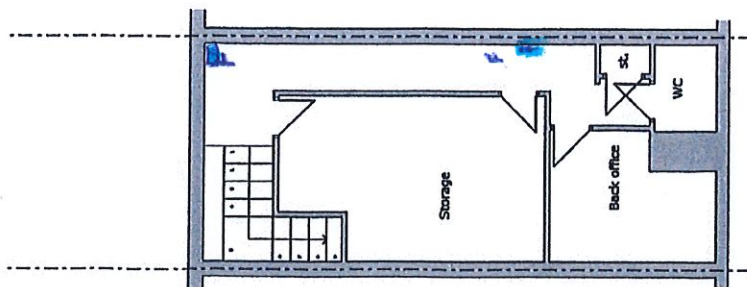
Appendix 2

THIS DRAWING IS PREPARED BY MAROOD ARCHITECTS AND MUST NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF MAROOD ARCHITECTS. NORTH POINTS SHOWN ARE INDICATIVE.

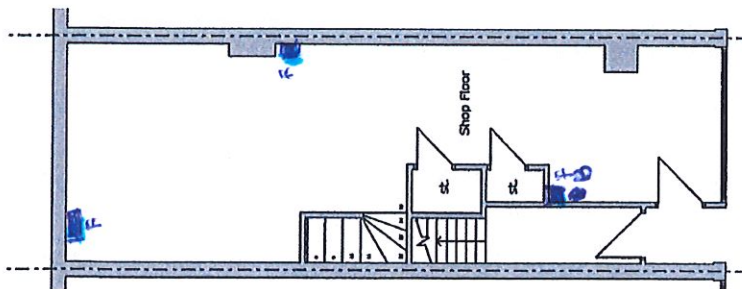
SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REGULATIONS OF THE CONSTRUCTION (CDD) ACT 1997, THE CLIENT HAS BEEN ADVISED THAT THE PROPOSED WORKS MAY BE SUBJECT TO SITE SPECIFIC HAZARDS. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN NECESSARY INFORMATION FROM THE LOCAL AUTHORITY AND TO TAKE NECESSARY PRECAUTIONS TO ENSURE THE SAFETY OF THE WORKERS AND THE PUBLIC.

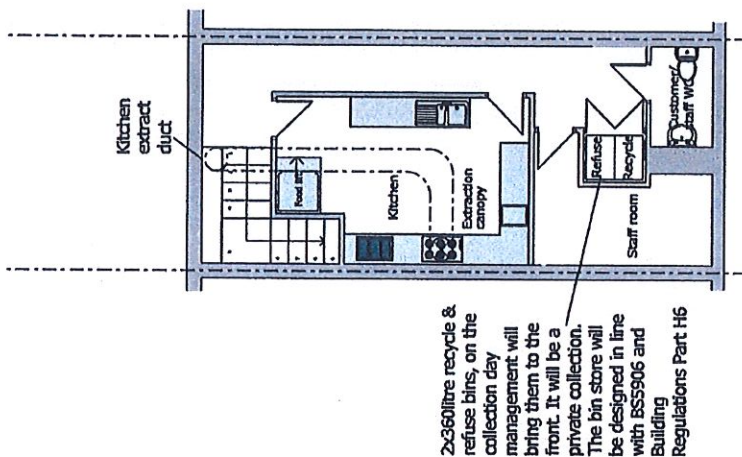
Note: All dimensions shown on the drawings are indicative and should be checked prior to start of the works on site. It is the responsibility of the client to notify the Architect of any discrepancies.



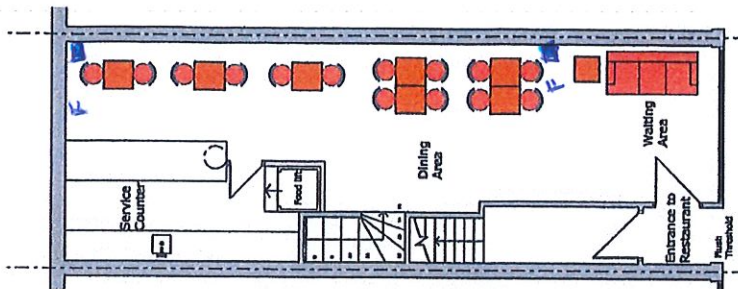
Existing Basement Floor Plan



Existing Ground Floor Plan



Proposed Basement Floor Plan



Proposed Ground Floor Plan

DATE: 05/11/20

DRAWN BY: BASHIR CHOWDHURY

CHECKED BY: AS EXISTING & PROPOSED
PROJECT NO: 201101

SCALE: 1:100

DATE: 05/11/20

PROJECT: PLANNING

DATE: 05/11/20

PROJECT: PLANNING

DATE: 05/11/20

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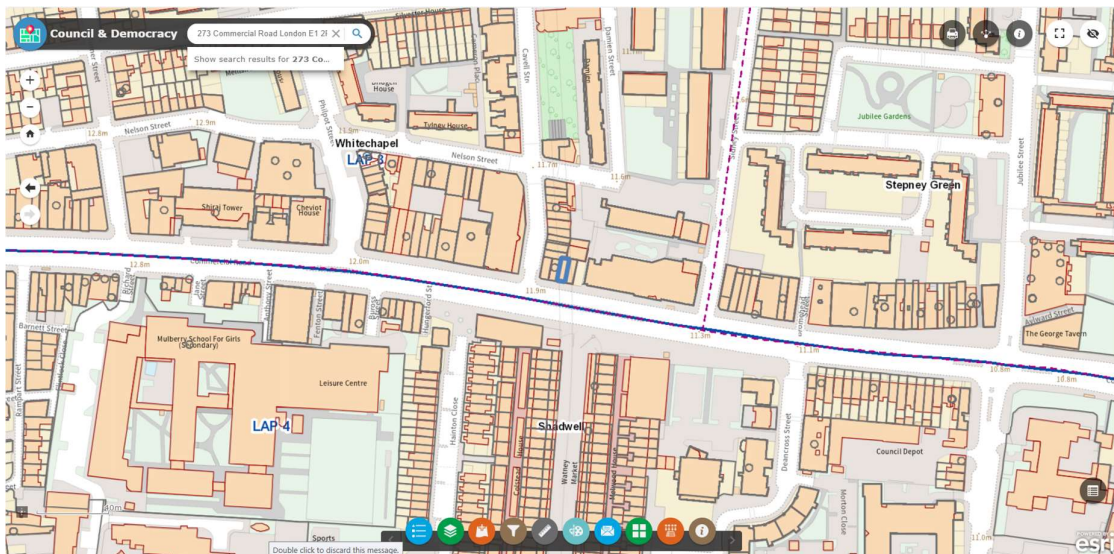
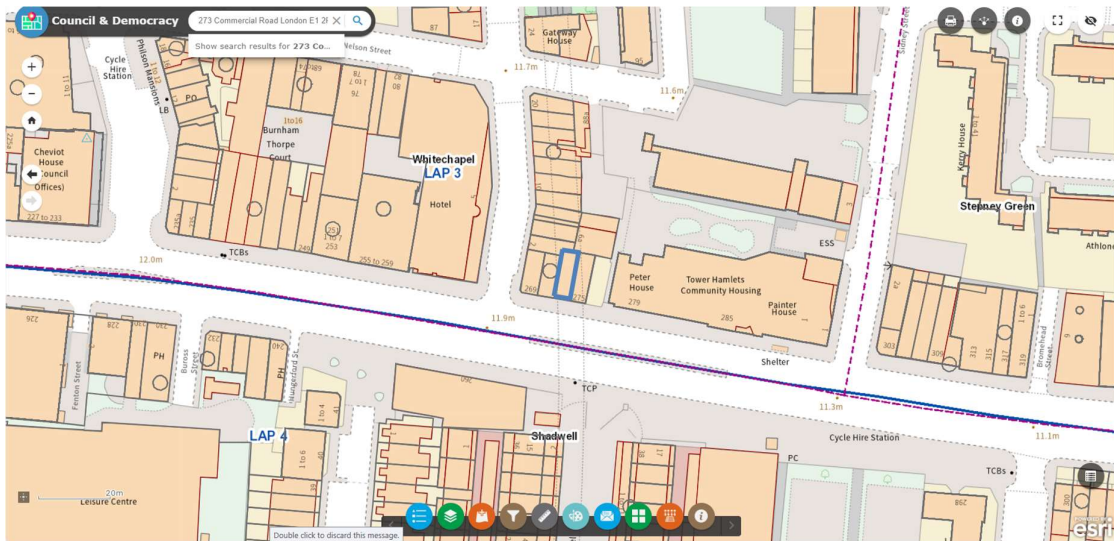
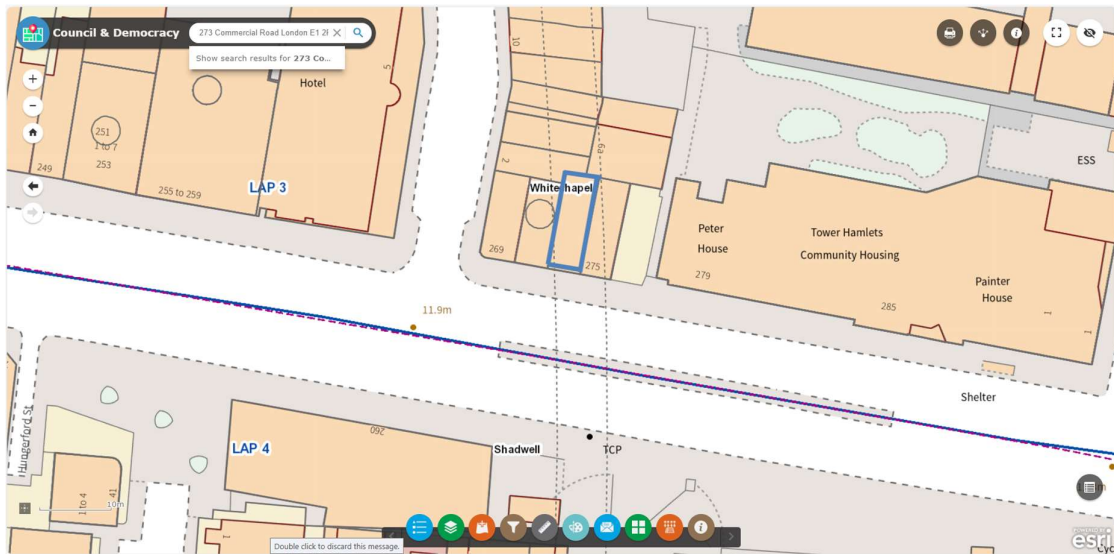
DATE: 05/11/20

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Scale Bar 1:100

Marood Architects
43 VICTORIA ROAD, DARTFORD, SE18 6JG
T: 01707 272155
Email: info@marood-architects.com
Web: www.marood-architects.com

Appendix 3

Maps – 273 Commercial Road



Appendix 4

Photos – 273 Commercial Road

LONDON BOROUGH OF TOWER HAMLETS
LICENSING ACT 2003

NOTICE OF APPLICATION FOR A PREMISES LICENCE

Notice is given that **MR MOHAMMAD AFFRUZ MIAH** has applied to London Borough of Tower Hamlets Licensing Authority for a Premises Licence under the Licensing Act 2003.

Premises details	273 COMMERCIAL ROAD, LONDON E1 2PS
The licensable activities and things are:	The premise is a Restaurant, selling hot food and drinks (no alcohol) currently open 7 days from 11.00 am to 23.00 pm, has now applied to extend the closing time from 11.00 am to 04.00 am.

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

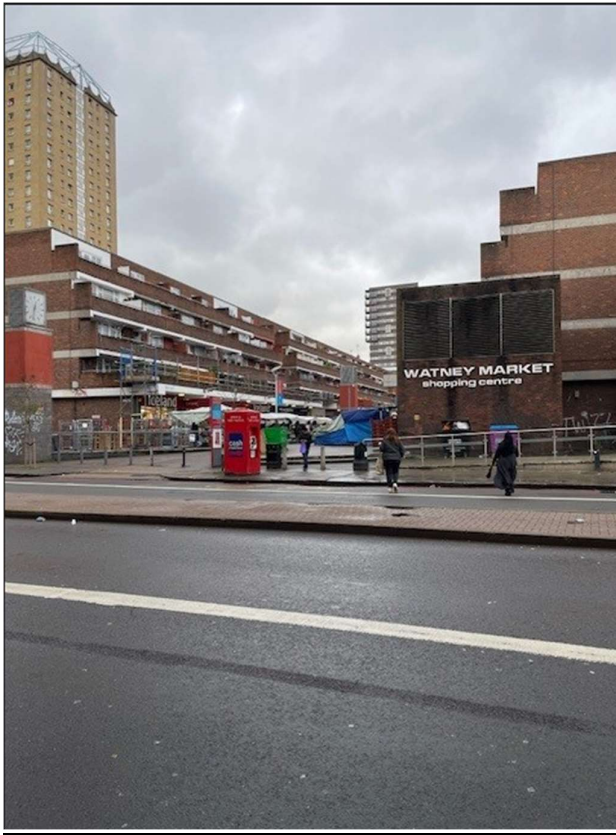
Representations must be received no later than 24/11/2023

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

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

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(Amended: 20/06/2023)







Appendix 5

Nearby Licensed Premises

<u>Premises address</u>	<u>Licensable Hours</u>	<u>Opening Times</u>
(Wings of East) 269 Commercial Road	<u>The provision of late night refreshment</u> <ul style="list-style-type: none"> Friday and Saturday from 23:00hrs to 00:00hrs (midnight) 	<ul style="list-style-type: none"> Sunday to Thursday from 10:00hrs to 23:00hrs Friday and Saturday from 10:00hrs to 00:00hrs (midnight)
(Best Kebab) 275 Commercial Road	<u>The provision of late night refreshment</u> <ul style="list-style-type: none"> Sunday to Thursday, from 23:00 hours to 02:00 hours the following day Friday and Saturday, from 23:00 hours 03:00 hours the following day 	<ul style="list-style-type: none"> Sunday to Thursday 12:00 hours to 02:00 hours the following day Friday and Saturday 12:00 hours to 03:00 hours the following day
(4th Floor Studios) 255-259 Commercial Road	<u>Supply of Alcohol (on premises only):</u> <ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:00hrs Friday to Saturday from 11:00hrs to 00:00hrs (midnight) Sunday from 11:00hrs to 22:00hrs <u>Late Night Refreshment (indoors):</u> <ul style="list-style-type: none"> Friday to Saturday from 23:00hrs to 00:00hrs (midnight) <u>Regulated Entertainment in the form of plays (indoors), films (indoors), indoor</u>	<ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:00hrs Friday to Saturday from 11:00hrs to 00:00hrs (midnight) Sunday from 11:00hrs to 22:00hrs

	<p>sporting events, live music (indoors), recorded music (indoors), performances of dance (indoors), anything similar:</p> <ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:00hrs Friday to Saturday from 11:00hrs to 00:00hrs (midnight) Sunday from 11:00hrs to 22:00hrs <p>Regulated Entertainment in the form of indoor sporting events:</p> <ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:00hrs Friday to Saturday from 11:00hrs to 02:00hrs (the following day) Sunday from 11:00hrs to 22:00hrs <p>Non-standard timings:</p> <ul style="list-style-type: none"> 10 Non-standards timings for sale of alcohol, recorded music and late night refreshment until 02:00hrs 	
(Vista Food and Wine) 309 Commercial Road	<p><u>The sale by retail of alcohol (off sales)</u> Monday to Sunday 00:00-24:00</p>	Monday to Sunday 00:00-24:00
(Hungerford Arms) 240 Commercial Road	<p><u>Sale of alcohol (on and off sales)</u></p>	<ul style="list-style-type: none"> Monday to Saturday from

	<ul style="list-style-type: none"> Monday to Saturday, from 09.00 hours to 12 midnight Sunday, from 10.00 hours to 12 midnight <p><u>Provision of regulated entertainment</u> <u>(Recorded music and anything of a similar description)</u></p> <ul style="list-style-type: none"> Monday to Saturday, from 09.00 hours to 12 midnight Sunday, from 10.00 hours to 12 midnight 	<p>09.00 hours to 12 midnight</p> <ul style="list-style-type: none"> Sunday from 10.00 hours to 12 midnight
(Iceland) 1-11 Watney Market	<p><u>The sale by retail of alcohol (off sales)</u> Monday to Sunday from 07:00 hours to 23:00 hours</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Appendix 6

From: MARK.J.Perry [REDACTED]
Sent: 17 November 2023 14:57
To: info [REDACTED] Licensing; Nicola Cadzow
Cc: [REDACTED]
Subject: Objection Premises License Application 273 Commercial Road E1 2PS

Dear Mr Miah, Tower Hamlets Licensing,

Central East Police Licensing formally object to the application of a premises license for 273 Commercial Rd, E1 2PS. This objection is on the grounds of preventing crime and disorder and public nuisance.

This application is for late night refreshment until 4am every day. I have tried to contact the applicant by phone but been unsuccessful when I have tried and the applicant has not returned my calls.

One of the key concerns is that the area suffers from drug dealing and anti-social behaviour. Having spoken to Whitechapel Safer Neighbourhood Team they are concerned that having a takeaway open until 4am every day will make it a hub for drug related crime and anti social behaviour. They will be providing a statement in support of this. This premises will be one of the latest open in the area will attract those in the area looking to be involved in criminal activity as it is a place they can base themselves and take refuge from the elements and rival gangs.

The applicant has stated in the application that he does not believe there will be problems as the venue does not sell alcohol, yet at 4 am in the morning who are the venues customers going to be? We believe that in the early hours of the morning one of the main groups of customers will be those who have been drinking and socialising in Shoreditch and the rest of London, who are staying in hotels close by. The applicant has not said how they will deal with intoxicated or customers causing anti-social behaviour except to say they will remove them from the premises. What will the venue do if their drunk customers fighting or causing noise nuisance to local residents. We do not know as the applicant does not say.

We also believe that the noise of customers who may have been drinking alcohol queuing to get food at 3 am in the morning will cause noise nuisance to local residents, as will the sound of Uber's and Taxi's pulling up to pick up customers, with car doors being opened and closed and engines revving. Again the applicant has not said how they can manage this.

We believe that going from closing at 11pm to closing at 4am is simply too big a jump, and the risk of crime and disorder and public nuisance taking place at the premises is too big. We therefore suggest the following hours.

Late Night Refreshment

Sunday to Wednesday 23:00 – 00:00

Thursday to Saturday 23:00 – 01:00

This will give the applicant 1 extra hour 4 days a week, and 2 hours over the busy weekend days.

If the applicant wished to be delivery only then we could extend that to the following:

Late Night Refreshment

Sunday to Wednesday 23:00 – 00:00 and until 01:00 for delivery only

Thursday to Saturday 23:00 – 01:00 and until 02:00 for delivery only.

This would give the applicant a chance to demonstrate that they can operate at later hours without the local community being at risk of increases in crime and disorder and public nuisance.

Likewise we also ask that the following conditions are added to the license:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
5. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

6. The License holder shall also ensure that the venues customers are not congregating outside the venue or causing nuisance outside the premises.

We therefore ask that the application as requested is refused and the above hours and conditions imposed.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)

Email [REDACTED]

A: Licensing Office, 1st Floor Stoke Newington Police Station



**METROPOLITAN
POLICE**



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Corinne Holland

From: Anamaria.Evans [REDACTED]
Sent: 26 November 2023 15:27
To: info@[REDACTED]; Licensing; Nicola Cadzow
Subject: Objection Premises License Application 273 Commercial Road E1 2PS

To Whom it May Concern,

I am a Safer Neighbourhoods Officer attached to Whitechapel SNT Team and I have received the request from our Licensing team to provide a statement in regards to a new take-away business at 273 Commercial Road E1 2PS to remaining open until 0400hrs.

Whitechapel Area is already experiencing a high level of ASB and drug-related crime. This includes but is not limited to: drug using, drug dealing, vehicle crime, and repeated ASB as a result of the above. The area is also known as an operating location for gangs and cannabis cafes. This also leads to violent crime such as assaults, robberies and burglaries.

I believe that having a take-away business open until 0400hrs in the night will not deter but further attract similar crime to those described above. Both police and local authorities are working hard to reduce crime in the area and having a business open until this time will result in the opposite – an increase. This is due to the fact that individuals involved in crime will be drawn to the area not only as customers of the business but also as a focal point for drug dealing and drug using. Local drug users could also use this spot as a begging location which would also increase the likelihood of further crime occurring. The above could also result in violent crime such as fights breaking out and would negatively affect the residents quality of life with increased noise disturbances.

Whitechapel Ward Panel also recognises the above issues and ongoing Anti-social behaviour. The level in crime in the area is a main concern for local authorities and residents alike; therefore, having businesses open this late/early hours is seen as a source of criminality and ASB.

PC EVANS 1590CE

Please let me know if you require any further info.

Kind Regards,



Anamaria Evans PC 1590CE
Central East BCU (Hackney & Tower Hamlets)
Whitechapel SNT
Metropolitan Police Service
a: Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ
w: www.met.police.uk
e: [REDACTED]



Appendix 7

From: Tim Hung
Sent: 09 November 2023 15:52
To: Licensing
Subject: Premises Licence Application - MAU164368

Dear Licensing,

Hope you are well.

2.I have considered the premises license application for PFC Watney Market, 273 Commercial Road London on the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. The applicant is proposing licensable hours well beyond the Council's framework hours.

3. It should be noted that the Council's framework hours (i.e., when premises are open) are:

- Monday to Thursday 0600 hours to 2330 hours; and
- Friday & Saturday 0600 hours to midnight
- Sunday 0600 hours to 2230 hours.

4. The applicant is proposing Licensable Activities: Late Night Refreshment:

- Monday to Thursday from 2330 hours, until 0400 an increase of 4.5 hours on council framework hours
- Friday and Saturday from Midnight, until 0400 an increase of 4 hours on council framework hours
- Sunday (LNR is only required from 23:00 hours), until 0400 hours, an increase of 5.5 hours considering framework hours from Sunday starts from 2230hr.

5. Also, there is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. The condition under public nuisance in section M d) of the application form "*By extending the hours there will be no nuisance to the public since the restaurant does not serve alcohol which usually changes customers behaviour and conduct, further no live entertainment or loud music nor unwanted video or films will be shown in the restaurant.*" This is quite general and does not consider the impact on public nuisance from increase footfall from persons accessing and egressing the premises, which is so close to residential properties above and beside the premises, particularly when considering the late hours applied for by the applicant.

Noise Sensitive premises: premises in close proximity to residential flats (see photo attached)
Shop below residential properties above shown in picture. (pink circle - PFC Watney Market, green circle - residential premises)



6. In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons; and
- The hours of operation

7. In conclusion, Environmental Protection does not support the application. If the committee are minded granting this application, I would ask the following -

- Operating hours are in line with council framework hours.
- Conditions as below -
 - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
 - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. And no loitering of patrons outside the premises having ordered and received their takeaway.
 - Also, the premises licence holder will display notices within their premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum by waiting inside the premises to collect deliveries.
 - No idling of delivery vehicles/bikes outside the premises, no drivers hooting, shouting, or raised voices nor loud music/radios, whilst premises is in operation.
 - The premises licence holder will display notices requiring drivers of delivery vehicles not to leave vehicle engines idling outside the premises whilst the premises is in operation.

Thanks and best regards,

Name: Tim Hung
 Position: Environmental Protection Officer
 Noise Team
 Communities Directorate
 Environmental Health and Trading Standards
 4 th Floor Tower Hamlets Town Hall
 160 Whitechapel Road
 London E1 1BJ

www.towerhamlets.gov.uk

Appendix 8

Corinne Holland

From: info@t[REDACTED] >
Sent: 06 December 2023 14:42
To: Corinne Holland
Subject: RE: Premise Licence application - PFC Watney Market, 273 Commercial Road - M/164368

Dear Ms Holland

We write further to the telephone conversation Mr Miah had with you today.

Mr Miah agrees to the condition proposed by PC Perry/you, however still wish to increase the hours from 23.00pm to 2.00am from Sunday to Wednesday and 23.00pm to 3.00am from Friday to Saturday. If this is not agreeable then Mr Miah is willing to attend the hearing on 19th December 2023 to have his request heard and considered.

Await hearing from you.

Kind regards

Thames Amber Ltd

From: Corinne Holland <[REDACTED]>
Sent: 05 December 2023 10:00
To: info@[REDACTED]
Cc: CEMailbox-[REDACTED]
Subject: Premise Licence application - PFC Watney Market, 273 Commercial Road - M/164368

Dear Sir/Madam

I have liaised with PC Perry regarding his representation and as you have agreed to reduce your hours PC Perry would be happy to withdraw his representation with the following conditions being agreed.

If you can let me know if you accept these conditions as soon as possible please.

The explanation as to the hours for delivery only are as my email yesterday (attached).

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
5. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

6. The License holder shall also ensure that the venues customers are not congregating outside the venue or causing nuisance outside the premises.

Kind regards

Corinne Holland

Licensing Officer
Environmental Health and Trading Standards
Licensing & Safety Team
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

www.towerhamlets.gov.uk

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From: info@[REDACTED]
Sent: Thursday, November 30, 2023 6:20 PM
To: Corinne Holland [REDACTED]
Subject: Premise Licence application - PFC Watney Market, 273 Commercial Road - M/164368

Dear Sirs

Thank you for your email below.

Please take note that we have responded to the email accepting the suggestion made by Mr Mark J Perry and requesting for explanation as to the timing. Please see email attached for your ease of reference.

Please consider the attached email as part of an afford by Mr Miah to conform to the suggestion made by Mr Perry, so that a hearing can be avoided.

Await hearing from you.

Kind regards

Thames Amber Ltd

From: Corinne Holland <[REDACTED]>
Sent: 29 November 2023 18:11
To: info@[REDACTED]
Subject: Premise Licence application - PFC Watney Market, 273 Commercial Road - M/164368

Dear Sir/Madam

I am obliged to tell you that objections to the granting of this Premises Licence have been received from the Responsible Authorities.

Please see the attached representations.

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. The objections will be put into a committee report and forwarded to the Democratic Services section who will arrange a date for the hearing. You will be sent a copy of the report which will include details of the representations; you will also be notified at this point of the date and time of the Licensing subcommittee hearing.

Please let me know if you come to an agreement with the police and noise team.

Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards

Licensing & Safety Team

4th Floor Tower Hamlets Town Hall

160 Whitechapel Road

London

E1 1BJ



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Tower Hamlets Town Hall

160 Whitechapel Road

London

E1 1BJ

Hearings will also be held here.

Corinne Holland

From: info@[REDACTED]
Sent: 24 November 2023 16:11
To: MARK.J.Perry [REDACTED]
Cc: Licensing; Nicola Cadzow
Subject: RE: Objection Premises License Application 273 Commercial Road E1 2PS

Dear Sirs

Thank you for your email below.

Mr Miah is unaware of the issue of druggies in that area he did not encounter such persons until the current closing time of 23.00 pm and neither he had customers walking in from the areas suggested by you during the time of business. As such did not sought to explain how he would handle those kinds of customers.

Obviously, it is not possible to expect Mr Miah to stop the sound of vehicles or opening and closing of the car doors.

Miah appreciate the concern raised by the Police Officer and would agree to the timing extended in the following days:

Sunday to Wednesday 23:00 – 00:00 and until 01:00 for delivery only

Thursday to Saturday 23:00 – 01:00 and until 02:00 for delivery only.

The only query is, does the delivery only time runs from 00.00 to 01.00 am from Sunday to Wednesday and delivery only times runs from 01.00 am to 02.00 am on Thursday to Saturday. We shall appreciate if you can confirm this? Which means that Mr Miah can have customers until 00.00 on Sunday to Wednesday and until 1.00 am on Thursday to Saturday. Please confirm if this is a situation.

With regards to the CCTV at the premises, Mr Miah already operated 6 CCTV cameras on the premises however as suggested will extend continuous recording for 31 days whilst the premise is open.

Mr Miah confirms that he is one of the persons who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. He does also have another staff with the same knowledge. Both will be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Please let us know is extension to time suggested by yourself be granted to Mr Miah to run his business.

Await hearing from you.

Kind regards

Thames Amber Ltd

From: MARK.J.Perry [REDACTED]
Sent: 17 November 2023 14:57
To: info@[REDACTED] Licensing [REDACTED]
Nicola.Cadzow [REDACTED]
Cc: Anamaria.Evans [REDACTED]
Subject: Objection Premises License Application 273 Commercial Road E1 2PS

Dear Mr Miah, Tower Hamlets Licensing,

Central East Police Licensing formally object to the application of a premises license for 273 Commercial Rd, E1 2PS. This objection is on the grounds of preventing crime and disorder and public nuisance.

This application is for late night refreshment until 4am every day. I have tried to contact the applicant by phone but been unsuccessful when I have tried and the applicant has not returned my calls.

One of the key concerns is that the area suffers from drug dealing and anti-social behaviour. Having spoken to Whitechapel Safer Neighbourhood Team they are concerned that having a takeaway open until 4am every day will make it a hub for drug related crime and anti social behaviour. They will be providing a statement in support of this. This premises will be one of the latest open in the area will attract those in the area looking to be involved in criminal activity as it is a place they can base themselves and take refuge from the elements and rival gangs.

The applicant has stated in the application that he does not believe there will be problems as the venue does not sell alcohol, yet at 4 am in the morning who are the venues customers going to be? We believe that in the early hours of the morning one of the main groups of customers will be those who have been drinking and socialising in Shoreditch and the rest of London, who are staying in hotels close by. The applicant has not said how they will deal with intoxicated or customers causing anti-social behaviour except to say they will remove them from the premises. What will the venue do if their drunk customers fighting or causing noise nuisance to local residents. We do not know as the applicant does not say.

We also believe that the noise of customers who may have been drinking alcohol queuing to get food at 3 am in the morning will cause noise nuisance to local residents, as will the sound of Uber's and Taxi's pulling up to pick up customers, with car doors being opened and closed and engines revving. Again the applicant has not said how they can manage this.

We believe that going from closing at 11pm to closing at 4am is simply too big a jump, and the risk of crime and disorder and public nuisance taking place at the premises is too big. We therefore suggest the following hours.

Late Night Refreshment

Sunday to Wednesday 23:00 – 00:00

Thursday to Saturday 23:00 – 01:00

This will give the applicant 1 extra hour 4 days a week, and 2 hours over the busy weekend days.

If the applicant wished to be delivery only then we could extend that to the following:

Late Night Refreshment

Sunday to Wednesday 23:00 – 00:00 and until 01:00 for delivery only

Thursday to Saturday 23:00 – 01:00 and until 02:00 for delivery only.

This would give the applicant a chance to demonstrate that they can operate at later hours without the local community being at risk of increases in crime and disorder and public nuisance.

Likewise we also ask that the following conditions are added to the license:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light

condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

5. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
6. The License holder shall also ensure that the venues customers are not congregating outside the venue or causing nuisance outside the premises.

We therefore ask that the application as requested is refused and the above hours and conditions imposed.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[Redacted]
Email [Redacted]
A: Licensing Office, 1st Floor Stoke Newington Police Station



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Appendix 9

Section 182 Advice by the Home Office Updated on August 2023

Relevant, vexatious and frivolous representations

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

If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

Appendix 10

Licensing Policy Section 11

Prevention of Public Nuisance

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

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

11.6 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.

11.7 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:

- limiting the amount of patrons permitted in the outside area, and/or,
- restricting the use of areas after a certain time,
- ceasing its use after a certain time.

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

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

Appendix 11

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

Updated December 2022

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 12

Licensing Policy Section 9

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Conditions in Appendix 3.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged, will insert a conditions from our model conditions in appendix 3, to prohibit 'touting':-

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

7.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

7.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police's definition of drink spiking:

"Spiking is where someone adds drugs or alcohol to another person's drink without them knowing, it is illegal."

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

<https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises->

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

7.11 **Welfare and Vulnerability** – This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.

7.12 **Sexual Harassment in the Night Time Economy** – sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London’s Women’s Night Safety Charter:

<https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter>

As well as the Women’s Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council’s Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

7.13 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

7.14 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers, and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.
- 7.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

Appendix 13

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

Updated December 2022

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

Appendix 14

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 5.14 and 5.15 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 20 of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders

- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 15

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 16.8 of the Licensing Policy)

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

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

(See 16.9 of the Licensing Policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 16

Planning

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