

LICENSING SUB COMMITTEE

Tuesday, 19 September 2017 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 5 - 14)

To note the rules of procedure which are attached for information.

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL	15 - 148	Spitalfields & Banglatown
Licensing Objectives:		
<ul style="list-style-type: none"> • Public Nuisance • Crime & Disorder 		
Representations by:		
<ul style="list-style-type: none"> • Local Resident(s) • Local Business(es) 		
3.2 Application for Variation of a Premises Licence for Green Truffle, 21 Roman Road, London E2 0HU	149 - 218	Bethnal Green
Licensing Objectives:		
<ul style="list-style-type: none"> • Public Nuisance 		
Representations by:		
<ul style="list-style-type: none"> • Local Resident(s) 		

**4. EXTENSION OF DECISION DEADLINE:
LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

Date Last Reviewed:	14th June 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
 - a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.

- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page:
www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				Licensing Officer

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. A Decision letter will be sent to all interested parties confirming the decision made.

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Agenda Item 3.1

Committee: Licensing Sub-Committee	Date: 19 September 2017	Classification: UNRESTRICTED	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL Ward affected: Spitalfields and Banglatown
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1.0 Summary

Name and Address of premises: **Curry Bazaar
77 Brick Lane
London
E1 6QL**

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Provision of Late night refreshment**
- **The provision of regulated entertainment (recorded music only)**

Review triggered by: **Licensing Authority (now withdrawn)**
Representations: **Local Residents
Local businesses**

2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates 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
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Mohshin Ali 020 7364 5498

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Curry Bazaar, 77 Brick Lane, London E1 6QL. The review was triggered by the Licensing Authority. The Licensing Authority has now withdrawn its representation in regards to the review.
- 3.2 I have noted Paterson's guidance in regards to the Review in cases where relevant representations have been made to the review following the advertisement of it. It states as follows: ***“Representations arise as a consequence of the notification and advertisement of the application. Clearly in such a case we suggest (although it is not entirely beyond doubt), the authority must proceed with the review of the licence, even if the applicant has (for whatever reason) decided not to pursue the original application”***
- 3.3 The review application was due to be heard by the Licensing Sub-Committee on the 23rd August 2017. However, the hearing was adjourned due to the following reasons:
“The Sub Committee listened to an application made by Mr David Dadds, Licensee’s Legal Representative who suggested that the application for Review no longer required a hearing as the applicant had withdrawn the application. Therefore any representations made to support the review should be dismissed as there was no application to consider. He stated that this must be the case as there was no application produced in the Agenda Pack. Ms Kathy Driver confirmed that she had withdrawn her representations and not the application itself.

Members sought legal clarification and were advised by Mrs Gurwinder Olive, Senior Licensing Lawyer, that under Section 52(2) of the Licensing Act, an Authority seized of a review application must have a hearing if any representations from interested parties remain and in this case it did even where the representations from the party triggering the review were withdrawn. She advised Members that in light of what Ms Driver had said it must be accepted that there was a live application for consideration. However it was accepted that the review application was not included in the report/agenda pack therefore Members would not be able to proceed with the hearing as it did not comply with the Hearing Regulations.

Decision

It was resolved that the matter be adjourned”.

- 3.4 Please see **Appendix 1** for the letter of withdrawal by the Licensing Authority and the review application (with enclosures). It should be noted that the Council has withdrawn the prosecution for the Licensing Act

2003 Section 136 offence, on 12th August 2016, so the statements are no longer restricted.

3.5 The Police Licensing also withdrew their representation, please see **Appendix 2**.

3.6 However, representations were also received from other persons and therefore members will have to consider the remaining representations only.

4.0 **The Premises**

4.1 The premises licence was issued on 20th September 2005. A copy of the current licence is contained **Appendix 3**. On the 10th May 2017, an application was made to transfer the licence holder to Mohammad Foez Ahmad and the Designated Premises Supervisor Muhammad Abdul Kadir Ali has been in place since 5th August 2016.

4.2 The previous Licence holders Azirun Nessa and Mohammod Jubar Ahmad were in place since 5th March 2009.

4.3 The premise was subject to a previous review, brought by the Licensing Authority, which was heard by the Licensing Sub Committee on 12th May 2016. The decision was made to suspend the licence for three months and to remove the Designated Premises Supervisor. For members benefit the minutes of this meeting are contained in the review application (Exhibit B of Appendix 1).

4.4 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 4**.

5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because representations have been received from the following;

Responsible Authorities/other persons	Appendix
Mr Raju Ahmed (Nazrul Restaurant)	5
Kabir Hussain (Resident)	6
Azmal Hussain (Preem Restaurant)	7
Ibrahim Hoque (Resident)	8
David Cunningham (Resident)	9
Ed & Sarah Jenkins (Resident)	10

5.2 Members should note that the licensing authority received representations from two local businesses which were initially accepted. However, both businesses have since advised the licensing authority that their letters were sent in fraudulently from unknown sources. A Licensing Officer has visited both of the businesses to verify the identity

of the person making the representation and therefore these fraudulent representations are not included in this report.

- 5.3 In light of the above, the Licensing Officer sent letters to all the businesses and residents asking them to confirm that they had in fact made their original representation. All have now replied to confirm that this is the case, except Ibrahim Hoque (Appendix 8). A further letter was sent on the 13th June 2017 to advise him that Members will consider this when they attach weight to his representation (no response has been received).
- 5.4 On the 6th September 2017, the Licensing Officer wrote to all those who made a representation to update them with the following information:
- a) *Since the review was triggered on the 16th January 2017, a number of elements to the review have since occurred.*
 - b) *We received other representations (from other persons) which have transpired to be made fraudulently against the premises.*
 - c) *A transfer was submitted on 10th May 2017 to Mohammed Foez AHMAD and therefore Mrs Azirun NESSA and Mr Mohammed Jubar AHMAD are no longer the licence holders.*
 - d) *The Council has withdrawn the prosecution for the Licensing Act 2003 Section 136 offence, on 12th August 2016, following Counsel advice.*
 - e) *In light of the above, the Licensing Authority also withdrew the representations for review.*
 - f) *In addition, the Police Licensing also withdrew their review due to the lack of evidence following the successful appeal of the then manager regarding his conviction for assault.*
 - g) *The information contained in your representations is now old and I have noted that you did not attend the Licensing Sub-Committee hearing of 23rd August 2017 where you would have had an opportunity to amplify your representation.*
 - h) *In the circumstances, there will be no one to speak from a Licensing Authority and Police Licensing perspective. Therefore, you should consider your representation and the evidence you have submitted so far in terms of how much weight members may apply.*
 - a) *If you wish to continue with your representation, it would be wise for you to attend the Licensing Sub-Committee hearing scheduled for the 19th September 2017. Also, if you wish to expand on your representation the latest deadline for this is 6:30pm on the 18th September 2017.*

- 5.5 Mr Raju Ahmed (Nazrul Restaurant) was also advised that his injunction order application and claim for damages mentioned in his representation has been discontinued (according to legal advice) so any reference made to this should also be disregarded.
- 5.6 Azmal Hussain (Preem Restaurant) has submitted videos as part of his evidence. He was advised the following:
- a) *The video footages you submitted were viewed by the CCTV Manager and in conclusion, your video footage cannot be used as he has stated the following "the conditions in which these cameras have been pointed and used are in breach of a number of pieces of legislation around privacy and the use of CCTV, they are contravening the Data Protection Act and the business can be prosecuted for this. The recording of private conversations is very much not acceptable in the UK and whilst it is understood a premises may have CCTV to protect it's doors, windows and internal areas, the system must not be used to carry out surveillance of other areas, businesses, persons involved in these businesses".*
- 5.7 Similar video evidence were also submitted by Mr Raju Ahmed and Kabir Hussain. They were also advised that their video evidence could not be used for similar reasons. The witness statement of the CCTV Manager has been included as **Appendix 11** for Members information.
- 5.8 Essentially, the grounds of those making representations range from touting; illegal working; violent behaviour; unfit person to hold a licence. All of which meet one or more of the licensing objectives. Members will need to consider the weight of the evidence.
- 5.9 Only representations 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
- 5.10 In the view of the other persons and it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 12**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised March April 2017.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for other person or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has issued guidance about Crime and Disorder. **See Appendix 13**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 14**.
- 6.6 The home office issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 15**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 16**.
- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 6.9 Other persons or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Health & Safety & Licensing Manager is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 **Review Advertisement**

- 7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 7.3 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 12**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

8.5 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.

9.0 Legal Comments

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

10.0 Finance Comments

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Licensing Authority withdrawal of representation and a copy of the review application
Appendix 2	Police representations withdrawn
Appendix 3	Copy of existing licence
Appendix 4	Maps of the premises and surrounding area
Appendix 5	Representations from Mr Raju Ahmed (Nazrul Restaurant)
Appendix 6	Representations from Kabir Hussain
Appendix 7	Representation of Azmal Hussain (Preem Restaurant)
Appendix 8	Representation of Ibrahim Hoque
Appendix 9	Representation of David Cunningham
Appendix 10	Representation of Ed & Sarah Jenkin
Appendix 11	Witness statement of CCTV Manager
Appendix 12	Guidance issued under Section 182 by the Home Office for reviews
Appendix 13	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 14	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 15	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 16	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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Appendix 1

Communities, Localities & Culture
Safer Communities

Environmental Health and Trading Standards
David Tolley

London Borough Tower Hamlets
Licensing Authority

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

11th August 2017

My reference: TSS/LIC/97893

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Kathy Driver**
Email [REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003
Re: Curry Bazaar, 77 Brick Lane, London E16QL

I am writing in my capacity of Licensing Authority in relation to the review I triggered in relation to the above premises.

Since the review was triggered, 16th January 2017, a number of elements to the review has since occurred.

A transfer was submitted on 10th May 2017 to Mohammed Foez AHMAD and therefore Mrs Azirun NESSA and Mr Mohammed Jubar AHMAD are no longer the licence holders.

The Council has also withdrawn the prosecution for the Licensing Act 2003 Section 136 offence, on 12th August 2016, following Counsel advice.

In light of the above I withdraw my representations for review, however do stress that the premises is a family run business and the transferee is a member of the family. My original evidence suggested touting was occurring at the premises, albeit at a time when the licence was suspended. The only complaint recorded since the transfer is a complaint of touting and an allegation that the tout offered drugs, received on 21st July 2017. I do expect the new licence holder to abide by the conditions of the licence and that the management of the premises is vastly improved.

Yours sincerely,

[REDACTED]
Kathy Driver
Principal Licensing Officer



This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Service, John Onslow House, 1 Ewart Place, London E3 5EQ

Application for the review of a premises licence or club premises certificate 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 **Kathy Driver, on behalf of the Licensing Authority**, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Curry Bazaar, 77 Brick Lane	
Post town London	Post code E1 6QL

Name of premises licence holder or club holding club premises certificate (if known)

Mrs Azirun Nessa & Mr Mohammad Jubar Ahmad

Number of premises licence or club premises certificate (if known)

16132

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname

N/a

First names

N/a

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

N/a

Post Town

N/a

Postcode

N/a

Daytime contact telephone number

E-mail address (optional)

N/a

(B) DETAILS OF OTHER APPLICANT

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

Surname

N/a

First names

/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

N/a

Post Town

N/a

Postcode

N/a

Daytime contact telephone number

N/a

E-mail address (optional)

N/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Kathy Driver
Licensing Authority
London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

Telephone number (if any)

[REDACTED]

E-mail (optional)

[REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

Please refer to the attached document.

Please provide as much information as possible to support the application (please read guidance note 2)

Please refer to the attached document.

Please tick ? yes

Have you made an application for review relating to this premises before

X

If yes please state the date of that application

Day		Month		Year			
1	5	1	2	2	0	1	5

If you have made representations before relating to this premises please state what they were and when you made them

Yes, please refer to the attached document.

Please tick yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

X

I understand that if I do not comply with the above requirements my application will be rejected

X

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date: 16th January 2017

Capacity: Principal Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

London Borough of Tower Hamlets

CURRY BAZAAR – 77 BRICK LANE, LONDON, E1 6QL

Licence No **16132** (License Holders: Mrs Azirun NESSA &
Mr Mohammad Jubar AHMAD)

Application for the Review of the Premises Licence under Section 51 of the
Licensing Act 2003

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

-
1. The Licensing Authority is designated a ‘responsible authority’ for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder and prevention of public nuisance objectives.
 2. The premises licence holders of **CURRY BAZAAR – 77 BRICK LANE, LONDON, E1 6QL** are Mrs Azirun NESSA & Mr Mohammad Jubar AHMAD of 131a Cannon Street Road, London, E1 2LX, they have been in place since 5th March 2009. Mohammed Abdul Kadir Ali is the Designated Premises Supervisor of the restaurant, who has been place since 5th August 2016. A copy of the current licence is attached as **Exhibit A**.
 3. A review was triggered on 15th December 2015 the premises was seen to have non-duty paid wines on the premises and breached conditions of their

licence. The Licensing Sub Committee held on 12th May 2016 made a decision to suspend the licence for 3 months and to remove the DPS (Mohammed Jubar Ahmed) see **Exhibit B** for minutes.

4. The suspension period began at 00:01 hours on 27th June 2016 to 23:59 on 27th September 2016.
5. On 5th August 2016 a new Designated Premises Supervisor was appointed, Mr. Mohammed Abdul Kadir Ali.
6. Despite the review made, this Authority have continued to receive complaints, On 11th May 2016 one complainant alleged their daughter was touted and offered a free bottle of wine and proceeded to be supply the wine despite being aged 16.
7. On 22nd June 2016 Trading Standards received a report for false advertising of awards, of which warnings were given under The Consumer Protection from Unfair Trading Regulations 2008 to remove the advertising. See **Exhibit C**.
8. During the suspension reports were being made of the premises selling alcohol and operating as late as 1am. (The supply of hot food should cease at 11pm) Reports were received on 30/6/16; 1/7/16; 5/7/16 and 21/7/16.
9. On Friday 1st July 2016 PC Perry attended the premises at around 23:28pm, the premises were open and had about 15 customers inside, several were drinking alcohol. PC Perry requested the CCTV however on returning on 3rd July 2016

PC Perry was informed the CCTV was not working. PC Perry was not able to obtain any CCTV footage.

10. On 9th July 2016 a visit was made during the suspension by two Police Officers, on arriving at the vicinity of the premises they were touted in by the premises, they were not served alcohol and sent next door to Bengal Village. Statement of the visit is attached as **Exhibit D**.

11. On 21st July 2016 this Licensing Authority received a complaint the premises were continuing to tout despite the suspension being place. Photographs were provided of which I exhibit some of those pictures. The pictures clearly show one member of staff at the premises actively obstructing people in the street as they walk by and pointing/escorting to the premises of which some enter and some walk away. Members should note that the licence was suspended therefore the touting conditions do not apply however the touting byelaw remains. It does show that the premises have no regard to its everyday management of the conditions of the licence. See **Exhibit E**.

12. On 12th August 2016 a test purchase of alcohol was made during the suspension period. Two officers attended to have meal and a drink at the premises, the two officers were supplied with their meal alongside a gin and tonic and a bottle of cobra beer, the officers then paid cash to the waiter of Curry Bazaar on the premises. A file for legal action has been forwarded to the Councils' Legal Department for proceedings. Statements are attached as restricted items. **Exhibit F**.

13. On 3rd September 2016 a report of a fight had been notified to the Licensing Authority involving Curry Bazaar and another restaurant on Brick Lane. Of which the information was forwarded to the Police Licensing Unit.

14. It is the opinion of this Licensing Authority that the licensees have no regard to meeting the licensing objectives, the premises continues to knowingly tout and despite the review and suspension have potentially undertaken unlicensed activity during that suspension. Clearly the licensees have not taken the process serious enough to improve the management of the premises. Taking into account the history of the premises and the premises have already been suspended, I believe that the Committee should consider the revocation of the licence.

Kathy Driver

Principal Licensing Officer

EXHIBIT A

**(Curry Bazaar)
77 Brick Lane
London
E1 6QL**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 20th September 2005

Amended review 13/9/12
Amended review 12/5/16



Part A - Format of premises licence

Premises licence number

16132

Part 1 - Premises details

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

77 Brick Lane

Post town

London

Post code

E1 6QL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until midnight
Friday and Saturday from 11:00 hours until 02:00 hours the following day.

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

For provision of Late Night Refreshment:

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until midnight
Friday and Saturday from 11:00 hours until 02:00 hours the following day.

The opening hours of the premises

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until 00:30 hours the following day

Friday and Saturday from 11:00 hours until 02:30 hours the following day.

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

On sales only

Part 2

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

Mrs Azirun Nessa & Mr Mohammad Jubar Ahmad

[REDACTED]

[REDACTED]

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

Muhammad Abdul Kadir Ali

[REDACTED]

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

Personal Licence no. [REDACTED]

Issuing Authority: [REDACTED]

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

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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

1. No person shall be employed to solicit for custom or be permitted to solicit for custom or business for the premises in any public place within a 500metre radius of the premises;
2. Clear signage is to be placed in the restaurant windows stating that the premises supports the Council's No Touting policy
3. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
4. The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - a. Seller's name and address
 - b. Seller's company details, if applicable
 - c. Seller's VAT details, if applicable
 - d. Vehicle registration detail, if applicable
5. Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

6. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.
7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the 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 31days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31day period.
8. 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 is 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.
9. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
10. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

Annex 4 - Plans

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

19th July 2005



Part B - Premises licence summary

Premises licence number

16132

Premises details

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

77 Brick Lane

Post town

London

Post code

E1 6QL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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


<p>The times the licence authorises the carrying out of licensable activities</p>	<p>Sunday to Thursday from 11:00 hours until midnight Friday and Saturday from 11:00 hours until 02:00 hours the following day.</p> <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>
<p>The opening hours of the premises</p>	<p>Sunday to Thursday from 11:00 hours until 00:30 hours the following day</p> <p>Friday and Saturday from 11:00 hours until 02:30 hours the following day.</p> <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>
<p>Name, (registered) address of holder of premises licence</p>	<p>Mrs Azirun Nessa & Mr Mohammad Jubar Ahmad</p> 
<p>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</p>	<p>On sales only</p>
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	<p>N/A</p>
<p>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol</p>	<p>Muhammad Abdul Kadir Ali</p>
<p>State whether access to the premises by children is restricted or prohibited</p>	<p>No restrictions</p>

EXHIBIT B

LICENSING SUB COMMITTEE, 12/05/2016

SECTION ONE (UNRESTRICTED)

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.05 P.M. ON THURSDAY, 12 MAY 2016

C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG

Members Present:

Councillor Peter Golds (Chair)
Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Other Councillors Present:

Apologies

None

Officers Present:

Mohshin Ali	– Licensing Officer
Victoria Fowler	– Legal Advisor
Simmi Yesmin	– Senior Committee Services Officer
Antonella Burgio	– Committee Services Officer

Applicants In Attendance:

Anthony Edwards	Legal Representative (Curry Bazaar)
M J Ahmad	DPS (Curry Bazaar)
Peter Mayhew	Licensing Agent (Trieu Nails)
Anh Dong Trieu	Applicant (Trieu Nails)

Objectors In Attendance:

Andrew Heron	Licensing Authority (Curry Bazaar)
PC Alan Cruickshank	Metropolitan Police (Curry Bazaar)
PC Mark Perry	Metropolitan Police (Curry Bazaar)
WPS Williams	Metropolitan Police (Curry Bazaar)
Ms C Phillips	Resident (Trieu Nails)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Khaled Ahmed declared an interest on item 4.1, Application for a Review of the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL on the basis that he had received telephone calls relating to the application, however he confirmed that he had not discussed the application prior to the hearing.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 10 and 22 March 2016 and on 5 and 19 April were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL**

The Chair opened the hearing and confirmed the identities of all individuals who had attended to make representations relating to this review of a premises licence.

Making representations in support of the review was as:

A Heron, Licensing Authority,
PC A Cruickshank, Metropolitan Police,
PC M Perry Metropolitan Police and
WPS Williams Metropolitan Police.

Making representations in support of the premises holder was:

Mr A Edwards, legal representative and
Mr M J Ahmad (Owner and DPS.of Curry Bazaar)

At the Chair's invitation, Licensing Officer, Mr Ali introduced the report which requested the Sub-committee to determine a review of a licence for Curry Bazaar, 77, Brick Lane, London E1 6QL on grounds relating to the licensing objectives of

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

Mr Ali outlined the contents of the report and confirmed that two supplements containing additional information supplied by the Licensing Authority had been circulated to all parties.

The Chair invited the applicants: the Licensing Authority and Metropolitan Police to make their representations. They requested a revocation of the premises licence on the basis of the following issues:

The Licensing Authority submitted that the licence holder had failed to preserve the licensing objectives of prevention of public nuisance and prevention of crime and disorder by purposely failing to adhere to the conditions added to the premises licence after a review in 2012. Other serious matters were also reported:

- there were persistent allegations of underage sales at the premises
- in October 2015, during a series of joint enforcement operations by licensing authority and metropolitan police, counterfeit non-duty paid wines were found being removed from the premises,
- officers involved in the joint operations had been touted with offers of a meal and drinks
- the licence was not correctly displayed at the premises
- complaints about aggressive touting had been received on two occasions in 2015,
- in June 2015, the premises had been trading beyond their permitted licensed hours

Mr Heron argued that the licence holder had a history of persistent non-compliance which indicated that there was no intention to uphold the licensing objectives and the terms of the licence.

The Metropolitan Police represented by Police Officers A Cruikshank, M Perry and PS Williams submitted the premises license holder had persistently failed to uphold the licensing objectives on the basis of the following evidence and requested that the subcommittee revoke the premises licence.

- seizure of 72 bottles of non-duty-paid wine in October 2015, suggesting that wine had been sold illegally at the restaurant
- on 1 October 2015 Mr MJ Ahmad had been found touting outside the premises
- two women police officers attended to investigate an alleged assault on Sunday, 15 November 2015 and during this time received intimidating behaviour and extreme verbal abuse from a number of Asian males outside the premises; these were believed to be suspects in the alleged assault. The foul language and behaviour was directed particularly to WPS Williams.
- Police request of CCTV evidence from the premises relating to the alleged assault which has never been supplied.
- a third incident at the premises attended by WPS Williams at which a person on the premises was found to smell of cannabis. This person identified himself as MJ Ahmad) to the officer and behaved threateningly towards her.

Submissions in defence were then made by legal representative Mr A Edwards on behalf of Mr M J Ahmad the premises license holder.

Mr Edwards acknowledged that that he had spent time mediating with Mr MJ Ahmad to convey that disorderly conduct was unacceptable in all cases. However the circumstances of the business were that the owners felt that the business was under attack when Police attended the premises. He also submitted the following arguments:

- the reported behaviour towards police officers could not be extrapolated to imply that customers at the premises would be treated in the same way

- anonymised complaints circulated by the responsible authorities as evidence were of poor quality and Mr Edwards asked the subcommittee to dismiss these.
- the operation of the restaurant is adequate and acceptable but the business was under stress
- the licence holder has admitted to purchasing wine without duty, However this occurred on one occasion only and the licence holder acknowledges that this behaviour was unwise
- no staff member had smoked cannabis at the premises. The Licence holder could not control the use of these substances outside of working hours
- the licence holder would accept the addition of up to date conditions relating to CCTV on the premises as part of the licence conditions
- the underlying issue relating to the premises was that of touting and there had been no breach since September 2012. Touts were not his employees but members of the family.
- the alleged assault happened outside of the premises and there was no evidence that it related to the premises
- the relevant incidents reported and which have a bearing on the licensing objectives are not sufficient to warrant a revocation.

Mr Edwards offered that the DPS could be removed and advised he had already made efforts over a number to implement the change of the DPS. However there had been delays in processing applications for personal licenses at the local authority.

The complainants and the defendants then answered questions from the Subcommittee at which time the following information was provided:

The Police confirmed that the incident involving bad language and threatening behaviour had not resulted in the arrest of the perpetrator because this matter was minor in comparison to the matter for which the police had been called out to the premises. Additionally Section 5 legislation did not go very far when the bad language is directed at police as this is something which is expected as part of the role

Defendant Mr MJ Ahmed submitted that he had not used bad language towards the female police officers and that it had been members of the public outside of his premises, (not inside) that had caused the incident. Mr Edward submitted there was no complaint around behaviour associated with alcohol which suggested that the incident had not concerned activities connected with the restaurant.

PC M Perry clarified and WPS Williams confirmed that the Mr MJ Ahmad, who was present (and had identified himself as the licence holder and DPS to the Sub-committee) was not the person who had been abusive towards WPS Williams and her colleague during the incident offered as evidence. However WPS Williams confirmed that the individual who had been found with cannabis on his person and who had presented himself as Mr Moahammed Ahmad was actually the person who presented himself here today. It is

therefore the belief of the police that the person who said he was Mr MJ Ahmed at the time the cannabis found was not in fact Mr MJ Ahmed as he had said at the time and it is possible that the person found with cannabis was Mr MJ Ahmed.

The meeting briefly adjourned at 2.40pm and resumed at 2:42pm during which time the Sub-committee considered whether it would accept the identity, of the attendee purporting to be Mr MJ Ahmed. The Sub-committee agreed to accept that Mr MJ Ahmad was the true DPS and noted that impersonation was a matter for the Police. The Sub-committee also felt this was a very serious matter which strongly indicated a lack of adequate management at the premises. Mr MJ Ahmed provided identification to confirm his identity.

Mr Heron confirmed that there had been a report of touting alcohol on the street and then sales to underage customers inside the premises; this evidence was not connected to a test purchase. Mr MJ Ahmed disputed that he would undertake such activity as he was a father of young children and had younger siblings who worked with him.

Following the discussion, the parties summed up their representations. Mr Edwards asked the Sub-committee, to consider the matters which had been admitted by the premises licence holder and submitted that most of the information offered as evidence was unreliable; the statement would not carry weight because the issue reported did not relate to the restaurant. Furthermore the incidents reported could not be tied with the operation of the business.

The responsible authorities made closing statements informing the Sub-committee that:

The incidents reported had not taken place as part of any exercise specifically directed towards the premises but had occurred as part of routine enforcement exercises

WPS Williams confirmed that it was a member of Mr Ahmad's staff who had directed abusive language towards her. PC M Perry highlighted that since there were two people in the premises who had identified themselves as the DPS, identities were being swapped. Someone from the premises had been found in possession of cannabis. There was abuse towards a police officer although from a person associated with the premises although not the defendant present at the meeting. Notwithstanding this, Mr MJ Ahmed nonetheless could not argue that he was innocent and other matters relating to the premises. A change of the DPS as a single remedy, in their view, was insufficient to address the crime and disorder issues at the premises as Mr MJ Ahmed would still have a controlling influence of the running of the business as he is still the owner..

The Sub-committee retired to consider its decision at 2:57 pm and the meeting was reconvened at 3:20 pm.

The Chair summarised the subcommittee's decision in the presence of the parties and advised that a full written decision would be circulated to all under normal procedures.

The hearing ended at 3.48 pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the representations made on behalf of the Responsible Authorities and also heard from the Premises Licence Holder and his Legal Representative.

Members expressed concerns about the number of incidents of crime and disorder relating to the premises especially relating to the purchase of non-duty paid wines, numerous incidents of touting and breaching the touting conditions on the licence. Members were also appalled by the behaviour and conduct by the staff of Curry Bazaar towards Police Officers; specifically noting the use of unacceptable and crude language.

Members were also concerned about the mis-management of the premises and the lack of management controls in place. Members were not satisfied that Mr M J Ahmad would be able to promote the licensing objectives by remaining as the DPS. It was clear that there had been blatant disregard to the existing license conditions by Mr M J Ahmad.

Members were of the view that only adding conditions to a licence would not assist in the promotion of the licensing objectives and due to the lack of management control Members believed that a period of suspension was necessary and proportionate and would allow time for the business to get back in order. Members were made aware by Mr M J Ahmad's legal representative that Curry Bazaar is in the process of appointing a new DPS for the premises. The view of the Members is that the suspension will allow enough time for this to be achieved and for the new management regime to take effect before the licence is re-instated.

In considering their decision Members gave regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder in particular para 2.5 which considers whether the removal of the DPS would be appropriate. The guidance states that 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 the particular premises, poor management competency could give rise to issues of crime and disorder and public safety. It is the view of the

Members that on the balance of probability the poor management of Curry Bazaar has given rise and will continue to give rise to issues of crime and disorder and public safety.

Therefore considering all of the above, Members decided to grant the review application in part by imposing a period of suspension and conditions

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Curry Bazaar, 77 Brick Lane, London E1 6QL be **GRANTED in part.**

Suspension

A period of 3 month suspension
(To be effective after the 21 days allowed for right of appeal)

Removal of Designated Premises Supervisor

The removal of Mr Mohammed Jubar Ahmed as Designated Premises Supervisor.

Conditions

1. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
2. The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration detail, if applicable
3. Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
4. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the 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 preceding 31 day period.

6. 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 is 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.
7. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

4.2 Application for a New Premises Licence for Trieu Nails London Limited - 105 Roman Road, London, E2 0QN

The Chair opened the hearing at 3:41 pm and invited Mr M Ali, Licensing Officer to present his report which concerned a new application for premises licence for the on sales of alcohol in accordance with the operating schedule at appendix 1. The hearing was required under the Licensing Act 2003 because representations had been made by six local residents as detailed in section 5.8 of the report. The Sub-committee was informed that additional information from the applicant had been circulated as a supplement at appendix 12.

The Chair confirmed that the following relevant parties were present:

Ms Anh Dong Trieu, applicant and Mr P Mayhew, licensing agent for the applicant.

Ms C Phillips, a local resident representing herself and Mr N Phillips as interested parties.

The Chair invited representations on behalf of the applicant and Mr Mayhew made the following submission:

- the purpose of the application was to enable the owner to enhance the primary business of the premises which was beauty treatments (nails and waxing) and to attract a higher-end clientele by offering a glass of wine or Prosecco during a beauty treatment.
- the business was small employing four staff and treatments were expected to take around an hour. The hours of operation were 10.00 am to 9.00 pm.
- the owner was also looking to offer this activity to small female groups/parties interested in such high-end offers before going onward to other venues
- the aim of the business was to provide a venue where individuals/small parties could enter and be pampered
- the operation was small and presented a low licensing risk
- the representations made were not relevant to the licensing objectives as there would be no change to the primary business
- the applicant had also offered conditions outlined in appendix 12 which would normally be seen for much larger premises
- it was not the owner's intention to hold large parties. But should the necessity arise the owner intended to apply for a temporary event notice
- there had been no representations from responsible authorities against the application

The Chair invited Ms Phillips to make her representations objecting to the application. She informed the subcommittee that she and Mr Phillip had owned a studio since 2014 which was part of the building where the premises operated. This was accessed via a door next the window of premises. She objected to the application on the following grounds:

- the leaseholder had not received any details of the intended change of use of the premises or the intended application of the premises holder
- The subcommittee noted that the primary business of the premises remained a nail bar)
- the application for premises licence was inconsistent with its use as a nail bar
- the premises had been refurbished and now resembles a private club rather than a nail bar, this suggested a licensed premises with beauty treatments as an ancillary offer
- she had concerns about crime caused by public who would be attracted by the offer of alcohol
- that the area was unsuitable for such activity as the premises were surrounded by doctors surgeries schools and faith buildings

- the Fire Service had not properly considered the fire risk that the premises would cause to the apartments which were part of the building
- the details of the application were not consistent with number of employees that would work at the premises
- the activities intended to be delivered at the premises were inconsistent with each other
- there was a large foot fall in the area which included many children

The parties responded to questions from the Sub-committee and the following information was provided:

- Mr Mayhew advised that it was expected that the premises would supply wines Prosecco and champagne classes of alcohol.
- although the appearance of the premises was a matter of dispute, the primary business remained a Nail Bar.
- the business/premises consisted of seven treatment stations and four staff
- it was not the applicant's intention to host hen parties but to provide nail treatments for small parties as part of an activity day.
- the premises consisted of seven treatment stations and four staff and were equipped to deal only with up to 10 clients at any one time
- it would not be possible to enter from the street and buy wine as this would only be offered as part of a treatment. The applicant was happy for this to be added as a condition of the licence

The Chair then invited to the parties to make their closing statements:

Ms Phillips submitted that alcohol was not a means of solving problems and that solutions should be sought elsewhere.

Mr Mayhew submitted that the application made more than addressed the requirements of the Licensing Act 2003

The Sub-committee retired at 4.05 pm to consider its decision and reconvened at 4.17 pm.

The Chair summarised the subcommittee's decision in the presence of the parties and advised that a full written decision would be circulated to all under normal procedures. The Chair noted that condition 14 should be removed from the schedule as this was covered by other legislation.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant and local resident present at the meeting.

Members welcomed the efforts made by the Applicant and the proposed conditions offered and with the additional conditions discussed at the meeting and accepted by the Applicant Members felt would alleviate the concerns of the local residents.

Therefore Members made a decision and the decision was unanimous. Members granted the application with additional conditions to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Trieu Nails London Ltd, 105 Roman Road, London E2 0QN be **GRANTED** with conditions.

Sale by retail of alcohol (on sales only)

Monday to Sunday from 10:00 hours to 21:00 hours

The opening hours of the premises

Monday to Sunday from 10:00 hours to 21:30 hours

Conditions

1. Appropriate induction training to be undertaken with all relevant staff to cover appropriate subjects for their role including:

- a. The responsible sale of alcohol.
- b. The prevention of under-age sales of alcohol, the Challenge 21 policy and in checking & authenticating accepted forms of identification.
- c. The responsibility to refuse the sale of alcohol to any person who is drunk.

2. The premises will maintain written reports and registers. These will be kept for a minimum of 12 months and made available to the police and any authorised officer of the licensing authority on request.

Records will be maintained of the following:

- a. Any complaint against the premises in respect of any of the licensing objectives
- b. Any crime reported at the premises
- c. Any illegal drug related incident
- d. A 'register of refusals' highlighting any refusal in the sale of age-restricted products; for any reason.

e. Any fault in the CCTV system

All written reports and registers will be regularly checked by the DPS.

3. The primary purpose of the business is as a salon and the sale of alcohol shall remain ancillary to the primary activities of a salon.

4. The premises shall maintain a CCTV system. The CCTV system shall continually record whilst the venue is open for licensable activities and / or when customers remain on the premises. All recordings shall be time & date stamped, maintained for a 31 day period and be made available to the Police or authorised officer of the licensing authority upon request. The CCTV system shall:

a. Cover all entry points used by the public.

b. Enable frontal identification of persons entering in any light condition.

c. Be maintained by a suitably qualified person.

5. Sufficient competent persons should be authorised by the premises licence holder to provide the Police with downloaded CCTV footage and / or images in an appropriate recorded format (usually to a disc or memory stick) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained by the police within 48 hours of a formal request being made.

6. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.

7. No drinks (alcoholic or soft) will be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.

8. An intruder alarm is installed.

9. No self-service of alcohol will be permitted at the premises.

10. No externally promoted events will be permitted at the premises; 'externally promoted events' are those which are promoted, managed and delivered by external promoters not affiliated to the Premises Licence holder.

11. Non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied on the premises.

12. A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:

a. Heat / Smoke detectors are installed and maintained by a competent person.

b. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.

c. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.

d. All emergency exits are marked on the premises plan.

13. Adequate & suitable first aid boxes will be maintained.
14. The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at the exit to the premises.
17. A Challenge 21 policy will be enforced, where any person reasonably looking under the age of 21 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
18. Recording Practices - A register of refusals will be maintained at the premises.
19. No unaccompanied children under 16 will be permitted into the premises at any time alcohol is being sold or supplied.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR COMMUNITY MUSIC EVENT AT WEAVERS FIELDS, VALLANCE ROAD, LONDON E2

This item was withdrawn by the Applicant.

The meeting ended at 4.25 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

EXHIBIT C

Kathy Driver

From: Nazir Ali
Sent: 14 October 2016 12:06
To: 'The Famous Curry Bazaar'
Subject: RE: Google advertising - The Famous Curry Bazaar - Chef of the Year 2016
Attachments: The Famous Curry Bazaar on 14-10-2016.pdf

Dear Mr Ahmed,

You have not complied with my previous request to remove Google advert showing you are the winner of the Chef of the Year 2016.

This is a criminal offence under The Consumer Protection from Unfair Trading Regulations 2008 and further legal action could now be taken against you.

Please remove this within the next 7 days of the date of this email to prevent further legal action being taken by Tower Hamlets Trading Standards. Please let me know when this matter is resolved.

Should you complaints against other businesses please email them to me or to

[REDACTED]

Please do not hesitate to contact me if you require any further information.

Regards,

Nazir Ali
Senior Trading Standards Officer (CIWM)

[REDACTED]

Postal Address:
Environmental Health & Trading Standards c/o Support Services John Onslow House
1 Ewart Place
London E3 5EQ

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

From: The Famous Curry Bazaar [REDACTED]
Sent: 29 July 2016 02:25
To: Nazir Ali
Subject: Re: Banners brick lane

Wasalam bro

How is that fair bro, you don't reply to my previous email yet you email me about a complaint you received. What about the complaint I gave you?

The Famous Curry Bazaar
77 Brick Lane
London
E1 6QL

> On 28 Jul 2016, at 6:21 pm, Nazir Ali [REDACTED] > wrote:
>
> Salaams,
>
> We have a complaint about your restaurant listed on Google search as the winner of the Chef of the Year 2016.

>
> If this is false, please remove it from Google Search.

>
> Regards

>
> Nazir Ali
> Senior Trading Standards Officer (CIWM) London Borough of Tower
> Hamlets C/O Support Services 6th Floor Town Hall Mulberry Place
> 5 Clove Crescent
> London E14 2BG

> [REDACTED]
>
>
>
> -----Original Message-----

> From: The Famous Curry Bazaar [REDACTED]
> Sent: 01 July 2016 13:24
> To: Nazir Ali
> Subject: Banners brick lane

>
> Salam bro hope you are well. Anyway when you came down you mentioned
> that you are going to go to other curry houses too and not just our
> one. But nothing has been done bro

>
> The Famous Curry Bazaar
> 77 Brick Lane
> London
> E1 6QL

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

>
> London Borough of Tower Hamlets E-Mail Disclaimer.

>
> This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

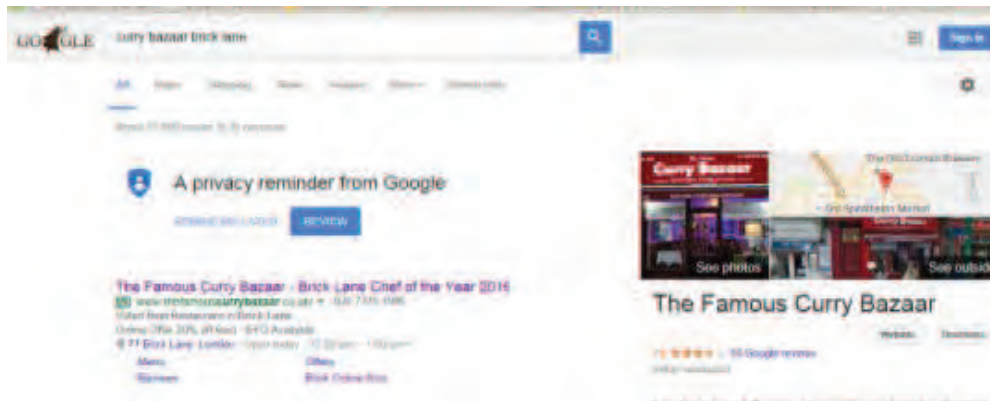
>
> If your request relates to a Freedom of Information enquiry, please
> resend this to [REDACTED]

> *****
> *****

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

> *****

Checked 14/10/2016 @11:45am



WITNESS STATEMENT **EXHIBIT D**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **A.Everitt**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 236239**

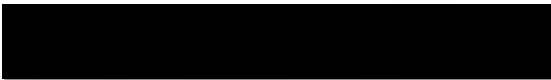
This statement (consisting of: **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 14/07/2016

Tick if witness evidence is visually recorded (supply witness details on rear)

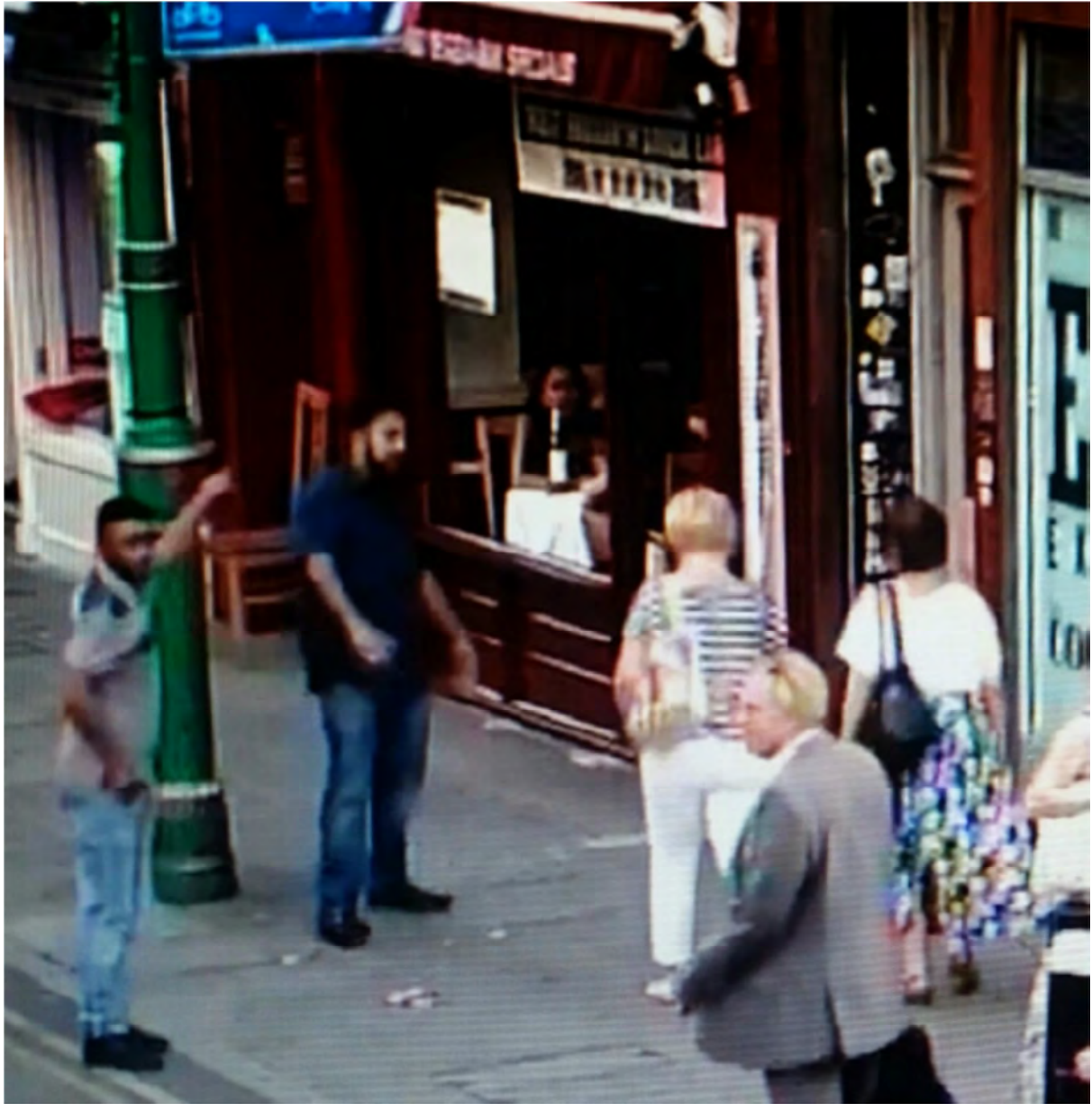
I am PC EVRITT 793HT attached to the Partnership Task Force based at BETHNAL GREEN Police Station. This statement refers to my involvement in a visit to a restaurant as requested by the Licencing Team in Tower Hamlets.

On SATURDAY the 9th of JULY 2016 at 2300pm on BRICK LANE, E1 I was in plain clothes on foot accompanied by PC TAYLOR 560HT, we walked up outside 'CURRY BAZAR' a curry house on BRICK LANE. As we approached the restaurant a young IC4 male with thick rimmed glasses asked us to if we would like some "good curry", we said yes and he showed us into the restaurant which we entered at 2305pm. He showed us to a two-seated table near the door. He went and spoke with an older IC4 male, whom I believed to be the manager, or at least the first male's senior. The older male then came and spoke to us both and said that they were no longer serving food and could we go to the restaurant next door. We got up and he showed us next door, which was a white restaurant named 'BENGAL VILLAGE' where he said he could provide us with hot food and alcoholic drinks. When we asked him why we couldn't eat in 'CURRY BAZAR' he explained he was having a 'battle' with the council regarding licences, but to come back soon and they would be open until late after three months. Whilst inside the restaurant I noticed at least four tables of people drinking alcohol and eating hot food at 2305pm, but I didn't see anyone being served. I would be able to identify both males if I saw them again.



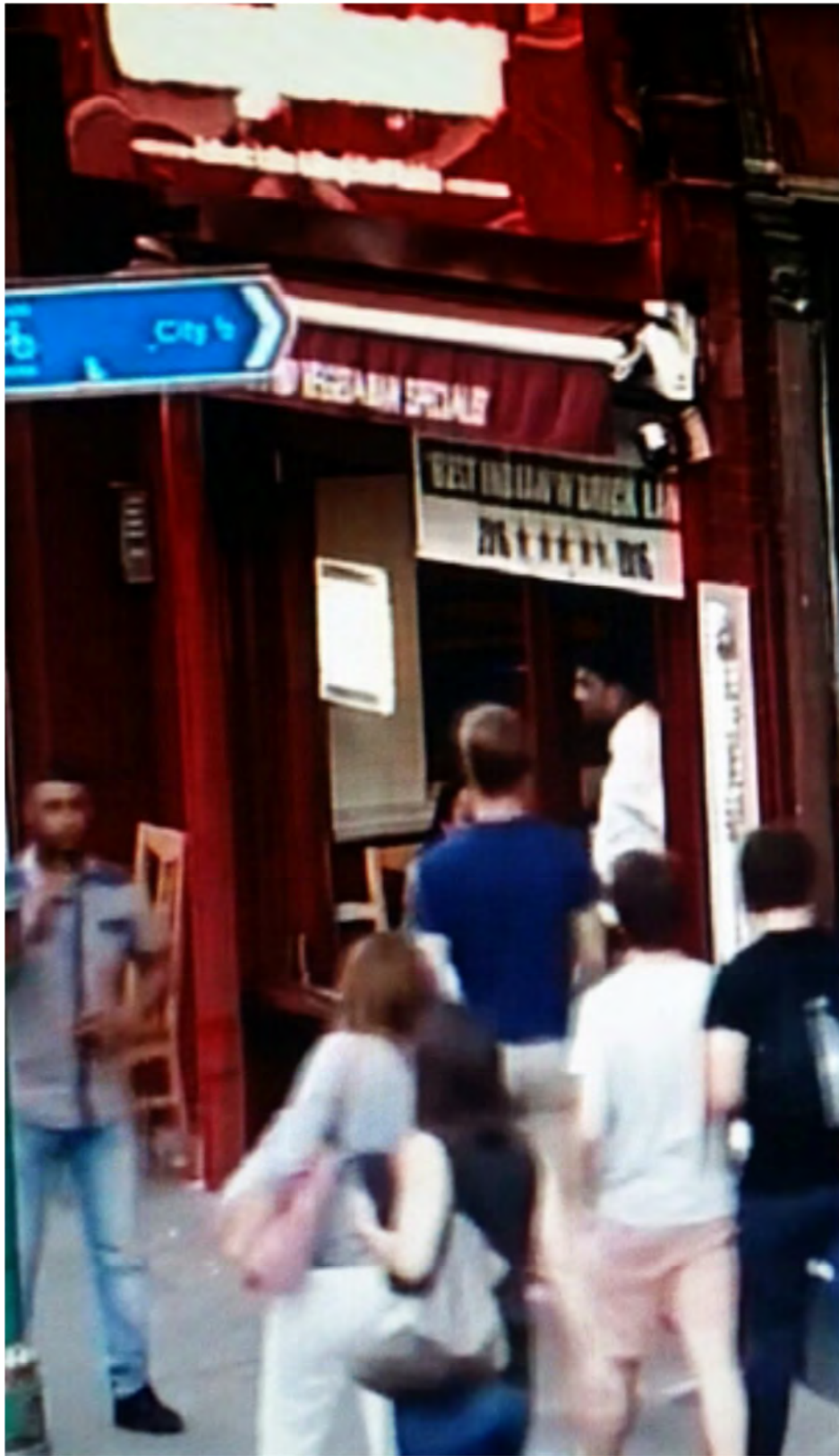
Signature:  witnessed by:

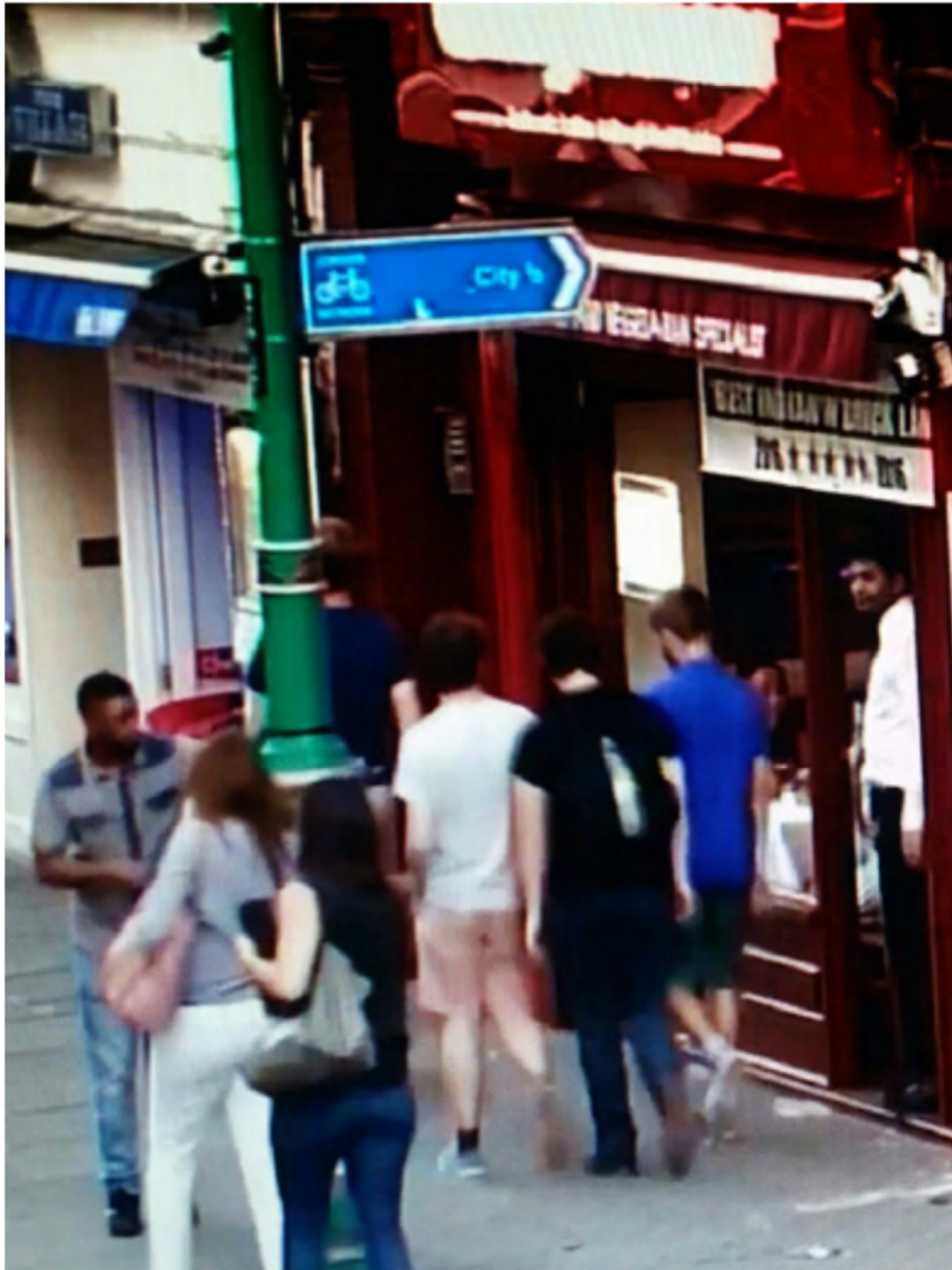
EXHIBIT E



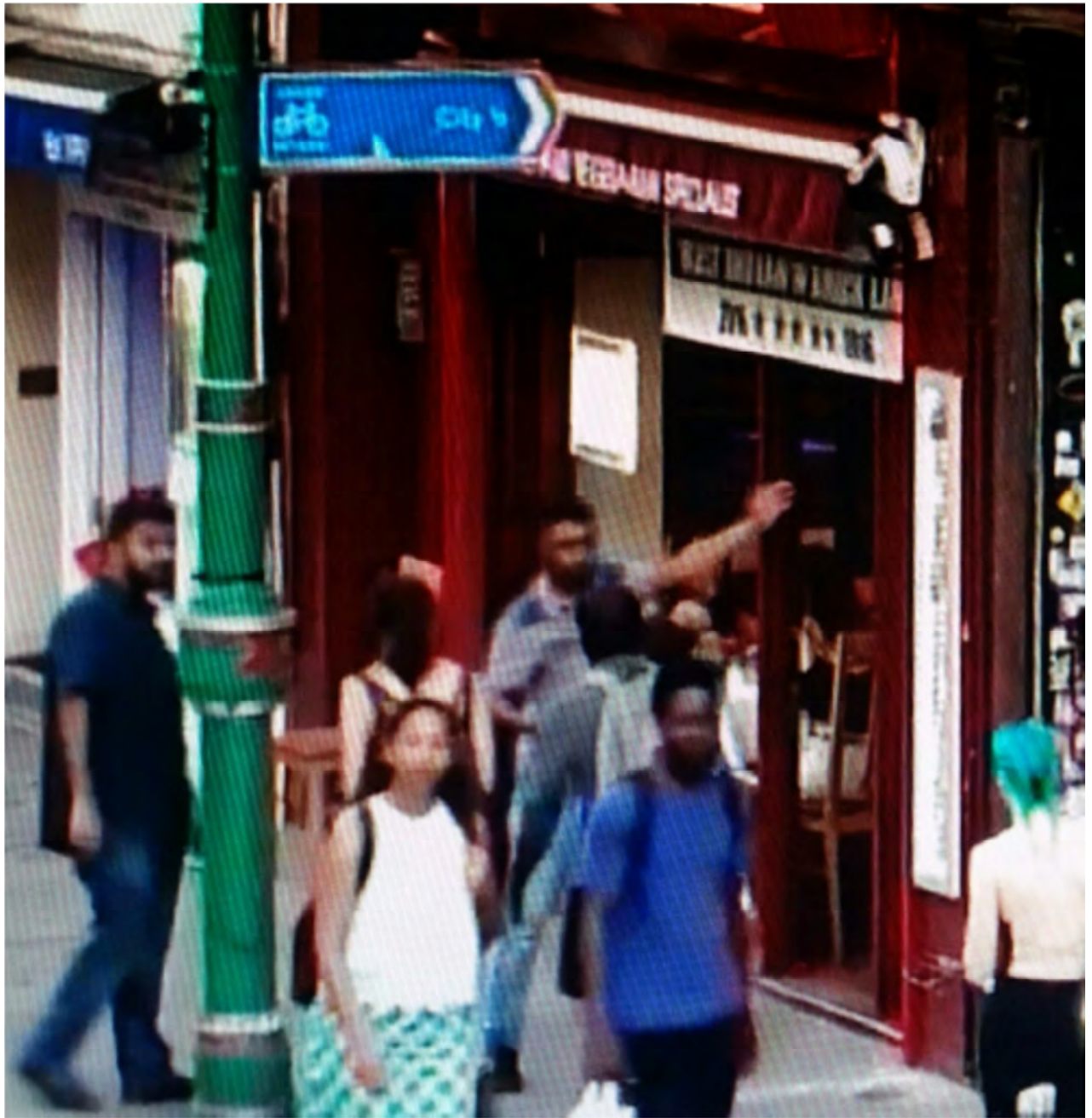




















RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

URN

Statement of: **Mick Smith**

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: **ASB Investigation Officer**

This statement (consisting of 2 of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:.....Date:..... 20/09/2016

I am the above named person. I am employed as an Anti-Social Behaviour Investigation Officer and have worked in local government for over 30 years.

My duties are to investigate complaints of anti social behaviour within the London Borough of Tower Hamlets. My current work address is 7th floor Mulberry Place, 5 Clove Crescent, London E14 2BG.

On Friday 12 August 2016, I was tasked by the licensing officer Damian Doherty to conduct a test purchase at **The Curry Bazaar, 77 Brick Lane, London E1 6QL** under the Licensing Act 2003 due to the premises license at The Curry Bazaar having been suspended.

At 19.00 hours on Friday 12 August 2016 I met with colleague Keith Crawford, from the Waste THEO team and Damian Doherty, licensing officer, at the junction of Brick Lane and Osborne Street.

I was given £40.00 (£20.00 and 2 x £10.00) by Damian Doherty to be used for the test purchase.

We were tasked to make our way towards The Curry Bazaar restaurant and to see if we would be approached and touted by any of the restaurant staff outside the premises. And specifically to ask if we would be served alcohol as the Licence had been suspended and the restaurant shouldn't be offering alcohol or hot food after 23:00 as these are licensable activities.

At approximately 19.35 hours Keith and I were approached by an Asian male outside The Curry Bazaar. He said they had special offers. He was of slim build with a beard, about 5ft 9inches and was wearing a baseball cap and dark clothing.

We were invited in to the restaurant and shown to a table on the right hand side of premises. We were given menus and I ordered a Meat Thali and a gin and tonic and Keith ordered a Chicken Curry with a bottle of beer.

Our waiter said he could not sell us any alcohol as he had a problem with his license. He was also of slim build and was wearing a black shirt and trousers with a red tie.

At this point both Keith and I went to leave the restaurant, however the waiter then said that he would buy the alcohol from the Off Licence next door and we could pay for it separately.

Both Keith and I agreed to this and the waiter went and bought one (1) bottle of Cobra beer and one (1) can of gin and tonic. He returned a few minutes later with the said items and presented me with a receipt for £5.79.

The receipt for the cost of the food ordered was £33.20 and so the total sum spent was £38.99. The bill was settled in full and I was given a receipt for the food as well. We both left the premises and

made our way back to Brick Lane where we met up with Damian Doherty and informed him of the facts.

I am willing to attend court if necessary.

Tick if witness evidence is visually recorded (*supply witness details on rear*)

Signature:..... Date:.....20/09/2016

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case

(Exclusion / ASBO / Restraining order) Tick box if required

Date of completion.....20/09/2016

RESTRICTED (when complete)**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of: KEITH CRAWFORD

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: LOCAL GOVERNMENT OFFICER.

This statement (consisting of 2 of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false.

Signature:..... Date:....20/09/2016.....

I AM THE ABOVE NAMED PERSON. I AM EMPLOYED AS A LOCAL GOVERNMENT OFFICER. I HAVE OVER 20 YEARS OF ENFORCEMENT EXPERIENCE RANGING FROM CENTRAL TO LOCAL GOVERNMENT.

MY DUTIES ARE TO PREVENT AND MONITOR ILLEGAL FLY TIPPING OF BUSINESS WASTE WITHIN THE LONDON BOROUGH OF TOWER HAMLETS. MY WORK ADDRESS IS 60, SOUTHERN GROVE, LONDON E3 4PN.

ON FRIDAY 12th AUGUST 2016 AS A RESULT OF INFORMATION RECEIVED FROM THE COUNCIL LICENSING SECTION BASED AT THE TOBY CLUB. VARDEN CLOSE E1 4UA.

I WAS TASKED BY THE LICENSING OFFICER MR DAMIAN DOHERTY TO CONDUCT A TEST PURCHASE AT THE CURRY BAZZAR. 77 BRICK LANE E1 6QL AS THE PREMISES LICENCE FOR CURRY BAZZAR HAD BEEN SUSPENDED UNDER THE LICENSING ACT 2003.

AT 19.00 HOURS ON FRIDAY 12th AUGUST 2016. MYSELF AND MY COLLEGAUE MR MICK SMITH FROM THE COUNCIL ANTI SOCIAL BEHAVIOUR (ASB) TEAM WAS MET BY MR DOHERTY (LICENSING OFFICER) AT BRICK LANE JUNCTION WITH OSBORN STREET E1. MR DOHERTY THEN PRODUCED ONE TWENTY POUND NOTE (£20.00) AND TWO TEN POUND NOTES (£10.00). THE TOTAL SUM BEING FORTY POUNDS (£40.00) WHICH WAS RECEIVED BY MR SMITH AND THE DETAILS RECORDED IN MR SMITH'S POCKET BOOK.

WE WERE TASKED TO WALK INTO BRICK LANE AND HEAD TOWARD THE CURRY BAZZAR TO ESTABLISH IF WE WOULD BE APPROACHED AND TOUTED IN BY THE RESTUARENT STAFF OUTSIDE THE PREMIES.

AT 19.35 WE WERE STOPPED BY AN ASIAN MALE OFFERING US SPECIAL OFFERS. I CAN DESCRIBE THIS MALE BEING ABOUT 5ft 9incs. SLIM BUILD, WEARING DARK CLOTHING, A BASEBALL CAP AND HAD A BEARD. NO VISIABLE SCARES OR MARKS. I WOULD RECONISE THE MALE AGAIN.

WE WERE INVITED IN AND UPON ENTRY INTO THE PREMISES. WE WERE SHOWN TO A TABLE TO SIT AT IN THE FAR RIGHT OF THE PREMISES UPON ENTRY.

WE WERE SHOWN A MENU AND STARTED TO ORDER OUR MEAL WITH ALCOHOLIC BEVERAGES. THE WAITER WHO I CAN DESCRIBE AS BEING OF ASIAN APPEARENCE, SLIM BUILD, WEARING A BLACK SHIRT, BLACK TROUSER AND A RED TIE. SAID, HE COULD NOT SELL US ANY ALCOHOL AS HE "HAD A BIG PROBLEM WITH HIS LICENCE."

MYSELF AND MR SMITH THEN WENT TO LEAVE AND THE WAITER THEN SAID," IF YOU GIVE ME THE MONEY. I CAN GO NEXT DOOR TO THE OFF LICENCE AND BUY YOU THE DRINKS." MYSELF AND MR SMITH AGREED TO THIS. I ORDERED A BOTTLE OF CORBRA BEER. MR SMITH ORDERED A OF GIN & TONIC.

MR SMITH GAVE THE WAITER THE MONEY AND THE WAITER RETURNED A FEW MINUTES LATER WITH ONE BOTTLE OF BEER AND ONE GREEN CAN OF GIN & TONIC AND THE RECEIPT FOR THE PURCHASE WAS THEN GIVEN TO MR SMITH. THE TOTAL SUM OF FIVE POUND & SEVENTY NINE PENCE. (£5.79).

WE THEN ORDERED OUR MEAL AND THE TOTAL SUM FOR THE MEAL WAS THIRTY THREE POUNDS & TWENTY PENCE. (£33.20) EXCLUSIVE OF THE BERERAGES. TOTAL SUM SPENT THIRTY EIGHT POUNDS & NINETY NINE PENCE. (£38.99) TO INCLUDE THE ALCOHOL.

THE BILL WAS SETTLED IN FULL AND A RECEIPT WAS RECEIVED FOR EACH TRANSACTION AND WE BOTH LEFT THE PREMISES AND MADE OUR WAY BACK TO BRICK LANE AND WE WERE MET BY MR DOHERTY.

THE FACTS WERE RELAYED TO MR DOHERTY AND POCKET BOOK ENTRIES MADE REGARDING THE FACTS. I AM WILLING TO ATTEND COURT IF NECESSARY.

Signature:..........Date:..... 20/09/2016.....

Tick if witness evidence is visually recorded (supply witness details on rear)

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case

(Exclusion / ASBO / Restraining order) Tick box if required

Date of completion.....20/09/2016.....

Appendix 2

Mohshin Ali

From: MARK.J.Perry [REDACTED]
Sent: 16 August 2017 13:23
To: Mohshin Ali; Kathy Driver
Subject: Curry Bazaar

Hi,

From Chief Inspector Kirby please drop the review of Curry Bazaar from MET Police owing to the lack of evidence following the successful appeal of the then manager regarding his conviction for assault.

Regards

Mark

PC Mark Perry
Police Licensing Officer
Toby Club
Vawdry Close
E1 4UA

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Appendix 3

**(Curry Bazaar)
77 Brick Lane
London
E1 6QL**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 20th September 2005

Amended review 13/9/12
Amended review 12/5/16



Part A - Format of premises licence

Premises licence number

26010

Part 1 - Premises details

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

77 Brick Lane

Post town

London

Post code

E1 6QL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until midnight
Friday and Saturday from 11:00 hours until 02:00 hours the following day.

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

For provision of Late Night Refreshment:

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until midnight
Friday and Saturday from 11:00 hours until 02:00 hours the following day.

The opening hours of the premises

Sunday, Monday, Tuesday, Wednesday, Thursday from 11:00 hours until 00:30 hours the following day

Friday and Saturday from 11:00 hours until 02:30 hours the following day.

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

On sales only

Part 2

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

Mohammad Foez Ahmad



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

Muhammad Abdul Kadir Ali



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

Personal Licence no. 
Issuing Authority: 

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price

- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

1. No person shall be employed to solicit for custom or be permitted to solicit for custom or business for the premises in any public place within a 500metre radius of the premises;
2. Clear signage is to be placed in the restaurant windows stating that the premises supports the Council's No Touting policy
3. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
4. The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - a. Seller's name and address
 - b. Seller's company details, if applicable
 - c. Seller's VAT details, if applicable
 - d. Vehicle registration detail, if applicable
5. Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
6. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.
7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the 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 31days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31day period.
8. 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 is 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.

9. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
10. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

Annex 4 - Plans

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

19th July 2005

Part B - Premises licence summary

Premises licence number

26010

Premises details

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

77 Brick Lane

Post town

London

Post code

E1 6QL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday from 11:00 hours until midnight
Friday and Saturday from 11:00 hours until 02:00 hours the following day.

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The opening hours of the premises

Sunday to Thursday from 11:00 hours until 00:30 hours the following day

Friday and Saturday from 11:00 hours until 02:30 hours the following day.
On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Name, (registered) address of holder of premises licence

Mohammad Foez Ahmad



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

On sales only

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

N/A

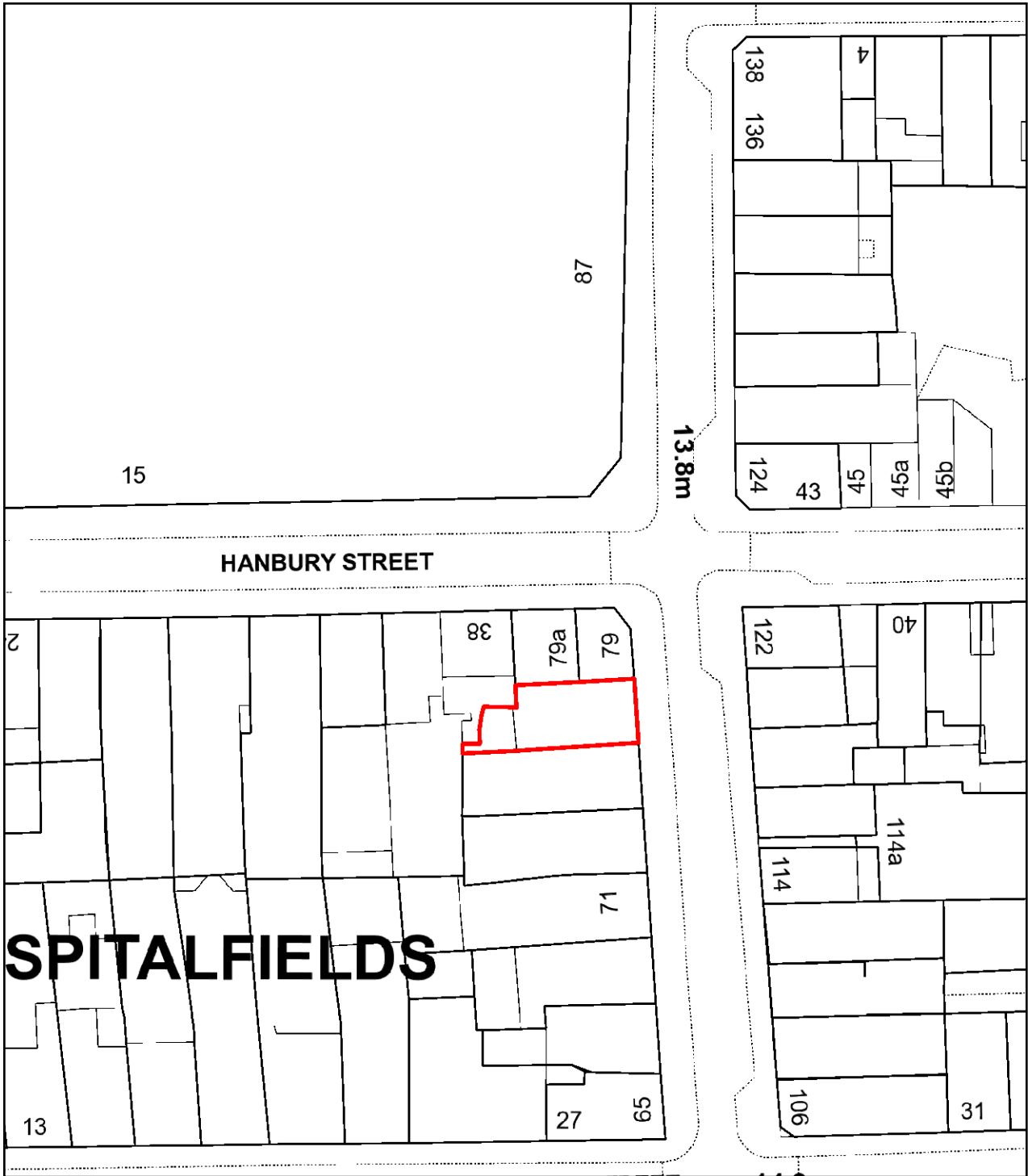
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Muhammad Abdul Kadir Ali

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

No restrictions

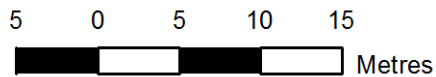
Appendix 4



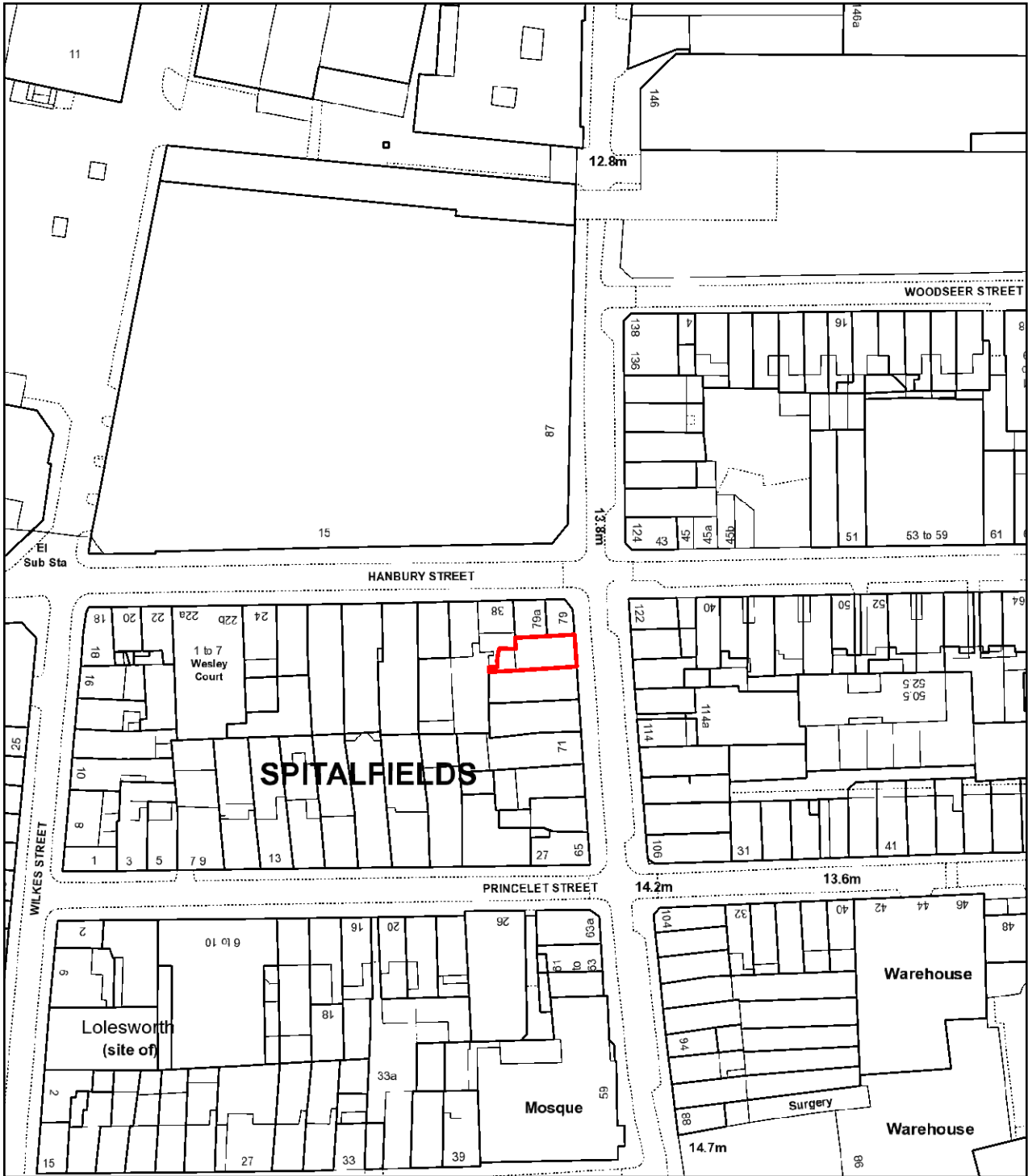
BrickLane77.02



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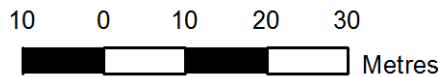
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Appendix 5

JASMINE Brick Lane Ltd



19th May 2017

Re: Review of Premises License for Curry Bazaar, 77 Brick Lane, London E1 6QL

Dear Mohshin Ali

In regards to my representations for the above premises made via letters from Nazrul Restaurant and emails via [REDACTED] I write to advise that I stand by all my representations and they are all true and made by me. Should you need any further information than please write to me or call me on [REDACTED]

Regards



Raju Ahmed



Mohshin Ali

From: jasmine brick lane <[REDACTED]>
Sent: 26 April 2017 14:59
To: alan.d.cruickshank [REDACTED]; Licensing
Subject: Re: Incident with Curry Bazaar Restaurant

Re: Mr Rasel from Curry Bazaar

Dear Alan and Tower Hamlets License Team,

I am writing this email to inform you all that even though i took much pain and costs in obtaining an injunction order against Mr Rasel of Curru bazaar Restaurant he continues to hassle me on a regular basis. All this because I provided CCTV footage to the Police regarding an incident in which he was the prime suspect. Last week he shouted across the road saying he will cut me up etc. Obviously such threats are daunting and for a regular guy like me to do business with such a threat in mind is difficult. I called 101 to report the incident then went to Bethnal Green Police Station with my witness and we both made a report regarding the matter. The injunction order I hold against him gives power of arrest should he not abide by it and so on the 19th he was arrested and taken in to custody.

This morning I recieved a call from the investigating officer who has now confirmed they have dropped the charge against him as my CCTV did not capture the incident properly. The officer on the phone mentioned that Mr Rasel in his recorded interview at the Police Station confirmed he was not shouting across the road threatening me but instead 'calling out for punters' in otherwords touting which is against his license conditions.

I will keep you all posted with regards to any new development.

Regards

Raju

On 17 Apr 2017, at 4:00 am, "[REDACTED]" wrote:

Re: Incident on 16th April 2017

Dear Alan

I write this email to update you on the incident that took place last night. Mr Rasel from The Curry Bazaar restaurant for no obvious reason when he saw me standing outside Jasmine Restaurant decided to walk closer towards me with his hands in his pocket indicating he has something inside and while standing across the street started to say in bengali that he will cut me up after his police case than casually walked away. I called 101 to report the incident (cad 7001/160417). I later went to Bethnal Green Police Station and reported the incident as Police were too busy to attend to the restuarant. Crime Incident Number: 4210261/17 (victim care card attached). The incident has been captured on my Cctv and there is also a witness to the incident who gave his statement at the Police Station.

What shocks me is that I still hold an Injunction Order against Mr Rasel with a Penal Notice that gives power of arrest and orders Mr Rasel to refrain from harrasing or intimidating me or my staff. The hearing for this is scheduled in June 2017. Even this order failed to prevent him from making threats. I am worried as he has a history of violence. I hope the Police can intervene before its too late.

Kind Regards

Raju

Mohshin Ali

From: jasmine brick lane [REDACTED]
Sent: 20 February 2017 04:12
To: Alan.D.Cruickshank [REDACTED]; Licensing; HT-LicensingOffice [REDACTED]
Subject: Curry Bazaar Incident

Follow Up Flag: Follow up
Flag Status: Completed

Re: CAD8153/18feb17

Re: Curry Bazaar, 77 Brick Lane.

Dear Alan Cruickshank and Licensing Team,

I write this email to update you on the events of last night. As you might be aware previously we have been under immense harrasment and intimidation from Brothers Jubar Ahmed and Rasel Ahmed from The Curry Bazaar Restaurant, 77 Brick Lane London E1. This all started when we gave our CCTV footage and witness statement to the Police to help the Police in their investigation about both the brothers violently attacking a member of staff of another neighbouring restaurant (crime reference number 224989/16; incident date 3rd Sep 16; dealt by DC Cabal). Since then the rollercoaster of violence against us from the brothers has been persistent because of the fact that we gave evidence against them. So much so that we reported the events several times to your respective teams. Eventually through collating evidence and various CCTV recordings we were able to get an injunction order against the brothers to stay away from us with our own expense. Even after the injunction order was issued Jubar Ahmed continued with violent threats which eventually led to his arrest (crime report: 01HT0517016).

Now that they cannot harras or intimidate me because of the injunction order the brothers have started to abuse, intimidate and harrass my staff members on a daily basis. Yesterday they found out that a member of my staff made representation towards them in their latest license review. This person previously worked for them but after issues to do with forced touting he left and joined another restaurant before coming to join us. The brothers saw him finish his work at midnight and then called the Police and made false allegations reporting that he shouted across the road and threatened them with violence. This person has a broken leg and walking in crutches at the moment. They reported the false allegation in hope to get him arrested and so that he spends time in Police cells. The Police who came to the scene kept my staff in the van while we humbly requested the officers to view our extensive CCTV recordings and so they did. It became apparent no such threat was made. A neighbour restaurant also came to our aid. Mr Azmol Hussain owner of Preem Restaurant which is directly opposite Curry Bazaar gave witness to say nothing like the said happened. His CCTV recording has visual and audio recording and covers all external areas of the neighbouring restaurants including our restaurant. After viewing his CCTV recording Police Officers were satisfied that no threats of violence was made. Both visual and audio recording showed no signs of violence or disorderly conduct was made from my staff towards the brothers. Police Officers immediely released my staff without any charge and took away copies of the premises license from the brothers at the Curry Bazaar Restaurant as well as mine.

Previously they made similar false allegations and got my staff arrested (custody record number 01ht/4665/16). That time my staff member was kept in custody until the Police Officers reviewed CCTV and found that he was innocent then they released him with No Further Action (NFA) after keeping him locked up in the Police Cells for over 15 hours. I wrote to you about that incident previously. They wasted valuable police time before and they did it again last night. They continue to deploy this ill tactic.

I write this email because they continue to call Police and make false allegations for no apparent reason. The level of intimidation by the brothers is increasing and their methods of intimidation is diversifying and continues despite the injunction order and the latest license review. Doing business near these people is becoming more like walking on fire. Already a few of my staff have given notices to leave because they believe they will become the next victims of these brothers callous acts. In a time of such staff crisis this is one that we can do without.

I write to ask for your help. Help me and other local businesses from such tyranny. Help us to do business peacefully. Help us from these brothers daily intimidation and harrasment. I leave the matter on your capable hands.

Regards
Raju Ahmed

[REDACTED]
[REDACTED]
[REDACTED]

Nazrul Restaurant



01.02.17

Re: Application for Review of Premises License for Curry Bazaar, 77 Brick Lane, London E1 6QL

Dear Sir

I am writing this letter to make a representation regarding the above application. I wish to express my feelings with regards to the above premises and how it has affected me and many restaurateurs and residents locally.

On the 3rd of September 2016 whilst the above premises were under a suspension period from a previous Review of Premises License for selling counterfeit goods and touting and violent conduct, owners Mr Jubar Ahmed and Mr Rasel Ahmed were involved in a vicious attack on an employee of a neighbouring restaurant over the issue of touting once again. Police attended the scene. One of our premises CCTV Cameras was facing towards the incident. Police Officers noticed the camera and approached us to assist with the footage we hold. According to our license conditions we must produce CCTV to responsible authority as and when required, so we complied and provided the CCTV recording we hold that captured the whole incident and the violent encounter. Mr Jubar Ahmed was arrested and Mr Rasel Ahmed went in to hiding.

Message went across to both the Brothers that we had provided CCTV recordings and things went down from there. On 7th September 2016 Mr Rasel while driving past his restaurant saw me on the side street and started verbally abusing me. Matter was reported to the officer in charge of the case for the violent attack above with a credible witness statement and I was advised that Mr Rasel will be charged with Witness Intimidation.

Mr Rasel was finally arrested and bailed and soon after returning to his restaurant both brothers were in a constant rampage with verbal abuse and threatening behaviour towards me and my brothers and my staff. So much so that death threats and other violent threats were constantly expressed and on several instances I reported the matter to Licensing Officers and Police Officers who kept advising to approach my daily affairs with caution. Several incidents had occurred and I started to keep a log of some of these events. Eventually I had

to seek for legal action with my own costs and upon successfully representing my case with evidence to the Judge at the Royal Courts of Justice, an Injunction Order was made against both brothers that stated and I quote

‘The Defendant Jubar Ahmed and Rasel Ahmed be restrained, whether by himself or his servants or others, from threatening to use violence, harassment and intimidate the Claimant and its servants and agents’.

Attached with this letter are copies of Injunction Order and my Witness Statement titled ‘Particulars of Claim’ that explain some of the horrific events. Also attached is a USB with CCTV recordings that outline the events as described on my Witness Statement.

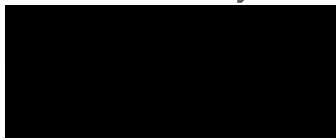
Neighbouring Restaurants suffer similar abuse and torture but are afraid to speak out as both brothers have connections with the local Brick Lane Gang and individuals from this notorious group congregate in the premises almost every night drinking and smoking causing havoc for local restaurateurs, visitors to the area and local residents.

Both brothers are constantly engaged in aggressive touting and often fall in to arguments over the said. Even when the premises was under a period of suspension, both brothers engaged in heavy touting giving little disregard to the severity of its previous suspension and even engaged in the violent disorder.

I write this letter with sombre. Not only has helping the Police with their case caused me unwanted grief and problem from the above premises but also cost me huge amounts of money and at a time of such financial instability I could have done this without. Allowing the premises to hold on to its premises License will send out the wrong message to other restaurateurs and will most likely lead to further violence and disorder. The premises being within the cumulative impact zone needs to be addressed as it is seen fit and thus far it is evident the owners are not in a position to hold on to its license. I urge that the premises license be revoked and a real message be sent out to all the restaurateurs that violence from touting or other means will not be tolerated.

Please do get in touch if you need to discuss any of the above in detail.

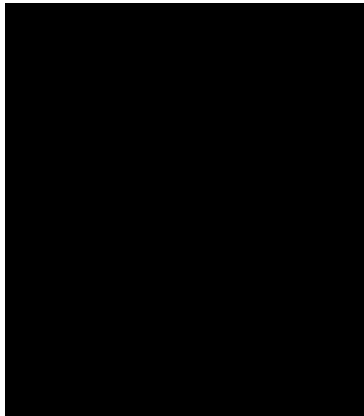
Yours Faithfully

A solid black rectangular box redacting the signature of Mr Raju Ahmed.

Mr Raju Ahmed

Appendix 6


Kabir Hussain



04/06/17

REVIEW OF PREMISES LICENSE FOR (CURRY BAZAAR) 77 BRICK LANE LONDON
E1 6QL

Dear Mr Ali

I write this letter in response to your letter to confirm that I did make representations towards the above premises. I have wrote letters and sent emails via 

If you need any further details than please write to me.

Yours Sincerely



Mr Kabir



Handled by PC Mark Penn
to Licensing on 3/3/17.

Kabir Hussain

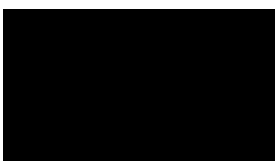


Re: Curry Bazaar, 77 Brick Lane, London E1 6QL

Dear

I am sending with this letter a USB stick that contains various recordings that show the above restaurant going against its license condition by touting / soliciting for custom. In each of the clips it is shown that the Touter / Owner of the premises obstructing the footway of pedestrians to solicit for custom. Both visual and audio is recorded for each of the clips that clearly show the Touter / Owner touting / soliciting for custom in contrary to its license conditions. Bear in mind most of these clips are recent even though the premises is aware it soon has a License Review to take place it is totally disregarding the notion and continue to play foul. The evidence in the USB can be of use for the upcoming License Review of the Premises due to take place on the 14th of March 2017 at Town Hall (letter of hearing attached).

Yours Faithfully



Mr Kabir Hussain

Corinne Holland

From: Kabir Hussain [REDACTED] >
Sent: 28 February 2017 19:21
To: Licensing; HT-LicensingOffice [REDACTED]; Mayor; news
Subject: Re: PROBLEMS WITH THE CURRY BAZAAR RESTAURANT

Re: Mr Rushel Ahmed & Mr Juber Ahmed from 'The Famous Curry Bazaar Restaurant, 77 Brick Lane London E1 6QL

Dear All

I am writing this email to inform you that since my last email as set out below I have now left my job at the Preem Restaurant in Brick Lane due to the continued threat and abuse by brothers Juber Ahmed and Rushel Ahmed. Even though I made a Police complaint and they had been warned by the police they still continued to torture me on a daily basis. Threats of abduction and abuse are constant and I am fearful of my life.

As I have no Job now I will soon be applying for Job Seekers Allowance. I did not want to claim public funds but I am helpless.

Kind Regards
Kabir Ahmed

Wednesday, 22 February 2017, 07:27p.m. +00:00 from Kabir Hussain [REDACTED]

Re: Mr Rushel Ahmed & Mr Juber Ahmed from 'The Famous Curry Bazaar Restaurant, 77 Brick Lane London E1 6QL

Dear All

My name is Kabir Hussain. I am a hard working family man who is trying to make a decent living but finding it extremely difficult for the above 2 individuals who have made my life a living hell.

Back in October 2016 I briefly joined the above restaurant to work as a waiting staff. The 2 person listed above who are also brothers used to force me to stand outside hassle pedestrians and get them inside the restaurant. I did not like their business practise so I left. I then joined a restaurant a few doors down but the brothers did not like it. Soon on a daily basis they started to taunt me swear at me threaten me and abuse me in front of everyone. They even made threats to disappear me. Mr Rushel on several occasions said he will kidnap me by putting me in his boot and dump me in epping forest! On one occasion when I decided to stand up for myself and tell the brothers they need to stop what they are doing the brothers laughed it off then called the Police and made false allegations which led to my initial arrest. After spending 22 hours in Police custody I was released with NFA as the Officers were satisfied I was not involved in any allegations that were made against me. Following that the daily torture continued and I simply ignored the brothers.

Last week I started employment at Jasmin Restaurant on a trial basis and the brothers again disliked this so they called the Police again and made a false allegation. Police came to the scene and arrested me. Luckily my employer has CCTV so he was able to prove my innocence and following that I was dearrested on the spot. My employer did not continue my employment and I was soon released. Last night I found another job and coincidentally it happen to be across the road to The Famous Curry Bazaar Resturant. My new employment is at the Preem Restaurant, 120 Brick Lane London E1 6QL.

The brothers again disliked this so again they called Police and made a false allegation. Luckily for me my new employer has both audio and visual CCTV and after spending almost an hour the Police were satisfied that I did not commit any crime and left. The Police also advised me to report the matter at any Police Station if I believe they are harrasing me.

Late last night I personally went to Bethnal Green Police Station and I have reported the whole incident to the Police (CAD 4204852/17). Although the Police officer who took my report has advised me they will look in to this matter I am afraid and scared these brothers will try to get me arrested again. I have a family to look after. A sick mother to look after. I cannot go through all this. Can someone help me please. I am already taking depression tablets. I dont know what to do.

With kind regards
Kabir Hussain

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

Kabir Hussain



02/02/17

Re: Curry Bazaar

To whom it may concern,



I write this to share my experience of working at this restaurant. I am an ex-employee.

In September 2016 I started employment at this restaurant. I started employment to work as a waiting staff. A few days in to my employment I was forced to stand outside and call for customers. I was forced to tout even though touting was illegal. I was given instructions by Mr Jubar Ahmed and Mr Rasel Ahmed to tout for customers no matter where they are on the street. I was told to forcibly call for customers that are standing in other restaurants door steps. I advised them this will lead to conflict but they nodded and said no one will say a word as all the other restaurant owners and workers are scared of them. I followed instructions but clearly knew I was doing wrong.

One of my instructions was to give heavy discounts and offer free drinks to customers that are refusing to come in. Even though at that time this restaurant lost its Alcohol License they continued to supply alcoholic drinks after midnight when the authorities were less likely to make checks as they suggested and believed.

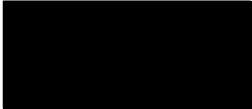
One of the facts I totally disliked was the offer of providing drinks to individuals that look too young to drink. We never checked for I.Ds and when I once stated that some customers look too young to be served alcohol I was told to shut up sell more and follow instructions.

Four weeks in to my employment I asked for my payslips and record of employment but the owners refused to supply me with this. They say to work and take wages and go home. No need for payslips. Basically they were not showing my employment at the restaurant. I could not take any more so I left and started work at a restaurant across the street.

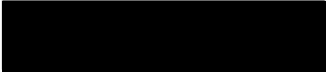
The owners Mr Jubar Ahmed and Mr Rasel Ahmed do not care a little about their license conditions or business practise. All they care is about profit. I request you take putative action and help other businesses work in a peaceful manner. Please.

I am willing to testify as and when required.

Yours Faithfully



Mr Kabir



Appendix 7

Licensing Team
John Onslow House
1 Ewart Place
London
E3 5EQ

Azmal Hussain



Date: 5th June 2017

Dear Sir

I am Azmal Hussain Director of Preem Restaurant. I am confirming you that the original representation letter against the premises that you received I have sent you by myself. If any requires please don't hesitate to contact with me. My mobile no. [REDACTED]
Advance Thanks for your help.

Kind Regards

[REDACTED]
Azmal Hussain
(Director of Preem Restaurant)

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05-25-2017



Head of Environmental Health and Trading
Standards David Tolley
Licensing Team
John Onslow House
1 Ewart Place
London
E3 5EQ



To Licensing Sub Committee 10th August 2017

Tower Hamlets

Directorate of Law, Probity and Governance

Democratic Services

Town Hall

Mulberry Place

5 Clove Crescent

London

E14 2BG

Subject: CCTV footage to be added as an evidence with my witness statement, Review of premises Licence for :Curry Bazaar,77 Brick Lane ,E1.

Dear Sir/Madam,

My name is Azmal Hussain, Owner of Pream Restaurant in 118-122 Brick Lane, London, E1 6RL opposite to the Curry Bazaar Restaurant.

Today I am giving you one Pen Drive of CCTV footage. It shows one of my staff named Kashem who was beaten very badly by both the owner of Curry Bazaar and his younger brother, Rasel Ahmed.

Rasek came to my restaurant and took out Kashem, my staff member. To start with this was a very friendly approach but then when they were in the street, Rasel Ahmed punched Kashem my employee and used a sharp instrument on him. At the same time his elder brother, Jubayer Ahmed, came out of the Curry Bazaar restaurant and started beating Kashem.too.

I was standing twenty meters away from them and when I saw what was happening I went running towards them and separated them but still they continued kicking and Kashem fell down on the street and we took Kashem to Hospital.

Two weeks ago I gave other CCTV footage to the Licensing Officer, Miss Kheti Driver. In this footage it shows Mr. Jubayer Ahmed, owner of Curry Bazaar. He was touting so aggressively, he went to EFES which is the next door to Curry Bazaar.

I do not feel that either of the brothers Jubayer or Kashem have respect for other business people.

The Immigration police arrested one of the workers from the Curry Bazaar, now he is working to their other restaurant, named Eastern Eye , 63A Brick Lane,E1 on Saturday and Sunday.

A month before , The Evening Standard wrote an article. In the article there was a picture with 3 people: on one side is the owner of Curry Bazaar Rasel Ahmed,in the middle is a customer and the third person is Kochi, he has worked there for the past ten years but he has no work permit, he is an illegal worker. How he can work? So, can you have a look over this matter.

News › London

Notorious Brick Lane curry house facing closure after 'ex-waiter threatened with kidnap'

MARK CHANDLER | Saturday 24 June 2017 07:28

Like [Click to follow The Evening Standard](#)



Coldplay frontman Chris Martin, centre, with joint owner Rashal Ahmed, on right, and a staff member

A notorious **Brick Lane** curry house faces being shut down over claims its owners harassed rival restaurateurs and threatened an ex-waiter with kidnap.

It was also claimed police officers were branded “f***ing cheeky” and a “silly c****” by Jubar Ahmed during separate visits to the premises, which counts Coldplay singer Chris Martin as a celebrity customer.

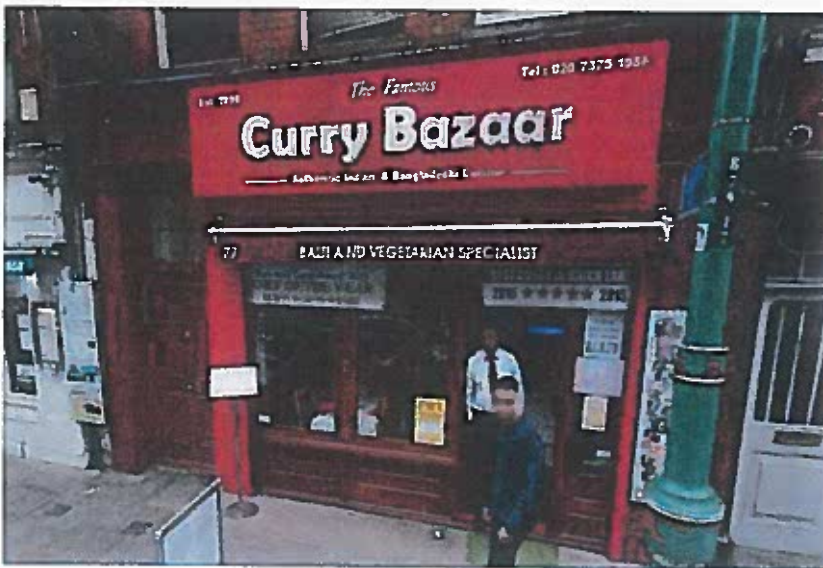
ADVERTISING



inRead Invented by Teads

In papers submitted to **Tower Hamlets** council, police said the venue was still badly run, breaching its licence by opening into the early morning, touting and selling alcohol.

It was also claimed the restaurant falsely advertised itself online as winning an award for Curry Chef of the Year 2016.



Under threat: The Famous Curry Bazaar (Google Street View)

In a submission to next week’s licensing hearing, one former staff member said he quit because he was being asked to hassle customers in the street.

When he went to work at another restaurant, the brothers allegedly made his life “a living hell”.

He said: “Soon on a daily basis they started to taunt me, swear at me, threaten me and abuse me in front of everyone.

“They even made threats to disappear me. Mr Rushel (sic) on several occasions said he will kidnap me by putting me in his boot and dump me in Epping Forest.”

Takeaway hit with £8,000 bill after 'serving cockroach in lamb curry'
'Wannabe curry kings of Brick Lane' face losing licence for 'touting'

An owner of a rival restaurant complained that, when customers stopped to look at their menu, staff from the Curry Bazaar would start yelling and offering discounts.

A member of staff was also arrested during an immigration raid on February 2.

One restaurant worker told the Standard earlier this year: "They are the wannabe kings of Brick Lane. They use aggressive tactics and it's reckless and bringing down the area."

The council launched a clampdown on touting in Brick Lane in six years ago, but the documents claimed this was still a regular practice at the Curry Bazaar.

Licensing officer Kathy Driver wrote: "Clearly the licensees have not taken the process serious enough to improve the management of the premises."

A meeting to decide the restaurant's fate will be held on June 28.

The Famous Curry Bazaar did not respond to requests for a comment.

More about: | [Brick Lane](#) | [Tower Hamlets](#)

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Clinic Compare Quotes

Best Cars To Buy In 2017

Carbuyer

Volvo's Golf Killer - The V40

Auto Express

Matthew McConaughey learns of co-star's death on red carpet

Azmal Hussain

To: licensing

Dear Sir/Madam

I hope you are alright.I am writing on behalf of Preem Restaurant 122 Brick Lane.,one of our staffs have been beaten by both of the owners Jubaer Ahmed and Rasel Ahmed of Curry Bazaar very badly.They have been charged, Reference number 01HT0457016 that will be a hearing on 22 March 2017 Magistrate Court,Case Call Ahmed and Ahmed.Another case in the Crown Court in the same Reference no for one of the brother,Rasel Ahmed.Now,because of our restaurant is opposite of their restaurant,they are so aggressive and try to create a problem with us. and when any customer reading our menu,they are doing shout from their side and offering discount and abusing.If you want,I can show you the evidence, I have CCTV footage with voice active about their activities.If you need the evidence I will send a pen drive to you or if you like you can come and see by yourself.Last week, immigration police came and found a illegal worker in Curry Bazaar. The worker had been arrested. as per as I know the worker was working for about 6 years and if you need the footage of this incident,I can provide you anytime when you want.

Do not hesitate to contract with me.

Kind Regards

Azmal Hussain



Appendix 8

Mohshin Ali

From: Ibrahim Miah [REDACTED]
Sent: 10 February 2017 04:44
To: Mohshin Ali
Subject: Re: Review: (Curry Bazaar), 77 Brick Lane, London E1 6QL

Hi

My full address is as follows

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

Regards
Ibrahim hoque

Thursday, 09 February 2017, 05:10p.m. +00:00 from Mohshin Ali [REDACTED]

Dear Sir,

Licensing Act 2003

Review: (Curry Bazaar), 77 Brick Lane, London E1 6QL

Thank you for your email. I acknowledge your comments.

As you are aware, a review of the premises licence has been triggered by the Licensing Authority. Consequently, the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee.

Under the Licensing Act 2003, one of the criteria for your representation to be valid is that we require your full address. If you do make a valid representation by providing your address, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (contact details redacted) and the licence holder is entitled to a full, un-redacted copy of your representation.

Another criteria for any representation to be valid is that it must be 'relevant', in that the representation must relate to one or more of the following licensing objectives:

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

Please note that the last date for the Licensing Authority to receive representations for this application is **14th February 2017**.

Regards

Mohshin Ali - Senior Licensing Officer

Licensing Team . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

[Redacted signature line]



From: Ibrahim Miah [Redacted]
Sent: 08 February 2017 19:26
To: Licensing; [HT-LicensingOffice](#) [Redacted]
Subject: Curry Bazaar 77 Brick Lane London E1

Dear Respective Members,

The above restaurant was searched under warrant by UK Border Agency on the 1st of February 2017. It was found that 2 people were illegally working in the premises. One of those individuals was an illegal immigrant working illegally in the premises in full knowledge of the owners. Both were arrested and taken away by UK Border Officials. One of them has since been released with conditions the other is awaiting deportation. Brick Lane as a whole has suffered in loss of reputation from the current incident. I request you look in to the matter and make reflections in the upcoming License Review of the premises.

Regards
Ibrahim

Appendix 9

David Cunningham

5 June 2017

Dear Mohshin Ali

Thank you for your letter of 31 March (your ref LIC/97893/MA). I confirm the authenticity of my original email representation sent 13 February 2017 concerning the license review of Curry Bazaar.

Please note that my email address has changed since my original email in February.

Yours

David Cunningham

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 13 February 2017 13:18
To: Mohshin Ali
Subject: FW: Curry Bazaar (77 Brick Lane London E1 6QL) - Review of Premises Licence
Attachments: LXD_BrickLane77.Jan17.pdf

From: David Cunningham [REDACTED]
Sent: 13 February 2017 13:10
To: Licensing
Subject: Curry Bazaar (77 Brick Lane London E1 6QL) - Review of Premises Licence

To - Licensing, Tower Hamlets Council.

Curry Bazaar (77 Brick Lane London E1 6QL) - Review of Premises Licence

Curry Bazaar regularly operates touts outside the premises every evening in breach of licensing conditions and the local by-law. This aggressive and confrontational activity is a significant contribution to anti-social behaviour in the area and there is a established connection between the presence of touts on Brick Lane and crime and disorder.

yours

David Cunningham

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

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

Appendix 10

Hi,

I confirm that I made the original representations sent
from the e-mail address [REDACTED] in
respect of the Renewal of the Premises Licence for 77
Brick Lane.

Yours sincerely,

Edward Jenkins
[REDACTED]

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 14 February 2017 14:05
To: Mohshin Ali
Subject: FW: Curry Bazaar - 77 Brick Lane - Licensing Review

From: [REDACTED]
Sent: 13 February 2017 21:28
To: Licensing
Cc: [REDACTED]
Subject: Re: Curry Bazaar - 77 Brick Lane - Licensing Review

To whom it concerns,

We are a family of 2 adults and one child resident in [REDACTED] and wish to comment on the above. We respectfully request that Tower Hamlets council conclude their review by revoking the license of the above restaurant.

We understand that at a previous granting / review of the license, a restriction was placed on touting. This restriction in no way is being respected by 77 Brick Lane. In our daily lives we often walk past the Curry Bazaar restaurant and are frequently the attention of touts working on behalf of the Curry Bazaar trying to get us into the restaurant. We also observe the touts soliciting for the business of tourists / visitors to the area. A particular example of this was a mid Saturday afternoon in late January, where one of us was approached by a tout even whilst reading the notice regarding the licensing review on the lamppost outside the restaurant.

We are very concerned that the possessors of a license who do not respect one condition are unlikely to be disposed to respect the other conditions attached. The concern that the license holder does not hold great regard for their responsibilities is given greater weight by the revocation of the license for 3 months in 2016 and that the license has come up for review again now.

The area round Brick Lane suffers already from anti social behaviour due to the provision of alcohol. Licensees in the area should be required to display a responsible attitude towards their duties. We believe the continuation of 77 Brick Lane to tout for business to be symptomatic of a disregard for regulations. Given such an attitude, and in light of previous issues, we respectfully ask Tower Hamlets licensing to revoke their license on a more permanent basis,

Yours sincerely,

Ed and Sarah Jenkins
[REDACTED]
[REDACTED]
[REDACTED]

SAVE PAPER - THINK BEFORE YOU PRINT!

This E-mail is confidential.

It may also be legally privileged. If you are not the addressee you may not copy,

Appendix 11

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

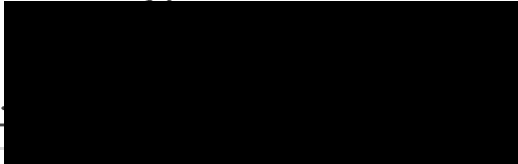
Statement of Peter Mark ALLNUTT.....URN:

Four empty rectangular boxes for identification details.

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: CCTV Manager

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 23rd August 2017

Tick if witness evidence is visually recorded (supply witness details on rear)

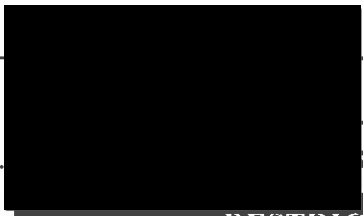
I am employed by the London Borough of Tower Hamlets as the CCTV and Control Centre Manager. I am based at the Town Hall, Mulberry Place, Clove Crescent, London, E14 and have been employed in this position for eleven years now. I have over 20 years worth of experience in the CCTV industry and am classed as an industry expert.

I have been shown some video footage which I am informed has been submitted for the preview licensing hearing of "Curry Bizarre, 77 Brick Lane, London E1". Having reviewed the footage and the looked at the location of where the footage has been taken from I believe it to be a pan tilt and zoom dome camera that is situated on the southern end of the Preem Restaurant 122 Brick Lane. The image has been taken from a fixed position and around the height of the Preem's cameras.

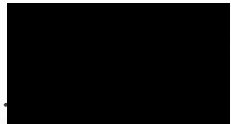
My expert opinion is that this footage has been obtained illegally by the "Preem Restaurant" pointing it's cameras accross the road towards the "Curry Bizarre". In addition to this issue I also picked up from the footage that Preem Restaurant is recording private audio conversation from the cameras in the street. On playing the video you can clearly hear peoples personal conversations.

The conditions in which these cameras have been pointed and used are in breach of a number of pieces of legislation around privacy and the use of CCTV, they are contravening the Data Protection Act and the business can be prosecuted for this. The recording of private conversations is very much not acceptable in the UK and whilst it is understood a premises may have CCTV to protect it's doors, windows and internal areas's, the system must not be used to carry out surveillance of other areas, businesses, persons involved in these businesses. I recommend that the ICO be informed of this illegal activity.

Signature:



Signature witnessed by:



Appendix 12

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

Updated April 2017

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitive. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitive does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated 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.
- 11.28 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 the 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.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 13

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

Updated April 2017

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 cooperate 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 a copy of any document checked as part of a right to work check are retained at the licensed premises.

Appendix 14

Crime and Disorder – Licensing Policy, updated March 2015

- 6.1 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.
- 6.2 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 objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 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.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 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 Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **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.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. 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 a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant 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 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.
- 6.10 **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. 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 to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled.
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Appendix 15

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

Updated April 2017

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 periods. For example, 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 16

Prevention of Nuisance – Licensing Policy, updated March 2015

- 10.1 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.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Agenda Item 3.2

Committee :	Date	Classification	Agenda Item No.
Licensing Sub Committee	19 September 2017	Unclassified	

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for Green Truffle, 21 Roman Road, London E2 0HU
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Bethnal Green

1.0 Summary

Applicant: **Green Truffle Limited**
Name and **Green Truffle**
Address of Premises: **21 Roman Road**
London
E2 0HU

Licence sought: **Licensing Act 2003**
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

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Green Truffle Limited, 21 Roman Road, London E2 0HU
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as:
Extend the hours for the sale of alcohol
- 3.5 Current hours are as follows:
Monday to Saturday 09:00 hrs to 18:00 hours for Sale of alcohol only (on & off sales)
- 3.6 The hours that have been applied for are as follows:-

Sale of Alcohol (on and off sales)

Monday to Saturday from 10:00 to 23:00 hours

Hours premises is open to the public:

Monday to Saturday from 10:00 to 23:00 hours

Please see note 10.1 in relation to Regulated Entertainment

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 3**.
- 4.3 Maps showing the vicinity are included as **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**. / There are no licensed venues in this area.

5.0 **Licensing Policy and Government Advice**

- 5.1 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 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.
- 5.4 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.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents of which include a petition.

See **Appendices 7-9**

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

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)

6.10 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

6.11 The objections cover allegations of

- Anti social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties
- Noise leakage from the premises

6.12 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.

6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 **Conditions consistent with Operating Schedule**

7.1 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.

- 7.2 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.

8.0 Conditions Agreed with interested parties

- 8.1 None

9.0 Licensing Officer Comments

- 9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

- 9.2 The following is intended 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.

- 9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ 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.” (1.12)
 - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60)
Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

- 9.6 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.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 10-14** 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.

10.0 **Legal Comments**

- 10.1 The Council's legal officer will give advice at the hearing.

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Other licensed venues in the area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7-9	Representations of local residents
Appendix 10	Licensing Officer comments on Anti-Social Behaviour on the premises
Appendix 11	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 12	Licensing officer comments on Access and egress problems
Appendix 13	Licensing officer comments on Noise when the premises is in use
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading.

Appendix 1

**(The Green Truffle Ltd.)
21 Roman Road
London
E2 0HU**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
**Head of Trading Standards &
Environmental Health**

Date: 10th August 2016



Part A - Format of premises licence

Premises licence number

20316

Part 1 - Premises details

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

(The Green Truffle Ltd.)
21 Roman Road

Post town

London

Post code

E2 0HU

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The Supply of Alcohol (both on and off sales)

- Monday to Saturday from 09:00hrs to 18:00hrs

The opening hours of the premises

- Monday to Saturday from 09:00hrs to 18:00hrs

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

- On and off sales

Part 2

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

The Green Truffle Limited
21 Roman Road
London
E2 0HU

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

Registered Company Number: 09965427

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

Natalino Marano
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence Number: 16251
Issuing Authority: London Borough of Tower Hamlets

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Annex 2 - Conditions consistent with the operating Schedule

1. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
2. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
4. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal
5. The supply of alcohol for patrons consuming alcohol inside the premises shall be by waiter or waitress service only

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

Not applicable

Annex 4 - Plans

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

- 4th July 2016 – Ground Floor and Basement



Part B - Premises licence summary

Premises licence number

20316

Premises details

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

(The Green Truffle Ltd.)
21 Roman Road

Post town

London

Post code

E2 0HU

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The Supply of Alcohol (both on and off sales)

- Monday to Saturday from 09:00hrs to 18:00hrs

The opening hours of the premises

- Monday to Saturday from 09:00hrs to 18:00hrs

Name, (registered) address of holder of premises licence

The Green Truffle Limited
21 Roman Road
London
E2 0HU

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

On and off sales

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

09965427

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

Natalino Marano

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

No restrictions

Appendix 2

102202



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

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We THE GREEN TRUFFLE LTD (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 20316

Part 1 – Premises details

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

Post town E2 OHU LONDON Post code E2 OHU

Telephone number at premises (if any) 020 89814135

Non-domestic rateable value of premises £ 8300

Part 2 - Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)		[REDACTED]	
Current postal address if different from premises address		/	
Post Town	/	Postcode	/

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 note1)

the sale by retail of alcohol (on and off sales)
Monday to saturday from 10.00 to 23.00 .
(Actually it is from 09.00 to 18.00)

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

--

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)
 - 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)

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	10.00	21.00	Please give further details here (please read guidance	Both	✓	
Tue	10.00	21.00				
Wed	10.00	23.00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	10.00	23.00				
Fri	10.00	23.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	23.00				
Sun	-	-				

K

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

Children must be accompanied by their parents,
and must be kept away from the sale of alcohol
in the premises.

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	21.00	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	10.00	21.00	
Wed	10.00	23.00	
Thur	10.00	23.00	
Fri	10.00	23.00	
Sat	10.00	23.00	
Sun	-	-	

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

closing to the public at 18.00

Please tick yes

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



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

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

M

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

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

Do not sell alcohol to drunk people or if to people with children, if it could be dangerous for the children.
Do not sell alcohol to underage people.
No violent and antisocial behaviour in the premises
Training to the staff on the Licensing Act.

b) The prevention of crime and disorder

Do not sell alcohol to drunk people
Training to the staff to improve the prevention of crime and disorder.
CCTV system installed in the premises

c) Public safety

Do not sell alcohol to drunk people.
Well trained staff
Premises and installations maintained in good order and safe conditions.

d) The prevention of public nuisance

Customers will be asked not to stand around loudly talking in the streets outside the premises.
Customers not admitted to premises above opening hours.

e) The protection of children from harm

Do not sell alcohol to people coming with children.
(On the premises)
Well trained staff
"Challenge 25" sign

CHECKLIST:

Please tick yes

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

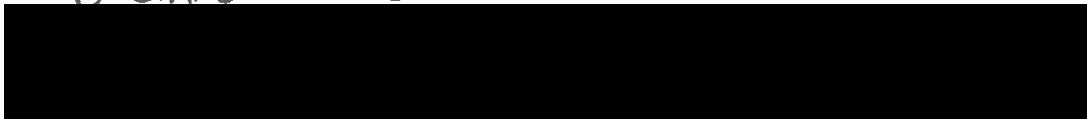

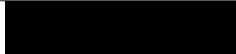


Signature of applicant or applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Stefano Dell'Utri</i>	
Date	<i>24/07/2017</i>	
Capacity	<i>owner</i>	

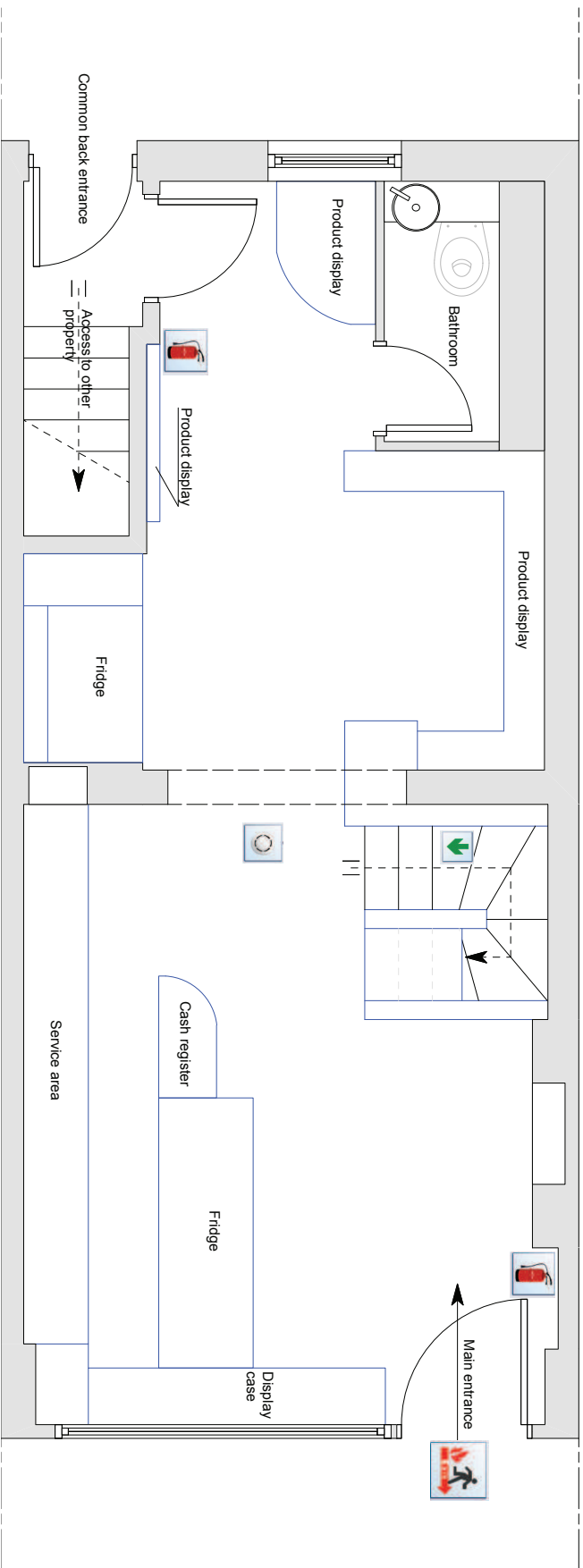
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

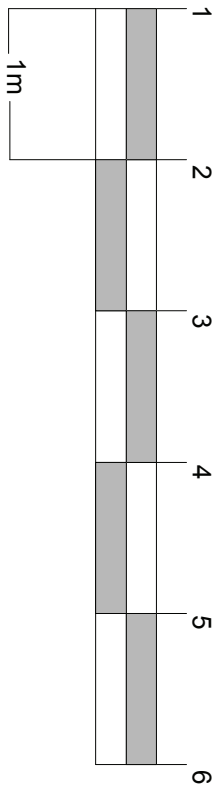
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

<i>STEFANO DELL'UTRI</i>	
	
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



Scale 1.50 @ A4



Emergency exit



Fire extinguisher

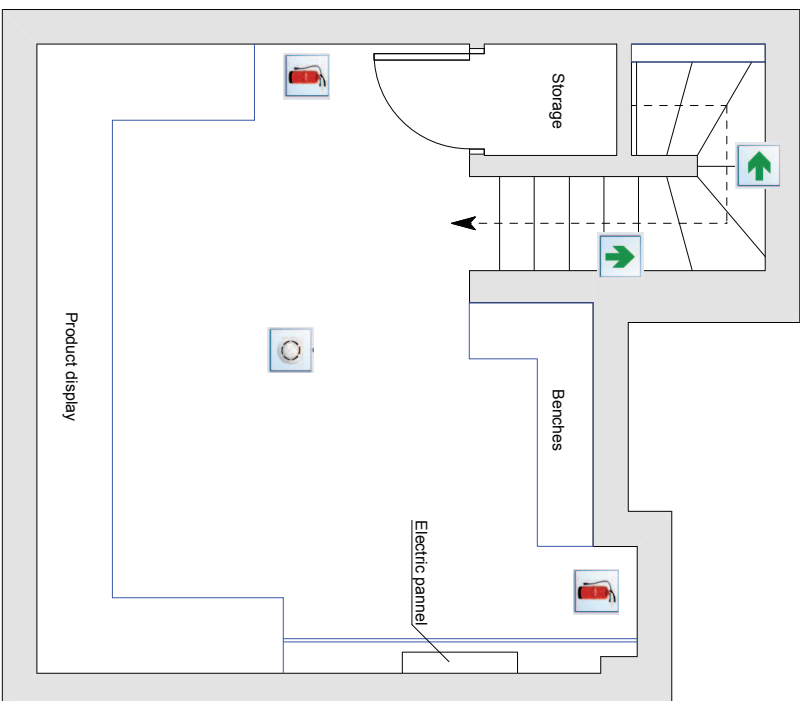


Indicating arrow

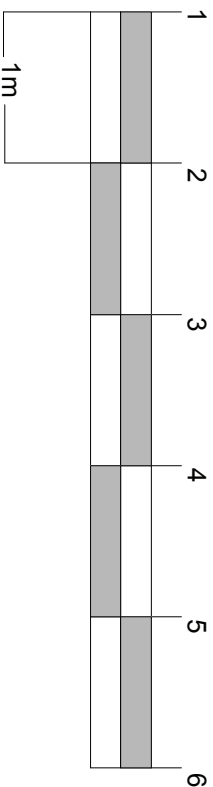


Smoke detector

Furnitures and appliances



Scale 1:50 @ A4



Emergency exit



Fire extinguisher



Indicating arrow



Smoke detector

—
Furnitures and
appliances

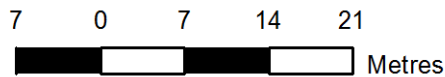
Appendix 4



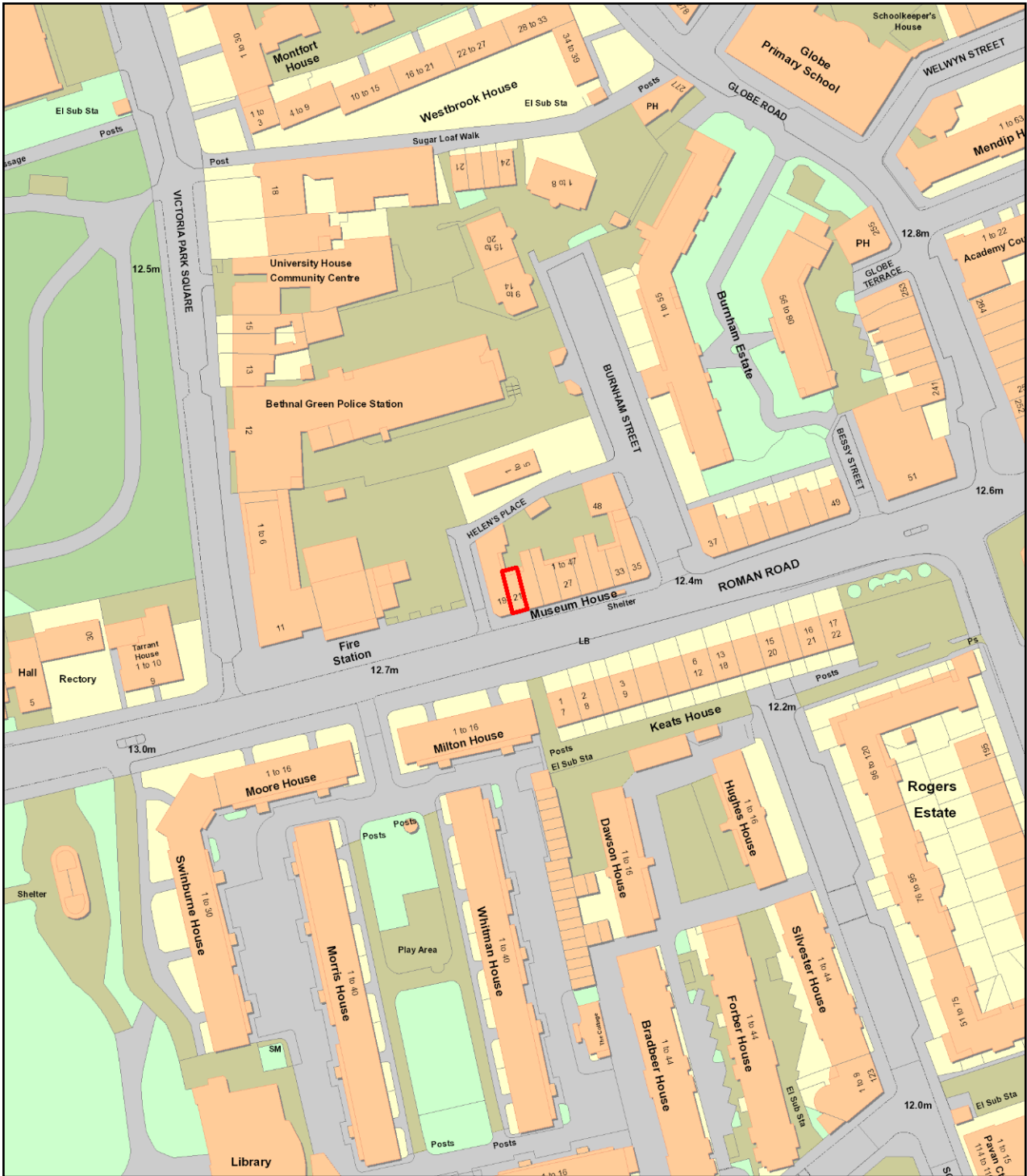
21 Roman Road



Scale 1:769



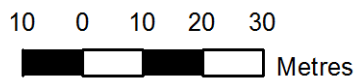
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21 Roman Road



Scale 1:1537



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Appendix 5

Licensed premises within immediate vicinity of 21 Roman Rd

Name and address	Licensable activities and hours	Opening hours
Vickys News 19 Roman Rd	<u>The sale by retail of alcohol:</u> Sunday to Thursday, from 06:00 hours to 23:00 hours Friday and Saturday, from 06:00 hours to midnight	Sunday to Thursday, from 06:00 hours to 23:00 hours Friday and Saturday, from 06:00 hours to 01:00 hours
(Angel Convenience Store) 23 Roman Road 00	<u>The sale by retail of alcohol</u> Monday & Tuesday, 08.00am to Midnight Wednesday to Saturday, 08.00am to 01.00am Sunday, 10.00am to 10.00pm	Monday & Tuesday, 08.00am to Midnight Wednesday to Saturday, 08.00am to 01.00am Sunday, 10.00am to 10.00pm
(Mini Free Off Licence) 37 Roman Road 00	<u>Sale of alcohol</u> Monday to Saturday until 01:00 hours Sunday until 22:30 hours	Monday to Sunday, from 06:00 hours to 06:00 hours (24 hours)
(Co-op) 250a Globe Road	<u>The sale by retail of alcohol</u> Monday to Sunday from 06:00hrs to 01:00hrs	Monday to Sunday 00:00 hours to 23:59 hours (24 hours)

Appendix 6

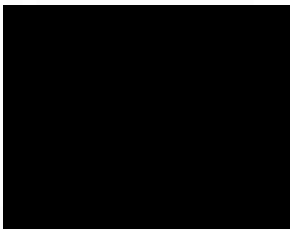
**Section 182 Advice by the Home Office
Updated on April 2017**

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 7



22 August 2017

Dear whom it may concern

Licensing Act 2003: The Green Truffle Ltd, 21 Roman Road, London, E2 0HU

I am writing in regards to this application for a premises licence as an individual 


My residence is directly behind the back of the Green Truffle's premises, and I write raising concerns under two different categories being the prevention of crime and disorder, and the prevention of public nuisance.

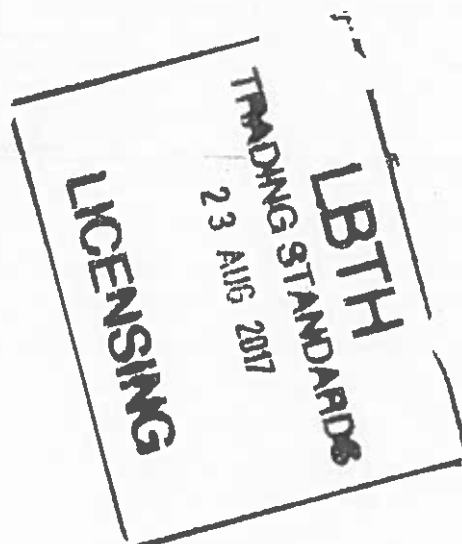
My major concerns are the noise that could potentially come into my residence and other people in the Museum House complex, due to the lack of adequate glazing on the premises of the Green Truffle to manage the noise of people in the venue, as well as playing music late at night. I also have concerns about staff members packing up after the closing of the premises behind the building which is extremely close to my flat, and could potentially be disruptive to myself and other residents if they do not respect the fact that the building is primarily a residential block.

I thank you for considering my application. If you require further information or clarification please get in touch.

Kind regards



Catherine Belfield-Haines



Appendix 8

Monday 14th August 2017

The Residents of

Ms Kathy Driver (Principal Licensing Officer)
Environmental Health & Trading Standards
John Onslow House
1. Ewart Place
London Borough of Tower Hamlets
London E3 5EQ

Your Ref: CLC/EHTS/LIC/102202

Re: Licence Application: The Green Truffle Ltd. 21 Roman Road. London E2 0HU

Dear Ms Driver,

We write with reference to your letter of the 26th July 2017, regarding **The Green Truffle Ltd.**

We, being residents of [REDACTED], oppose the granting of a license for the business trading as The Green Truffle Ltd. Our reasons for doing so centre on the increased likelihood of public nuisance, increased anti-social behaviour, obstruction of the footpaths, harmful influence to young children, and insufficient parking in the immediate area.

The western end of Roman Road is the last part of the immediate area, which has not been fully commercialised. There are already a number of businesses selling alcohol and providing a range of cuisine to local residents and visitors to the area. A large section of Bethnal Green Road to the immediate west of Roman Road is now occupied by numerous venues offering the same services to the area. There is no need for further businesses to open for the same purpose, especially as there has been increased anti-social behaviour, criminality, noise levels and public nuisance from existing venues. The Green Truffle is situated immediately opposite Keats House. The design of that building has bedrooms positioned over-looking the applicant premises in Roman Road. They are therefore especially susceptible to any noise caused by customers of that business.

The Green Truffle does not have the facilities to cater to increased volumes of patrons, and has already caused obstruction of the pavement area outside of its premises by an over-spill of customers it could not accommodate forcing them to gather outside. Unless a business can offer full facilities to its clients it should not expect to hold a license, which would place a further burden on the local community. In particular Keats House is presently plagued by people defecating in the rear grounds of our estate after leaving drinking venues further down Roman Road and Bethnal Green Road. There are frequent assaults to members of the public especially at weekends, and the noise levels are virtually as high as they are during daily working hours.

The effect of this conduct has been to adversely affect the quality of life for many local residents. Children, working age adults and the elderly are all affected by increased noise levels, light pollution and other adverse factors linked to the long opening hours and patronage of such venues. We are concerned that The Green Truffle is not properly equipped to meet the needs of its present customers, not to mention a greater numbers if it obtains this license and extends its opening hours.

At some point the council needs to consider the impact these businesses are having on the community in this area, and put their interests on a balanced footing to those people who merely want to cater to a group that don't even live in this borough.

Yours faithfully

[Handwritten signature]

[Redacted]

A. Muslim

[Handwritten signature]

[Redacted]

D. Askew

[Redacted]

MICHAEL SHIKES

[Redacted]

Kibriya Kayum

[Redacted]

D. Watkinson

[Redacted]

S. ATYARD

[Redacted]

R. PATEL

[Redacted]

P. PATEL

[Redacted]

[Handwritten signature]

[Redacted]

[Handwritten signature]

[Redacted]

[Handwritten signature]

[Redacted]

E.H. Kuncel

[Redacted]

D. Chaudhury

[Redacted]

Adrian Burk

[Redacted]

[Handwritten signature]

[Redacted]

Appendix 9

Monday 14th August 2017

Ms Veronica Paul &
Mr Terry Ablet



Ms Kathy Driver (Principal Licensing Officer)
Environmental Health & Trading Standards
John Onslow House
1. Ewart Place
London Borough of Tower Hamlets
London E3 5EQ

Your Ref: CLC/EHTS/LIC/102202

**Re: Licence Application: The Green Truffle Ltd. 21 Roman Road. London E2 0HU
(The Premises) Licensing Act 2003.**

Dear Ms Driver,

We write with reference to your notification of the 26th July 2017, pertaining to **The Green Truffle Ltd.**

We oppose any extension to, or modification of the present trading conditions under which the applicant operates. The reasons for our opposition have been itemised below to explain our concerns.

The immediate location in which the applicant's premises are placed is already overburdened with venues offering alcohol for sale in-house. In recent years the development of these venues has brought with them increased late night disruption, raised noise levels into the early hours, and low-grade anti-social behaviour. In addition there have been two murders in the immediate location within the last eighteen months – both linked to venues in close proximity to the applicant. People attracted to the area by these licensed venues, and subsequently intoxicated in them, are then found sleeping in the park next to Bethnal Green Underground Station, especially during the summer months. The addition of another business offering the same services can only increase still further these disruptive elements, and lower the quality of life for local residents.

The stretch of road in which the applicant is located has a dense concentration of residential premises, many of which have one or more bedrooms facing onto the road directly opposite the applicant. In Keats House itself, some of these bedrooms are occupied by children, others by elderly people, who are already adversely affected by late night trade and the corresponding increased noise levels in the area. Residents returning home from late working shifts have been accosted and verbally abused by so-called revellers over-spilling from numerous venues in Bethnal Green Road, beneficiaries of the Licensing Act 2003, which allows license

holders wide personal discretion to determine their closing hours – originally intended ironically to curtail binge drinking. However, this has not been the result.

The applicant's premises are a relatively small venue, which means that it has already had difficulties in accommodating its present clientele. There have been recent instances where patrons from that venue have over-spilled onto the pavement area, and have remained there all evening – presenting an obstruction to pedestrians. This suggests that the applicant's premises are already trading above the physical limitations of its size. Any extension to its trading conditions would almost certainly lead to the pavement being utilised as a permanent area to locate increased patronage. Unfortunately, apart from the obvious issues of public obstruction, this might also increase the anti-social practices of non-residents using the rear of Keats House as an unofficial public urinal. This is a problem, which has steadily grown in recent years and has been reported to the local authority without any action apart from constantly disinfecting the area. There is no evidence the applicant intends to increase its toilet facilities to meet additional demand from its customers. Which means in the absence of public toilets there will follow an increased public hygiene problem.

Keats House has a wide, exposed and darkened rear area open to the general public and used in part for residents parking. As we are immediately opposite the applicant premises this space already suffers from distressing practices by non-residents which we can not prevent, and the addition of another licensed premises immediately opposite to the block provides the prospect that this public nuisance will not only continue but may increase.

The addition of another licensed premises in close proximity to an already busy junction threatens to facilitate the creeping conversion of the location from a residential road into a Twenty-Four hour commercial thoroughfare. This is a material change in the social composite of the locality by a gradual transformation for which no community approval has been sought. The introduction of an all night underground service has provided non-residents with the freedom to travel into Bethnal Green looking for venues with extended opening hours that are not offered in their own neighbourhoods. They then obstruct the pavements, congregating in large clusters testing the restraint of passers-by.

As there is no effective enforcement of licensing regulations for existing licensed venues in the area. The current licensing regulations allow a wide discretion to the licensee as to how they interpret the conditions of the license. License holders are allowed free rein to push whatever limits might be imposed, free in the knowledge that it is extremely unlikely they will lose their license unless challenged by the police for major criminality. The license regulations were originally enacted to maintain good order, to protect the interests of residents in close proximity to such venues and deter abuse of alcohol. The licensing authority should adopt a more proactive approach to its duties, by measuring noise levels, checking police incident records and investigating the social impact before altering or granting licenses.

We believe that on balance of probability the granting of a license as requested by the Green Truffle Limited would adversely affect the interests of residents within the immediate area, would not constitute either an economic or community enhancement to the area, and would only benefit the narrow interests of the proprietor of the Green Truffle and any additional customers it

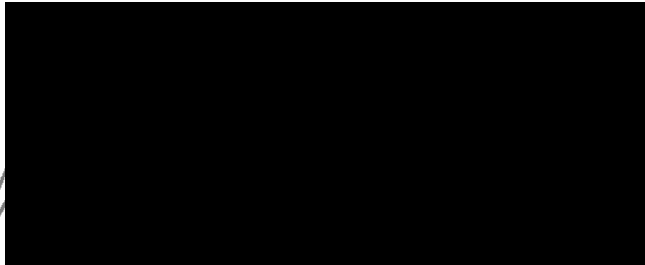
might attract. There is no need to further increase the number of commercial outlets selling alcohol in-house, and refusal of this license would not damage the economic interests of the borough or the immediate area. At the present time many long-term residents are dissatisfied with the imbalance between their interests and that of businesses, which seem to be able to do what they wish without restraint or effective regulation. On the grounds of potential public nuisance, increased criminality and anti-social behaviour this license application should be rejected.

Yours faithfully

Ms Veronica Paul



Mr Terry Ablet



Appendix 10

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. 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 a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 11

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 4.15 and 4.16 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 6.2 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 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 8 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).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 12

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 13

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 10.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

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 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 (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 14

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 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 15.8 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 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 15.9 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

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