

# LICENSING SUB COMMITTEE

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Thursday, 11 May 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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Website: <http://www.towerhamlets.gov.uk/committee>

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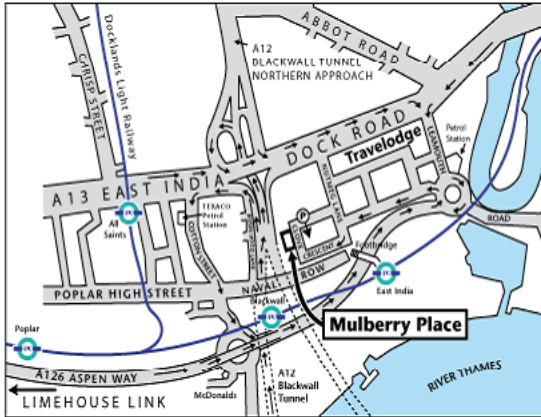
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## **APOLOGIES FOR ABSENCE**

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.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3.1 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, E1 6QL</b>	<b>15 - 150</b>	<b>Spitalfields &amp; Banglatown</b>

Licensing objectives:

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

Review Instigator: Licensing Authority

Review Supporters:

- Metropolitan Police,
- Local Residents
- Local Businesses

### **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:-

Acting Corporate Director, Governance and Interim Monitoring Officer

Telephone Number: 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 SUB COMMITTEE**

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

## **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.

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## 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](http://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. Decision letter will be sent to all interested parties confirming the decision made.

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# Agenda Item 3.1

Committee: <b>Licensing Sub-Committee</b>	Date: <b>14<sup>th</sup> March 2017</b>	Classification: <b>Unrestricted</b>
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Name and Address of premises:	<b>Curry Bazaar 77 Brick Lane London E1 6QL</b>
Licence under review:	<b>Licensing Act 2003</b> <ul style="list-style-type: none"><li>▪ <b>Sale by retail of alcohol</b></li><li>▪ <b>Provision of Late night refreshment</b></li><li>▪ <b>The provision of regulated entertainment (recorded music only)</b></li></ul>
Review triggered by: Representations:	<b>Licensing Authority Police Local Residents Local businesses</b>

## 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"><li>• Guidance Issued under Section 182 of the Licensing Act 2003</li><li>• Tower Hamlets Licensing Policy</li><li>• File</li></ul>		<b>Mohshin Ali 020 7364 5498</b>

### 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.
- 3.2 A copy of the review application is attached in **Appendix 1**.

### 4.0 The Premises

- 4.1 The premises licence was issued on 20<sup>th</sup> September 2005. The current Licence holders have been in place since 5<sup>th</sup> March 2009. The Designated Premises Supervisor has been in place since 5<sup>th</sup> August 2016. The premise was subject to a previous review, brought by the Licensing Authority, which was heard by the Licensing Sub Committee on 12<sup>th</sup> 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 exhibited as Exhibit B in the review document. A copy of the current licence is contained in **Appendix 2**.
- 4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

### 5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Licensing Authority.
- 5.2 The review is further supported by the following;

<b>Responsible Authorities/other persons</b>	<b>Appendix</b>
Alan Cruickshank (Met Police)	<b>4</b>
Mr Raju Ahmed (Nazrul Restaurant)	<b>5</b>
Kabir Hussain	<b>6</b>
Azmal Hussain (Preem Restaurant)	<b>7</b>
Ibrahim Hoque	<b>8</b>
<i>(Fraudulent representation removed)</i>	<b>9</b>
Kazim Akkus (Efes)	<b>10</b>
David Cunningham	<b>11</b>
Ed & Sarah Jenkins	<b>12</b>

- 5.3 Members should note that the licensing authority received a representation from a local business which was initially included in Appendix 9. However, the business has since advised Licensing that this letter was sent in fraudulently. A Licensing Officer visited the business address on the 7<sup>th</sup> March 2017 to verify the identity of the person making the representation and confirmed the signatures were in fact different. Consequently, this letter has been removed from the report.
- 5.4 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
- 5.5 In the view of the interested party and the responsible authorities 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 13**. It is available on the Government’s website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised March 2015.
- 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 14**.
- 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 15**.

- 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 16**.
- 6.7 The Council's Licensing Policy in relation to Public Nuisance is contained in **Appendix 17**.
- 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 Government's advice in relation to reviews is contained in **Appendix 13**. 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

<b>Appendix 1</b>	Copy of the review application
<b>Appendix 2</b>	Copy of current Premises Licence
<b>Appendix 3</b>	Maps of the premises and surrounding area
<b>Appendix 4</b>	Representations from Metropolitan Police PC Alan Cruickshank
<b>Appendix 5</b>	Representations from Mr Raju Ahmed (Nazrul Restaurant)
<b>Appendix 6</b>	Representations from Kabir Hussain
<b>Appendix 7</b>	Azmal Hussain (Preem Restaurant)
<b>Appendix 8</b>	Ibrahim Hoque
<b>Appendix 9</b>	Removed (fraudulent representation)
<b>Appendix 10</b>	Kazim Akkus (Efes)
<b>Appendix 11</b>	David Cunningham
<b>Appendix 12</b>	Ed & Sarah Jenkin
<b>Appendix 13</b>	Guidance issued under Section 182 by the Home Office for reviews
<b>Appendix 14</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 15</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder



**Appendix 16**

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

**Appendix 17**

London Borough of Tower Hamlets Policy in  
relation to the prevention of Public Nuisance

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# Appendix 1



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**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Curry Bazaar, 77 Brick Lane	
<b>Post town</b> London	<b>Post code</b> 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: 16<sup>th</sup> January 2017

Capacity: Principal Licensing Officer

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

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

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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 [REDACTED] they have been in place since 5<sup>th</sup> March 2009. Mohammed Abdul Kadir Ali is the Designated Premises Supervisor of the restaurant, who has been place since 5<sup>th</sup> August 2016. A copy of the current licence is attached as **Exhibit A**.
  3. A review was triggered on 15<sup>th</sup> 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 12<sup>th</sup> 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 21<sup>st</sup> 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: 20<sup>th</sup> 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 10<sup>th</sup> 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:

19<sup>th</sup> 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 &amp; Mr Mohammad Jubar Ahmad</p> <p>[REDACTED]</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**

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**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 have complaints against other businesses please email them to me or to [trading.standards@towerhamlets.gov.uk](mailto:trading.standards@towerhamlets.gov.uk)

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]>:  
>  
> 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.

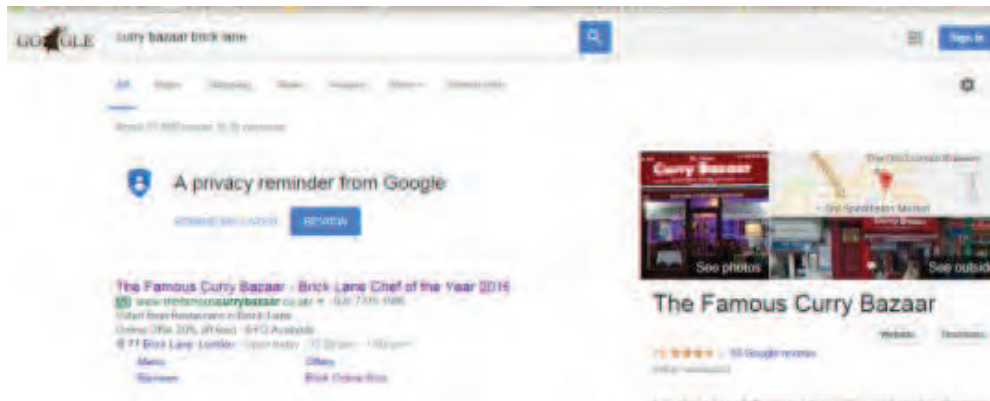
>  
> If your request relates to a Freedom of Information enquiry, please  
> resend this to [foi@towerhamlets.gov.uk](mailto:foi@towerhamlets.gov.uk)

> \*\*\*\*\*  
> \*\*\*\*\*

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

> \*\*\*\*\*

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)

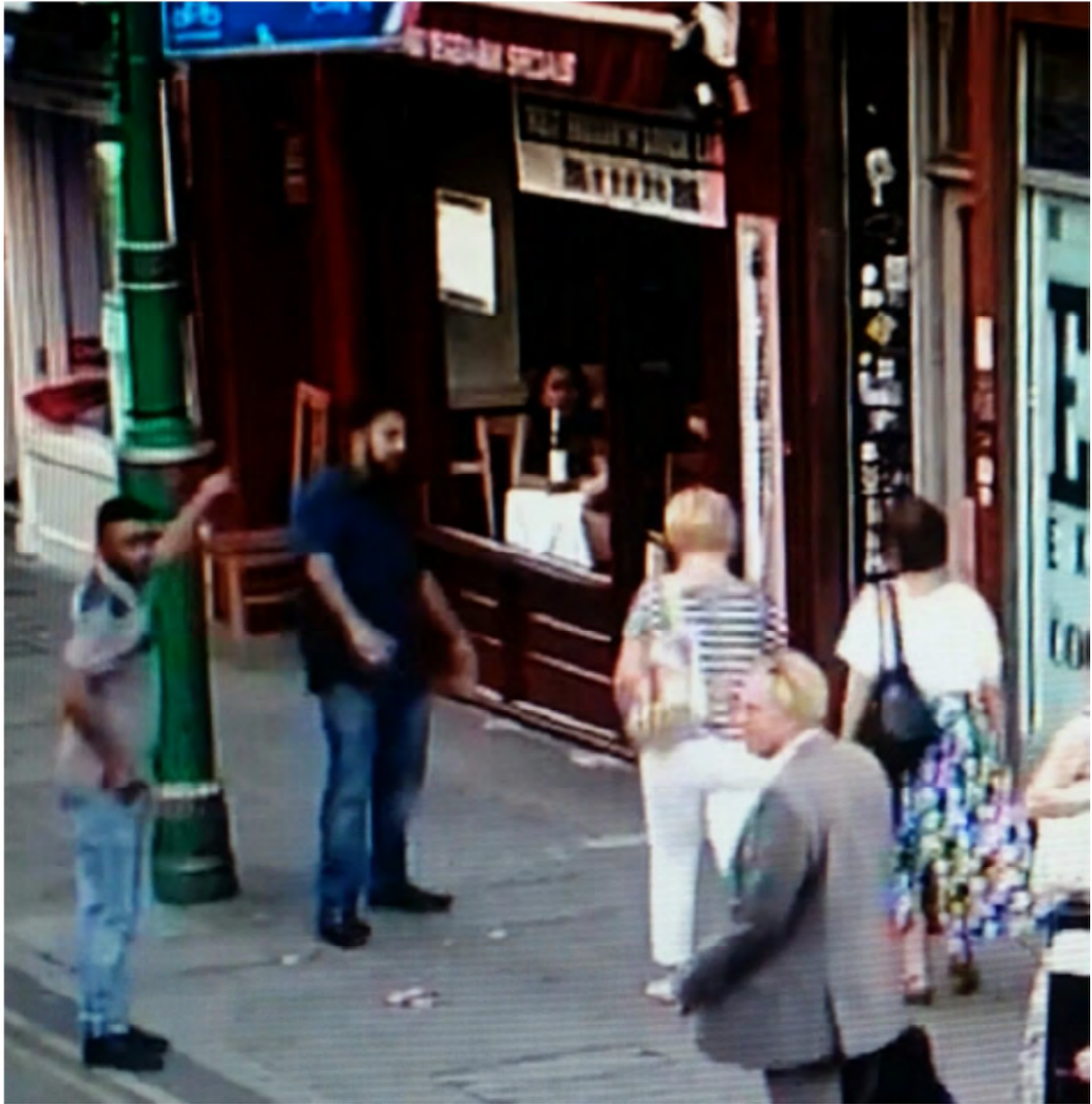
I am PC EVRITT 793HT attached to the Partnership Task Force based at BETHNAL GREEN Police Station. This statement refers to my involvement in a visit to a restaurant as requested by the Licencing Team in Tower Hamlets.

On SATURDAY the 9<sup>th</sup> 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.



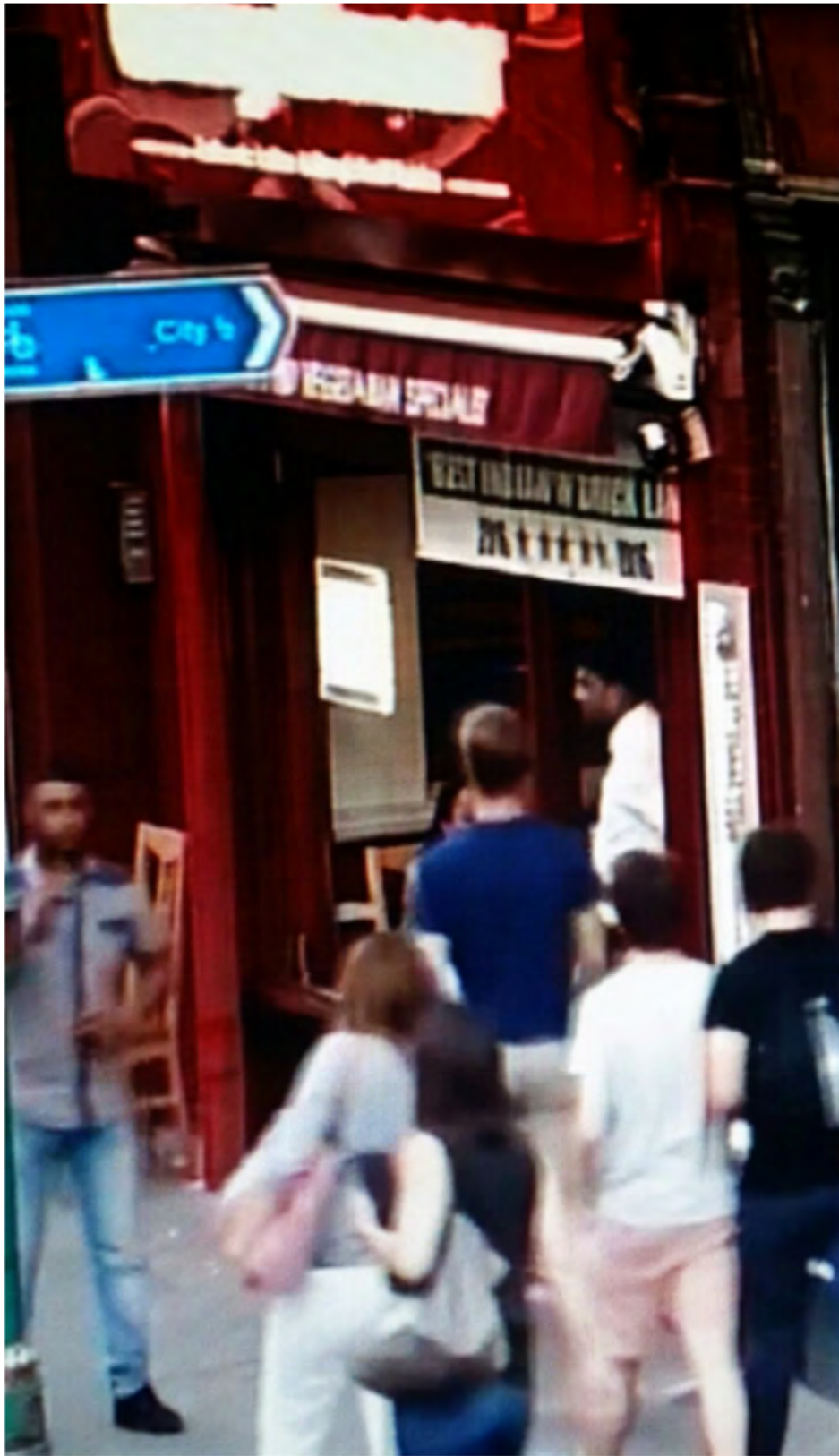
Signature:  Signature witnessed by: .....

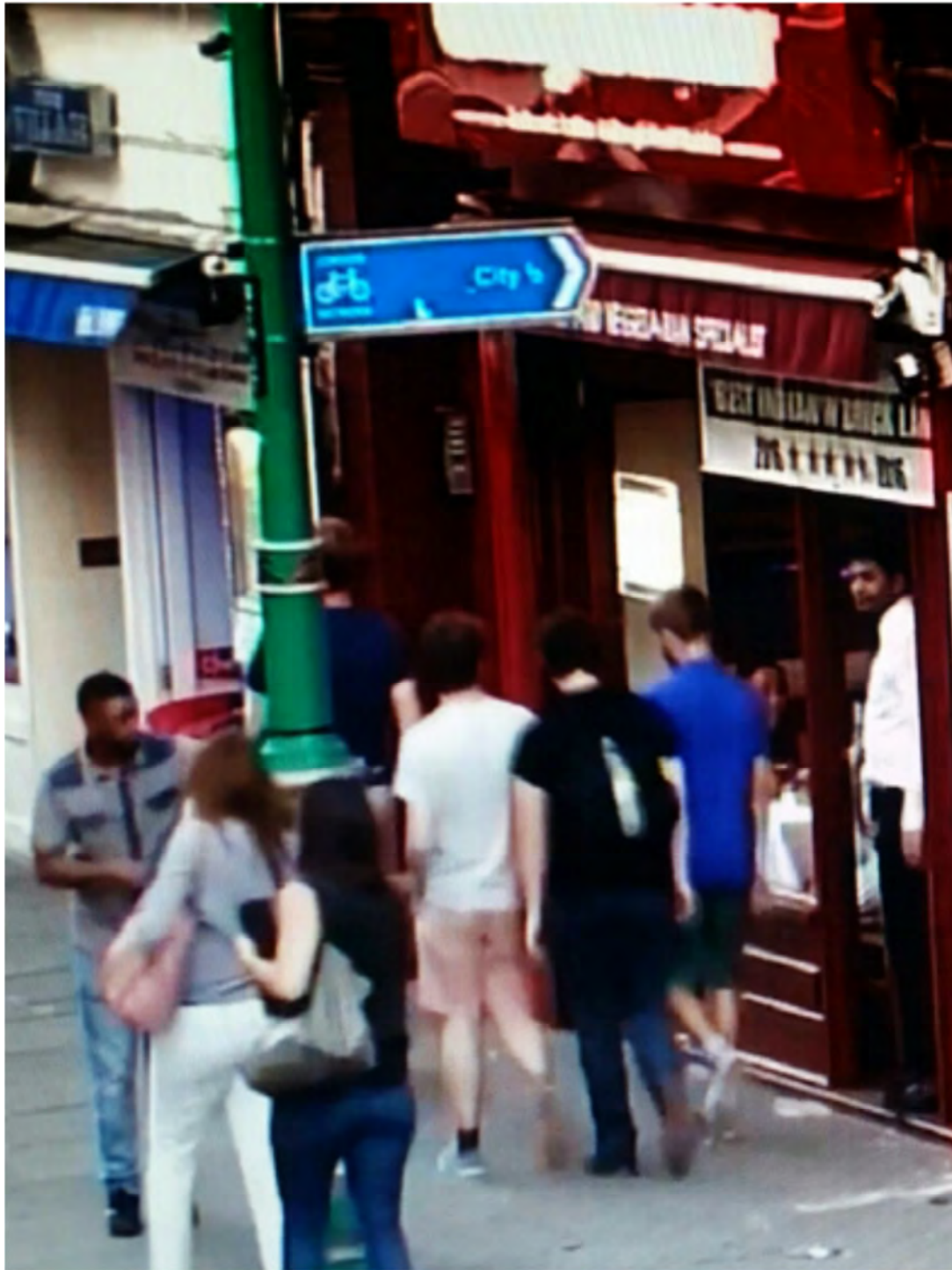
# EXHIBIT E



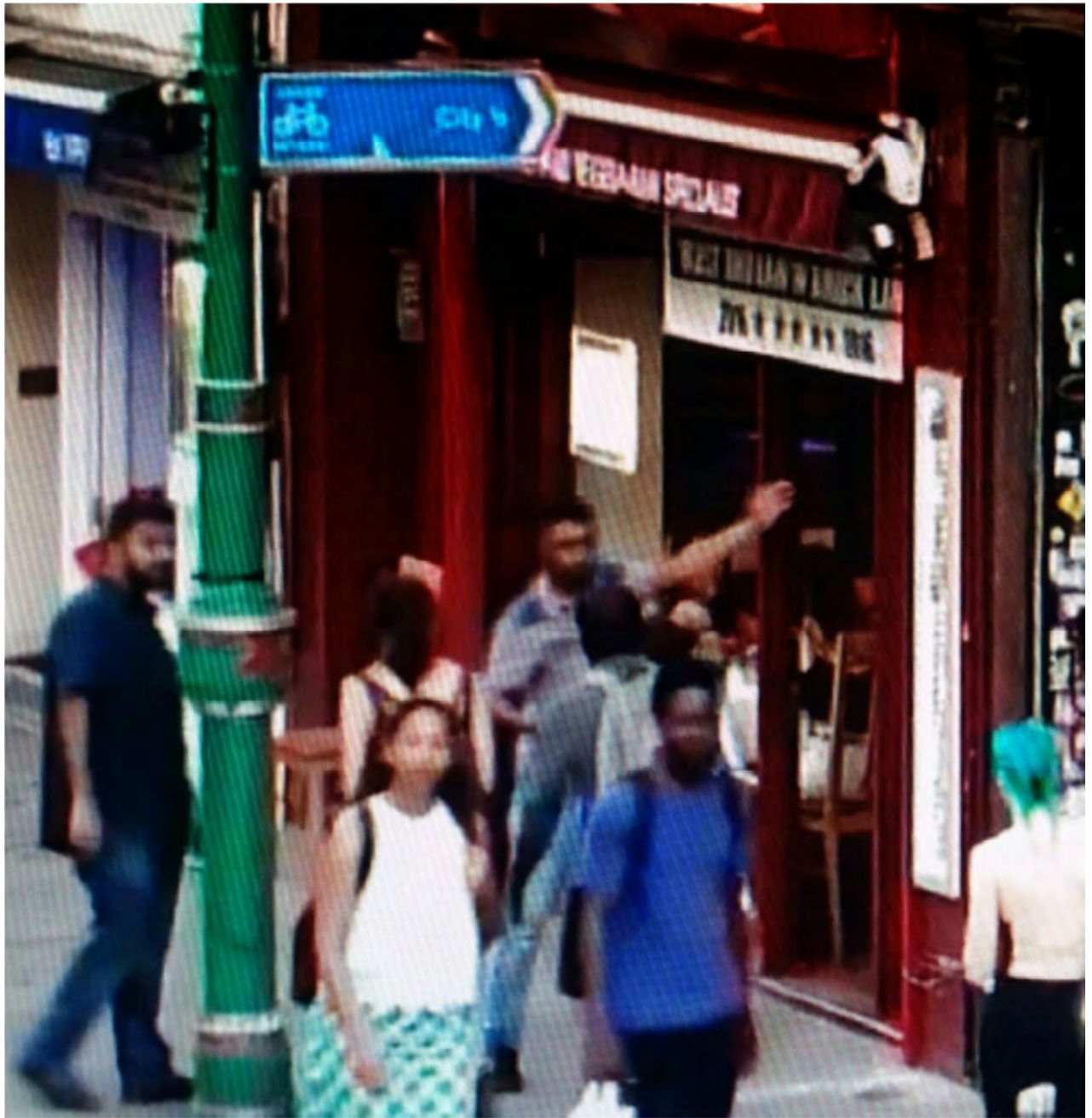






















# Appendix 2

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

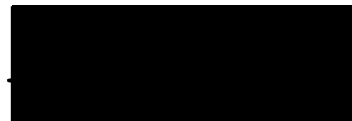
**Licensable Activities authorised by the licence**

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: 20<sup>th</sup> 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 10<sup>th</sup> 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:

19<sup>th</sup> 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

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

Mrs Azirun Nessa & Mr Mohammad Jubar 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

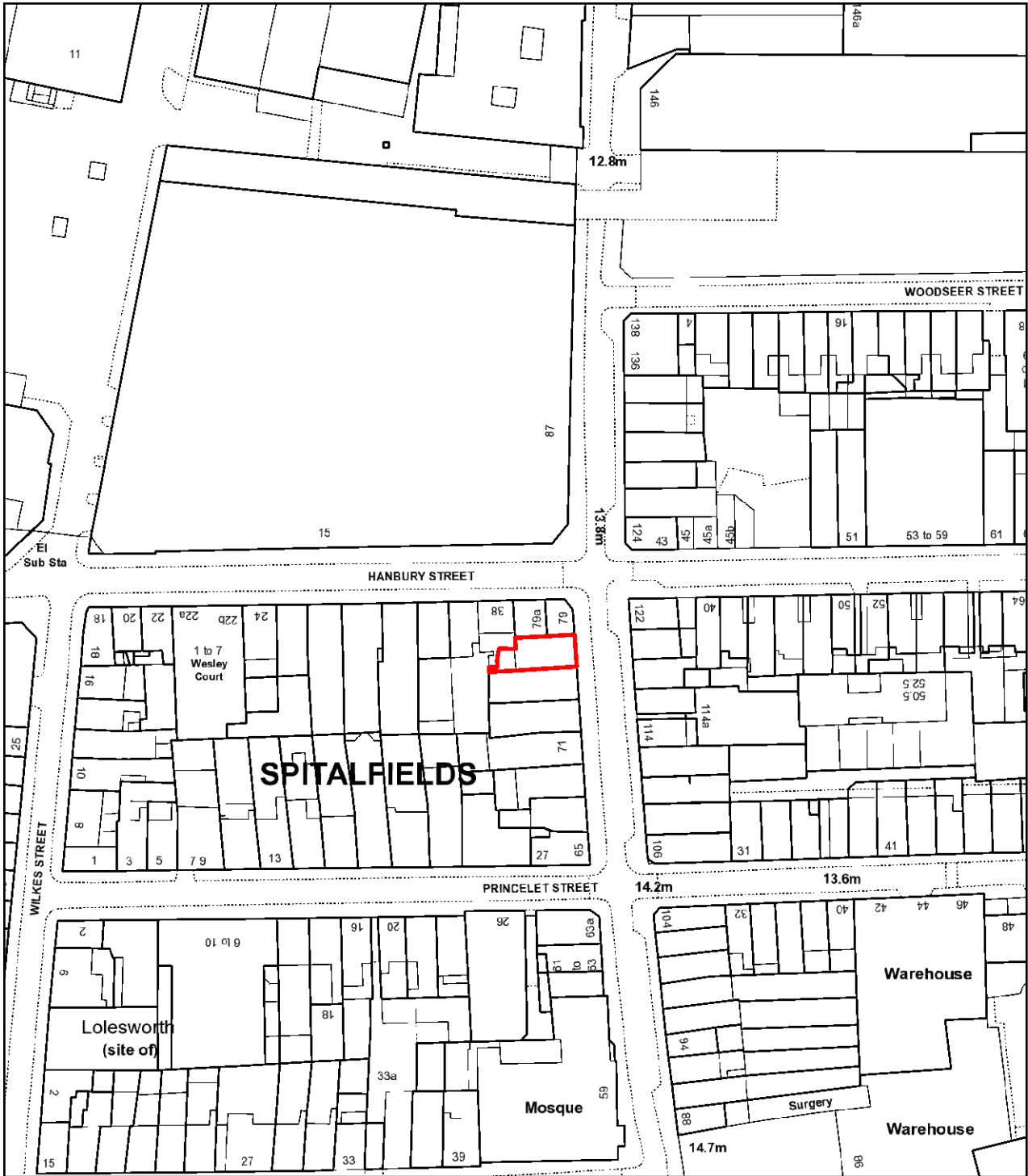
Muhammad Abdul Kadir Ali

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

No restrictions

# Appendix 3

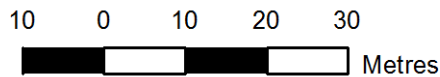


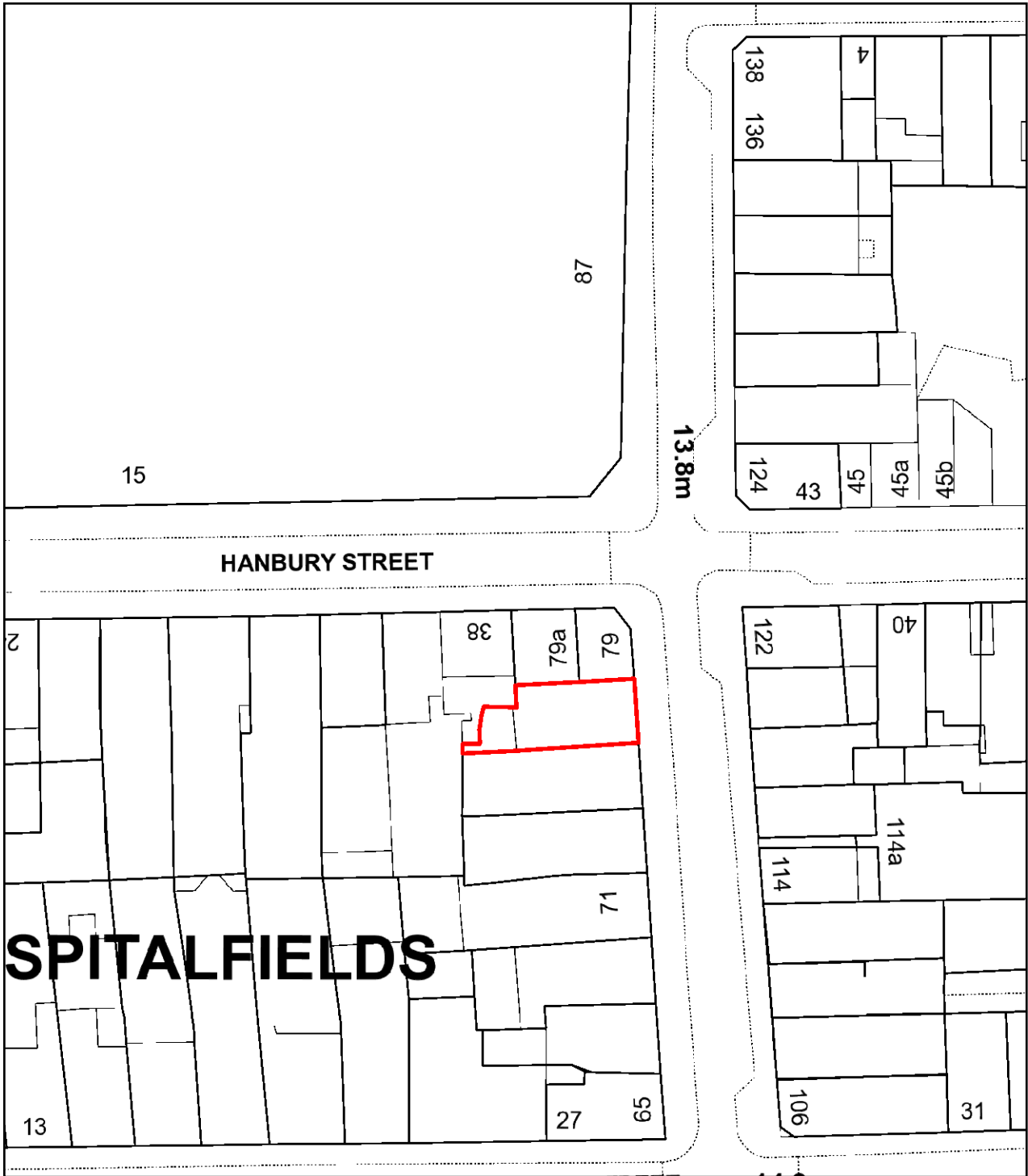


# BrickLane77.01



Scale 1:1135

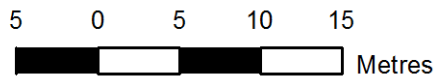




## BrickLane77.02



Scale 1:567



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# Appendix 4

## Mohshin Ali

---

**From:** Alan.D.Cruickshank [REDACTED]  
**Sent:** 07 March 2017 09:48  
**To:** Licensing; Mohshin Ali  
**Cc:** MARK.J.Perry@[REDACTED]  
**Subject:** Curry Bazaar

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Licensing

This is a further update for the upcoming review of Curry Bazaar.

The police received a call from a male already involved in criminal allegations against Jubar and Rashel AHMED. The report states

entered at 20:02 on 04MAR17

INFT STATES HE HAS WITNESSED A GROUP OF GIRLS AGED 14/15 ARE IN RESTAURANT ALL ARE DRINKING ALCOHOL... INFT STATES THE RESTAURANT ARE UNDER INVESTIGATION

THERE IS 10-15 GIRL IN THE GROUP

The information was passed to the Licensing. No other calls were made regarding this.

This has to be treated with some caution as there has been no other allegations regarding underage drinking. I believe it does highlight the tit for tat nature of individuals surrounding this matter. However, there has been serious allegations against Jubar and Rashel which will be heard in front of a Magistrate or Crown Court.

In no way does this alter the police's request that the licence be revoked

Regards

Alan Cruickshank PC 189HT

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## Mohshin Ali

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 08 February 2017 12:18  
**To:** Mohshin Ali  
**Subject:** FW: Curry Bazaar review  
**Attachments:** Curry Bazaar review support (Jan 17).doc; Curry Bazaar review( Dec 15-redacted statements of Wiliams and Farrell ).pdf; Currey Bazaar( Perry CCTV 1st July 16).doc; Curry Bazaar ( restricted information Jan 17).doc; Curry Bazaar( Perry statement ).doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

---

**From:** [Alan.D.Cruickshank](#) [REDACTED]  
**Sent:** 08 February 2017 12:13  
**To:** Licensing  
**Subject:** Curry Bazaar review

Dear Licensing

Please find my letter of support and attached statements

Please note that one document is restricted and Not to be included in the general documents.

Regards

Alan Cruickshank PC 189HT

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**Twitter:** [@metpoliceuk](#)

Tom Lewis  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4UA

HT - Tower Hamlets Borough  
HH - Limehouse Police Station

Licensing Office  
Toby Club Sno  
Vawdrey Close  
Cleveland Way Mile End  
E1 4UA

Telephone: [REDACTED]

Facsimile: [REDACTED]

Email: [REDACTED]

[REDACTED]  
www.met.police.uk

Your ref:

Our ref:

22 January 2017

Dear Mr Lewis

The Metropolitan Police Licensing Unit, as a responsible authority, wishes to support the review instigated by LBTH Licensing, in relation to of Curry Bazaar, 77 Brick Lane, E1 6QL.

It is clear that the premises licence holders and management are seriously undermining the prevention of crime and disorder and also the prevention of public nuisance objectives.

My representation will be in two parts. I will produce information that has already been brought to a licensing committee attention at the last review of the premises.

However, I will also produce information that will be specifically about a man closely associated to 77 Brick Lane and another male who is also associated with 77 Brick Lane. There is an ongoing criminal investigation and therefore the rest of this information is restricted but will be supplied to the licensing committee .I also ask the committee to exclude members of the public from this part of the hearing.

On the 15th December 2015 LBTH Licensing instigated a review of the premises which heard by a licensing committee on the 12th May 2016. The committee that day decided to

suspend the licence for three months and remove the DPS

The background to this decision was as follows.

On Thursday 1st October 2015 at about 1405 I was in plain clothes taking part in a joint operation along with LBTH Trading Standards, HMRC Customs and Tower Hamlets Police's PTF officers who were in uniform.

Initially on speaking to Mr Mohammed Jubar AHMAD who is the current PLH and DPS, he admitted trying to remove the non duty paid boxes of wine and that he had panicked.

When another male entered the restaurant and told him not to say anything more, he became uncooperative and refused to say anything else.

Customs seized the 72 bottles of wine. No appeal was made regarding the seizure.

Later that evening plain clothes officers from the PTF were touted in the street by Mr AHMAD, who was involved in the earlier seizure of wine.

More disturbing is the following incident that took place on Sunday 15th November 2015 at 0100 towards two female officers. (See attached statement from PS 80HT Williams and part of an arrest statement from PC 849HT Farrell)

After an allegation of assault, PS Williams approached a number of Asian males outside Curry Bazaar. It was believed that some of these men were suspects in the assault.

The officer felt surround and one male stated "Call more people then, you clearly can't cope with us all on your own"

She describes one male being very aggressive and that his hands kept hovering over his belt buckle.

PS Williams goes on to say that this male's attitude had "deteriorated and threw his arms



up shouting "YOU SILLY CUNT"

On PC Farrell joining PS Williams, she states a male "kept angrily pointing his finger at my sergeant and I could hear some males speaking to my sergeant with raised voices and a condescending tone"

The action of these men was clearly disorderly and intimidating. If their actions towards female police officers was so hostile and public, then I fear what could occur if female members of the public happen to encounter these men.

I also include a statement from my licensing colleague PC Perry who conducted a licensing visit at Curry Bazaar. He again attended with PS Williams on the 1st April 2016. To summarise, he states:

PS Williams informed me that earlier in the shift they had visited Curry Bazaar and that the manager had been rude to them and smelt of cannabis. In light of this information and as there had been other problems with the premises I decided to conduct a visit to the premises.

I went over to speak to the greeter who I now know to be Mr Mohammed Ahman who initially was friendly. He smelt of cannabis, and when questioned as to this he said he had smoked cannabis earlier in the day. Based on his admission of smoking cannabis he was then told he was going to be searched for drugs, and he then admitted he had a cannabis joint on him.

I then went inside and spoke to the Designated Premises Supervisor Mr Mohammad Jubar Ahmad.

I explained to him that one of his staff had admitted to having cannabis in his possession and was being searched.

Mr Ahmad then went outside..... The DPS Mr Ahmed was shouting at the officers conducting the search, and being verbally abusive and aggressive towards them. I then told Mr Ahmad to go into the store which he did reluctantly.

Once inside the premises Mr Ahmad shouted at me "Why did you lie to me the officers have not found drugs". I said that the person had admitted to having a joint on him and officers were searching him.

As he was so aggressive I told him to calm down....

I asked Mr Ahmad to show us that his CCTV was working by rewinding the CCTV and playing it for us. Mr Ahmad refused, I asked him to confirm he was refusing and Mr Ahmad

said he was not refusing, he was just too busy. There were only a few customers in the premises. I pointed this out to Mr Ahmad who then called me "Stupid". I asked Mr Ahmad to repeat what he had just said, and Mr Ahmad then squared up to me. I then told Mr Ahmad to calm down and that we were here to conduct a licensing visit and that all this would be added to my report.

Throughout the visit he was very abusive to myself and PS Williams. He was constantly pointing his finger at us and calling me a liar and an idiot.

However at the licensing committee in December PC Perry stated the following:

The review hearing of Curry Bazaar was heard at Licensing committee held on the 12th May 2016 at Mulberry Place. At the hearing the person who presented himself as the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad was the person that was found in possession of cannabis and given a cannabis warning on the 1st April, and that had identified himself to myself, PS Williams and her team as Mr Mohammed Ahman.

Therefore on the 1st April the person who said who said they were Mohammad Jubar Ahmad and was abusive to Police was lying and was just a member of staff. I believe that the reason that both these people gave false names was to mislead Police and prevent the fact the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad had been found in possession of cannabis from coming to the attention of the licensing committee

I also produce a statement from PC Perry regarding a visit he made to Curry Bazaar on the 1st July 2016. In it he states the following:

I attended Curry Bazaar at about 11:28pm, the premises was open and had about 15 customers inside, several of whom were drinking alcohol. I spoke to the manager a man who identified himself as Mohammed Ahmed, and informed him that his license was suspended and that he should be closed at 23:00 and that he should not be selling alcohol.

PC Perry then encounters another male called AHMED.

The second Mr Mohammed then became aggressive and called me an idiot and told me to get lost. I said that I would be making a report of this. I then asked for a copy of the CCTV from Friday 1st July from 7:00pm till midnight to make sure that his premises had not been selling alcohol or supplying late night refreshment, Mr Mohammed agreed.

On Sunday 3rd July 2016 I spoke to Mr Mohammed Ahmed, the initial manager I spoke to on the Friday night and he said that the CCTV was not working but they were tiring to fix it.

I contacted the premises after several days and was told that the CCTV was not working and had not been working on the night of the visit. I explained that this was not acceptable and that when the suspension of the license was over the CCTV would need to be working as it was a condition of the license.

PC Perry believes that neither of these two men was the Premises Licence Holder Mr Jubar AHMAD.

Technically this was not a breach of the Licensing Act as the conditions placed on a licence was also suspended.

At the licensing committee on 12th May 2016, Mr Ahmad was given one last chance to organise his management team and ensure that the licensing objectives were clearly understood by everyone. It is evident from the two restricted incident reports that Mr AHMAD is continuing to ignore the licensing objectives, especially that of the prevention of crime and disorder. I cannot see any further conditions that could be attached to the licence that would assist Mr Ahmad to run the restaurant in a professional manner.

I support LBTH Licensing and ask the committee to revoke the licence.

Alan Cruickshank PC 189HT

Tom Lewis  
LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4UA

HT - Tower Hamlets Borough  
HH - Limehouse Police Station  
Licensing Office  
Toby Club Sno  
Vawdrey Close  
Cleveland Way Mile End  
E1 4UA

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]  
[REDACTED]  
www.met.police.uk

Your ref:

Our ref:

24 February 2017

Dear Mr Lewis

Review of Curry Bazaar, 77 Brick Lane, E1

Further to my initial representation I wish to add the following.

On the 10th February 2017 in the early evening I was on duty in plain clothes in Brick Lane, E1. As I approached Curry Bazaar I saw standing outside the restaurant, the Premises Licence Holder, Mr Juber AHMED. I approached him and asked him why he was standing outside as he was advised by his lawyer to remain in the background to avoid any further confrontations.

He said it was not in his bail conditions and his lawyer never said that. I informed him that this was not the case as both he and I advised him that he remain in the background, inside the restaurant and not to stand outside.

As I continued up Brick Lane AHMED approached me and asked if I could speak to him in the restaurant. Sitting down, he was joined by his brother Rashel.

They asked how they could improve things. I asked if it was correct that two members of Curry Bazaar staff had recently been detained by Immigration officers (more to follow)

Rashel reluctantly confirmed this. I then advised them to contact their lawyer and that I couldn't talk about any criminal cases. Jubar said he wanted a good relationship with the police.

Having received an email from an immigration officer I can confirm the following information.

“

I have checked our systems that show that East ICE did attend the Famous Curry House on the 02/02/2017. We arrested one person for immigration offences, one other was escorted off the premises as he was not entitled to work and a last was taken to his residential address in order to provide proof of his identity.

Two people were identified as not having any entitlement to work at the premises.

Sec182 Guidance 11.27 states 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

I have since received an email from a man making a criminal allegation against Jubar and Rashel. They in turn initially made an allegation against the complainant. At this time the investigation is ongoing.

It is clear that Mr. Ahmed has no intention of abiding by the Licensing Act. Being aware that his licence is under review he continues to ignore not only advice from his own lawyer but commits an offence that licensing guidance states should be “treated particularly seriously”

Mr. Ahmed was given one last chance at the previous licensing committee to reform his business. He has significantly failed to do.

The Licensing Act can only be effective if the licence holder understands that if there is a significant breach then they will be in danger of losing their licence and business. Unfortunately in this case the restaurant can continue to operate as a business and there will always be a risk that further violence or disorder will occur between Curry Bazaar and other restaurants.

This continual disorder between a small number of restaurants takes up a significant amount of time for my colleagues and my colleagues. If serious criminal offences

are to continue at any restaurant including Curry Bazaar, it may result in the police applying for a closure notice and then at a Magistrate Court for a Closure Order which can last for up to 3 months. This would in effect close the restaurant and allow access to only the owner or agent.

I ask the committee to revoke the licence.

Alan Cruickshank PC 189HT

**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 **PC Mark Perry 748HT 205619**..... URN: 

--	--	--	--

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

This statement (consisting of: ....**3**..... 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: .....

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

I am PC Mark Perry 748HT a Police Licensing Officer attached to Tower Hamlets Police. This statement refers to the events of Friday the 1st April 2016 when I, in the company of PS 80 HT Williams, PC Borman 241HT and PC Brindley 381HT when we conducted a licensing visit to Curry Bazaar at 77 Brick Lane. During the visit a member of Curry Bazaar’s staff was found in possession of drugs and the Manager and Designated Premises Supervisor was aggressive and abusive towards Police.

On Friday the 1st April 2016 I was on duty in plain clothes conducting visits to Licensed Premises in the Tower Hamlets. At about 11:30pm I met with PS 80 HT Williams, PC Borman 241HT and PC Brindley 381HT on Brick Lane to conduct a licensing visit to another premises. The premises in question was closed so no visit was carried out. PS Williams informed me that earlier in the shift they had visited Curry Bazaar and that the manager had been rude to them and smelt of cannabis. In light of this information and as there had been other problems with the premises I decided to conduct a visit to the premises.

As we approached the premises I saw a male standing outside the premises, I recognised him as a “greeter” who works for the premises. Sgt Williams and I went over to speak to the greeter who I now know to be Mr Mohammed Ahman who initially was friendly. He smelt of cannabis, and when questioned as to this he said he had smoked cannabis earlier in the day. Based on his admission of smoking cannabis he was then told he was going to be searched for drugs, and he then admitted he had a cannabis joint on him.

Signature: ..... Signature witnessed by: .....

Continuation of Statement of **PC Mark Perry 748HT 205619**.....

Ps Williams and I then went inside and spoke to the Designated Premises Supervisor Mr Mohammad Jubar Ahmad. I explained to him that one of his staff had admitted to having cannabis in his possession and was being searched. I then informed him that we were conducting a licensing visit and asked for a copy of the premises license which he produced.

Mr Ahmad then went outside while I looked at the license. After a few minutes I went outside to get him back in the store to talk to him. While outside I saw Mr Ahman being searched by PC Brindley and PC Borman. The DPS Mr Ahmed was shouting at the officers conducting the search, and being verbally abusive and aggressive towards them. I then told Mr Ahmad to go into the store which he did reluctantly.

Once inside the premises Mr Ahmad shouted at me "Why did you lie to me the officers have not found drugs". I said that the person had admitted to having a joint on him and officers were searching him.

As he was so aggressive I told him to calm down and asked him what his role is, Mr Ahmad replied "DPS", I asked him what DPS stood for and Mr Ahmad did not know. I told him it was in my opinion very worrying that he did not know what the DPS was. I then explained that DPS stood for Designated Premises Supervisor, I then explained his role as DPS and asked him what the 4 licensing objectives were, Mr Ahmad did not know. I then explained the licensing objectives to him.

I asked Mr Ahmad to show us that his CCTV was working by rewinding the CCTV and playing it for us. Mr Ahmad refused, I asked him to confirm he was refusing and Mr Ahmad said he was not refusing, he was just too busy. There were only a few customers in the premises. I pointed this out to Mr Ahmad who then called me "Stupid". I asked Mr Ahamd to repeat what he had just said, and Mr Ahmad then squared up to me. I then told Mr Ahmad to calm down and that we were here to conduct a licensing visit and that all this would be added to my report.

Throughout the visit he was very abusive to myself and PS Williams. He was constantly pointing his finger at us and calling me a liar and an idiot. At one point he refused to let PS Williams into the premises. I said that we were conducting a licensing visit and that if he tried to stop us entering he would be committing an offence under the licensing act and be arrested.

I said that he should show PS Williams the respect she was due as a Police Sergeant. Mr Ahmed said that he won't respect her. That she was "Cheeky" and that he wanted her out of his premises.

Signature: ..... Signature witnessed by: .....



Continuation of Statement of **PC Mark Perry 748HT 205619**.....

I told Mr Ahmed that I was very concerned that his reaction to being told that one of his staff had admitted to possessing drugs was not to find out what had happened, but to be aggressive to Police, interfere with the search and show a total lack of respect to officers. I informed Mr Ahmed that we would be adding this as evidence for the review of the license. He said he didn't care, that we as Police Officers were "Minimum wage" he had another restaurant.

The review hearing of Curry Bazaar was heard at Licensing committee held on the 12th May 2016 at Mulberry Place. At the hearing the person who presented himself as the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad was the person that was found in possession of cannabis and given a cannabis warning on the 1st April, and that had identified himself to myself, PS Williams and her team as Mr Mohammed Ahman.

Therefore on the 1st April the person who said who said they were Mohammad Jubar Ahmad and was abusive to Police was lying and was just a member of staff. I believe that the reason that both these people gave false names was to mislead Police and prevent the fact the DPS of Curry Bazaar Mr Mohammad Jubar Ahmad had been found in possession of cannabis from coming to the attention of the licensing committee

This was pointed out to the Licensing Committee who noted it. After the hearing I warned Mr Mohammad Jubar Ahmad against giving false details to Police in the future.

Signature: ..... Signature witnessed by: .....

**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 **Pc Mark Perry 748HT P205619**..... URN: 

--	--	--	--

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

This statement (consisting of: ....**2**..... 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: .....

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

I am PC Mark Perry 748HT a Police Licensing Officer. This statement refers to a licensing visit On Friday 1st July 2016 I attended Curry Bazaar at about 11:28pm, the premises was open and had about 15 customers inside, several of whom were drinking alcohol. I spoke to the manager a man who identified himself as Mohammed Ahmed, and informed him that his license was suspended and that he should be closed at 23:00 and that he should not be selling alcohol. Mr Ahmed said that he had not been informed by the council. Another manager also called Mr Mohammed Ahmed then arrived, and he took charge. I asked the second Mr Ahmed for identification to confirm his details but he refused.

The second Mr Mohammed said that the council was wrong and that the suspension was not in place, and that they, the management of Curry Bazaar had not been informed. I explained that the matter had been heard by Tower Hamlets Council Licensing Sub Committee and the suspension of the license had been agreed at the hearing.

The second Mr Mohammed then became aggressive and called me an idiot and told me to get lost. I said that I would be making a report of this. I then asked for a copy of the CCTV from Friday 1st July from 7:00pm till midnight to make sure that his premises had not been selling alcohol or supplying late night refreshment, Mr Mohammed agreed.

On Sunday 3rd July 2016 I spoke to Mr Mohammed Ahmed, the initial manager I spoke to on the Friday night and he said that the CCTV was not working but they were tiring to fix it. I informed him that I would attend the restaurant on Thursday and if the CCTV was not working then, and that I was not given copies for both Friday and Saturday from 7:00pm till midnight then I would add this to my statement and report that I believed the only reason Police were not being given the CCTV was because it would show them late night refreshment, or selling alcohol. Mr Ahmed said he would try to get the CCTV working.

Signature: ..... Signature witnessed by: .....

Continuation of Statement of **Pc Mark Perry 748HT** .....

I contacted the premises after several days and was told that the CCTV was not working and had not been working on the.

Signature: ..... Signature witnessed by: .....

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 Joanne Farrell ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police Officer 236234 .....

This statement (consisting of: .... 3..... 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: [Redacted] Date: 24/11/2015

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

In the early hours of SUNDAY November 15th 2015 I was on duty in full uniform as part of night time economy patrols around BRICK LANE, patrolling with my sergeant PS WILLIAMS. Just after 0100hrs, an IC3 male wearing a SIA security armband approached us and said one of his security staff had just been assaulted. We approached the member of staff who had a horizontal cut approximately one inch wide under his left eye, as if he had been hit in the face by someone who was wearing a ring or holding something sharp. The male told me he was a security guard at JASMINE curry house, 128 BRICK LANE. He said he had finished work and was going to unlock his bicycle which was chained up outside JASMINE in order to go home. He said some IC4 males from another curry house called CURRY BAZAAR (77 BRICK LANE) approached him aggressively and kicked his bicycle onto the ground. He then told them to go away, but they wouldn't. He then pushed one male away who responded by punching him in the face. He could not give me a description of who had punched him. I called up our council CCTV control room on my personal radio and they did a playback of the footage, which in their interpretation showed the security guard as the aggressor. I have since watched the footage and it is clear his bicycle had simply fallen over, possibly from passers by brushing past it. When he picked the bicycle up, it appears to have accidentally clipped an IC4 male who was walking past who reacted negatively and was quickly joined by a group of other IC4 males from the immediate vicinity. This group swelled to 12 males and then almost 20 males all gathered around the victim and his bike in a frankly intimidating manner, making it impossible to see who actually threw the punch that connected with the security guard.

There were a lot of people crowding around at this stage, many of whom (judging by their dress) appeared to be staff from curry houses. There was also a group of IC4 males standing outside A&Y OFF LICENCE watching what was going on. There was a bad atmosphere and I was worried matters may escalate, so I radioed my colleagues PC JANKOWSKI and PC BRINDLEY to join us. No one could give me a description of the male who punched the security guard in the face. The manager of JASMINE (I did not get his name) spoke to me several

Signature: [Redacted] Signature witnessed by: [Signature]

Continuation of Statement of **Joanne Farrell**.....

times and was calm and helpful each time. He said the suspect in the assault was downstairs in CURRY BAZAAR. He could not explain how he knew this, nor could he give me a description. He seemed concerned that the suspect may escape out the back. I explained that without a description I can't arrest anyone, and that I was not prepared to go inside alone as there was only one other police officer with me and she was speaking to staff standing outside CURRY BAZAAR.

While I was on the other side of the junction with HANBURY STREET talking to the assault victim and the manager of JASMINE, I noticed my sergeant was talking with staff from CURRY BAZAAR and that their body language was rather confrontational. I moved towards her as she was on her own. There was a group of males and they were standing across the entrance to the restaurant. Their body language was closed (arms folded, one male - who was wearing a dark coloured hooded coat with the hood up - kept angrily pointing his finger at my sergeant) and I could hear some of the males speaking to my sergeant with raised voices and a condescending tone, stating "I'm leaving!". I remember thinking what a marked contrast there was between the behaviour of staff from CURRY BAZAAR and staff from JASMINE, who were upset about the situation but overall behaving themselves and cooperating with police.

Shortly after 0130hrs my colleagues PC JANKOWSKI and PC BRINDLEY arrived on scene. At this point, the manager of JASMINE said the suspect for the assault had been pointed out to him and he then pointed the male out to me. He was standing outside A&Y WINES wearing a navy top with grey sleeves. I asked PC JANKOWSKI and PC BRINDLEY to arrest this male for ABH. He ran when they approached and they chased after him. Shortly after this occurred, I saw a male I now know to be walk angrily down the pavement toward the group of males standing outside A&Y WINES. He was shouting angrily in Bengali and waving his arms around. The veins in his neck were sticking up and he appeared to be crying. I had not noticed anything that was said or done to provoke this by the males outside A&Y WINES but then I am not a Bengali speaker.

I walked up to and said to him "Stop shouting and walk off that way". He tried to keep moving so I pushed him back using my right hand on his chest and my left hand on his right arm. He again tried to walk toward A&Y WINES and I again got in front of him and pushed him back saying to him "WALK OFF THAT WAY OR YOU'RE GETTING ARRESTED". At this point staff from JASMINE came over and tried to calm walking him back up the road a couple of metres. en suddenly turned back and walked around me into the road, around a parked car until he was within a couple of metres from the group outside A&Y WINES with just a parked car between them. He continued to scream and gesticulate at the group, at one point making a throat slitting gesture toward them. There were a number of members of the public milling around, as well as diners in restaurants, all of whom would have witnessed the incident.

At this point - at approximately 0145hrs - I grabbed hold of and said to him "I WARNED YOU SEVERAL TIMES TO WALK AWAY, YOU ARE NOW UNDER ARREST FOR SECTION 4 PUBLIC

Signature:

[Redacted Signature]

Signature witnessed by:

[Redacted Signature]

### 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 PS Williams 80HT ..... URN: 

01	GN		11
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Sergeant P230541** .....

This statement (consisting of: .... **2**..... 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: 11th of December 2015 .....

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

On Sunday the 15th of November 2015 shortly after 0100hrs I was on duty in full uniform in company of PC FARRELL 849HT patrolling Brick Lane. I was made aware of an assault that had taken place the victim had a cut to his left cheek he stated that he was the security guard of JASMINE curry house, 128 BRICK LANE. The victim went on to explain that he had been punched to the face and that the suspect was out side CURRY BAZAR,, 77 BRIC LANE. He gave a description of an IC4 male, with very little other details. I made my way to out side CURRY BAZAR where there was a number of IC4 Males. The atmosphere was bouncing, they were all clearly enraged and defensive. I approached an IC4 male, who was of a slight build, short black hair wearing a bright blue puffer jacket. He stated that he worked at the restaurant. I asked him 'GUYS WHATS HAPPENED?'. He immediately became very defensive, stating that nothing had happened and I should leave, there was apparently no reason for me to be outside the premises. I explained to him that an allegation had been made to us, and that we were currently trying to ascertain what had occurred. I asked the three IC4 males who were directly outside the address to stay for the time being whilst we ascertained the details, made CCTV enquiries, and for further assistance to arrive. The IC4 male in the blue puffer jacket remained in the middle. Another IC4 male, thinner build wearing a black jacket with the hood pulled over his head was to my left, and another IC4 male, thicker set stood to my right. I felt that we were suddenly surrounded by people, which made the situation a show, in particular to the male in the middle wearing the blue puffer jacket. Having asked them to stay where they were, as they could well be suspects of this assault, I felt the need to direct this male to the left of me as there were a number of people forming around us. I placed one hand gently on his left elbow and asked him to move over to his right. He pulled his arm away from me and shouted at me 'DON'T TOUCH ME, WHAT RIGHT DO YOU HAVE TO FUCKING TOUCH ME, GET OFF ME'. I remained calm, and explained the situation we were in over and over, I explained to him that his aggressiveness was not necessary and that he needed to calm down. His reaction was 'CALL MORE PEOPLE THEN, YOU CLEARLY CAN'T COPE WITH US ALL ON YOUR OWN'. I again explained that I had called for a further unit for assistance. He crossed his arms and was

Signature: Signature witnessed by: .....

Continuation of Statement of ALYS WILLIAMS PS 80HT

particularly unhelpful. The male to the right of him wearing the back hooded jacket was also very aggressive, I was aware that his hands kept hovering over the belt buckle of his belt. He was particularly annoyed that he had to wait around and said 'WATCH WHAT SHE DOES WHEN I LEAVE, I'M LEAVING'. I called for CCTV to keep the camera on me and in particular this male and shop window. His attitude deteriorated and threw his arms up shouting 'YOU SILLY CUNT', I asked him to repeat what he said and he stated 'JUST GET ON WITH IT'.

Whilst we stood there awaiting the further unit and whilst PC FARRELL liaised with the CCTV, I explained to the male in the blue puffer jacket that I would be making contact with the licensing unit due to the amount of abuse that I had received from this venue. His reaction was to shout and swear at me, his body language aggressive, he kept pacing towards me and then back towards the shop window. Two (2) white males who were on the way into the establishment stopped to ask me if I needed assistance. Whilst I was stood there two (2) security guards walked towards the IC4 in the blue puffer jacket, they seemed to know each other well. The taller of the security staff ignored me, and started to engage in conversation asking the male in the blue puffer jacket 'MATE WHY HAS THIS HAPPENED, HE'S MY MAN YOU KNOW, THIS SHOULDN'T HAVE HAPPENED TO HIM WE HELP YOU OUT ALL THE TIME'. Following a further few lines of conversation which I cannot recall they left. During this conversation it was not apparent that the male in the blue puffer jacket had been the suspect of the assault.

I could see that PC FARRELL was on her own, and clearly out numbered so for officer safety reasons I walked over to assist her. PC BRINDLEY and PC JANKOWSKI then arrived on scene. PC FARRELL passed on further information to them which sent them running after a suspect along Brick Lane away from the Shoreditch end.

A further altercation then took place in which a [redacted] was arrested for public order after a confrontation with the IC4 male that was previously outside CURRY BAZAR wearing a black jacket with the hood pulled over his head. There is clearly tensions between JAMSIN curry house and CURRY BAZAR.

[redacted]

Signature:

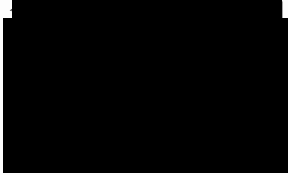
[redacted signature]

Signature witnessed by:

.....

# Appendix 5





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 3<sup>rd</sup> 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 7<sup>th</sup> 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 used to redact the signature of Mr Raju Ahmed.

Mr Raju Ahmed

## Mohshin Ali

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**From:** [REDACTED]  
**Sent:** 20 February 2017 04:12  
**To:** [REDACTED].police.uk; Licensing; HT-[REDACTED].police.uk  
**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]

# Appendix 6

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

[REDACTED]

Mr Kabir

[REDACTED]

## Corinne Holland

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**From:** Kabir Hussain <[REDACTED]>  
**Sent:** 28 February 2017 19:21  
**To:** Licensing; [REDACTED]@police.uk; 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 [REDACTED] 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 [REDACTED] 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 de-arrested 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 [REDACTED].



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]

Handled by PC markpenn  
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 14<sup>th</sup> of March 2017 at Town Hall (letter of hearing attached).

Yours Faithfully

Mr Kabir Hussain

# Appendix 7

**Azmal Hussain** [REDACTED]

To: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Dear Sir/Madam

I hope you are alright.I am writing on behalf of [REDACTED] 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  
[REDACTED]



# Appendix 8

## Mohshin Ali

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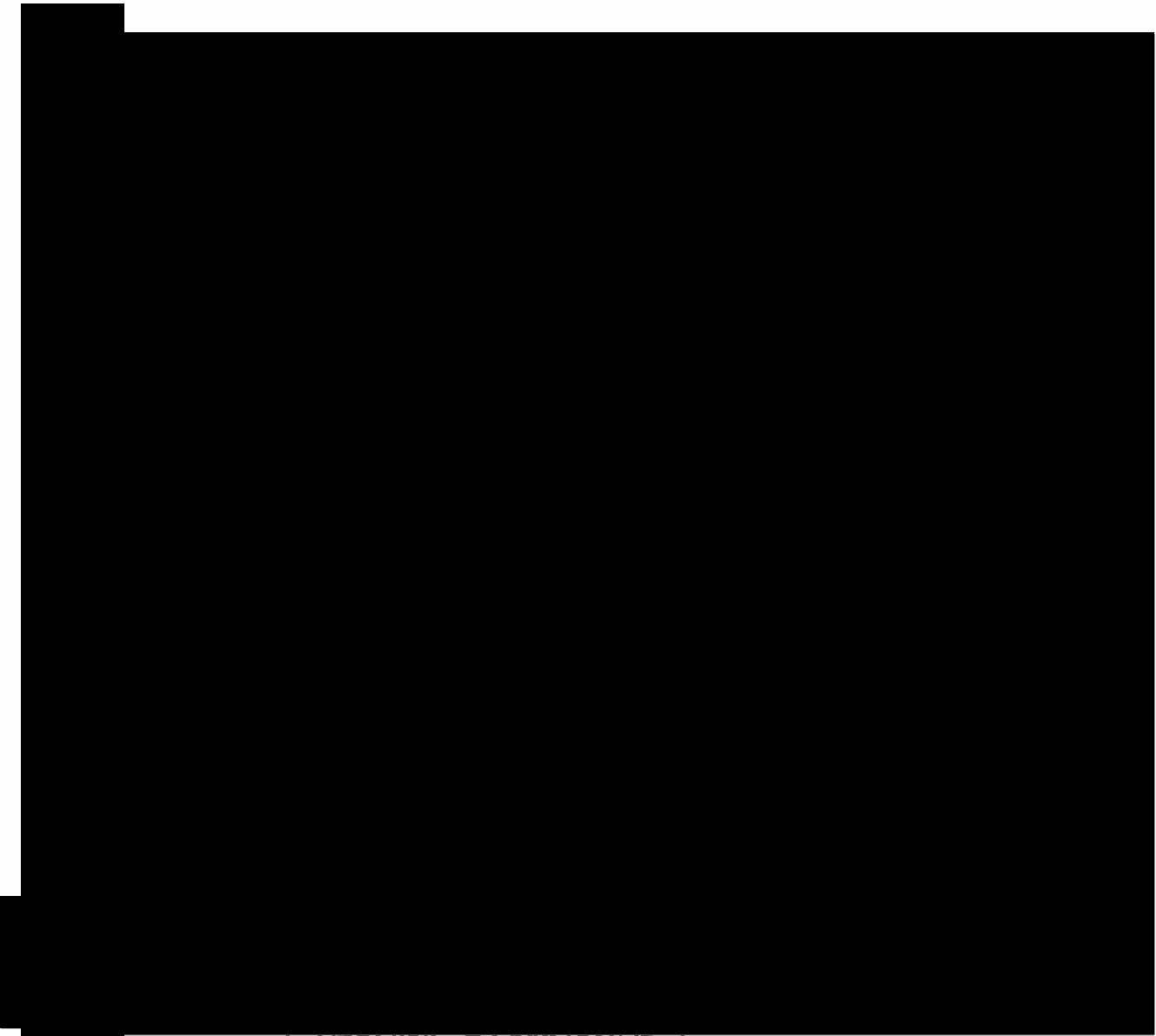
**From:** Ibrahim Miah [REDACTED]  
**Sent:** 08 February 2017 19:26  
**To:** Licensing; [REDACTED].police.uk  
**Subject:** Curry Bazaar 77 Brick Lane London E1

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



TRADING STANDARDS  
10 FEB 2017  
LICENSING



# Appendix 10

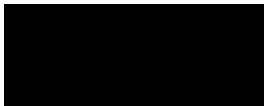


28<sup>th</sup> January 2017

Subject: Curry Bazaar Indian Restaurant License Review

We wish to say that we are constantly in a battle with the Curry Bazaar Restaurant over the same issue to do with calling for customers / touting. The touters in this restaurant continue to harass us and our customers. When we raise objection they become violent. We only started trading here for one month and already deciding moving due to this nonsense. Owner / Touter Mr Rasel Ahmed is very abusive and gets violent quick. Staff here are always drunk from drinking inside restaurant. Night time many many boys come smoke drugs outside restaurant and drinking and shouting. Very bad place. Please do something.

With best wishes



Kazim Akkus





2<sup>nd</sup> February 2017

Subject: Curry Bazaar Indian Restaurant License Review

I wish to draw your attention that on 1st February 2017 the above restaurant was subject to an Immigration Raid by Immigration Enforcement Authority and it was found that 2 people classified as illegal immigrants were employed and both were arrested and remain in custody.

This has had an effect on my business and to the overall image of the area as Immigration Authorities and Vans parked outside drew some crowd and overall portrayed a negative image and being neighbours it drew people away from the scene and has thus far kept people away.

Local restaurants repeatedly warned the business owners not to employ people classified as illegal to the country but the owners disregarded the notion. It is even believed that these 2 individuals who are now in custody were forced to work up to 14 hours a day 7 days a week!

I rest the matter on your hands.

With best wishes



Kazim Akkus

# Appendix 11

**Mohshin Ali**

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**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

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**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]

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

# Appendix 12

## Mohshin Ali

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**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

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**From:** [ed.jenkins](#) [REDACTED]  
**Sent:** 13 February 2017 21:28  
**To:** Licensing  
**Cc:** [Sarah.j.jenkins](#) [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]

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# Appendix 13



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

Updated March 2015

## 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 13 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 repetitious. 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 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 repetitious 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](http://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 promote 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.
- 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)<sup>10</sup>;
  - 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. 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. 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 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 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

for unlawful gambling; and

for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police 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. 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 14



## **Crime and disorder - S182 Updated March 2015**

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. 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.

# Appendix 15

## **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 16

## Public nuisance - S182 Updated March 2015

- 2.14 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.
- 2.15 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.
- 2.16 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 15). 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.
- 2.17 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.

- 2.18 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.
- 2.19 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.
- 2.20 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 17

## **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.