

Appendix 1



This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY**

**Application 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 ...Pc Mark Perry 748HT Borough Licensing Officer apply for the review of a
premises licence under section 51 / apply for the review of a club premises certificate
under section 87 of the Licensing Act 2003 for the premises described in Part 1
below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Tanim Superstore (Flash 24 Superstore) 542 Commercial Road	
Post town Tower Hamlets	Post code (if known) E1 0HY

Name of premises licence holder or club holding club premises certificate (if known) **Mr Rezwan Noor**

Number of premises licence or club premises certificate (if known) **11504**

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) Y

- 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

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Pc Mark Perry 748HT Licensing Officer Tower Hamlets Police Bethnal Green Police Station 12 Victoria Park Square	
Telephone number (if any)	<input type="text"/>
E-mail (optional) n	<input type="text"/>

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

Please tick one or more boxes

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

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

Both the Police and the Council had received intelligence that the premises was involved in selling Nitrous Oxide (NO₂) to people, who were using it to inhale as a drug.

This complaint is attached and marked as additional evidence 1 in the review papers.

It states that the shop is selling Nitrous Oxide to customers who then inhale it. This is causing high levels of anti social behavior for local residents including leading to people being assaulted. People are coming to the shop from different areas to purchase Nitrous Oxide.

The shop has sold to children as young as 14, who had to be taken to hospital as a result of inhaling Nitrous Oxide.

On Friday the 22nd June Police Officers from Tower Hamlets Police and Officers from Tower Hamlets Council conducted an intelligence led visit to Tanim Superstore at 542 Commercial Road.

PS Deal walked inside the store and overheard a conversation between a white female customer and Rahman the current manager of the store. Rahman was passing the female a bag, the female customer said "last time you didn't give me any balloons" Rahman then reached down under the counter and passed the female a bag of balloons.

PS Deal then walked to the door of the shop and asked PC SMITH and PC Zimolag to ask the female what she had just purchased. The female was stopped and she advised officers that she had purchased some nitrous oxide canisters and that she had paid £10 for them. She told officers that she was on her way to a party and that her boyfriend was waiting in a taxi for her. She also stated that she used to buy them

them for 3 boxes for £25 from this shop but they have since put their prices up to £10 £10 per box.

Once inside the shop Police and Council Officers then proceeded into the store. Tower Hamlets Officers went behind the counter to conduct their relevant checks where they found boxes of Nitrous Oxide canisters behind the counter, along with packets of balloons. As Damian Doherty records in his statement they also found a small black bag containing Nitrous Oxide and balloons ready for sale.

There were also 3 full boxes of x25 x24 canisters of Nitrous Oxide behind the counter and a further 19 boxes of x25 x24 Nitrous Oxide canisters downstairs. There was also x12 x24 canisters loose upstairs. In total there were 13488 canisters of Nitrous Oxide that were seized from the premises, with a street value of £5620.

While in Tanim Superstore Pc Zimolag records in his statement that he saw an Asian female pacing up and down in the shop, talking to another female. She left the shop after a short while and returned 5 to 10 minutes later, where she went straight to the counter and was handed £50 she had allegedly just paid for Nitrous Oxide just before Police came into the shop.

Pc Zimolag also states that during the visit they observed several young people come into the store who extremely disappointed because they could not buy Nitrous Oxide canisters.

The investigation into the offense of supplying or offering to supply, a psychoactive substance is continuing.

This is not the first time this premises has come to notice.

On the 8th May 2016 Police received a report from Tower Hamlets THEO's who in a report they stated the following:

I would like to draw your attention towards the issue which THEOs have been dealing with for some time. We are dealing with Alcohol related Anti-Social Behaviour outside 542 Commercial Road. The area is known for group of Street Drinkers who drink alcohol all day long outside Tanim Superstore. They cause alarm and harassed business premises and their customers, the next door shop owners have made a complaint about these drinkers and effect on their business.

On 8th May 2016 we spotted large group of males and females standing outside the betting shop 540 Commercial Road and were drinking from open car of beer. By using our CSAS powers we requested them to surrender their alcohol, they were compliant. Officer Imran Khan spoke to the shop manager O■■■ Rahman of Tanim Super store 542 Commercial Road and informed him about the problem and advise him not sale any liquor to the group outside.

Within two minutes one of the street drinkers from the group went inside the shop, male appeared to be extremely intoxicated but shopkeeper sold him a can of beer.

Ref HTRT00436213

On the 2nd September 2017 plain clothes Police Officers were on duty in Commercial Road for an a period of a couple of hours dealing with a male who had been arrested for a believed unrelated matter.

During that time they observed a high level of activity outside and inside the newsagents Tanim Superstore, 542 Commercial Road. Multiple cars pulled up outside the shop. Groups of people who appeared drunk and high entered the shop. The people in the shop appeared to be using it as a meeting point or a location to purchase drugs. Most people left the shop without any obvious signs of having made an purchases of regular groceries or other items.

There were spent laughing gas cartridges outside. People were hanging around as if

waiting for police to leave. One group left the shop shouting towards uniform police "when are you going they won't even sell to us now".

Ref HTRT00455802

On Monday 18h June 2018, at approximately 7:30pm, an informant spoke to PCSO Speller from Roads and Transport Policing about two shops around the area selling the silver canisters, which contain nitrous oxide.

The two shops have signs on that says 'LEBARA' and one is 542 Commercial Road (Tanim Superstore).

The informant states that these two shops are selling them by the box loads to mostly Asian males about 15-25 years of age. Some times they go down Boulcott Street E1 to use the balloons to inhale this, but recently they are doing it outside the shop or even in there cars as they are driving off.

This is happening most evenings and the trouble starts around the 7pm until 10:00pm Fights are becoming the normal thing as the males who are taking them are starting fights with anyone that is about.

Ref HTRT00466667

The evidence from the joint visit to Tanim Superstore on the 22nd June 2018 is supported by the evidence listed above, from both members of the public and from Police and Local Authority previous dealings with the premises.

This is a premises that contributes to crime and disorder in the area, by selling alcohol to street drinkers who are intoxicated to supplying Psychoactive substances to people to use as a drug, according to information from the public, to people as

young as 14. All of which has led to residents complain about the shop.

This is a premises that not only flouts the Licensing Act and fails it also uphold the Licensing Objectives, in that buy selling Nitrous Oxide to people for them to inhale the premises has become a causal factor in anti social behaviour in the area.

By selling Nitrous Oxide to children it is failing to uphold the licensing objective of protecting children from harm.

By selling alcohol to people who are intoxicated it is also enabling anti-social behaviour in the area.

The actions of the management of this shop have clearly demonstrated that it cannot be trusted to have any alcohol license. We do not believe that any form of additional condition will be effective in dealing with the problems the shop causes as we believe, with good cause that they will simply be ignored.

We therefore ask that the premises license is revoked.

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

Please tick ? yes
N

If yes please state the date of that application

Day	Month	Year

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

No

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 Y

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

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 PC Mark Perry 748HT.....Police Licensing Officer

.....
Date: 6th August 2018

.....
Capacity Police Licensing Officer
.....

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

Appendix 2

Complaint Completed on 25/05/2018 16:22**Complaint details**

Your involvement	I am the complainant
Reference	
Subject	Tanim off licence commercial road 542
Complaint details	<p>Hi there. Firstly I have reported this over 5 times. This is my 6th time.</p> <p>The so called shop in mention are selling products which are causing hi anti social behaviour.</p> <p>The products which I am talking about are these so called "laughing gas" which are the small silver capsules. My neighbours son was omitted to hospital a few weeks back because he had a seizure taking these capsules. The mess it always leaves behind is ridiculous. And the seem to sell to all ages, a friend of mine got her to go in there and ask for these silver capsules and he is 14. He got served!!</p> <p>As a resident myself and neighbours in the community are fed up, there is actually people in the community that want to take matters into there own hand and cause damage and possible fights with the owners which i don't agree with but I cannot stop these.</p> <p>I am asking you please can this shop be banned from selling such products which are harming the kids and causing unrest in the community.</p> <p>I have looked into these products and know that they are illigal to sell as of 2017.</p> <p>Can you please look into this shop in question. Tamim supermarket</p> <p>I will also add that many people from different areas come to this shop to buy this product and on one occasion a group of men physically assaulted a man which was walking past the shop, this was told to me buy one of the residents who live behind the shop on the side road.</p>
Previously contacted us about this issue?	Yes
Previous contact details	5 times I have.

Appendix 3

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**URN

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Statement of: Constable HT0212 Artur Zimolag

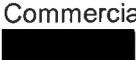
Age if under 18: Over 18

Occupation: Police officer

This statement 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 in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date: 23 Jun 2018

These are my original notes started on Saturday 23/06/2018 at approximately 1735 hours at Bethnal Green police station in the room 3.15. This statement refers to the incident that took place at Tanim Superstore 542 Commercial Road, E1 where an Asian male, who is now known to me as S  RAHMAN with date of birth of , was arrested for possession of psychoactive substances with intent to supply. *fe*

On Friday 22/06/2018 I was on duty in plain clothes in an unmarked police vehicle call sign HT17. I was in the company of PS 63HT DEAL, PC 349HT SMIHT. PS DEAL was the driver and PC SMITH was the operator with me sitting on the rear passenger seat. At approximately 2220 hours we were in the company of two (2) Council Licensing Officers and entered Tanim Superstore, 542 Commercial Road, E1. Council Officers had received information that the shop was supplying Nitrous Oxide canisters with balloons to the members of the public. The shop is narrow with shelves with items for sale on both sides. Opposite the entrance on the far end of the shop there was a counter with the till. When I entered the shop there were several customers inside the store most standing by the counter. I walked down the store and saw Mr RAHMAN and another Asian looking male, who looked older than Mr RAHMAN, behind the counter. I have noticed that Mr RAHMAN was putting what looked like small carton boxes in to black carrier bag. I saw a short Asian female with long black hair standing by the counter and exchanging words with the older Asian male, I could not hear what was said. I also saw from the distance a white female by the counter talking to the both males behind it. I saw Mr RAHMAN passing an item to her and at that moment PS DEAL came up to me and PC SMITH who was standing right by my side and asked us to speak to that white female after she leaves the store and to ask her what she bought. We stopped the female who PS DEAL described about half a minute later just outside the store. We identified ourselves as police officers. The female instead of talking to us right outside the store walked us little further away from the store as if she did not want anyone from the store to see or hear that she was talking to police. She opened the bag she brought out of the shop and said that she bought boxes of nitrous oxide canisters with balloons and that one box cost £10. She also said that it used to be three boxes of nitrous oxide for £25 but they put the price up. PC SMITH and I returned to the shop and PC SMITH relayed this information to PS DEAL. *fe*

I have noticed that the short Asian female with long black hair was pacing up and down the shop talking to another female and after a short while left the shop. She came back about five to ten minutes later and went straight to the counter. She was handed £50 she allegedly paid for the canisters just before we came to the store. *fe*

During the visit several young people came to the store and looked extremely disappointed because they could not buy nitrous oxide canisters. *fe*

Licensing Officers from the council were conducting their checks and I was informed by PS DEAL that Mr RAHMAN will be arrested for possession of psychoactive substances with intent to supply and all the boxes containing canisters will be seized under sec 19 of PACE as evidence. At that moment I called for another *fe*

Signature: 

Signature Witnessed by:

Continuation of Statement of: Constable HT0212 Artur Zimolag

unmarked police unit to assist us and about ten (10) minuets later PC 883HT RAHMAN and PC 109HT TAJ arrived on scene. I then helped brining big carton boxes containing smaller boxes with canisters from the basement storage and load them in to our unmarked police vehicles.

I was made aware that PS DEAL arrested Mr RAHMAN for possession of psychoactive substances with intend to supply and after confirming his details he was invited for the voluntary interview on Monday 02/07/2018 at 1200 hours at Bethnal Green Police Station.

All the exhibits were than taken to Bethnal Green police station and stored in room 3.15.

PC 883HT RAHMAN
19-19 JUN 23 02:00
19-19 JUN 23 02:00

[Large handwritten signature area, mostly illegible]

PC Zimolag

Witness Signature: *PC 21210 Zimolag*

Signature Witnessed by:

Appendix 4

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 David DEAL** URN:

01	HT		18
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Office p203131**

This statement (consisting of: **5**..... 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:



PS68HT

Date:
23.06.18

These are my original notes regarding the incident at Tanim Superstore 542 Commercial Road E1. These notes were started at 1120hrs on the 23.06.2018 and I completed these notes in office 3.15 which is on the third floor at Bethnal Green Police Station, the other person present was PC349HT Smith. The reason for the delay in starting these notes is that the suspect was arrested and de arrested being invited into Bethnal Green Police Station for an interview on the 2nd July at 1200hrs, shortly after finishing at the venue I arrested another person for a different offence which took me to the end of the shift to finish dealing with and have returned to complete this paperwork on the next shift.

On 22.06.2018 I was on duty in plain-clothes in an unmarked police vehicle call, sign HT17, I with other officers and Council Licensing Officers attended 542 Commercial Road regarding information the shop was supplying Nitrus Oxide canisters and balloons to the public. I was in company with PC212HT Zimolag, PC349HT Smith, PC883HT Rahman & PC109HT Taj along with 2 Council Officers Mr Damien Doherty being one of the Licensing Officers.

At approx. 2220hrs on the 22nd June 2018 we attended 542 Commercial Road, I entered the store which was very busy, there were 5 people in the shop, I walked towards the counter and behind it were two Asian males and older male who appeared to be the shop assistant and a younger male who seemed to be the manager or overseer, there was a white female with a lip piercing at the counter talking to the apparent manager he was bagging cartons of Nitrus Oxide into a plastic bag, the white female said "The last ones I bought you didn't give me the balloons", the apparent manager said "Sorry", he immediately bent forward under the counter and picked up a packet of balloons, I now know there are 20 balloons in a packet, he then placed the balloons in the bag with the canisters, I went to the door of the shop and asked my officers who were outside to speak

Signature:



Signature witnessed by:

PS68HT

Continuation of Statement of **David DEAL**

to the IC1 female with the lip piercing who was about to leave and ask her what she had just bought.

I went back towards the counter as the IC1 female walked past me and out of the shop.

The licensing officers approached the counter and I identified myself as a police officer and they identified themselves, the licensing officers went behind the counter and I waited just at the front of the counter. The licensing officers completed some paperwork but it became apparent that the council officers did not have the capability to seize all the canisters, because of this and not wanting to loose evidence I then arrested the apparent manager a male I now know to be Mr S [REDACTED] Rahman, I said "I am arresting you for Possession with intent to supply Psycho active substances" I then cautioned him at 2239hrs to which he made no reply.

There were 3 full boxes of canisters behind the front counter one open box with smaller boxes inside and un the underground store room there were a further 19 un opened boxes.

I seized the exhibits as well as a quantity of packets of balloons from behind the front counter.

Mr Rahman said "The customers sign these, they are for catering use". He then produced some sheets of paper with signatures and some had dates from last year, I seized these items as well.

I said "Sir some of these sheets have dates from October last year and some have no dates, does this mean you have only sold these items in October last year and tonight"?

Mr Rahman did not reply.

I said "Sir it isn't really believable that all of these dated in October last year where needed on one day because all of their catering supply had run out".

All of the items were seized and carried to the front of the shop and then later placed in our vehicles and conveyed to Bethnal Green Police Station where they were sealed in evidence bags.

Mr Rahman's details were confirmed and he was invited into Bethnal Green Police Station regarding the interview about selling the items.

I have sealed and bag all exhibits and list them as below.

13:10 SR

[REDACTED SIGNATURE]

R863HT

Signature Signature witnessed by:

Continuation of Statement of **David DEAL**

- DAD/1 – sealed in evidence bag MPSE53717897 - x1 cardboard box containing 12 boxes of 24 canisters of NO2.
- DAD/2A – sealed in evidence bag MPSE53717875 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/2B - sealed in evidence bag MPSE53717874 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/2C - sealed in evidence bag MPSE53717873 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3A - sealed in evidence bag MPSE53717894 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3B - sealed in evidence bag MPSE53717893 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3C - sealed in evidence bag MPSE53717892 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3D - sealed in evidence bag MPSE53717891 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3E - sealed in evidence bag MPSE53717890 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3F - sealed in evidence bag MPSE53717889 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3G - sealed in evidence bag MPSE53717888 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3H - sealed in evidence bag MPSE53717887 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3I - sealed in evidence bag MPSE53717886 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3J - sealed in evidence bag MPSE53717885 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3K - sealed in evidence bag MPSE53717884 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3L - sealed in evidence bag MPSE53717883 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3M - sealed in evidence bag MPSE53717882 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3N - sealed in evidence bag MPSE53717881 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3O- sealed in evidence bag MPSE53717880 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3P - sealed in evidence bag MPSE53717879 – x1 cardboard box containing 25 boxes of 24 canisters NO2.

Signature

[Redacted Signature]

PSBHT

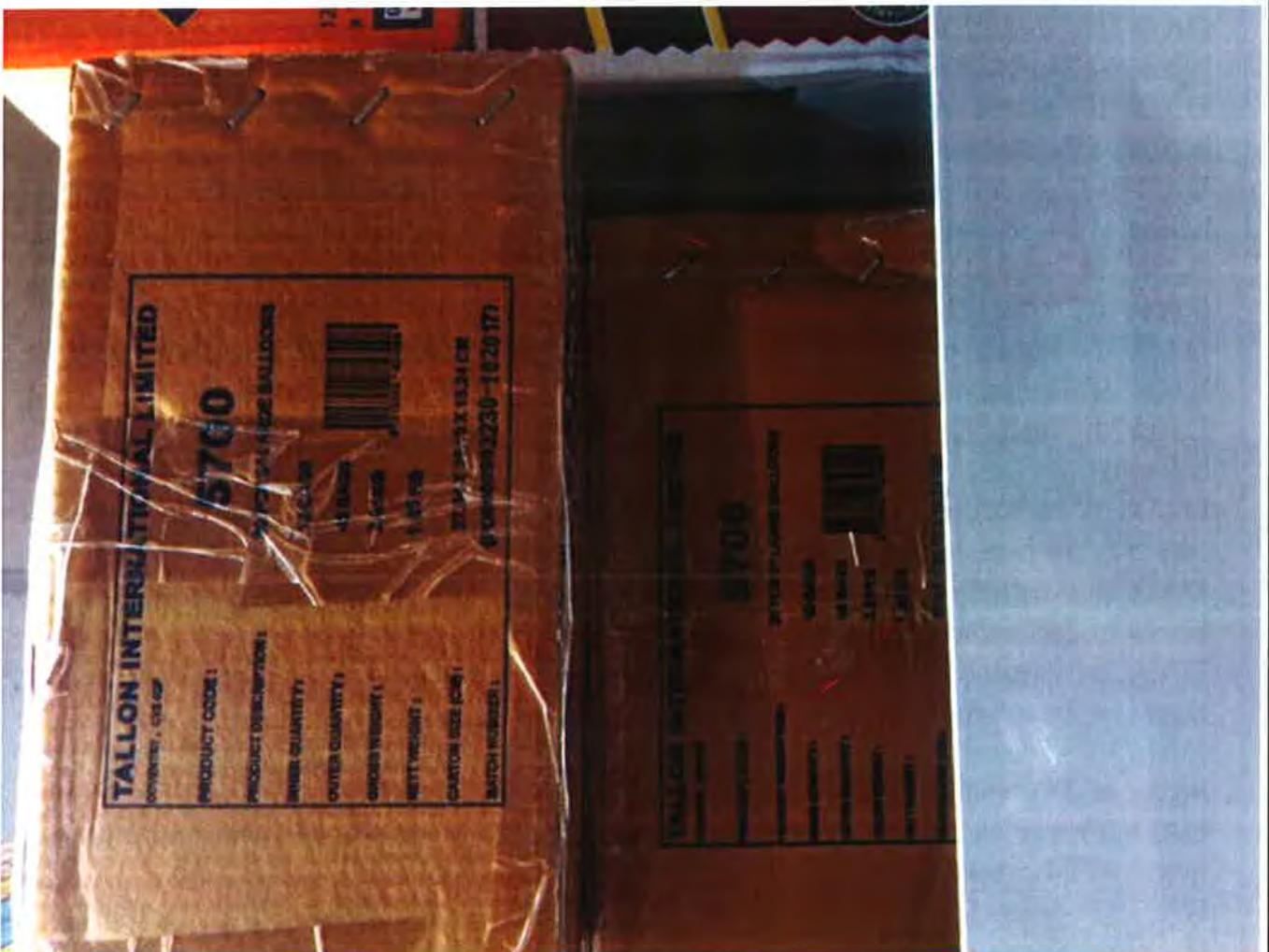
witnessed by:

Continuation of Statement of **David DEAL**

- DAD/3Q - sealed in evidence bag MPSE53717878 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3R - sealed in evidence bag MPSE53717877 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/3S - sealed in evidence bag MPSE53717876 – x1 cardboard box containing 25 boxes of 24 canisters NO2.
- DAD/4 – sealed in evidence bag MPSE53717895 - x10 packs of 20 large balloons
- DAD/5 – sealed in evidence bag MPSE53717896 – Tanim store paperwork T+C

In total this is 562 small boxes of canisters that I found out from officers who had spoken to the IC1 female who had left the shop earlier were £10 per box, meaning the seized evidence had a retail value of £5620.00.

Also within the shop I took a picture of 2 large boxes of balloons, I exhibit this picture as DAD/6.



13:10 SA 29
 Signature: [REDACTED]

PS6BHT
 Signature witnessed by:

Continuation of Statement of **David DEAL**

I did not seize this item as I did not believe taking the item added any extra evidence.

I also exhibit a picture of the open box of 12 small boxes of canisters as DAD/7 this relates to item DAD/1 in this statement.



Mr Rahman was de arrested and we then left the store.
These notes were completed at 1257hrs on the 23.06.2018.

[Redacted signature area]

PS68HT

[Redacted signature area]

PS68HT

Signature nature witnessed by:

Witness contact details

Home address: **Bethnal Green Police Station**

Postcode: **E2 9NZ**

Home telephone number Work telephone number [REDACTED]

Mobile/pager number Email address: [REDACTED]

Preferred means of contact:

Male / Female (delete as applicable) **Date and place of birth:**

Former name: **Ethnicity Code (16+1):** **Religion/belief:**

Dates of witness non-availability **See MG10**

Witness care

- a) Is the witness willing and likely to attend court?. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs?. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PS 63HT David DEAL 203131** Station: **Bethnal Green**

Time and place statement taken:

Appendix 5

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 Kate Osborne 875HT URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

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: PC [redacted] 875HT Date: 06/8/2018

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

My name is PC Kate Osborne 875HT and I am attached to SHADWELL SAFER NEIGHBOURHOOD TEAM, based at CABLE STREET. I have been attached to the SHADWELL team for 2 (two) years.

On Shadwell ward, as well as the surrounding wards, the Safer Neighbourhood Teams receive a larger amount of complaints regarding nitrous oxide use, and especially the litter that results from it. Although not illegal to use, seeing large groups of (typically) young makes use these canisters makes the local residents feel unsafe. This is especially true when they see the young men use them inside vehicles, and drive off, which is very common. They become worried about these young people being dizzy or high and then in charge of a motor vehicle. Although the high from nitrous oxide use is very brief, there was a fatal road accident in Shadwell last year where excessive nitrous oxide use was thought to be a contributory factor to the dangerous driving.

Local Shadwell residents also despair of the litter. I am regularly stopped in the street when on routine patrol and asked what can be done to combat nitrous oxide use and the litter. I can also see myself the large piles of silver canisters that mount up on certain streets when I patrol the area. They are unsightly and sometimes puncture people's tires as they're trying to park. One woman stopped me and told me that she felt uncomfortable having to explain what the piled-up canisters were to her young children, as they are essentially drugs, and she had wanted to delay that conversation until her children were older.

I have received reports from the council and other related organisations that TANIM SUPERSTORE is selling nitrous oxides for recreational use. If this is true, the shop is contributing greatly to antisocial behaviour in the area. Typically many of the young people who use nitrous oxide in this area live with their families, and they are unable to order it online to come to their address as their family would find them. Instead they buy them in local corner shops, such as TANIM SUPERSTORE. The Safer Neighbourhood team supports any action taken against the store to combat anti-social behaviour in the area. PC 875HT

Signature: PC [redacted] 875HT Signature witnessed by:

Appendix 6

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Constable HT0349 Stacey Smith

Age if under 18: Over 18

Occupation: Police officer

This statement 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 in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date: 01 Aug 2018

This statement is being written at the request of PC Mark PERRY from licensing which is the reason for the delay in writing. This statement refers to the day I attended TANIM SUPERSTORE, 542 COMMERCIAL ROAD, E1 0HR at approximately 22:15 hours on FRIDAY the 22/06/2018.

PS DEAL had walked inside the shop whilst I had waited outside and he brought my attention to an IC1 female who was about to leave the shop and he wanted me to ask her what she had bought.

Once the IC1 female had left the shop I approached her, told her I was police officer and asked her what she had purchased from the shop. The female showed me the inside of the bag which contained nitrous oxide canisters and balloons. The female told me that she was on her way to a party and that she paid £10 per box she then got into a waiting taxi that had a male friend sat in the back, both were dressed as if they were going out.

Signature: 

Signature Witnessed by:

Appendix 7

RESTRICTED (when complete)**WITNESS STATEMENT**

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

URN Statement of: **Damian DOHERTY**

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

Occupation: Licensing Enforcement Officer

This statement (consisting of 3 of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:..... Date:.....26/06/2018Tick if witness evidence is visually recorded (supply witness details on rear)

I am **Damian DOHERTY** a Licensing Enforcement Officer employed by the London Borough of Tower Hamlets Council. I am duly authorised under the Licensing Act 2003. One of my roles involves conducting late night Enforcement visits and test purchasing on behalf of the Licensing section. On **FRIDAY 22nd JUNE 2018** at 21:45 I was working with my colleague **Lekan OLOMO** (Health and Safety Officer). We met with **PS63 HT DEAL** and planned visits that evening to include **TANIM SUPERSTORE 542 COMMERCIAL ROAD LONDON E1 OHY**. I was aware that this particular Off Licence held a Licence (exhibited as **DD/01**) that allowed the following:

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)
-

Annex 2 - Conditions consistent with the operating Schedule

1. 24 hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to Police if required.
2. Premises to be secured by a full alarm system, with panic button.
3. Proof of age identity cards to be required if there is any doubt of a young person's age.

The Police were operating in Plain clothes and carrying out joint visits with the Council that evening. The rest of **PS DEAL'S** team consisted of **PC212HT ZIMOLAG**, **PC883HT RAHMAN**, **PC 109HT TAJ** and **PC 349HT SMITH**. The reason for visiting this Off Licence was that there were Health and Safety issues with the basement and stairs that my colleague **OLOMO** needed to look at and there were reports that this premises was providing Nitrous Oxide and balloons to customers which may be consumed as a high. At 22:20 we drove and parked up in **BELGRAVE STREET** directly opposite the Off Licence.

The Police entered first to check if Nitrous Oxide was being supplied and I watched from across the road. Once we saw the Police come outside and speak to a female IC1 customer and check what she had purchased I crossed **COMMERCIAL ROAD** with **OLOMO**. **PS DEAL** confirmed that she had purchased Nitrous Oxide (in the form of a box of 24 silver capsules sold as "Master Whip cream chargers") and party balloons. **PS DEAL** said we can then enter and speak to the staff inside. I walked up to the counter and introduced myself to the IC4 male behind the counter showing my Warrant card. I looked to the wall on the left before the counter and saw that the Summary (Part B) was on display with two other pages from the Licence. I asked the elderly IC4 male behind the counter if I could see a copy of the Licence which is a six page document. He looked confused and spoke to another Younger Male who pointed at the wall. I said that this is not the complete Licence and it is an offence under the Licensing Act for failing to produce a copy of the licence. Customers were still coming into the shop and one IC4 customer was quite rude and aggressive and started to film myself and my Police Colleagues with his mobile phone. I suggested to staff that one secures the door whilst we conduct our business. I asked to speak to the Premise Licence Holder/ Designated Premise supervisor **Rezwan NOOR**. The younger IC4 male said he is not here and is coming "later". I asked who was in charge in his absence. He said he was. I then asked to come around the counter as my Colleague **OLOMO** needs to carry out Health and Safety checks. As I went Around the counter I could see several boxes containing Nitrous Oxide /"Master Whip cream chargers" in smaller boxes of 24. There were also packets of balloons present, with one small black bag already containing nitrous oxide and balloons ready for sale. As I looked at the boxes I also saw a makeshift bat that was about metre in length, a hammer and a knife. I showed these to the Police who asked him why he had that there. I spoke to the IC4 male in charge now known to me as **S [REDACTED] RAHMAN** of [REDACTED] (date of birth [REDACTED]). When asked about the Nitrous oxide he said that he is not doing anything wrong as he is selling a catering product, He also showed a disclaimer that he made claiming he made customers sign it to prevent it being used as a high. This disclaimer has the name of the business at the top as **TANIM SUPERSTORE LTD** and **RAHMAN** said he is a director. **OLOMO** carried out his Health and Safety checks and upon entering the basement saw there were several boxes containing more Nitrous Oxide. The Police decided that as the Nitrous oxide was being sold alongside balloons that it was being supplied as a Psychoactive Substance and seized the boxes. They took **RAHMAN's** details and confirmed the details he supplied me above. **OLOMO** also left a Health and Safety record of

[REDACTED] 26/06/18

contact form with his findings on with **RAHMAN**. The Police also asked for copies of CCTV footage which is a condition under Annex 2 (1) of the Licence. *"24 Hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to the Police if required"*. I explained that I believed that **RAHMAN** had undermined the Licensing Objectives namely Crime and disorder, Public Safety and Public Nuisance and cautioned **RAHMAN** also explaining that he was not under arrest, free to leave and free to seek Legal advice and if he understood, to which he replied "I understand." I then explained that I may look to review the Licence at this address. I exhibit a copy of my pocket book notes as Exhibit **DD/02**. I carried out a Companies House check on **TANIM SUPERSTORE LTD** (copy exhibited as **DD/03**) and can confirm that this company was dissolved on 25th April 2017 and its director was listed as **A [REDACTED] RAHMAN** of [REDACTED], [REDACTED]. **S [REDACTED] RAHMAN** wasn't listed as being involved in this company. I can also confirm that **A [REDACTED] RAHMAN** was present at our visit and there was a copy of his personal Licence on display from London Borough of Croydon (numbered 17/0098/LIPERS) and his address associated with that licence is [REDACTED] [REDACTED]. The other elderly male present gave his details as **C [REDACTED] RAHMAN** of [REDACTED] [REDACTED] date of birth [REDACTED]. **S [REDACTED] RAHMAN** let me take a copy of his disclaimer which I exhibit as **DD/04**.

Signature:..... [REDACTED] Date:... 26/06/2018

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case

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

Date of completion... 26/06/2018

Exhibit Number DD/01
Signed
Date 26/06/2018

I identify the exhibit above as that referred to in the statement signed by me

(Flash 24 Superstore)
542 Commercial Road
London
E1 0HY

Licensable Activities authorised by the licence
The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 23rd November 2006



Part A - Format of premises licence

Premises licence number

11504

Part 1 - Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town

London

Post code

E1 0HY

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

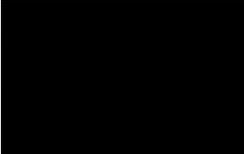
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off sales

Part 2

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

Mr Rezwan Noor



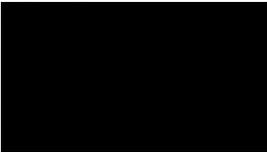
Tel: [Redacted]

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

Mr Rezwan Noor



Tel: [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 number: 11406

Issuing authority: London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

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.

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

Times

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)
-

Annex 2 - Conditions consistent with the operating Schedule

1. 24 hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to Police if required.
2. Premises to be secured by a full alarm system, with panic button.
3. Proof of age identity cards to be required if there is any doubt of a young person's age.

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

N/A

Annex 4 - Plans

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

10th October 2006

Part B - Premises licence summary

Premises licence number

11504

Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town
London

Post code
E1 0HY

Telephone number
07903 019 251

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

N/a

**Licensable activities authorised
by the licence**

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

Name, (registered) address of holder of premises licence

Mr Rezwan Noor



Tel: 

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

Off sales

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

Mr Rezwan Noor

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

No

Exhibit Number

DD/02

Signed

[Redacted]

Date

26/06/2018

I identify the exhibit above as that referred to in the statement signed by me

22:20 VISIT to TANIM SUPERSTORE
 542 COMMERCIAL ROAD
 ASKED 2nd SET FULL COPY
 OF LICENS. THAT WOULD UN-
 ABLE TO SHOW ME.
 POLICE STOPPED 1st
 FEMALE WHO MADE
 PURCHASES CANNISTERS
 OF "CALOR GAS"
 "MARTON WHIP 24 DON BOX
 CANNISTERS"

S [Redacted] S [Redacted] -

NAME RAHMAN *01

[Redacted]

DOB [Redacted]

O [Redacted] RAHMAN

OFFENCES UNDER
 LICENSING ACT 2008.

SHOWED ME DISCLAIMERS
 S. RAHMAN CLAIMS
 THAT THEY ARE SELLING
 IT FOR "CALOR"
 NITROX OXIDE
 CANNISTERS ARE ALSO
 PROVIDED BATTERIES
 WITH THE NO2 CANNISTERS
 THEY ALSO SOW THE
 "CREAM WHIPPERS" TO
 DISPENSE THE GAS.

* SAID HE IS DIRECTOR
 OF TANIM TANIM
 SUPERSTORE LTD.

REGAN MOOR (DPS)

BUT PCN WAS NOT
 AVAILABLE. SGT DEAN

SET 20 CANNISTERS I ALSO
 POINTED OUT POTENTIAL
 OFFENSIVE WEAPONS A
 BAT, HAMMER AND KNIFE

SEMIW CONITION. 20

23:05 UANTION I UNDERSTAND
I EXPLAIN THAT WE
TWO UNDERSTAND THE
CONSISTENT OBSTACLES
(PUBLIC SAFETY CRIME +
DISORDER AND PUBLIC
NUISANCE) BY SOME YOUNG
MEN + BLOODS AND
THAT WE WILL LIKELY
FACE A REVIEW. ALSO
PRESENT WAS ABANDON
PLANNING OF [REDACTED]

PONS. LIC CRYDOW

17/00098/LPONS.

Signed ... [REDACTED]

Date 26/06/2018

I identify the exhibit above as that

BETA This is a trial service — your [feedback \(https://www.research.net/r/chb\)](https://www.research.net/r/chb) referred to in the statement signed by me it.

Search for companies or officers

TANIM SUPERSTORE LIMITED

Company number **09839350**

Registered office address

542 Commercial Road, London, United Kingdom, E1 0HY

Company status

Dissolved

Dissolved on

25 April 2017

Company type

Private limited Company

Incorporated on

23 October 2015

Accounts

First accounts made up to **31 October 2016**

due by **23 July 2017**

Nature of business (SIC)

To be provided on next annual return.

Is there anything wrong with this page?

Companies House

BETA This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

TANIM SUPERSTORE LIMITED

Company number **09839350**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/09839350/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/09839350/persons-with-significant-control)

Filter officers

Current officers

Apply filter

1 officer / 0 resignations

RAHMAN, A [REDACTED]

Correspondence address [REDACTED]

Role **Director**

Date of birth [REDACTED]

Appointed on **23 October 2015**

Nationality **Portuguese**

Country of residence **United Kingdom**

Occupation **Director**

[Is there anything wrong with this page?](#)

Appendix 8

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

Statement of: **Lekan Olomo**

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

Occupation: **Health and Safety Officer**

This statement (consisting of 3 of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: 25/06/2018

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

I am **Lekan Olomo** a Health and Safety Officer employed by the London Borough of Tower Hamlets Council within the Licensing and Safety Team. I am duly authorised under the Licensing Act 2003 and one of my roles involves conducting Enforcement visits and test purchasing on behalf of the Licensing g section. One of my roles involves conducting late night Enforcement visits and test purchasing on behalf of the Licensing section and I am an authorised inspector as designated by the Health and Safety at Work, Etc. Act 1974. My duties include carrying out inspections of commercial premises to assess compliance with health and safety legislation as well as investigating complaints, accidents, diseases and dangerous occurrences.

Following a complaint received on **30th April 2018** from [REDACTED] about Health and Safety issues at **TANIM SUPERSTORE 542 COMMERCIAL ROAD LONDON E1 0HY**. On **1st MAY 2018** I called [REDACTED] to get more information but received no response, I left a voice mail requesting a call-back. [REDACTED] called me back on **2nd MAY 2018**, he informed me of the issues with the staircase, he stated that parties were held in the basement at the premises every night; he stated he had attended these parties on occasions, he also stated that laughing gas was consumed at these parties. I visited the premises on the **4th MAY 2018** with my colleague Mr Amran **ALI** but did not gain access, as the premises was shut. **ALI** and I returned on the **23rd MAY 2018** but we were unable to gain access, we spoke to neighbouring business who advised me that **TANIM SUPERSTORE** usually opened after **9PM**.

On our return to the office I updated my Line Manager Mr Tom **LEWIS**, who informed me

that we will carry out a joint visit with the police during a Dymock Shift.

On **FRIDAY 22nd JUNE 2018** at 21:45 I was working with my colleague **DAMIAN DOHERTY** (Licensing Officer). We met with **PS63 HT DEAL** and planned visits that evening to include **TANIM SUPERSTORE 542 COMMERCIAL ROAD LONDON E1 0HY**.

The Police were operating in Plain clothes and carrying out joint visits with the Council that evening. The rest of **PS DEAL'S** team consisted of **PC212HT ZIMOLAG**, **PC883HT RAHMAN**, **PC 109HT TAJ** and **PC 349HT SMITH**. The reason for visiting this Off Licence the reports of Health and Safety issues and the reports that this premises was providing Nitrous Oxide and balloons to customers which may be consumed as a high raised by the complainant, [REDACTED]. At 22:20 I drove and parked up in **BELGRAVE STREET** directly opposite the Off Licence. The Police entered first and once we saw the Police come outside I crossed the **COMMERCIAL ROAD** with **DOHERTY**. **PS DEAL** stated that we could then enter the premises and speak to the staff inside. We walked up to the counter and introduced ourselves to the male behind the counter showing our Warrant card. Whilst **DOHERTY** dealt with the Licencing issues with the Police, I dealt with the Health and Safety

issues raised. I spoke to **S. RAHMAN** of [REDACTED] (date of birth [REDACTED]). And asked him to take me to the basement, on entering the basement I saw several boxes containing more Nitrous Oxide, I immediately called **DOHERTY** and **PS DEAL** and informed them of what I found.

The Health and Safety issues noted in the basement included no handrail on staircase leading to the basement, loose electrical wiring noted in basement. I requested **RAHMAN**.

I also noted that there was no running hot water in the premises.

provide me with the following documents no later than **6th JULY 2018**:-

- 1) Electrical condition report for the premises.
- 2) PAT test certificate and schedule for portable electrical appliances used on premises.

I also requested the following issues to be fixed by **13th JULY 2018**:-

- 1) To fit handrails to the staircase leading to and from basement.
- 2) Hot water to fixed, as there was no hot water on premise at time of visit.

I exhibit my record of visit sheet from the night as **LOL001**

I exhibit photographs taken from the night as **LOL002** to **LOL015**

Signature: [REDACTED]

Date: 25/06/2018

Order on conviction Compensation Forfeiture / Destruction order Asset recovery case

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

Date of completion... 25/06/2018

LONDON BOROUGH OF TOWER HAMLETS: HEALTH & SAFETY AT WORK RECORD OF CONTACT

Environmental Commercial Team, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 5008

Fax: 020 7364 6901

07479441692

Recorded on App

Date 02 06 2018

Officer [Signature]

Name of Business/Occupier: MANIA SUPERMARKET LTD

House Name: 54/R

No: 54/R Street: COMMERCIAL ROAD

Town: E10 4T Post Code: E10 4T

Tel. No. [Redacted]

Contact / Title: SIDDIK BAKHMAN - DIRECTOR

Email: [Redacted]

- Visit Type
- K = Full audit
 - R = Unitisation
 - L = S.Req visit
 - M = Accident Inv
 - N = Revisit to check
 - OR = H&S Advisory/Project
 - S = Other incl sampling

Exhibit Number LOL 001

Signed [Redacted]

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me

- A01 Whole of Premises
- A2 Part of Premises
- A4 Other (catering area only)
- A03 Records

LEKAN.OLUWO@TOWERHAMLETS.GOV.UK

* delete as appropriate
General topic areas

1. Safety Policy	7. Sanitary accomm/wash facilities/drinking water	13. Emergency Precautions
2. Risk Assessment	8. Electrical installation/electrical appliances*	14. Smoke free
3. Accident Reporting	9. Hazardous substances	15. Workplace transport
4. Slips and trips	10. Mechanical/manual handling(msd)	16. Working at height
5. First Aid	11. Storage arrangements	17. Asbestos
6. Heating/lighting/ventilation*	12. Machinery	

General 3K VISIT

You are to send me your ELECTRICAL CONDITION REPORT FOR THE WHOLE PREMISES. NO LATE THAN 6TH JUL 18

SEND ME THE TEST CERTIFICATE AND SIGNATURE FOR YOUR PORTABLE ELECTRICAL EQUIPMENT BY 6TH JULY 2018

You are to BE HANDY TO THE STAIRCASE LEADING TO THE BASEMENT. NO LATE THAN 15TH JULY 2018

NO HOT WORK FINISHES ON PREMISES. YOU ARE TO FIX THIS NO LATE THAN 15TH JULY 2018

Summary of action to be taken

Informal Improvement Notice Prohibition notice Licensing non-conformities

This report is to inform you of contravening against the Health & Safety at Work etc. Act 1974 and other relevant statutory provisions which should be remedied as soon as possible. You should take steps to ensure that the contraventions do not recur. This report may also give advice and recommendations but only covers the areas discussed at the time of visit. The absence of comment does not indicate compliance with the Health & Safety at Work Act or any Regulations made thereunder. Failure to achieve and maintain satisfactory conditions in your business may result in prosecution.

Signature of Authorised Inspector [Redacted]

*Signature of Proprietor/ Owner/person interviewed [Redacted]

*circle as appropriate

Exhibit Number / A.S. 6. 007
Signed
Date 2/6/2018
I identify the exhibit above as that referred to in the statement signed by me

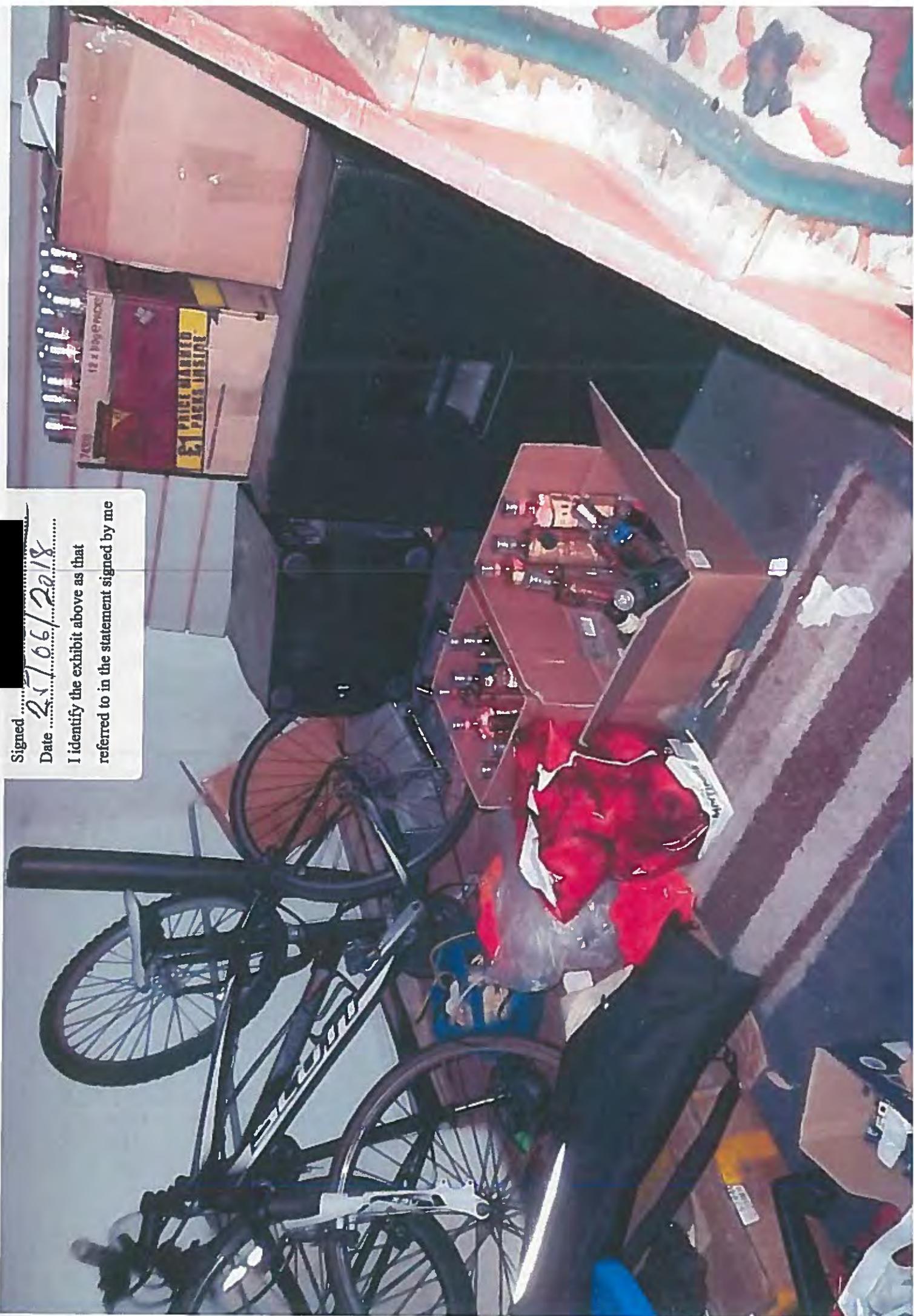


Exhibit Number LO1008
Signed [Redacted]
Date 10/6/2018
I identify the exhibit above as that referred to in the statement signed by me



Exhibit Number 601004
Signed [Redacted]
Date 2/25/2016

I identify the exhibit above as that referred to in the statement signed by me



Exhibit Number 401005
Signed [Redacted]
Date 25/05/2018

I identify the exhibit above as that referred to in the statement signed by me



Exhibit Number 406800
Signed [Redacted]
Date 2/5/05
I identify the exhibit above as that referred to in the statement signed by me



EXHIBIT NUMBER AA 211 007
Signed [REDACTED]
Date 25/06/2018
I identify the exhibit above as that referred to in the statement signed by me

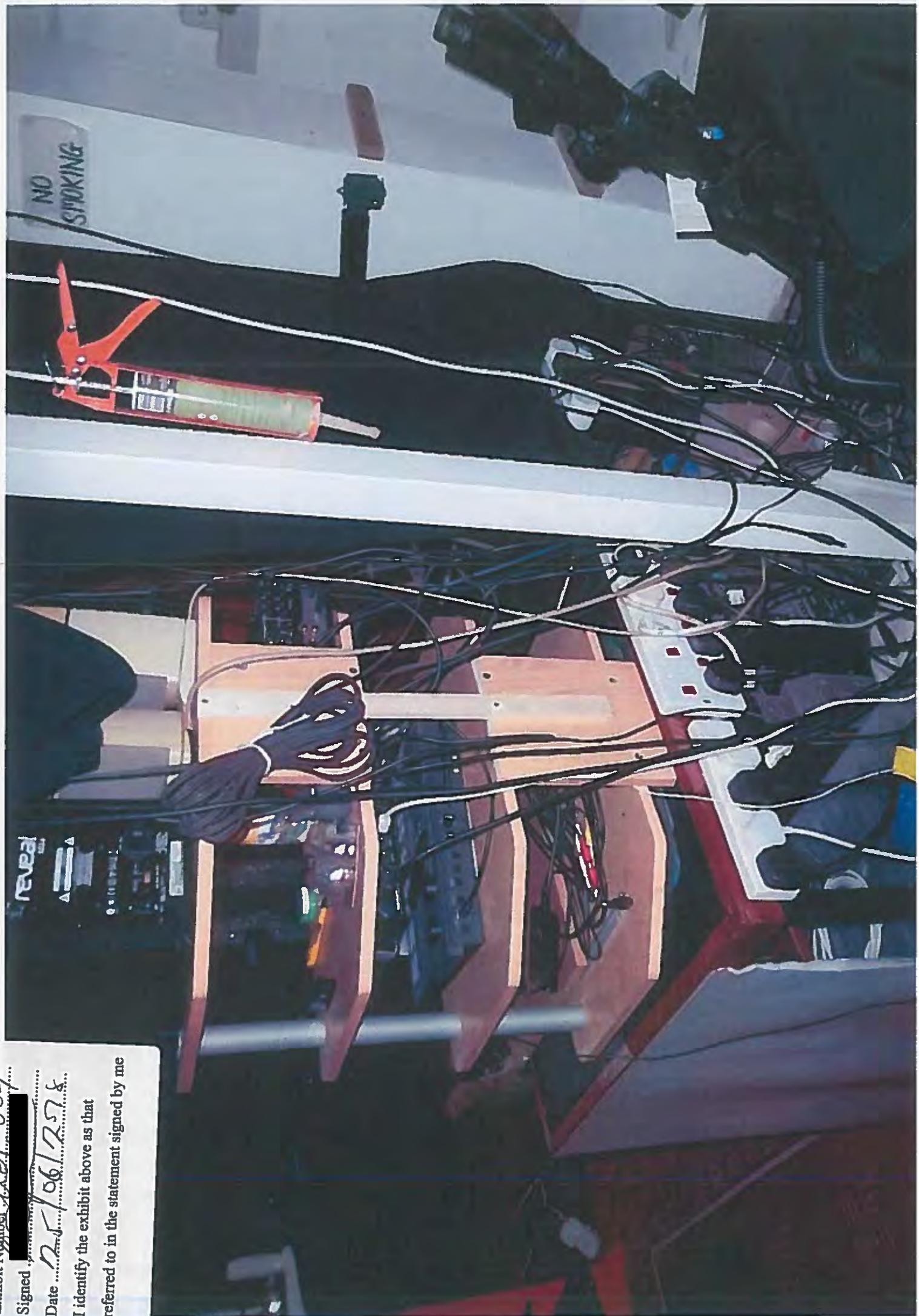


Exhibit Number 45700...
Signed [Redacted]
Date 25/06/2018
I identify the exhibit above as that referred to in the statement signed by me



Exhibit Number [redacted]

Signed [redacted]

Date 05/06/2018

I identify the exhibit above as that referred to in the statement signed by me

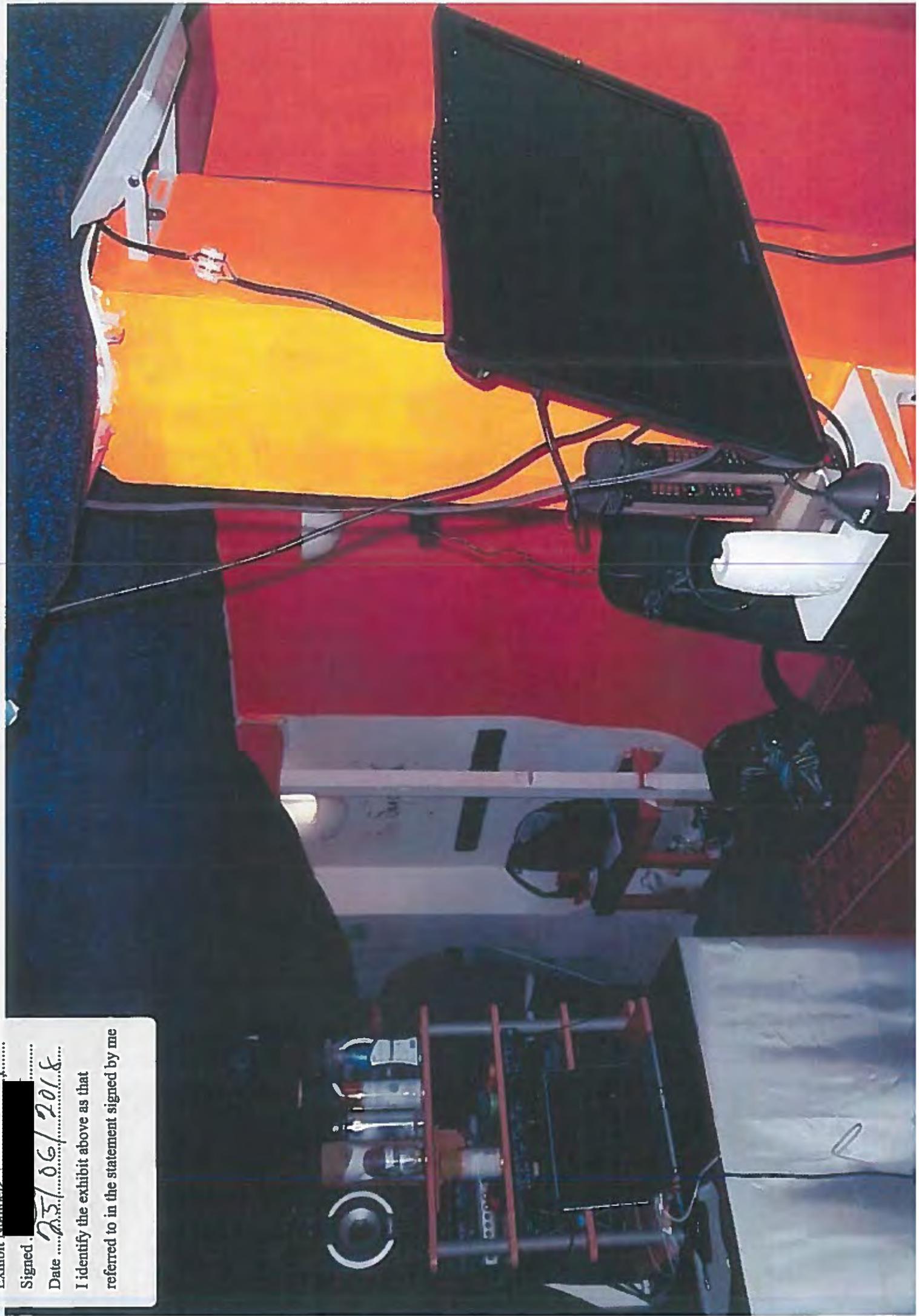


Exhibit Number K06018

Signed

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me

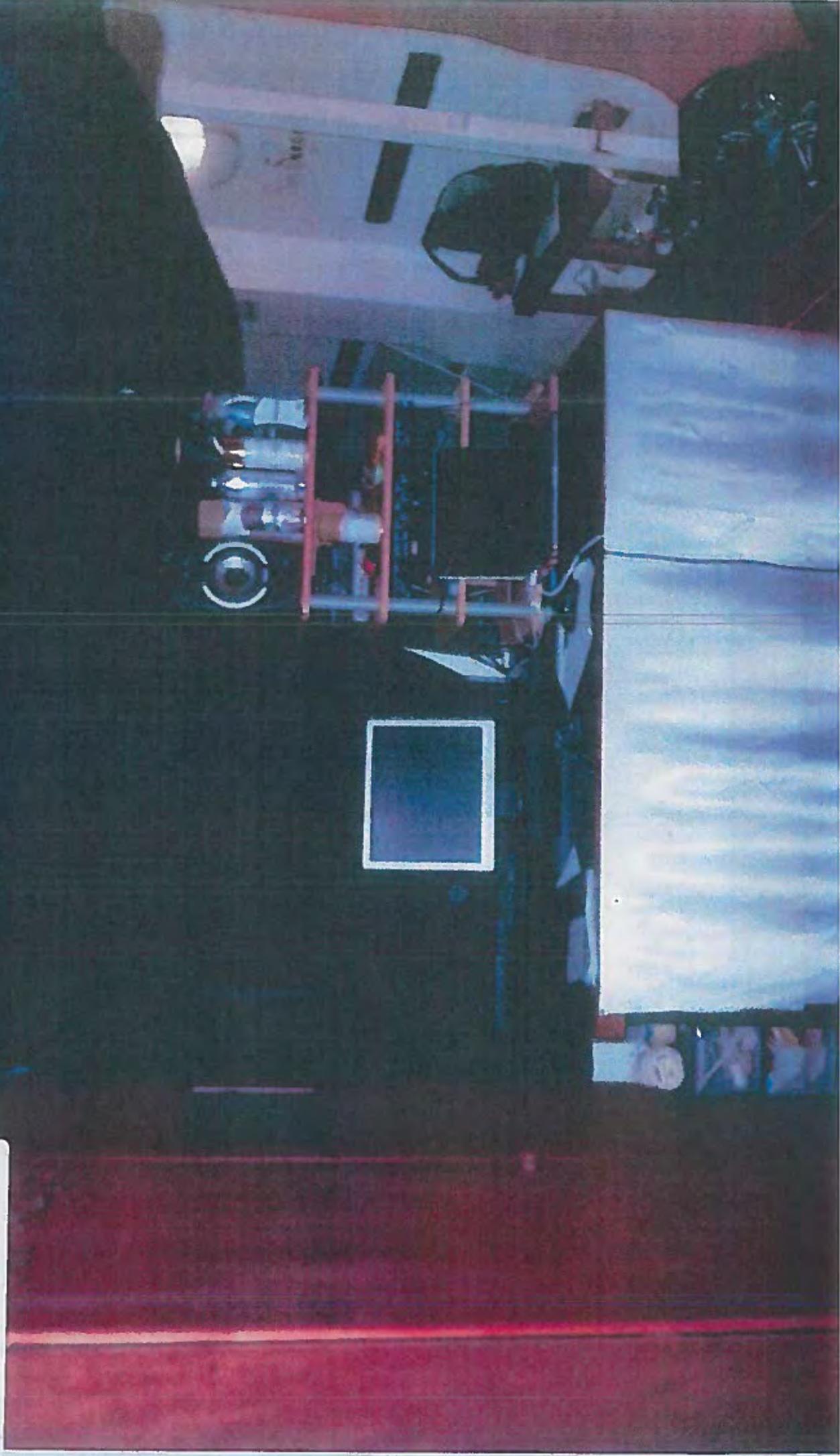


Exhibit Number U01011

Signed

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me

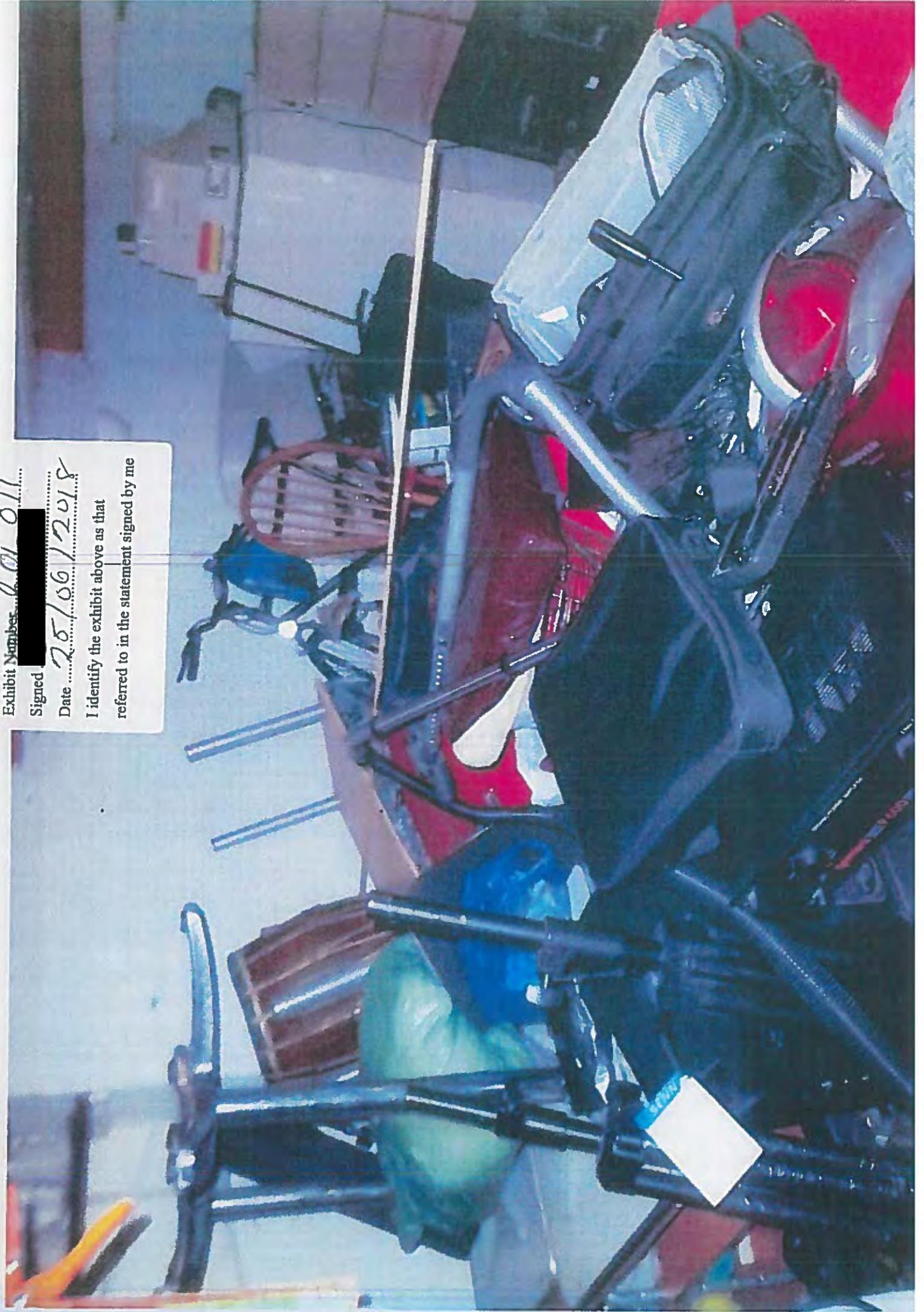


Exhibit Number ... 1604012
Signed [Redacted]
Date ... 25/06/2018
I identify the exhibit above as that referred to in the statement signed by me

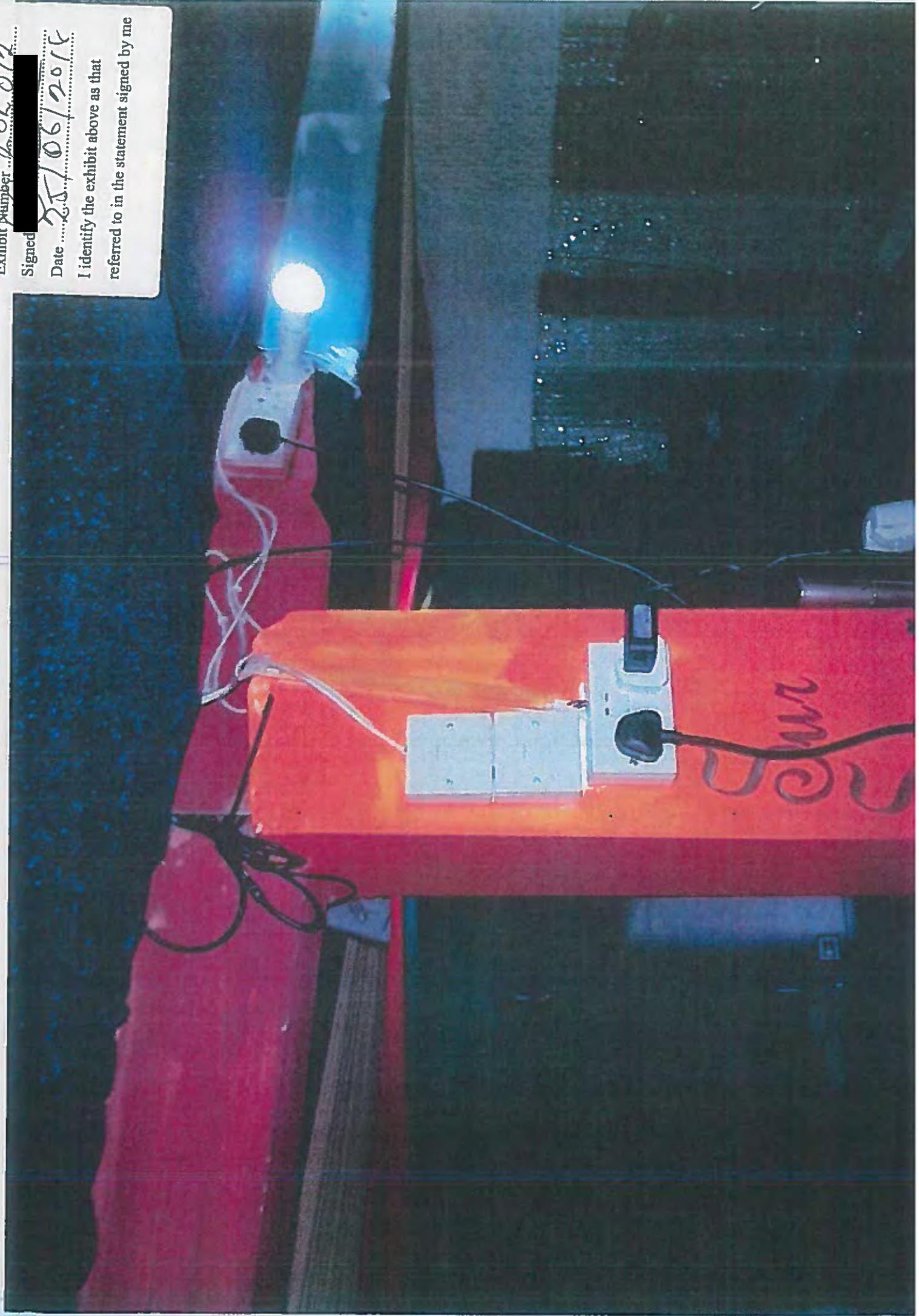


Exhibit Number Q06 013
Signed _____
Date 2.5.06/2008

I identify the exhibit above as that referred to in the statement signed by me



Exhibit Number 606 014
Signed [Redacted]
Date 2/1/06
I identify the exhibit above as that referred to in the statement signed by me

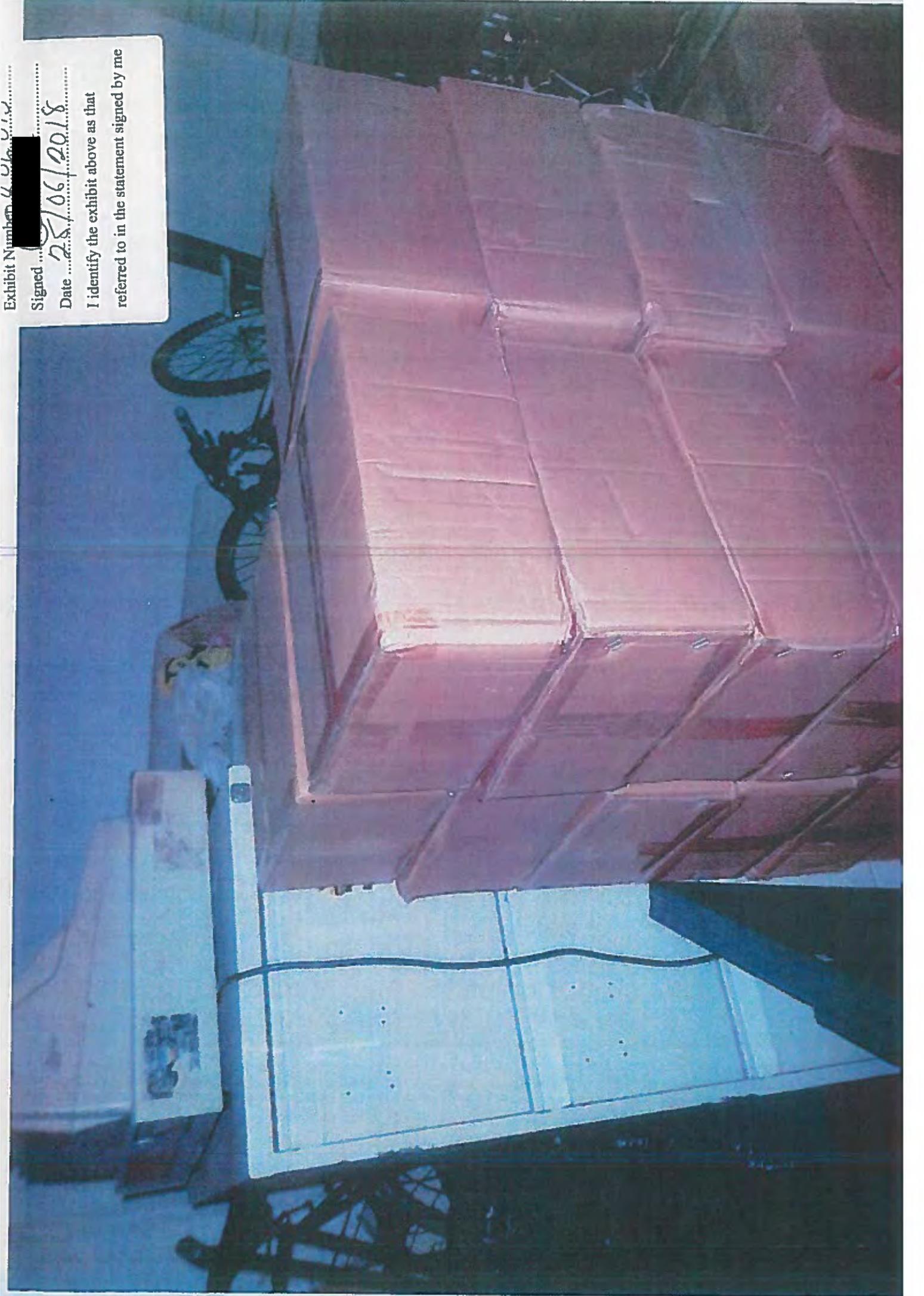


Exhibit Number K 26 213

Signed [Redacted]

Date 25/06/2018

I identify the exhibit above as that referred to in the statement signed by me



Appendix 9

(Flash 24 Superstore)
542 Commercial Road
London
E1 0HY

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 23rd November 2006



Part A - Format of premises licence

Premises licence number

11504

Part 1 - Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town
London

Post code
E1 0HY

Telephone number
[REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

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

Off sales

Part 2

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

Mr Rezwan Noor

██████████
██████████
██████
██████

Tel: ██████████

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

Mr Rezwan Noor

██████████
██████████
██████
██████

Tel: ██████████

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 number: 11406

Issuing authority: London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

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.

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

Times

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)
-

Annex 2 - Conditions consistent with the operating Schedule

1. 24 hours internal CCTV operated at the premises. Recordings will be maintained for 31 days and made available to Police if required.
2. Premises to be secured by a full alarm system, with panic button.
3. Proof of age identity cards to be required if there is any doubt of a young person's age.

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

N/A

Annex 4 - Plans

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

10th October 2006

Part B - Premises licence summary

Premises licence number

11504

Premises details

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

(Flash 24 Superstore)
542 Commercial Road

Post town

London

Post code

E1 0HY

Telephone number

07903 019 251

Where the licence is time limited
the dates

N/a

Licensable activities authorised
by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

Name, (registered) address of holder of premises licence

Mr Rezwan Noor
[Redacted]
[Redacted]
[Redacted]
[Redacted]
Tel: [Redacted]

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

Off sales

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

N/A

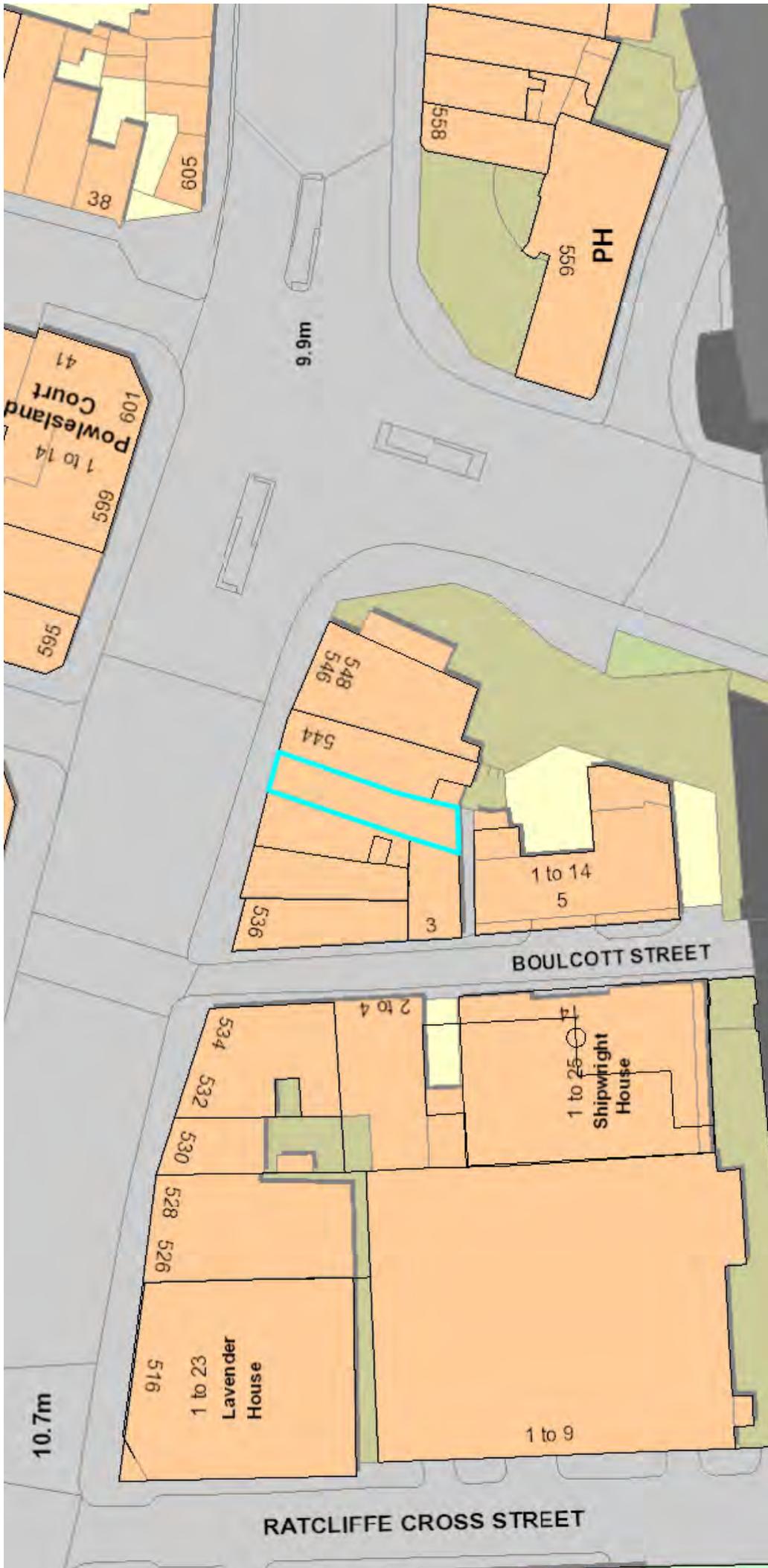
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Rezwan Noor

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

No

Appendix 10





Appendix 11

Kathy Driver

From: Jaspal Singh [REDACTED]
Sent: 03 September 2018 17:10
To: Kathy Driver
Subject: Tanim Supermarket

Dear Ms Driver,

Representations on behalf of Nowshin & Nishad t/a Tanim Superstore

The following representations are made in response to the application made by PC Mark Perry, Licensing Officer, Tower Hamlets Police

It is submitted on behalf of Tanim Superstore that its Premises Alcohol Licence should not be revoked.

These representations will not comment on the ongoing criminal investigation into the sale of Nitrous Oxide Cannisters, save to say it is accepted that the officers attending on 22nd June 2018 found a quantity of Nitrous Oxide Cannisters in the stock room.

Following the seizure of stock and due to the on- going police investigation Tanim Supermarket no longer stock Nitrous Oxide cannisters.

It is not accepted as is asserted in the statement of PC Perry that Nitrous Oxide Cannisters are responsible for anti-social behaviour within the Commercial road area within the vicinity of Tanim Supermarket.

It cannot be said that the supply of Alcohol at Tanim Supermarket is to blame for all alleged anti-social behaviour on the commercial road area. As the THEO referred to in PC Perry's statement asserts there are street drinkers, who drink all day outside the Betting shop.

It is accepted that the Tanim Supermarket's opening hours are from 17:00 to 6am. The reason for this is that in the daytime trading hours there is a large amount of competition from neighbouring shops including the Sainsbury's and Costcutter, both of which are within 100 metres of Tanim Supermarket.

It is submitted that the Tanim supermarket cannot be held responsible for all street drinking within the commercial road area. In any event the complaint, (ref: HTRT00436213) refers to an incident on May 8th 2016. The current manager of Tanim Supermarket, Mr S [REDACTED] Rahman was not the manager of the premises at this time.

With regard to the incident on the 2nd September 2017, (ref: HTRT00455802) there are no statements from officer's and it is of doubt that officer's would have been present for a couple of hours dealing with a male who had been arrested. Once a person is arrested he should be taken to the police station to allow the prompt and effective investigation into whatever offence is alleged. The date of this allegation again is now over a year old.

It is submitted that there is no evidence to support the assertion that there are males inhaling nitrous oxide in their vehicles and or the surrounding streets. There has been evidence of one complaint to police.

PC Perry refers to child of 14 purchasing Nitrous Oxide from Tanim Superstore, who was subsequently hospitalised as a result of inhaling the gas. It appears this information is taken from the report made to the Environmental Health & Trading Standards department on 25th May 2018.

It is submitted on behalf of Tanim Superstore that this is a malicious report and this report has been misquoted. This report refers to a neighbour's son being hospitalised due to a seizure caused by these

capsules, namely Nitrous Oxide. There is no suggestion in the report that these capsules were purchased from Tanim Supermarket.

It appears that this reference to a 14 year old, is confused with the comment within the report that the complainant's friend had asked her son to go in and purchase these silver capsules and he was also served, the complainant has offered no evidence of this apparent test purchase. This allegation is denied.

It is not clear how the complainant is able to identify that purchasers are coming from different areas to buy this product from the shop and or how this is related to Tanim Supermarket or indeed how the fact that customers coming from different areas are contributing to anti-social behaviour in the London Borough of Tower Hamlets.

The assertion that fights are starting outside Tanim Supermarket is not accepted, there is one reference given with no detail to support this assertion. It is not accepted that this is a location where fights are a normal occurrence due to the actions of one retail establishment. It is unfortunate that the London Borough of Tower Hamlets is one of the London Borough's with a high crime rate and this include violent crime. In any event users of Nitrous Oxide are not known for committing acts of violence, the typical user will feel a short-term sense of euphoria or a giggly effect, hence the other name Nitrous Oxide is known as, "laughing gas".

There is not sufficient information provided to the respective authority to justify the revocation of Tanim Supermarket's alcohol licence.

There is not sufficient evidence to say that Tanim Supermarket is responsible for enabling anti-social behaviour in the area. Within a short distance of Tanim Supermarket there are 6 other businesses selling Alcohol for off-sales purposes.

There is not sufficient evidence presented that all anti-social behaviour alleged is caused by alcohol sales at Tanim Supermarket and that it is therefore contributing to crime and disorder in the area.

There have been no complaints to the staff or owner of Tanim Supermarket directly.

It is submitted that in the information provided to the London Borough of Tower Hamlets there is not enough evidence that the Licensing Act has been flouted, save for vague references to incidents not directly linked to these premises.

It is not accepted that the licensing objective of protecting children from harm is not being upheld by Tanim Supermarket.

There is no evidence to show that should the licensing authority consider further conditions on the licence that the same would not be complied with. The manager of Tanim supermarket has complied with requests made by the police. It is submitted that all conditions Tanim supermarket is currently subject to have been complied with, as evidenced by the provision of CCTV upon request as required. Further following the attendance of a health and safety officer, Lekan Olom the 4 issues requiring immediate attention to comply with Health & Safety legislation have been rectified and a compliance certificate issued to Tanim Supermarket.

Please confirm receipt.

I look forward to hearing from you.

Yours sincerely,

Jaspal Singh

HSR Solicitors
[REDACTED]
[REDACTED]
[REDACTED]

DX: 300715 Tower Hamlets

Tel: [REDACTED]

Fax: [REDACTED]

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Appendix 12

Place Directorate Public Realm

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

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

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

31st August 2018

Your reference
My reference: EHTS/LIC/110446/CH

Tel [REDACTED]
Fax [REDACTED]
Enquiries to Corinne.holland
[REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Review of Premises Licence: (Tanim Super Store), 542 Commercial Road,
London E1 0HY

The Licensing Authority (acting a Responsible Authority) is making a representation in support of the Review brought by the Metropolitan Police for the above premises on the grounds of:

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

This premise currently has the benefit of a 24 hour licence 7 days a week to sell alcohol off the premises.

The licence was granted in November 2006. The Premises Licence Holder and Designated Premises Supervisor is Mr Rezwan Noor and he has been since the licence was granted.

The joint visit documented in the Review to the premises on Friday 22nd June 2018 clearly shows that nitrox oxide is blatantly being sold to customers, many of these are young persons. The fact that the nitrox oxide was being sold together with balloons is obviously a very clear indicator that the management had full knowledge of what they were being used for. The police report shows

that many young persons were turning up to purchase these and disappointed when turned away.

This premise is obviously very well known to locals as to where nitrox oxide can be purchased. The fact that so many canisters were seized from the shop it show that these must be a popular item to be sold otherwise the shop would not hold such a high number in stock.

Nitrox Oxide is known to be harmful and can have serious health risks and it is the responsibility of the retailers not to sell these psychoactive substances for human consumption. It is clear that the staff/management were deliberately selling these for that very reason.

I have looked at the history of the premises registered on the Council's system Civica Authority Protection (APP) and note that the incident of 8th May 2016 is logged on our system.

The Tower Hamlets Enforcement Officers (THEO's) reported that they had been trying to deal for some time the problem of street drinkers causing anti-social behaviour outside 542 Commercial Road which was causing a nuisance to residents and other businesses in the area. On the 8th May 2016 The THEO's noted that there was a group of these street drinkers outside this premises drinking out of beer cans. The THEOs entered Tanim Super Store and asked the shop manager (O█████ Rahman) not to serve this group. Within two minutes of this request one of the street drinkers, who appeared intoxicated, went into the shop and was sold a can of beer.

This shows that even when given a direct request in order to help prevent public nuisance the request is immediately ignored by the shop staff/management.

These incidents show that there is a clear and blatant disregard for the law by the management of these premises. I can only assume this shows that the management prefer to enhance business sales and profit over and above upholding the licensing objectives.

The Licensing Authority cannot support this premises benefiting from having a premises licence which permits the sale of alcohol. It is important that we have faith and trust in the Premises Licence Holders to operate a business within the realms of the law. This premise clearly does not therefore I support that police review and the revocation of this licence.

Yours faithfully



Corinne Holland
Licensing Officer
(Acting as a Responsible Authority)

Appendix 13



**London Borough of Tower Hamlets,
Public Health
Mulberry Place
PO BOX 55739
5 Clove Crescent
London
E14 1BY**

**London Borough of Tower Hamlets,
Licensing Section
Mulberry Place
PO BOX 55739
5 Clove Crescent
London
E14 1BY**

31 August 2018

Dear Sirs

Licensing Review: Tanim Superstore (Flash 24 Superstore) 542 Commercial Road, E10HY, Licensing Reference Number:11504

As Director of Public Health for **London Borough of Tower Hamlets** (a responsible authority under the Licensing Act 2003) I wish to make a representation **in support of the review of Tanim Superstore (Flash 24 Superstore) 542 Commercial Road, E10HY in London Borough of Tower Hamlets.**

The representation relates to the following licensing objective(s):

1. The protection of children from harm

Nitrous Oxide is a gas that has known health harms. Furthermore, there is a risk of death as a lack of oxygen can occur when using nitrous oxide. This risk is likely to be greater if the gas is consumed in an enclosed space or if a substantial amount is rapidly used.

Nitrous oxide is depressant-type drug, which means it slows down your brain and your body's responses.

Nitrous oxide can cause dizziness or affect your judgement, which might make you act carelessly or dangerously and put you at risk of hurting yourself, particularly in an unsafe environment.

Unconsciousness or death from lack of oxygen can occur when the available oxygen for breathing is effectively pushed out by the nitrous oxide. The risk is greater if the gas is consumed in an enclosed space or if a plastic bag is used that covers both nose and mouth.

Heavy regular use of nitrous oxide can lead to deficiency of vitamin B12 and to a form of anaemia. The severe B12 deficiency can lead to serious nerve damage in some cases, which causes tingling and numbness in the fingers and toes and other extremities, and even difficulties with walking and pains in affected areas. Regular use may also depress formation of white blood cells.

It can be hard to judge the amount to use safely. If you have too much you can end up fainting, having an accident or much worse.

Severe vitamin B deficiency can develop with heavy, regular use of nitrous oxide. This can cause serious nerve damage, which leads to tingling and numbness in the fingers, toes and other extremities, and even difficulties with walking and pains in the affected areas.

Mixing nitrous oxide with alcohol is especially dangerous as it can increase the risks associated with both substances and can lead to an increased risk of accidents or death.

Psychoactive Substance Misuse Act 2016¹

It is the responsibility of the retailer to not sell psychoactive substances such as Nitrous Oxide in the UK and prevents the supply of these previously unregulated and frequently harmful substances for human consumption.

Retailers should be aware that the offence no longer relate just to the supply to young people but affect supply to people of any age.

The Act states that retailers should pay particular attention to the potential for abuse of nitrous oxide, especially where customers seek to buy in bulk or large volumes.

An offence within the Act is noted when “A person intentionally supplies a substance to another person”.

Conclusion

Based on the evidence summarized in this review and the potential harmful implications of use of Nitrous Oxide, I believe that the premise under review are adding unduly to the impact caused by selling Nitrous Oxide to children - it is failing to uphold the licensing objective of protecting children from harm.

This premises clearly demonstrates an inability to be trusted to run a licence premises and to further protect children from harm, we ask that the premises license is revoked.

Yours sincerely,

Somen Banerjee

Director of Public Health, London Borough of Tower Hamlets

¹ <https://www.gov.uk/government/publications/psychoactive-substances-act-guidance-for-retailers/psychoactive-substances-act-2016-guidance-for-retailers>

Appendix 14

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or 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 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is 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). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

Review of a premises licence following closure order or illegal working compliance order

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

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

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

11.29 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 15

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

Updated April 2018

Crime and disorder

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

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

Appendix 16

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 17

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

Updated April 2018

Public nuisance

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

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

Appendix 18

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.

Appendix 19

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

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 20

Protection of children from harm – Licensing Policy Updated March 2015

11 Prevention of Harm to Children

- 11.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 11.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 11.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 11.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 11.5 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
 - Limitations on ages below 18
 - Limitations or exclusion when certain activities are taking place
 - Requirements for an accompanying adult
 - Full exclusion of people under 18 from
- 11.6 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 11.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 11.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.

- 11.9 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm.

12 Access to Cinemas

- 12.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 12.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 12.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

13 Children and Public Entertainment

- 13.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 13.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - No child unless accompanied by an adult to be permitted in the front row of any balcony
 - No standing to be permitted in any part of the auditorium during the Performance
- 13.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.
- 13.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.