



Licensing Sub Committee

Agenda

Tuesday, 6 June 2023 at 2.00 p.m.
Council Chamber - Town Hall, Whitechapel

Contact for further enquiries:

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<http://www.towerhamlets.gov.uk/committee>



Public Information

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Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

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A Guide to Licensing Sub Committee

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 6 June 2023

2.00 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine: whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interest form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior the meeting by contacting the Monitoring Officer or Democratic Services.

2. RULES OF PROCEDURE (PAGES 9 - 18)

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

3. ITEMS FOR CONSIDERATION

4. Application for Review under Section 53 A of the Licensing Act 2003 for Wicked Fish, Queens Yard White Post Lane London E9 5EN (PAGES 19 - 94)

Licensing Objectives:

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

Representations:

- Metropolitan Police



- Trading Standards

**5. Application to Review the Premise Licence for Mannat Supermarket
493 Roman Road, London, E3 5LX (PAGES 95 - 188)**

Licensing Objectives:

- Protection of Children from harm.

Representations:

- Trading Standards
- Metropolitan Police
- Licensing Authority

6. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Tuesday, 20 June 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall,
Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 4

Committee : Licensing Sub-Committee	Date	Classification Classified	Report No.	Agenda Item No.
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Report of David Tolley Head of Environmental Health and Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title Licensing Act 2003 Application for Review under Section 53 A of the Licensing Act 2003 for Wicked Fish, Queens Yard White Post Lane London E9 5EN Ward affected. Bow East
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1.0 Summary

Licence Holder: **Wicked Fish Ltd**

Name **Wicked Fish**
Address of Premises: **Queens Yard, White Post Lane
London E9 5EN**

Full Review under Section 53A of the Licensing Act 2003 triggered by the Metropolitan Police

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Lavine Miller-Johnson
0207 364 2665

3.0 **Review Application**

- 3.1 This is an application for a review of the premises licence for Wicked Fish, Queens Yard White Post Lane London E9 5EN
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 Evidence supporting the review can be found in. **Appendix 2**

4.0 **The Premises**

- 4.1 The premises licence was first issued on the 21st December 2022. A variation of the premises licence was granted on 25th April 2022 to extend the hours for late night refreshment. A further variation was granted on 7th December 2022 for the supply of alcohol.
- 4.2 A copy of the premises licence is in **Appendix 3**.
- 4.3 A map of the premises is at **Appendix 4**.
- 4.4 Images of the premises and surrounding area can be found at **Appendix 5**

5.0 **Representations**

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Trading Standards.
- 5.2 The review is also being supported by the following:
 - Licensing Authority (RA) - See **Appendix 6**
- 5.3 Only representations that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 In the view of the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 **Review Explained**

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time

of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 7**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder. **See Appendix 8**
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 9**.
- 6.6 Guidance Issued by the Home Office concerning Public Nuisance **Appendix 10**.
- 6.7 London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance **Appendix 11**.
- 6.8 The Home Office has advised that in relation to reviews “ 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. ”
- 6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing

Act 2003. The Licensing & Safety Team Leader is the delegated officer who deals with this on behalf of the Licensing Authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should the DPS cease to work/be employed by the premises the Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to

take place until an application to vary the DPS has been submitted to the Licensing Authority. (27.1 Licensing Policy)

8.2 Members must consider all the evidence and then decide from the following alternatives:

- 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);
- 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.

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

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

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

8.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 **Legal Comments**

9.1 A legal officer will advise Members at the hearing.

10.0 **Financial Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Copy of the premises licence
Appendix 3	Supporting Evidence
Appendix 4	Maps of the premises and surrounding area
Appendix 5	Images of the surrounding area
Appendix 6	Representation of Licensing Authority (RA)
Appendix 7	Guidance issued under Section 182 by the Home Office for reviews
Appendix 8	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 9	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 10	Guidance Issued by the Home Office concerning Public Nuisance
Appendix 11	London Borough of Tower Hamlets Policy in relation to Public Nuisance

Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG

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 1748CE..... *(Insert name of applicant)*
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	
Wicked Fish White Post Lane	
Post town	Post code (if known)
London	E9 5EN

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

Number of premises licence or club

premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

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)**

(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

Central East Police Licensing,
Licensing Office, 1st Floor Stoke Newington Police Station,
Stoke Newington High Street
N16 8DS

Telephone number (if any)

E-mail (optional)

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

Please tick one or more boxes

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

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

Central East Police Licensing formally seek the review and revocation of the premises license for Wicked Fish, Queens Yard, White Post Lane, Hackney Wick E9 5EN. This review is on the grounds of preventing Crime and Disorder, and Public Nuisance.

The owners and management of this venue have continuously showed nothing but contempt for their responsibilities under the Licensing Act by continuously trading past their hours, behaviour that has gone on since before they received their premises license in December 2021. They have continued trading past their hours on the weekend of the 25th and 26th February 2023, days after they had admitted to Police they had been trading past their hours and told by Police that we were seeking the review and revocation of their license.

Following the tragic murder in Queens Yard on the 11th February 2023 CCTV was reviewed as part of the investigation. This showed that Wicked Fish was trading past its hours with customers using the venue at 5 am, which is after the murder had taken place, and an hour after their license says they should have stopped trading.

Following this, PC Rice and I arranged to meet with the owner Mr Michal Gasior on the 22nd February to go through the CCTV from the venue for the previous month to see if Wicked Fish had consistently been trading past its hours. We also wanted to express our concern that the venues very late hours were preventing people from dispersing from the area, and

increasing the likelihood of crime and disorder taking place.

When we met Mr Gasior and started looking at the CCTV it showed the venue trading past 4:00 am, sometimes until 5am and possibly beyond. When we put this to Mr Gasior that the premises license shows that, he should have stopped trading at 4am he said that he was confused as his licensing consultant said that he could trade until 4:30am.

I pointed out to Mr Gasior that this simply is not credible as I have had spoken to him in the past about his trading hours, and that as he had not only applied for his license but subsequent variations to that license he knew full well what his trading hours are. If he had any doubt what so ever it was written very clearly on his license that terminal trading time was 4am.

In Police Evidence 1 you will see a Warning letter from October 2021 from Tower Hamlets Council that in simple terms warns Mr Gasior that he has been trading without a license.

In Police Evidence 2 you will see an e-mail conversation from Kathy Driver from Tower Hamlets Council Licensing and Mr Gasior from October 2021 where he admits to trading past his hours and promises not to do it again.

Mr Gasior then said that it was an honest mistake and that he had he had been trading until 4:30 am ever since he had received his license with extended hours in April 2022, but that he closed at 4:30. While looking at the premises SIA security signing in book I noticed that the security staff were not booking off until 5am. When I queried this with Mr Gasior he replied that they were there to help with dispersal of customers.

When PC Rice and I continued to check the CCTV we found that Wicked Fish had indeed been trading until 5am. When we asked Mr Gasior about why we could now see him

trading to 5am, he told us that sometimes he can't see his clock and he loses track of time. This is simply not believable, nor acceptable.

We were only able to check CCTV from 1 month from the 28th January to the 26th February 2023 during our visit. We checked the Saturday and Sunday mornings between around 4 am and 5 am. Every weekend we checked we found that Wicked Fish was open and trading past its hours. Please see description below.

DETAILS OF BREACHES

Saturday 28th January,

The premises was open past 5am, and extremely crowded.

Sunday 29th January,

The premises was open past 5am.

Saturday 4th February,

The premises was trading until 5am. Two males can be seen dancing topless next to security.

Sunday 5th February,

The premises closed at 4:57am

Saturday 11th February,

Still serving at 5am. Male customer of Wicked Fish seen preparing Cannabis joint while sat at venues tables.

Sunday 12th February

Closed following murder

Saturday 25th February

Still serving at 4:20am with people loitering around until 5am.

Sunday 26th February

Serving after 4 am.

Given that this is just a look at CCTV from 1 month, given Mr Gasior has admitted that he has been trading past his hours since April 2022 we believe that Wicket Fish has been continually opening past its hours since before it got its license.

The other concern we have is that the venue being open so late has prevented customers from the Queens Yard area from dispersing quickly. We know from experience that there is more likely to be alcohol related crime and disorder when customers who have been drinking do not leave the area quickly. As customers consume more alcohol we know that their decision making becomes more impaired and as a result they are more likely to become involved in alcohol related crime and disorder. From speaking to people in the area it has become clear that Wicked Fish being able to operate so late is impacting people from the area, and is increasing the risk of crime and disorder.

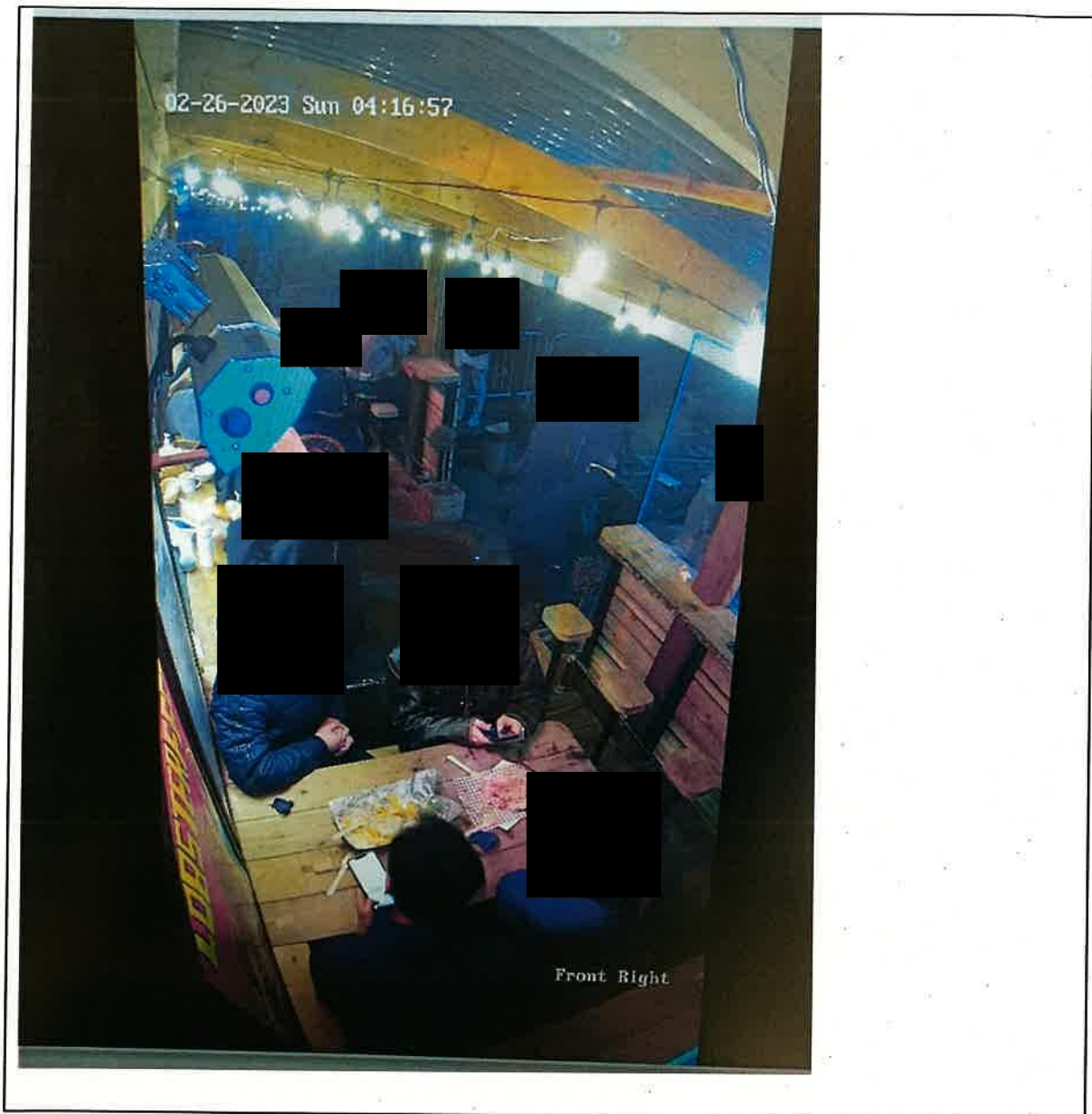
Given that Hackney Wick is a vibrant and growing night time economy hotspot and an increasingly residential area, due to the large housing developments being built. It is essential that customers of the night time economy leave the area quickly, both for their own safety, and also to prevent nuisance to local residents. This is something we say cannot happen while this venue is open so late.

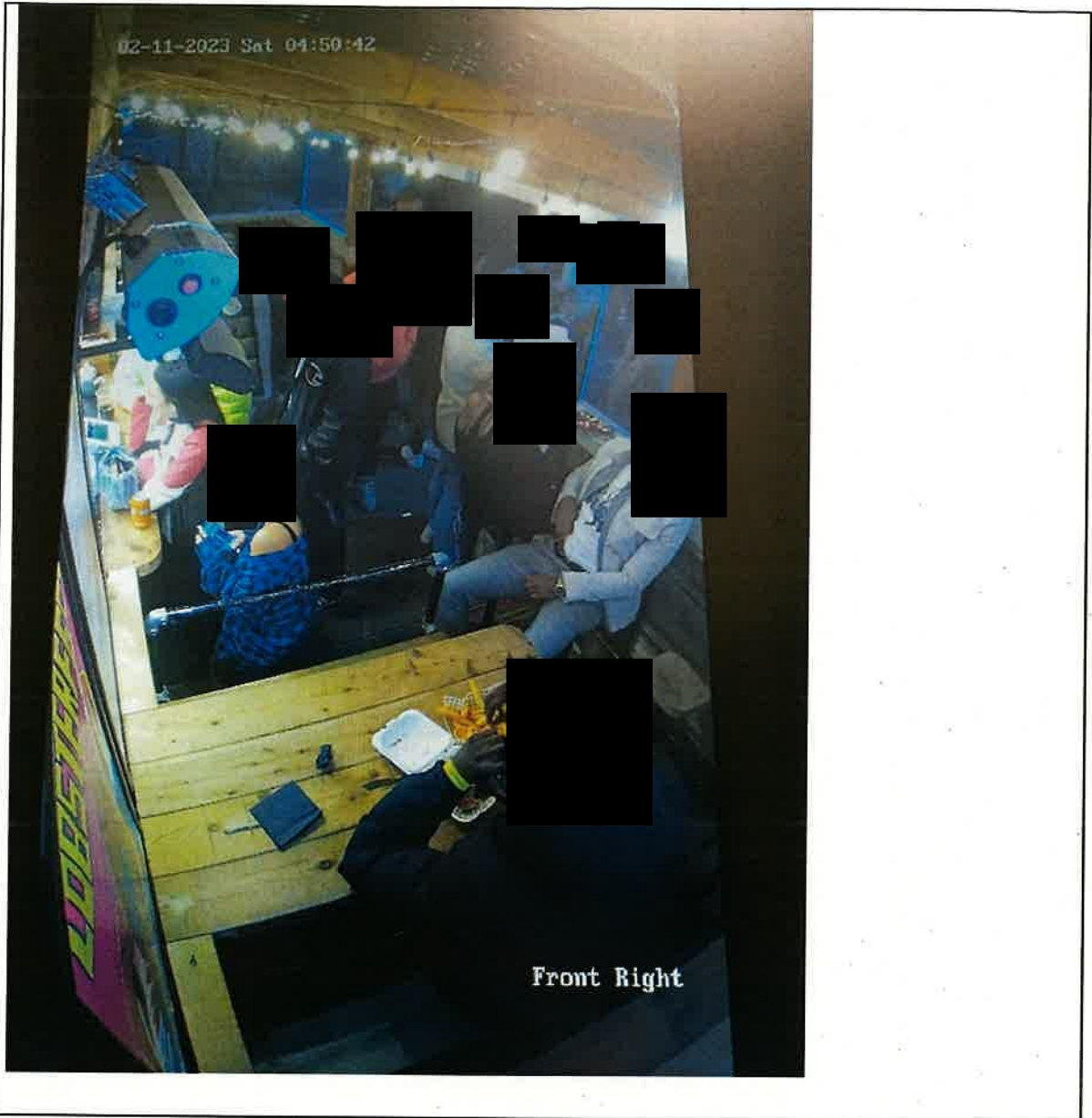
In conclusion we do not see any alternative for this committee but to revoke the premises license of Wicked Fish. Its owner has shown a total lack of respect for his responsibilities under the licensing act, by continually ignoring his licensing hours and trading to whatever time, he wants. This is despite warning from both the Police and the local authority. If the premises are failing to do the basic things like abiding by their licensed opening hours, then we can have no faith they will follow any new conditions this committee set to impose.

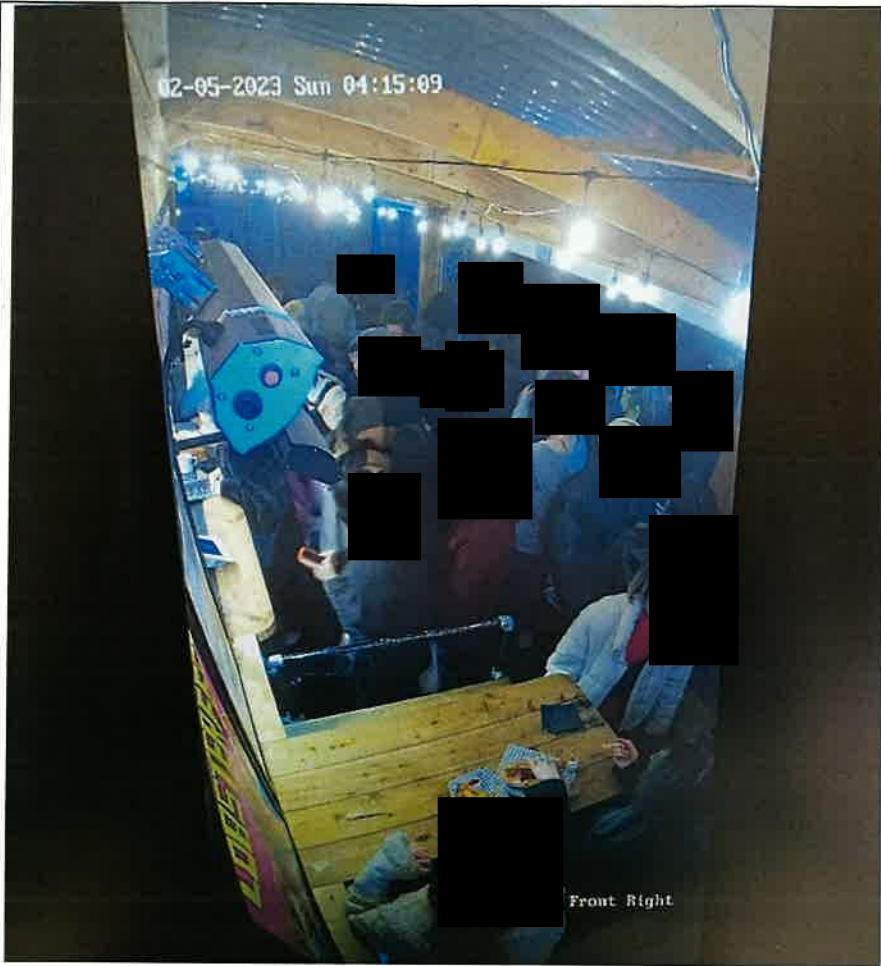
In the one month worth of CCTV we have seen we have seen no effort made by Wicked Fish management or staff to control their customers, which is demonstrated by customers openly preparing a cannabis joint while seated at their tables. Nor have we seen any effort to get their customers to leave the area. We believe if we viewed more CCTV we would find more failures by Wicked Fish.

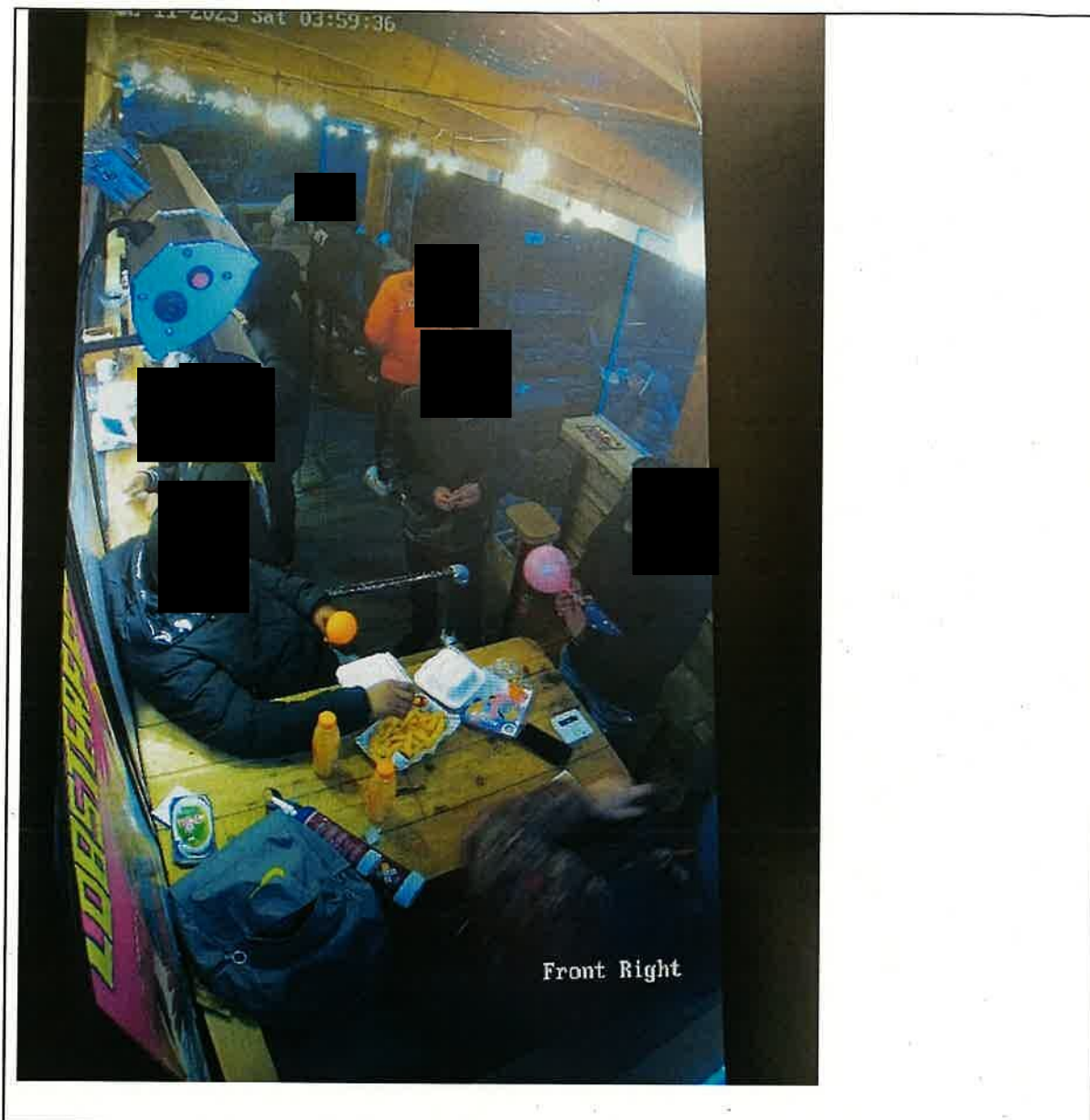
We therefore seek the revocation of the premises license.

Photographs from Venue CCTV Below



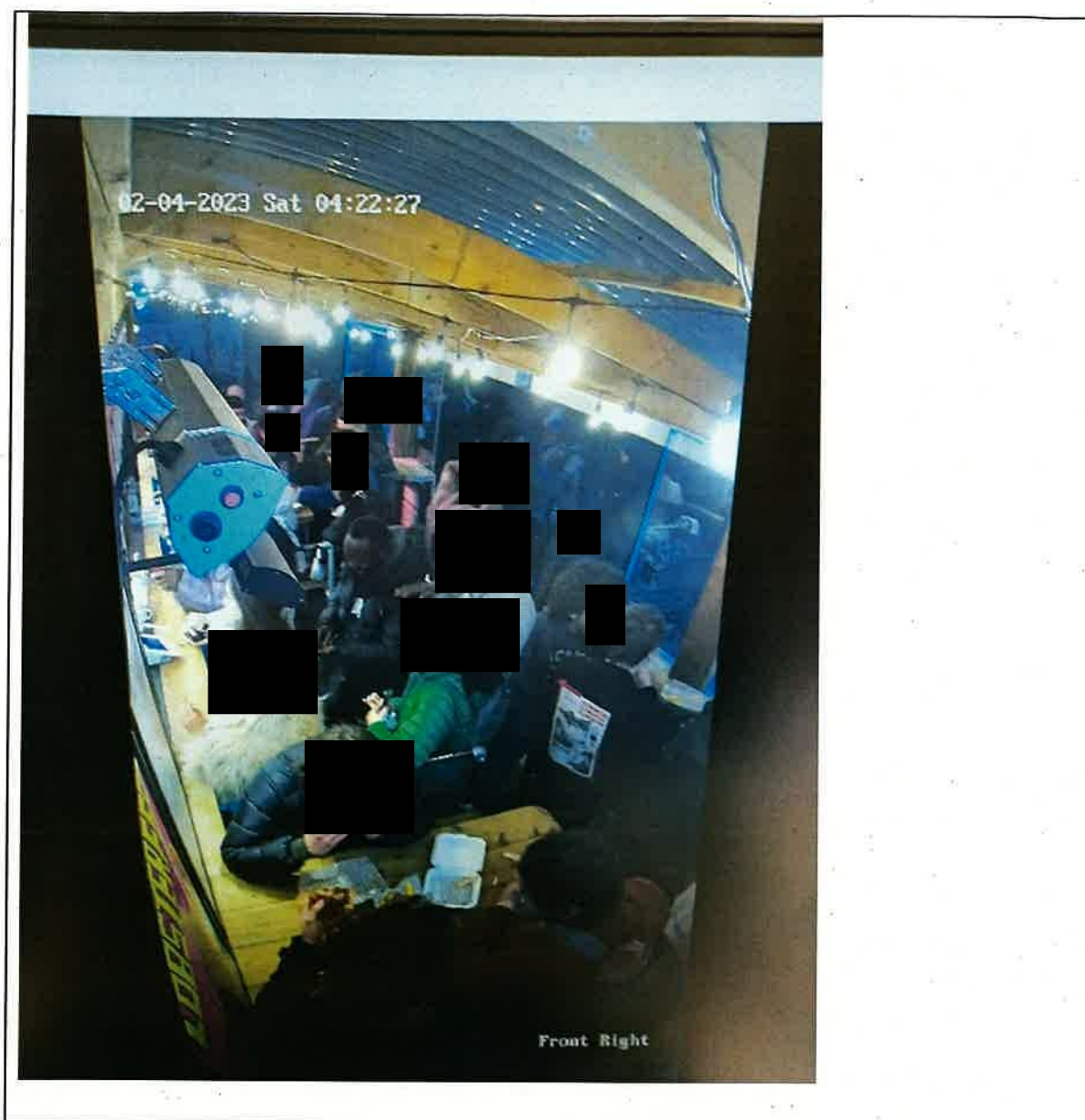












Please provide as much information as possible to support the application (please read guidance note 2)

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

Please tick ? yes

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

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



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



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 P205619 1768CE
Date 7th March 2022
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)	

Notes for Guidance

- 1 The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

Appendix 2



**Lic No:
151866**

**Wicked Fish
Queens Yard
White Post Lane
London
E9 5EN**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

**David Tolley
Head of Trad**

ental Health

**Date: 21st December 2021
Variation 25th April 2022
Variation 7th December 2022**

OFFICE USE	Receipt No: 069558	Paid: 190	Date: 19/03/2022
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Part A - Format of premises licence

Premises licence number

151866

Part 1 - Premises details

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

**Queens Yard
White Post Lane**

Post town

Post code

London

E9 5EN

Telephone number

Tel: [REDACTED]

Email: [REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late-night refreshment (Outside and Inside)
The sale by retail of alcohol (on sales only)

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday to Thursday from 23:00 -01:00 HRS

Friday to Saturday from 23:00 - 04:00 HRS

Non-standard timing

Christmas Eve and New Year's Eve

Christmas Eve and Christmas Day 23:00 hours to 05:00 hours

New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours

The sale by retail of alcohol **(on sales only)**

Monday to Sunday 12:00 – 23:00 hours

The opening hours of the premises

Sunday – Thursday from 06:00 hours to 01:30 hours

Friday -Saturday from 06:00 hours to 04:30 hours

Non-standard timing

Christmas Eve and Christmas Day 23:00 hours to 05:00 hours

New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours

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

Not applicable

Part 2

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

Wicked Fish Ltd

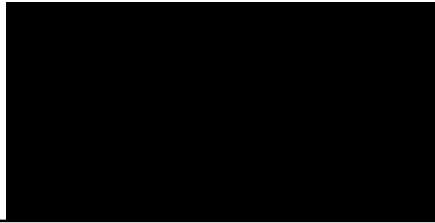


Registered number of holder, for example company number, charity number (where applicable)

13463506

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

Michal K Gasior



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: [REDACTED]

Issuing authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to- any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Annex 2 - Conditions consistent with the operating Schedule

1. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.

2. In the event that a serious assault is committed on the premises (or appears to have been committed) the management if safe to do so, will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the

safety of all persons present on the premises.

3. All outside tables and chairs shall be rendered unusable by (00:00) Sunday to Thursday and (03:30) Friday to Saturday.
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
5. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
6. Three (3) people working at all times at the venue.
7. One (1) SIA door supervisor shall be employed on the premises Fridays and Saturdays.
8. Intoxicating liquor shall not be supplied on the premises other than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.
9. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.
10. No vertical drinking on the premises.
11. Sales of alcohol will only be made when a personal licence holder is present at the premises.
12. All Staff members engage, or to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to Age Restricted Sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
13. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either the Police Officers or an authorised officer of Tower Hamlets Council.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale, and the name of the member of staff

who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Tower Hamlets Council at all times whilst the premises is open.

15. A "Challenge 25" Proof of Age Scheme shall be operated at the premises where the only acceptable forms of identification are; recognised photographic identification cards, such as driving licence, passport or proof of age card with PASS Hologram.
16. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display and the service areas.
17. Spirits will not be sold. It is to be noted that the type of alcohol to be supplied on the premises include; light beer, sparkling and house wines, and prosecco. Spirits will not be sold.

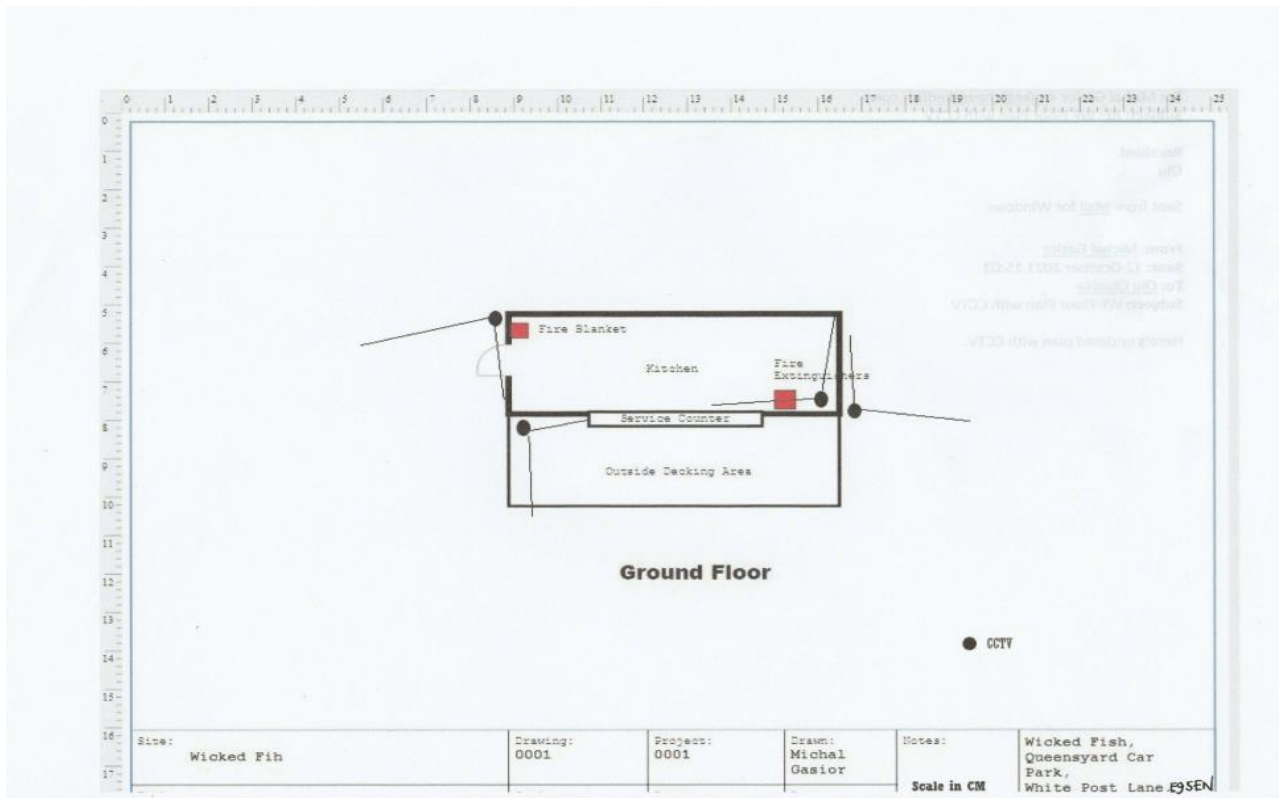
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

22nd November 2021 (*Ground floor plan drawing number 0001.*)



Part B - Premises licence summary

Premises licence number 151866

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Wicked Fish Queens Yard, White Post Lane	
Post town	Post code
London	E9 5EN
Telephone number	
Tel: [REDACTED]	

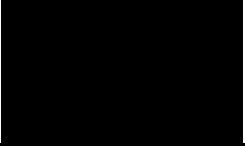
Where the licence is time limited the dates N/A

Licensable activities authorised by the licence The provision of late-night refreshment
The sale by retail of alcohol(on sales only)

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment
 Sunday to Thursday from 23:00hrs -01:00hrs
 Friday to Saturday from 23:00 - 04:00hrs

Non-standard timing
 Christmas Eve and New Year's Eve
 Christmas Eve and Christmas Day 23:00
 hours to 05:00 hours
 New Years Eve 23:00 hours to 05:00 hours
 (the day following), New Year's Day 23:00
 hours to 05:00 hours

	<p>The sale by retail of alcohol <u>(on sales only)</u></p> <p>Monday to Sunday 12:00 – 23:00 hours</p>
<p>The opening hours of the premises</p>	<p>Sunday to Thursday from 06:00hrs -01:30hrs Friday to Saturday from 06:00 - 04:30hrs</p> <p>Non-standard timing Christmas Eve and Christmas Day 23:00 hours to 05:00 hours New Years Eve 23:00 hours to 05:00 hours (the day following), New Year’s Day 23:00 hours to 05:00 hours</p>
<p>Name, (registered) address of holder of premises licence</p>	<p>Wicked Fish Ltd </p>
<p>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</p>	<p>Not applicable</p>
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	<p>13463506</p>
<p>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol</p>	<p>Michal Gasior</p>
<p>State whether access to the premises by children is restricted or prohibited</p>	<p>No restrictions</p>

Appendix 3



**Place Directorate
Public Realm**

Environmental Health & Trading Standards

Head Of Service **David Tolley**

Licensing Officer - Licensing and Safety
Environmental Health and Trading Standards
Place Directorate
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG

Michal Gasior
19 Mallards Place
London
E9 5JL

14th October 2021

My reference P/PR/EHTS/LIC/107561

Tel [REDACTED]
Fax **020 7364 0863**
Enquiries to **Kath Driver**
Email [REDACTED]

Dear Sir,

Licensing Act 2003 Section 136

Premises: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

This Authority has been notified by the Police that on a number of occasions you have been warned regarding serving hot food/hot drinks beyond 11pm without an authorisation.

Council records how you do not have any authorisation for the activity

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;

- 1) the sale by retail of alcohol (off or on sales)
- 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) **the provision of late night refreshment (selling meals and hot drinks after 23:00 hours and before 05:00 hours)**

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

You are advised to cease the unauthorised licensing activity with immediate effect.

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008 or visiting our website:

www.towerhamlets.gov.uk/licensing

Yours sincerely



Kathy Driver
Principal Licensing Officer

Cc Licensing Police: cemailbox-.towerhamletslicensing@met.police.uk

Lavine Miller-Johnson

From: [REDACTED]
14 October 2021 20:44
To: Kath Driver
Cc: [REDACTED]
Subject: Re: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

I understand I won't cause any more trouble. It was never my intention. Tomorrow I'm meeting the consultant who will help me with correct licence application process. I hope I didn't overstep.

Kind regards
Michal Gasior

Get [Outlook for iOS](#)

From: Kathy Driver <[REDACTED]>
Sent: Thursday, October 14, 2021 5:01:11 PM
To: Michal Gasior [REDACTED]
Cc: [REDACTED]
Subject: RE: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

Dear Mr. Gasior,

Thank you for email, I must however remind you that a licence is required for hot food or hot drink after 11pm not midnight. You should also note that the hours relate to the time when you stop supply not the sale of, therefore you must cease any supply/serving of hot or hot drinks by 11pm.

Kind Regards,

Kathy Driver

Principal Licensing Officer

[REDACTED]

Licensing General Email: licensing@towerhamlets.gov.uk
Please visit our web page for application forms and guidance at
www.towerhamlets.gov.uk/licensing
www.towerhamlets.gov.uk

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From: Michal Gasior [REDACTED]
Sent: 14 October 2021 16:40
To: Kathy Driver <[REDACTED]>
Subject: Re: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

Dear Kathy I might have stayed a tad open longer because there was a massive crowd ordering food from me due to festival but we didn't serve anyone last midnight. Moving forward I'm in the process of applying for late night licence and in the meantime I'll do my best to control the queue better.

Sincerely yours

Michal Gasior

Get [Outlook for iOS](#)

From: Kathy Driver [REDACTED]
Sent: Thursday, October 14, 2021 3:56:32 PM

To: Michal Gasior [REDACTED]

Subject: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

Please find attached letter in regards to your premises. The original will be posted to your home address. Please note if any further offences are witnessed you maybe liable to prosecution and this will be taken into consideration upon any application made for a premises licence by you.

Kind Regards,

Kathy Driver

Principal Licensing Officer

[REDACTED]

Licensing General Email: licensing@towerhamlets.gov.uk

Please visit our web page for application forms and guidance at
www.towerhamlets.gov.uk/licensing

www.towerhamlets.gov.uk

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Lavine Miller-Johnson

From: MARK.J.Perry [REDACTED]
Sent: 06 March 2023 07:57
To: [REDACTED]
Subject: FW: Licensing Enquiry -

From: Michal Gasior <[REDACTED]>
Sent: 22 February 2023 11:43
To: Rice Michael - CE-CU [REDACTED]
Cc: Perry Mark J - CE-CU <[REDACTED]>
Subject: Re: Licensing Enquiry -

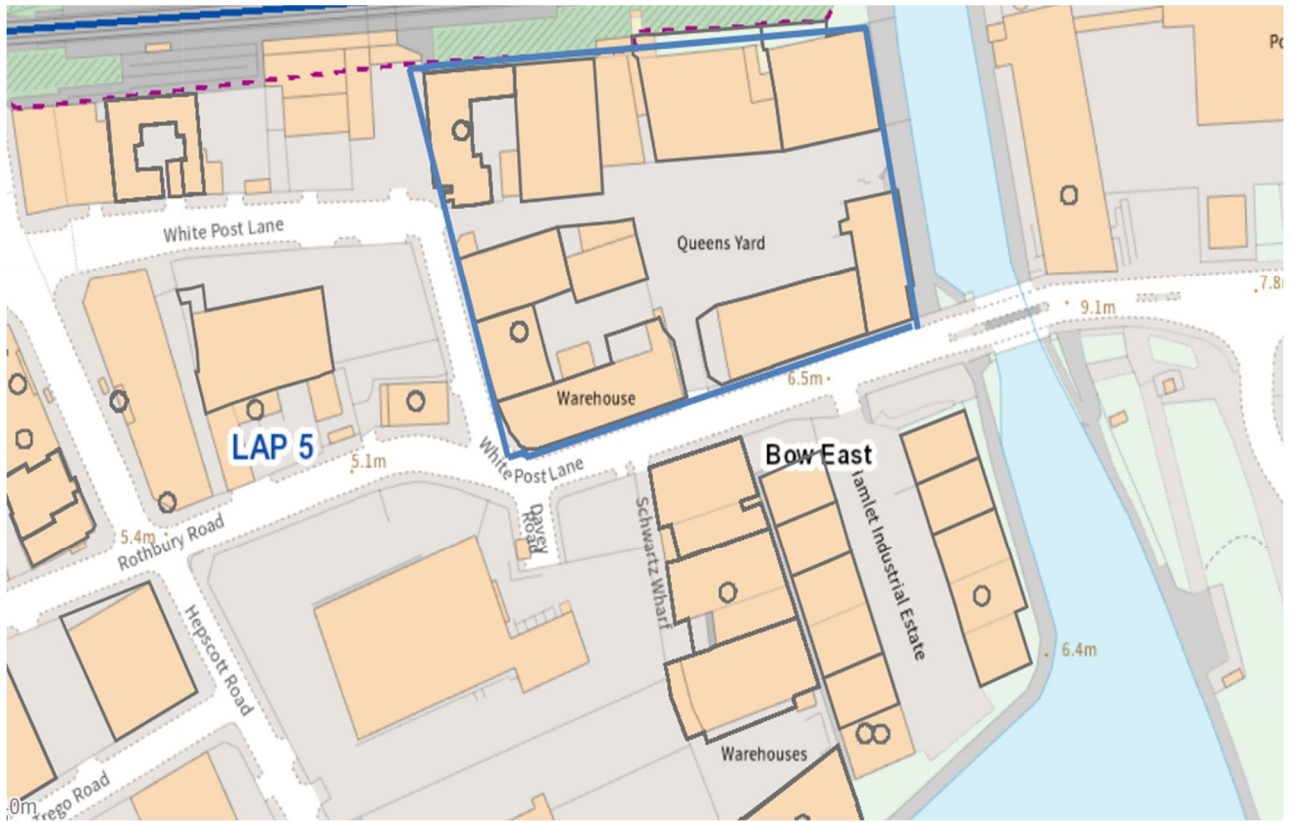
Thank you I'll do it. I only wish I could get somehow educated on how to properly run incident record book.

What do I write down? Date, time, yes but description of customer as well? Only now I've found there's an actual special book for that. It is my first own venture of this type I promise I'll do my best to be up to scratch. I'm here to work with you and the council.

Sent from [Outlook for iOS](#)

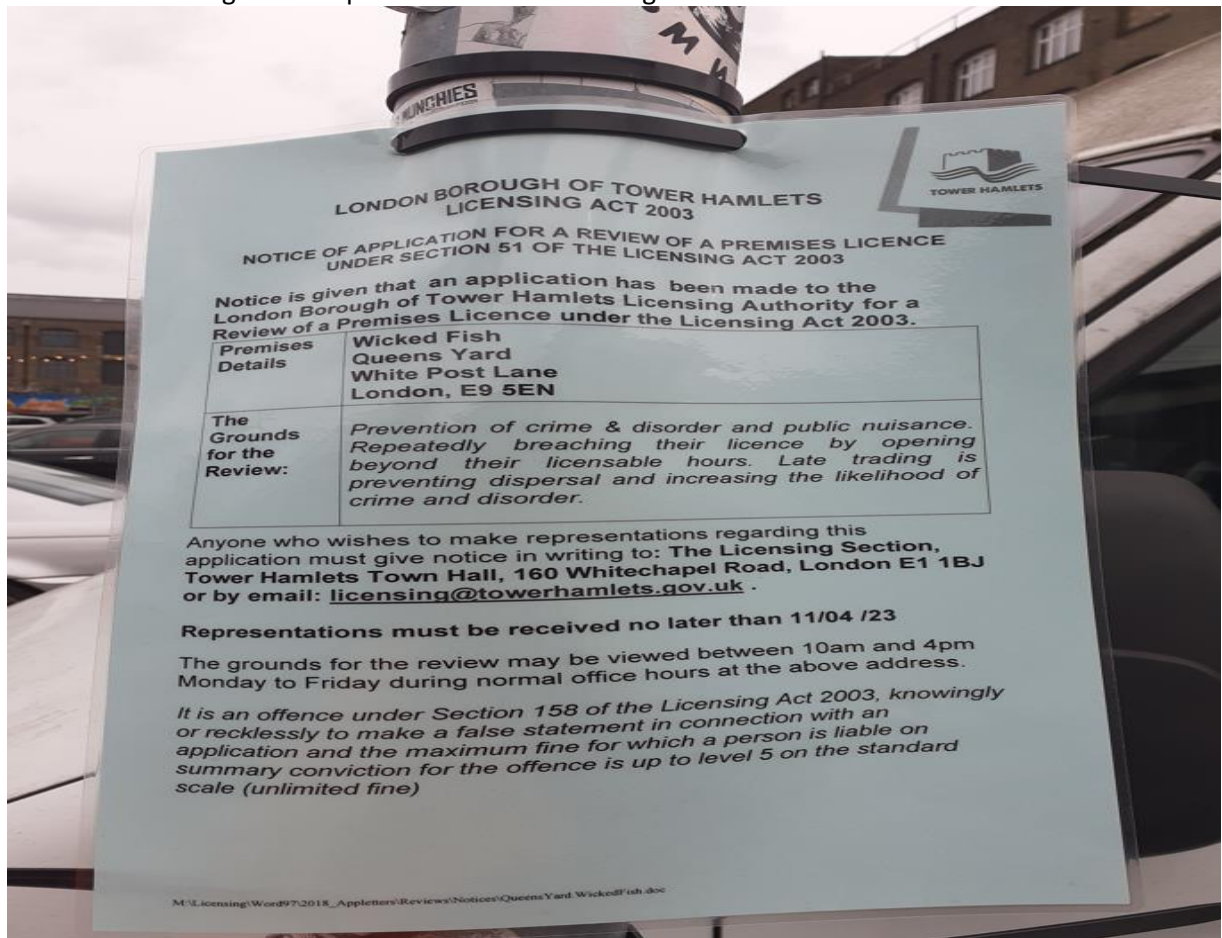
Appendix 4

Wicked Fish -Queens Yard White Post Lane E9 5EN – Map of surrounding area



Appendix 5

Wicked Fish – Images of the premises and surrounding area





Appendix 6

By Email:

Licensing Authority:
licensing@towerhamlets.gov.uk

**Place Directorate
Public Realm**

**Head of Environmental Health and
Trading Standards: David Tolley**

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

11th April 2023

Your reference
My reference: LIC/157810/MA

Tel: [REDACTED]
Enquiries to: **Mohshin Ali**
Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Licensing Authority,

Licensing Act 2003

Review of premises licence application: Wicked Fish, Queens Yard, White Post Lane,
London E9 5EN

The Licensing Authority (acting a Responsible Authority) is making a representation in relation to the above application under the following licensing objectives:

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

The Licensing Authority (RA) supports the review triggered by Met Police on the 7th March 2023 as the licensing objectives have been undermined. In addition, I have looked at the history of the premises and the following are registered on the Council's system Civica Authority Protection (APP):

- **29th September 2021** – LA received a TEN application for the 8-10 October 2023. As 10 clear working days notice was not given the TEN was rejected and Mr Gasior was notified (including email) on the 1st October 2021.
- **14th October 2021** – LA received had been notified by the Police that on a number of occasions the premises had been warned regarding serving hot food/hot drinks beyond 11pm without an authorisation. A warning letter was sent to Mr Gasior (including email) on the 14th October 2021 as detailed in the Police review.

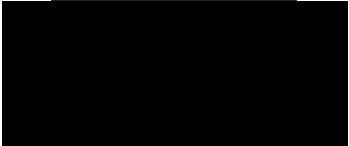
Mr Gasior responded and stated *"I might have stayed a tad open longer because there was a massive crowd ordering food from me due to festival but we didn't serve anyone last midnight. Moving forward I'm in the process of applying for late night licence and in the meantime I'll do my best to control the queue better"*.

Mr Gasior was again reminded to *cease any supply/serving of hot or hot drinks by 11pm.*

- **20th October 2021** – New premises licence application received and was not objected to by the LA in order to work with the premises as they had showed compliance when Officers visited on the 29th October 2021. The LA also did not make a representation to the most recent variation application as there were no issues according to the LA's records

Having seen the Police review, the Licensing Authority is concerned about the numerous occasions where the premises has traded beyond the times permitted on the licence despite previous warnings and reminders. In order to promote that licensing objectives, the Police are requesting the revocation of the licence and the Licensing Authority is in support of this.

Yours faithfully,



Mohshin Ali

Senior Licensing Officer (Acting as a Responsible Authority)

Appendix 7

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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise the review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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 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 16 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 8

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

Updated December 2022

Crime and disorder

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

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

Appendix 9

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a 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.

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

Model Pool Conditions can be found in the Secretary of State's Guidance.

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

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

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

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

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

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

- 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 to provide traceability.
- 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.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 10

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

Updated December 2022

Public nuisance

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

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

Appendix 11

Prevention of Public Nuisance

- 9.1 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.
- 9.2 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.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

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Agenda Item 5

Committee: Licensing Sub-Committee	Date:	Classification: UNRESTRICTED	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application to Review the Premise Licence for (Mannat Supermarket) 493 Roman Road, London, E3 5LX Ward affected: Bow West
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1.0 Summary

Name and	Mannat Supermarket
Address of premises:	493 Roman Road London E3 5LX
Licence under review:	Licensing Act 2003 ▪ Sale by retail of alcohol (off sales only)
Review triggered by:	Trading Standards
Representations:	Police / Licensing Authority

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Corinne Holland
020 7364 3986

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Mannat Supermarket, 493 Roman Road, London E3 5LX. The review was triggered by Trading Standards.
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 Evidence supporting review is attached in **Appendix 2**. Showing List of Appendices I – XI.

4.0 The Premises

- 4.1 The premise licence was issued in July 2005 under Grandfather Rights (despite licence showing 2012). On the 6th May 2022 the licence was transferred to Mr Harmon Singh Grover. On 5th May 2022 Mr Harmon Singh Grover also became the Designated Premises Supervisor.
- 4.2 A copy of the premises licence is contained within the evidence supporting the review (**Appendix 2 / VIII**).
- 4.3 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Trading Standards.
- 5.2 The review is further supported by the following Responsible Authorities
Police – **Appendix 4**.
Licensing Authority – **Appendix 5**
- 5.3 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 In the view of the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 6**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder. **See Appendix 7.**
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 8**.
- 6.6 Guidance Issued by the Home Office concerning Protection of children from Harm **Appendix 9**.
- 6.7 London Borough of Tower Hamlets Policy in relation to the Protection of Children from Harm **Appendix 10**.
- 6.8 The Home Office has advised that in relation to reviews “ 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. ”

6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing & Safety Team Leader is the delegated officer who deals with this on behalf of the Licensing Authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG and Tower Hamlets Town Hall, 160 Whitechapel Road, London, E1 1BJ.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should the DPS cease to work/be employed by the premises the

Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority. (27.1 Licensing Policy)

8.2 The Governments advice in relation to reviews is contained in **Appendix 6**. Members must consider all the evidence and then decide from the following alternatives:

- 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);
- 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.

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

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

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

8.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Supporting evidence (includes premises licence) (additional appendices I-XI)
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Police representation
Appendix 5	Licensing Authorities Representation
Appendix 6	Guidance issued under Section 182 by the Home Office for reviews
Appendix 7	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 8	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 9	Guidance Issued by the Home Office concerning Protection of Children from Harm
Appendix 10	London Borough of Tower Hamlets Policy in relation to the Protection of Children from Harm

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Service, 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, Alex Brander, 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	
Mannat Supermarket 493 Roman Road	
Post town: London	Post code (if known) E3 5LX

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

Mr Harmon Singh Grover

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

149152

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

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
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Alex Brander London Borough of Tower Hamlets Mulberry Place 5 Clove Crescent London E14 2BG
Telephone number (if any) <input type="text"/>
E-mail (optional) <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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

The Trading Standards Service, as the Local Weights and Measures Authority, is designated a 'responsible authority' for the purposes of the Act and is making representations in relation to the prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for the review concern the sale of alcohol to people under the age of 18, contrary to the licensing objective of the protection of children from harm.

On 19th August 2022 LB Tower Hamlets Trading Standards carried out an underage sales test purchase operation. The operation involved visiting various food and drinks shops in the vicinity of Victoria Park and instructing a person aged under the age of 18 to attempt to purchase alcohol. This area was chosen as it was a popular thoroughfare for the All Points East music festival occurring at the time.

Senior Trading Standards Officer Alex Brander led on the operation. Senior Trading Standards Officer Katalin Morath and Licensing Manager Tom Lewis also participated in the operation.

Two child volunteers assisted with the operation; Volunteer A (14 year old female) and Volunteer B (12 year old female).

At approximately 5.21 pm STSO Brander instructed Volunteer A to attempt to purchase alcohol from Mannat Supermarket, 493 Roman Road, E3 5LX. Volunteer A entered the shop with Volunteer B. LM Tom Lewis also entered the shop to witness the test purchase. On this occasion Volunteer A managed to purchase a 250 ml can of Gordons Pink Gin & Tonic (ABV 5%). The cost was £1.69. Volunteer A was not challenged for proof of age by the seller during the transaction. Volunteer B was alongside Volunteer A at the time of the purchase. Volunteer B was not challenged for proof of age either.

The sale of alcohol to a person under the age of 18 constitutes an offence under **Licensing Act 2003; section 146 (1)**.

Following the sale, at approximately 5.35 pm STSO Brander and STSO Morath entered Mannat Supermarket. There was a man working behind the counter that matched the description of the seller provided by LM Lewis.

The Trading Standards Officers introduced themselves to the person behind the counter and explained that he had just sold the can of gin & tonic to an underage person. The man identified himself as Mr Harmon Singh Grover. Mr Grover produced his personal licence card, issued by London

Borough of Hillingdon (licence number [REDACTED]). Mr Grover is the premises licence holder (licence number 149152) and the Designated Premises Supervisor for Mannat Supermarket.

See **Appendix I – Statement of Alex Brander, Appendix II – Photograph of Volunteer A, Appendix III Photograph of Volunteer B, Appendix IV– Statement of Tom Lewis, Appendix V – Still image from CCTV footage, Appendix VI – Photograph of the can of Gordons Pink Gin & Tonic, Appendix VII – Photograph of Harmon Singh Grover’s personal licence card, Appendix VIII – Premises licence for 493 Roman Road, E3 5LX.**

An investigation into the offence by LB Tower Hamlets Trading Standards is in progress and is running separately to this licence review application.

Harmon Singh Grover applied to LB Tower Hamlets for a transfer of the premises licence on 6th May 2022. The transfer was granted and Mr Grover was emailed the licence on 21st July 2022.

This is the first premises licence that he has held. Prior to acquiring the business at 493 Roman Road he worked at an off-licence in Southall.

Paragraph 9 of Annex 2 of the premises licence stipulates the “Use of Challenge 21 trading initiative”. It is this Responsible Authority’s view that the child volunteers on clearly looked under 21 and as no proof of ID was requested the licence condition was breached on that occasion.

Paragraph 10 of Annex 2 of the premises licence stipulates “Refusals book to be in operation which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. It will be available upon request by a relevant officer of a responsible authority.” Mr Grover was not able to produce a refusals book when the Trading Standards Officers requested to see it on the 19th August 2022. At a later date during an interview under caution with Trading Standards Mr Grover admitted to not having a refusals register.

Section 4(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 requires that a notice displaying the statement “It is illegal to sell tobacco products to anyone under the age of 18” be exhibited at every premises at which tobacco is sold be retail. Tobacco products are sold at Mannat Supermarket but there was no such notice on display on the 19th August 2022.

The matter regarding the tobacco notice was first raised with the business on the 17th August 2022 during a tobacco products enforcement inspection being carried out by Trading Standards Officer James Grier. TSO Grier advised the person working in the shop at the time (not Mr Grover) that a tobacco notice was required to be put on display and left a notice saying it was required within five days - **see Appendix IX – copy of Tobacco Inspection Report.**

On subsequent visits to the store by STSO Brander, made on the 24th August 2022, 30th August 2022 and 14th September 2023, the statutory tobacco notice was still not on display. On the 14th September Mr Grover had put on display an A4 printed sign to remind customers that proof of age may be needed for tobacco but this was not in the prescribed format or wording. These visits were made to collect a media device that contained CCTV footage of the sale to the underage volunteer on the 19th August - **see Appendix X and XI – photographs of proof of age notices.**

Mr Grover was interviewed under caution by LB Tower Hamlets Trading Standards on 7th September

2022. In his interview Mr Grover confirmed that he is the sole director of Mannat Supermarket Ltd, and that company purchased the business at 493 Roman Road on 5th May 2022. He confirmed that he is responsible for the decision making and management of the business. He admitted that he had never read the premises licence and did not know what any of the conditions on it were. He also admitted that he did not know what Challenge 21 or Challenge 25 is.

Other than Mr Grover there was one other person working for the business. Mr Grover is the only employee of the business that possesses a personal licence to sell alcohol.

Mr Grover's explanation as to why the sale occurred was that even though he had doubt in his mind about the volunteer being old enough to purchase alcohol, the shop was busy and he was on his own so sold her the can of gin & tonic. When shown photographs of the volunteers he said Volunteer A looked about 15 or 16 years old and Volunteer B looked about 13 or 14 years old.

The sale of alcohol to minors undermines the licensing objective of the protection of children from harm. Alcohol can have a serious detrimental effect on a child's psychological and physical development. It can also impair their decision-making ability, leaving them and others around them vulnerable to risk of harm through serious injury.

It is the opinion of this Responsible Authority that Mr Harmon Singh Grover has failed to uphold the licensing objective of the protection of children from harm. This Responsible Authority is deeply concerned that Mr Grover had not read the conditions of the premises licence, and we are not confident that he would fully grasp the importance of them and their relation to all the licensing objectives.

There is little scope to add additional conditions to the licence for the purposes of maintaining the licensing objectives, as the current conditions already cover these. Removing Mr Grover as the Designated Premises Supervisor would be ineffective as there are no other personal licence holders working for the business who could take over this role. This Responsible Authority, therefore, seeks a revocation of the premises licence.

Have you made an application for review relating to this premises before **Please tick ? yes**

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

.

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

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT

2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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



Signature

.....
Date: 02/02/2023

.....
Capacity: Senior Trading Standards 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)	

Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

Appendix 2

**Harmon Singh Grover / Mannat Supermarket
493 Roman Road, E3 5LX**

List of Appendices

Appendix I – Statement of Alex Brander

Appendix II – Photo of Volunteer A

Appendix III – Photo of Volunteer B

Appendix IV – Statement of Tom Lewis

Appendix V – Still image from CCTV footage on 19/08/2022

Appendix VI – Photograph of can of Gordons Gin & Tonic

Appendix VII – Photograph of Harmon Singh Grover's personal licence

Appendix VIII – Premises Licence 149152

Appendix IX – Copy of Tobacco Inspection Report from 17/08/2022

Appendix X – Photos of Proof of Age Material on display on 24/08/2022

Appendix XI – Photos of Proof of Age Material on display on 14/09/2022

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix I – Statement of Alex Brander

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN:

Four empty boxes for URN entry.

Statement of: Alex Brander

Age if under 18 (if over insert "over 18"): Over 18 Occupation: Senior Trading Standards Officer

This statement (consisting of 6 Pages(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 in it, anything which I know to be false, or do not believe to be true.

Name / Signature:

Alex Brander /



Date: 11/10/2022

Tick if witness evidence is visually recorded:

Empty box for tick mark

(Supply witness details on last page)

Statement

I am employed by London Borough of Tower Hamlets as a Senior Trading Standards Officer, based at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG.

On 19th August 2022 I was involved in an underage sales test purchase operation. The operation involved visiting various premises in the borough that sell age-restricted products and instructing a person under the age of 18 to attempt to purchase a specified product from the business. I was accompanied in the operation by Senior Trading Standards Officer Katalin MORATH and Licensing & Safety Team Leader Tom LEWIS. At the start of the operation I briefed the officers on their roles.

Signed: ... (witness)

Date:11/10/2022.....

(To be completed if applicable: ... being unable to read the above statement I, ... of ..., read it to him/her before he/she signed it.

Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

We had two female volunteers assisting us with the operation. For the sake of anonymity I shall refer to them as Volunteer A (date of birth [REDACTED]2008) and Volunteer B (date of birth [REDACTED]/2009). I produce a redacted copy of Volunteer A's proof of age document as exhibit AB/VA/5 and a redacted copy of Volunteer B's proof of age document as exhibit AB/VB/5. At the operation briefing I asked Trading Standards Officer Bridget RUSHMOOR to authorise the child volunteers to attempt to purchase alcohol during the operation. TSO RUSHMOOR did not participate in the operation any further. During the operation briefing I measured the height of Volunteer A; 168 cm and Volunteer B; 159.9 cm. I took photographs of the volunteers to show what they looked like on the day. I produce photographs of Volunteer A as exhibits AB/VA/1-3. I produce a photograph of Volunteer A alongside STSO MORATH as exhibit AB/VA/4. I produce photographs of Volunteer B as exhibits AB/VB/1-3. I produce a photograph of Volunteer B alongside STSO MORATH as exhibit AB/VB/4.

At 17:21 I instructed Volunteers A and B to attempt to purchase an alcoholic drink from Mannat Supermarket, 493 Roman Road, London, E3 5LX. I handed Volunteer A some cash then observed Tom Lewis enter the premises, shortly followed by the child volunteers. I waited on the street outside with STSO Morath. At 17:23 Volunteers A and B left the shop and approached me. Volunteer B handed to me a 250 ml can of Gordons Pink Gin & Tonic. The can showed an alcoholic content of 5% ABV. I took two photographs of the can of gin and tonic which I produce as exhibits AB/MS/2 and AB/MS/3. I then sealed the can in an evidence bag, reference number [REDACTED] and produce this as exhibit AB/MS/1. At 17:35 I entered Mannat Supermarket, 493 Roman Road, London, E3 5LX, together with STSO Morath. Behind the counter was a male of South Asian appearance, wearing a turban and a striped shirt. There did not appear to be any other staff in the shop at the time. I introduced us to the man behind the counter and explained that I believed he had just sold a can of gin and tonic to a person under the age of

Signed: ... [REDACTED](witness)

Date:11/10/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

18. He gave his name as Harmon SINGH GROVER and date of birth as [REDACTED] At 17:39 I cautioned Mr SINGH GROVER. Mr SINGH GROVER said "My mistake. Sorry." And "Next time proper careful."

Mr SINGH GROVER gave his home address as [REDACTED]

On display behind the counter was Mr SINGH GROVER's personal licence card. Licence number [REDACTED] This showed an address of [REDACTED]. I took a photograph of the card which I produce as exhibit AB/MS/4. Mr SINGH GROVER explained the address on the card was wrong and confirmed that [REDACTED] is the correct address. Also on display behind the counter was the premises licence for the shop. Licence number [REDACTED]. I took a series of photographs of each page of the licence which I produce as exhibit AB/MS/5. Mr Harmon SINGH GROVER is named as the holder of the premises licence and the Designated Premises Supervisor on the licence.

Mr SINGH GROVER confirmed that the business is owned by Mannat Supermarket Ltd and that he is a director of the company.

I asked Mr SINGH GROVER "Do you have a refusals book?". His response was "No."

The shop has an electronic point of sale till system. I took a can of Gordons Pink Gin & Tonic from the display in the shop and scanned it into the till. The till's screen displayed the product and price but no proof of age prompt appeared. I took a photograph of the till screen which I produce as exhibit AB/MS/6. There were no notices around the till screen to remind the operator about checking for ID. I took a photo of the area above the till which I produce as exhibit AB/MS/7

The shop also sells cigarettes; these are kept in a drawer under the counter. I took a photograph of the cigarette drawer which I produce as exhibit AB/MS/9. There was no tobacco age restriction warning notice on display at the tobacco point of sale or anywhere in the shop. On display high up behind the counter was an A4 notice with plain printed text on it on. The notice read "UNDER 18? PLEASE BE

Signed: ... [REDACTED](witness)

Date:11/10/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

PREPARE TO SHOW PROOF OF AGE WHEN BUYING ALCOHOL PRODUCTS". I took two photographs of this notice which I produce as exhibits AB/MS/12 and AB/MS/13. There were no other age-restriction notices relating to alcohol or a Challenge 21/25 policy on display on the shop floor. There was one other similar notice on display at the lottery terminal for lottery tickets.

I took a series of photographs of the alcoholic products on display in the shop. I produce these photographs as exhibit AB/MS/8. I also took a photograph of Mr SINGH GROVER which I produce as exhibit AB/MS/11.


I took photographs of the e-cigarette displays in the shop which I produce as exhibit AB/MS/10 and AB/MS/14. I took a series of photographs of the front of the shop from the outside which I produce as exhibit AB/MS/15.

The shop had a working CCTV system. I left an instruction notice with Mr SINGH GROVER to provide within five days a copy of the CCTV footage from between 17:15 to 17:30 on the 19th August 2022. I produce a copy of this instruction notice as exhibit AB/MS/16.

At 18:00 STSO Morath and I left the premises.

On the 22nd August 2022 I interrogated the Companies House website and found a registered company called Mannat Supermarket Ltd; company number 13987607. Mr Harmon SINGH GROVER was listed as the sole director of the company. I produce a printout of the company details as exhibit AB/MSL/1.

At 15:14 on the 24th August 2022 I returned to Mannat Supermarket, 493 Roman Road, London, E3 5LX with STSO Morath. Mr SINGH GROVER was not on the premises. There was one male working on the premises whom I did not recognise. The mandatory tobacco age restriction notice was still not on display on the shop floor. I took two photographs of the tobacco point of sale area which I produce as exhibit

Signed: ... (witness)

Date:11/10/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

.....

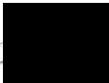
Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

AB/MS/17. I asked the man working behind the counter if Mr SINGH GROVER had left a copy of the CCTV footage for me, he had not. Whilst on the premises I called Mr SINGH GROVER and asked him to have the footage available to collect by no later than the 30th August. I also hand delivered an invitation to an interview under caution letter, addressed to Mr SINGH GROVER, and asked the man working in the shop to ensure Mr SINGH GROVER received it. At 15:20 STSO Morath and I left the premises.

At 13:30 on the 30th August 2022 I returned to Mannat Supermarket again. Mr SINGH GROVER was not present. The same man that was working on the 24th August was present behind the counter. The statutory tobacco age restriction notice was not on display. There was now a notice on display at one of the e-cigarette displays that read "PLEASE BE PREPARE TO SHOW PROOF OF AGE WHEN BUYING VAPES". There was a similar notice at the National Lottery terminal. I produce a series of the proof of age notices on display on the 30th August 2022 as exhibit AB/MS/18. On this occasion I did collect a USB memory stick that purportedly contained CCTV footage stored on it. I left the shop at 13:31. Later that day I reviewed the footage contained on the USB stick. The footage was for the 19th August 2022 but was not for the time period requested; the time stamp on the footage was from 17:04 to 17:13. I sent an email to Mr SINGH GROVER to state that the time period on the CCTV footage was not as requested and asked him again to provide the correct footage. I received a reply "Noted with thanks." On the 1st September 2022 I received another email from Mr SINGH GROVER in which he wrote that the CCTV footage on his DVR in the shop had been deleted but it was available on his mobile phone. I replied asking him to bring his phone with him to his interview so that the footage can be reviewed. I produce a copy of the email chain with Mr SINGH GROVER as exhibit AB/MS/19.

On the 7th September 2022 I carried out an audio recorded interview under caution at Tower Hamlets Town Hall with Mr Harmon SINGH GROVER. The second officer in the interview was Katalin Morath. A Punjabi interpreter was also present. Mr SINGH GROVER did not have legal representation. I produce

Signed: ... (witness)

Date:11/10/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

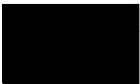
Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

the master copy disc as exhibit AB/HSG/1 and a transcript of the interview as exhibit AB/HSG/1A. In the interview Mr SINGH GROVER showed us CCTV that was stored on his mobile phone of the test purchase sale on the 19th August 2022.

On the 14th September 2022 I returned to Mannat Supermarket, 493 Roman Road, E3 5LX and collected another USB memory stick from Mr SINGH GROVER. I returned to Tower Hamlets Town Hall and viewed the CCTV footage contained on it; it showed the sale of the can of gin and tonic to Volunteer A that occurred on the 19th August 2022. I produce this USB stick as exhibit AB/CCTV/1. The footage was burned onto a blank DVD-R, which I produce as exhibit AB/CCTV/2. I took a series of still images from the footage that shows the transaction. I produce this series of still images as exhibit AB/CCTV/3. END.

Signed: ... (witness)

Date:11/10/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

Witness Details

Home Address: _____ Post Code: _____

Home Tel No: _____ Work Tel No: _____ Mobile Tel No: _____

Email Address: _____ Preferred means of contact: _____

Best time of contact: _____

Sex: Male / Female Date & Place of Birth: _____ Former Name: _____

Ethnicity Code (16+1): _____ Religion / Belief: _____

Dates of Witness Non-Availability: _____

Witness Care (please tick or type in box provided)

Yes No

a) Is the witness willing to attend court? (If no, include reason(s) on form 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 particular needs?

If Yes, what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent - For Witness Completion (please tick)

Yes No N / A

a) The Victim Personal Statement scheme (victims only) has been explained to me:

b) I have been given the Victim Personal Statement leaflet:

c) I have been given the leaflet "Giving A Witness Statement to the Police – What Happens Next?":

d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)

e) I consent to my medical record in relation to this matter being disclosed to the defence:

Signed:(witness)

Date:

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Witness Consent - For Witness Completion (please tick)

Yes No N / A

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable: (eg. Child care proceedings, CICA)

g) The information recorded above will be disclosed to the Financial Inclusion Team so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Witness Signature:

Print Name:

Parent/Guardian/appropriate adult Signature:


Print Name:

Address and telephone number if different from above:

Statement Taken By (print name):

Station:

Time and Place Statement Taken:

Signed: ... (witness)

Date:11/10/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix II – Photo of Volunteer A – Sensitive Document

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix III – Photo of Volunteer B – Sensitive Document

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix IV – Statement of Tom Lewis

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN: [] [] [] []

Statement of:
Tom Lewis

Age if under 18 (if over insert "over 18"): Over 18 Occupation: Team Leader – Licensing and Safety

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

Name / Signature: Tom Lewis / [Redacted] Date: 10/19/2022

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

My name is Tom Keith Lewis I am the Team Leader of the Licensing and Safety Team employed by the London Borough of Tower Hamlets, and I have worked for the borough since 13th July 2015. I have a BSc (Hons) in Environmental Health and qualified in 2002. I am also a chartered member of the Chartered Institute of Environmental Health. I am fully qualified and authorised under the Licensing Act 2003.

[Handwritten signature: TML]

Signed: [Redacted] (witness)

Date: 10/19/2022

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: Date:)

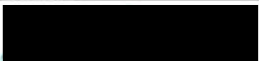
Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

On 19th August 2022 I was working with colleagues from Trading Standards, Alex BRANDER and Katalin MORATH undertaking underage sale test purchases around traffic routes that patrons often take on their way to Victoria Park to attend All Points East Music Festival. This was to check the businesses along the routes were not selling alcohol to persons under the age of 18 years.

At 17:21 hours I entered the Mannat Supermarket, 493 Roman Road, London. I moved to the area near to the counter and stood in front of the shelving containing bottles of wine. I observed the Test Purchase Volunteers, which I refer to as Volunteer A and Volunteer B. Both Volunteer A and B made their way from the rear right of the shop to the front left toward to the counter (left and are references as if stood facing the premises from Roman Road). Volunteer A appeared to have a slim can in her hand, which she placed on counter. I then observed an IC4 male behind the counter take payment from the Volunteers. The male was wearing a beige and white striped top, and he had a dark-haired thick beard and wore a turban on his head. The male appeared to take the payment from the volunteers without asking any information, it was a relatively quick transaction. After paying the volunteers left the shop. I waited for a few moments and left.

Upon meeting back with the volunteers and Alex BRANDER and Katalin MORATH on Ford Road outside ACE Cars the Volunteers gave the slim can to Alex BRANDER who took the details of what the can was. I observed that this was a can of Gordon's pink gin and tonic with an ABV of 5%. Volunteer A said it cost £1.69. After taking down the details, Alex BRANDER and Katalin MORATH proceeded to the premises to speak to the seller and licence holder if available. I stayed put on Old Ford Road and used my computer laptop to try and pull up the

Signed: .....(witness)

Date: 19/08/2022.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)


.....

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967; s. 9)

licence details. Eventually after some time I was able to access the Licence (Licence Number 149152). I refer here to exhibit TKL01 (copy of Premises Licence Number 149152 dated 12th April 2012). I noted that the Licensed had been varied by a minor variation on 21st October 2010 and had 10 conditions added under Annex 2. Conditions 9 and 10 of these detailed the use of a challenge 21 age verification system, and a refusal book to be in operation. Approximately 20 minutes later Alex Brander and Katalin Morath return from the premises, and we then headed to our next visit.

TKL

Signed:  (witness)

Date: *12/12/2022*

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: Date:)

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix V – Still image from CCTV footage on 19/08/22

Appendix V



Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix VI – Photograph of can of Gordons Gin & Tonic

Appendix VI



Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

**Appendix VII – Photograph of Harmon Singh Grover's
personal licence**

Appendix VII



Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix VIII – Premises Licence 149152



(Mannat Supermarket)
493 Roman Road
London
E3 5LX

Licence Number
149152

Licensable Activities authorised by the licence

Sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley
Head of Environmental Health & Trading Standards

Date: 12th April 2012

21st October 2010 – Licence amended following a minor variation application



Part A - Format of premises licence

Premises licence number

149152

Part 1 - Premises details

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

(Mannat Supermarket)
493 Roman Road

Post town

London

Post code

E3 5LX

Telephone number

020 8980 0803

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

The sale by retail of alcohol

Monday to Saturday 07:00 hours to 01:00 hours

Sunday 08:00 hours to 12:00 hours

The opening hours of the premises

Monday to Saturday 07:00 hours to 01:00 hours

Sunday 08:00 hours to 12:00 hours

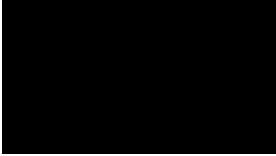
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off sales only

Part 2

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

Harmon Singh Grover



Tel: [REDACTED]

Email: [REDACTED]

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

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

Harmon Singh Grover

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

Annex 1 - Mandatory conditions

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

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

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

3.

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

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

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Annex 2 - Conditions consistent with the operating Schedule

21 October 2010 - Conditions added following a minor variation: Restrictions on purchases of alcohol

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 - unless they are from a bona fide company.
2. The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - a. Sellers name and address
 - b. Seller’s company details, if applicable
 - c. Sellers VAT details, if applicable
 - d. Details of seller’s vehicle if applicable.
3. Copies of the documents referred to in condition 2 above shall be retained on the premises and made available to officers on request within 1 week of the request.

4. An ultra violet light will be used at the store to check all stock purchased which bears a customs stamp.
5. Police to be informed of any counterfeit goods found.
6. Minimum of two staff to be present on the premises after 23:00 hours everyday.
7. CCTV must be operational with recording facilities in place and recordings will be made available upon request by a relevant officer of a responsible authority. CCTV to incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and will be made available to the Police and Officers of a responsible authority for inspection upon request. A member of Staff to be trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public. The CCTV will display, on any recording, the correct time and date of the recording. Signage to be displayed externally to inform that CCTV is in operation.
8. Signage to be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
9. Use of Challenge 21 trading initiative and acceptance of accredited proof of age cards for example, the Connections Card and Citizen Card, new type of driving licences, a passport, an official identity card issued by HM forces or by an EU country, bearing the photograph and date of birth of bearer.
10. Refusals book to be in operation which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. It will be available upon request by a relevant officer of a responsible authority.

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:

16th February 2012 – Ground Floor Plan dated APR 00 Ref no. 100. 00/01



Part B - Premises licence summary

Premises licence number

149152

Premises details

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

(Mannat Supermarket)
493 Roman Road

Post town

London

Post code

E3 5LX

Telephone number

020 8980 0803

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol
Monday to Saturday 07:00 hours to 01:00 hours
Sunday 08:00 hours to 12:00 hours

The opening hours of the premises

Monday to Saturday 07:00 hours to 01:00 hours
Sunday 08:00 hours to 12:00 hours

Name, (registered) address of holder of premises licence

Harmon Singh Grover
[Redacted]
[Redacted]
[Redacted]

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

Off sales only

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

11143810

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

Harmon Singh Grover

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

Not restricted

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

Appendix IX – Copy of tobacco inspection report - 17/08/22

Tobacco Inspection Report

Trading Name: MILANET SUPERMARKETS LTD
 Address: 493 Roman Road
 Postcode: E3 5LX
 Telephone Number:
 Email:
 Proprietor: LINDEN BROWN GREEN SKOON
 Date of Inspection: 17/08/2022



Place Directorate
 Head of Trading Standards & Environmental Health:
 David Tolley
 John Onslow House
 1 Ewart Place
 London E3 5EQ
 Tel 020 7364 5008 6674
 Fax 020 7364 6901
 Enquiries to:
 trading.standards@towerhamlets.gov.uk
 www.towerhamlets.gov.uk

Products sold (please tick):

cigarettes/HRT shisha blunts smokeless e-cigs

Areas of inspection and compliance detailed below:

Requirements:	Compliant:	Non-compliant:
Statutory Notice displayed (J55):		
Promo/Display (J64):		
Display of prices (J65):	✓	
Labelling: cigarettes/HRT/blunts (J40):	✓	
Labelling: shisha (J60):	✓	
Labelling: smokeless (J59):	✓	
E-cig safety: (J66):	✓	

Comments/action required:
 CCTV ✓
 Nil prompt ✓
 Promotional Notices - Required
 Refusal Booklet - Required
 Age Restricted Notices Required
 Licence licence - Required to display

Please ensure that corrective action has been taken within 5 days from the date of this inspection.

Officer's Name: JAMES BROWN Signature: [Redacted]
 Received by (print name): _____ Signature: [Redacted]
 Position: GREEN SKOON

Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

**Appendix X – Photos of Proof of Age material on display –
24/08/22**

Appendix X



Mannat Supermarket/ Harmon Singh Grover
493 Roman Road, London, E3 5LX

**Appendix XI – Photos of Proof of Age material on display –
14/09/22**

Appendix XI



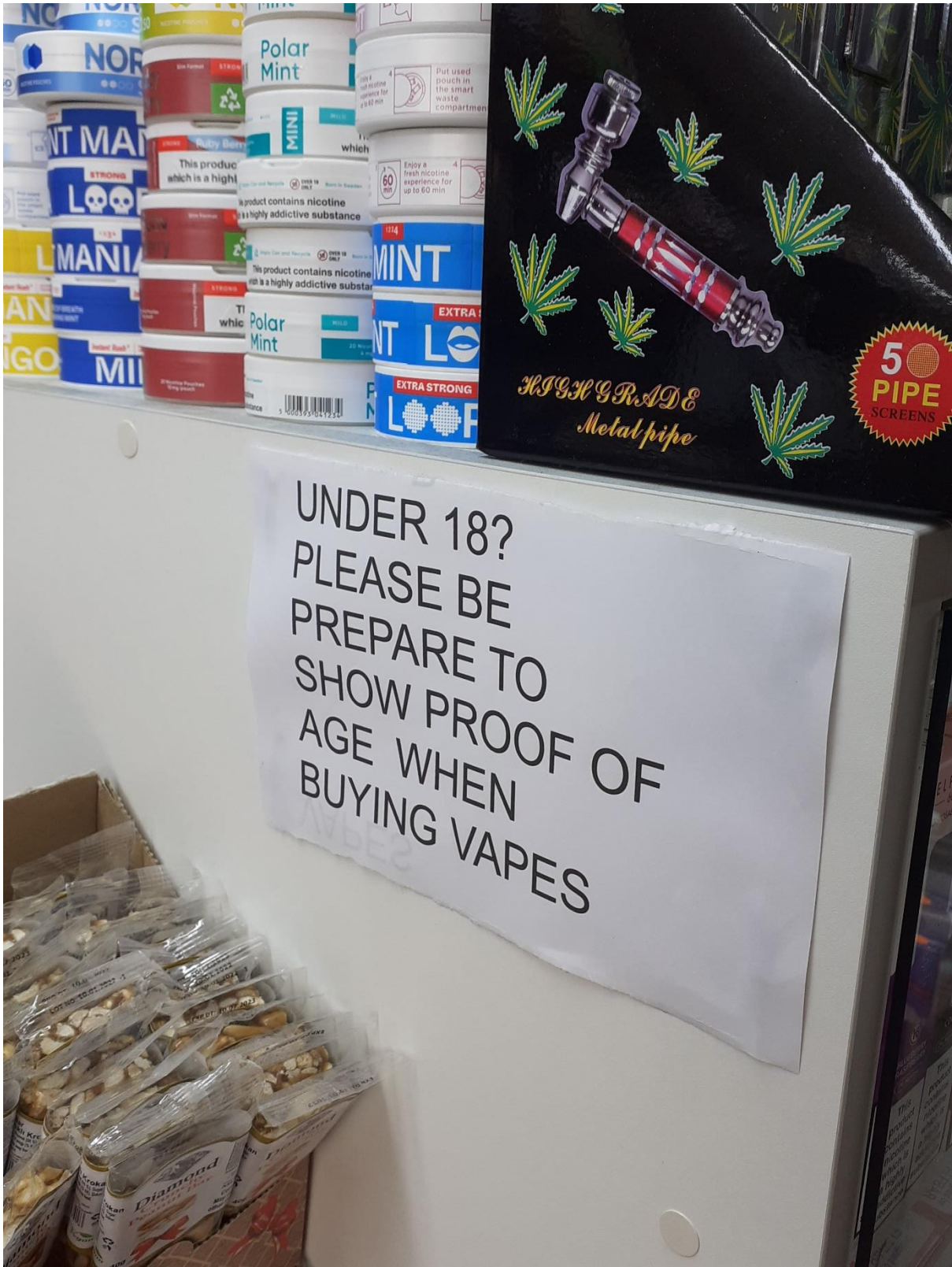
Appendix XI



Appendix XI

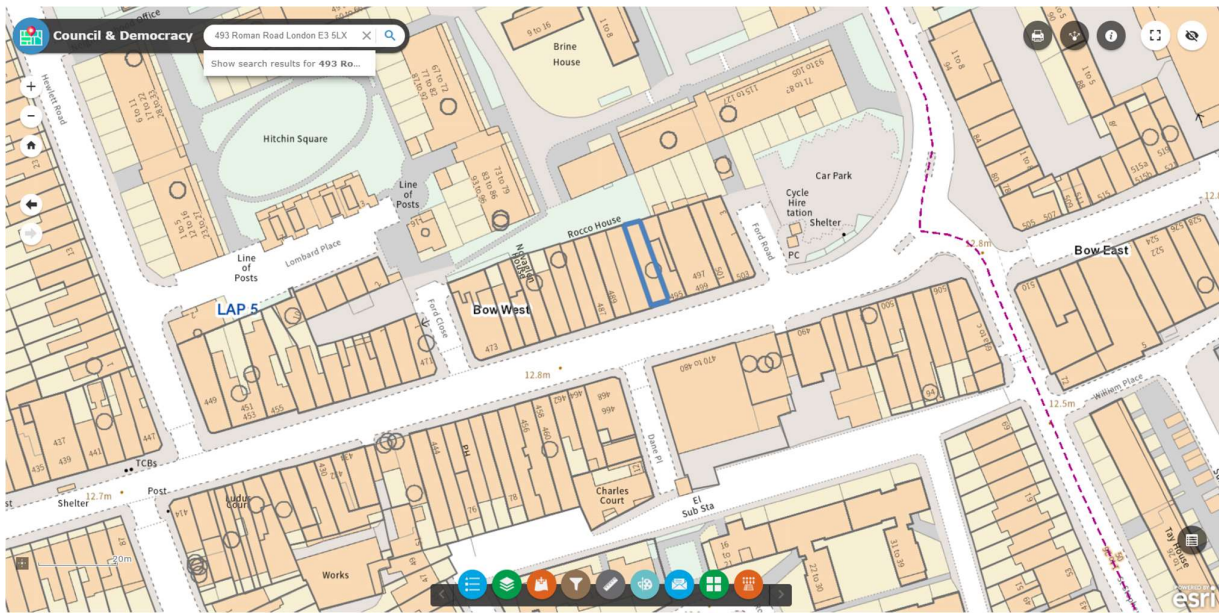
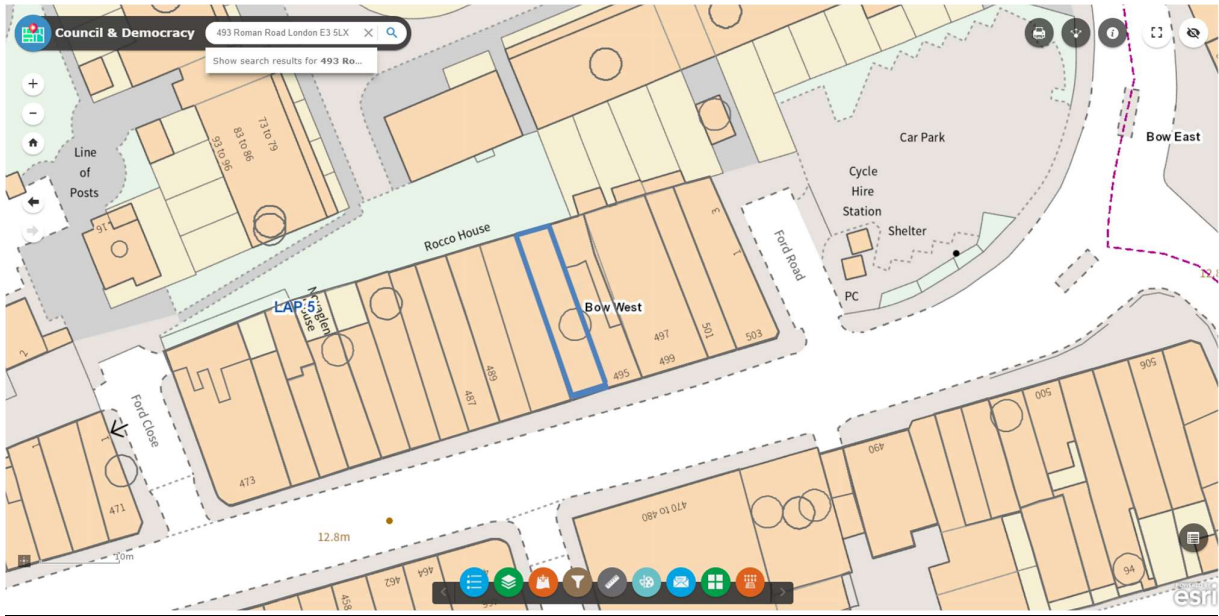


Appendix XI



Appendix 3

Maps – 493 Roman Road



Appendix 4

Corinne Holland

From: MARK.J.Perry [REDACTED]
Sent: 20 February 2023 13:05
To: Licensing; Alex Brander
Subject: Premises License Review Mannat Supermarket, 493 Roman Road, E3 5LX

Dear all,

Central East Police Licensing support the review of Mannat Supermarket, 493 Roman Road, E3 5LX.

The premises license holder and DPS has failed to uphold the licensing objective of Protecting Children from Harm as he has sold alcohol to two children. As the DPS and Premises License holder Mr Grover is not only expected to know the relevant licensing legislation including legal age to sell alcohol to children, he is also expected to know the conditions on the license and required to ensure that any staff selling alcohol have the relevant knowledge.

Mr Grover has failed to this, and we have no faith that he will abide by the conditions in his license or uphold the licensing objectives given his past behaviour, we therefore support this review and the revocation of the license.

Kind Regards

Mark



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

[REDACTED]
Email mark.j.perry [REDACTED]
A: Licensing Office, 1st Floor Stoke Newington Police Station



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Appendix 5

Licensing Team
Officer: Corinne Holland

PLACE Directorate
Public Realm

Environmental Health & Trading
Standards

Licensing & Safety Team
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BU

Tel: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

3rd March 2023

Reference: CLC/LIC/157064/LMI

Dear Sir/Madam,

Licensing Act 2003

Review of premises licence S51: Mannat Supermarket 493 Roman Road,
London E3 5LX

I am the Licensing Officer acting as Responsible Authority making comment on this review application, submitted by Tower Hamlets Trading Standard officer Alex Brander, for the premises licence of, Mannat Supermarket 493 Roman Road, London E3 5LX (Licence number 149152).

Having observed the content of the review application and evidence submitted by the Trading Standards officer, I am in full support of the review application on the grounds of, the licence holder not upholding the licensing objective of ***Protection of Children from Harm.***

As stated in the application, on 19th August 2022, Tower Hamlets Trading Standards Officers carried out an underage sales test purchase operation.

Tower Hamlets Council have always applied a 16+ only restriction on festivals taking place within Victoria Park. Anyone aged 16-17 must be accompanied by a parent or guardian (18 or over).

This test purchase operation takes place every year around the perimeter of Victoria Park and along the main routes from public transport to Victoria Parks main entrance of the festival. The operation was carried out in order to prevent underage sales to persons attempting to or attending the All Points East festival taking place in Victoria Park that day.

Officers from Trading Standards and Licensing visited Mannat Supermarket in Roman Road, which falls along one of the main routes to the festivals main entrance. Mr Harmon Singh Grover (The DPS/Premises Licence Holder) was on site at the time of the test purchase.

Two under 18-year-old volunteers were instructed by officers to attempt to make a purchase of alcohol. The purchase was made successfully without the underaged volunteers being challenged at any stage of this purchase.

Mr Grover, being a personal licence holder, would have been trained and gained a certificate from one of The Home Secretary accredited personal licence qualifications under the Licensing Act 2003 to certify that, he is of the understanding of what is expected of him whilst serving alcohol in a licenced premises. Mr Grover should understand that, as the DPS/Premises Licence Holder, it is his duty to ensure that all conditions imposed onto the premises licence are always adhered to during the hours of operation.

Mr Grover, who applied to transfer the premises licence on 6th May 2022 and was sent a copy of the premises licence on 21st July 2022, admitted to the Trading Standards officers that, he has not read the conditions of the premises licence. He also admitted to not knowing what challenging 21 or 25 was.

This Responsible Authority is concerned that Mr Grover has no sound knowledge of the Licensing Act 2003 and how the licensing objectives are expected to be upheld by the conditions attached to the premises licence namely the ***Protection of Children from Harm***.

As there are already conditions imposed on to this premises licence covering the objectives (***Protection of Children from Harm***), this Responsible Authority agrees with the Trading Standard officers in that, adding further conditions would offer no further reassurance that Mr Grover would uphold the objectives effectively and therefore the licence should be revoked. Moreover, as indicated above, because this premises is located on one of the main routes into music festivals which take place in Victoria Park, we have concerns that this licence holder may again sell alcohol to persons under the age of 18 on their way to music festivals at Victoria Park.

Yours faithfully

[REDACTED]
Lavine Miller-Johnson
Licensing Officer
[REDACTED]

Appendix 6

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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise the review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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 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 16 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 7

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

Updated December 2022

Crime and disorder

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

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

Appendix 8

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a 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.

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

Model Pool Conditions can be found in the Secretary of State's Guidance.

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

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

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

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

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

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

- 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 to provide traceability.
- 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.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 9

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

Updated December 2022

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 10

Protection of children from harm

- 10.1 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. 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). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 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.
- 10.5 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, Fixed Penalty Notices (FPNs) or formal cautions 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.
- 10.6 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 the premises when any licensable activities are taking place.
- 10.7 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.
- 10.8 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.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 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. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the “Challenge 25 Scheme”. The rationale for this is because it can often be difficult to judge how old teenagers are and “Challenge 25 age verification system” would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 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.
- 11.2 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.
- 11.3 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.

12 Children and Public Entertainment

- 12.1 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.
- 12.2 Where 10.1 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.
- 12.3 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.

- 12.4 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 that can be found in the Secretary of State's Guidance.

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