



Licensing Sub Committee

Agenda

**Thursday, 31 August 2023 at 3.30 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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The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

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

Thursday, 31 August 2023

3.30 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. MINUTES OF THE PREVIOUS MEETING(S)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on

4. ITEMS FOR CONSIDERATION

4.1 Application for a variation of a premises licence for Wicked Fish Queens Yard White Post Lane London E9 5EN (Pages 19 - 126)

Licensing Objectives:

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

Representation:

- Metropolitan Police

Ward: Bow East

4.2 Application for Review under Section 53 A of the Licensing Act 2003 for Wicked Fish, Queens Yard White Post Lane London E9 5EN (Pages 127 - 216)

Licensing Objectives:

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

Representations:

- Metropolitan Police

Ward: Bow East

5. Supplementary Information 4.1 and 4.2 Wicked Fish, Queens Yard, White Post Lane, London, E9 5EN

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

Thursday, 31 August 2023 at 6.00 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 4.1

Committee: Licensing Sub-Committee	Date	Classification Unclassified	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 a variation of a premises licence 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 and Address of Premises: **Wicked Fish Queens Yard White Post Lane London E9 5EN**

 Licence sought: **Licensing Act 2003 - Variation**
 • **Amend hours to Late Night Refreshment**

 Representations: **Police & Licensing Authority**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Lavine Miller-Johnson 020 7364 2665

3.0 **Background**

- 3.1 This is an application for a variation of a premises licence for, Wicked Fish, Queens Yard White Post Lane, London E9 5EN
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**. The licensable activities and timings are as follows:

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 of alcohol (on sales only)

Monday to Sunday 12:00 hours to 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

- 3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the variation as, to add the supply of alcohol for consumption on and off the premises. They also apply for the removal and amendment of conditions.
- 3.4 The licensable activities, timings, and condition to be amended have been applied for are as follows:

Late Night Refreshment (indoors and outdoors)

- Sunday to Thursday from 23:00 hours to 01:00 hours
- Friday to Saturday from 23:00 hours to 05:00 hours

Hours open to the public

Sunday to Thursday from 05:00 hours to 01:30 hours

Friday to Saturday from 05:00 hours to 05:00 hours (24hrs)

Amend the following conditions Annex 2:

- **Condition 3** - All outside tables and chairs shall be rendered unusable by (00:00) Sunday to Thursday and (03:30) Friday to Saturday.
- Condition 7 - One (1) SIA door supervisor shall be employed on the premises Fridays and Saturdays.

Amend the above conditions as follows:

- **Condition 3** - All outside tables and chairs shall be rendered unusable by (00:00) Sunday to Thursday and 04:30 hours Friday to Saturday.
- Condition 7 - One (1) SIA door supervisor shall be employed on the premises Fridays and Saturdays until 30 minutes after the cessation of licensable activities.

4.0 Location and Nature of the premises

4.1 Maps of the venue are included as **Appendix 3**.

4.2 Photographs showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 with an update on the CIZ policy in November 2021.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When

rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
 - Metropolitan Police (Licensing) - **(Appendix 7)**
 - Licensing Authority – **(Appendix 8)**
- 6.9 The Licensing Authority has considered the advice and redacted the representations accordingly.
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning Department
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.11 In addition, the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application, they will meet the licensing objective(s), particularly the prevention of public nuisance and the prevention of crime and disorder.

6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

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

7.0 Conditions consistent with Operating Schedule

7.1 The following conditions are contained within the existing premises licence:

Annex 2 - Conditions consistent with the current premises licence

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.

8.0 Conditions in consultation with the responsible authorities/other person

8.1 N/A

9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2023 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence

conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.3 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.4 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.5 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 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.
- 9.8 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

9.9 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

10.0 In **Appendices 9 - 14** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

11.0 **Legal Comments**

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

12.0 **Finance Comments**

12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Map of surrounding area
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Home Office concerning relevant, vexatious and frivolous representations
Appendix 7	Representation from The Metropolitan Police (Licensing)
Appendix 8	Representation from the Licensing Authority
Appendix 9	Licensing Officer comments on noise while the premise is in use
Appendix 10	Licensing Officer comments on access/egress Problems
Appendix 11	Licensing Officer comments on crime and disorder on the premises
Appendix 12	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 13	Planning
Appendix 14	Licensing Policy relating to hours of trading

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Appendix 1



**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 Trading Standards & Environmental 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

Tele hone number

Tel

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
19 Mallard Close
Hackney Wick
London
E9 5JL

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

[REDACTED]

[REDACTED]

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

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.

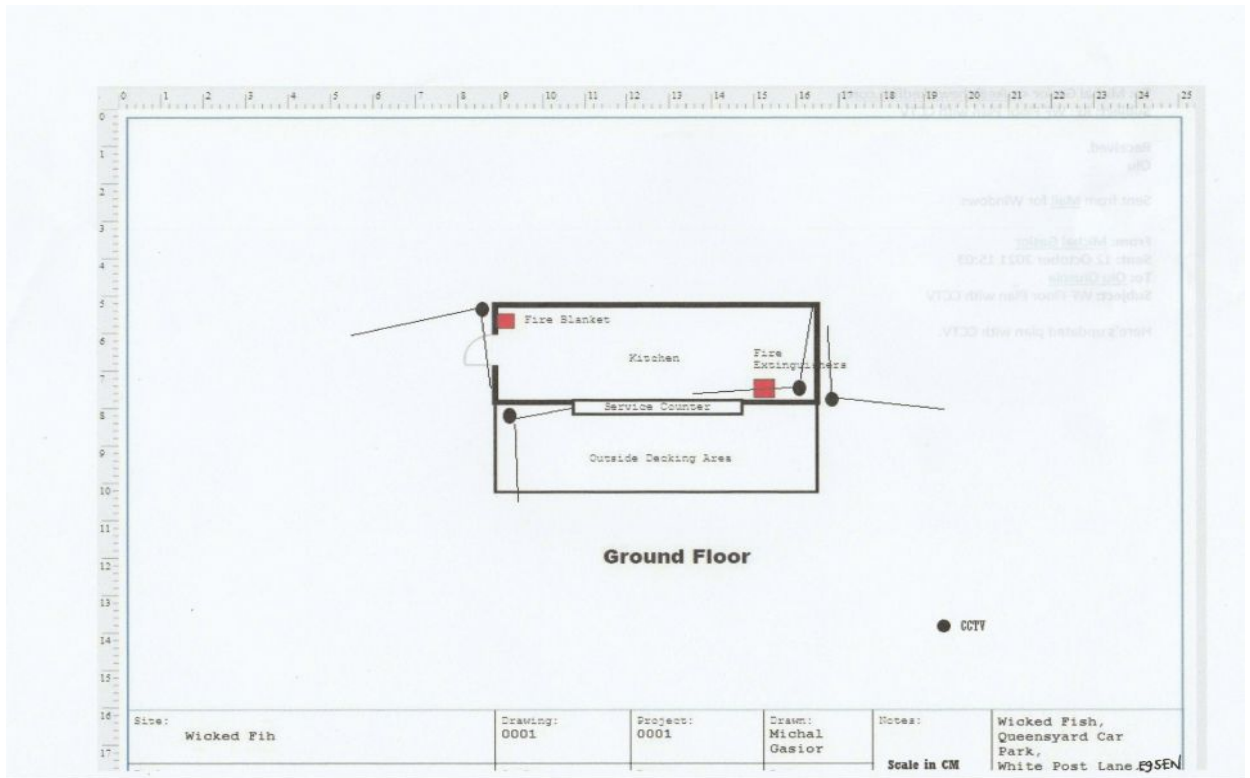
Annex 3 - Conditions attached after a hearing by the licensing authority

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: 07899864675

Email: info@thewickedfish.com

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> 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 19 Mallard Close Hackney Wick London E9 5JL</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 2



* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

Continued from previous page...

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

- 1. TO AMEND OPERATIONAL HOURS
- 2. TO AMEND/REMOVE CERTAIN CONDITIONS

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes
- No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes
- No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes
- No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes
- No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

LIGHT BACKGROUND UNAMPLIFIED MUSIC INSIDE THE PREMISES.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS IN EXISTING LICENCE

Continued from previous page...

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS IN EXISTING LICENCE

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CONDITIONS N0.3, & N0 7 TO BE AMENDED.

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

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

A COPY OF THE PREMISES LICENCE IS ATTACHED

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

The Premises will continue to comply with the conditions on the existing licence for the promotion of the licensing objectives. The proposed variation is as a result of catering for the demand from patrons. On Fridays and Saturdays, additional measures will be put in place including ticketing to ensure orderliness in picking up food and orders. We are proposing to amend Condition No.3 to read "All outside tables and chairs shall be rendered unusable by 00:00 hrs Sunday to Thursday, and 04:30 hrs Friday and Saturday. SIA registered door supervisors will also ensure anti-social behaviour is prevented or curtailed.

b) The prevention of crime and disorder

Condition No.7 to be amended with the additional words "Until 30 minutes after the cessation of licensable activities " The Premises Licence Holder will keep under review the need for any additional SIA Supervisors on Friday and Saturday. Management will ensure staff members are adequately trained on anti-violent strategies to prevent disorderly conduct, or any kind of anti-social behavior. The Premises Licence Holder will adopt a drug policy and ensure staff are trained on this.

c) Public safety

Premises Licence Holder will keep under review the need for any additional SIA Supervisors on Friday and Saturday. Personal Safety Notices to be displayed to customers and information on various modes of available transportation.

d) The prevention of public nuisance

Prominent notices will be displayed near the exit routes requesting customers to leave promptly and quietly. Customers will be reminded to have respect for the neighbors of other adjoining business premises. Info on cab, bus , and train to be given to customers to assist in gradual dispersal from the premises after closing. The Premises Licence shall prepare a dispersal policy and staff will be trained on this. Incident record book shall continue to be kept and maintained on the premises.

e) The protection of children from harm

A 'Challenge 25' shall be adopted as the age verification policy at the premises. The premises will not allow unaccompanied children on the premises. Any unaccompanied child below 16 will not be served after 9pm. refusals shall be documented and record of refusals will record the date, time of refusal, and the name of the staff that refused the sale. Training records shall be kept on the premises and made available on request by the Police or authorised officers of the Licensing Authority. The premises will not allow unaccompanied children on the premises.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

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

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

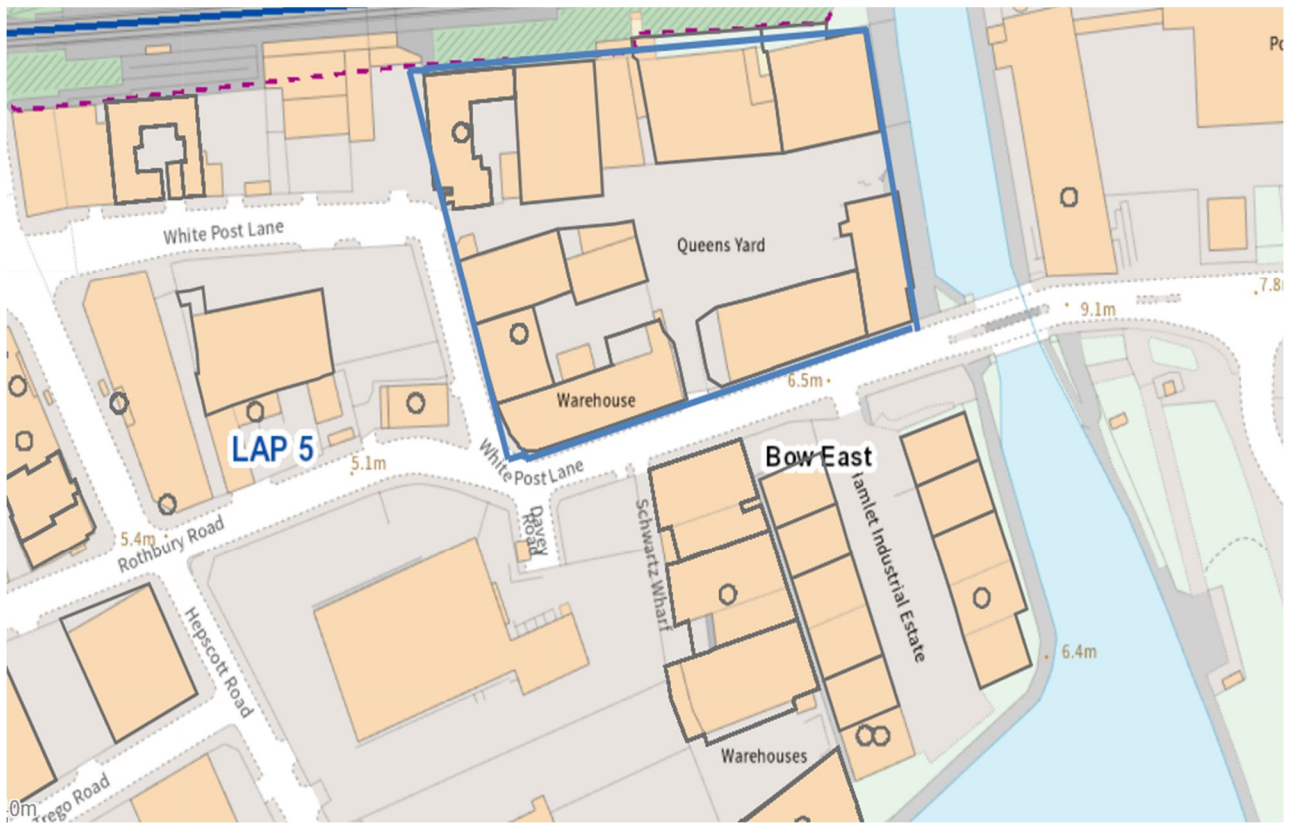
Approval deadline

Error message

Is Digitally signed

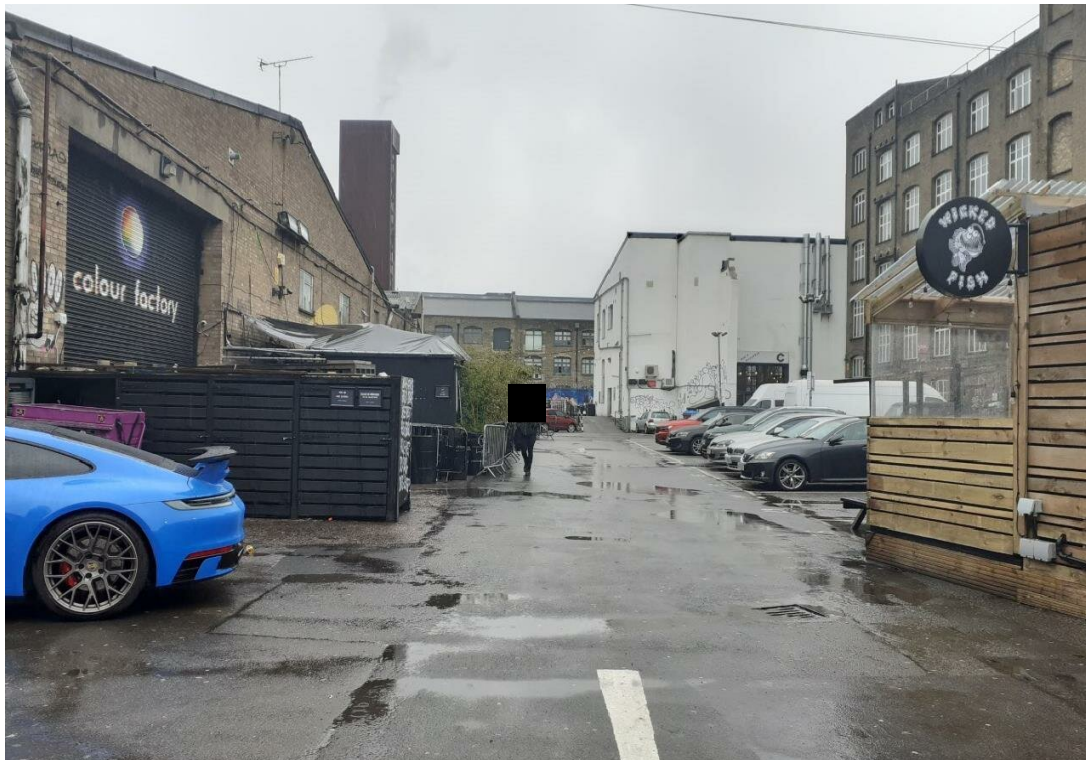
Appendix 3

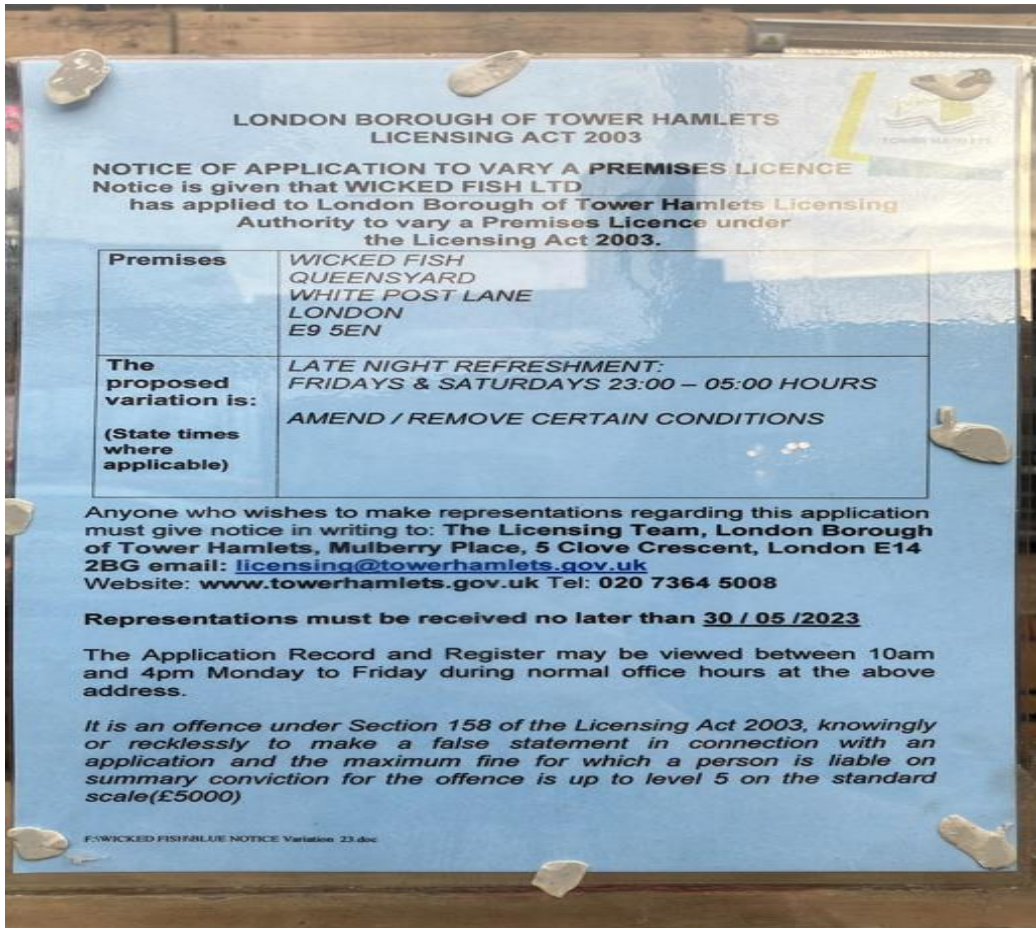
Wicked Fish -Queens Yard White Post Lane E9 5EN – Map of surrounding area



Appendix 4

Wicked Fish – Images of the premises and surrounding area





Appendix 5

(Wicked Fish) Queens Yard - Nearby licensed premises

Name and address	Licensable activities	Opening times
<p>Crate Bar & Pizzeria) White Building Unit ,7 Queens Yard White Post Lane London E9 5EN</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Sale by retail of alcohol (on and off sales)</p> <ul style="list-style-type: none">Monday to Wednesday, from 09:00 hours to 23:30 hoursThursday to Sunday, from 09:00 hours to 01:30 hours the following days <p>The provision of late night refreshment – Indoors</p> <ul style="list-style-type: none">Monday to Wednesday, from 23:00 hours to 23:30 hoursThursday to Sunday, from 23:00 hours to 01:30 hours the following days <p>The provision of regulated entertainment – Indoors and outdoors Plays, Films,</p> <ul style="list-style-type: none">Monday to Wednesday, from 09:00 hours to 00:00 hours (midnight)Thursday to Sunday, from 09:00 hours to 02:00 hours the following days <p>Live Music, recorded music (outside only until 21:00 hours)</p> <ul style="list-style-type: none">Monday to Wednesday, from 09:00 hours to 00:00 hours (midnight)Thursday to Sunday, from 09:00 hours to 02:00 hours the following days <p>Performance of dance</p> <ul style="list-style-type: none">Monday to Wednesday, from 09:00 hours to 23:30 hoursThursday to Sunday, from 09:00 hours to 01:30 hours the following days <p>On and off sales</p>	<ul style="list-style-type: none">Monday to Wednesday, from 09:00 hours to 00:00 hours (midnight)Thursday to Sunday, from 09:00 hours to 02:00 hours the following days

(Wicked Fish) Queens Yard - Nearby licensed premises

<p>Gorilla Technologies Ltd Unit 4a, Queens Yard 43 White Post Lane London E9 5EN</p>	<p>The sale by retail of alcohol Monday to Sunday from 08:00 hours to 00:00 hours</p> <p>Off sales only</p>	<p>Monday to Sunday from 08:00 hours to 00:00 hours</p>
<p>(Colour Factory) Unit 8a, Queens Yard White Post Lane London E9 5EN</p>	<p>The sale by retail of alcohol The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description) The provision of late night refreshment</p> <p>The sale by retail of alcohol (on & off sales)</p> <ul style="list-style-type: none"> • Monday to Thursday 09:00 hours to 23:00 hours • Friday & Saturday 09:00 hours to 03:30 hours the following day • Sunday 09:00 hours to 00:00 hours (midnight) <p>The provision of late night refreshment – Indoors and outdoors</p> <ul style="list-style-type: none"> • Friday and Saturday, from 23:00 hours to 02:00 hours the following day <p>The provision of regulated entertainment <u>(Plays, Performances of Dance) – indoors</u></p> <ul style="list-style-type: none"> • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day) • Sunday, from 09:00 hours to 00:00 hours (midnight) <p><u>(Films) - indoors</u></p> <ul style="list-style-type: none"> • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday, from 09:00 hours to 04:00 hours the following day 	<ul style="list-style-type: none"> •Monday to Thursday 09:00 hours to 23:30 hours •Friday & Saturday 09:00 hours to 04:00 hours (the following day) •Sunday, from 09:00 hours to 00:00 hours (midnight) <p>Non-standard timings: For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year’s Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>

(Wicked Fish) Queens Yard - Nearby licensed premises

	<ul style="list-style-type: none">• Sunday 09:00 hours to 00:00 hours (midnight) <p><u>(Indoor Sporting Event)</u></p> <ul style="list-style-type: none">• Monday to Thursday, from 09:00 hours to 23:30 hours• Friday & Saturday 09:00 hours to 04:00 hours (the following day)• Sunday, from 09:00 hours to 00:00 hours (midnight) <p><u>Live Music & Recorded Music (indoors & outdoors) – Live music cease 23:00 hours outside)</u></p> <ul style="list-style-type: none">• Monday to Thursday 09:00 hours to 23:30 hours• Friday & Saturday 09:00 hours to 04:00 hours (the following day)• Sunday 09:00 hours to 00:00 hours (midnight) <p><u>Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors</u></p> <ul style="list-style-type: none">• Monday to Thursday 09:00 hours to 23:30 hours• Friday & Saturday 09:00 hours to 04:00 hours (the following day)• Sunday, from 09:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none">• For the 20 occasions per year for <u>Live music, recorded Music, late night refreshment</u> until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing	
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(Wicked Fish) Queens Yard - Nearby licensed premises

	<p>Objectives will not be met, have the right to refuse an event.</p> <p>On and off sales</p>	
<p>Old Street Brewery) Unit 1, Queens Yard White Post Lane Hackney Wick</p>	<p>The sale by retail of alcohol – On and off sales</p> <ul style="list-style-type: none"> Monday to Sunday, from 10:00 hrs to 00:00 hrs (midnight) <p>The provision of late-night refreshments – Indoors and outdoors</p> <ul style="list-style-type: none"> Sunday to Wednesday, from 23:00 hrs to 23:30 hrs Thursday to Saturday, from 23:00 hrs to 00:00 hrs (midnight) <p>The provision of regulated entertainment – Indoors and outdoors <u>(Recorded Music only)</u></p> <ul style="list-style-type: none"> Sunday to Wednesday, from 10:00 hrs to 00:00 hrs (midnight) Thursday to Saturday, from 12:00 hrs to 00:30 hrs the following day <p>On and off sales</p>	<ul style="list-style-type: none"> Sunday to Wednesday, from 10:00 hrs to 00:00 hrs (midnight) Thursday to Saturday, from 10:00 hrs to 00:30 hrs the following day
<p>(The Brewshed) Unit 14A Queens Yard 43 White Post Lane London E9 5EN</p>	<p>The Supply of Alcohol (both on and off premises)</p> <ul style="list-style-type: none"> Sunday to Thursday from 09:00hrs to 23:30hrs Friday to Saturday from 09:00hrs to 00:30hrs (the following day) <p>Late Night Refreshment (indoors)</p> <ul style="list-style-type: none"> Sunday to Thursday from 23:00hrs to 23:30hrs Friday to Saturday from 23:00hrs to 00:30hrs (the following day) <p>Regulated Entertainment in the form of Plays (indoors) the Provision of Films (indoors), the Provision of Indoor Sporting Events (indoors) the Provision of Live Music (indoors), the Provision of Recorded Music (indoors)</p>	<ul style="list-style-type: none"> Sunday to Thursday from 09:00hrs to 00:00hrs midnight) Friday to Saturday from 09:00hrs to 01:00hrs (the following day)

(Wicked Fish) Queens Yard - Nearby licensed premises

	<p>and Provisions of Performance of Dance</p> <ul style="list-style-type: none"> • Sunday to Thursday from 09:00hrs to 23:00hrs • Friday to Saturday from 09:00hrs to 00:00hrs (midnight) <p>Non-Standard Timings</p> <ul style="list-style-type: none"> • The premises can have 25 non-standard timings a year. These timings will extend the licensed hours to 02:00 <p>On and off sales</p>	
<p>The Yard Theatre) Unit 2a Queens Yard White Post Lane London E9 5EN</p>	<p><u>The supply of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight) • Thursday from 12:00hrs (midday) 02:00hrs (the following day) • Friday to Saturday from 12:00hrs (midday) to 03:00hrs (the following day) <p><u>The provision of regulated entertainment in the form of plays (indoors), films (indoors), performances of dance (indoors)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 12:00hrs (midday) to 23:00hrs <p><u>The provision of regulated entertainment in the form of live music (indoors), recorded music (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 18:00hrs to 00:00hrs (midnight) • Thursday from 18:00hrs to 02:00hrs (the following day) • Friday to Saturday from 18:00hrs to 03:00hrs (the following day) <p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 23:00hrs to 00:00hrs (midnight) • Thursday from 23:00hrs to 02:00hrs (the following day) • Friday to Saturday from 23:00hrs to 03:00hrs (the following day) 	<ul style="list-style-type: none"> • Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight) • Thursday from 12:00hrs (midday) to 02:00hrs (the following day) • Friday to Saturday from 18:00hrs to 03:00hrs (the following day) <p><u>Non-Standard Times</u></p> <ul style="list-style-type: none"> • 40 nights per year opening times and licensable activities extended until 6am

(Wicked Fish) Queens Yard - Nearby licensed premises

	<p><u>Non-Standard Times (supply of alcohol, late night refreshment and recorded music only)</u></p> <ul style="list-style-type: none"> • 40 nights per year opening times and licensable activities extended until 6am • On sales only 	
<p>(O'Donnell Moonshine Ltd) Unit 9C (I) 2nd Floor Queens Yard 43 Whitepost Lane London E9 5EN</p>	<p>The sale by retail of alcohol Monday to Friday from 10:00 hours to 19:00 hours</p> <p>Off sales only</p>	<p>The premises are closed to the public</p>
<p>(O'Donnell Moonshine Ltd) Unit 9C (F) Queens Yard White Post Lane London E9 5EN</p>	<p>Sale by retail of alcohol (off sales)</p> <ul style="list-style-type: none"> • Monday to Friday, from 10:00 to 18:30 	<p>The premises are closed to the public</p>
<p>Howling Hops Unit 9 Queens Yard White Post Lane London E9 5EN</p>	<p>The sale by retail of alcohol The provision of regulated entertainment</p> <p><u>The Supply of Alcohol (both on and off premises)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday to Saturday from 12:00hrs Midday) to 01:30hrs <p><u>Provision of Regulated Entertainment: Plays, Films, Indoor Sporting Events, Live Music (indoors), Recorded Music (indoors), Performance of Dance, Anything of a similar Description</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 01:30hrs <p><u>The Provision of Late Night Refreshments</u></p> <ul style="list-style-type: none"> • Friday and Saturday 23:00hrs – 0200hrs <p>On and off sales</p>	<ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs to 23:30hrs • Friday to Saturday from 12:00hrs to 02:00hrs (the following day)

Appendix 6

Section 182 Advice by the Home Office Updated on December 2022

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 7

Lavine Miller-Johnson

Subject: FW: Objection Variation Wicked Fish
Attachments: Wicked fish, Queens Yard; Re: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN; FW: Licensing Enquiry - ; Review Wicked Fish Final.pdf

From: [MARK](#) [REDACTED]
Sent: Wednesday, April 26, 2023 8:21 PM
To: Licensing <Licensing@towerhamlets.gov.uk>; [REDACTED]
Cc: Nicola Cadzow <[REDACTED]>
Subject: Objection Variation Wicked Fish

Dear all,

Central East Police Licensing formally object to the application to vary the premises license of Wicked Fish to extend their hours. The objection is on the grounds of preventing Crime and Disorder and Public Nuisance.

We the Police have submitted an application to review the existing license of Wicked Fish due to the premises consistently being open past its hours, and failing to abide by the conditions of its license.

The premises being open so late also prevents the quick dispersal of customers of other venues when they close s people loiter to buy food. When people leave venues in the early hours of the morning having been drinking they are much more likely to be involved in alcohol related crime and disorder as their decision making is impaired.

We also know that criminals including drug dealers hang around when venues when they close looking to sell drugs, and we also know that people are bringing weapons to the area. The longer people take to disperse and get home safely the greater the risk of them being involved in crime, sometimes sadly, with tragic consequences.

Allowing this premises that has already demonstrated a blatant disregard for its obligations under the licensing act will only undermine the licensing objectives.

I attach a copy of the review against Wicked Fish and supporting documents in support of our objection.

If you have any questions please feel free to contact me.

Mark



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

[REDACTED]



**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

Tel **020 7364 5171**
Fax **020 7364 0863**
Enquiries to **Kath Driver**
Email [REDACTED]

Michal Gasior
[REDACTED]

14th October 2021

My reference P/PR/EHTS/LIC/107561

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: mike [REDACTED]
Sent: 14 October 2021 20:44
To: Kathy Driver
Cc: CEMailbox-.TowerHamletsLicensing@met.police.uk
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: CEMailbox-.towerhamletslicensing@met.police.uk <CEMailbox-.towerhamletslicensing@met.police.uk>
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
Licensing & Safety Team
Place Directorate
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG

[REDACTED]
Licensing Hotline **020 7364 5008**

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

Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

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

Licensing & Safety Team

Place Directorate

London Borough of Tower Hamlets

Mulberry Place

5 Clove Crescent

London E14 2BG

[REDACTED] 4 5008

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

Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

Lavine Miller-Johnson

From: MARK [REDACTED] on behalf of CEMailbox-.TowerHamletsLicensing@met.police.uk
Sent: 06 March 2023 07:57
To: MARK [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]> Giles Sian - 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](#)

Lavine Miller-Johnson

From: Licensing
Sent: 02 August 2023 16:27
To: Lavine Miller-Johnson
Subject: FW: Additional evidence Wicked Fish

From: MARK.J.Perry [REDACTED]
Sent: 02 August 2023 8:35 AM
To: Licensing <Licensing@towerhamlets.gov.uk>; Farzana Chowdhury <[REDACTED]>
Subject: Additional evidence Wicked Fish

Dear Licensing, Farzana,

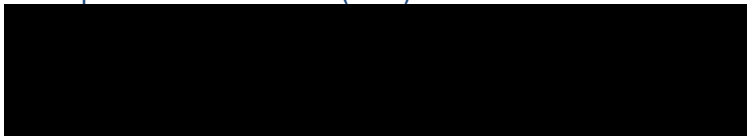
Please can the below e-mail be added to Police evidence re Wicked Fish review.

Kind Regards

Mark



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



Subject: Licensing Tasking 28/29th July 2023

Hi All,

I just wanted to pass on my appreciation for your hard work on the tasking event this weekend targeting NOx and unlicensed food stalls. Our aim was to disrupt the sale of NOx, unlicensed food vendors as well as by being there prevent VAWG offences, violent crimes and drugs/asb. I'd say we achieved that aim and then some.

There were some learning points and take away thoughts for myself and from a licensing perspective, and hopefully we can build on that and improve next time but overall I think it was definitely a success at causing a disruption in these areas.

If you could pass my thanks on to the other THEO's that were on for the night, CCTV officers and also the licensing team at Tower Hamlets.

I'm keen to organise more tasking's around licensed premises/venues in the future so any feedback/ideas feel free to let me know. If anyone has or wants to submit any crimints relating to the events of the night please send me through the references for future tasking's or operations.

Below are the returns overall. Pictures courtesy of the PTF and photographer.

FPN NOX/Traders- 11

ASB warning - 6 ASBW

40 NOX cylinders sized.

2 Food stalls were shut down and issued fines at Hackney Wick which subsequently significantly lowered the crowd over both nights and lowered the demand/crowd for NOx.

1 Group selling NOx were disrupted and the canisters seized.

1 Dispersal issued

Several people dispersed with the warning of a dispersal

2 Arrests – 1 For Nox/Sec 50 and 1 for Drink/Drug Drive.

Also proud to state we didn't end up with any hot dog stalls or food trucks inside Bethnal Green by the end of the night! Not a fun thing to transport!

← Tweet



Tower Hamlets Police
@MPSTowerHam

...

#PartnershipTaskForce officers have been busy working through the night all weekend supporting @TowerHamletsNow THEOs and licensing officers deal with Nox related ASB. Night time economy venues and residential areas were both targeted





Tower Hamlets Police @MPSTowerHam · 2m

...

Unlicensed street traders and people breaching the PSPO were all dealt with by way of Fixed Penalty Notices and large quantities of Nitrous Oxide were seized. 1 male was arrested and a potential anti social UME was also shut down in Shoreditch



Kind Regards,

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.



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

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.

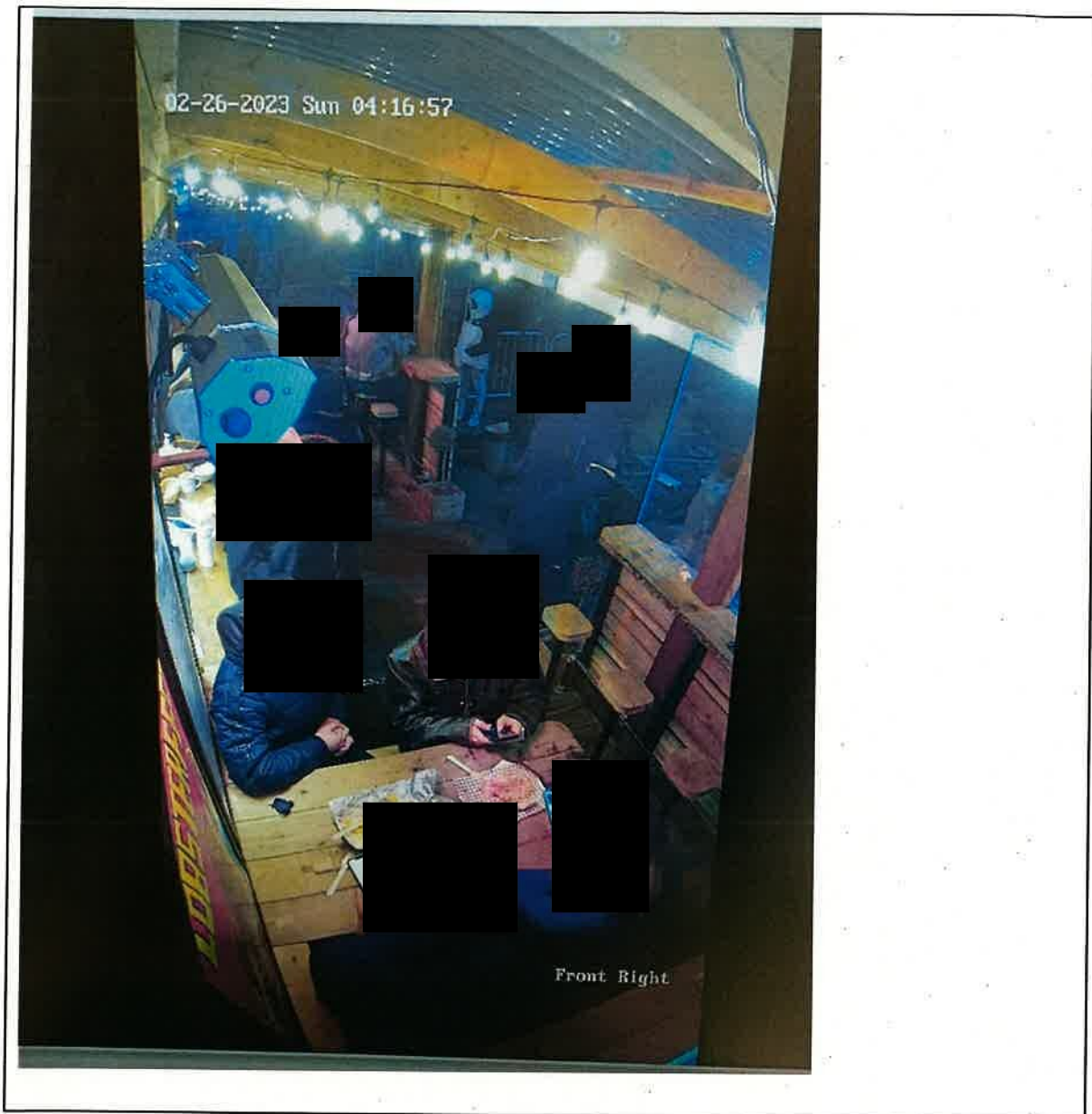
Given that Hackney Wick is a vibrant and growing night time economy hotspot and an increasingly residential area, due to the large housing developments being built. It is essential that customers of the night time economy leave the area quickly, both for their own safety, and also to prevent nuisance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

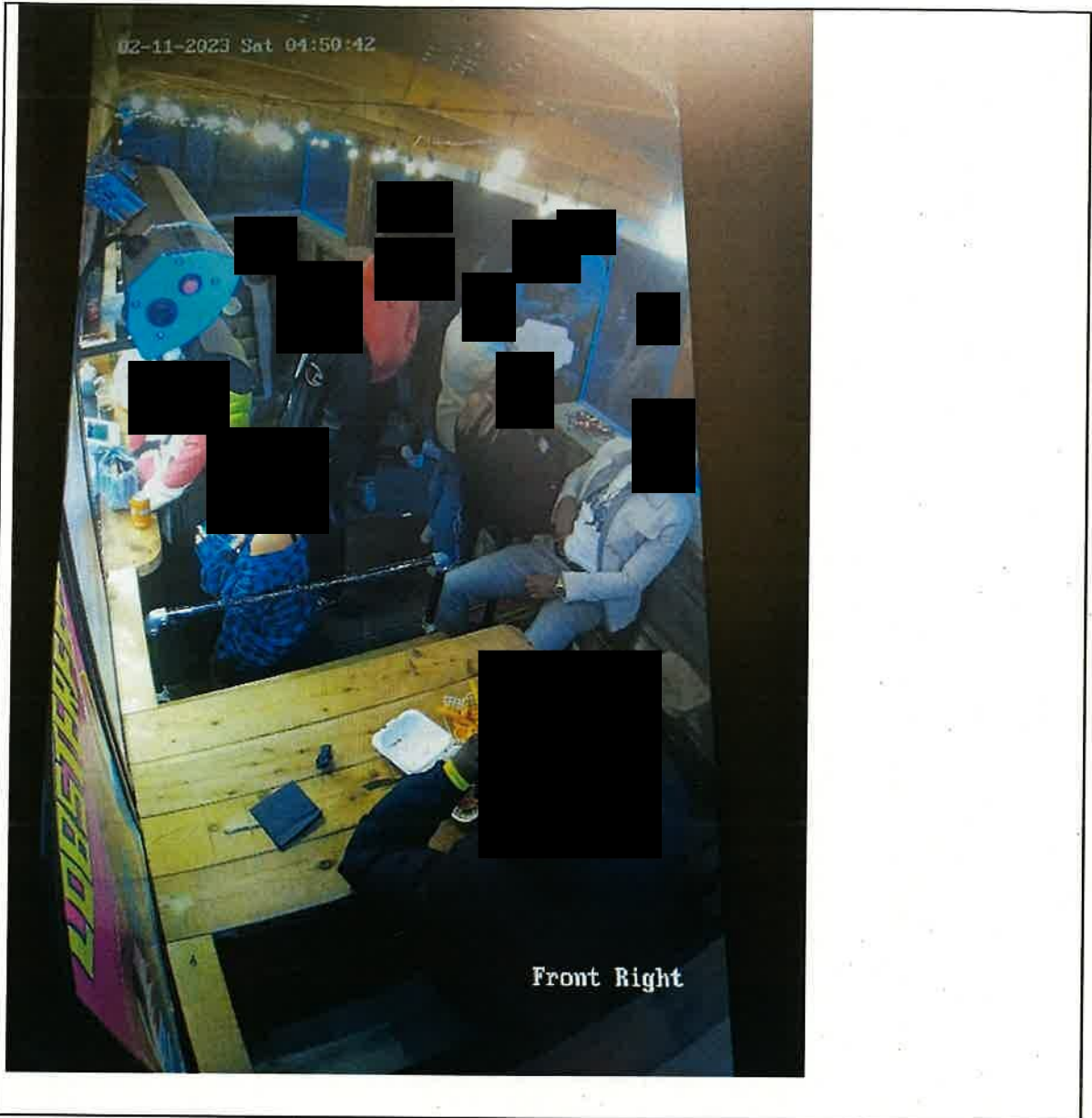
In conclusion we do not see any alternative for this committee but to revoke the premises license of Wicked Fish. Its owner has shown a total lack of respect for his responsibilities under the licensing act, by continually ignoring his licensing hours and trading to whatever time, he wants. This is despite 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.

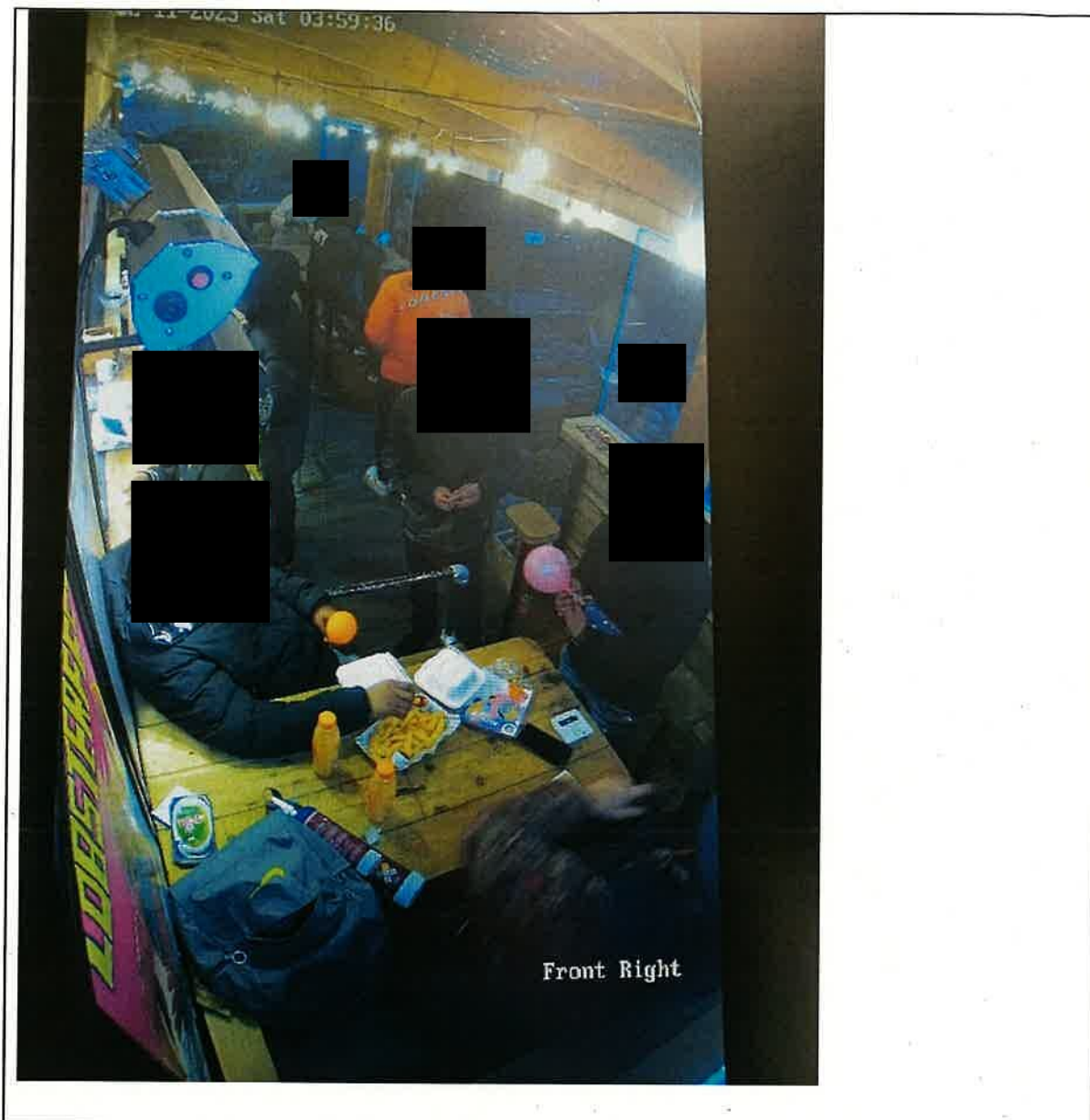
We therefore seek the revocation of the premises license.

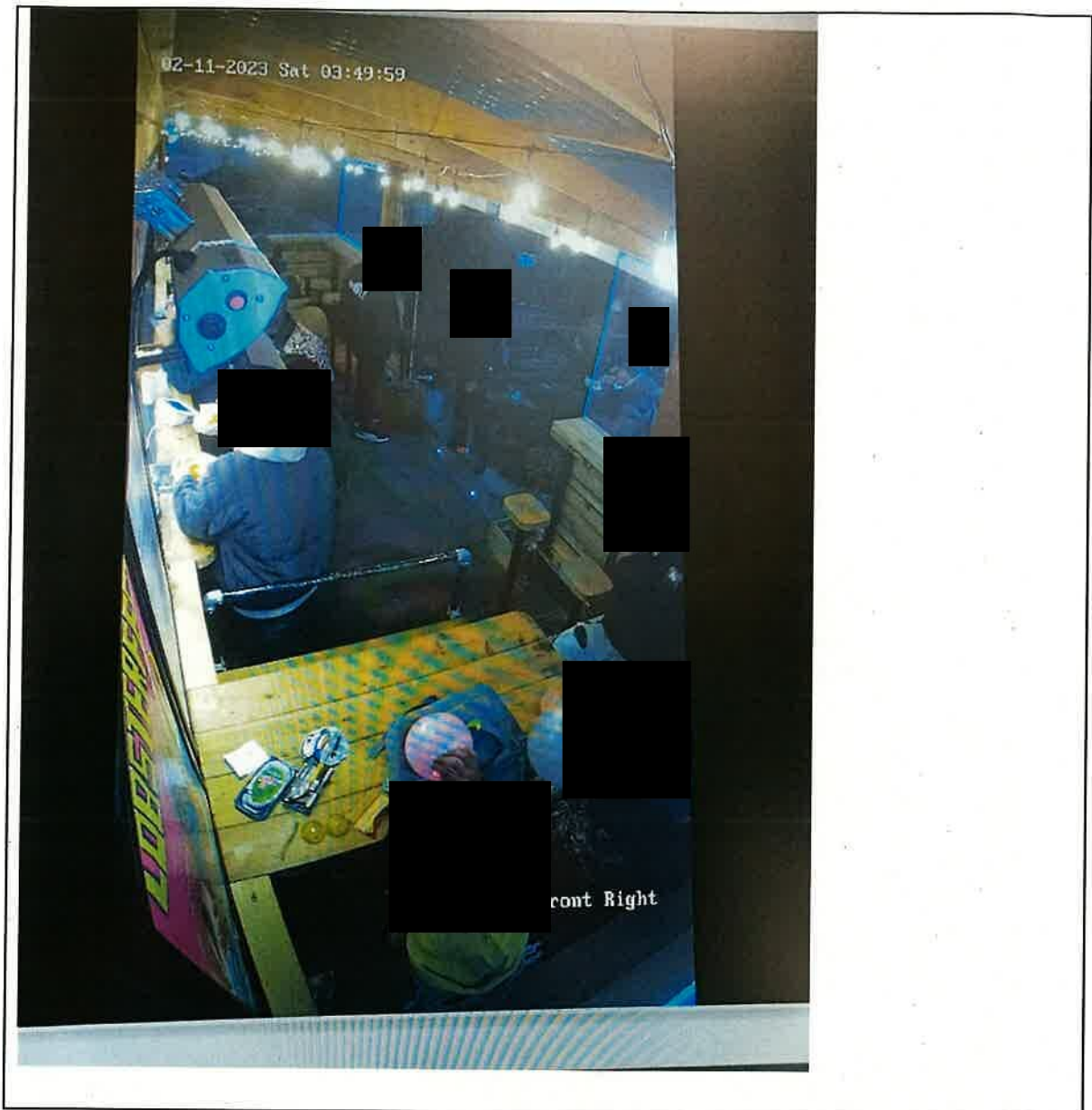
Photographs from Venue CCTV Below

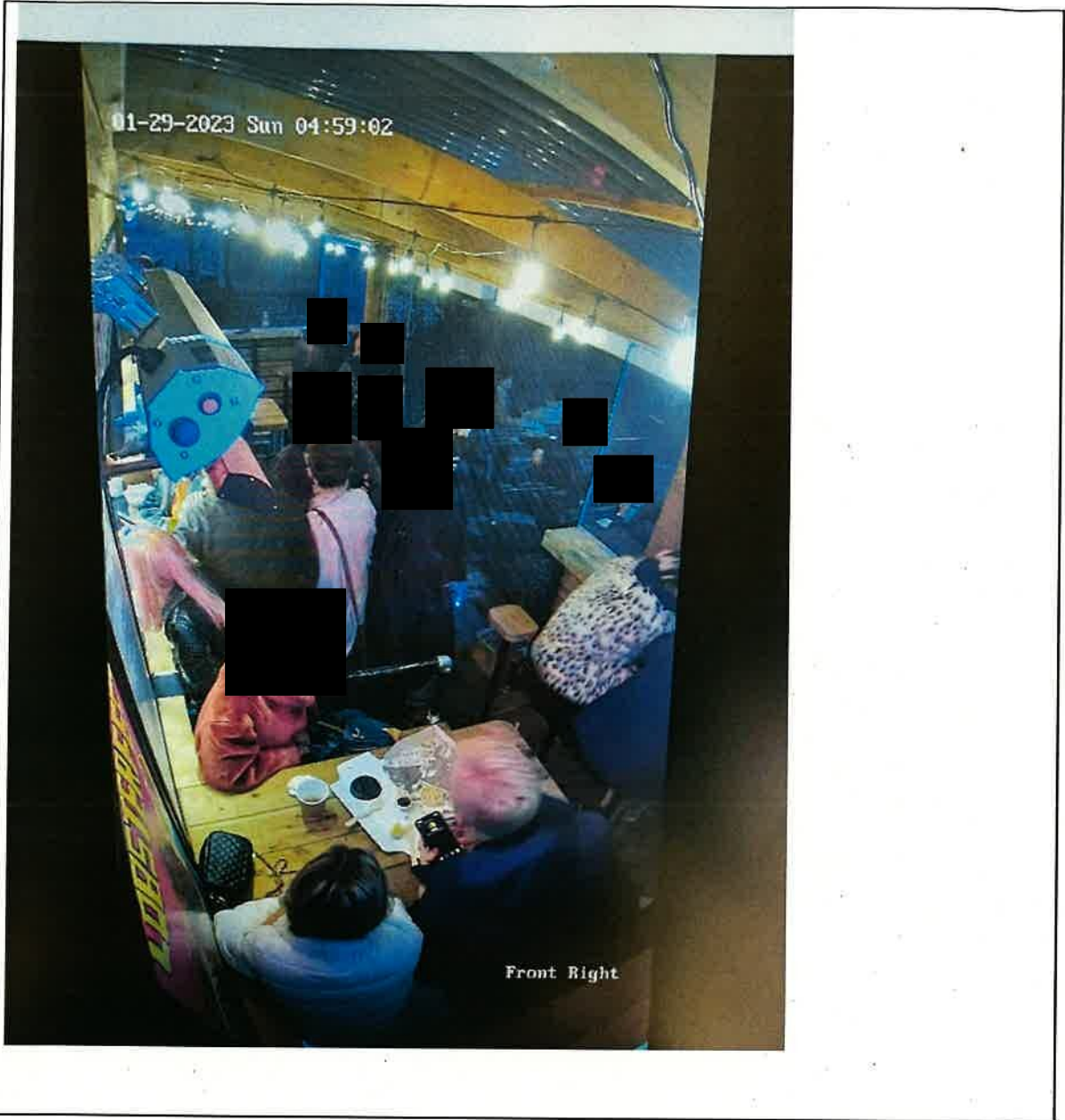














Please provide as much information as possible to support the application (please read guidance note 2)

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

[Redacted Signature]

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 8



TOWER HAMLETS

By Email:
Licensing Authority:
licensing@towerhamlets.gov.uk

CC:



Place Directorate
Public Realm

Head of Environmental Health
& Trading Standards: David
Tolley

Eng [redacted] in Ali
Tel: [redacted]

www.towerhamlets.gov.uk

25th May 2023

My reference: EHTS/LIC/158937/MA

Dear Licensing Authority,

Licensing Act 2003

Variation 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 is currently a review application being that has triggered by Met Police on the 7th March 2023. I attached a copy of my representation in support of that review. I have looked at the history of the premises again and the following additional information is registered on the Council's system Civica Authority Protection (APP):

- **24th March 2023** – An applicant named Adam Jefferies attempted to apply for a TEN for “*selling beer at an outside bar near the Wicked Fish food venue. This is to coincide with the Risen Festival in Hackney Wick. Beer will be sold to customers in Queen's Yard.*” This was to have The sale by retail of alcohol, from 12:00 hr on 01/04/2023 to 02:00 hrs on 02/04/2023. However, that application was rejected due to 10 working days notice not being given.

A premises licence is not required between 05:00 hours to 23:00 hours for the provision of late night refreshment. This will mean, if the hours are granted the premises can have the provision of hot food and hot drinks for 24 hours on Friday and Saturday.



Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

Based on the Police review, the Licensing Authority remains concerned about the numerous occasions where the premises has traded beyond the times permitted on the licence despite previous warnings and reminders. On a balance of probability, if the application is granted the licence holder is unlikely to comply with the Licensing Act 2003.

Yours sincerely



Mohshin Ali

Senior Licensing Officer (acting as a Responsible Authority)



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]

Dear Licensing Authority,

www.towerhamlets.gov.uk

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.

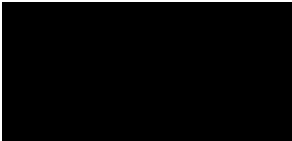
Mr Gasior responded and stated *"I might have stayed a tad open longer because there was a massive crowd ordering food from me due to festival but we didn't serve anyone last midnight. Moving forward I'm in the process of applying for late night licence and in the meantime I'll do my best to control 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 9

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 10

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 11

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 12

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

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

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

Other Legislation

Crime and Disorder Act 1998

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

Page 120

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 13

Planning

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

Appendix 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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Agenda Item 4.2

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 A copy of the premises licence is 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 Evidence supporting review application **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 Report provided from Adrian Studd, Independent Licensing Consultant - supporting Licence Holder – **See Appendix 7**
- 5.4 Only representations that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.5 In the view of the 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 8**. 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 9**
- 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 10**.
- 6.6 Guidance Issued by the Home Office concerning Public Nuisance **Appendix 11**.
- 6.7 London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance **Appendix 12**.
- 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 for review
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	Licence Holder supporting documents - Report from Adrian Studd
Appendix 8	Guidance issued under Section 182 by the Home Office for reviews
Appendix 9	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 10	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 11	Guidance Issued by the Home Office concerning Public Nuisance
Appendix 12	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

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

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.

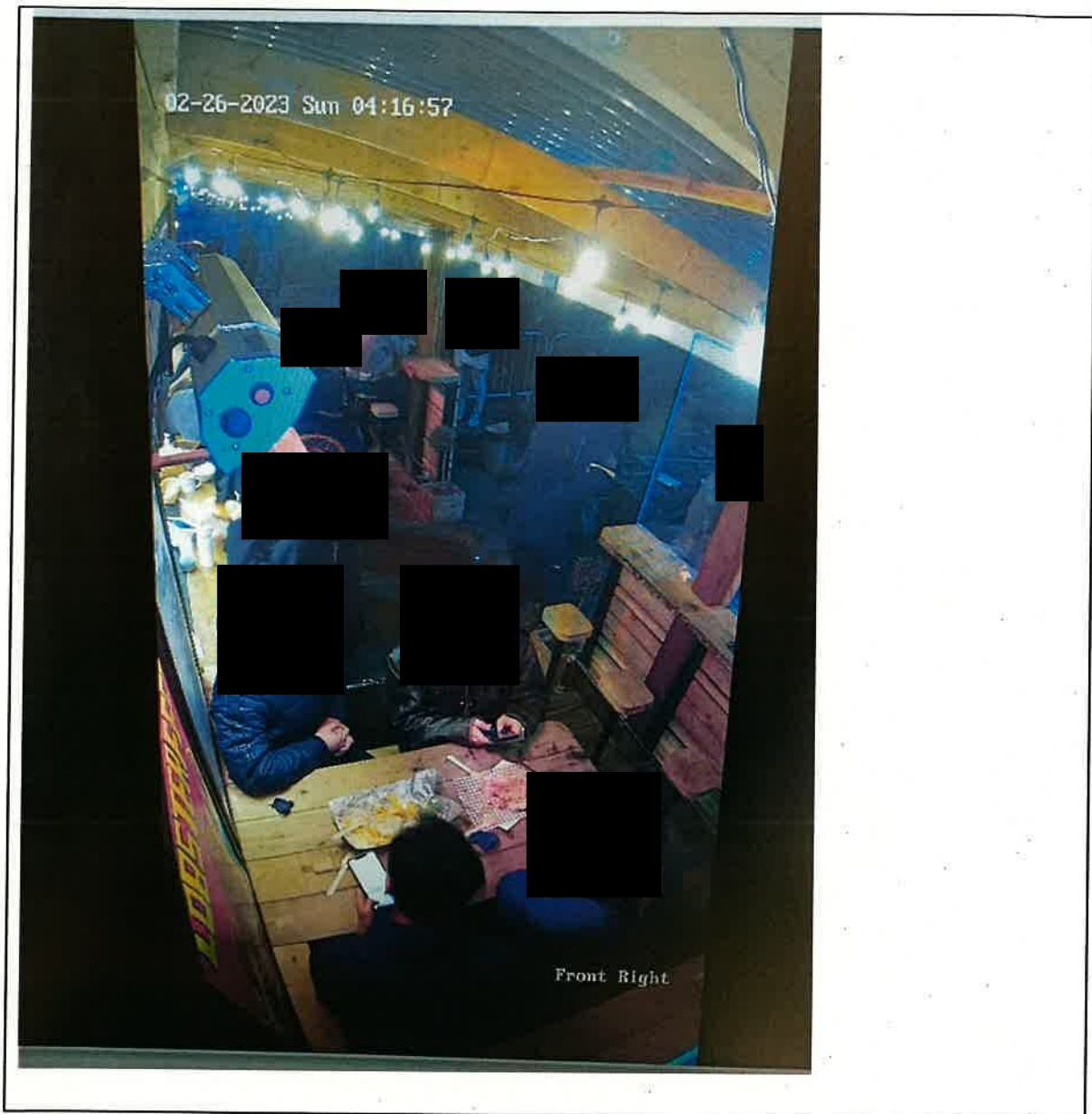
Given that Hackney Wick is a vibrant and growing night time economy hotspot and an increasingly residential area, due to the large housing developments being built. It is essential that customers of the night time economy leave the area quickly, both for their own safety, and also to prevent nuisance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

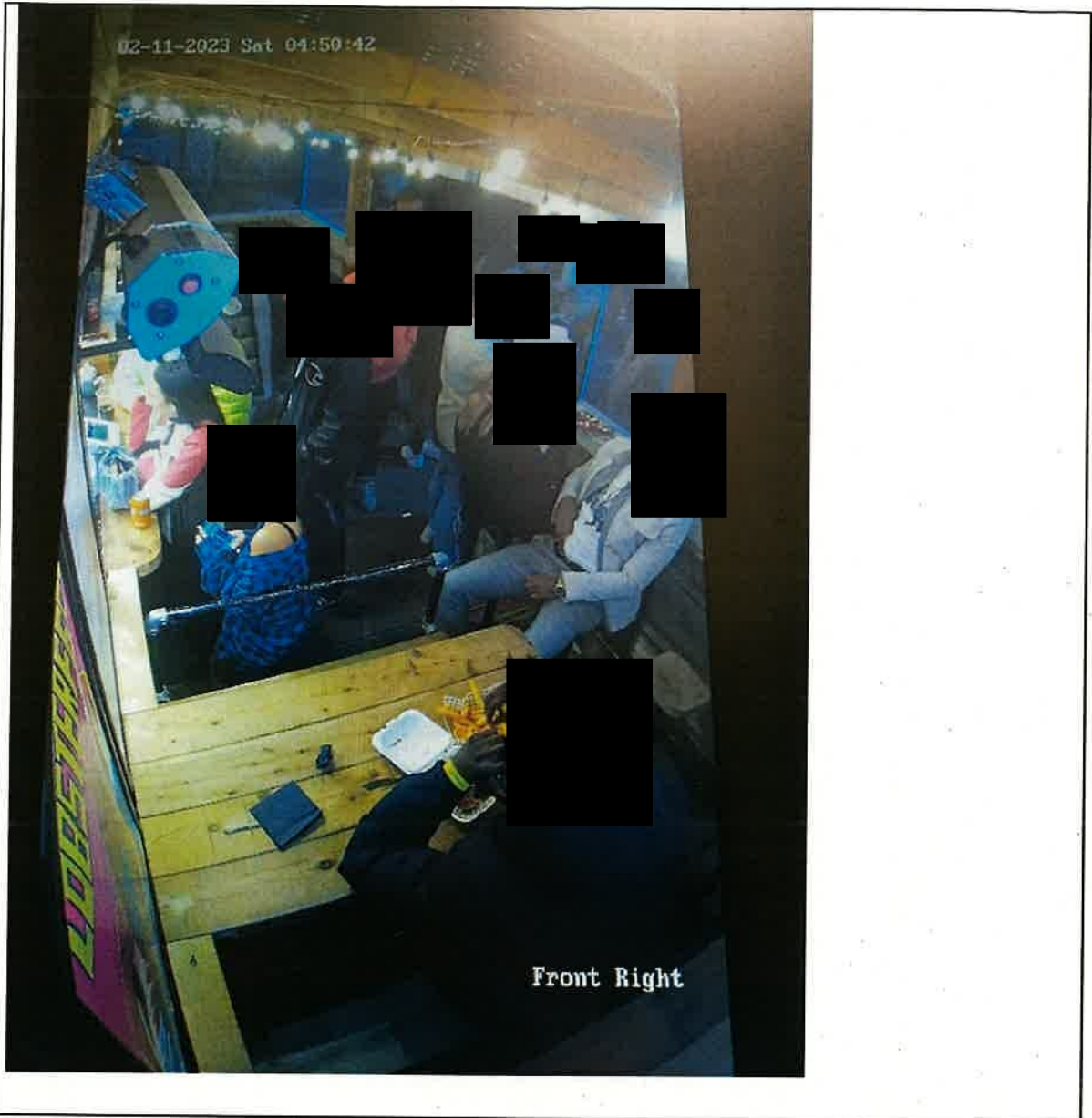
In conclusion we do not see any alternative for this committee but to revoke the premises license of Wicked Fish. Its owner has shown a total lack of respect for his responsibilities under the licensing act, by continually ignoring his licensing hours and trading to whatever time, he wants. This is despite 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.

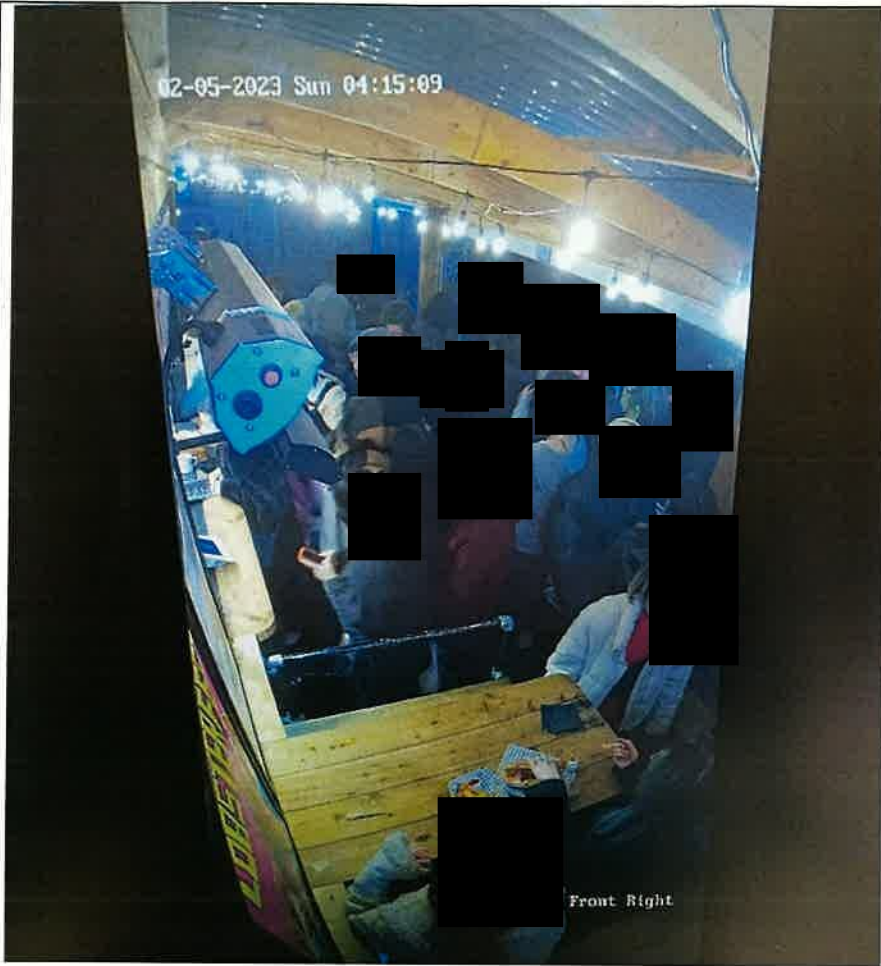
In the one month worth of CCTV we have seen we have seen no effort made by Wicked Fish management or staff to control their customers, which is demonstrated by customers openly preparing a cannabis joint while seated at their tables. Nor have we seen any effort to get their customers to leave the area.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

We therefore seek the revocation of the premises license.

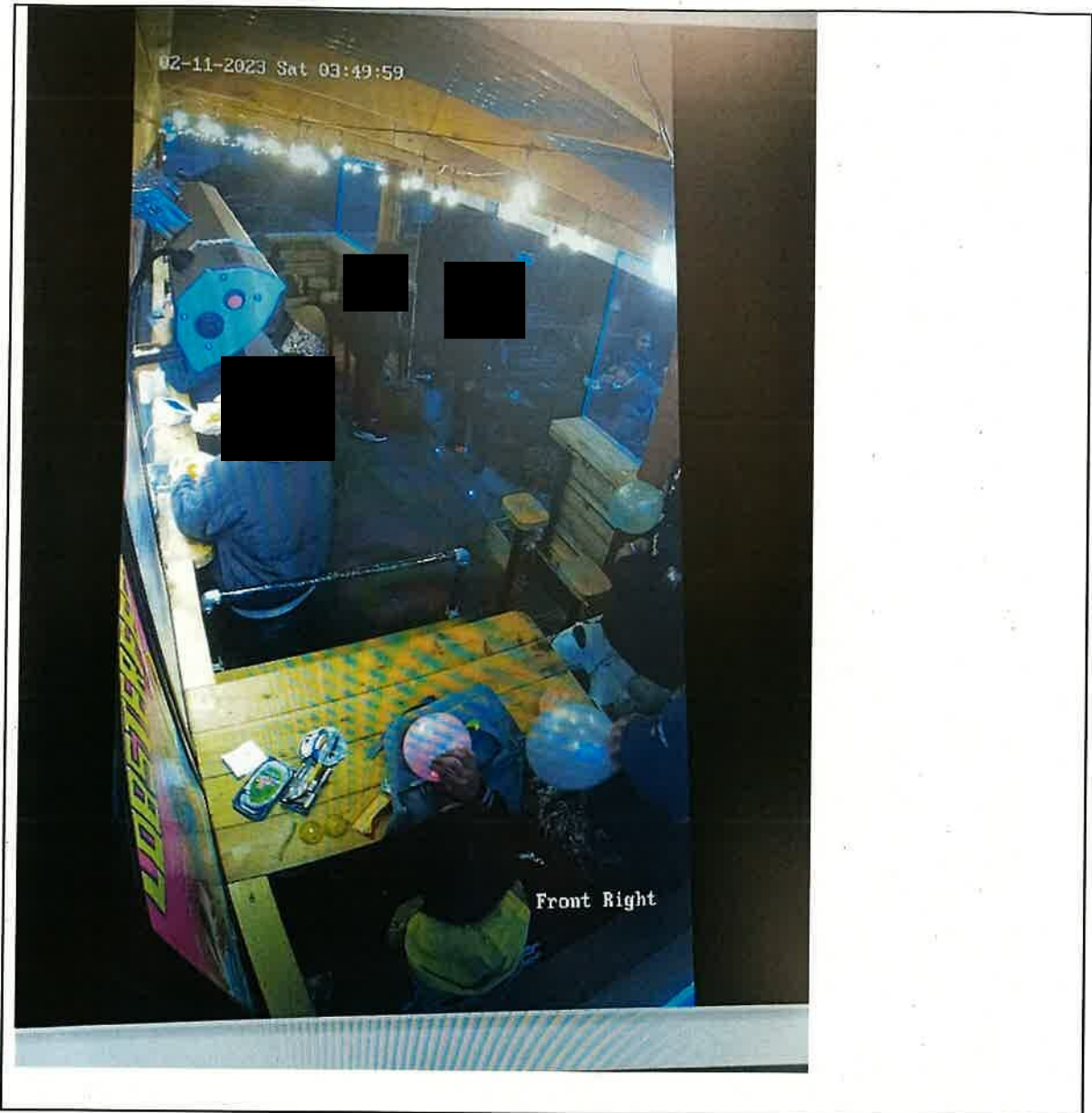
Photographs from Venue CCTV Below



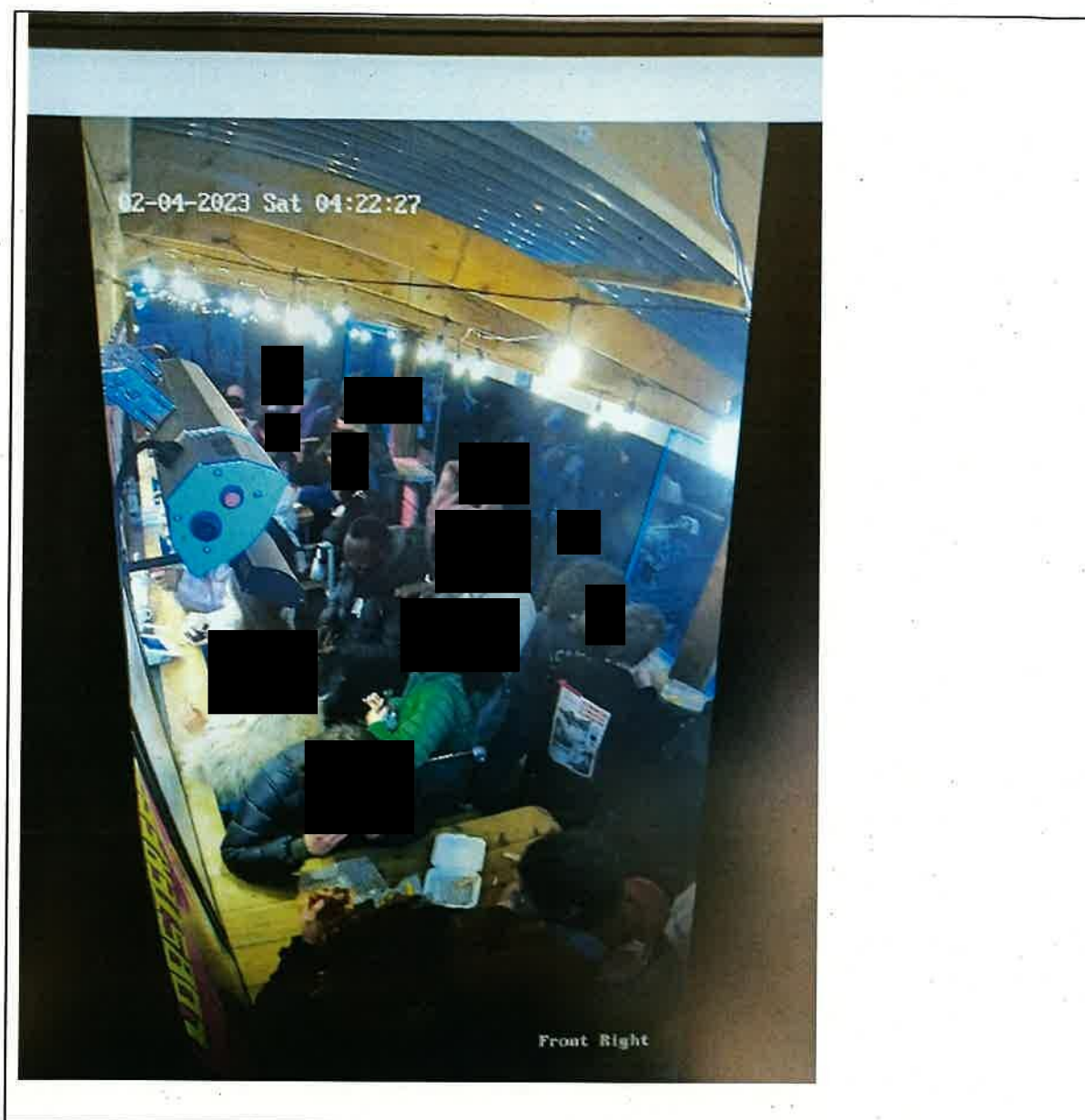












Please provide as much information as possible to support the application (please read guidance note 2)

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.

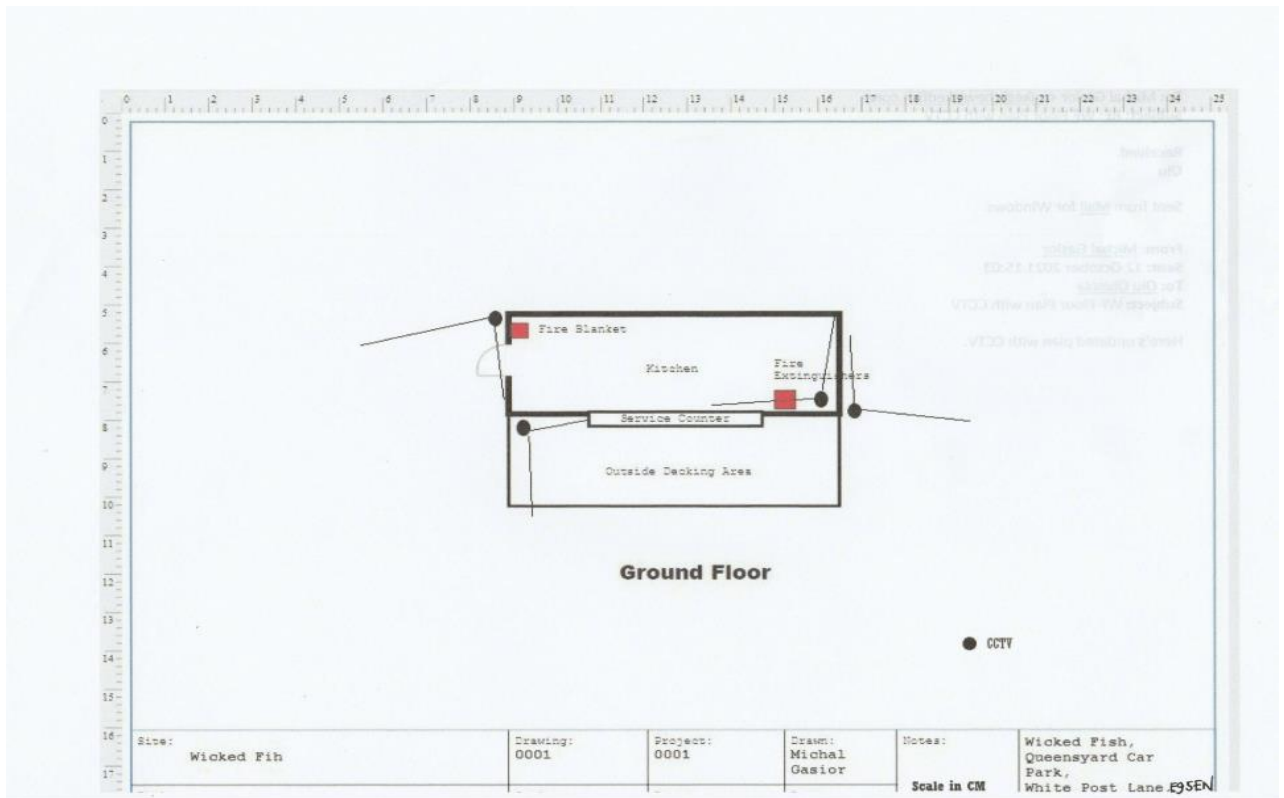
Annex 3 - Conditions attached after a hearing by the licensing authority

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

London

Post code

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)

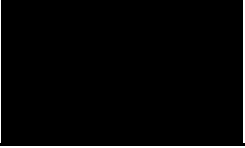
The times the licence authorises the carrying out of licensable activities

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

Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

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

Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

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](#)

Lavine Miller-Johnson

From: Licensing
Sent: 02 August 2023 16:27
To: Lavine Miller-Johnson
Subject: FW: Additional evidence Wicked Fish

From: MARK.J.Perry [REDACTED]
Sent: 02 August 2023 8:35 AM
To: Licensing <Licensing@towerhamlets.gov.uk>; Farzana Chowdhury [REDACTED]
Subject: Additional evidence Wicked Fish

Dear Licensing, Farzana,

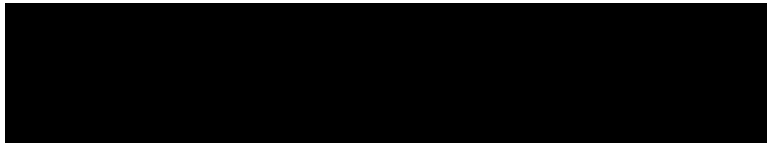
Please can the below e-mail be added to Police evidence re Wicked Fish review.

Kind Regards

Mark



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



Subject: Licensing Tasking 28/29th July 2023

Hi All,

I just wanted to pass on my appreciation for your hard work on the tasking event this weekend targeting NOx and unlicensed food stalls. Our aim was to disrupt the sale of NOx, unlicensed food vendors as well as by being there prevent VAWG offences, violent crimes and drugs/asb. I'd say we achieved that aim and then some.

There were some learning points and take away thoughts for myself and from a licensing perspective, and hopefully we can build on that and improve next time but overall I think it was definitely a success at causing a disruption in these areas.

If you could pass my thanks on to the other THEO's that were on for the night, CCTV officers and also the licensing team at Tower Hamlets.

I'm keen to organise more tasking's around licensed premises/venues in the future so any feedback/ideas feel free to let me know. If anyone has or wants to submit any crimints relating to the events of the night please send me through the references for future tasking's or operations.

Below are the returns overall. Pictures courtesy of the PTF and photographer.

FPN NOX/Traders- 11

ASB warning - 6 ASBW

40 NOX cylinders sized.

2 Food stalls were shut down and issued fines at Hackney Wick which subsequently significantly lowered the crowd over both nights and lowered the demand/crowd for NOx.

1 Group selling NOx were disrupted and the canisters seized.

1 Dispersal issued

Several people dispersed with the warning of a dispersal

2 Arrests – 1 For Nox/Sec 50 and 1 for Drink/Drug Drive.

Also proud to state we didn't end up with any hot dog stalls or food trucks inside Bethnal Green by the end of the night! Not a fun thing to transport!

← Tweet



Tower Hamlets Police
@MPSTowerHam



#PartnershipTaskForce officers have been busy working through the night all weekend supporting @TowerHamletsNow THEOs and licensing officers deal with Nox related ASB. Night time economy venues and residential areas were both targeted





Tower Hamlets Police @MPSTowerHam · 2m

...

Unlicensed street traders and people breaching the PSPO were all dealt with by way of Fixed Penalty Notices and large quantities of Nitrous Oxide were seized. 1 male was arrested and a potential anti social UME was also shut down in Shoreditch

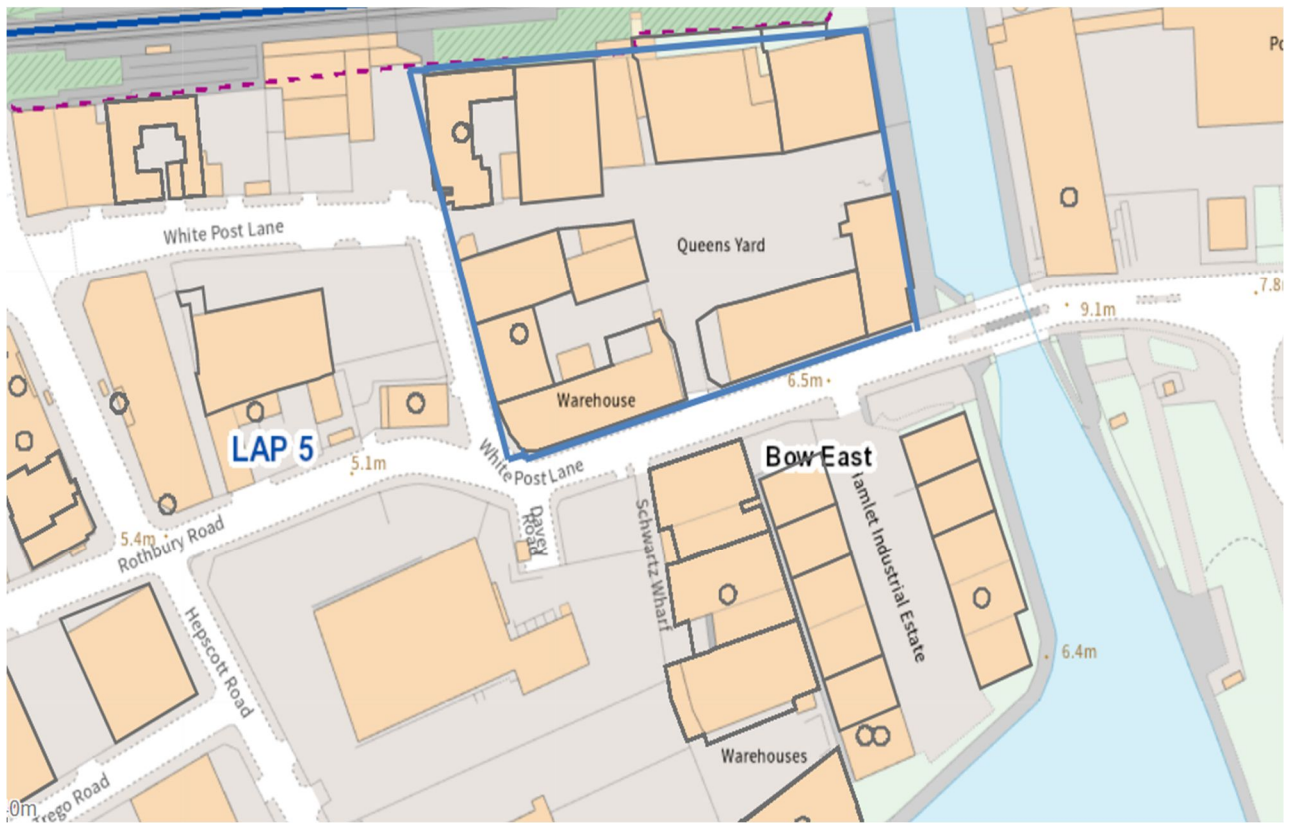


Kind Regards,

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

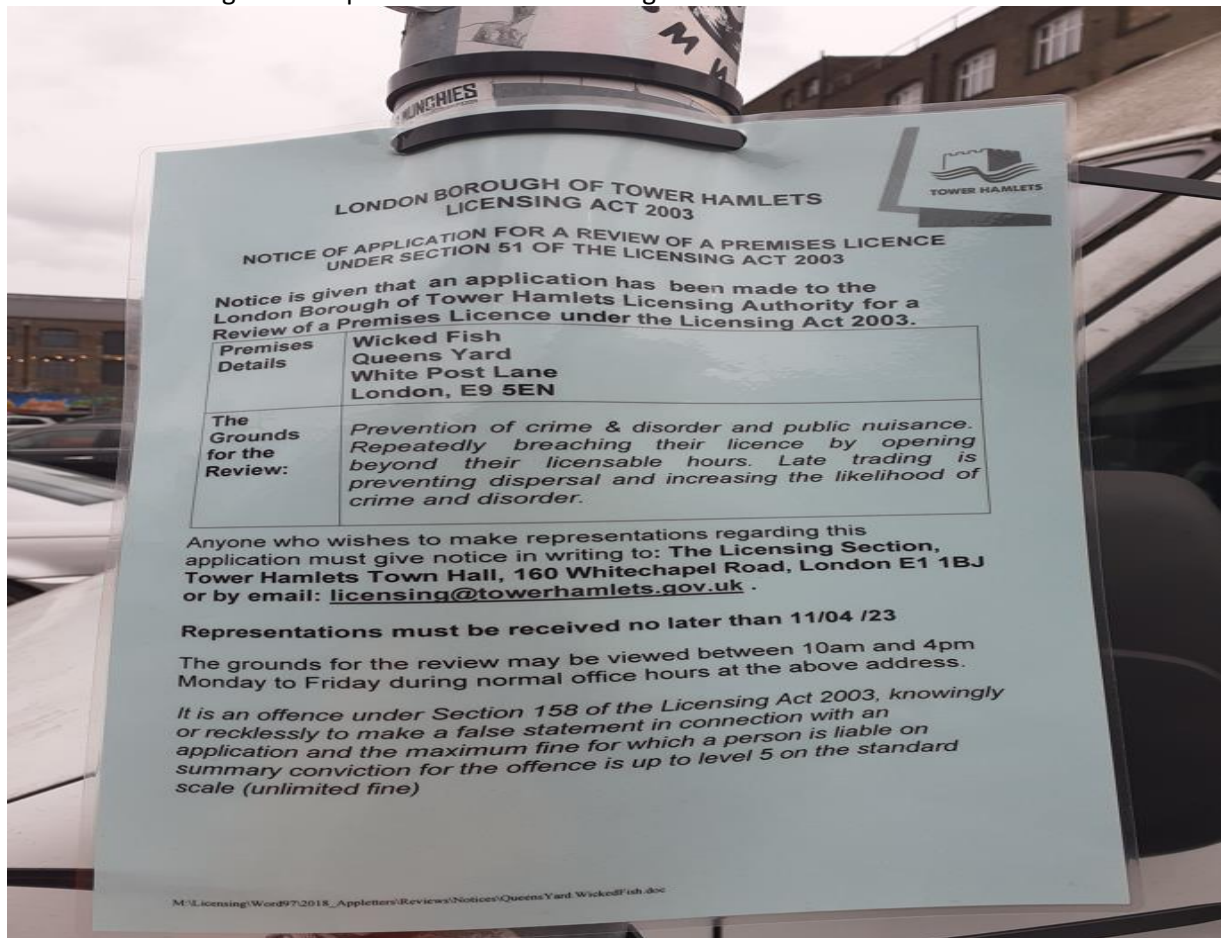
Appendix 4

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]

Dear Licensing Authority,

www.towerhamlets.gov.uk

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

Wicked Fish

Queens Yard, White Post Lane, E9.

Report for Licence Review Hearing

By

Adrian Studd, Independent Licensing Consultant.

Introduction.

1. I have been instructed by Ince and Co. Solicitors in connection with the Licence Review for the above premises to consider the evidence of alleged breaches of the premises licence and what impact, if any, that these alleged breaches may have had on the promotion of the Licensing Objectives. I will also consider any additional measures or conditions that may be required to ensure the premises fully supports the Licensing Objectives moving forward.

Summary of Expertise – Adrian Studd.

1. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and

effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

2. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required.

3. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

4. From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the British Institute of Innkeeping working party and helped develop the national training for Door Supervisors. I worked with the national regulator the Security Industry Authority to successfully introduce the new regime under the Private

Security Industry Act 2001 within London. I sat on Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities. I worked with Government on the drafting of SEV legislation and gave evidence to the House of Commons Select Committee in 2009 on the impact of premises providing sexual entertainment.

5. I was involved with Best Bar None, a national voluntary scheme of accreditation for safe licensed premises, for a number of years and successfully helped a number of boroughs implement the initiative. I was a trained Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. I was also a trained assessor for Purple Flag, the national voluntary awards scheme for safe, diverse and accessible town centres. For the five years prior to my retirement, I was responsible for licensing of the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I attended internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping.
6. Following my retirement, I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises and events requiring a local authority licence. Since then, I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age-related product issues. I have also provided support to bars and shops at events such as Nottinghill Carnival and provided support and advice for high profile clubs such as Fabric in London. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, betting premises licences and late-night refreshment. I

regularly provide expert independent witness evidence at both local authority and appeal court hearings.

Wicked Fish and Queens Yard.

7. Wicked Fish is a fast-food restaurant and take-away premises located in Queens Yard, E9. It is licensed for the sale of alcohol, on the premises only, until 23.00 hours Monday to Sunday and for late night refreshment (outside and Inside) from 23.00 hours until 01.00 hours Sunday to Thursday and until 04.00 hours Friday and Saturday with premises closing at 04.30. The premises currently has an application in place to extend the late-night refreshment until 05.00 hours on Friday and Saturday night and I understand this is due to be heard in the near future. Late night refreshment is only licensable between 23.00 hours and 05.00 hours, so the premises is able to sell hot food after 05.00 without the need for a licence.
8. Rather unusually it is not the alcohol sales that are alleged to have caused any problems at the premises, but rather the provision of late-night refreshment, and in particular the late-night refreshment that is said by police to have taken place after 04.00 hours on Saturday and Sunday mornings between 28th January and 26th February.
9. Police have requested a licence review on the basis of what is alleged to be breaches of two of the Licencing Objectives: 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'. However, the alleged breaches have not come to light as a result of incidents or complaints but only came to light when police viewed CCTV footage taken by the premises in the course of an investigation into a serious incident at Queens Yard. The CCTV footage at the premises led to the identification of the suspect for the stabbing incident, he had been in the Colour Factory nightclub and then to the premises at 04.20, however the premises was otherwise unconnected to the incident.

10. In the review application Police have not produced any evidence of Crime and Disorder or Public Nuisance associated with the premises, either during the licensed hours or later, but state only that CCTV appears to show that the premises was operating beyond the licensed hours and drawing the conclusion that this prevents people from leaving the area and increases the likelihood of crime and disorder taking place. No evidence is produced to support this.
11. Queens Yard is a mixed-use space including a theatre, pubs and bars, restaurants and food outlets and the Colour Factory nightclub, all closing at different times. These premises attract a diverse range of customers and have staggered closing times leading to a gradual late-night egress from the area. This is widely acknowledged as best practice with premises closing gradually allowing customers to drift away over a prolonged period of time to avoid a large number of people leaving at the same time.
12. When all premises close at the same time and large numbers of people try to leave the area together this inevitably puts additional pressure on local infrastructure such as transport and is more likely to lead to overcrowding in the area and the confrontation that leads to crime and disorder and public nuisance.
13. That there are issues of drugs and 'Nos balloons' being used in Queens yard area during the night is not disputed. These issues are mainly caused by individuals loitering in the car park and using the Colour factory nightclub, where the suspect and victim from the stabbing incident had been. They are not connected to Wicked Fish.
14. There is one occasion that police refer to in their evidence where it is alleged that a male customer can be seen rolling a cannabis joint inside the premises. I am informed by Wicked Fish owner, Mr. Michal Gasior, that on this occasion he was not working at the premises but was advised by his staff that four police officers came into the premises and observed what was taking place but that they took no further action. On discovering what had taken place he sacked the manager who had been in charge that night and he is adamant that he does not permit such conduct at the premises and employs security to ensure that it does not take place.

15. Drug misuse, including the use of 'balloons' are most commonly associated with nightclubs and late-night bars rather than late night refreshment premises and can only be tackled effectively with a multi-agency approach including the support of police. If the police are unable, or unwilling, to tackle individuals behaving in this manner it is not possible for an individual, small premises to deal with it alone.
16. Police also refer in their evidence to security booking off duty at 05.00 hours and state that this indicates that the premises remains open until then. In my view this is not correct. The premises is licensed for late night refreshment until 04.00 hours and permitted to remain open until 04.30 hours. It is best practice that the security remains until the last customers leave at 04.30 and then ensure that all customers have left the premises and the vicinity, that staff have cleared up and are leaving and that it is quiet before they leave, which would require them to remain until at least 05.00 hours.

Premises history.

17. When Mr Gasior took over the premises in 2021 his understanding was that it had operated legally offering late night refreshment for a number of years. However, it was pointed out to him in September/October 2021 by police that the premises did not have a late-night refreshment licence. He therefore applied for a licence on 20th October 2021 and this application was not objected to as he had shown compliance to officers who visited on 29th October 2021. The licence was granted as there were no issues according to the Licensing Authorities records. Subsequent licence variations were agreed on 25th April 2022 and 7th December 2022.
18. The licenced activities relevant to this review are late night refreshment on Friday and Saturday nights. The licence authorises late night refreshment until 04.00 hours on these nights with the opening hours of the premises until 04.30 hours. Speaking with Mr. Gasior he informed me that he misunderstood the licence times and was under the impression that he was permitted to continue provision of late-night refreshment until 04.30. It is clear that English is not his first language and perhaps this is where

the confusion arose. He now accepts that this interpretation was wrong and that he should have been more diligent with his timekeeping. He has now applied for the licence to be varied to permit late night refreshment to be served until 05.00 hours.

Conclusion.

19. This review has been brought by the police on the grounds of the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'. However, no evidence has been produced that this premises contributes to either Crime and Disorder or Public Nuisance in Queens Yard, or that closing the premises or reducing the hours will lead to a reduction of any issues in the area.
20. Wicked Fish is located in a busy night-time economy area where there are many late-night alcohol premises, including a nightclub that remains open until 04.00 hours. It is widely accepted that a 'hard closing' terminal hour for any premises or area is difficult to manage and leads to an increased risk of noise, nuisance and crime and disorder in the vicinity. A gradual dispersal from an area is beneficial.
21. The closure of Colour Factory at 04.00 hours on Friday and Saturday nights leads to the customers all leaving the premises at the same time. If all these customers then seek to leave the area immediately this puts significant strain on transport infrastructure such as cabs, mini-cabs and Ubers and on policing in the vicinity. This is exacerbated by Wicked Fish also ceasing late night refreshment at 04.00, just when some of the Colour Factory customers are seeking hot food.
22. When Colour Factory closes some customers will leave the area immediately, others will seek out fast food, this makes for a gradual, more easily managed wind-down in the area where customers gradually leave over a longer period of time which helps to reduce the impact and reduce the potential for nuisance, crime and disorder.

23. No evidence has been produced that links Wicked Fish to either the fatal stabbing on the 11th of February or to any other disorder in the vicinity. Following the stabbing Wicked Fish assisted the enquiry by making their CCTV available to investigating detectives and this assisted them to identify the suspect. It is as a result of viewing the CCTV, the assistance given by Mr. Gasior, that police are now seeking a review of his premises licence.
24. Police refer to various CCTV images showing customers inside Wicked Fish beyond 04.00 hours. While it is accepted by Mr. Gasior that on occasion he did overrun a little it is important to note that the premises can remain open until 04.30 hours, so it is acceptable for customers who have purchased their food before 04.00 to remain inside consuming it until 04.30.
25. Reference is made to a customer seen on CCTV preparing what is believed by police to be a cannabis joint. Mr. Gasior states that on that night he was not present and when this was brought to his attention he dismissed the staff who had been left in charge. He also states that police entered the premises and observed such behaviour but did nothing. The question has to be asked that if police are unable to deal with such behaviour how can they expect a small premises owner to do so?
26. Mr. Gasior maintains that he was confused by the wording on the licence and took the 04.30 premises closing time to mean that was when he had to stop serving food. He also states that when he originally applied for the licence he intended to apply for a late-night refreshment licence permitting him to sell hot food until 05.00 hours. He has now done this and is waiting for a hearing date and in my view this would assist both him and a gradual dispersal from the area. Beyond 05.00 hours there is no requirement to have a licence to supply late night refreshment/ hot food.
27. Having considered all the evidence I have been provided with in this matter I am confident that there is no evidence that Wicked Fish is adding to Public Nuisance or to Crime and Disorder in the vicinity and, if anything, they are contributing to a more easily managed, gradual dispersal. I consider that Mr. Gasior now understands the

different times on his licence and that he should be permitted to continue operating under the existing hours until the new 05.00 hours application is heard.

Adrian Studd,
Independent licensing Consultant,
31/05/2023.

Appendix 8

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 9

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

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that 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 10

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 11

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

Updated December 2022

Public nuisance

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

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

Appendix 12

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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Wicked Fish

Queens Yard, White Post Lane, E9.

Report for Licence Review Hearing

By

Adrian Studd, Independent Licensing Consultant.

Introduction.

1. I have been instructed by Ince and Co. Solicitors in connection with the Licence Review for the above premises to consider the evidence of alleged breaches of the premises licence and what impact, if any, that these alleged breaches may have had on the promotion of the Licensing Objectives. I will also consider any additional measures or conditions that may be required to ensure the premises fully supports the Licensing Objectives moving forward.

Summary of Expertise – Adrian Studd.

1. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and

effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

2. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required.

3. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

4. From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the British Institute of Innkeeping working party and helped develop the national training for Door Supervisors. I worked with the national regulator the Security Industry Authority to successfully introduce the new regime under the Private

Security Industry Act 2001 within London. I sat on Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities. I worked with Government on the drafting of SEV legislation and gave evidence to the House of Commons Select Committee in 2009 on the impact of premises providing sexual entertainment.

5. I was involved with Best Bar None, a national voluntary scheme of accreditation for safe licensed premises, for a number of years and successfully helped a number of boroughs implement the initiative. I was a trained Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. I was also a trained assessor for Purple Flag, the national voluntary awards scheme for safe, diverse and accessible town centres. For the five years prior to my retirement, I was responsible for licensing of the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I attended internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping.

6. Following my retirement, I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises and events requiring a local authority licence. Since then, I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age-related product issues. I have also provided support to bars and shops at events such as Nottinghill Carnival and provided support and advice for high profile clubs such as Fabric in London. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, betting premises licences and late-night refreshment. I

regularly provide expert independent witness evidence at both local authority and appeal court hearings.

Wicked Fish and Queens Yard.

7. Wicked Fish is a fast-food restaurant and take-away premises located in Queens Yard, E9. It is licensed for the sale of alcohol, on the premises only, until 23.00 hours Monday to Sunday and for late night refreshment (outside and Inside) from 23.00 hours until 01.00 hours Sunday to Thursday and until 04.00 hours Friday and Saturday with premises closing at 04.30. The premises currently has an application in place to extend the late-night refreshment until 05.00 hours on Friday and Saturday night and I understand this is due to be heard in the near future. Late night refreshment is only licensable between 23.00 hours and 05.00 hours, so the premises is able to sell hot food after 05.00 without the need for a licence.
8. Rather unusually it is not the alcohol sales that are alleged to have caused any problems at the premises, but rather the provision of late-night refreshment, and in particular the late-night refreshment that is said by police to have taken place after 04.00 hours on Saturday and Sunday mornings between 28th January and 26th February.
9. Police have requested a licence review on the basis of what is alleged to be breaches of two of the Licencing Objectives: 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'. However, the alleged breaches have not come to light as a result of incidents or complaints but only came to light when police viewed CCTV footage taken by the premises in the course of an investigation into a serious incident at Queens Yard. The CCTV footage at the premises led to the identification of the suspect for the stabbing incident, he had been in the Colour Factory nightclub and then to the premises at 04.20, however the premises was otherwise unconnected to the incident.

10. In the review application Police have not produced any evidence of Crime and Disorder or Public Nuisance associated with the premises, either during the licensed hours or later, but state only that CCTV appears to show that the premises was operating beyond the licensed hours and drawing the conclusion that this prevents people from leaving the area and increases the likelihood of crime and disorder taking place. No evidence is produced to support this.
11. Queens Yard is a mixed-use space including a theatre, pubs and bars, restaurants and food outlets and the Colour Factory nightclub, all closing at different times. These premises attract a diverse range of customers and have staggered closing times leading to a gradual late-night egress from the area. This is widely acknowledged as best practice with premises closing gradually allowing customers to drift away over a prolonged period of time to avoid a large number of people leaving at the same time.
12. When all premises close at the same time and large numbers of people try to leave the area together this inevitably puts additional pressure on local infrastructure such as transport and is more likely to lead to overcrowding in the area and the confrontation that leads to crime and disorder and public nuisance.
13. That there are issues of drugs and 'Nos balloons' being used in Queens yard area during the night is not disputed. These issues are mainly caused by individuals loitering in the car park and using the Colour factory nightclub, where the suspect and victim from the stabbing incident had been. They are not connected to Wicked Fish.
14. There is one occasion that police refer to in their evidence where it is alleged that a male customer can be seen rolling a cannabis joint inside the premises. I am informed by Wicked Fish owner, Mr. Michal Gasior, that on this occasion he was not working at the premises but was advised by his staff that four police officers came into the premises and observed what was taking place but that they took no further action. On discovering what had taken place he sacked the manager who had been in charge that night and he is adamant that he does not permit such conduct at the premises and employs security to ensure that it does not take place.

15. Drug misuse, including the use of 'balloons' are most commonly associated with nightclubs and late-night bars rather than late night refreshment premises and can only be tackled effectively with a multi-agency approach including the support of police. If the police are unable, or unwilling, to tackle individuals behaving in this manner it is not possible for an individual, small premises to deal with it alone.
16. Police also refer in their evidence to security booking off duty at 05.00 hours and state that this indicates that the premises remains open until then. In my view this is not correct. The premises is licensed for late night refreshment until 04.00 hours and permitted to remain open until 04.30 hours. It is best practice that the security remains until the last customers leave at 04.30 and then ensure that all customers have left the premises and the vicinity, that staff have cleared up and are leaving and that it is quiet before they leave, which would require them to remain until at least 05.00 hours.

Premises history.

17. When Mr Gasior took over the premises in 2021 his understanding was that it had operated legally offering late night refreshment for a number of years. However, it was pointed out to him in September/October 2021 by police that the premises did not have a late-night refreshment licence. He therefore applied for a licence on 20th October 2021 and this application was not objected to as he had shown compliance to officers who visited on 29th October 2021. The licence was granted as there were no issues according to the Licensing Authorities records. Subsequent licence variations were agreed on 25th April 2022 and 7th December 2022.
18. The licenced activities relevant to this review are late night refreshment on Friday and Saturday nights. The licence authorises late night refreshment until 04.00 hours on these nights with the opening hours of the premises until 04.30 hours. Speaking with Mr. Gasior he informed me that he misunderstood the licence times and was under the impression that he was permitted to continue provision of late-night refreshment until 04.30. It is clear that English is not his first language and perhaps this is where

the confusion arose. He now accepts that this interpretation was wrong and that he should have been more diligent with his timekeeping. He has now applied for the licence to be varied to permit late night refreshment to be served until 05.00 hours.

Conclusion.

19. This review has been brought by the police on the grounds of the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'. However, no evidence has been produced that this premises contributes to either Crime and Disorder or Public Nuisance in Queens Yard, or that closing the premises or reducing the hours will lead to a reduction of any issues in the area.
20. Wicked Fish is located in a busy night-time economy area where there are many late-night alcohol premises, including a nightclub that remains open until 04.00 hours. It is widely accepted that a 'hard closing' terminal hour for any premises or area is difficult to manage and leads to an increased risk of noise, nuisance and crime and disorder in the vicinity. A gradual dispersal from an area is beneficial.
21. The closure of Colour Factory at 04.00 hours on Friday and Saturday nights leads to the customers all leaving the premises at the same time. If all these customers then seek to leave the area immediately this puts significant strain on transport infrastructure such as cabs, mini-cabs and Ubers and on policing in the vicinity. This is exacerbated by Wicked Fish also ceasing late night refreshment at 04.00, just when some of the Colour Factory customers are seeking hot food.
22. When Colour Factory closes some customers will leave the area immediately, others will seek out fast food, this makes for a gradual, more easily managed wind-down in the area where customers gradually leave over a longer period of time which helps to reduce the impact and reduce the potential for nuisance, crime and disorder.

23. No evidence has been produced that links Wicked Fish to either the fatal stabbing on the 11th of February or to any other disorder in the vicinity. Following the stabbing Wicked Fish assisted the enquiry by making their CCTV available to investigating detectives and this assisted them to identify the suspect. It is as a result of viewing the CCTV, the assistance given by Mr. Gasior, that police are now seeking a review of his premises licence.
24. Police refer to various CCTV images showing customers inside Wicked Fish beyond 04.00 hours. While it is accepted by Mr. Gasior that on occasion he did overrun a little it is important to note that the premises can remain open until 04.30 hours, so it is acceptable for customers who have purchased their food before 04.00 to remain inside consuming it until 04.30.
25. Reference is made to a customer seen on CCTV preparing what is believed by police to be a cannabis joint. Mr. Gasior states that on that night he was not present and when this was brought to his attention he dismissed the staff who had been left in charge. He also states that police entered the premises and observed such behaviour but did nothing. The question has to be asked that if police are unable to deal with such behaviour how can they expect a small premises owner to do so?
26. Mr. Gasior maintains that he was confused by the wording on the licence and took the 04.30 premises closing time to mean that was when he had to stop serving food. He also states that when he originally applied for the licence he intended to apply for a late-night refreshment licence permitting him to sell hot food until 05.00 hours. He has now done this and is waiting for a hearing date and in my view this would assist both him and a gradual dispersal from the area. Beyond 05.00 hours there is no requirement to have a licence to supply late night refreshment/ hot food.
27. Having considered all the evidence I have been provided with in this matter I am confident that there is no evidence that Wicked Fish is adding to Public Nuisance or to Crime and Disorder in the vicinity and, if anything, they are contributing to a more easily managed, gradual dispersal. I consider that Mr. Gasior now understands the

different times on his licence and that he should be permitted to continue operating under the existing hours until the new 05.00 hours application is heard.

Adrian Studd,
Independent licensing Consultant,
31/05/2023.

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Wicked Fish

Queens Yard, White Post Lane, E9.

Report for Licence Review Hearing

By

Adrian Studd, Independent Licensing Consultant.

Introduction.

1. I have been instructed by Ince and Co. Solicitors in connection with the Licence Review for the above premises to consider the evidence of alleged breaches of the premises licence and what impact, if any, that these alleged breaches may have had on the promotion of the Licensing Objectives. I will also consider any additional measures or conditions that may be required to ensure the premises fully supports the Licensing Objectives moving forward. In addition I conducted observations at the premises on Friday the 23rd of June 2023 to observe the operation of the premises, compliance with the licence and any impact it has on the area.

Summary of Expertise – Adrian Studd.

2. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any

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7. Following my retirement, I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises and events requiring a local authority licence. Since then, I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age-related product issues. I have also provided support to bars and shops at events such as Nottinghill Carnival and provided support and advice for high profile clubs such as Fabric in London. This work has involved premises that benefit from a variety of local authority licences including

alcohol on and off licences, betting premises licences and late-night refreshment. I regularly provide expert independent witness evidence at both local authority and appeal court hearings.

Wicked Fish and Queens Yard.

8. Wicked Fish is a fast-food restaurant and take-away premises located in Queens Yard, E9. It is licensed for the sale of alcohol, on the premises only, until 23.00 hours Monday to Sunday and for late night refreshment (outside and Inside) from 23.00 hours until 01.00 hours Sunday to Thursday and until 04.00 hours Friday and Saturday with premises closing at 04.30. The premises currently has an application in place to extend the late-night refreshment until 05.00 hours on Friday and Saturday night and I understand this is due to be heard in the near future. Late night refreshment is only licensable between 23.00 hours and 05.00 hours, so the premises is able to sell hot food after 05.00 without the need for a licence.
9. Rather unusually it is not the alcohol sales that are alleged to have caused any problems at the premises, but rather the provision of late-night refreshment, and in particular the late-night refreshment that is said by police to have taken place after 04.00 hours on Saturday and Sunday mornings between 28th January and 26th February.
10. Police have requested a licence review on the basis of what is alleged to be breaches of two of the Licencing Objectives: 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'. However, the alleged breaches have not come to light as a result of incidents or complaints but only came to light when police viewed CCTV footage taken by the premises in the course of an investigation into a serious incident at Queens Yard. The CCTV footage at the premises led to the identification of the suspect for the stabbing incident, he had been in the Colour Factory nightclub and then to the premises at 04.20, however the premises was otherwise unconnected to the incident.

11. In the review application Police have not produced any evidence of Crime and Disorder or Public Nuisance associated with the premises, either during the licensed hours or later, but state only that CCTV appears to show that the premises was operating beyond the licensed hours and drawing the conclusion that this prevents people from leaving the area and increases the likelihood of crime and disorder taking place. No evidence is produced to support this.
12. Queens Yard is a mixed-use space including a theatre, pubs and bars, restaurants and food outlets and the Colour Factory nightclub, all closing at different times. These premises attract a diverse range of customers and have staggered closing times leading to a gradual late-night egress from the area. This is widely acknowledged as best practice with premises closing gradually allowing customers to drift away over a prolonged period of time to avoid a large number of people leaving at the same time.
13. When all premises close at the same time and large numbers of people try to leave the area together this inevitably puts additional pressure on local infrastructure such as transport and is more likely to lead to overcrowding in the area and the confrontation that leads to crime and disorder and public nuisance.
14. That there are issues of drugs and 'Nos balloons' being used in Queens yard area during the night is not disputed. These issues are mainly caused by individuals loitering in the car park and using the Colour factory nightclub, where the suspect and victim from the stabbing incident had been. They are not connected to Wicked Fish.
15. During my observations on Friday 23rd June 2023 I observed a male openly walking around the yard and surrounding streets carrying inflated 'nos' balloons, with a rucksack on his back apparently containing the gas cylinders and more balloons, and approaching everyone and anyone in the area offering the balloons for sale. There did not appear to be any police or similar in the area and as far I could see the male was not challenged about his behaviour.

16. There is one occasion that police refer to in their evidence where it is alleged that a male customer can be seen rolling a cannabis joint inside the premises. I am informed by Wicked Fish owner, Mr. Michal Gasior, that on this occasion he was not working at the premises but was advised by his staff that four police officers came into the premises and observed what was taking place but that they took no further action. On discovering what had taken place he sacked the manager who had been in charge that night and he is adamant that he does not permit such conduct at the premises and employs security to ensure that it does not take place.
17. Drug misuse, including the use of 'balloons' are most commonly associated with nightclubs and late-night bars rather than late night refreshment premises and can only be tackled effectively with a multi-agency approach including the support of police. If the police are unable, or unwilling, to tackle individuals behaving in this manner it is not possible for an individual, small premises to deal with it alone.
18. Police also refer in their evidence to security booking off duty at 05.00 hours and state that this indicates that the premises remains open until then. In my view this is not correct. The premises is licensed for late night refreshment until 04.00 hours and permitted to remain open until 04.30 hours. It is best practice that the security remains until the last customers leave at 04.30 and then ensure that all customers have left the premises and the vicinity, that staff have cleared up and are leaving and that it is quiet before they leave, which would require them to remain until at least 05.00 hours.

Premises history.

19. When Mr Gasior took over the premises in 2021 his understanding was that it had operated legally offering late night refreshment for a number of years. However, it was pointed out to him in September/October 2021 by police that the premises did not have a late-night refreshment licence. He therefore applied for a licence on 20th October 2021 and this application was not objected to as he had shown compliance to officers who visited on 29th October 2021. The licence was granted as there were

no issues according to the Licensing Authorities records. Subsequent licence variations were agreed on 25th April 2022 and 7th December 2022.

20. The licenced activities relevant to this review are late night refreshment on Friday and Saturday nights. The licence authorises late night refreshment until 04.00 hours on these nights with the opening hours of the premises until 04.30 hours. Speaking with Mr. Gasior he informed me that he misunderstood the licence times and was under the impression that he was permitted to continue provision of late-night refreshment until 04.30. It is clear that English is not his first language and perhaps this is where the confusion arose. He now accepts that this interpretation was wrong and that he should have been more diligent with his timekeeping. He has now applied for the licence to be varied to permit late night refreshment to be served until 05.00 hours.

Observations.

21. I conducted observations at the premises on the night of Friday 23rd June 2023 arriving in the area at about 03.00 hours Saturday morning. The weather was warm and dry. There is a notice clearly displaying the opening hours by the premises showing that it closes at 04.30 on Friday and Saturday night. Colour Factory club was busy with the club security in evidence around Queens yard. There were people on foot in the area, many having apparently left the club and waiting for cabs, Ubers etc. Wicked Fish had some seated customers eating at the tables and a few waiting to be served. There was a door supervisor who was employed by Wicked Fish at the premises, and he was active managing customers coming and going. Wicked Fish was well managed and orderly and the atmosphere there was relaxed.
22. I conducted observations at the premises and in the vicinity and I did not observe any problems at Wicked Fish. There was a 'Nos' balloon seller in the area as detailed above but he did not go to Wicked Fish or approach the customers there. I chatted to Mr Gasior about the premises, and he explained that they closed the shutter at 04.00 hours and did not sell any hot food after that time. He explained that the premises

remained open until 04.30 and any remaining customers were then asked to leave, and the security left at 05.00, which is best practice.

23. By 03.45 hours customers were drifting away from Colour Factory with some coming to Wicked Fish for late night refreshment. The premises was orderly and well managed. Security from the colour factory set up barriers between the club and Wicked Fish to channel customers away from Queens Yard towards Hackney Wick station and prevented them from going past Wicked Fish. This appeared to me to be both good management of the club egress and a good way of discouraging customers from going to Wicked Fish after 04.00 hours when it was not permitted to sell hot food. This was the case with the club customers leaving at 04.00 and I did not see any go to Wicked Fish after this time or attempt to access the premises.

24. At 04.00 hours there were just a few customers remaining at the Wicked Fish premises, the shutter was pulled down and an announcement was made that service had finished. By 04.20 all customers had left the premises and there were only staff and the door supervisor left clearing up. I left the area soon after this.





Wicked Fish, 03.49 on 24/06/2023.



Wicked Fish, 04.03 on 24/06/2023.



Wicked Fish, 04.21 on 24/06/2023.

Conclusion.

25. This review has been brought by the police on the grounds of the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'. However, no evidence has been produced that this premises contributes to either Crime and Disorder or Public Nuisance in Queens Yard, or that closing the premises or reducing the hours will lead to a reduction of any issues in the area.
26. Wicked Fish is located in a busy night-time economy area including a nightclub that remains open until 04.00 hours. It is widely accepted that a 'hard closing' terminal hour for any premises or area is difficult to manage and leads to an increased risk of noise, nuisance and crime and disorder in the vicinity. A gradual dispersal from an area is beneficial.
27. The closure of Colour Factory at 04.00 hours on Friday and Saturday night can lead to a large number of customers leaving the premises at the same time putting a strain on transport infrastructure such as cabs, mini-cabs and Ubers and on policing in the vicinity. The provision of hot food from a well-run premises such as Wicked Fish can help alleviate this and contribute to a gradual dispersal.

28. No evidence has been produced that links Wicked Fish to either the fatal stabbing on the 11th of February or to any other disorder in the vicinity. Following the stabbing Wicked Fish assisted the enquiry by making their CCTV available to investigating detectives and this assisted them to identify the suspect. It is as a result of viewing the CCTV, the assistance given by Mr. Gasior, that police are now seeking a review of his premises licence.
29. Police refer to various CCTV images showing customers inside Wicked Fish beyond 04.00 hours. While it is accepted by Mr. Gasior that on occasion he did overrun a little it is important to note that the premises can remain open until 04.30 hours, so it is acceptable for customers who have purchased their food before 04.00 to remain inside consuming it until 04.30.
30. Reference is made to a customer seen on CCTV preparing what is believed by police to be a cannabis joint. Mr. Gasior states that on that night he was not present and when this was brought to his attention he dismissed the staff who had been left in charge. He also states that police entered the premises and observed such behaviour but did nothing. The question has to be asked that if police are unable to deal with such behaviour how can they expect a small premises owner to do so?
31. Mr. Gasior maintains that he was confused by the wording on the licence and took the 04.30 premises closing time to mean that was when he had to stop serving food. He also states that when he originally applied for the licence he intended to apply for a late-night refreshment licence permitting him to provide hot food until 05.00 hours. He has now done this and in my view this would assist both him and a gradual dispersal from the area. Beyond 05.00 hours there is no requirement to have a licence to supply late night refreshment/ hot food.
32. Having considered all the evidence and conducted observations at the premises on the night of Friday the 23rd of June 2023, I am confident that there is no evidence that Wicked Fish is adding to Public Nuisance or to Crime and Disorder in the vicinity and

that they can contribute to a more easily managed, gradual dispersal if permitted to operate until 05.00 hours.

Adrian Studd,
Independent licensing Consultant,
28/06/2023.