



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 31 August 2010 at 6.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Ward Represented
Chair: Councillor Peter Golds	Blackwall & Cubitt Town;
Councillor Ohid Ahmed	East India & Lansbury;
Councillor Zara Davis	Millwall;

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 31 August 2010

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	15 - 22	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 3 rd August 2010.		
5. ITEMS FOR CONSIDERATION		
5.1 Application to Review the Premises Licence for Cost Cut, 219 East India Dock Road, London E14 0ED (LSC 20/011)	23 - 86	East India & Lansbury;
5.2 Application to Review the Premises Licence for Mile End Food & Wine, 93 Burdett Road, London, E3 4JN (LSC 21/011)	87 - 144	Mile End East;
5.3 Application to Review the Premises Licence for The Urban Bar, 27 Three Colt Street, E14 8HH (LSC 22/011)	145 - 306	Limehouse;
6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

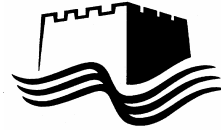
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 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.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three 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. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority

- transfer of a premises licence
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

Note: Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

4. Procedure at the Hearing

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-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.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the 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. 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.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-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.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority 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.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-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.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-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 the authority may specify.

4.5 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. 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.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

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grant of personal licence).				
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 3 AUGUST 2010

**COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Zara Davis
Councillor Amy Whitelock

Officers Present:

Cain Duncan	- (Planning Enforcement Officer)
Derrick Harrington	- (Principal Environment Health Officer)
Nick Kemp	- (Licensing Officer)
Ryan Kohle	- (Legal Advisor)
Kerry Mure	- (Senior Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Peter Glazebrook	- (Café Pont)
Tom Haworth	- (Café Pont)
Azmal Hussain	- (108/118 Brick Lane)
Mahima Khatun	- (108/118 Brick Lane)
Hannah Platt	- (The Old Distillery)

Objectors In Attendance:

Alan Cruickshank	- (Metropolitan Police)
Jane Curtis	- (118 Brick Lane)
John Crichley	- (118 Brick Lane)

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Zara Davis declared a personal interest in agenda item 4.1, application for a new premises licence for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF on the basis that the premises was in her ward, however she confirmed that she had not had any discussions regarding this application prior to the hearing.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

5. APPLICATION FOR A NEW PREMISES LICENCE FOR CAFÉ PONT, BLOCK D, UNIT 5, 14 HERTSMERE ROAD, LONDON E14 4AF (LSC 15/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a new premises license for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Peter Glazebrook, Counsel for the applicant explained that they were applying for the same terms as a previous licence which was granted for the premises when trading as Café Beluga.

He explained that Café Pont would be different and independent from other café bars, It would be food driven with alcohol as an ancillary and had 40/50 covers. He also mentioned that there may have been some confusion as the objector may have felt that the entertainment license would be used to play music in outside area of the café, however he confirmed that the regulated entertainment would only be used for background music inside the premises.

Mr Glazebrook then introduced Tomas Haworth, the Designated Premises Supervisor for Café Pont, he explained that he had 10 years of experience in the restaurant trade. It was highlighted that no regulated body had objected to the application or raised any concerns or complaints.

It was noted that the times of the opening hours, sale of alcohol and regulated entertainment was incorrectly detailed in the licensing report on page 16 of the agenda. The applicant confirmed that the times should reflect what was detailed in the original application in appendix 1 of the report.

The Chair reported that the objector was not present at the meeting and therefore Members noted and considered the written objection detailed on page 51 of the agenda.

In response to questions, the following was noted, that very light background music would be played during breakfast hours, that windows and doors would be shut however during the summer these might be left open, that background music would not be used for the seating area outside the premises and it was confirmed the outside area associated with the premises would be used for dining as is done currently.

In response to a question, Mr Haworth stated that he did not want to restrict customers from using the outside area associated with the premises area, he explained the bar next door to the premises, did have a sign up asking customers not to use the outside area after 23:30 hours, however this was a voluntary agreement without any conditions/restrictions on the license. It was noted that the applicant would like the background music to remain playing until the closing time. Mr Haworth did not feel that premises being opened till the hours applied for would cause great disturbance to local residents.

Mr Glazebrook explained that the applicant would operate the same terms as his predecessor and had strong stringent measures in place to prevent the concerns of local residents in terms of public nuisance.

The Chair advised that the Sub Committee would at 6.45pm adjourn to consider the evidence presented. Members reconvened at 7.10pm. The Chair reported that;

Having heard from the applicant and taking in the views of the objector, Members decided to grant the application, with conditions, based on the licensing objective of the prevention of public nuisance.

RESOLVED

That the new application for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF be **GRANTED**, with the following conditions;

Sale of Alcohol (on and off sales)

Monday to Saturday from 10:00 hours – 23:00 hours
Sunday from 11:00 hours – 22:30 hours

The Provision for Regulated Entertainment

(For recorded music and anything like recorded music)

Monday to Saturday from 07:00 hours – 23:30 hours
Sunday from 07:00 hours – 23:00 hours

Hours Premises is Open to the Public

Monday to Saturday from 07:00 hours – 23:30 hours
Sunday from 07:00 hours – 23:00 hours

Conditions

1. The outside area associated with the premises be closed and free of customers by 23:00 hours on Mondays to Saturdays and by 22:30 hours on Sundays.
2. No music should be audible outside the premises above the background level at any time.
3. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

6. APPLICATION FOR A NEW PREMISES LICENCE FOR 108 BRICK LANE, LONDON, E1 6RL (LSC 16/011)

The application was resolved prior to the hearing as conditions were agreed with the applicant. Therefore this application did not require consideration by the Licensing Sub Committee.

7. APPLICATION FOR A NEW PREMISES LICENCE FOR 118-122 BRICK LANE, LONDON, E1 6RL (LSC 17/011)

At the request of the Chair, Mr Nick Kemp, introduced the report which detailed the application for a new premises license for 118 Brick Lane, London E1 6RL. It was noted that an objections had been received by the Metropolitan Police, Environmental Protection, Planning Enforcement and local residents.

At the request of the Chair Mr Azmal Hussain, applicant explained that the license had elapsed and wanted a like to like license as previously granted. He explained that there were a couple of off licenses in the area which had sale of alcohol licenses until 03:00 hours in the morning and other restaurants on Brick Lane had licenses until 02:00 hours and therefore requested that the sub-committee grant the license. He also stated that he was happy for conditions to be imposed to help promote the licensing objectives.

Mr Alan Cruickshank, Metropolitan Police, referred to his statement on page 135 of the agenda and explained that Brick Lane was already a very busy area, one which would be suitable for a saturation policy. He highlighted that the night time economy was important, however needed to be balanced between the needs of the residents and those of the local businesses. He explained that the hours were excessive and the hours exceeded the vast majority of other restaurants in Brick Lane. He believed that if the license was to be granted in its entirety there would be a number of other restaurants that would apply for similar hours and this would have a detrimental effect on the lives of the local residents.

Mr Cain Duncan, Planning Enforcement, referred to his statement on page 141 of the agenda and explained that planning enforcement did not support the application to supply alcohol until 02:00 hours, as this would cause

serious public nuisance to surrounding residential occupiers later into the evening than what currently occurs. He stated that brick lane had reached a point where the late night economy is drawing uncontrollable large volumes of people to the area, late at night especially in weekends and is causing serious late night noise and disturbance issues to residents who live in the area. He explained that the granting of the premises license will not maintain a balance between commercial activities and residential amenity.

He also explained that the hours being applied for could not legally be implemented as the premises did not have planning permission nor was planning permission likely to be granted. It was noted that he would support the application if the hours of operation were restricted to midnight in accordance with the granting of planning permission.

Derrick Harrington, Environmental Protection referred to his statement on page 147 of the agenda and stated that the applicant had told him that he had sent in an application with amended hours, however this had not been received and therefore Environmental Protection was still in objection the application. He explained that the hours are both excessive and unreasonable and lacked managerial control.

Mr Harrington explained that the applicant had not applied for late night refreshments and the hours proposed for the sale of alcohol for consumption on the premises was the same as the proposed opening hours with no 30 minutes drinking up period. He suggested that if the application is to be granted then the same hours and conditions be imposed as agreed and resolved for the applicant's application for 108 Brick Lane.

The Chair then invited residents who wished to address the Committee, Jane Curtis, and John Critchley, spoke in objection to the application, each addressing similar concerns in relation to noise nuisance, public disorder, anti-social behaviour, and crime and disorder.

It was noted that all residents who had made representations were sent notifications letters informing them of the meeting on 16th June 2010.

In response to a question Mr Cruickshank explained that on 23rd July 2010 during the consultation period he had seen people drinking in premises at 21:00 hours, when there was no premises license for the sale of alcohol.

In response to further questions, the applicant confirmed that it was two premises which were linked through the basement, that he believed that customers could bring their own drinks if there was no premise license, that there was 60/70 covers for each premises and that he already employed SIA door staff. Concerns were raised as to the warning letters, Mr Hussain explained that he did not apply for planning permission because he wasn't aware that he required planning permission. In response to another question Mr Hussain confirmed that CCTV cameras would be in operation within the premise.

The Chair advised that the Sub Committee would at 7.45pm adjourn to consider the evidence presented. Members reconvened at 8.40pm. The Chair reported that;

Having heard from applicant, local residents and officers representing the Metropolitan Police, Environmental Protection and Planning Enforcement, the decision was to grant the application in part with a number of conditions.

The Sub-Committee considered the application based on the information that was provided at the meeting, giving due weight to planning and environmental issues in this instance. However the decision was ultimately decided in regard to the licensing objectives, in this case, the prevention of crime and disorder and the prevention of public nuisance.

It was noted that the Sub-Committee could only impose conditions that related to the licensing objectives and believed that it was not within their remit to impose all conditions suggested by Planning Enforcement, however hoped a voluntary agreement could be reached between the applicant and Council's Planning Enforcement Department.

RESOLVED

That the new application for 118-122 Brick Lane, London E1 6RL be **Granted in part** with the following conditions;

Sale of Alcohol (on and off sales)

Monday to Saturday from 12:00 hours to 23:00 hours
Sunday from 12:00 hours to 22:30 hours

The Provision of Regulated Entertainment (Recorded music only)

Monday to Saturday from 12:00 hours to 23:00 hours
Sunday from 12:00 hours to 22:30 hours

Hours Premises is Open to the Public

Monday to Saturday from 12:00 hours to 23:30 hours
Sunday from 12:00 hours to 23:00 hours

Conditions

1. No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service, and the agreed level be made available to the public on request.
2. To ensure, as far as reasonably practical, that patrons who enter and exit the premises especially late at night will act quietly and

considerately at all times by ensuring prominent and clearly legible notices to be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

3. At all times, two trained SIA security staff will be on duty within the premises, with one on each door, for door control to maintain good order and public safety.
4. The premise is required to have CCTV cameras installed, covering the premises internally and externally.
5. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. No food or drink will be allowed to be consumed outside the premises.
7. There will be no early morning (before 08:00 hours) or late night (after 19:00 hours) deliveries of food and drink to the premises. No bottles or refuse will be placed outside the premises after 21:00 hours.

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

8.1 Application for a Temporary Event Notice for 4th to 5th September 2010 at The Old Distillery, 33-35 Commercial Road, E1 1LD

This item was withdrawn by the applicant at the meeting. Therefore the application did not require consideration by the Licensing Sub Committee.

The meeting ended at 8.50 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee

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Agenda Item 5.1

Committee: Licensing Sub-Committee	Date: 31 August 2010	Classification: UNRESTRICTED	Report No. LSC 20/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Kathy Driver Acting Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for: Cost Cut, 219 East India Dock Road, London E14 0ED Ward affected: East India and Lansbury
---	--

1.0 Summary

Name and Address of premises:	Cost Cut 219 East India Dock Road London E14 0EG
Licence under review:	Licensing Act 2003 ▪ Sale by retail of alcohol
Representations:	Trading Standards (Local weights and measures Authority)

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">Guidance Issued under Section 182 of the Licensing Act 2003Tower Hamlets Licensing PolicyFile		Kathy Driver 020 7364 5171

3.0 Review Application

3.1 This is an application for a review of the premises licence for Cost Cut, 219 East India Dock Road, London E14 0ED. The review was triggered by Trading Standards, the local weights and measures authority.

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

4.0 The Premises

4.1 The premises licence was issued on 1st March 2006. A copy of the current licence is contained in **Appendix 2**. There have been no changes to the licence holder since the licence was granted, a new Designated Premises Supervisor was appointed on 3rd March 2010.

The current licensed hours are Monday to Sunday from 06:00 hours to 02:00 hours the following day.

4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: Trading Standards

5.2 This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary for State for Culture, Media and Sport. In particular the Service requests that you consider paragraphs 11.23 to 11.28, Reviews arising in connection with crime, making reference to paragraph 11.26. Paragraph 11.26 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises for, amongst other things, the sale of smuggled tobacco. In paragraph 11.27 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

5.3 Only representations that relate to the following licensing objectives are relevant:

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

5.4 In the view of the responsible authority it is necessary to achieve the licensing objectives of the prevention of crime & disorder and the protection of children from harm.

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 Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 4**. It is available on the Government’s website, www.culture.gov.uk. It was last revised in March 2010.

6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS 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 DCMS 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, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 5**.

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 6**. The Pool Conditions in the Policy are the same as the Government’s.

6.6 The DCMS has issued guidance in relation to Protection of Children from Harm see **Appendix 7**

6.7 The Councils Licensing Policy in relation to the Protection of Children from Harm is shown in **Appendix 8**.

6.8 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested

parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 6.9 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).
- 6.10 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 Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters were considered before any representations were accepted for inclusion in this report.
- 6.11 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

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

- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 4**. Members must consider all the evidence and then decide from the following alternatives:

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

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

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

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

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

9.0 Legal Comments

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

10.0 Finance Comments

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix 5	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 6	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 7	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Protection of Children from Harm
Appendix 8	Licensing Policy in relation to the Protection of Children from Harm

Appendix 1

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 Ian David Moseley

(Insert name of applicant)

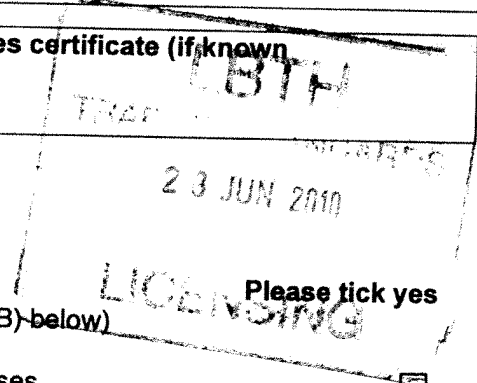
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Cost Cut 219 East India Dock Road	
Post town London	Post code (if known) E14 0ED

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

Number of premises licence or club premises certificate (if known) 10588
--



Part 2 - Applicant details

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)

Please tick

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

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ian David Moseley Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) 020 7364 6840
E-mail address (optional) ian.moseley@towerhamlets.gov.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

- 1) Counterfeit and non-duty paid goods have been found on the premises
- 1) Sale of alcohol when no valid licence was in effect (outside hours)
- 4) Underage sales of alcohol and tobacco have occurred on more than on occasion.

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

Please see attached report

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 (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

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

Cost Cut (aka Costcutter) 219 East India Dock Road, London E14 0ED

Licence No - 10588

Licensee - Mrs Miznar Rahman

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

London Borough of Tower Hamlets – Trading Standards Service

REPRESENTATIONS

1. The Trading Standards Service, as the Local Weights and Measures Authority, is designated a responsible authority for the purposes of the Act and is raising this review in relation to Licensing Objective 1 - the prevention of crime and disorder and Licensing Objective 2 - the protection of children from harm
2. Test Purchases undertaken by trading standards departments are carried out in accordance with a nationally agreed Code of Best Practice between the Trading Standards profession (Trading Standards Institute), Local Authorities Coordinators of Regulatory Services (LACORS) and the Department for Culture, Media and Sport.
3. In the case of the sale to an underage person this could have been avoided by the seller asking the test purchaser his age and for him to produce a recommended proof of age card.

Underage test purchases

4. on the 26th of May 2009 a sale of tobacco to a person under 18 was made to a volunteer operating under the instruction of officers from LBTH Trading Standards. A simple caution was given to the seller Mr Miznar Rahman
5. On the 26th of August 2009 an attempted underage test purchase of alcohol was refused

6. On the 25th of July 2009 a sale of alcohol to a person under 18 was made to a volunteer operating under the instruction of officers from LBTH Trading Standards
7. On the 4th of November a further sale of alcohol was made to a person under 18 was made to a volunteer operating under the instruction of officers from LBTH Trading Standards and the premises were flagged for review pending information from another agency.

Counterfeit and non-duty paid items

8. On the 22nd of April 2010 a multi agency visit with officers from LBTH Trading Standard, the Police and HMRC was made to the premises. The trader was found to be in possession of 10,000 non-duty paid cigarettes, 7 bottles of counterfeit Glen's vodka, 29 packets of counterfeit condoms, 249 bottles (186.75 litres) of mixed Italian wine non-duty paid and 5 bottles of Smirnoff vodka bearing fake duty stamps. These matters are still being investigated with a view to prosecution.

Out of hours sales

9. On the 28th of February 2009 officers from LBTH licensing department were able to purchase alcohol at 2:20 a.m. when the license was in effect only to 2 a.m. A warning letter was issued
10. A further attempt to buy outside hours on the 26th of April was refused however a further such purchase was made on the 13th of June 2009 and an possible out-of-hours purchase by a customer was observed on the 5th of December 2009 after officers were refused
11. The sale of alcohol to persons under 18 is considered to be a strong contributory factor to anti-social behaviour in Tower Hamlets and has clear adverse health implications for the purchasers and is an offence under the provisions of Section 146 of the Licensing Act 2003

12. The possession for supply of counterfeit items constitutes an offence under the provisions of Section 92 of the Trade Marks Act 1994 which carries a maximum penalty of 10 years imprisonment . Additionally, counterfeit products are unlikely to be of the same quality as the original product and there is a risk of such products containing harmful substances.
13. The possession of non-duty paid items represents a loss to the Exchequer and may constitute an offence under Sections 170, 170B Customs and Excise Management Act 1979.

In view of the range and scale of the problems associated with these premises officers have no confidence that the imposition of additional conditions would resolve the problems found and therefore the Trading Standards Service respectfully submits **that the Licensing Sub-Committee exercises its power under Section 52 of the Licensing Act 2003 and revokes the premises licence**

WITNESS STATEMENT

ENGLAND AND WALES ONLY


(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of: Benjamine Cooper

Age if under 18: **OVER 18** (If over 18 insert 'over 18')

Occupation: OFFICER OF H.M. Revenue & Customs

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

Signature:  -----

Date: 17th June 2010

I am an Officer of H.M. Revenue & Customs based at Jubilee House, Stratford, London, E15 1AT.

On 22nd April 2010, Officer Clark from H.M. Revenue & Customs and I, with Officers from Tower Hamlets Police Licensing Unit (Bethnal Green) and Trading Standards (Tower Hamlets) conducted a joint operation targeting various Off Licences within the area.

At 10:20 hours, Officers from the above mentioned agencies and I entered the premise at Costcutt, 219 East India Dock Road, London, E14 0ED.

We all identified ourselves accordingly and explained the reasons for the visit (checks on UK Duty Paid stickers/stamps on both alcohol and cigarettes) to a man I now know to be Mr Ali Ahmed.

A search was conducted under Customs & Excise Management Act 1979, s.112.

Found on shelving behind the counter and the rear stock room was a total of 249 bottles (186.75 litres) of mixed Italian wine. This was being sold as 2 bottles of wine for £5. When asked for documentary evidence, such as purchase invoices for the wine, none was forthcoming/available.

Also found were five bottles (3.5 litres) of Smirnoff Vodka (70cl, 37.5% each). The UK Duty stamps were tested on all five bottles using an Ultra Violet light. The result being that all five bottles were counterfeit.

At 10:30 hours, all the above mentioned goods were seized under CEMA 1979, s.139.

Forms C156 (Notice of Seizure) and C162 (Warning letter) were issued to and signed by Mr Ali Ahmed.

At approximately 11:20 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £420.06 for the wine and £43.13 for the Smornoff Vodka, plus 17.5% VAT.

Date: 17th June 2010

Signature:  -----

(signature of witness)

Signature: -----

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 1

EHFO 681A

Page 40

CEP (Aug 2008)

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

10588


(Costcutter)
219 East India Dock Road
London
E14 OED

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 1st March 2006

FOR OFFICE USE

Receipt Number

Fee Paid

Fee Req.

Date

Initial

161560

£190 Page 43

16/1/06

MT



Part A - Format of premises licence

Premises licence number

10588

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Costcutter)
219 East India Dock Road

Post town
London

Post code
E14 OED

Telephone number
020 7987 4003

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 06:00 hours to 02:00 hours the following day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 06:00 hours to 02:00 hours the following day

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

Off sales only

Part 2

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

Mrs. Minara Begum

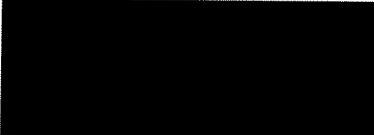


Registered number of holder, for example company number, charity number (where applicable)

Not applicable

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

MD Lalon Miah



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

Issuing Authority: London Borough Newham Council
Personal Licence No.: 10/00191/LAPER

Annex 1 - Mandatory conditions

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

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

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

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

CCTV system to be maintained inside and outside the premises.

A "No proof no sale" policy shall be implemented at the premises.

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:

1st March 2006



Part B - Premises licence summary

Premises licence number 10588

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Costcutter)
219 East India Dock Road

Post town London	Post code E14 OED
----------------------------	-----------------------------

Telephone number
020 7987 4003

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 06:00 hours to 02:00 hours the following day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 06:00 hours to 02:00 hours the following day

Name, (registered) address of holder of premises licence

Mrs. Minara Begum

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

Off sales only

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

Not applicable

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

MD Lalon Miah

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

No restrictions

Appendix 3

Map



Scale 1:1228

Map of:

Notes:

219 East India Dock Road

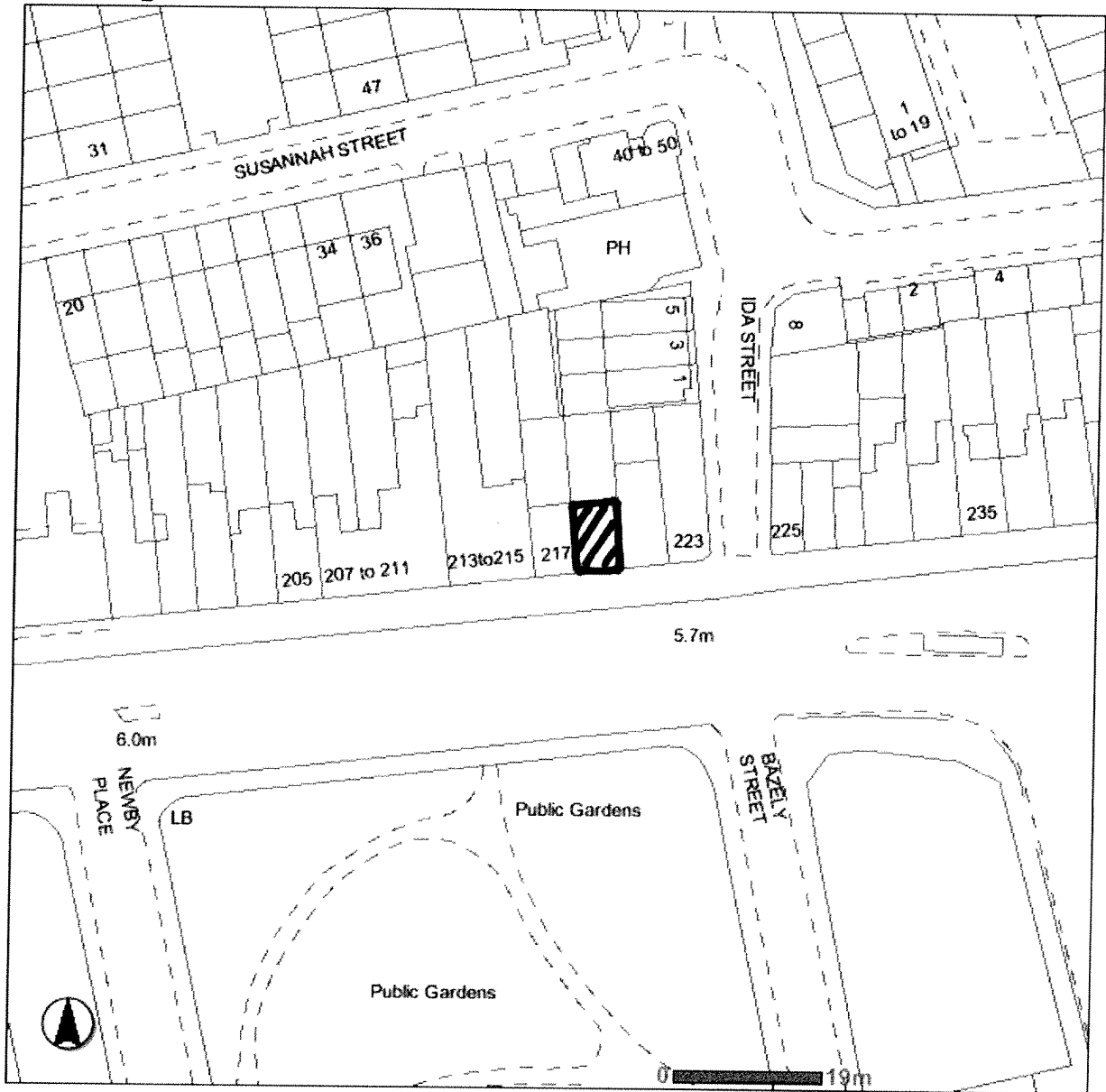
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Map



Scale 1:814

Map of:

219 East India Dock Road

Notes:

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Appendix 4

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

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 on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like 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 concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to 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;
- to 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);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 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 which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 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.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 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 a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 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 or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. 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. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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 behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

- 11.24 Where the licensing authority is conducting a review on the ground 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 licensee 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 necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. 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. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs 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 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 unlawful gaming and gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

- 11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 5

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

Crime and Disorder Act 1998

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

Pool Conditions

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
 - the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - any police instructions/directions are complied with whenever given;
- and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
 - the number of supervisors;
 - the displaying of name badges;

- the carrying of proof of registration;
 - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
 - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sitting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or other similar initiatives. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and

irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

Appendix 6

Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 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.

- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

Appendix 7

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
 - heavy or binge or underage drinking;
 - drugs;
 - significant gambling; or
 - any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature,

there should be a strong presumption against permitting any access at all for children under 18 years.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached.

However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Part 3).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives.

Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

Appendix 8

London Borough of Tower Hamlets Policy in relation to the Protection of Children from Harm

Licensing Policy

The Policy recognises the wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or Entertainment. The Act does not prohibit children from having access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm. **(See Section 9 of the Licensing Policy).**

The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises **(See Section 9.4 of Licensing Policy).**

The Licensing Authority recommends applicants to consult with the Area Child Protection Committee or such other body, as they consider appropriate. **(See Section 9.3 of the Licensing Policy).**

The Licensing Authority will consider attaching conditions to protect children from harm and these may include Conditions drawn from the Model Poll of Conditions relating to the Protection of Children from Harm. **(See Appendix 2 Annex H of the Licensing Policy).** In particular Members may wish to consider a range of conditions that are to be tailored to the particular premises and their activities (this list is not exhaustive):

- Limiting access of children to premises
- Limitations on the hours when children maybe present
- Limitations or exclusions when certain activities are taking place
- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time
- Notices on premises displaying age restrictions
- Conditions requiring sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency
- Requirements of staff supervision in areas occupied by children
- Whether conditions appropriate for restricting use of special effects around children
- Adequate chaperones for children
- Requirement for production of proof of age cards

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs when there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety.

Section 169A(2) of the Licensing Act 2003 enables a senior police officer (or inspector of weights and measures) to close premises for maximum of 48 hours to prohibit the sale of alcohol for repeatedly selling alcohol to underage persons.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided. (2.41)

In the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children. (2.42)

Licence conditions should not duplicate other legislation (1.16).

Conditions, where they are necessary, should reflect the licensable activities taking place on the premises (2.47)

The Secretary of State considers that representations made by the child protection bodies and the police in respect of individual applications should be given considerable weight when they address necessary issues regarding the admission of children. (2.48)

Other Legislation

Violent Crime Reduction Act 2006

The Act introduces new measures to ensure that police and local communities have the powers they need to tackle guns, knives and alcohol-related violence.

Confiscation of Alcohol (Young Persons) Act 1997

Alcohol Confiscation – any person in a public place or trespassing **if any under 18** have drunk or likely to drink. Dispose on the spot unless local instructions direct otherwise.

Agenda Item 5.2

Committee: Licensing Sub-Committee	Date: 31 August 2010	Classification: UNRESTRICTED	Report No. LSC 21/011	Agenda Item No.
--	--------------------------------	--	---------------------------------	--------------------

Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Nick Kemp - Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Mile End Food & Wine, 93 Burdett Road, London, E3 4JN Ward affected: Mile End East
---	--

1.0 Summary

Name and Address of premises: **Mile End Food & Wine**
93 Burdett Road, London, E3 4JN

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**

Representations: **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
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		020 7364 7446

3.0 Review Application

3.1 This is an application for a review of the premises licence for: Mile End Food & Wine, 93 Burdett Road, London, E3 4JN. The review was triggered by the Metropolitan Police .

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

4.0 The Premises

4.1 The premises licence was issued on 21st November 2008. A copy of the current licence is contained in **Appendix 2**.

4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by:

The Metropolitan Police

This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary for State for Culture, Media and Sport. In particular the Service requests that you consider paragraphs 11.23 to 11.28, Reviews arising in connection with crime, making reference to paragraph 11.26. Paragraph 11.26 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises for, amongst other things, the sale of smuggled tobacco. In paragraph 11.27 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

5.2 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

5.3 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of:

- 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 Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 4**. It is available on the Government’s website, www.culture.gov.uk. It was last revised in March 2010.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS 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 DCMS 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, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 5**.
- 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 6**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 6.7 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).

6.8 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 Services Manager Ms Jacqueline Randall 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.

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

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

7.0 Review Advertisement

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

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

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

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

8.0 Licensing Officer Comments

8.1 The Government's advice in relation to reviews is contained in **Appendix 4**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so

- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix 5	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 6	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder

Appendix 1



This form should be completed and forwarded to:

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

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 124HT Andy Jackson on behalf of the Commissioner of the Metropolitan Police (*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 Mile End Food and Wine (aka DKN Supermarket) 93 Burdett Road	
Post town London	Post code (if known) E3 4JN

3TH
STANDARDS
17 JUL 2011
LONDON

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

PC124HT Andy Jackson
Licensing Officer
Bethnal Green Police Station
12 Victoria Park Square
London E2 9NZ

Telephone number (if any)

E-mail (optional) Andy.Jackson@met.police.uk

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 type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please provide as much information as possible to support the application (please read guidance note 2)
This review is applied for under the crime and disorder
licensing objective.

The basis of this review relates to a series of operations run jointly between Police, Trading Standards and Customs (HMRC) which have been running since November 2009. The aim of these visits was to identify which premises were selling goods which were either counterfeit or smuggled and to investigate offences under the Licensing Act 2003.

Certain off licences were identified following a review of intelligence from all 3 agencies where they had come to notice for similar offences in the past. No random visits were made.

13 premises across the Borough were identified for visits on 2 days in April 2010.

Entry to each premise was made under the Licensing Act 2003 as well as customs and trading standards legislation.

The review you will hear today concerns Mile End Food and Wine, 93 Burdett Road, E3 4JN.

The premise was visited on 21st April 2010 at 1420hrs.

On entry to the premise we found a total of 38.5 litres (55 bottles) of mixed spirits for sale which displayed a counterfeit duty stamp. These goods were seized by HMRC under Secs. 112 and 118. Customs and Excise Management Act 1979.

These spirits should have displayed a numbered Customs sticker which is either separate or incorporated in the label on the bottle. This applies to bottles over 35cl in size and where the alcohol by volume exceeds 30%. This is a system which has been in force since 1st January 2007. Bottles are checked using an ultra violet lamp and the correct stickers light up in a way that the fake one don't as they have just been printed on paper.

Further examination of the wine on sale revealed that there were 136 bottles (102 litres) of mixed wines. The wines were for sale at a price where the duty for the goods couldn't have been paid. These were seized under Sec 139 of CEMA 1979.

No receipts were produced for the goods seized at the time and a notice of seizure and a warning letter were issued to the

occupant Mr Hasan Cetin.

When questioned Mr Cetin admitted to buying the goods (both wines and spirits) from a man who came to the shop in a van.

The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been produced.

The goods seized amounted to a total of £703.81 of duty evaded which rises to £826.32 when VAT is added at 17.5%.

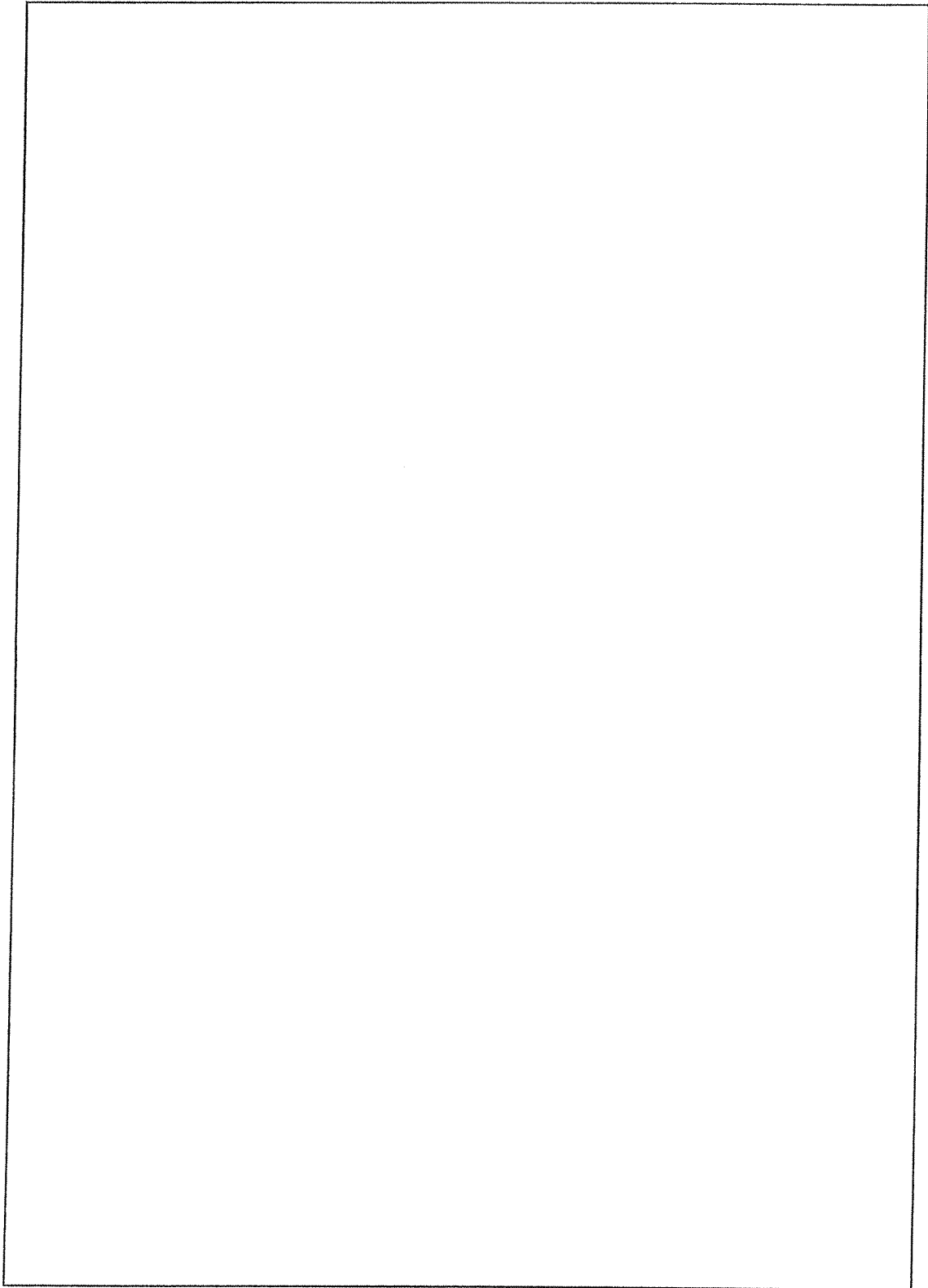
DCMS Guidance states "certain criminal activity in connection with licensed premises, which the Sec of State considers should be treated particularly seriously", one of these activities is "for the sale of smuggled tobacco and alcohol".

The Guidance also states that police are expected to use the review procedures effectively to deter such activities and crime and that even after a first instance revocation of the licence should be seriously considered.

In this case we have requested a revocation of the licence due to the greater amount of goods that were seized in comparison to other premises where suspension was requested.

We have taken a view that when a licensed premise has a smaller amount of smuggled goods, a suspension of the licence would be sought and that we would suggest that the licensing panel be invited to decide as to the length of any suspension involved. We also felt that a premise which has 38.5 litres of spirits and 102 litres of wine for sale should be treated differently to a premise where both the amount of spirits and wine are in much smaller amounts. We believe that this is a proportionate response.

Of course the panel can decide that they consider suspension to be necessary to promote the licensing objective of crime and disorder. However we feel that by revoking the licence in this incidence it would send a powerful message not only to this premise but, with the correct publicity, to all off licenses on this Borough. This is important because we have now completed 3 operations of this type on this Borough and have found the majority of off licences visited selling smuggled and/or counterfeit alcohol.



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

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 Please tick yes

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 authorised agent (please read guidance note 4). If signing on behalf of [redacted] in an authorised capacity.

Signature

Date 7th July 2010

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)	

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of: Benjamine Cooper

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

Occupation: Officer of H.M. Revenue & Customs

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

Signature:

Date: 24th June 2010

I am an Officer of H.M. Revenue & Customs based at Jubilee House, Stratford, London, E15 1AT.

On 21st April 2010, Officer Clark from H.M. Revenue & Customs and I, with Officers from Tower Hamlets Police Licensing Unit (Bethnal Green) and Trading Standards (Tower Hamlets) conducted a joint operation targeting various Off Licences within the area.

At 14:20 hours, Officers from the above mentioned agencies and I entered the premise at Mile end Food & Wine, 93 Burdett Road, London, E3 4JN.

We all identified ourselves accordingly and explained the reasons for the visit (checks on UK Duty Paid stickers/stamps on both alcohol and cigarettes), to a man I now know to be Mr Hasan Cetin.

A search was conducted under Customs & Excise Management Act 1979, s.112.

Found on shelving behind the counter/shop shelving and the rear stockroom was a total of 136 bottles (102 litres) of mixed Italian wine. This was being sold as 2 bottles of wine for £5. When asked for documentary evidence, such as purchase invoices for the wine, none was forthcoming/available.

Also found were 55 bottles (38.5 litres) of mixed spirits at 37.5% volume. The UK Duty stamps were tested on all bottles using an Ultra Violet light. The result being that all bottles were counterfeit.

Officer Clark the spoke to Mr H. Cetin.

MC: Where did you by the cheap wine?

HC: From a man in a van.

MC: Where did you buy the Whisky and Vodka?

HC: From a man in a van.

At 15:05 hours, all the above mentioned goods were seized under CEMA 1979, s.139.

Date: 24th June 2010

Signature:

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 2

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of: Benjamine Cooper

Forms C156 (Notice of Seizure) and C162 (Warning letter) were issued to and signed by Mr Hasan Cetin.

At approximately 15:10 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £229.43 for the wine and £474.38 for the mixed spirits, plus 17.5% VAT.

Date: 24th June 2010

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 2 of 2

Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 3 The application form must be signed.
- 4 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 5 This is the address which we shall use to correspond with you about this application.

Draft

**Response to application for review of licence
under Section 51 of the Licensing Act 2003**

Premises:- Mile End Food and Wine, 93 Burdett Road

Applicant:- Metropolitan Police

Respondant- Weights and Measures Authority, Ian Moseley, Inspector of Weights and Measures

In the period from October 2008 to date the Authority has had 2 complaints alleging underage sales of alcohol from these premises. In the same period the Authority has carried out 5 test purchase attempts with sales being correctly refused each time.

We are, however, aware that there are concerns about anti-social behaviour in the local area and especially in Mile End Park opposite the premises. There are also at least 6 other premises providing off-sales within a 500 metre radius of the Mile End junction.

We are also concerned that the owner of the premises has admitted to the purchase of items of unknown provenance. Not only does this represent a loss to the National Revenue from the failure to pay duty, it also introduces a health risk as the contents of the bottles may be contaminated.

As a consequence we would support the application by the Metropolitan Police.

As an alternative should the panel decide not to revoke the licence we would ask that they consider applying the following conditions.

Bottlewatch scheme

1) All containers of alcohol on display for sale and sold shall be marked with an ultra-violet label or pen identifying the premises. The label or marking shall bear a unique premises reference number in a form to be notified to the premises separately

2) The label or marking shall be applied to all retail packs or units displayed for sale within the premises. The unique reference number shall be positioned near to the bar coding on the product unless an alternative position is agreed in writing with the Licensing Authority

The purpose of this scheme, which will be extended to other premises in the near vicinity, is to identify the suppliers of alcohol containers where these are found in connection with under-age sales and antisocial behaviour. As this is an experimental scheme the Council will be supplying stickers and lending applicators to the initial group of premises.

Restrictions on purchases of alcohol

- 1) The premises licence holder and persons in his employ shall not purchase any goods from door-to-door sellers .
- 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
- 3) Copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

These conditions are requested as we are aware that a number of counterfeit items have been supplied to shops in the Borough and that the source of these items is often itinerant traders who do not provide sufficient details to allow products to be traced.

DKH Stores, 93 Burdett Road, London, E3 4JN
Representations consequent to review request from Metropolitan Police.

Ian Moseley, Senior Trading Standards Officer
for
Local Weights and Measures Authority

I have examined the records held by the Trading Standards Service and can state that, with regard to underage sales, three allegations were received From 9/1/2008 to 27/5/09 that underage sales of alcohol were taking place from the premises, however 5 test purchase attempts were correctly refused for 2008 to date

With regard to the later possession of non-duty paid wine and counterfeit vodka the authority would concur with the Police representation with regard to the revocation of the licence for a period to be decided by the panel.

In addition and separately from the issue of revocation we are aware that a number of counterfeit and non-duty paid items have been supplied to shops in the Borough and that the source of these items is often itinerant traders who do not provide sufficient details to allow products to be traced.

Not only does this represent a loss to the National Revenue from the failure to pay duty, it also introduces a health risk as the goods may be defective or contain contaminants..

In the event that the panel decides not to revoke premises licence the Trading Standards Service respectfully recommends **that the Licensing Sub-Committee exercises its power under Section 52 of the Licensing Act 2003 impose the following conditions.**

Restrictions on purchases of alcohol

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers .
- 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
- 3) Copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

12925

(DKH Supermarket)
93 Burdett Road
Mile End
London
E3 4JN

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Crus 
Team Leader Licensing

Date: 21st November 2008



Part A - Format of premises licence

Premises licence number

12925

Part 1 - Premises details

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

(DKH Supermarket)
93 Burdett Road
Mile End

Post town
London

Post code
E3 4JN

Telephone number
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday, from 08:00 hours to 01:00 hours the following day

The opening hours of the premises

- Monday to Sunday, from 08:00 hours to 01:00 hours the following day

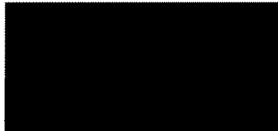
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off sales only

Part 2

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

Mr Hasan Cetin

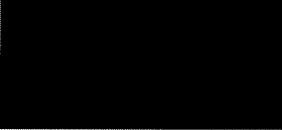


Registered number of holder, for example company number, charity number (where applicable)

N/A

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

Mr Hasan Cetin



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: London Borough of Hackney

Annex 1 - Mandatory conditions

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.

2. At least two members of staff to be on the shop floor between 22:00 hours to closing time.
3. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open to the public for licensable activities. The recordings shall be kept available to an Authorised Officer or a Police Officer within 24 hours of any request.
4. Clear and legible notices to be prominently displayed reminding customers to respect neighbours and leave quietly.
5. The premises shall adopt BII Challenge 21, the National Proof of Age Standards Scheme.
6. The licensee and staff shall ask any persons who appear to be under the age of 18 for photographic identification such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM forces or by an EU country, bearing the photograph and date of birth of bearer.
7. A register of refused sales shall be kept and maintained on the premises.

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

N/A

Annex 4 - Plans

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

23 June 2008



TOWER HAMLETS

Licensing Act 2003

Part B - Premises licence summary

Premises licence number

12925

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
(DKH Supermarket) 93 Burdett Road Mile End	
Post town London	Post code E3 4JN
Telephone number None	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday, from 08:00 hours to 01:00 hours the following day

The opening hours of the premises

- Monday to Sunday, from 08:00 hours to 01:00 hours the following day

Name, (registered) address of holder of premises licence

Mr Hasan Cetin



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

Off sales only

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

N/A

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

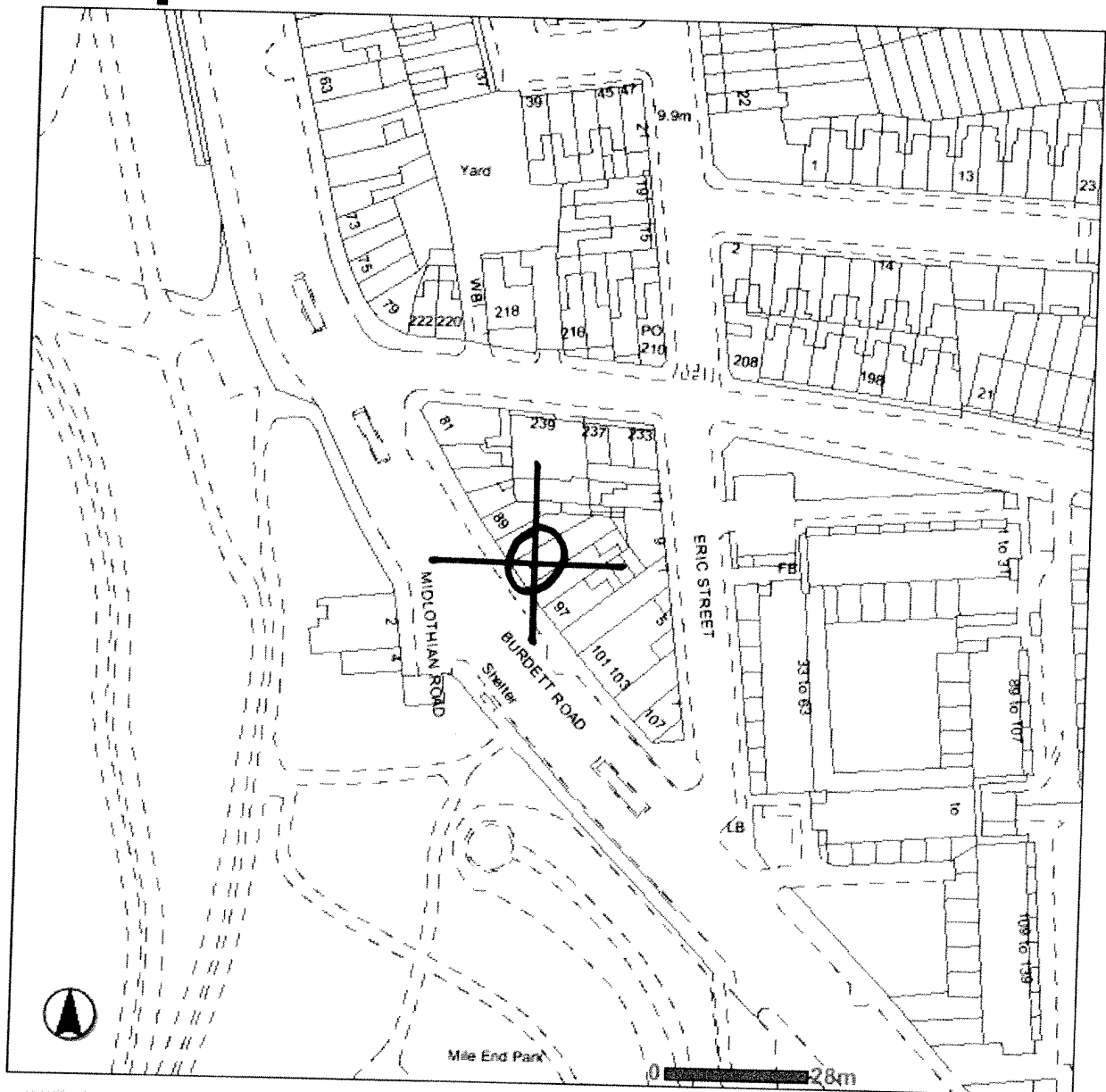
Mr Hasan Cetin

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

No restrictions

Appendix 3

Map



Scale 1:1228

Map of:

Burdett Road

Notes:

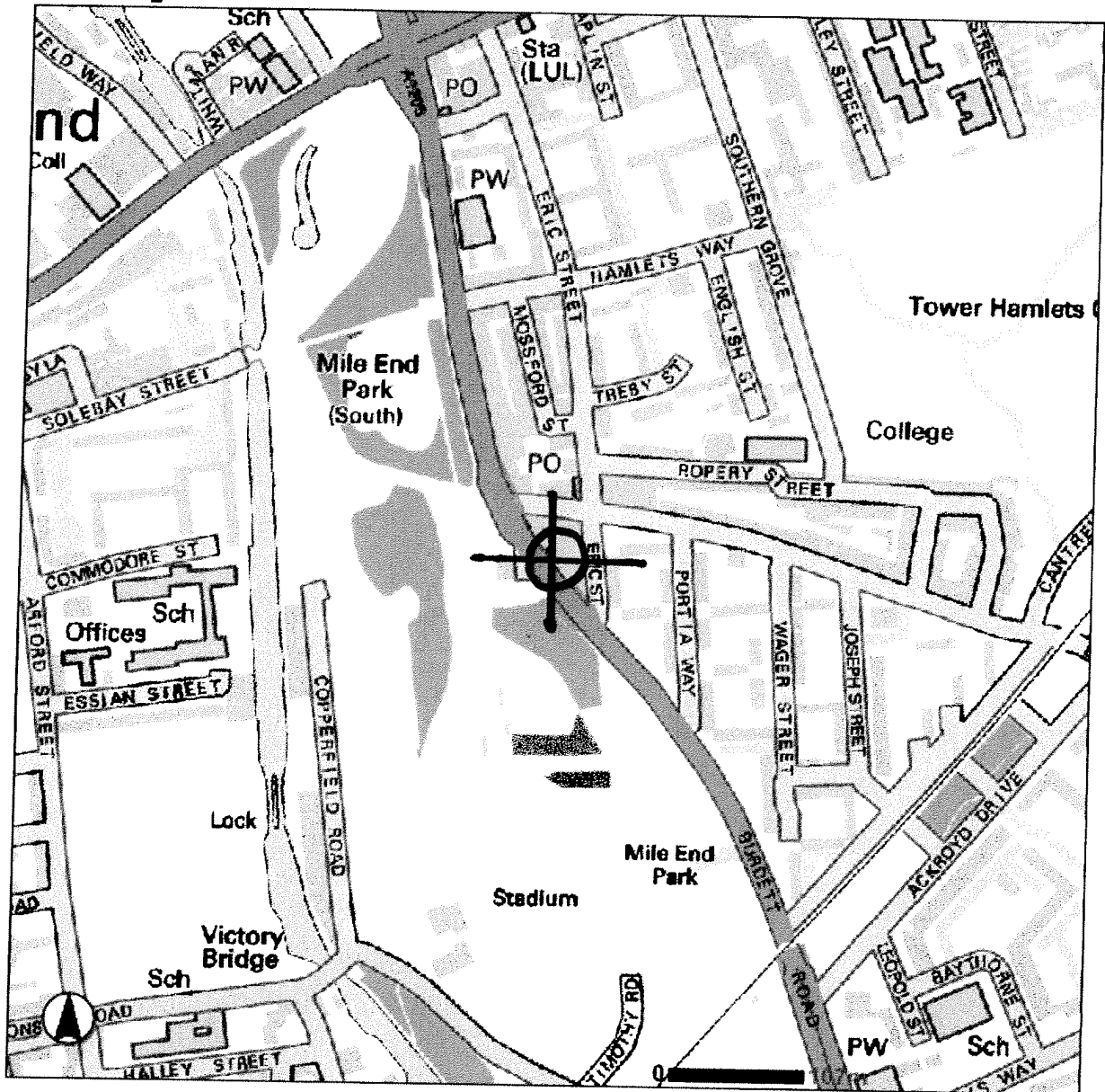
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Map



Scale 1:5000

Map of:

Burdett Road

Notes:

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Appendix 4

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

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 on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like 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 concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to 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;
- to 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);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 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 which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 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.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 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 a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 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 or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. 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. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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 behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground 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 licensee 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 necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. 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. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs 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 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 unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 5

**Guidance Issued by the Department for Culture Media and Sport under
Section 182 of the Licensing Act 2003**

Crime and Disorder Act 1998

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

Pool Conditions

**Guidance Issued by the Department for Culture Media and Sport under
Section 182 of the Licensing Act 2003**

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
 - the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - any police instructions/directions are complied with whenever given;
- and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
 - the number of supervisors;
 - the displaying of name badges;
 - the carrying of proof of registration;

- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
 - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be

necessary for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or other similar initiatives. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they

consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

Appendix 6

Licensing Policy Adopted by the London Borough of Tower Hamlets

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.

In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

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Agenda Item 5.3

Committee: Licensing Sub-Committee	Date: 31 August 2010	Classification: UNRESTRICTED	Report No. LSC 22/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Nick Kemp - Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for The Urban Bar, 27 Three Colt Street, E14 8HH. Ward affected: Limehouse
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1.0 Summary

Name and Address of premises: **The Urban Bar, 27 Three Colts Street, London, E14 8HH**

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Regulated entertainment**
- **Late night refreshment**

Representations:

- **Environmental Protection**
- **Police**
- **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		020 7364 5498

3.0 **Review Application**

- 3.1 This is an application for a review of the premises licence for Urban Bar, 27 Three Colts Street, London, E14 8HH. The review was triggered by the Metropolitan Police and then supported by local residents and Environmental Protection.
- 3.2 A copy of the review application is attached in **Appendix 1**.

4.0 **The Premises**

- 4.1 The premises licence was issued on 30th November 2007. A copy of the current licence is contained in **Appendix 2**.
- 4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 **Representations**

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: the Metropolitan Police.
- 5.2 The review is supported by Environmental Protection, Noise Team see **Appendix 4**.
- 5.3 The review is also supported by local residents (see **Appendix 5** for a list of objectors). Please see **Appendices 6-11** for the individual representations.
- 5.4 The licensee is supported by a number of customers (see **Appendix 5** for a list of customers). Please see **Appendices 12-26** for individual representations.
- 5.5 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
- 5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of:
- the prevention of public nuisance
 - The prevention of crime and 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 Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 27**. It is available on the Government’s website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS 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 in its revision of the 28 June 2007 the DCMS 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, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 28.**
- 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 29**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 The DCMS has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 30**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 31**.
- 6.8 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their

concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 6.9 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).
- 6.10 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 Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 3.3 and 3.4 were considered before any representations were accepted for inclusion in this report.
- 6.11 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

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

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 27**. Members must consider all the evidence and then decide from the following alternatives:

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

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

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

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

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

9.0 Legal Comments

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

10.0 Finance Comments

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Representations from Environmental Protection
Appendix 5	Summary of residents representations
Appendix 6-11	Representations from residents supporting the review
Appendix 12-26	Representations from customers supporting the licensee
Appendix 27	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix 28	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 29	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 30	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 31	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1



This form should be completed and forwarded to:

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

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 124HT Andy Jackson on behalf of the Commissioner of the Metropolitan Police (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 The Urban Bar, 27 Three Colt Street		LBTH TRADING STANDARDS 04 MAY 2010 LICENSING
Post town London	Post code (if known) E14 8HH	

Name of premises licence holder or club holding club premises certificate (if known)	Lormar Ltd
Number of premises licence or club premises certificate (if known)	12295

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

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

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

Surname **First names**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC124HT Andy Jackson
Licensing Officer
Bethnal Green Police Station
12 Victoria Park Square
London E2 9NZ

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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please provide as much information as possible to support the application (please read guidance note 2)
This review is under the crime and disorder and the public nuisance licensing objectives.

Following complaints from local residents about the noise levels of customers, allegations of anti social behaviour and after hours drinking police decided to observe the premise during the early hours of Saturday 17th April 2010. On several occasions between 0110 and 0212hrs large groups of people were seen to be drinking and smoking outside the front door of the premise. This led to loud conversations taking place as they had just left a noisy bar and their hearing was impaired. Whilst it was noted that the conversations were of a good nature, they were loud and often abusive littered with swearing, particularly in the case of one drunken female. She was seen to hold a loud abusive, good natured (non threatening) conversation with several people outside the bar, one of which was the door man. Instead of attempting to keep her quiet, part of his job, he joined in the conversation shouting back at her. Between these hours there were between 6 and 20 persons outside. Most were smoking and all were drinking. I noticed that many were drinking straight from glass bottles although it appeared that in many cases the pint glasses were plastic. Taxis regularly arrived and double parked blocking the road. Many sounded their horns to attract attention. Often local residents would pull up behind the taxi as the road is the main entrance to some estates at the rear of the bar, from the Commercial Road. Understandably none of these residents wished to leave their cars to find the driver so resorted to sounding their horns as well. There is a sign directed at taxi drivers at the front of the bar informing them about not using horns and not blocking the road. Whilst this is to the bar's credit, when one of these things takes place, no one from the bar or door staff speak to the offender.

The premise has several conditions on it's premise licence which are aimed to reduce levels of noise and ASB specifically outside the venue. These include no open glass containers to leave the premise, the use of an SIA door supervisor after 2100hrs Thursday to Saturday and the use of an appointed taxi company who are required to not use their horn to signal their arrival.

Clearly these conditions are being breached even from the short period of observation by police. Information from local residents would appear to prove that this is not a one off but is a regular occurrence.

I understand that the owner has put up signs informing prospective local residents not to move there as it is a noisy pub. The words "Going to be moving in? Think about it! You're gonna be next to a late night, busy, noisy pub" It then gave Mr Slankard's mobile phone number. These were sent to police

and LBTH Licensing in a letter from Mr Slankard dated 9th Feb 2010. If this is the case then that in itself is an admission of wrongdoing by the owner/DPS.

I have included 2 police statements detailing the evidence collected by police on 17th April. Also included is an email from a local resident which has been sanitised to protect their identity, which shows the impact the Bar has on his life and health.

To reduce the levels of noise and ASB associated with this premise police propose that the hours of alcohol sale be reduced to 2300 with the bar closing at 2330hrs. We consider this to be necessary in a residential area. We would also seek a condition on the licence allowing a maximum of 4 persons smoking outside the front of the premise at any one time. This should be monitored by bar staff when door staff are not employed. We also seek a condition of no drinking outside the front of the premise at any time, again monitored by staff. We consider a single SIA registered doorman as insufficient for the obvious needs of the premise and request a further condition of 2 SIA door staff on duty when the premise is open after 1800hrs Thursday to Saturday. The condition regarding taxis not sounding horns to announce their arrival should be retained even though it is anticipated that it will be less of a problem if the premise closes earlier. We would expect however that to keep noise to a minimum, the owner would speak to the taxi company involved regarding the use of the horns.

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

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 Please tick yes no

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 a company, please state in what capacity.

Signature: [Redacted Signature] _____
Date 28th April 2010 _____

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 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 3. The application form must be signed.
- 4 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 5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

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

Statement of Andrew Jackson URN: [] [] [] []

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

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

Signature: Date:

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

I am a Metropolitan Police Licensing Officer for the London Borough of Tower Hamlets. Recently I have been in contact with Ian Wareing who is an EHO for the Borough over concerns regarding a premise called the Urban Bar at Three Colt Street, E14. Mr Wareing has held meetings with local residents who have complained about the levels of noise and ASB they experience, particularly at weekends. I understand these complaints revolve around music noise inside the premise, sales of alcohol after hours and customer noise outside as people stand outside and smoke and drink, whilst continuing loud conversations. I was unable to attend these meetings but information was passed back to me. In an attempt to resolve the issues I undertook a period of observation on the premise from the outside on the early morning of Saturday 17th April 2010. With me was Sgt Jane Burke, also from Licensing. I was aware that the licensing hours for the sale of alcohol and opening hours finished at 0200hrs that night. I was also aware that the premise had conditions on it's premise licence about people drinking outside using glass containers. At 0110hrs we first drove into Three Colt Street and I noticed that there were about 12 people standing outside the bar, some directly and some across the road. All had drinks in their hands and some were smoking. There was a lot of noise emanating from this group, as people standing near to each other were shouting and swearing at each other. I could clearly hear this from a distance of about 30 yards away. At 0135hrs we left the vehicle and walked past the door. By this time there was about 15 - 20 persons spread across the pavement, so many that it was not possible to pass on the same side as the bar so we crossed over the road. By the door was a black male dressed in black clothing. I had seen him before when conducting a visit to the premise in the past. I knew him to be employed as door staff. I could see no badge displayed. Again I noticed that the people were all drinking and some were smoking. Many appeared to be drinking from glass beer bottles which is against the premise licence. Some of the pint glasses appeared to be plastic but it is also against the premise licence to drink outside. At no time did I see the door man stop someone from leaving the premise with a drink in their hands. A blond female aged about 45 years and dressed in dark clothing and a hat, was shouting and swearing at someone by the door. This was a good natured conversation which all including the door man found to be very

Signature: Signature witnessed by:

Continuation of Statement of **Andrew Jackson**

funny. However the doorman seemed content to join in with the conversation and did nothing to stop the noise from the woman or anyone else. We walked on past and stood in the park area to the south of the bar. I could clearly hear the loud conversations from that side of the bar. At this time several vehicles arrived and appeared to be taxis. The street is a one way street with parked cars parked down the east side. This effectively makes it a single carriageway. The vehicles double parked completely blocking the road and put their hazard warning lights on. Some of them sounded their horns. This situation was made worse as the street is the way into several residential estates from the Commercial Road. Residents returning home found the road blocked and resorted to also sounding their horns to attract the driver's attention. The bar has a large black and white sign attached to its front informing taxi drivers not to use their horns or block the road. Again I saw no one connected to the bar moving vehicles which blocked the road, or speaking to a driver who had stayed in his vehicle and sounded his horn. We left the park and walked back past the bar again. The crowd outside had reduced to about 6 - 8 persons. What hadn't changed was the drunk female as before, having a shouting match with the door man who was shouting back at her. Again it was not a threatening exchange, but loud, good natured and abusive. In between shouting at each other they laughed a lot. We continued on and went back to the car. At 0147hrs we drove past again with the windows open. The crowd outside had swelled to about 20 in number and as before were all talking loudly. The door man had abandoned the doorway and was standing in the street having an animated conversation with 2 other people who he appeared to know. If he had had a drink in his hand you would have mistaken him for a customer. We drove on and returned at 0212hrs, twelve minutes after the premise should be closed. There was no one outside, the main lights were on inside and the front door was open. I estimated that there were about 40 persons still inside drinking and the music was off. There was a lot of noise coming from the inside as people held loud conversations. No one appeared to be trying to get people to leave and the door man had disappeared from his post. We returned to other matters and next drove by the premise at about 0300hrs when it was closed and in darkness.

Signature:

Signature witnessed by:

2003(1)

WITNESS STATEMENT

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

Statement of Jane Burke URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Sergeant 26HT 82/007648**

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

Signature:  Date: 28th April 2010

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

I am a Police Sergeant based at Tower Hamlets Police in charge of the Licensing Unit for the Borough. I write this statement with reference to Urban Bar Three Colt Street, E14. I am aware that the venue has a premise licence allowing the sale of alcohol until 0200hours on a Saturday evening. The licence also has a condition in relation to persons drinking outside the venue using plastic glasses. I was briefed by PC Jackson that there had been several complaints of noise and disorder and the venue frequently operated beyond its premise licence. PC Jackson also informed me that Ian Wareing from LBTH Environmental Health had received several complaints about the venue and had met with local residents to document their concerns.

On Saturday 17th April 2010 at about 0110hours I was on duty in plain clothes driving an unmarked police vehicle. I was in company with PC 124HT Andrew Jackson, a member of the Police Licensing Unit. As I drove down Three Colt Street I noticed a group of approximately 12 - 15 persons, male and female, standing directly outside the pub spilling onto the road and the pavement opposite. All of the persons had drinks in their hands some were smoking. The windows were down on our car and from the top of the road I could hear noise, music and voices coming from the direction of the venue.

At about 0130hours I parked our vehicle at the top of the road. This is a one way street and several vehicles park on the eastern kerb. Cars were parked all the way to the end of the street leaving a single carriageway for cars to pass by. If cars stop at any point in the street then it effectively blocks the road. Whilst waiting in the car a vehicle did drive up and stop, beeping its horn loudly. PC Jackson and myself got out of our vehicle and walked past the venue on foot. More people had congregated outside again spreading out onto both pavements. The crowd appeared good natured however the noise levels were loud. PC Jackson identified a black male to me who was a member of staff and supposedly the door staff. He was standing near the main door of the pub; I could not see him wearing a SIA badge. Some of the customers were holding beer bottles others had glasses. The black

Signature:  Signature witnessed by:

Continuation of Statement of

male was speaking to a female and for the brief time I had him under observation I did not see him stop anyone leaving the venue with a bottle or a glass. As we stood to the southern side of the pub in a small park area I observed several cars drive down Three Colt Street, at some point one of them sounded a loud horn, and the vehicle appeared to be a taxi. As we walked back past the venue the black male was still in conversation with the female who was laughing. I could not hear the content of the loud conversation as there were too many people talking loudly.

We returned to our police vehicle and at about 0150hours we drove past the venue again. More people were standing outside, approximately 20, smoking and or drinking and the conversations remained loud and noisy.

At about 0215hours we returned to the venue, which should have been closed, however the main lights were on and the front door open. There appeared to be a large number of persons still in the venue. I noticed that the music had been turned off although the noise of the customer's conversations could still be heard. No one seemed to be leaving the venue and I could no longer see the door staff. When we returned at 0300hours the venue was closed.

Signature:

2003(1)

Signature witnessed by:

My name is XXXXXXXXXXXXXXXX. I live at XXXXXXXXX Three Colt street. I moved into xxxxxxxxxxxx, xx in 2009. Having lived at my previous address for 22 years, xxxxxxxxxxxx. I was devastated to learn that the building was to be demolished, and was given a time limit to find alternative accomodation. This flat became available, the flat itself being ideal. However, from the outset, the problems from the Urban Bar and the noise were glaringly evident. I couldn't believe the run of bad luck I was having. The thought of a new start in a nice flat has turned into a nightmare. At first I thought this has just got to be a one off party, but quickly realised this is how the owner runs his business. Night after night of loud booming music that could be felt as well as heard. Accompanied by a loud noisy crowd of people, spilling out into the street both of which would go on until as late as 5 or 6 a.m.in the morning.

I contacted Tower Hamlets licensing and anti social behaviour departments. I was given the licensing hours of the Urban Bar(that confirmed that the landlord was well in breach of his license most nights). Also I was given the number of the out of hours noise nuisance department, (Operates nightly until 3.30a.m.) and told to call them when necessary.

The first couple of months I phoned them late at night on a regular basis. (Most dates to follow.). It soon became evident that because they are very busy they are not always able to call back immediately. Leading to the situation where the music and street noise might subside, I would start to fall asleep, only to be woken by the noise nuisance people, calling to see if the noise was still occurring. I still occasionally called to log the complaint and get a reference number.

All of this, coupled with the fact that most of the time I was feeling very tired, depressed, stressed and apathetic. I would just let everything wash over me, with a deep sense of helplessness, in a hopeless situation.

In desperation I contacted my housing officer, and spoke with one or two other members of staff. There being a problem with noise emanating from The Urban Bar was acknowledged, but I was informed that it would have to be dealt with by Tower Hamlets anti social behaviour and licensing departments.

My job dictates me working 12 hour shifts. I do not sleep very well during the day anyway, and so am grateful on my days off to try and catch up with resting. I find that I am taking most of my thursdays off as annual leave, consequently not having much left for a proper holiday, because I am so exhausted from being kept awake by the noise from next door.

I am also grateful that I work the two nights at the weekend, as I am away from my flat and the noise from the Urban Bar. Otherwise I feel I would barely be able to function at all.

Since moving into xxxxx Three Colt Street my life has been made a misery, because of the noise from the Urban bar. So much so that, at every opportunity I will go and stay with a friend or my aunt, so that

I don't have to be here. Dreading returning, and in all honesty, regretting the day that I moved in, and wanting to move.

I've had one conversation with the owner of the bar next door, during which I was informed that he felt he'd done all he could to limit the noise of the blaring music. That as much as possible he had tried make people be quiet when they were standing outside, or leaving the bar. Also he told me he had a business to run, and that I should move. I've got some sleeping tablets from my GP, but find they make me feel terrible the next day. I have a history of depression and feel like I am well on the way to revisiting that period of my life, if my circumstances and this situation do not change very soon.

The problem with the Urban bar is ongoing. Most nights I am kept awake, if not from the music, then it's the noisy people standing outside, either drinking or leaving. Shouting, swearing, singing and laughing, they also block the road and paths of people and vehicles trying to get by. It is very intimidating. I would not venture outside when things are in full swing. Obviously they are enjoying their night out. Wonder if they could keep it up every night.

I am still reeling from the night before last, eventually stopped at 4a.m. Got to sleep at 6a.m. Even after it goes relatively quiet, it is difficult to sleep, because of the stress and negativity of it all.

On the thursday evening of the meeting we attended regarding this situation, the noise from next door increased, both the volume of the music and the loudness of the people outside increased dramatically at around 2.30 a.m. finally ending around 6a.m. leaving me feeling completely exhausted and wondering how I was going to be able to manage to work that night.

Hope this explains some of the extent of how the Urban Bar is affecting my life, and how important it is that something is done about it as soon as possible, and I know I am not the only person who's life has been thrown into turmoil because of it.

Thanks

WITNESS STATEMENT

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

Statement of Jane Burke URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant 26HT 82/007648

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

Signature: [Redacted] Date: 10th May 2010

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

I am a Police Sergeant based at Tower Hamlets Police in charge of the Licensing Unit for the Borough. I write this statement with reference to Urban Bar, Three Colt Street, E14.

On Friday 8th May 2010 I was on duty in plain clothes driving an unmarked police vehicle, in company with PC 189HT Cruickshank, a member of the Police Licensing Unit. We were conducting late licensing patrols to various venues in Tower Hamlets Borough.

At about 0115hours I drove into Three Colt Street from Commercial Road E14. As we turned into the road I saw approximately ten people walking northbound on the eastern pavement towards me. Most of them were female and wearing pink cowboy hats and party clothes. They were shouting and singing ("I'm forever blowing bubbles") very loudly. The people were in good spirits however did not appear aggressive. My attention was drawn to a crowd of approximately fifteen people standing outside the Urban Bar, this was a large number for the time of night.

I stopped the car and watched the venue for a few minutes. I saw more females leave the venue also wearing pink hats. The windows were down on our car and from the top of the road I could hear noise, music and voices coming from the direction of the venue. I saw a white male standing on a wall adjacent to the venue next to the sign on the wall asking people to leave quietly. This is right outside a residential block of flats. The male appeared to be talking loudly on a mobile phone.

After a few moments I drove past the venue I saw a black male whom I recognised as the door security staff. He was dressed all in black and I did not see any security pass on his clothing. It would have stood out against the black clothing as the SIA passes are lighter in colour. The door man was in conversation with several of the

Signature: [Redacted] Signature witnessed by:

Continuation of Statement of

group who appeared young in age. Most of the group were smoking or holding glasses. Inside the bar standing near the front window I saw a young woman also wearing a pink cowboy hat similar to the ones the larger group had been wearing.

I drove past the venue three times in total in a space of fifteen minutes each time the situation did not alter and the noise levels and persons outside remained constant.

As I turned into Three Colt Street for the second time I saw a group of six young white male and females come out of the pub and again walk north towards us. The group spread themselves from the pavement into the road. One of males, the tallest in the group walked into the road and I had to slow the car down to avoid him. The group were extremely loud and there appeared to be an aggressive argument going on between the males.

Upon driving into Three Colt Street for the last time I saw that the same group had stopped in the middle of the road at the junction with Commercial Road. . We monitored them believing there may be a fight. After a few minutes of heated conversation in the road the group split up and dispersed. We left the area at approximately 0130hours.

Signature:



Signature witnessed by:

2003(1)

WITNESS STATEMENT

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

Statement of Alan Cruickshank URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Constable 189HT

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

Signature: [Redacted] Date: 11/05/10

I am a police licensing officer and I am based at Bethnal Green Police Station, 12 Victoria Park Square, E2 9NZ. On Friday 8th May 2010 I was on duty in plain clothes along with PS 26HT BURKE who was driving an unmarked police vehicle.

During the night we had been conducting licensing visits to venues that had come to our attention or in their general vicinity.

At about 0115hours we turned into Three Colt Street from Commercial Road E14, stopping on the left hand side, facing south. Coming towards us were about ten to twelve people walking northbound on the eastern pavement .They were approximately 40 feet away from the Urban Bar , Three Colts St, E14. The majority of the group were female and quite a few of them were wearing pink / purple cowboy hats. All were shouting or singing , being extremely loud. Some were singing "I'm forever blowing bubbles". They all seemed in a good humour. There was no sign of any outward aggression.

On travelling towards the Urban Bar I saw one male in his late teens standing on a metal fence belonging to the houses next to the bar and he was shouting towards a young teenage girl was standing in what looked like a small alcove , between the houses and the pub.

On passing the Urban Bar, I saw one young woman inside the bar near the window, dancing with an identical pink / purple cowboy hat on her head. Outside the bar there were about twelve to fifteen people standing by the front door, a number of them were trying to enter. By the door stood a black male who seemed to be allowing access to the pub. I could not see any SIA accreditation on him but I took him to be door staff. A number of these youths had beer glasses in their hands.

We then went round the block and after a few minutes ended up in the same parking space. Having our windows down I could still hear noise coming from outside the Urban Bar. A short time later we began to drive out of our spot when I saw a group of about six male and females coming our way. The largest white male who was wearing a grey cardigan kept walking towards us in the middle of the street. PS Burke had to slow down to avoid him; the man seemed oblivious to this and kept on shouting. We again passed the pub and it was still busy inside and there

Signature: [Redacted] Signature witnessed by:

Continuation of Statement of **Alan Cruickshank**

remained eight to ten people outside the pub, some still with glasses in their hands.

On once again doing the same route, we reached Three Colts Street at the junction with Commercial Road , E14. Standing there was the same six people we had seen earlier. They had stopped in Commercial Road and there seemed to be a heated argument between the males in the group. After a few minutes the group dispersed and made off in different directions. We again drove past the Urban Bar and there were about eight people outside, some leaning against a wall. At about 0130 we continued on our visits. [REDACTED]

Signature: [REDACTED]

Signature witnessed by:

WITNESS STATEMENT

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

Statement of Andrew Jackson URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 178779

This statement (consisting of: ... 47 ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

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

I am a police licensing officer in the Borough of Tower Hamlets and it was in that capacity that I was in Three Colt Street E14 between 0045 and 0140hrs on Saturday 7th August 2010. I was in a police vehicle driven by Sgt Jane Burke and we were there monitoring noise and ASB in relation to customers at the Urban Bar. For the first 35 minutes we sat near the junction with the Commercial Road. Having been in discussion with the operator of the premise I was pleased to see that some of the methods I suggested to Mr Slankard (2 door staff and up to 8 smokers allowed outside at any one time) were in operation and with the car windows open I could hear very little noise. I have requested that the bar close at 0100hrs and at the time I thought that had been agreed so I was surprised to see that people were still arriving at the premise past 0100hrs. At 0120hrs we drove down the street behind a black cab. This cab stopped directly outside the bar blocking the road and 4 males and 1 female got out. All were smartly dressed but 1 male was very unsteady on his feet and was helped from the cab by another male. In his hand he had a bottle which was empty and he staggered over to the railings surrounding the churchyard and put the bottle through the railings. I observed the door staff whilst this was taking place and they seemed to be unaware of the drunk male who was a prospective customer. I later found out the alcohol had stopped being served at 0100hrs so at this time the bar was effectively shut. I would have thought that the door staff would be approaching any cars which arrived to communicate this fact. The cab pulled off and we drove down the road about 25 yards and parked at j/w Bale St. Shortly after people started to leave the bar. From down the road I could hear music still playing inside the bar and people were shouting as they left. On leaving the bar people then congregated outside the front where the noise level continued to be too high. As the security staff seemed to be just having conversations with people no one was moving away and going home or elsewhere. Very soon we got to a point that there were in excess of 30 persons standing outside the bar, all talking in a good natured but loud way. During this period a black male left as part of a group and walked down the road in our direction. I noticed that this black male had a glass in his hands which was half full of clear liquid. They stopped about 10 yards away from us and leant against the wall where they stayed for a while then walked past us. When I left at 0140hrs some

Signature: Signature witnessed by:

Continuation of Statement of **Andrew Jackson**

people were still outside the bar talking. At no time did I see any staff or management (other than door staff) outside the bar to assist with the egress of customers. On Monday 9th August I attended a pre-arranged meeting with Mark Slankard and Ian Wareing of LBTH to discuss the upcoming review and I mentioned what I had seen a few days before. This is when I learnt that I had apparently misunderstood an agreement on hours of closure. On mentioning the amount of people who stood outside for a considerable time with out being moved on by staff I suggested that if the door staff couldn't get them to move that he, the owner go and speak to his customers who are apparently all aware of the review.

Signature: Signature witnessed by:

Witness contact details

Home address:
.....
Home telephone number Postcode:
Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

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

Witness Consent (for witness completion)

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

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PC124HT 178779 Andy Jackson** Station: **Bethnal Green**

Time and place statement taken:

WITNESS STATEMENT

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

Statement of Jane Burke URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant 26HT 82/007648.....

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

Signature: Date: 16th August 2010

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

I am a Police Sergeant based at Tower Hamlets Police in charge of the Licensing Unit for the Borough. I write this statement with reference to Urban Bar, Three Colt Street, E14.

On Friday 6th August 2010 I was on duty in plain clothes driving an unmarked police vehicle, in company with PC 124HT Andrew Jackson, a member of the Police Licensing Unit. We were conducting late licensing patrols to various venues in Tower Hamlets Borough. It was a clear night and the weather was fine and dry.

At about 0045hours on 7th August we went to Three Colt Street E14 and I parked the police vehicle near the junction with Commercial Road. The windows on the police car were down and little noise could be heard from the Urban Bar. I saw people continue to arrive at the premise and gain access. At about 0120hours I drove down Three Colt Street. The road was blocked by a black cab directly outside the venue. I saw four smartly dress males and one female got out of the cab. One of the males was helped out of the cab by one of the other males, he had a bottle in his hands and appeared unsteady on his feet. He staggered up to the church wall and placed the bottle behind the railings. After the cab had driven off we parked about 25 yards south of the venue. I could hear music coming from the venue. The security staff seemed to be talking to the customers and not moving them away from the venue. At some point there were almost thirty persons outside, all good natured but creating a loud level of noise. There was a white female sat on a small wall opposite with her head between her legs. I then saw a black male with his arm draped around a female come out of venue walking towards us. I noticed that the male had a glass, half full of liquid, in his hand. They stood near to the female with her head in her hands. We left the area at about 0140hours.

On 13th August 2010 I was again on duty in plain clothes driving an unmarked police vehicle, in company with PC 189HT Cruickshank, a member of the Police Licensing Unit. We were conducting late licensing patrols to

Signature: Signature witnessed by:

Continuation of Statement of

various venues in Tower Hamlets Borough. It was a clear night however there was light rain on and off throughout the evening.

At about 0120hours we drove to Three Colt Street E14. The lights from the venue were on and there were approximately eight persons outside The Urban Bar, one of them appeared to be a male security officer. One of the group of people standing outside appeared to be drinking from a glass. We parked at the junction with Commercial Road E14. With the windows down loud voices could be heard coming from the venue, even from the top of the street almost 80 yards from the venue. I saw vehicles, which appeared to be private taxi's, pull up outside the venue to collect customers. We drove past the venue and there appeared to be a further twenty persons inside the venue, visible from the road. We left the area to make other visits.

At 0135hours we returned to the venue to see if the bar was still open. The lights were still on and there were still about eight persons standing outside. At 0142hours I saw the lights of the venue turn off and the persons started to walk away from the premises. The venue was dark and noone seemed to be inside. We left the area directly after this.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number **0208 217 4118**
Mobile/pager number Email address:
Preferred means of contact:
Male/ Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:
Dates of witness non-availability

Witness care

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

Witness Consent (for witness completion)

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

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PS 26HT 82/007648 Jane Burke** Station: **Bethnal Green**

Time and place statement taken:

Appendix 2

**Postal Address
(5b Urban Bar)
27 Three Colt Street
London
E14 8HH**

Licensable Activities authorised by the licence

**The sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment**

Amended the 30 November 2007

See the attached licence for the licence conditions

Signed by

**John Cruse _____
Team Leader Licensing**

**Date: 11 November 2005
Reissued 25/11/07**

**Part A - Format of premises licence**

Premises licence number

12295

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

(5b Urban Bar)
27 Three Colt Street
E14 8HH

Post town
London**Post code**
E14 8HH**Telephone number**
020 7537 1601**Where the licence is time limited the dates**
Not applicable**Licensable activities authorised by the licence**

The sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities
For the Supply of Alcohol, Late Night Refreshment, dancing including the provision of
facilities and recorded music (also including facilities)**

Monday to Thursday 11 00 hrs to 01 00 hrs the following day
Friday and Saturday 11 00 hrs until 02 00 hrs the following day
Sunday 11 00 hrs to midnight

Live Music (including facilities),
Monday to Sunday 18 00 hrs to 23 30 hrs

For all regulated activities

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may

remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

Monday to Thursday 07 00 hrs to 01 00 hrs the following day
Friday and Saturday 07 00 hrs to 02 00 hrs the following day
Sunday midday to 01 00 hrs the following day

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

On and off sales

Part 2

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

Lormar Ltd.
27 Three Colt Street
Limehouse
London
E14 8HH

4338085

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

4338085

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

Mr Mark Slankard
27 Three Colt Street
London
E14 8HH

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 - 9377
Licensing Authority - London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

Condition 1

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

Condition 2

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

Condition 3

Door Supervisors

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

Condition 4

SIA registered Door Supervisors to be employed after 21 00 hrs on Thursday to Saturday inclusive

Condition 5

The beer cellar and storage area in the basement are not accessible to the public

Condition 6

The first and second floor are private and not accessible to the public

Condition 7

At all times the premises are open to the public a holder of a personal licence will be present

Condition 8

A strict no drugs policy will be strictly enforced. Entrance doors will be sign posted with an "admission is subject to search" policy

Condition 9

The immediate neighbours will be given a contact number for the Designated Premises Supervisor

Condition 10

Litter will be cleared away from the immediate area

Condition 11

All exits to have a notice asking customers to leave quietly

Condition 12

Exterior doors are to be posted with notices advising the age policy, and the requirement that proof of age may be required

Condition 13

During live music performance all exterior doors will be kept closed

Condition 14

Under 18s are only admitted before 18 00 hrs, except for a private function

Condition 15

An appointed mini-cab firm will be used, and the firm will be required to enter the premises, not sound a horn

Condition 16

The beer garden will be open to the public between 12 00 hrs and 22 00 hrs

Condition 17

Opened glass containers will not be allowed to leave the premises. Anyone drinking or wishing to leave with glass containers outside the premises will be provided with a plastic cup

Regulated Entertainment

Condition 18

Only live music, recorded music, dance and the provision of facilities for making music and dancing are permitted

Condition 19

Live music is a maximum of two performers

Condition 20

No adult entertainment

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

Condition 21

All external doors to be closed during live music performances and in any case from 22 00 hrs daily except to allow access and egress of patrons

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
18 July 2005



Part B - Premises licence summary

Premises licence number

12295

Premises details

Postal address of premises, or if none, ordnance survey map reference or description (5b Urban Bar) 27 Three Colt Street London	
Post town London	Post code E14 8HH
Telephone number 020 7537 1601	

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale of retail of alcohol
Regulated Entertainment
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

For the Supply of Alcohol and Late Night Refreshment
For the Supply of Alcohol, Late Night Refreshment, dancing including the provision of facilities and recorded Music
Monday to Thursday 11 00 hrs to 01 00 hrs the following day
Friday and Saturday 11 00 hrs until 02 00 hrs the following day
Sunday 11 hrs to midnight

Live Music (including facilities),
Monday to Sunday 18 00 hrs to 23 30 hrs

For all regulated activities

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

The opening hours of the premises

Monday to Thursday 07 00 hrs to 01 00 hrs the following day
Friday and Saturday 07 00 hrs to 02 00 hrs the following day
Sunday midday to 01 00 hrs the following day

Name, (registered) address of holder of premises licence

Lormar Ltd. 27 Three Colt Street
Limehouse
London
E14 8HH

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

On and off

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

4338085

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

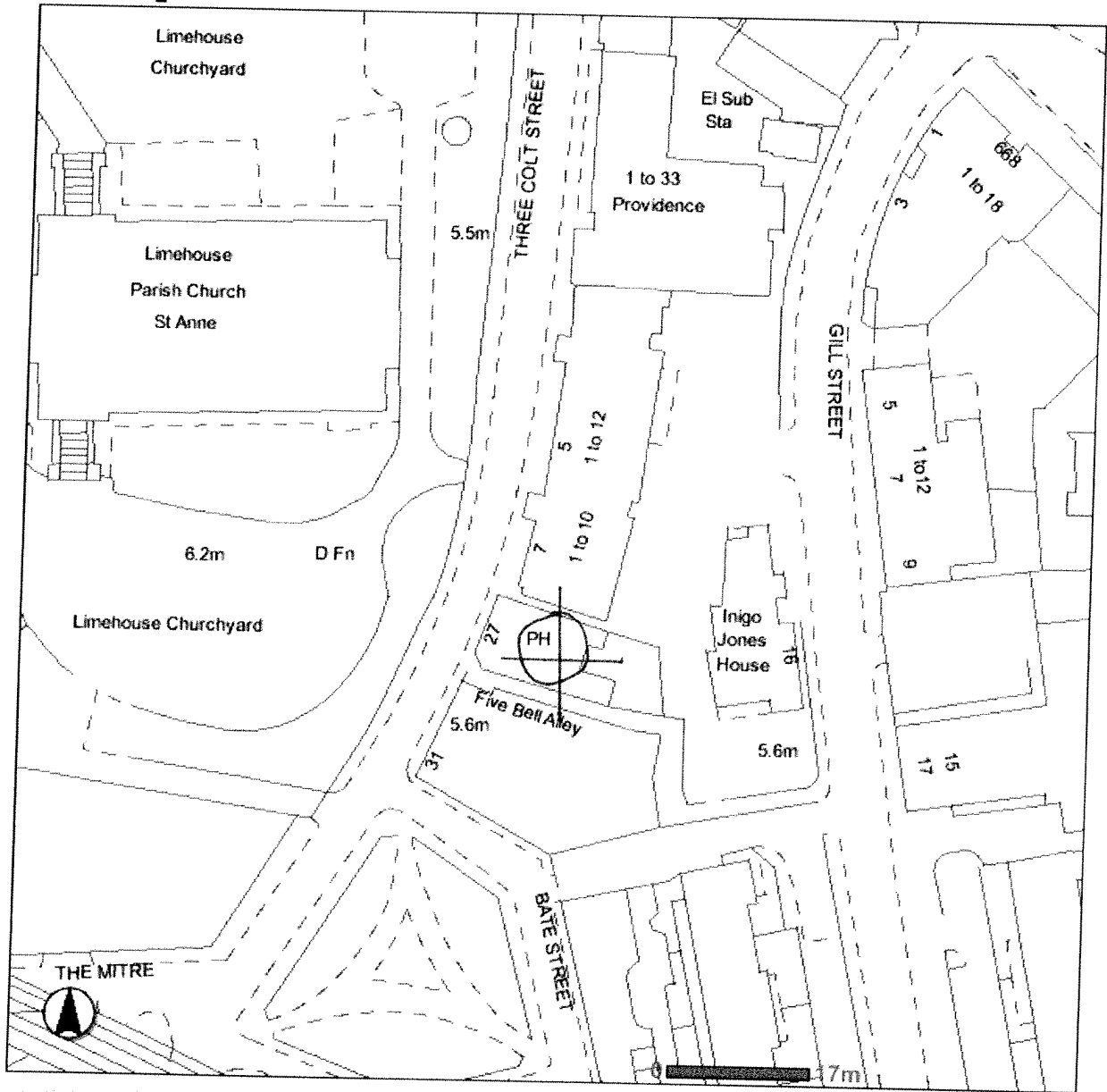
Mr Mark Slankard

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

See full licence

Appendix 3

Map



Scale 1:750

Map of:

Notes:

Urban Bar - large scale

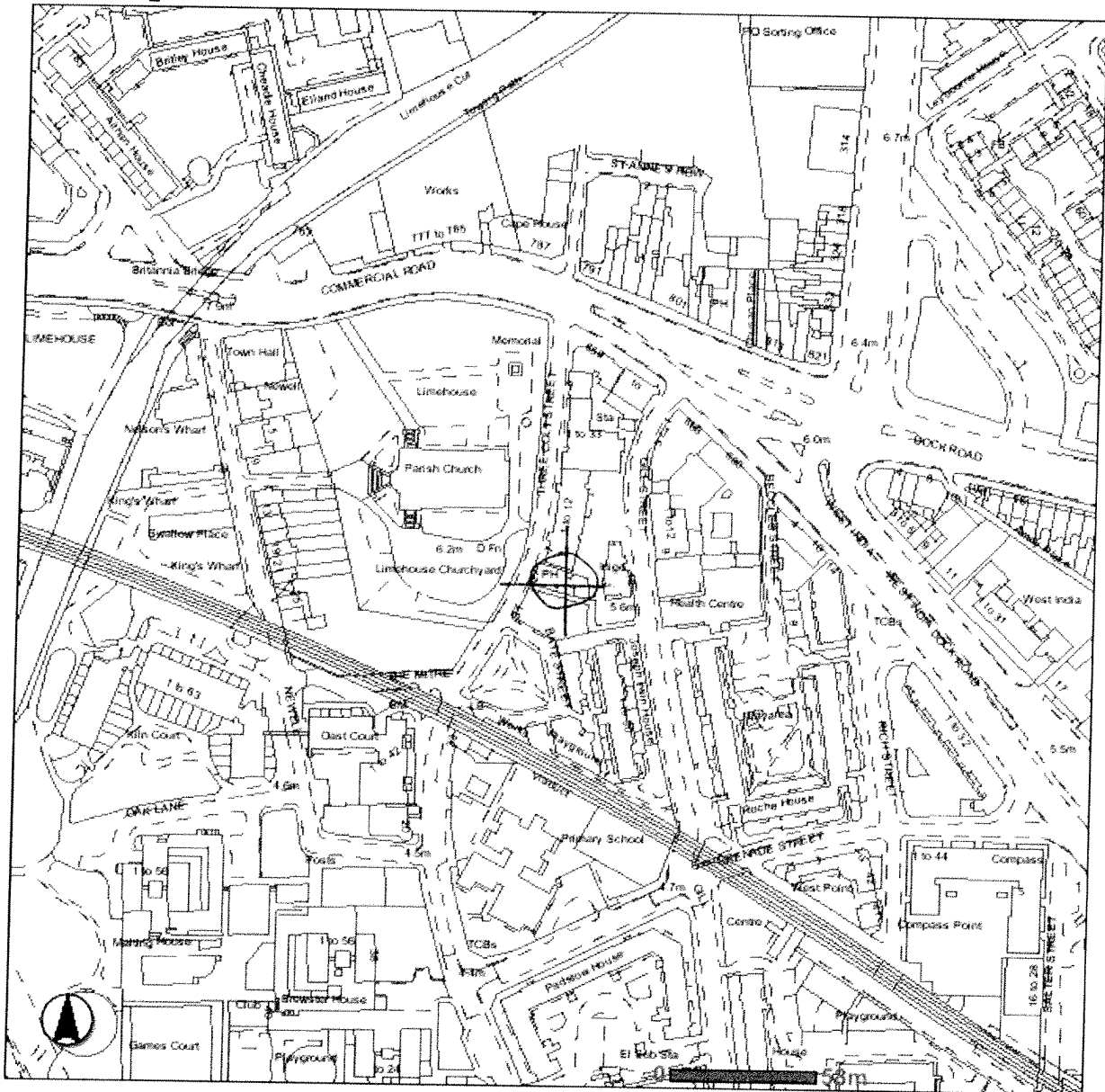
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:2500

Map of:

Notes:

Urban Bar - small scale

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Appendix 4

Communities, Localities & Culture

London Borough of Tower Hamlets
Licensing Department,
4th Floor Anchorage House,
5 Clove Crescent,
London,
E14 1 BY

Environmental Health, Environmental Protection
Mulberry Place (AH)
5 Clove Crescent
London E14 1BY

Enquiries Mr I Wareing
Tel 020 7364 5008
Fax 020 7364 6831
Flare Ref 040902
Your Ref
Email : environmentalhealth@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Date 28th May 2010

Dear Kathy,

Licensing Act 2003 – Review – The Urban Bar, 27 Three Colt Street, London, E14 8HH

We are writing to make a Representation for the Review of the Premises Licence at The Urban Bar, 27 Three Colt Street, London, E14 8HH as submitted by the Metropolitan Police.

Environmental Protection has received 19 complaints of loud music/loud social activity attributed to the above premise between the 9th September 2009 and 28th May 2010.

We have witnessed Statutory Nuisance this year. The officer's request to turn the music off on this occasion was complied with so no further action was taken.

We have met with the Residents, Gateway Housing Representatives and the Police to discuss the problems.

We had a subsequent meeting with the Premises Licence Holder and discussed the problems.

Mark Slankard put together a lengthy list of proposed conditions to help try and alleviate the problems raised.

Since the implementation of these 'trial' conditions, Residents initially reported a vast improvement. The most recent communication with the Residents has still reported improvement, but they have indicated that they are still being woken out of their sleep between the hours of 12-2am with associated noise from patrons of the pub. I have relayed this information to Mark Slankard who assured that efforts will be directed into tackling this problem.

*Corporate Director
Communities, Localities & Culture
Stephen Halsey*

Environmental Health has been the 'middle man' in these negotiations, relaying information and trying to resolve the issues for both parties. At this point in time it appears that there is deadlock between the parties. Residents are happy that some of the issues are being addressed but that the hours of opening exceed what they feel are reasonable. Likewise, Mark Slankard has stated that his current opening hours are crucial to the sustainability of his business.

Environmental Health will continue to work with both parties and explore every avenue so as to hopefully find a resolution.

Kind regards

Mr I Wareing
Technical Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey

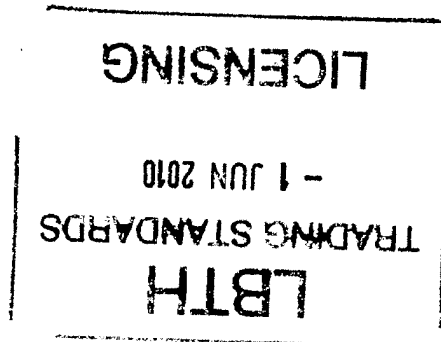
Appendix 5

Supporters of the Review		Appendix
Peter Matysik		6
Donald Mullis		7
Ryan Green		8
Kirsty Bartholomew		9
Shelim Ahmed		10
Mr Mrs Pullin		11
Supporters of the Licensee		
Richard Stow		12
Tim Morrison		13
Adam Cleur		14
Nuala Monaghan		15
Michael John Leszczuk		16
Sara Walsh		17
Florian Kuehn		18
Michael Jardine		19
Gabby Kuehn		20
A. M. Aiken		21
Linda Kendall		22
Paul Kathro		23
Michael Harman		24
Simon Rouse		25
Armand & Paulina Louw		26

Appendix 6

Statement of Fact

Peter Matysik
[REDACTED]



1. My name is Peter Matysik. [REDACTED] I moved into this block, [REDACTED] in august 2009.
2. Having lived at my previous address for 22 years, also a Gateway property. I was devastated to learn that the building was to be demolished, and was given a time limit to find alternative accommodation.
3. This flat became available, the flat itself being ideal. However, from the outset, the problems from the Urban Bar and the noise were glaringly evident.
4. I couldn't believe the run of bad luck I was having. The thought of a new start in a nice flat has turned into a nightmare.
5. At first I thought this has just got to be a one off party, but quickly realised this is how the owner runs his business. Night after night of loud booming music that could be felt as well as heard. Accompanied by a loud noisy crowd of people, spilling out into the street both of which would go on until as late as 5 or 6 am in the morning.
6. I contacted Tower Hamlets licensing and anti social behaviour departments. I was given the licensing hours of the Urban Bar(that confirmed that the landlord was well in breach of his license most nights).
7. Also I was given the number of the out of hours noise nuisance department,(Operates nightly until 3.30am) and told to call them when necessary.
8. The first couple of months I phoned them late at night on a regular basis. Although initially I was not aware of the importance of keeping a diary. These are dates I have written down that I called the out of hours noise nuisance people.(25/8/09(ref 89036.)26/8/09 visited by team.9/9/09(ref 96710)10/9/09 (ref97408)(97426) 11/9/09(99556) 14/9/09(ref ?).16/9/09

rang Ian Wareing(ref124482). 24/9/09(ref 10274).
8/10/09(ref 110274) 9/10/09(ref110646) 13/10/09(ref 113035) 22/10/09(ref
116734) 13/11/09(ref126504) 12/1/10(ref157701)29/1/10(ref165073)
25/2/10(ref177650) 12/3/10(ref184576) 28/3/10(ref193299.)
25/4/10(ref208869)(208217)

9. It soon became evident that because they are very busy they are not always able to call back immediately. Leading to the situation where the music and street noise might subside, I would start to fall asleep, only to be woken by the noise nuisance people, calling to see if the noise was still occurring.
10. I still occasionally called to log the complaint and get a reference number.
11. All of this, coupled with the fact that most of the time I was feeling very tired, depressed, stressed and apathetic. I would just let everything wash over me, with a deep sense of helplessness, in a hopeless situation.
12. In desperation I contacted my housing officer, and spoke with one or two other members of staff. There being a problem with noise emanating from The Urban Bar was acknowledged, but I was informed that it would have to be dealt with by Tower Hamlets anti social behaviour and licensing departments.
13. My job dictates me working 12 hour shifts. I work Friday and Saturday night, and 6 hours on Thursday. I do not sleep very well during the day anyway, and so am grateful on my days off to try and catch up with resting. I find that I am taking most of my Thursdays off as annual leave, consequently not having much left for a proper holiday, because I am so exhausted from being kept awake by the noise from next door.
14. I am also grateful that I work the two nights at the weekend, as I am away from my flat and the noise from the Urban Bar. Otherwise I feel I would barely be able to function at all.
15. Since moving into [REDACTED] my life has been made a misery, because of the noise from the Urban bar. So much so that, at every opportunity I will go and stay with a friend or my aunt, so that I don't have to be here. Dreading returning, and in all honesty, regretting the day that I moved in, and wanting to move.
16. I've had one conversation with the owner of the bar next door, during which I was informed that he felt he'd done all he could to limit the noise of the blaring music. That as much as possible he had tried make people be quiet when they were standing outside, or leaving the bar. Also he told me

he had a business to run, and that I should move.

17. I've got some sleeping tablets from my GP, but find they make me feel terrible the next day. I have a history of depression and feel like I am well on the way to revisiting that period of my life, if my circumstances and this situation do not change very soon.
 18. The problem with the Urban bar is ongoing. Most nights I am kept awake, if not from the music, then it's the noisy people standing outside, either drinking or leaving. Shouting, swearing, singing and laughing, they also block the road and paths of people and vehicles trying to get by. It is very intimidating. I would not venture outside when things are in full swing.
 19. Obviously they are enjoying their night out. Wonder if they could keep it up every night.
 20. I am still reeling from the night before last, eventually stopped at 4a.m. Got to sleep at 6a.m.(unsure of date). Even after it goes relatively quiet, it is difficult to sleep, because of the stress and negativity of it all.
 21. On the Thursday(1/4/10) evening of the meeting we attended regarding this situation, the noise from next door increased, both the volume of the music and the loudness of the people outside increased dramatically at around 2.30 a.m. finally ending around 6a.m. leaving me feeling completely exhausted and wondering how I was going to be able to manage to work that night.
 22. Hope this explains some of the extent of how the Urban Bar is affecting my life, and how important it is that something is done about it as soon as possible, and I know I am not the only person who's life has been thrown into turmoil because of it.
- 26/5/10
23. Since the initiation of a license review. Mark Slankard has been forced into a position of compromise, with certain promises made to reduce the impact of disturbance on the local residents.
 24. From what I understand, amongst other things, he has agreed to employ two new doormen. No drinks to be allowed outside after 10pm. Calling for cabs to be made from inside the bar, and being made responsible for customers behaviour outside the bar, on the street.
 25. Although not fully aware of all the conditions. I was told that these would be written into the license.

26. Whilst there has been a slight improvement (over two weeks as I write this), I feel this still far from satisfactory, acknowledging that it is difficult to monitor and police peoples actions. Particularly after a few drinks. The noise from patrons leaving, and cabs coming and going, as well as loud conversations, with increasing frequency.

27. Particularly from midnight onwards, until after 3a.m seems to cancel out any of the positive measures that were promised.

28. Still leading to a lack of sleep most nights during the week, leaving me feeling permanently tired and run down.

29. Surely a reduction of hours to a reasonable time is not too much to ask.

28/5/10

30. Last night there was complete lack of control outside the Urban Bar. There were noisy groups of people outside, shouting, and at one point an argument broke out. This along with the coming and going of vehicles and slamming of doors. Went on until after 2a.m. I couldn't sleep again for the rest of the night, and found it very upsetting, particularly since Mark Slankard had said he would make an effort to address the situation. This is clearly not the case, and another reason as to why I feel these measures alone cannot be relied on.

Peter Matysik

Mohshin Ali

From: peter matysik [REDACTED]
Sent: 11 June 2010 11:36
To: Kathy Driver
Cc: Mohshin Ali
Subject: Review of license for 5b Urban Bar. Three Colt Street.

Dear Kathy Driver

I spoke to Mr. Mohshin this morning regarding the ongoing noise problems with the Urban Bar. I would be grateful if you could add to my statement, that on wed 9th june 2010 and thursday 10th I was kept awake until 2am, and 3am.respectively. It is so distressing,that it is difficult to get any sleep at all on the nights it occurs.

The noise usually becomes worse after midnight, from people gathering outside the bar, and also from cars and cabs coming and going.

Last week I was away, but the week before the same thing occurred, despite the fact that Mr. Slankard has claimed that he was going to implement changes, that would lead to less distress for his neighbours.

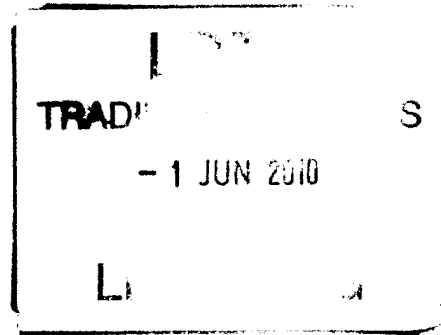
Many thanks

Peter Matysik

Appendix 7

Statement of facts of:

Donald Mullis



My name is Donald Mullis. I have been a tenant of Gateway Housing since January 1989

On the Tuesday 6th October 2009, I moved with my partner in to [REDACTED]

1. Moving to a new Gateway Housing Association flat, last Autumn, in Three Colt Street seemed to give me and my partner the best chance of establishing a positive, new life after being decanted by Gateway from a great flat in Stepney where I was content for 20 years and part of a close, happy community, and where my partner joined me just over three years ago.
2. When shown the new flat, I noticed a banner on the boundary wall of the bar facing the Three Colt Street communal gardens warning potential new tenants that they would be moving next to a noisy, busy bar.
3. The banner had the following message. 'Thinking of moving in? Think about it! You're gonna be next to a late night, noisy, busy pub. Any questions call Mark [REDACTED]. The wording suggested to me that the bar had no intention of adjusting to, or compromising over, the recent changes (i.e. new residential blocks) in the neighbourhood.
4. However, the Gateway representative who initially showed me the flat, and on a second occasion when showing it to me and my partner, told me to not worry about what the banner indicated. To a certain extent I wasn't worried as I thought (naively, as it turned out) that the bar would have a licence like many I was used to, that is with an 11pm closing time.
5. The process of being moved from my old flat, with a tight time limit and little choice, was difficult, but [REDACTED] seemed the best resolution of that process. That was until the noise generated by The Urban Bar immediately next door was clearly going to be a constant nuisance.

6. With Licence Hours until midnight on Sundays, until 1am Mondays to Thursdays, and until 2am on Fridays and Saturdays, it is common for me to be kept awake into the small hours of the morning.
7. That a bar now surrounded on three sides by residential blocks, two of them new, continues to have such late closing and alcohol licence hours surprises me, to say the least.
8. The causes of the lack of sleep that I am suffering is a combination of:
 - The volume of music with its resonant bass.
 - Customers of the bar on the pavement outside (drinking and smoking) during licensed hours and then beyond those hours, sometimes as late as 5.30am.
9. Originally, my intention was to negotiate a compromise on the noise nuisance with Mark Slankard, Urban Bar's Licensee. In fact, in my first conversation with him in October 2009, I let him know that as long as I got my sleep, I wasn't concerned about how he ran his business.
10. After this first conversation, Mark Slankard made a temporary change to reduce the music volume audible from outside the bar, but washed his hands of any responsibility for noisy customers outside his bar, either after closing time or before. Mark Slankard told me that as the street outside his bar was a public highway, he had no control over customers' behaviour. Obviously, to a certain extent this is true. However, Mark Slankard has some sway over his customers' behaviour during opening hours and at closing time, if only at very least from the point of view of being a good neighbour.
11. Subsequent conversations I had with Mark Slankard became less productive to the point of him coming across as intransigent. One of the suggestions I made was for better sound insulation to be added to his Victorian building. Ultimately, Mark Slankard said that the only solution for me was that I should move.
12. As disturbance continued, my frustration increased and the quantity and quality of my sleep (and that of my partner) declined, with its not inconsiderable effect on my work. I eventually became aware of the procedure for reporting noise nuisance in Tower Hamlets and decided to try to tackle this problem through official channels.
13. Between 1st November 2009 and 27th March 2010, I have called the Noise Nuisance team thirteen times. Here is a list of the reference numbers of those logged calls: 121460 (1/11/09), 141496 (14/12/09), 141836 (15/12/09), 142177 (16/12/09), 149968 (29/12/09), 156214 (10/1/10), 158470 and 158474 (both 14/1/10), 159743 (17/1/10), 161541 (21/1/10), 162252 (23/1/10), 185283 (14/2/10), 193028 (28/2/10).

14. Also, at about 1am on Saturday 19th December 2009 I felt it right to dial 999 to ask for the Police because of a fight that included eight men and a woman. A list of circumstances and times of earlier disturbances are noted in an email that I sent to Mark Slankard on 14th December 2009. I refer to this letter in paragraph 62.
15. In March this year, I received a letter dated 9th March from Mohshin Ali, Tower Hamlets Acting Senior Licensing Officer, in relation to my logged complaints (and the Noise Team's call-outs) which had been presented to Mark Slankard. This 9th March letter was accompanied by Mark Slankard's response to the complaints which stated that he had '...a new policy, enforced by the Door Supervisor, of No Drinks outside after 10pm; to limit time spend on the pavement smoking'. Mark Slankard's response letter is dated 9th February 2010 and included some other voluntary measures. I include these communications as a supporting document 1 at the end of this statement.
16. Also in this 9th February letter, Mark Slankard appears to cast himself as victim in this situation - which I find unusual, at very least - and, with 'innuendo, and suggestions' of his own casts aspersions on Gateway tenants with reference to his perception of a rise in anti-social behaviour in Three Colt Street caused since the Gateway development has opened.
17. Again in this 9th February letter, Mark Slankard mentions two significant examples of criminal damage – three, large, smashed windows on New Year's Eve and his car broken into - referencing the rise in anti-social behaviour.
18. However, in a conversation with me, Mark Slankard said that the windows were smashed by someone connected to a disgruntled bar customer caught stealing from other bar customers. So not by new Gateway tenants.
19. Also, I have provided video and photo evidence on DVD (enclosed) to illustrate that, despite Mark Slankard's 9th February assurances to Tower Hamlets Licensing Section, his 'new policy' has been ineffective at best or not implemented at worst. Below, Sections 22 to 59 is a list relating to the video and photo evidence that I've provided on DVD. I believe the evidence counters Mark Slankard's assurances of his 9th February letter.
20. Please note that my camera was on default time setting of British Summer Time. With this in mind the title of the clips and videos shows the adjustment for the clips and photos captured before 02.00h Sunday 28th March 2010. However, embedded information for those clips or photos (i.e. when right-clicked for 'Properties') will show the time as one hour ahead of when they were captured.

21. In some of the video clips, the insistent bass rhythm of music being played can be heard emanating from the Bar. However, as my camera does not have a sophisticated recording system, this rhythm can be heard as a low hiss.
22. File001(IntroductionToTheNeighbourhood). This shows the banner mentioned in paragraph 3. To reiterate, to me the wording is slightly intimidating and suggests that whoever moved in to the new flats would have problems. This also suggests the opposite of the prevention of crime and disorder and the opposite of the prevention of public nuisance.
23. File001. Video clip, 33secs. Uncontrolled noise at 00.45h, 21 Feb '10.
24. File002. Video clip, 17secs. General disturbance at 01.46h, 21 Feb '10.
25. File003. Video clip, 45secs. General disturbance at 02.32, 27 Feb '10.
26. File004. Video clip 53secs. General disturbance and drinkers at 02.35h, 27 Feb '10.
27. File005. Video clip, 3mins,30secs. Exceptional general disturbance after with evidence of alcohol in the street (at 3mins,5secs into the video) at 03.17h, 27 Feb '10.
28. File006. Photo. Alcohol in the street at 03.42h, 27 Feb '10.
29. File007. Photo. Closer view of File006.
30. File008. Video clip, 1min,10secs. General disturbance and alcohol in the street at 03.47h, 6 Mar '10.
31. File009. Video clip, 49secs. General disturbance at 02.01h, 7 Mar '10.
32. File010. Video clip, 18secs. General disturbance and alcohol in glasses at 00.02h, 20 Mar '10.
33. File011. Video clip, 17secs. General disturbance and alcohol in glasses at 00.08h, 20 Mar '10.
34. File 012. Video clip, 27secs. Exceptional disturbance at 00.58h, 20 Mar '10.
35. File013. Video clip, 34secs. General disturbance at 01.10h, 20 March '10.
36. File014. Video clip, 1min,14secs. General disturbance and ineffectual door staff at 02.51h, 20 March '10.

37. File015. Video clip, 1min,29secs. General disturbance at 00.05h 28 March '10.
38. File016. Video clip, 56secs. General disturbance at 00.34h, 28 March '10.
39. File 017. Video clip, 1min,38secs. General disturbance and alcohol in glass and bottle at 02.31h, 3 April '10.
40. File018. Photo. Not relevant as evidence.
41. File019. Video clip, 24secs. General disturbance at 02.53h, 3 April '10.
42. File020. Video clip, 1min,5secs. General disturbance at 00.54h, 17 April '10.
43. File021. Video clip, 22secs. General disturbance at 01.02h, 17 April '10.
44. File022. Video clip, 29secs. General disturbance and alcohol in bottle at 01.04h, 17 April '10.
45. File023. Video clip, 1sec. As File022, but at 01.04h.
46. File024. Video clip, 12 secs. As File022, but at 01.06h.
47. File025. Video clip, 30secs. General disturbance and customers arriving at 01.40h.
48. File026. Video clip, 6secs. General disturbance and alcohol in glass (first person seen in clip) at 01.46h, 17 April '10.
49. File027. Video clip, 1min,59secs. General disturbance and alcohol in glass at 01.39h, 22 April '10.
50. File028. Video clip, 9secs. General disturbance at 02.11h, 24 April '10.
51. File029. Video clip, 6secs. General disturbance at 02.14h, 24 April '10.
52. File030. Video clip, 20secs. General disturbance at 02.19h, 24 April '10.
53. File031. Photo. Blocked pavement and blocked free flow of traffic, London Marathon day, 25 April '10.
54. File032. Photo. Urinating punter, London Marathon day, 25 April '10.
55. File033. Photo. Plant bed in front of Gateway's Three Colt Street property, 28 April '10.

56. File034. Photo. Plant bed in front of Gateway's Three Colt Street property, 28 April '10.
57. File035. Photo. Wall to the front of Gateway's Three Colt Street property, 28 April '10.
58. File036. Video clip, 23secs. General disturbance and alcohol in glass at 01.20h, 1 May '10.
59. File037. Video clip, 25secs. Disturbance and alcohol in branded glass at 23.42h, 9 May '10.
60. On Thursday 1st April 2010, I met at Gateway's Mile End office with Stuart Veysey, Derek Kennett, Ian Wareing, Alan Cruickshank and Peter Matysik.
61. That night, disturbance from the Urban Bar peaked for me at about 2.30am (Friday morning) with customers doing the Hokey Cokey in the street and continuing (with Lady Gaga's hits) in the public garden just south of the bar until well after 3.30am. Peter tells me that he was disturbed by the noise until about 6am. Sadly for him, he is a little closer to the source of the noise.
62. Also from the Noise meeting at Gateway's Mile End office, I am including a copy of the email I sent to Mark Slankard on 14th December 2009 in which I suggested compromises and which I read out at the meeting. I include it as a supporting document 2 at the end of this statement and as I refer in it to conditions in 5b Urban Bar's Licence, I add a copy for easy reference. I received no response to that email from Mark Slankard, but maybe it informed his reply to Mohshin Ali on 9th February.
63. As I've said already, disturbance from the Urban Bar has had some detrimental effect on my work life. It has also had detrimental effect on my home life and my partner. Sharing a consistent life at home with my partner has been impossible at times. For example, when noise from the bar has been too much for me, I've slept on the sofa in the living room, so that when my partner has come home from night shifts to find me sleeping in the living room he has been unable to relax in the living room with TV or music or make any noise because he's anxious to not wake me. A bigger picture of how the disturbance from The Urban Bar has affected our relationship is given very clearly in my partner's statement.
64. Disturbance continues. But while there may be no very recent record of complaints from me, you'll appreciate that on occasion I'd rather take evasive action and retreat to sleep on the sofa in the living room away from the street noise than call the Noise Team to have them disturb me even later in the night. On other occasions I feel too tired or defeated to call for the Noise Team.

65. When a DJ plays music at the Urban Bar, the noise level of the music emanating from the Urban Bar means that even the living room is no place to escape the noise.
66. I am currently still waiting for a report from the Noise Team who installed a DAT recording device in my bedroom for seven days from Friday 5th March. I have included in my evidence the record I was asked to keep of any disturbances during that time. The necessity of dutifully keeping this record was exhausting. The evidence I have is a photocopy as the Noise Team have the original. I include it as a supporting document 3 at the end of this statement.
67. I had a conversation with my neighbour, Peter Matysik, who had a difficult time on the day of the London Marathon (Sunday 25th April) trying to get some sleep after his Saturday night shift at work. This resulted in Peter calling out the Noise Team.
68. While Sunday was a busy day because of the London Marathon, the anti-social behaviour generated by The Urban Bar was causing extra difficulties. Both Peter and the Noise Team have good evidence of these. On my DVD, I have included two pictures sent to me by Peter of the free movement of traffic blocked on the narrow, one-way, Three Colt Street by Urban Bar customers in the road, and evidence of at least one bar customer urinating in the street against the Urban Bar while standing on Gateway property.
69. I was away from Three Colt Street for most of Sunday 25th April so didn't suffer this disturbance, but I did return home at about 8.30pm to find two well-dressed, young men drinking alcohol from glasses in the lobby of my building. I asked them to leave. I (with other residents) was aware of wet hallway floors on that Sunday and a smell of urine persisting until our regular communal cleaner arrived the following Thursday. While this is a separate security issue for Gateway, it does illustrate the uncontrolled nature of the problems caused by the Urban Bar.
70. I look forward to this situation changing.

At 25th May 2010

I am aware that the current Licence Review was triggered by Police Licensing and that Andy Jackson of that team along with Ian Wareing from Tower Hamlets' Noise team have recently had a meeting with Mark Slankard about implementation and enforcement of his voluntary measures as discussed (and mentioned in his 9th February letter) that since then have still not been successfully applied.

Despite current ongoing negotiated efforts and some slight reduction in bar customers' noise in the street, the problem remains just that. I continue to be disturbed by noise generated by the Urban Bar and its customers on the street during opening hours and after.

As only now, in the light of these most recent discussions with Andy Jackson and Ian Wareing, Mark Slankard appears to be acting on his voluntary measures mentioned in his 9th February letter, I can only assume that Mark Slankard's expressed concern for his neighbours has not been entirely genuine.

As a result, I am very sceptical of my difficult situation changing for the better without deep review of the Urban Bar's licensing arrangements.

At 28th May 2010

In response to Mark Slankard's apparent voluntary measures, I would like to mention last night's disturbance which continued until some time past 2am. This consisted of noisy groups and at one point what I would identify as an argument.

In conclusion

Mark Slankard's efforts to change this situation continue to be unsuccessful.

With the extended opening and alcohol Licence hours as they stand, and with noise from the Urban Bar still being generated in the same way and up to the same early hours of the morning, I believe the Bar's hours need to be reduced and fall in line with many of the neighbourhood pubs in the E14 area.



Donald Mullis



Supporting
document
1

Communities, Localities & Culture
Trading Standards and Environmental
Health (Commercial)

Donald Mullis



Head of Service Colin Perrins

Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Tel 020 7364 5498
Fax 020 7364 0863
Enquiries to Mohshin Ali
Email mohshin.ali@towerhamlets.gov.uk

www.towerhamlets.gov.uk

9th March 2010

Your reference
My reference: TSS/LIC/050666/MA

Dear Mr Mullis,

Licensing Act 2003

Premises: (5b Urban Bar), 27 Three Colt Street, London, E14 8HH

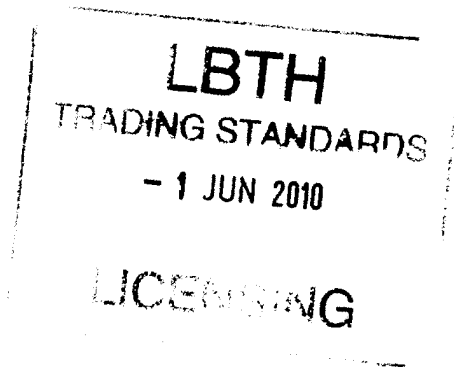
I write to you following my letter dated 26th January 2010. As advised previously, we wrote to the premises licence holder / the Designated Premises Supervisor in relation to your complaints. Just to keep you in the loop, please see attached the response by the licence holder.

If I can be of any further help, do not hesitate to contact me.

Yours sincerely



Mohshin Ali
Acting Senior Licensing Officer



M:\Licensing\Word97\ENFORCEMENT\Complaint Response Lets\ThreeColtSt27.DMullis.003.doc



2009-2010
Positive engagement of older people
2009-2010
Preventing and tackling child poverty
2003-2009
Winner of 2 previous
Beacon Awards



Corporate Director
Communities, Localities & Culture
Stephen Halsey

Lormar
LIMITED

URBAN BARS

27 THREE COLT STREET

LIMEHOUSE

COMPANY REGISTRATION NUMBER 43380885
LONDON E14 8HH

Mr Mohshin Ali
Senior Licensing Officer
Communities, Localities & Culture
Licensing Section
Mulberry Place
PO Box 55729
5 Clove Crescent
London E14 1BY

This letter may be distributed
as you may see fit.
Please feel free to pass on
my contact details
to any concerned parties.

9th February 2010

REF: 5b Urban Bar, 27 Three Colt Street, Limehouse, E14 8HH

Dear Mr Ali,

I write to advise that I have taken the following actions to reduce perceived noise and nuisance levels in and around my premise.

Noise Reduction Measures

1. Blocking the ventilation ductwork, removing the fans and installing insulation in the ductwork on the north (adjacent) side of my building.
2. I used the exterior wall mounted ashtrays as notice boards to "advertise" that, while customers were legally allowed to smoke on the pavement, they should refrain from being noisy. This advertisement is shown here:
3. Upgraded the previously existing "Respect our Neighbours" sign.
4. Provided my personal mobile number and e-mail contact details to keep communication lines open.
5. Instituted a new policy, enforced by the Door Supervisor, of No Drinks outside after 10pm; to insure that customers limit the time spend on the pavement smoking. (Previously our policy was that drinks could only be taken from the premise in plastic glasses after 10pm.)
6. Instructed the Door Supervisor to request that smokers keep conversations to a minimum.
7. Instituted a policy where customers waiting for taxi's, wait inside the premise and not on the pavement.
8. Instructed our vetted taxi firm to take direction only from our Door Supervisor when disputes occur in the rank.

**HAVE A SMOKE,
NOT A JOKE!**

Laughing, joking around, talking really loud on the phone are the sorts of things that just get on peoples nerves, when they take place under your window. It's just fair play. We can all enjoy and get along; so anything you can do to keep the noise down is a good neighbourly thing!

Since the Gateway development has opened, and it sub-let part of the premise to Providence Row, I have seen a real increase in Anti-Social Behaviour, street crime and theft. I have had my front windows put through, my car broken into, and I have had to ban from my premise several Gateway residents - while I cannot say with certainty that this is due to the type of tenant both Gateway and Providence Row may let to, it has to be more than a coincidence. If public nuisance is on the increase in Three Colt Street, Gateway and Providence Row must be held accountable.

On the other hand, if any resident believes that noise emanating from the Urban Bar, is causing a Noise Nuisance, and I very much doubt if a Statutory Noise Nuisance would be evident. I am happy to work with a Local Authority Environmental Health Officer, or Building Control Officer to take measurements of our sound systems and any effect it may have within any flat. Although this course of action may demonstrate that the problem was structural to the way the building was constructed.

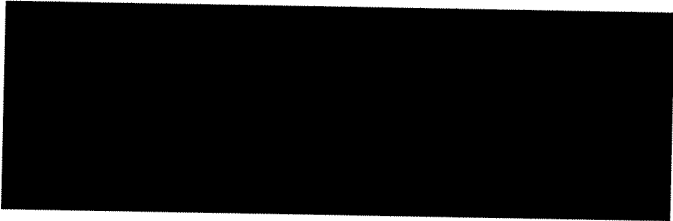
I would further state that none of the Licensing Objectives or conditions of my license has been breached, despite any innuendo, and suggestions that they may have. I have reprinted those allegations on the attached page along with my responses. I work very hard to satisfy both my patrons and my neighbours and have addressed each and every issue as they have become known to me.

Sincerely yours,

Mark Slankard,
Director

CC: Met Police - Licensing Section,
LBTH - Environmental Protection

I can be reached -



By Post - 27 Three Colt Street
Limehouse
London
E14 8HH

Supporting document 2

Communicating about Urban Bar noise issues and pursuing solutions

From: [REDACTED]
Sent: 14 December 2009 16:58:46
To: [REDACTED]

LBTH
TRADING STANDARDS
- 1 JUN 2010

Dear Mark

The purpose of this email is to create an opportunity for me to develop a full appraisal for you, without distractions, of the difficult situation I find myself in with regard to my ~~sleepless nights caused by noise~~ generated by your bar in Three Colt Street.

While writing, I have in mind the comment that you made to me about preferring me to live next door to a bar that I could enjoy than one I didn't, so I trust you'll approach my comments with the same openness in which our conversations have been conducted.

You'll remember that since being moved into 7 Three Colt Street by my Housing Association in early October, we have had three conversations about noise from your bar. At our first conversation, I let you know that I wasn't interested in how you ran your business as long as I got the sleep I needed. Currently, that's still true, but I'm reaching a point where I feel that this situation is more than I can personally cope with.

Despite your efforts so far - for example, temporarily blocking the vents that face 7 Three Colt Street ahead of a permanent, more effective solution - I'm not getting the sleep I need. On the strength of the knock-on effect of disturbance two weekends ago, I was late getting up for work following this. More significantly, because of noise until 4.25am on the morning of Saturday 12th December, I was late for work itself that morning. This causes me and my employer concern.

It seems relevant to mention at this point, that because of your temporary effort with your vents, and that while noise levels from music have reduced somewhat, the resonance from bass frequencies is still a major problem. My view differs from your assertion that this resonance is being transferred through our buildings' foundations and therefore unsolvable. That may be the case to a tiny degree, but my experience maintains that the majority of this problem is airborne, as I hear it in my bedroom, but not in any other living space facing the street or otherwise, and I live on the top floor.

We also seem to have a difference of opinion about the sound insulation of 7 Three Colt Street. As it is a new build, I have assurance from Gateway Housing Association that sound insulation is high, as is the heat insulation, which has a Government-approved rating of 111/120. With that in mind, I feel confident enough to suggest that your Victorian building could achieve something close to this with some improvements.

You and I have also talked about the ongoing need for Gateway Housing Association's agents to make good some damage to your building's footings that occurred during excavations for Gateway's new housing block at Three Colt Street. Unfortunate as this is for you, I'd like it to be considered as an issue separate from the subject of this communication.

On the three occasions, since October, that we've had conversations about noise from your bar, you have indicated on each of those separate occasions - once by stating explicitly, once when asked to reiterate by me, and once by inference in our most recent conversation - that you have a licence (to sell alcohol) until 3am every night. This turns out to be not correct as Tower Hamlets Licensing department have kindly sent me an abridged copy of your licence for 27 Three Colt Street. I am choosing to believe that you indicated 3am to me because you wanted to give me a better impression of the noise nuisance I am suffering.

The purpose of this email is to look at further solutions to my continuing problems without the need to trigger a licence review. Following my listing of those problems below, I've proposed some further solutions. I welcome your comments and possible commitment to them.

As an aside to this, but related, I happened to mention my difficulties in a conversation with a neighbour who, it turns out, is also suffering sleepless nights caused by noise generated by your bar. Unlike me, he has not chosen to take the personal route by talking with you, but has been in regular contact with Tower Hamlets' Noise Nuisance and Licensing departments. My neighbour tells me he works nights sometimes, so values his sleep enormously because of his erratic work pattern.

Knowing that I was going to email you, he asked me to ask you this, possibly rhetorical, question. Would you be able to function well if you had this [noise problem] to put up with when you wanted to sleep? But back to my main subject...

Also, as I said in our most recent conversation on Thursday evening (10th December), living with the unpredictable noise has been like knowing that someone is going to hit me but not knowing when. So I've appreciated the list you've given me of this Christmas season's parties that you'll be hosting (five this week from Tuesday 15th to Friday 18th December and one on Monday 21st December). However, I didn't appreciate your comment, no matter how humorously meant, that I might want 'to make other plans'. Presumably plans other than me enjoying being at home.

Now for noise events I can remember...

With a licence limit of 2am into a Saturday morning from a Friday night, I hope you can appreciate my frustration at not being able to get to sleep until after 4.30am on the morning of Saturday 5th December. That was when I was able to enter your premises to complain to you about noise on the street from people who were clearly your customers and who had been noisy on the pavement since at least 4am. That I was able to enter your premises at all and then find people still at the bar, also concerns me.

At 2.30am on the morning of Sunday 6th December, I was unable to sleep so decided to look at the situation from the street to find people with full pints on the bar, loud music still playing and people still able to re-enter the bar. The gang of young men clearly dealing and taking illegal drugs in the alley on the south side of your premises at that time is presumably not your concern and is the business of the Police, but still troubling to me.

At 2.15am on the morning of Friday 11th December, I was kept awake so decided to talk to your doorman about reinforcing the message on your new signs, on your wall-mounted cigarette bins, which request quiet customer behaviour. However, these signs seem to be currently covered by your adverts about New Year's Eve. Your doorman assured me that he had been reinforcing your message. I wasn't convinced from my earlier and later view of the scene from my third-floor bedroom window. The music continued until some time past 2.35am.

We've already spoken about the local young man who recently smashed a glass door at 31 Three Colt Street, smashed a window at your bar, and who, if I understood correctly, attempted to steal a mobile phone from one of your customers. So no more needs to be said about that or the argument, caused by the same person as you say, at your pub door that woke me up at 6.30am one Saturday or Sunday morning about two weeks ago following a 21st birthday party.

Further back, at 3.50am on the morning of Saturday 31st October, I was kept awake by music and street noise, and until 3.10am on the morning of Sunday 1st November.

On Tuesday nights, when you have live music, I have no problem with noise until recorded music starts sometimes as late as 12 midnight and continues beyond 1am. And I must praise you for maintaining Condition 16 of your Licence - about the beer garden closing at 10pm.

It's the things that you say that are beyond your control that I would question, because as you are someone who appears to have loyal, regular customers and has a generous atmosphere in your bar, I find it hard to believe that you have no sway over their behaviour.

An occasional observation by me is of your customers with drinks in glasses, as well as noisy, inebriated customers wanting to smoke who, when unresponsive to requests to be quiet, appear to be invited back into the bar to smoke after licensing hours. Also, though rarely, I have found broken tumbler glasses on the pavement in the morning, found one late drinker with a drink in his hand while urinating in my doorway, and found another late drinker, with a glass by his feet, eating (and mostly dropping) a kebab

FLARE REF:

Supporting document 3

TRADING STANDARDS
DIARY SHEET

Environmental Health, Environmental Protection

Address where noise originates:		Name and address of complainant:		
<p><u>The Urban Bar</u> <u>27 Three Colt Street</u> <u>London E14 8HH</u></p>		<p><u>LICE</u> <u>Donald Mullis</u></p>		
Date	Type of Noise	Time Started	Time Finished	Effect of Noise (e.g., prevented sleep, interfered with conversation, reading or TV)
6/3	Bass from music	00.12	continuous	Preventing sleep
6/3	Raised voices	00.12		Preventing sleep
6/3	Continued raised voices	00.15		"
6/3	" raised voices and bass from music	00.20		"
6/3	Raised voices continue	02.19	Noise seems continuous	(Between these times I achieved some sleep, but still disturbed intermittently.)
6/3	" with background bass	02.43	"	I'm now fully awake, unable to sleep and listening to the radio from time to time. Any voices from people still outside the bar are now just plain frustrating.
6/3	" with background bass	02.52	"	
6/3	People still talking in the street	03.32		
6/3	" with background bass	03.36		
6/3	Finally got to sleep at about 04.30			Woke naturally at 9.30. Thankfully, it wasn't my weekend to work.
6/3	BASS from music + raised voices	23.43		Just decided to go to bed - prospect of another frustrating night ahead
7/3	Decided to listen to the midnight news on Radio 4			before trying to sleep again at 00.30
7/3	Crowd sings the Chorus of Tom Jones 'Delilah' at about	00.28		Anti-social, hence frustrating.
7/3	Bass from music	00.38		Preventing sleep.
7/3	" + VOICES	00.39		"
7/3	"	00.45		Thinking of choosing my own noise - the radio as I'm not getting to sleep, or moving to my living room to escape this frustration.
7/3	Bass from music	00.49		
7/3	Voices + some bass	00.58		Not sleeping, will video the street.
(This noise, if a typical Saturday night/Friday morning, will not be stopping until well gone)				03.01
So I'm going to sleep on my sofa for an hour or two. Need a break from the noise.)				

Please return to:

Environmental Health, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London, E14 1BY

FLARE REF:

DIARY SHEET
Environmental Health, Environmental Protection

Address where noise originates: <u>The Urban Bar</u> <u>27 Three Colt Street</u> <u>London E14 8HH</u>	Name and address of complainant: <u>Donald Mullis</u>
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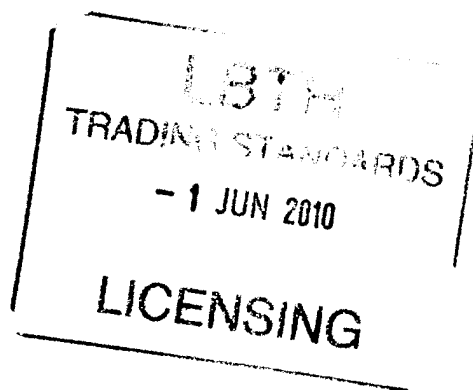
Date	Type of Noise	Time Started	Time Finished	Effect of Noise (e.g., prevented sleep, interfered with conversation, reading or TV)
7/3	Voices + some background bass	02.34		
7/3	Voices + "	02.39		
7/3	Voices + "	02.51		
7/3	Voices + car/taxi doors slamming	05.29		Sleep broken, feel disorientated
7/3	Last of cars/taxis - horn sounds	05.37		not sure if
7/3	External doors of pub closed	05.42		I pushed the button to mark the recording. Fully awake but will try for some more sleep.
8/3	When I left the flat at about 6pm, the Urban bar was open.	02.12		Broken sleep
	When I got back home at about 10.30pm, I was relieved to see that the bar was closed. May sleep well.			
9/3	Voices + awareness of some bass	02.12		Broken sleep
11/3	Persistent bass	00.02		
11/3	Woken by sudden noise(?) but can't be sure that bass or music was from dreaming	02.25		Broken sleep
12/3	Aware of bass	00.05		Not wanting to sleep yet as I'm listening to the radio, but hearing some bass from the bar is frustrating.

Please return to:
 Environmental Health, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London, E14 1BY

Appendix 8

Statement of Facts of:

Ryan Green
[REDACTED]



My name is Ryan Green and I have been a Gateway Housing tenant since January 2007.

On 6 October 2010 my partner and I moved into [REDACTED] having been decanted from our previous flat in Stepney Green. Since moving in, our dreams of having a new, modern and well appointed flat have become a nightmare due to the actions of Urban Bar to the point where it has affected my work, my social life as well as my Civil Partnership.

When viewing the flat with the housing association prior to moving in we saw a sign on the pub adjacent stating "Thinking of moving in? Think about it! You're gonna be next to a late night, noisy, busy pub. Any questions call Mark [REDACTED]" We were quite apprehensive having seen that sign however we decided to go forward with the move as we had no choice due to the status of our previous block.

Almost immediately after moving in we began to have problems with noise from the Urban Bar. The bass level on most nights was incredible, the music so loud when a DJ was in residence that we could hear it clearly in the apartment even with the TV on and the bar never seemed to keep to its licensed hours with people in the street drinking sometimes until 3.30am and customers still in the bar drinking hours after the official closing time. Often there were bottles and broken glasses in the property's front landscaping and the smell of urine was pervasive in both our doorway as well as the garden and street outside the building. Vomit has also been an unsightly and unhygienic problem.

Saturday and Sunday morning have been consistently the worst times with incredible noise sometimes until 5 and 6 in the morning. Fights, screaming, singing, breaking bottles and glasses and noisy drunken smokers' conversations regularly happen until the early hours. Frequently the situation is that the bar closes and locks the front door but keeps customers who are friends and regulars in the pub well past closing and those people cause problems later by congregating outside to smoke or making a noisy departure well after the official closing time. The bar also alters its closing to its convenience rather than to its License as when DJs play and busy nights lead to far later closings than are allowed.

This ongoing and regular situation has led to a rapid deterioration to the quality of life of me and my partner. I work Nights from 7pm-7am, 4 days on and 4 days off. As a result of this, it is very important that I get regular sleep when I can as lack of sleep can have serious consequences for night workers both in health and employment.

When I work on weekends Thurs, Fri, Sat, Sun nights I frequently come home to my partner Donald sleeping on the sofa in the living room. This means that I can have no time to relax when I get home, cook, eat or watch TV as I do not wish to wake Donald who may have only fallen asleep several hours before. In addition, when I am off it is important that I get full nights of sleep so that I am not tired when I go back to work. However, with all these problems and issues I am regularly not able to have a normal night's sleep and thus end up tired at work or taking naps during the day or sleeping over at the houses of friends.

Donald is frequently mad at me for waking him up and vice-versa. I dread coming home from work as I never know what I will encounter. I will not get into detail but Donald and I have serious arguments regarding sleep, privacy and space all resulting from this arrangement due to the Urban Bar. I have also had so much trouble sleeping that I have seen my GP but sleeping pills had terrible effects on me and my work and made a bad situation worse. I haven't had a good healthy night's sleep in months.

In response to these issues my partner has responded on multiple fronts. Initially he spoke to the owner of Urban Bar Mark Slankard several times from the 6 October until December. My partner discussed the late night noise and anti-social behavior as well as the bass levels and closing time issues. The response was limited if any. Although the volumes were adjusted at different times, Mr. Slankard made it clear to my partner that he was not responsible for customers in the public street and thus could do nothing about the anti-social behavior of his customers. I didn't wish to interrupt the man's business and thus stayed back on these attempts but in hindsight wish I had been more proactive earlier.

After several months of failed attempts we finally began to report noise and issues to the Tower Hamlets Noise Team, Tower Gateway Housing Association and the Police where required. The reaction in the last several months has again been limited. The bar is still not operating to its agreed licensing times which are too late for a neighborhood bar anyways, customers still remain in the bar long after the official closing time and smokers and drunk persons still congregate around the door long after closing times, urinating, swearing, fighting and breaking glass bottles and glasses. Music is still played at unreasonable volumes and the owner has an attitude of indifference and intransigence to say the least. His attitude has been one of obstruction and denial. I have not always been involved with these complaints as I never thought anything would be done but now as a response is happening I feel it is the best time for me to bring my story forward.

My suggestions for improvement of this situation which has so upset both my partner and me as well as our neighbors is as follows:

- A reduction in Business Hours to more sociable pub hours rather than late night bar and club hours as the bar exists in a highly dense residential neighborhood.
- A requirement to regulate sound levels, control and timing of how much of the live music and DJ music spills out into the surrounding area considering the close proximity of the bar to residential blocks.
- An agreement that closing hours means that everyone has to leave within drinking up time and vacate the premises as quietly as possible.
- Enforcement of better door regulation as in the doormen should prevent people from leaving with glasses and bottles and should control street crowds and keep the noise and anti social behavior down as is done with most other pubs in residential areas.

These are all simple solutions that need to be enforced in order to maintain law and order and community cohesion.

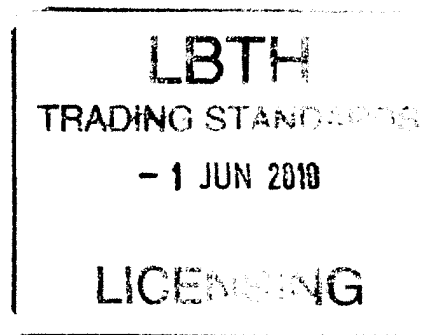
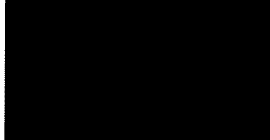
In closing, this issue has been a nightmare for my partner and I. We hoped that after the nightmare of having to move out of the flat we loved we could grow to love our new flat and location. However, since we have moved in our quality of life as well as our partnership have suffered to the point that things have become untenable as is. Something must be done to help me, my partner and our neighbors as this behavior is unacceptable and cannot continue.

Ryan Patrick Green

Appendix 9

Statement of facts of:

Kirsty Bartholomew



My name is Kirsty Bartholomew I live at [REDACTED] with my young daughter of 18 months. I moved into this block, next door to the Urban Bar in September 2009.

The noise coming from the bar is constant most nights. I can hear loud music thumping through the building.

From around 12 midnight right through to around 3 am most days and sometimes through to 5 or 6 am people go in and out of the bar shouting and screaming at the tops of their voices.

They bang on my windows whilst they are standing drinking and smoking outside of the block.

I can no longer put the lights on in my flat as they shout through the window whilst banging on it. I feel so scared and frightened of what they might do to me and my very young daughter.

It has got to the point where we can not sleep during normal sleeping times and find ourselves dozing off in the afternoon when we should be doing other normal day time activities.

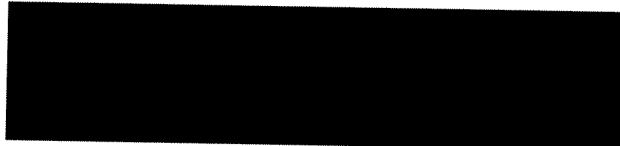
The people from the bar whilst they are drinking and smoking outside my flat get in to the communal lobby and use it as a toilet. I have also found drug paraphernalia in the lobby area the following morning. I am so scared that they may try and get in to my flat.

The crowds from the bar are there constantly, there are often fights outside and they are always shouting at each other from the tops of their voices.

I have recorded a lot of these problems on my phone and am happy for them to be seen and heard so you can see what we have to put up with.

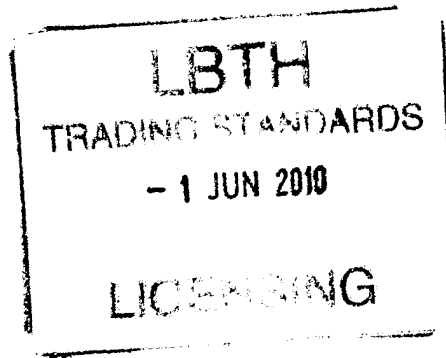
I am at my wits end as I cannot sleep at night I am too scared to put lights on in my flat, I cannot look out of my window, in fact I keep my curtains shut all the time so we are living in darkness and being subject to the noise of the customers from the bar constantly coming outside and along with the thumping music from the bar. I have no life just a living hell.

I want to be able to live a normal live without fear, to be able to have my windows open to let in fresh air and not to be in constant fear for my daughter and myself.



Kirsty Bartholomew

Appendix 10



Statement of facts of:

Shelim Ahmed



My name is Shelim Ahmed. I am a tenant of Gateway Housing and moved in to [REDACTED] in July 2009.

Since moving into my flat, problems caused by The Urban Bar have spoiled my home life.

I have also had my car scratched and drink glasses and bottles have been left on the top of my car. While there is no clear evidence that my car was scratched by the Bar's customers, I had no problem like this where I used to live. But I think I can assume that the drink glasses and bottles left on my car were left there by customers of The Urban Bar.

I have been disturbed at night by fights, arguments and loud people outside the bar well into the early hours of the morning. As a single father living with my child I worry when he gets disturbed as well.

There have been times when I have looked from my bedroom window on the third floor to see what is happening in the street and I have been sworn at by drinkers in the street and have had other verbal abuse. On one occasion a man and a woman drinking in the street shouted up at me while the man looked for something to throw at my window. That also made me worry about my son's safety.

Sometimes I have called 999 for the Police to stop violent incidents. The Police usually arrive too late to help but when I have asked them what more they can do to help they say that it wasn't a Police problem but a Licensing problem. On one occasion when I called the Police out I was looking from my bedroom window to check what was happening before the Police arrived and Mark Slankard was in the street looking on as well. When he saw me he walked away.

I'd like to see CCTV installed in the street aimed at The Urban Bar to monitor disturbances.

These violent incidents and other disturbances happen very late. They seem to get worse the later it is in the night because people have been drinking for longer. So I think that shorter opening hours for the bar would solve the problem.

I find it unbelievable that people sometimes still arrive for the bar at half past one or two o'clock in the morning just before the bar is supposed to be closing. I know that people stay in the bar for a very long time after closing time. As this is a continuing problem, I think CCTV would also help to monitor how business is operated at The Urban Bar.

Car doors banging that late are also annoying particularly as there are so many taxis coming and going at all times of the night. Without the problems The Urban Bar causes Three Colt Street is usually a very quiet street.

Other noise comes from the beer garden at the back of the Bar which disturbs me in my living room and when there is a DJ playing in the bar the noise is so loud that there isn't anywhere in the flat to get away from it.

Sometimes I have gone down to the doorman of the bar to talk to him about doing more to keep the noise down and keep people on the pavement quieter but this always feel like a verbal war to me and as I am a peaceful man and I don't want trouble, I feel powerless as it seems to make no difference.

Also sometimes when I have gone down late at night to talk to the doorman I have seen Mark Slankard dancing on the bar dressed up and encouraging people to be noisy. I know people like to enjoy themselves but I think that as Mark Slankard is the Licensee he could be doing more to reduce the noise that can be heard coming from the bar and then do more to reduce the noise of people when they drink and smoke outside and also as they leave.

A recent difficult day for me was London Marathon day (25th April 2010) when a crowd of drinkers blocked the street and while our street-level lobby door should be secure from outsiders there were people who used the lobby as a urinal.

Also on that day I was being visited by a cousin and as she got nearer the street door she was chased into the block by a few of the male drinkers on the pavement.

The Urban Bar seems to attract people from a wide area from other bars that close earlier than the Urban Bar so they have already had quite a lot to drink before they arrive there. This means they are likely to be more drunk and noisier when they leave the Urban Bar early in the morning.

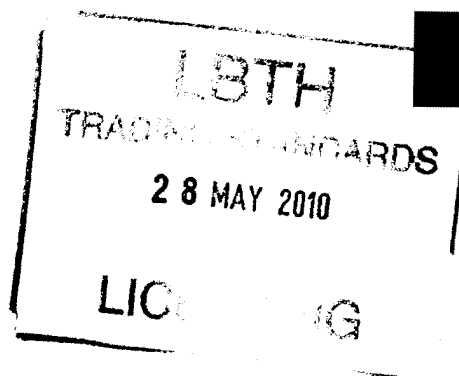
To prevent this and other problems that come with it is why I say again that shorter opening hours would solve these problems.

Shelim Ahmed

Appendix 11

Mr & Mrs Pullin

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



26 May 2010
Via e-Mail & Post

Re: Application for a review of a Premises Licence under the Licensing Act 2003 in relation to 5B Urban Bar, 27 Three Colt Street, London, E14 8HH

Dear Sir/Madam

We are writing in support of the proposal to change the opening hours of 5B Urban Bar and require the premises to increase the level of security and control over its customers.

We have been residents of flat in a property adjacent to 5B Urban Bar for around three years. The bar and its customers have regularly been a source of nuisance and disorder throughout this time.

Excessively loud music played until the early hours of the morning is a regular problem. The 5B Urban Bar operates as if it were a nightclub and without due consideration for its neighbours. On many occasions this has resulted in the need for noise nuisance complaints to be made by us and other local residents. On at least one occasion that we have reported, a statutory nuisance was witnessed by a Noise Patrol Officer and an Abatement Notice was subsequently served on the licensee of the premises. Unfortunately, the licensee did not take any steps to rectify the nuisance and the noise problem has persisted. We understand from various Noise Patrol Officers that the 5B Urban Bar has been the subject of several other Abatement Notices and we would encourage you to obtain further details from the Environmental Health department as this clearly shows a pattern of wilful public nuisance that affects the area.

Another cause of concern is the level of control the bar has over its customers and the way in which it uses the street as an extension of the premises. It is frequent for groups of customers to be drinking and smoking on the street instead of in the bar, which is normally full to capacity, throughout the evening and into the morning. The bar clearly supports this by providing tables and chairs on the pavement for use by its customers. This contributes significantly to the level of anti-social behaviour in the area and creates a threatening environment for local residents.

Just recently, on 24 April 2010, there were a huge number of 5B Urban Bar customers on the street and they had spread so far so as to block the entrance to our building, 31 Three Colt Street. When asked politely to move away so that we could enter our property the crowd became aggressive and threatening. Bottles and glasses were thrown at the 31 Three Colt Street entrance. Had we not managed to enter the building and close the door quickly we believe we could have been seriously injured. The incident was very frightening and upsetting. On this occasion, the police were called to deal with the 5B Urban Bar customers and following reference number was provided: CHS 7359.

On another occasion we had to call the police to attend to a fight which had broken out in the alley way between our property and the bar between customers of the bar. The fight appeared to be very violent and we feared for the life of the victim.

5B Urban Bar is located in a quiet residential area off of the main streets and located in between two residential properties and near a school. There is no justification for it to be open until 2 am or 3 am as a nightclub would be. This encourages disruptive behaviour and causes nuisance to local residents.

We believe that limiting 5B Urban Bar's opening hours until 11 pm at the latest, would significantly reduce the public nuisance that the premises causes and coupled with a requirement to limit the number of people out on the street it should prevent further crime and disorder in the area.

If you have any questions in relation to the above disposition, please do not hesitate to contact us.

Yours faithfully

Mr & Mrs Pullin

[REDACTED]

Also sent by e-Mail on 26/05/2010

[REDACTED]

Appendix 12

Richard Stow



To whom it may concern,

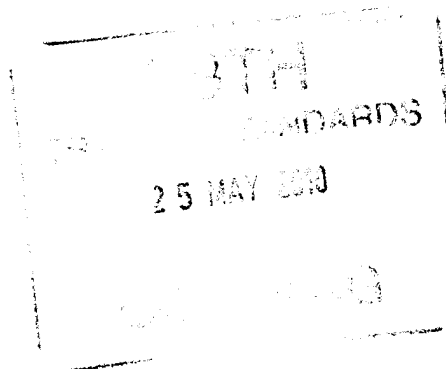
I am writing to petition AGAINST the restriction of the license for the 5B Urban Bar, on Three Colt Street, E14 8HH.

This venue has for years been a great hub of the local community, for 11 years I have been a frequent customer, and can say that Mark Slankard, the landlord, is one of the most community spirited people I know. He works extremely hard to maintain the Urban Bar as one of the best places in the area to have fun, socialise and enjoy, while simultaneously running the venue in a way that does not attract unsocial behaviour or violence. To restrict the license would NOT be to the greater benefit of the community, and I also do NOT believe would resolve any social issues. If neighbours have moved in and have a problem with a venue's license they should at least have empathy with the fact that the bar was there long before they were, and that it is a venue that is enjoyed by literally hundreds of people. Forcing a venue to have 2 bouncers does not calm people, it aggravates them. Closing earlier does not stop people drinking or making noise. As well as costing the Urban Bar so much they would struggle to operate as well as they currently do.

PLEASE DO NOT restrict the 5B Urban Bars license, as this would be detrimental to the local community.

Sincerely

Richard Stow



Appendix 13

Mr Tim Morrison & Ms J Medina

Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Monday 24th May 2010

Re. Urban Bar licence

As frequent visitors to the Urban Bar, and residents of the E14 area, we would like to add our voices to the request that the Urban Bar at 3 Colt Street (E14 8HH) be allowed to keep it's current licence.

Most of the bars in the E14 area cater to bankers in the financial centre of Canary Wharf. There are very few bars that provide a sense of community bringing together local customers, as well as tourists and other visitors, in a friendly and welcoming place.

We have met a number of very good friends at the Urban Bar and we regularly use this venue as a place to enjoy our leisure time and to get to know local people within the E14 community.

We have been resident in the E14 area for 9 years and would ask that the licence of the Urban Bar should not be changed.

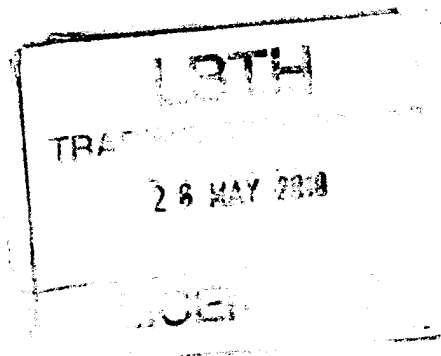
Yours faithfully,



Mr T Morrison



Ms J Medina



Appendix 14

[REDACTED]

Tower Hamlets Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

14 May 2010

Dear Sir,

I am writing with regard to some news I have heard concerning a review of the licence of the Urban Bar in Limehouse.

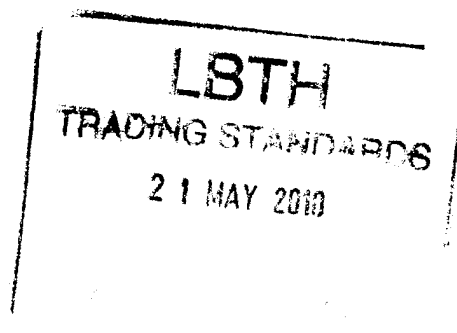
Having visited the Urban Bar frequently over the last eight years I am in a position to know the unique atmosphere that the bar generates. At no time over those eight years have I ever seen anything other than good clean fun and people enjoying themselves in a proper and decent manner.

As such I don't see any need for any alterations of the licence which is currently in effect.

Please take these comments into account in your review.

Yours faithfully,

Adam Cleur



Appendix 15

[REDACTED]

19th May 2010

Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY

RE: Urban 5b, 27 Three Colt Street, Limehouse, LONDON, E14 8HH

To whom it may concern,

I am writing to object to the proposed changes to the license for the Urban 5b where the landlord is Mr. Mark Slankard. I have been informed that the proposed changes include the following points:

- Close at 11pm everyday.
- Have 2 doormen every day after 6pm
- Only allow 4 smokers on the public way at any one time.

I find it hard to understand how Tower Hamlets can be proposing these amendments given that the Urban 5b has been running successfully for 13 years or more.

The Urban 5b is a unique East-end community pub, where locals of all ages and backgrounds can come together to enjoy an entertaining evening. I believe it is one of the best run pubs in the Docklands area (if not London). The Urban 5b run by Mark, his wife Lorraine and their staff create a fun and friendly atmosphere, which everyone who goes there (regular/local or not) comments very favourably on.

I find it hard to understand that Tower Hamlets can be proposing these amendments given that the Urban 5b has been running successfully for 13 years or more.

The proposed changes above would have a detrimental effect on the Urban 5b business, and these changes could lead to the potential closure of the bar. This would be a real loss to the area, not only would the area lose yet another independent pub (as opposed to all the boring chains around Canary Wharf), but it would also lose a pub that is key social centre for people in the community.

I also find it difficult to believe that in the current economic climate Tower Hamlets is trying to discourage local businesses from doing what they do best. I would have thought that it was in their best interests to encourage small businesses and to keep people in the community employed rather than in the queue at the Job Centre.

I would implore Tower Hamlets to reconsider the proposed changes, in order to keep this well run, community spirited and "little gem" of a pub up and running, to save the Isle of Dogs from becoming a boring and corporate chain-pub riddled area.

Yours sincerely,

[REDACTED]

Nuala Monaghan

LBTH
TRADING STANDARDS

21 MAY 2010

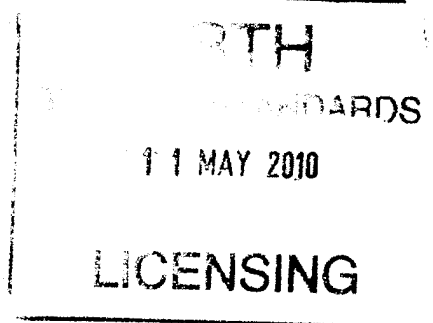
LICENSING

Appendix 16

Michael John Leszczuk



Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY



Dear Sirs,

Complaints against the Urban Bar, Three Colt Street, E14

As a long time regular user of this bar, it has come to my attention that there have been complaints from two people living in the very large block next door. I would like to make the following observations.

Notification, for about six weeks before anyone moved into the flats, a large sign was displayed in the pub stating that it had a late license and was prone to be noisier than some other pubs. This thereby notified all new tenants, so if you are warned in advance there surely can be little ground for complaint after moving in.

All taxi cab companies are warned not to use their horns, but to enter the bar and announce themselves.

Public service, the Police, Ambulance, and Fire Brigade have all booked private events in this pub, as the late licence is essential due to shift working.

Indeed Mr Fitzpatrick (our re-elected Member of Parliament) held his "thank you" party for his constituency workers in there, on Polling night last week because they could then watch the early results on television together.

I would also point out that Tower Hamlets Council should be aware of the vast number of public houses that have been disposed of too developers, and we as local residents need a range of pubs that cover all basic requirements.

Therefore I would like you to accept this letter as a vote of condemnation on these complaints, and wish no changes to be made to the Urban Bar.

Yours Sincerely

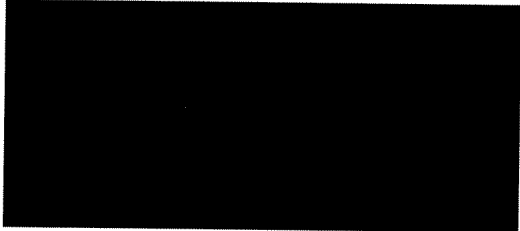
Michael Leszczuk



Appendix 17

LBTH
STANDARDS
11 MAY 2010
LICENSING

11/05/10



Dear Tower hamlets Licensing
Section

RE: Urban bar, three colt st

I am writing to Express my
wish for the above bar to
retain its license exactly as
it is. This bar is a very valuable
part of our local community.

Yours Sincerely
Sara Walsh



Appendix 18

10th May 2010

Florian Kuehn



Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY

Re: Urban Bar Limehouse

To Whom It May Concern:

It is with regret that I hear that the council is proposing to change the license of the Urban Bar jeopardising its future as our local pub. I am writing to urge the council to leave the license of The Urban Bar Limehouse exactly as it is.

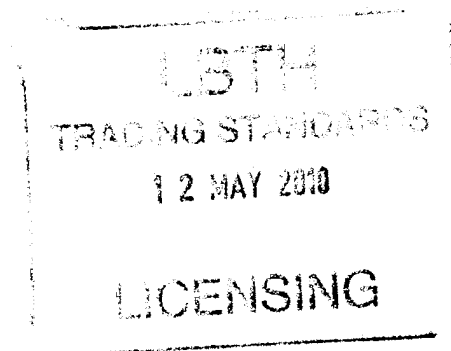
As somebody who moved to London with almost no contacts the Urban Bar has played a key role in the development of many contacts and friendships. It is a well run establishment that really brings the local community together.

I urge you to please leave the Urban Bar license exactly as it is.

Yours sincerely



Florian Kuehn



Appendix 19

[REDACTED]

Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY

28th July 2009

Dear Sir,

Re. 5b Urban Bar, 27, Three Colt St, London, E14 8HH

I understand that you are in the process of reviewing the licencing terms for the 5b in the light of complaints received from its neighbours.

In this case then I am writing to state the case for NOT making the licence any more onerous than it already is.

The 5b Urban Bar has been in its location, and under the present ownership and management for many years, in which time it has served, as it still does, as a vital social hub for many local residents. It is a small local business that recognises individual customers. It is not a franchise of a big publicly owned chain as so many pubs and bars are now, and doesn't deserve to be treated as one by having such restrictions placed on its trading that will threaten to put it out of business- there is no company board which can decide whether or not to run the 5b at a loss and when it's gone, it's gone.

This time during which Mark and Lorraine have made their pub such an asset to the community has seen the density of residential development increase greatly on Three Colt Street and its environs (making it all the more important for businesses to exist to prevent a mono-culture of apartment blocks on our streets). This means that there are more neighbours than there were, but we all have a choice whether or not we buy or rent a residence next to a public house, and those of us with diligent conveyancing solicitors may even have been advised of this if buying property without visiting it first.

Thank you in advance for putting these points forward in your appraisal of the 5b licence.

Yours faithfully,

[REDACTED]

Michael Jardine

[REDACTED]

cc. Mark Slankard.

BTH
STANDARDS
12 MAY 2010

Appendix 20

10th May 2010

Gabby Kuehn

Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY

Re: Urban Bar Limehouse

To Whom It May Concern:

It is with great regret that I hear that the council is proposing to force the Urban Bar to close its doors due to proposed license changes. I am writing to urge the council to leave the license of our local pub The Urban Bar Limehouse exactly as it is.

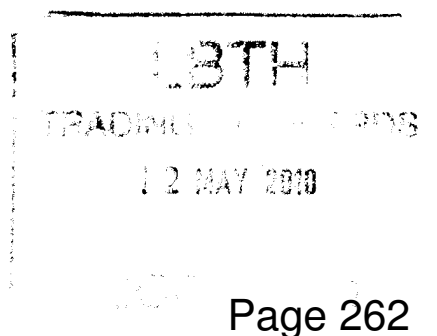
In recent years we have seen an influx of large corporations descend on our local area (Gordon Ramsay, Tesco to name but a few), forcing small businesses to close their doors. I find it very sad to think that the council who is here to represent local people and support local business would act to endanger the livelihood of the people who run such a small business.

There are few areas left so close to the centre of London which have a real sense of community and East London is one such area. For a whole range of people the Urban is at the centre of that community in the Limehouse area.

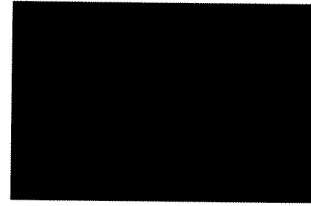
I urge you again to **please** leave the Urban Bar license exactly as it is.

Yours sincerely,

Gabrielle Kuehn



Appendix 21



11th May 2010

Dear Sirs

URBAN BAR LICENSE

For myself, and a considerable number of others, it would be a social tragedy if any restrictions were applied to the Urban Bars license. This pub is the only local facility offering a late evening meal and social drink.

For many years I (a gay 66yr old male) have enjoyed this pubs late hours and amenities. It has always been a place where peoples of differing ages, sexuality and cultures have mixed happily, and, as such, is of considerable value to the local community. With Mark Slankard as Landlord, community is emphasised and he has brought many people together and drawn attention to and facilitated many local issues. We are in grave danger of losing this local treasure as it relies for its business on its late hours license.

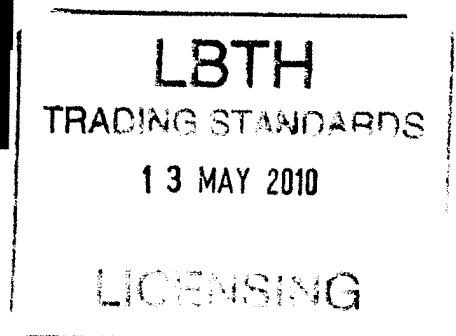
The neighbouring buildings of the Urban Bar are either new build or renovation and as such the existence of a late license pub should have been taken into consideration from the planning to the occupation phases. As such it would seem a gross injustice to elbow out a facility used for many years by hundreds of people to placate just 2 complainers.



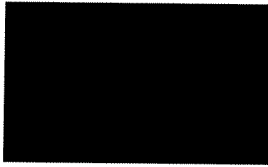
A. M. AIKEN >

Tower Hamlets Licensing Section

PO Box 55739



Appendix 22



Dear Sir/Madam,

It has been brought to my attention that due to complaints from 2 new neighbours the Urban 5b bar in Limehouse may have restrictions placed upon its licence.

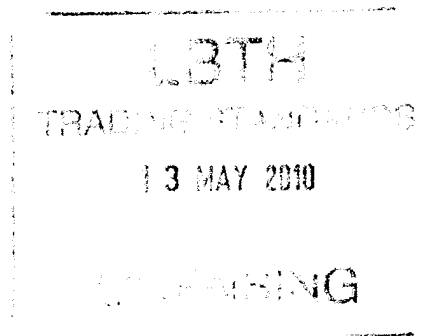
The Urban 5b has been in existence for 13 years now and is a great asset to the area. These new neighbours knew what they were getting when they bought their properties. It was never going to be peaceful as that is not the life that anyone will get when buying a property near a licensed premises and to be constantly complaining after the fact is just a case of sour grapes.

It is rare to find a pub with character today. Please don't take it away by altering the licence.

Yours sincerely



Linda Kendell



Appendix 23

Paul Kathro

11th May 2010

Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY

To whom it may concern,

I am writing to express my dismay at hearing of the new licensing restrictions being proposed for Urban Bar, 27 Three Colt St, London, E14 8HH.

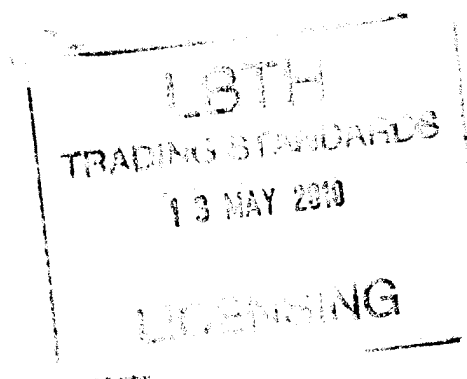
Although I live and work in the south-west of England I frequently travel to London for both business and pleasure. Any time that I am in East London I do my very best to make a trip to Urban Bar. The staff and customers are always so extremely warm and welcoming that I cannot fail to have an amazing evening out there. The owner Mark, his family and staff are some of the nicest and most generous people I have ever met and it pains me to hear that their livelihood is now in jeopardy.

The restrictions that are being proposed would not be feasible and, as a result, Mark would almost surely have to close one of the best pubs I've ever been to in London. That, in my opinion, would be a huge tragedy.

I implore you to take my words into consideration before making any decision on the licensing restrictions planned for Urban Bar.

Yours faithfully,

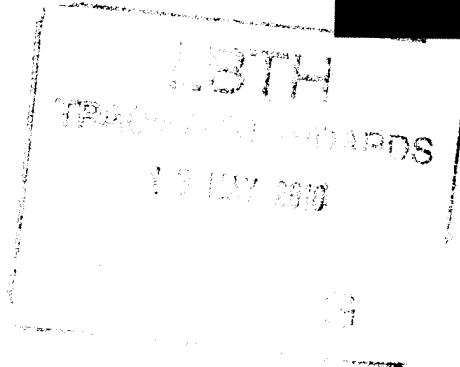
Paul Kathro.



Appendix 24

Michael Harman

Tower Hamlets Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY



To Whom it may Concern

RE: Urban Bar, Three Colts Street, Limehouse. License Restrictions

I have lived in the limehouse and docklands area for over 8 years and in my opinion it would be a disgrace to see a privately run independent business be forced to close due to a small number of complaining residents.

The landscape of the Limehouse area is individual to the East London area with thriving small business owners surviving in what is a tough climate and in the case of the Urban bar providing a truly individual and unique service to its cliental. The Urban bar may have the appearance of a gimmicky bar looking only to turn a profit but don't be fooled buy its outward appearance. Over the eight years I have lived in the area it has served as a homely and familiar local pub providing its regulars (of which there are many) with a welcome smile and friendly ear.

As a customer I have been witness to the bars efforts to keep the peace and any and all guests are firmly told to leave in a quiet and respectful manner.

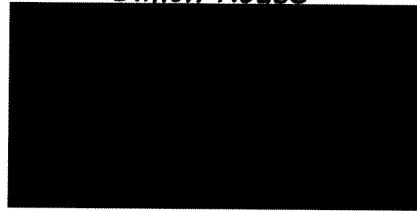
Finally, the restrictions and eventual closure of the Urban Bar would serve no other purpose than to discredit two extremely professional landlords and remove a valuable service from it's cliental.

Kind Regards

Michael Harman

Appendix 25

Simon Rouse



FAO: Tower Hamlets Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

10th of May 2010

Re: Five Bells and Bladebone, 'Urban Bar' PH 27 Three Colt Street, E14

I write with reference to the above premises. I work in Limehouse and live in Bow and having been using the bar for around 10 years. The Urban Bar performs a vital social function in this area and is used by a wide variety of local people. As a single person, living on my own the bar is my main means of maintaining contact with my friends and acquaintances. I appreciate greatly the bars opening and closing times, particularly at weekends.

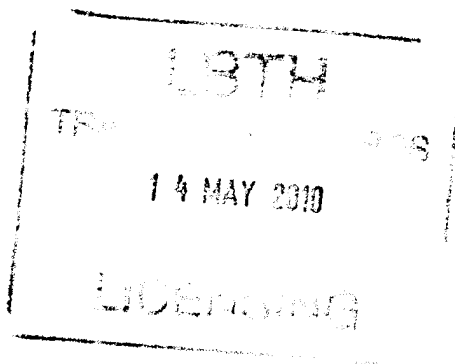
To change the opening times would spoil entirely the nature of the bar and make unattractive to the large number of local residents who use it. Compared to premises near to where I live (for example the 'Matchmaker' in Roman Road) anti-social behaviour is minimal and should there be any unsuitable behaviour, either inside or outside the bar this is dealt with immediately and firmly by the staff.

The bars owner has made strenuous efforts to involve himself with and support the local community, far more so than other business people in Limehouse. It would be a great loss to this area if any attempt is made to alter the nature of the Urban Bar.

Yours sincerely



Simon Rouse



Appendix 26

Armand and Paulina Louw

Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY

Re: 5 Bells Urban bar, 27 Three Colt Street E1 4HH

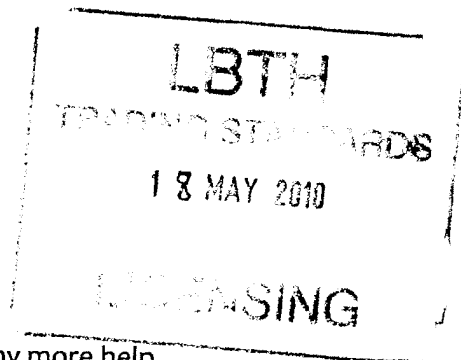
To whom it may concern.

We heard that our most favourite bar in the world might close soon. Due to heavy restrictions, that will have to be implied under the new proposal, 5b will cease to exist. How can they propose to close at 11pm? We don't think we have gone there any earlier! It is more than just a pub. Mark, Lorraine and the gang try their utmost to create memories and laughter and they succeed with flying colours. I met my wife there 4 years ago. We don't even live in the area, but we still travel for 2 hours on a regular basis to say hello to the family which is 5b.

In these days, especially in a big city like London, it is important to belong to a community, to be part of something, and that is 5b. Life without it will be a little bit harder every day. Please do not let a hand full of people, ruin something, some place so special, to so many of us.

Like the lyrics from a famous song:

Making your way in the world today takes everything you've got.
Taking a break from all your worries sure would help a lot.
Wouldn't you like to get away?
Sometimes you want to go
Where everybody knows your name,
and they're always glad you came.
You wanna be where you can see;
our troubles are all the same
You wanna be where everybody knows
Your name.



Please do not hesitate to contact us if we can be of any more help

Kind regards

Armand and Paulina Louw

Family of the 5b Urban Bar

Appendix 27

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like 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 concerns, licensing authorities should not merely repeat that approach.
- 11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to 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;
 - to 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);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.18 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 which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.19 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.
- 11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.21 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 a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 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 or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. 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. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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 behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.23 Where the licensing authority is conducting a review on the ground 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 licensee 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 necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. 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. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs 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 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 unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

- 11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 28

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

Crime and Disorder Act 1998

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

Pool Conditions

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of

relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police instructions/directions are complied with whenever given; and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
 - the number of supervisors;
 - the displaying of name badges;

- the carrying of proof of registration;
 - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
 - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and

irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

Appendix 29

Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 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.

- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

Appendix 30

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of 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. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

a simple requirement to keep doors and windows at the premises closed;
limiting live music to a particular area of the building;
moving the location and direction of speakers away from external walls or walls that abut private premises;
installation of acoustic curtains;
fitting of rubber seals to doorways;
installation of rubber speaker mounts;
requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.

The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

Appendix 31

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy)**.

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.11)**.

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 8.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. A premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

Other Legislation

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

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

WITNESS STATEMENT

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

Statement of Andrew Jackson URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 178779

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

Signature:

[Handwritten signature]

Date:

16/8/10

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

I am a police licensing officer in the Borough of Tower Hamlets and it was in that capacity that I was in Three Colt Street E14 between 0045 and 0140hrs on Saturday 7th August 2010. I was in a police vehicle driven by Sgt Jane Burke and we were there monitoring noise and ASB in relation to customers at the Urban Bar. For the first 35 minutes we sat near the junction with the Commercial Road. Having been in discussion with the operator of the premise I was pleased to see that some of the methods I suggested to Mr Slankard (2 door staff and up to 8 smokers allowed outside at any one time) were in operation and with the car windows open I could hear very little noise. I have requested that the bar close at 0100hrs and at the time I thought that had been agreed so I was surprised to see that people were still arriving at the premise past 0100hrs. At 0120hrs we drove down the street behind a black cab. This cab stopped directly outside the bar blocking the road and 4 males and 1 female got out. All were smartly dressed but 1 male was very unsteady on his feet and was helped from the cab by another male. In his hand he had a bottle which was empty and he staggered over to the railings surrounding the churchyard and put the bottle through the railings. I observed the door staff whilst this was taking place and they seemed to be unaware of the drunk male who was a prospective customer. I later found out the alcohol had stopped being served at 0100hrs so at this time the bar was effectively shut. I would have thought that the door staff would be approaching any cars which arrived to communicate this fact. The cab pulled off and we drove down the road about 25 yards and parked at j/w Bale St. Shortly after people started to leave the bar. From down the road I could hear music still playing inside the bar and people were shouting as they left. On leaving the bar people then congregated outside the front where the noise level continued to be too high. As the security staff seemed to be just having conversations with people no one was moving away and going home or elsewhere. Very soon we got to a point that there were in excess of 30 persons standing outside the bar, all talking in a good natured but loud way. During this period a black male left as part of a group and walked down the road in our direction. I noticed that this black male had a glass in his hands which was half full of clear liquid. They stopped about 10 yards away from us and leant against the wall where they stayed for a while then walked past us. When I left at 0140hrs some

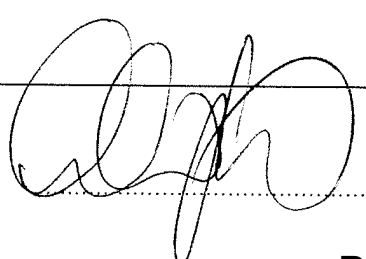
Signature:

[Handwritten signature]

Signature witnessed by:

Continuation of Statement of **Andrew Jackson**

people were still outside the bar talking. At no time did I see any staff or management (other than door staff) outside the bar to assist with the egress of customers. On Monday 9th August I attended a pre-arranged meeting with Mark Slankard and Ian Wareing of LBTH to discuss the upcoming review and I mentioned what I had seen a few days before. This is when I learnt that I had apparently misunderstood an agreement on hours of closure. On mentioning the amount of people who stood outside for a considerable time with out being moved on by staff I suggested that if the door staff couldn't get them to move that he, the owner go and speak to his customers who are apparently all aware of the review.



Signature: Signature witnessed by:

WITNESS STATEMENT

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

Statement of Jane Burke URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant 26HT 82/007648

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

Signature: E. Joe Burke P26 HT Date: 16th August 2010

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

I am a Police Sergeant based at Tower Hamlets Police in charge of the Licensing Unit for the Borough. I write this statement with reference to Urban Bar, Three Colt Street, E14.

On Friday 6th August 2010 I was on duty in plain clothes driving an unmarked police vehicle, in company with PC 124HT Andrew Jackson, a member of the Police Licensing Unit. We were conducting late licensing patrols to various venues in Tower Hamlets Borough. It was a clear night and the weather was fine and dry.

At about 0045hours on 7th August we went to Three Colt Street E14 and I parked the police vehicle near the junction with Commercial Road. The windows on the police car were down and little noise could be heard from the Urban Bar. I saw people continue to arrive at the premise and gain access. At about 0120hours I drove down Three Colt Street. The road was blocked by a black cab directly outside the venue. I saw four smartly dress males and one female got out of the cab. One of the males was helped out of the cab by one of the other males, he had a bottle in his hands and appeared unsteady on his feet. He staggered up to the church wall and placed the bottle behind the railings. After the cab had driven off we parked about 25 yards south of the venue. I could hear music coming from the venue. The security staff seemed to be talking to the customers and not moving them away from the venue. At some point there were almost thirty persons outside, all good natured but creating a loud level of noise. There was a white female sat on a small wall opposite with her head between her legs. I then saw a black male with his arm draped around a female come out of venue walking towards us. I noticed that the male had a glass, half full of liquid, in his hand. They stood near to the female with her head in her hands. We left the area at about 0140hours.

On 13th August 2010 I was again on duty in plain clothes driving an unmarked police vehicle, in company with PC 189HT Cruickshank, a member of the Police Licensing Unit. We were conducting late licensing patrols to

Signature: E. Joe Burke P26 HT Signature witnessed by:

Continuation of Statement of

various venues in Tower Hamlets Borough. It was a clear night however there was light rain on and off throughout the evening.

At about 0120hours we drove to Three Colt Street E14. The lights from the venue were on and there were approximately eight persons outside The Urban Bar, one of them appeared to be a male security officer. One of the group of people standing outside appeared to be drinking from a glass. We parked at the junction with Commercial Road E14. With the windows down loud voices could be heard coming from the venue, even from the top of the street almost 80 yards from the venue. I saw vehicles, which appeared to be private taxi's, pull up outside the venue to collect customers. We drove past the venue and there appeared to be a further twenty persons inside the venue, visible from the road. We left the area to make other visits.

At 0135hours we returned to the venue to see if the bar was still open. The lights were still on and there were still about eight persons standing outside. At 0142hours I saw the lights of the venue turn off and the persons started to walk away from the premises. The venue was dark and noone seemed to be inside. We left the area directly after this.

Signature: E. Joe Burke Is 26th Signature witnessed by: