



Meeting of the

LICENSING SUB COMMITTEE

Thursday, 9 December 2010 at 6.30 p.m.

A G E N D A

VENUE

Meeting Room M72, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Peter Golds	Blackwall & Cubitt Town;
Councillor Rofique U Ahmed	Mile End & Globe Town;
Councillor Shafiqul Haque	St Katharine's & Wapping;

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:

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: simmi.yesmin@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 9 December 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 - 36	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 6 th , 12 th , 26 th October and 9 th November 2010.		
5. ITEMS FOR CONSIDERATION		
5 .1 Application to Review the Premises Licence for Chillies, 76 Brick Lane, London, E1 6RL (LSC 47/011)	37 - 104	Spitalfields & Banglatown;
5 .2 Application to Review the Premises Licence for Monsoon, 78 Brick Lane, London, E1 6RL (LSC 48/011)	105 - 170	Spitalfields & Banglatown;
6. EXCLUSION OF PRESS AND PUBLIC		

In view of the remaining items on the Agenda, the Sub Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the meeting on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972.”

EXEMPT/CONFIDENTIAL SECTION (PINK)

The exempt/confidential (Pink) papers in the Agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

- | | | | |
|-------------|--|------------------|---|
| 6 .1 | Application to Review the Premises Licence for Cinnamon, 134 Brick Lane, London E1 6RU (LSC 49/011) | 171 - 268 | Spitalfields
&
Banglatown; |
| 7. | ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT | | |

This page is intentionally left blank

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:-

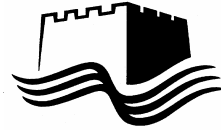
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 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

L16990

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.

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 6 OCTOBER 2010

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

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon

Officers Present:

Mohshin Ali – (Acting Senior Licensing Officer)
Paul Greeno – (Senior Advocate)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Mr Mohammed Choudhury - (Jerrin's News)
Mr Muhammed Choudhury - (Jerrin's News)
Mr Mahir Kilic - (Tai's Vine)
Mr Vassiakis - (Tai's Vine)
Ms Debra Silvester - (Zengi)
Mr Sam Neriman - (Zengi)

Objectors In Attendance:

Mr Alan Cruickshank - (Metropolitan Police)
Mr Andrew Dickson - (Planning Enforcement)

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

Apologies for absence were received on behalf of Councillor Aminur Khan for whom Councillor David Snowdon substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interests made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Vary the Premises Licence for Jerrins News, 90 Mile End Road, London E1 4UN (LSC 34/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises license for Jerrin's News, 90 Mile End Road, London E1 4UN. It was noted that objections had been received by the Metropolitan Police and Planning Enforcement.

At the request of the Chair, Mr Mohammed Choudhury, Applicant's representative, explained that the application was to vary the existing license in order to extend the hours for the sale of alcohol. He further explained that the applicant had been trading for the past 10 years with no history of problems associated with the premise. He further explained that a neighbouring shop had a licence for longer hours and since Tesco Metro had opened on Mile End Road their business had reduced significantly. Mr Choudhury concluded by stating that if the license is granted then he would be able to employ more people.

At the request of the Chair, Mr Alan Cruickshank, Metropolitan Police referred to his objection on page 55 of the agenda and highlighted that the hours applied for were far too excessive and if such a license was granted, it would attract street drinkers and would potentially increase anti-social behaviour in the area.

Mr Andrew Dickson, Planning Enforcement Officer, also referred to his statement on page 59 of the agenda and highlighted that Planning Enforcement did not support the application for a variation of the premises licence for the supply of alcohol to 04:00 hours, seven days a week as this would cause public nuisance to surrounding residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises.

In response to questions it was noted that there were residential properties directly above the premises, there had not been any anti-social behaviour in the premises but there had been reports of anti-social behaviour further down the street. It was noted that their customers would be local residents and that there was one other shop on the same road which had a license to sell alcohol until 4am.

The Chair advised that the Sub Committee would at 6.50pm adjourn to consider the evidence presented. The Members reconvened at 7.10pm. The Chair reported that;

After hearing representations from the applicant, Metropolitan Police and Planning Enforcement and based on evidence there were concerns that by granting the licence in full could have an impact on anti-social behaviour in the area. Therefore Members did not wish to grant the license as set out in the report, however Members did take into account the views of the applicant and considering all the facts Members agreed to grant a licence with the following hours and conditions.

RESOLVED

That the variation application for the premises license for Jerrin's News, 90 Mile End Road, London E1 4UN be **GRANTED** in part with the following conditions;

Sale of alcohol

Sunday to Thursday from 07:00 hours to 02:00 hours
Friday & Saturday from 07:00 hours to 04:00 hours

Hours Premises is Open to the Public

Sunday to Thursday from 07:00 hours to 02:00 hours
Friday & Saturday from 07:00 hours to 04:00 hours

Conditions

1. A CCTV camera system is to be installed covering both internal and external to the premises.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

4.2 Application for a Variation of the Premises Licence for Tai's Vine, 113 Globe Road, London, E1 4LB (LSC 35/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises license for Tai's Vine, 113 Globe Road, London E1 4LB. It was noted that objections had been received by the Metropolitan Police, Planning Enforcement and local residents.

Mr Mahir Kilic, Licensing Representative for the applicant sought clarification on when the objections from residents was received, it was accepted that the representation was made in time and received by fax by Licensing Services on 31st August 2010.

At the request of the Chair, Mr Kilic then explained that the application was to extend the hours for sale of alcohol. He explained that there was no evidence that could prove that there would be concerns for potential increase in anti-social behaviour. He referred to case law which stated that objections should be based on real evidence and that there was no evidence to support concerns raised by the objectors. He stated that the objection from Planning Enforcement was not valid and should not be given any weight during decision making as the same statement had been used for other applications and therefore lacked authenticity. He claimed that the objections were based on speculation with no real evidence of anti-social behaviour. Mr Kilic stated that the applicant was responsible and experienced and had successfully refused underage sales. It was noted that the applicant wished to amend the application to reflect the change to Sundays 08:00 to 00:00 hours (midnight).

At the request of the Chair, Mr Alan Cruickshank referred to his objection on page 133 of the agenda, and highlighted that the hours applied for were excessive and would be likely to affect the large residential population in the area with concerns of anti-social behaviour and public nuisance.

Mr Andrew Dickson referred to his statement on page 137 of the agenda and highlighted that Planning Enforcement did not support the variation of the premises licence to enable the supply of alcohol to 03:00 hours, seven days a week as this will cause public nuisance to surrounding residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises. He also made reference to the letter and petition sent by local residents which also raised concerns about anti-social behaviour in the area.

In response to questions it was noted that Globe Road was a very busy access road, and there had been reports of youth disturbance which has been also raised by the Safer Neighbourhood Team (SNT) in the area, the applicant stated that he was not aware of any antisocial behaviour in the area, and if this was the case why was there no representations from Environmental Health. It was confirmed that the Police had not received any complaints regarding anti-social behaviour linked to the premises.

The Chair advised that the Sub Committee would at 7.35pm adjourn to consider the evidence presented. The Members reconvened at 7.45pm. The Chair reported that;

After hearing representations from all interested parties, Members reached the decision not to grant the application as set out in the report. Members specifically took into account the objections from residents and concerns raised regarding anti-social behaviour and congregation of youth in the area and therefore Members decided not to grant the license in full.

Members gave consideration to the large number of residential properties in the area and the concerns regarding anti-social behaviour and the fact that granting of the licence is likely to result in an increase in anti-social behaviour. However Members were satisfied to grant the license in part with the hours and conditions recommended by the Metropolitan Police.

RESOLVED

That the variation application for the premises license for Tai's Vine, 113 Globe Road, London E1 4LB be **GRANTED** in part with the following conditions;

Sale of Alcohol

Sunday to Thursday from 08:00 hours – 23:00 hours

Friday & Saturday from 08:00 hours – 00:00 hours (midnight)

Hours Premises is Open to the Public

Sunday to Thursday from 08:00 hours – 23:00 hours

Friday & Saturday from 08:00 hours – 00:00 hours (midnight)

Conditions

1. A CCTV camera system is to be installed covering both internal and external to the premises.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

4.3 Application for a New Premises Licence for Zengi, 44 Commercial Street, London E1 6LT (LSC 36/011)

There were no objectors present for this application and therefore Members decided to consider the application and the written objections contained within the agenda. In response to questions, Ms Debra Silvester, Licensing Representative for the applicant confirmed that the premise was a restaurant and not a bar or club and therefore customers would only be drinking with their meals.

The Chair advised that the Sub Committee would at 7.50pm adjourn to consider the evidence presented. The Members reconvened at 8.00pm. The Chair reported that;

In considering the application, Members noted the concerns raised by local residents who made representations in relation to crime and disorder and public nuisance but it was considered, however, that these were very much future concerns regarding what could happen if more late night premises were to open in the local area and relating to other premises in the area and not the actual premise itself. Members had considered the application based on the current position and were satisfied that the application could be granted.

RESOLVED

That the new application for the premises license for Zengi, 44 Commercial Street, London E1 6LT be **GRANTED** in part with the following conditions;

Sale of Alcohol (on sales)

Monday to Sunday from 11:00 hours – 23:30 hours

Provision of Late Night Refreshments

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

Provision of Regulated Entertainment (including live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provisions of facilities for dancing and anything of a similar description)

Monday to Sunday from 11:00 hours – 23:30 hours

Licensable Activities Non-Standard Timings

New Year's Eve from 11:00 hours to 01:30 hours (the following day)

Non-Standard Timings

New Year's Eve from 11:00 hours to 01:30 hours (the following day)

Hours Premises is Open to the Public

Monday to Sunday from 11:00 hours – 00:00 hours

Conditions

1. A CCTV camera system is to be installed covering both internal and external to the premises.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure

manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

2. Any outdoor seating service to be concluded by 22:00 hours

The meeting ended at 8.30 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 12 OCTOBER 2010****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kabir Ahmed (Chair)

Councillor Peter Golds

Councillor David Snowdon

Officers Present:

Andrew Dickson	- (Planning Enforcement Officer)
Paul Greeno	- (Senior Advocate)
Razaul Haque	- (Environmental Health Officer)
Andrew Heron	- (Licensing Officer)
Nick Kemp	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Mr Dudu Miah	- (PFC 2)
Mr Imam Mohammed	- (PFC 2)
Mr Saydikur Rahman	- (PFC 2)

Objectors In Attendance:

PC Alan Cruickshank	- (Metropolitan Police)
Mr Daniel Ashcroft	- (Cost Cut)
Ms Minara Begum	- (Cost Cut)
Mr Arju Miah	- (Cost Cut)
Mr Lalon Miah	- (Cost Cut)

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

Apologies for absence were received on behalf of Councillor Khales Ahmed and Councillor Harun Miah for whom Councillor David Snowdon and Councillor Peter Golds substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application to Review the Premises Licence for Cost Cut, 219 East India Dock Road, London E14 0ED (LSC 37/011)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the review application for the premises license for Cost Cut, 219 East India Dock Road, London E14 0ED. It was noted that the review had been triggered by Trading Standards.

At the request of the Chair, Mr Ian Moseley explained that there had been many problems with the premises such as successful underage test purchases, counterfeit and non-duty paid items found on the premises and out of hours sales. He then explained that a request for a transfer of the license had been received by Licensing Services to take immediate effect and therefore having spoken to the new licensee, Mr Moseley would withdraw his review application on the basis that Mr Arju Miah, the new licensee had agreed and was willing to keep records and copies of receipts for all stock purchased and would only buy stock from wholesalers.

Mr Daniel Ashcroft, Counsel for Ms Minara Begum the previous Premises License Holder for Cost Cut for whom which the review application was against, explained that the premise license had been transferred and therefore there is no former representation under new management.

Mr Ashcroft confirmed that he had spoken to Mr Arju Miah, the new Premise License Holder, who was present at the meeting and had happily agreed to keep records and receipts of all goods which are purchased for the premises.

At this point, Mr Paul Greeno, Senior Advocate, explained that the transfer request takes immediate affect and therefore the license must be transferred. On that basis, Mr Moseley withdrew the review application.

RESOLVED

The review application for Cost Cut, 219 East India Dock Road, London E14 0ED was withdrawn.

4.2 Application for a New Premises Licence for PFC2, 110 Whitechapel Road, E1 1JL (LSC 38/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for a premises license for PFC2 110 Whitechapel Road, London E1 1JL. It was noted that objections had been received by the Metropolitan Police and Planning Enforcement.

At the request of the Chair, Mr Imam Mohammed, the applicant's interpreter explained that the reason why they wanted a late night refreshments licence was because most of the business was during night time, and that he had measures in place to keep things in control, he would install CCTV cameras and would also employ SIA registered security/door supervisors to prevent crime and disorder. Mr Mohammed emphasised that the business was only busy during the night and in order to continue with the business it needed to be opened till late, otherwise he would not be able to make a profit. He explained that there was no history of problems associated the premise and therefore requested Members to grant the license.

Mr Alan Cruickshank, Metropolitan Police referred to his statement on page 111 of the agenda and highlighted the incidents which had taken place in the premises. Mr Cruickshank stated that the hours were excessive and would have a detrimental effect on the area. As late night openings would often attract people who are in high spirits, under the influence of alcohol who by nature would be loud and attract anti-social behaviour.

Mr Andrew Dickson, Planning Enforcement Officer referred to his statement on page 119 of the agenda and explained that Planning did not support the application to extend their opening hours as it would cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurred.

In response to questions the applicant stated that the reason why the premises was open outside the opening hours was because staff were cleaning up and were unable to get customers out as they are often hostile and demand food. He accepted the fact that the premises had been opened outside opening hours and apologised for this.

The Chair advised that the Sub Committee would at 7.05pm adjourn to consider the evidence presented. The Members reconvened at 7.20pm. The Chair reported that;

Having heard the uncontested evidence from the Police, it was noted that Mr Dudu Miah, applicant, is aware of his licensing hours. Despite this, in the run up to his application and following his application, he had opened outside of licensing hours. There had also been assaults in the premises when the premises had been unlawfully open.

Furthermore, Mr Miah's explanation as to why the premise was open at 04:20 hours was incredulous. The application was refused as it was not considered that the crime and disorder licensing objective would be met.

Members also do not consider that it is appropriate to grant a licence where an applicant has shown a blatant disregard for licensing laws. The decision was unanimous.

RESOLVED

That the new application for the premises license for PFC2, 110 Whitechapel Road, London E1 1JL be **REFUSED**.

4.3 Application for new Premises Licence for Halal PFC, 400 Hackney Road, London E2 7AP (LSC 39/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for a premises license for Halal PFC, 400 Hackney Road, London E2 7AP. It was noted that objections had been received by the Metropolitan Police, Planning Enforcement and local residents.

Mr Kemp also explained that an application for this premises was made earlier on this year in February 2010 which was subsequently refused, however since then, Licensing had received six further complaints. It was noted that since the last application, two warning letters had been sent to the applicant in January and July 2010 and the premises had been reported to be opened outside opening hours on 13th August 2010 for which a decision is still awaiting.

Mr Saydikur Rahman, applicant explained that the premise had been opened since November 2009. It was a new place and therefore staff and management were not familiar with the local people and therefore had experienced some problems during December 2009 and January 2010. Mr Rahman stated that since then he had tackled these problems and a lot of the incidents which were referred to by objectors were prior to the previous license application. He also explained that the reason why the premises had been open outside its opening hours was at the request from the local mosque, during Ramadan in order to provide food after prayers.

Mr Rahman explained that he had provisions in place to promote the licensing objectives such as operating with CCTV cameras, allowing no glass bottles in the premises, displaying notices asking customers to leave quietly and respect the needs of local residents and introducing floor walkers. It was also noted that the shop had double glazed windows and the doors of the premises would be kept shut to prevent noise nuisance.

He also said that he was working very closely with young people who come to the shop, by talking to them and explaining the effects of anti-social behaviour, he stated that the young people were aged under 18 and were often out till 8pm– 10pm. Mr Rahman sought permission to table documents at the meeting, however Ms Zoe Pettite, local resident, did not agree to this and therefore the documents were not tabled at the meeting. He concluded by

stating that he had two other premises in Tower Hamlets which had late night refreshments license and had never experienced any problems under his management.

Mr Alan Cruickshank, Metropolitan Police referred to his statement on page 117 of the agenda and explained that they had received a number of calls regarding the nuisance in the area and then went on to highlight the reported incidents which had taken place emphasising on a assault which took place outside the premises. Mr Cruickshank stated that there were residential accommodation on both sides of the road and any increase of hours would further disrupt the lives of the local residents as there are already concerns of anti-social behaviour which was likely to increase. It was also noted that there were out of hours sales.

Mr Razaul Haque, Environmental Health Officer, in reference to the statement on page 193 of the agenda, explained that the premises was located in a predominantly residential part of the Hackney Road and was in effect surrounded by residential users. It was noted that this part of Hackney Road had very low background noise levels in the early hours of the morning and it was felt that noise and other anti-social activities would be caused by customers both arriving and leaving the premises in the early hours of the morning and congregating in the street outside the premises to the detriment of local residents and their right to quiet enjoyment of their homes.

Mr Andrew Dickson, Planning Enforcement Officer explained that Planning did not support the application to extend opening hours as it would cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurred.

Ms Zoe Pettite, local residents also raised concerns in relation to the anti-social behaviour, public nuisance and the general decline in the area she also mentioned that she had been spat at and abused by the customers of Halal PFC.

In response to questions it was noted that the area was densely populated by local residents, and that other local shops closed early evening. Mr Rahman accepted that there had been problems when the premise was first opened, however problems had reduced since then. He also stated that he was not responsible for people outside the premise. It was noted that Mr Rahman was aware that closing hours were 11pm however due to a special request by the local mosque during Ramadan had kept it open.

Mr Rahman stated that he would like to amend his application to reduce the hours he had applied for to 2am.

Mr Kemp explained that during an interview with Mr Rahman, he had stated that he did not work at the premises and it was the manager was in charge of the day to day running and the recruitment of staff. Mr Rahman confirmed that he did not work at the premise, however spent approximately 30 hours per week observing the running of the premises. At the request of the Chair, Mr

Kemp advised Members of the opening hours of other local businesses in the area.

The Chair advised that the Sub Committee would at 8.05pm adjourn to consider the evidence presented. The Members reconvened at 8.25pm. The Chair reported that;

Members had listened carefully to the representations both for and against. Members noted that an application was refused in February 2010 and since then, issues of disorder have continued.

Furthermore, the premises had traded outside of licensing hours following the application being made. Based on this Members considered that the premises is not being properly managed. It was noted that Mr Rahman had stated in a previous interview that the manager managed the business.

It is not considered that the crime and disorder and the public nuisance licensing objectives would be met. The application was therefore refused. The decision was unanimous.

RESOLVED

That the new application for the premises license for Halal PFC, 400 Hackney Road, London E2 7AP be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.40 p.m.

Chair, Councillor Kabir Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 26 OCTOBER 2010

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Rajib Ahmed
Councillor Amy Whitelock

Officers Present:

Paul Greeno – (Senior Advocate)
Nick Kemp – (Licensing Officer)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

PC Alan Cruickshank - (Metropolitan Police)
Mr Alan Richards - (Trading Standards)

Objectors In Attendance:

Mr Stephen Bartlet-Jones - (Low Cost Food & Wine)
Mr Shahidur Rahman - (Low Cost Food & Wine)
Mr Muhibur Rahman - (Low Cost Food & Wine)

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

There were no declarations of interest made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committees held on 31st August, 7th September, 14th September, 21st September and 30th September 2010 were agreed as a correct record of proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application to Review the Premises Licence for Low Cost Food and Wine, 367 Mile End Road, London E3 4QS (LSC 40/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the review application for the premises license for Low Cost Food & Wine, 367 Mile End Road, London E3 4QS. It was noted that the review had been triggered by the Metropolitan Police and supported by Trading Standards.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police referred to his submission on page 64 of the agenda and explained that the review related to a series of operations run jointly with Police, Trading Standards and HRMC Customs. It was noted that certain off licences were identified following a review of intelligence from all three agencies. The premise was visited on 22nd April 2010, on entry to the premises, a total of 114 bottles of Glen's Vodka were found, which displayed counterfeit duty stamps. Further examination of the wine on sale revealed that there were 435 bottles (326.25 litres) of mixed wine which were non duty paid, these were then seized. There had been no receipts produced for the goods at the time the goods were seized and the goods seized amounted to total duty evaded of £733.85 plus VAT.

Mr Cruickshank referred Members to the DCMS guidance which stated that the sale of smuggled tobacco and alcohol should be treated particularly seriously. However he advised Members that having had discussions with the Premises License Holder, Mr Shahidur Rahman and his Counsel and taking into consideration the information regarding the wholesalers and the receipts produced by Mr Rahman to show the frequent purchases of alcohol which are made and the fact that having investigated the authenticity of the Glen's Vodka, and the help in identifying the problem, a agreement had been reached between parties to agree to a suspension of the alcohol license for a period of 12 days and various conditions to be imposed to prevent this from happening again.

Mr Stephen Bartlet-Jones, Counsel, accepted that Mr Rahman failed to keep receipts to prove purchase of goods and stated that the Police could disapprove Mr Rahman's version of events as he does not have any evidence, but there was no evidence to say that it was not true.

Mr Bartlet-Jones assured Members that Mr Rahman would follow strict guidelines and also ensure that double copies of receipts would be kept, that UV lamps had already been installed on the premises and that all stamps on alcohol are checked when purchased, and that he would be more vigilant on the types of products he purchased. Mr Bartlet-Jones emphasised that the conditions which had been recommend, meet the concerns raised by the Police and Trading Standards. He also urged Members to reduce the period of suspension on the basis that the premises had no complaints since it was opened in December 2005, had successfully refused underage sales, and the premises had support from local residents. He stated that the business was in need of protection as it was the only late night provider and it was also noted that alcohol contributed to 60% of its sales.

In response to questions it was noted that the receipts file for wines was damaged during a flood in the basement, it was also noted that not all the spirits were on the receipts provided by Mr Rahman and that the Police were investigating the Cash and Carry from where the alcohol was purchased.

The Chair advised that the Sub Committee would at 7.15pm adjourn to consider the evidence presented. The Members reconvened at 7.45pm. The Chair reported that;

Having heard representations from the Metropolitan Police and from the Premise License Holder and based on the evidence provided. Members felt that the possession of alcohol with counterfeit VAT labels and lack of evidence for the purchase of these goods warranted a punishment by suspension of the license.

Whilst the Sub Committee welcomed the agreement between the two parties with regard to the conditions set out. The Sub Committee felt that a suspension of seven days, taking into account the cooperation of the Licensee with the Police and his acceptance of a punishment, would be both fair and practicable, this also took into account the support of residents.

RESOLVED

That the review application for the premises license for Low Cost Food & Wine, 367 Mile End Road, London E3 4QS be **GRANTED** with the suspension of the sale of alcohol license for a period of seven days following receipt of the decision notice and with the following conditions;

Conditions

1. The Premises Licence Holder and any other persons responsible for the purchase of stock shall not purchase any goods (including but not limited to goods brought from door to door sellers) unless a valid receipt is supplied at the time of purchase.
2. The Premises Licence Holder shall ensure that all receipts for goods brought include the following details:

- a) the seller's name and address; and
 - b) the seller's company details, if applicable; and
 - c) the seller's VAT details, if applicable; and
 - d) the seller's vehicle registration number, if applicable.
3. The Premises Licence Holder shall provide receipts for all goods brought or held on the premises which shall be made available to Police Officers, Trading Standards Officers or HMRC Inspectors on request within one week.
 4. An appropriate device for checking the authenticity of duty stamps (such as a ultra-violet lamp) shall be installed on the premises and retained in working order.
 5. The authenticity of the duty stamp on any goods shall be checked on receipt of those goods.
 6. The Premises Licence Holder shall inform the police in the event that he or she becomes aware that the premises have been sold counterfeit goods or goods with a fake duty stamp.

5.2 Application for New Premises Licence for Favourite Chicken Ribs, 255 Bethnal Green Road, London, E2 6AH (LSC 41/011)

This item was withdrawn from the agenda.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 9 NOVEMBER 2010****MEETING ROOM M72, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Kabir Ahmed
Councillor David Snowdon**Officers Present:**

Andrew Dickson	- (Planning Enforcement Officer)
Kathy Driver	- (Acting Principal Licensing Officer)
Paul Greeno	- (Senior Advocate)
Razaul Haque	- (Environmental Health Officer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Ms Peta Coussell	- (Albert Public House)
Mr David Dadds	- (Old Ford Mini Market)
Mr Hasan Ozan	- (Old Ford Mini Market)
Mr Ibrahim Ozan	- (Old Ford Mini Market)

Objectors In Attendance:

Mr David Camilleri	- (Albert Public House)
Ms Tammy Day	- (Albert Public House)
Pc Andy Jackson	- (Old Ford Mini Market)

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

Apologies for absence were received on behalf of Councillor Zara Davis for whom Councillor David Snowdon substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interests made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for The Albert PH, 74 St Stephan's Road, E3 5JL (LSC 42/011)

At the request of the Chair, Ms Kathy Butler, Acting Principal Licensing Officer, introduced the report which detailed the application for a review of the premises license for Albert Public House, 74 St Stephen's Road, London E3 5JL. It was noted that the review had been triggered by a local resident.

It was noted that the applicant, Ms Kim Coussell was abroad and that her mother Ms Peta Coussell would be representing her at the meeting. Ms Peta Coussell explained that she had also experienced the noise nuisance that occurred in the beer garden where the smoking area was. She explained that the beer garden was directly next to Kim Coussell's flat and a great deal of noise permeated in the flat causing noise nuisance and sever stress to the Kim Coussell, who was unable to enjoy her home, as noise levels would often be so high that she could clearly hear conversations between customers. Ms Peta Coussell then acknowledged Mr David Camilleri on his efforts in managing the pub, as she believed that it had significantly improved under his management. Ms Coussell suggested that the beer garden area should be closed and the smoking area is to be moved to the front of the premises.

At the request of the Chair, Ms Tammy Day, local resident spoke on behalf of Mr David Camilleri, Premise Licence Holder, she stated that Mr Camilleri was an outstanding Premise License Holder and has adhered to all conditions in his premises license and on PC Andy Jackson's recommendation had moved the smoking area to the beer garden at the back of the premises. Ms Day questioned whether the one complaint by Kim Coussell could be deemed as public nuisance as case law suggested that it is to be more than one person suffering nuisance to be deemed as public nuisance. She also highlighted that Mr Gibson who lived next door to Kim Coussell did not make any complaints of noise nuisance and had in actual fact signed a petition together with other local residents to offer support for the premises.

Mr Camilleri said that he was disappointed that this had come before a Licensing Sub Committee hearing and stated that he had moved the smoking area from the front of the premises to the beer garden at the request of PC Andy Jackson, Metropolitan Police as it caused a health and safety risk at the front of the premises in terms of customers blocking the pavement. He stated that he has posters displayed in his premises, asking customers to leave quietly and to respect the needs of local residents.

In response to questions Mr Camilleri stated that moving the smoking area to the front of the premises would cause problems as this was the reason why it was moved to the beer garden. It was noted that approximately 5-6 people would be in the beer garden at any one time and that it was only for smoking and not drinking. It was noted that the premises was most busy on Saturday afternoons and evenings. It was further noted that there were no other representations or complaints apart from the review applicant.

The Chair advised that the Sub Committee would at 7.00pm adjourn to consider the evidence presented. Members reconvened at 7.10pm. The Chair reported that;

Having heard representations from both parties and based on the evidence provided. Members felt that there was no general public nuisance, caused by the premises as a whole. Also taking into account the support from local residents and Ms Coussell's submission, Members noted that the management of the premises had improved since Mr Camilleri had taken over, with no history of complaints, nuisance or anti-social behaviour.

Members suggested that Mr Camilleri display more signage in the premises asking customers to keep noise levels at a minimum and to respect the needs of local residents and possibly have more supervision in the beer garden to ensure that noise levels are kept to a minimum.

RESOLVED

That the review application for the premises license for Albert Public House, 74 St Stephen's Road, London E3 2LU be **REFUSED**.

4.2 Application for a Variation of the Premises Licence for Old Ford Supermarket, 389 Old Ford Road, London, E3 2LU (LSC 43/011)

The Chair was advised that the applicant wished to amend his variation application.

Mr David Dadds, Counsel for the applicant stated that he had been in consultation with all three regulatory bodies and wanted to amend the variation application by amending the hours for the sale of alcohol. The following new hours were proposed, with later opening times and modified closing times;

Monday – Thursday from 08:00 hours – 00:00 hours (midnight)

Friday and Saturday from 08:00 hours – 01:00 hours

Sunday from 09:00 hours – 00:00 hours (midnight)

In response to the amendments, officers representing all three regulatory bodies, Environmental Health, Metropolitan Police and Planning Enforcement who had initially objected to the variation application, all withdrew their objections.

Mr Paul Greeno, Senior Advocate, advised Members, that as the agreement was only reached at the meeting and 24 hours before the meeting, the application still required determination by the Licensing Sub Committee.

The Chair advised that the Sub Committee would at 7.15pm adjourn to consider the evidence presented. Members reconvened at 7.25pm. The Chair reported that;

The Sub Committee welcomed the agreement between the interested parties with regard to the amended hours and felt that the hours proposed were in line with hours currently operating in other local premises.

RESOLVED

That the variation application for the premises license for Old Ford Mini Market, 389 Old Ford Road, London E3 2LU be **GRANTED**.

Sale of Alcohol (Off Sales Only)

Monday to Thursday from 08:00 hours to 00:00 hours (midnight)

Friday & Saturday from 08:00 hours to 01:00 hours

Sunday from 09:00 hours to 00:00 hours

Hours Premises is Open to the Public

Monday to Thursday from 08:00 hours to 00:00 hours (midnight)

Friday & Saturday from 08:00 hours to 01:00 hours

Sunday from 09:00 hours to 00:00 hours

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent by the Chair.

The meeting ended at 7.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 5.1

Committee: Licensing Sub-Committee	Date: 9 th December 2010	Classification: Unrestricted	Report No. LSC 47/011	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 Chillies, 76 Brick Lane, London, E1 6RL. Ward affected: Spitalfields and Banglatown
---	--

1.0 Summary

Name and Address of premises: **Chillies**
76 Brick Lane
London
E1 6RL

Licence under review: **Licensing Act 2003**

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

Representations: **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 2003• Tower Hamlets Licensing Policy• File		Nick Kemp 020 7364 7446

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Chillies, 76 Brick Lane, London, E1 6RL. The review was triggered by Trading Standards, the Local Weights and Measures Authority.
- 3.2 This review is one of a number of reviews triggered during Operation Creek, a joint partnership operation to tackle the problem of touting in the Brick Lane area. This includes: compliance with the local touting byelaw; conditions of premises licences preventing the use of touts; the activities and behaviour of touts, and the offers being given to customers.
- 3.3 On 18th August 2010 council staff attended the premises. They were stopped outside the premises by a member of staff and offered a discount if they purchased a meal at the premises. They accepted the offer of a discounted meal and free drinks. Officers then attended the premises with a view to point out the offence to the management but the staff refused to cooperate in any way.
- 3.4 On 1st November 2010 the Premises Licence holder, Mr Shamin Ali attended the council offices and was interviewed under caution. He admitted that the person acting as a tout outside the premises was his employee.
- 3.5 A copy of the review application is attached in **Appendix 1**.

4.0 The Premises

- 4.1 The premises licence was issued on 25th January 2006. A copy of the 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: Trading Standards, the local Weights and Measures Authority.
- 5.2 The review is further supported by Metropolitan Police. Please see **Appendix 4**.
- 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 interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.
- 6.0 **Review Explained**
- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 5**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2010.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at 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 6.
- 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 7**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 The Home Office 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 8**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 9**.
- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a

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

- 6.9 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 5.0 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 5**. 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 with request for conditions
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Representations from Police
Appendix 5	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003
Appendix 6	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 7	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 8	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 9	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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 John Patrick McCrohan

(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 Chillies) 76 Brick Lane	
Post town London	Post code (if known) E1 6RL

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

Number of premises licence or club premises certificate (if known) 10481
--

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

Please tick yes

- 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)

LBTH
TRADING STANDARDS
 27 OCT 2010

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

I am 18 years old or over

Please tick yes

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

Post town	<input type="text"/>	Post Code	<input type="text"/>
------------------	----------------------	------------------	----------------------

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

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

(B) DETAILS OF OTHER APPLICANT

Name and address
<input type="text"/>
Telephone number (if any)
<input type="text"/>
E-mail address (optional)
<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address John Patrick McCrohan Trading Standards Service (Local Weights and Measures Authority) Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) [REDACTED]
E-mail address (optional) john.mccrohan@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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

[Empty box for stating grounds for review]

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

see attached form

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

27/10/10

Capacity Applicant

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.

London Borough of Tower Hamlets

Chillies 76 Brick Lane London E1 6RL

Licence No **10481** (Licence Holder: Mobarouk Ali)

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 it is raising this Review in relation to the prevention of Crime and Disorder , licensing objective 1 and prevention of public nuisance Licensing Objective 3.
 2. A test purchase was carried out at **Chillies 76 Brick Lane London E1 6RL** in the evening of 18th August 2010 where the test purchasers were induced to enter the premises by a male tout who escorted them to the restaurant. The encounter with the tout was captured on a covert video camera.

3. Licensing Officers went to the premises after the test purchasers had left and were accosted by a male tout offering inducements to enter **Chillies**

4. The premises licence holder of **Chillies 76 Brick Lane London E1 6RL** is **Mobarouk Ali**.

5. Touting by the Restaurants in the Brick Lane area has been subject of concerns over crime and disorder for a number of years. . In particular, there are a high number of restaurants in parts of Brick Lane to which the custom of passing Members of the public is highly sort after. This has resulted in some of the restaurants employing touts. The activities of these touts has led to a considerable number of complaints over the past few years as the methods used by the touts are causing nuisance and/or obstruction to others as well as local residents being threatened and occasionally assaulted by the touts. Further the touts make offers of inducements to customers, such as free drinks, and which are not honoured.

6. The current Council Licensing policy at paragraph 5.7 states
 "..The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits "touting"..."

7. The Council enacted a bye law to ban touting and there have been a number of prosecutions of individual touts in recent years.
8. Complaints are still received about touting in Brick Lane by the restaurant trade.
9. For example the Council's CCTV Manager reported that over the weekend of the 24th and 25th July the Police were called twice to the junction of Hanbury Street and Brick Lane where touts had started fighting amongst themselves.
10. The Council's Community Safety Service conducted a residents' survey. 63.6% of resident questioned said that they had been approached by a restaurant tout. 67.9% of those approached said that the tout persisted even when they declined the offer.
11. To reiterate, the test purchasers were induced to enter the restaurant and the evidence shows that the tout was acting as an agent /employee of the restaurant. Licensing Officers went to the premises after the test purchasers had left and were accosted by a male tout offering inducements to enter **Chillies**.
12. In order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, the

applicant seeks to have the two conditions below added to the premises licence — it does not seek to have the licence revoked.

13. Conditions:

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises as shown edged red on the attached plan marked Appendix 1

- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

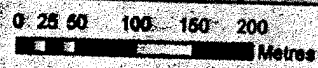
John Patrick McCrohan

Trading Standards Service Manager

London Borough of Tower Hamlets



Produced by GIS Development & Renewal
Tower Hamlets



Appendix 1
Licensing Act 2003
Premises licence number 10481
76 Brick Lane

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution.
London Borough of Tower Hamlets 100019288; 2010. Scale: 1:5,031 @ A4

Appendix 2

(Chillies)
76 Brick Lane
London
E1 6RL

Licensable Activities authorised by the licence

The sale by retail of alcohol
Provision of Regulated Entertainment (Recorded Music Only)
Late Night refreshment

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 25/01/2006

**Part A - Format of premises licence**

Premises licence number

10481

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description
(Chillies)
76 Brick Lane****Post town
London****Post code
E1 6RL****Telephone number
0207 247 7539****Where the licence is time limited the dates**

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
Provision of Regulated Entertainment (recorded music only)
Late Night refreshment

The times the licence authorises the carrying out of licensable activities**The sale by retail of alcohol and late night refreshment:**

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 10 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions relating to times for restaurants and residential properties see Mandatory

Conditions. For conditions re. "drinking up time" see Annex 1 Mandatory Conditions

Late Night Refreshment

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

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.

Regulated Entertainment

(Recorded Music Only) and Private Entertainment are not restricted as to times.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

Mobarouk Ali



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

Shamin Ali



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

Licence Number: 12867

Issuing Authority: London Borough Tower Hamlets

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

On Sales

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Additional Hours

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Restriction on Sale of Alcohol

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Late Night Refreshment

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

Off Sales

Alcohol shall not be sold in an open container or be consumed in the licensed premises

Alcohol shall not be sold or supplied except during permitted hours.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Private Entertainment

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

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

Public Entertainment

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

Not applicable

Annex 4 - Plans

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

1 August 2005



Part B - Premises licence summary

Premises licence number

10481

Premises details

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

**(Chillies)
76 Brick Lane**

**Post town
London**

**Post code
E1 6RL**

Telephone number

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale by retail of alcohol
Provision of Regulated Entertainment (recorded music only)
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 10 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the

following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions relating to times for restaurants and residential properties see Mandatory For conditions re. "drinking up time" see Annex 1 Mandatory Conditions

Late Night Refreshment

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

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.

Regulated Entertainment

(Recorded Music Only) and Private Entertainment are not restricted as to times.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

Name, (registered) address of holder of premises licence

Mobarouk Ali

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)

N/A

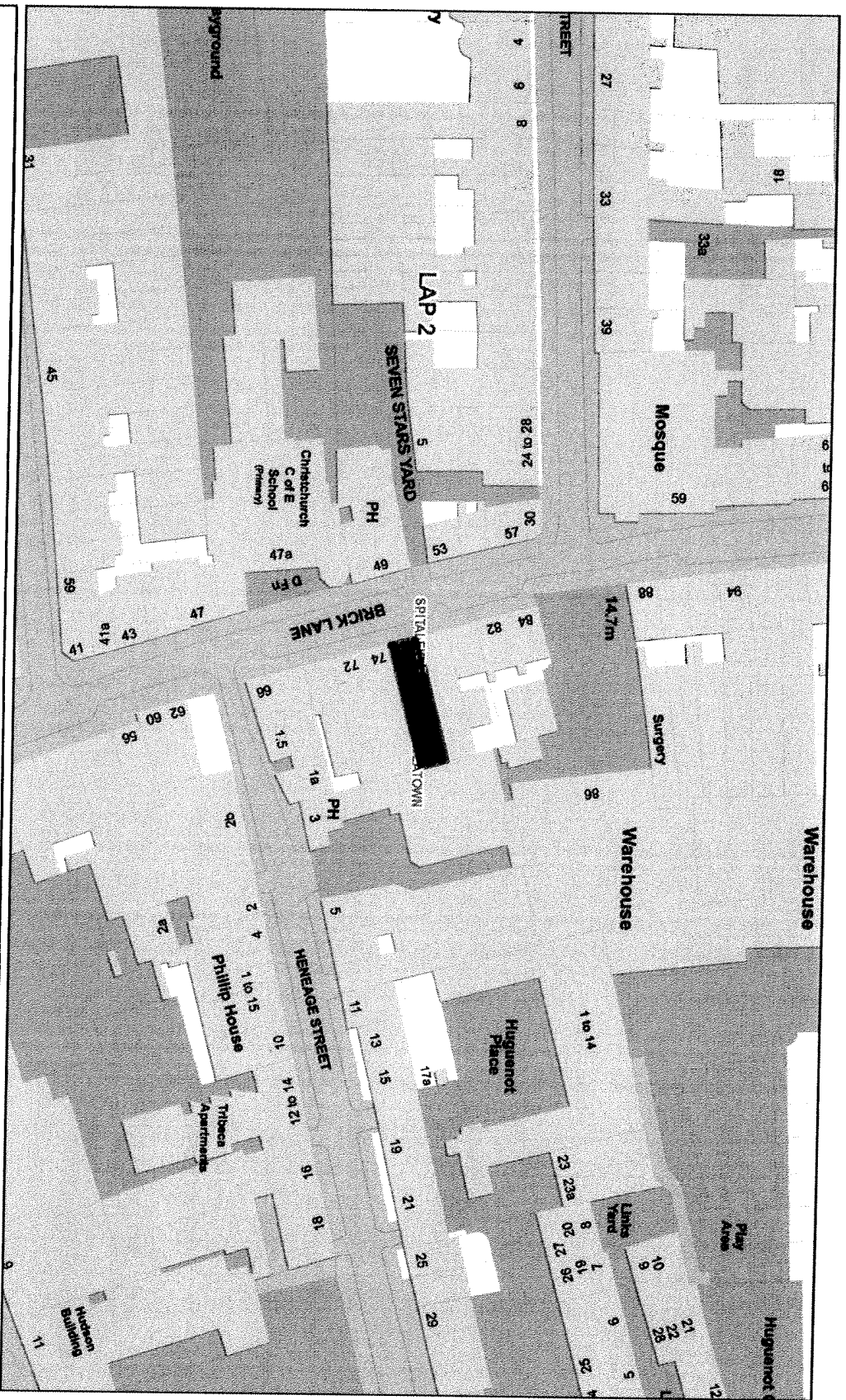
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Shamin Ali

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

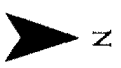
No restrictions

Appendix 3



76 Brick Lane

Chillies

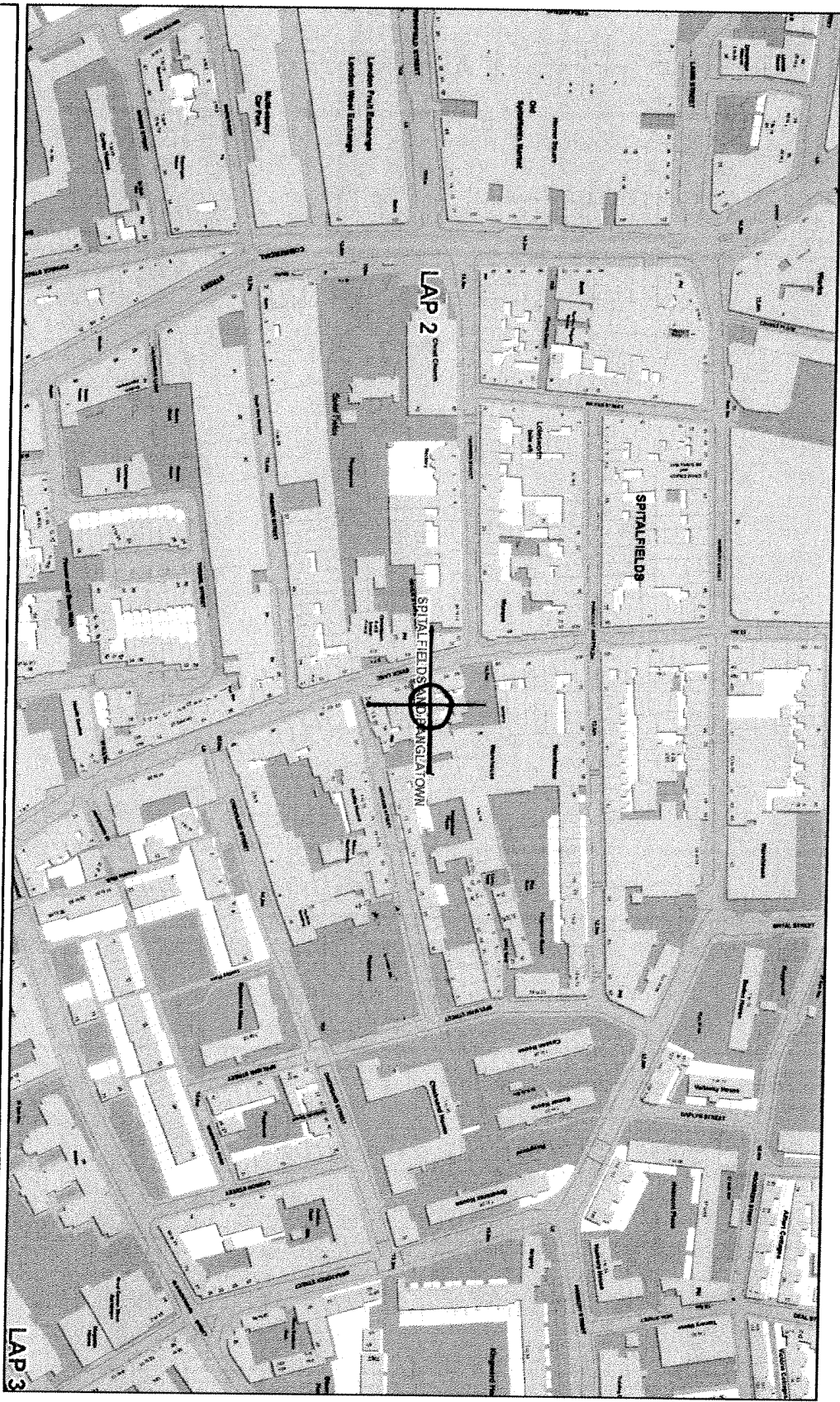


Scale 1:870



TOWER HAMLETS

Produced by London Borough of Tower Hamlets on 28/1/2010. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.



76 Brick Lane

Chillies



Scale 1:2539



TOWER HAMLETS

Produced by London Borough of Tower Hamlets on 29/11/2010. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019295 2010.

Appendix 4



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Ms Randall
LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

HT - Tower Hamlets Borough

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
Bethnal Green
E2 9NZ

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

28th Oct 2010

Dear Ms Randall

Re: Review of a premises licence
Chillies , 76 Brick lane, E1 6RL

I write with reference to the above review which was received in this office on the 27th October 2010.

Please accept this letter as notification that the police, as a responsible authority are supporting the review initiated by LBTH Trading Standards. **The crime and disorder and the prevention of public nuisance objectives have not been maintained or promoted**

Although Brick Lane is a very busy area, there are many restaurants competing against one another. This has lead to the increased use of "curry touts" by a number of restaurants. People are accosted in the street and offered incentives to enter their own individual restaurant. This would include offering a "free drink" or a cheap set price.

As a result there has been a willingness by some touts to use violence to run off their competitors and this has resulted in some serious injuries, including a stabbing. On one occasion there was a mass brawl outside Café Reema involving two rival restaurants.

When diners eventually finish their meal, some waiters charge them the full amount and this has again resulted in fights between the customers and the restaurant staff.

Although there have been a number of convictions for touting, it does not deter some restaurants who will simply employ new touts.

However in relation to Chillies itself, the following incidents have occurred

On the 9th September 2009 at about 2211 police received a call to state there was a fight at the restaurant. Voices were heard in the background but the call was cut off.

On the operator returning the call the informant stated that a fight had been about to occur but everyone had calmed down and dispersed. The police were then cancelled. (CAD 9950 refers)

A police intelligence report states that on the 12th February 2010 at 2238 officers saw touting occurring at Chillies: "1 male pointing towards the restaurant". There were twenty four other offences of touting in the report.

In conclusion, the Metropolitan Police Licensing Unit supports this review

Alan Cruickshank PC 189HT

Appendix 5

Guidance Issued by the Home Office 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 6

Guidance Issued by the Home Office 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 Home Office 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 7

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 8

Guidance Issued by the Home Office 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 9

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.

Agenda Item 5.2

Committee: Licensing Sub-Committee	Date: 9 th December 2010	Classification: Unrestricted	Report No. LSC 48/011	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 Monsoon, 78 Brick Lane, London, E1 6RL. Ward affected: Spitalfields and Banglatown
---	---

1.0 Summary

Name and Address of premises: **Monsoon
78 Brick Lane
London
E1 6RL**

Licence under review: **Licensing Act 2003**

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

Representations: **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 2003• Tower Hamlets Licensing Policy• File		Nick Kemp 020 7364 7446

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Monsoon, 78 Brick Lane, London, E1 6RL. The review was triggered by Trading Standards, the Local Weights and Measures Authority.
- 3.2 This review is one of a number of reviews triggered during Operation Creek, a joint partnership operation to tackle the problem of touting in the Brick Lane area. This includes: compliance with the local touting byelaw; conditions of premises licences preventing the use of touts; the activities and behaviour of touts, and the offers being given to customers.
- 3.3 A copy of the review application is attached in **Appendix 1**.
- 3.4 On 8th September 2010 council staff attended the premises. They were stopped outside the premises by a member of staff and offered a discount if they purchased a meal at the premises. They accepted the offer of a discounted meal and free drinks. Officers then attended the premises and spoke to the Premises Licence holder, Mr Uddin, who admitted employing touts outside his premises.
- 3.5 On 28th September 2010 Mr Uddin attended the council offices and was interviewed under caution. He admitted that the person acting as a tout outside the premises was his employee.

4.0 The Premises

- 4.1 The premises licence was issued on 25th January 2006. A copy of the 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: Trading Standards, the local Weights and Measures Authority.
- 5.2 The review is further supported by Metropolitan Police. Please see **Appendix 4**.
- 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 interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 5**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2010.

6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at 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 6.

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

6.6 The Home Office 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 8**.

6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 9**.

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

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

- 6.9 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 5.0 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 5**. 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.

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.

L5TH
STANDARDS
27 OCT 2010

I John Patrick McCrohan

(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)

LICENSING

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Monsoon) 78 Brick Lane	
Post town London	Post code (if known) E1 6RL
Name of premises licence holder or club holding club premises certificate (if known) Mr. Shams Uddin	
Number of premises licence or club premises certificate (if known) 10181	

Part 2 - Applicant details

I am

- | | |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | Please tick yes |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

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 John Patrick McCrohan Trading Standards Service (Local Weights and Measures Authority) Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) [REDACTED]
E-mail address (optional) john.mccrohan@towerhamlets.gov.uk

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

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

Please tick one or more boxes

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

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

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

see attached form

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

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

27/10/10

Capacity Applicant

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.

London Borough of Tower Hamlets

Monsoon 78 Brick Lane London E1 6RL

Licence No **10181** (Licence Holder: **Shams Uddin.**)

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 it is raising this Review in relation to the prevention of Crime and Disorder , licensing objective 1 and prevention of public nuisance Licensing Objective 3.
 2. A test purchase was carried out at **Monsoon, 78 Brick Lane London E1 6RL** In the evening of 8th September 2010 where the test purchasers were induced to enter the premises by a male tout who escorted them to the restaurant. The encounter with the tout was captured on a covert video camera.

3. Licensing Officers went to the premises after the test purchasers had left and were accosted by a male tout offering inducements to enter **Monsoon**.
4. The premises licence holder of **Monsoon, 78 Brick Lane London E1 6RL** is **Shams Uddin**.
5. There is a condition applied to the premises licence as follows at **Annex 2 - Conditions consistent with the operating Schedule number 3**

“The premises will not knowingly allow any person by way of payment or otherwise to solicit custom for that premises by offering inducements or other concessions”
6. Touting by the Restaurants in the Brick Lane area has been subject of concerns over crime and disorder for a number of years. In particular, there are a high number of restaurants in parts of Brick Lane to which the custom of passing Members of the public is highly sort after. This has resulted in some of the restaurants employing touts. The activities of these touts has led to a considerable number of complaints over the past few years as the methods used by the touts are causing nuisance and/or obstruction to others as well as local residents being threatened and occasionally assaulted by the touts. Further the touts make offers of inducements to customers, such as free drinks, and which are not honoured.
7. The current Council Licensing policy at paragraph 5.7 states
 - i. “..The Council has had a significant number of complaints relating to premises which are substantially or mainly

restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits "touting"..."

8. The Council enacted a bye law to ban touting and there have been a number of prosecutions of individual touts in recent years.
9. Complaints are still received about touting in Brick Lane by the restaurant trade.
10. For example the Council's CCTV Manager reported that over the weekend of the 24th and 25th July the Police were called twice to the junction of Hanbury Street and Brick Lane where touts had started fighting amongst themselves.
11. The Council's Community Safety Service conducted a residents' survey. 63.6% of resident questioned said that they had been approached by a restaurant tout. 67.9% of those approached said that the tout persisted even when they declined the offer.
12. To reiterate, the test purchasers were induced to enter the restaurant and the evidence shows that the tout was acting as an agent /employee of the restaurant. Licensing Officers went to the premises after the test purchasers had left and were accosted by a male tout offering inducements to enter.

1. In order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, the applicant seeks to have the two conditions below added to the premises licence to replace the condition in annex 2 number 3 — **although it does not seek to have the licence revoked, it does respectfully point out that the committee has within its gift the power to suspend the premises licence for a short period of time.**

2. Conditions:

1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises as shown edged red on the attached plan marked Appendix 1

2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

John Patrick McCrohan

Trading Standards Service Manager

London Borough of Tower Hamlets

Appendix 2

**(Monsoon)
78 Brick Lane
London
E1 6RL**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 05 November 2005



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

10181

Part 1 - Premises details

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

78 Brick Lane

Post town

London

Post code

E1 6RL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Sunday from midday until 23.00 hours

Monday, Tuesday, Wednesday from midday until midnight

Thursday, Friday and Saturday from 11:00 hours until 02:00 hours the following day.

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

For provision of Late Night Refreshment:

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight only

The opening hours of the premises

Sunday from midday until 23.00 hours

Monday, Tuesday, Wednesday from midday until midnight

Thursday, Friday and Saturday from 11:00 hours until 02:00 hours the following day.

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

On sales only

Part 2

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

Mr. Shams Uddin
78 Brick Lane
London
E1 6RL

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. Shams Uddin



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

Mr. Shams Uddin
London Borough of Tower Hamlets 09773

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

The sale by retail of alcohol:

Sunday from midday until 23.00 hours

Monday, Tuesday, Wednesday from midday until midnight

Thursday, Friday and Saturday from 11:00 hours until 02:00 hours the following day.

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

For provision of Late Night Refreshment:

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight only

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

1. Children must be accompanied by an adult
2. No alcohol sales to underage persons
3. The premises will not knowingly allow any person by way of payment or otherwise to solicit custom for that premises by offering inducements or other concessions
4. CCTV to be installed and operational on the premises.

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

Annex 4 - Plans

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

5th August 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

10181

Premises details

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

78 Brick Lane

Post town
London

Post code
E1 6RL

Telephone number 07956639192

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sunday from midday until 23.00 hours
Monday, Tuesday, Wednesday from midday until midnight
Thursday, Friday and Saturday from 11:00 hours until 02:00 hours the following day.
On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

For provision of Late Night Refreshment:
Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight only

The opening hours of the premises

Sunday from midday until 23.00 hours
Monday, Tuesday, Wednesday from midday until midnight
Thursday, Friday and Saturday from 11:00 hours until 02:00 hours the following day.

Name, (registered) address of holder of premises licence

Mr. Shams Uddin
78 Brick Lane
London E1 6RL

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

On sales only

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

N/A

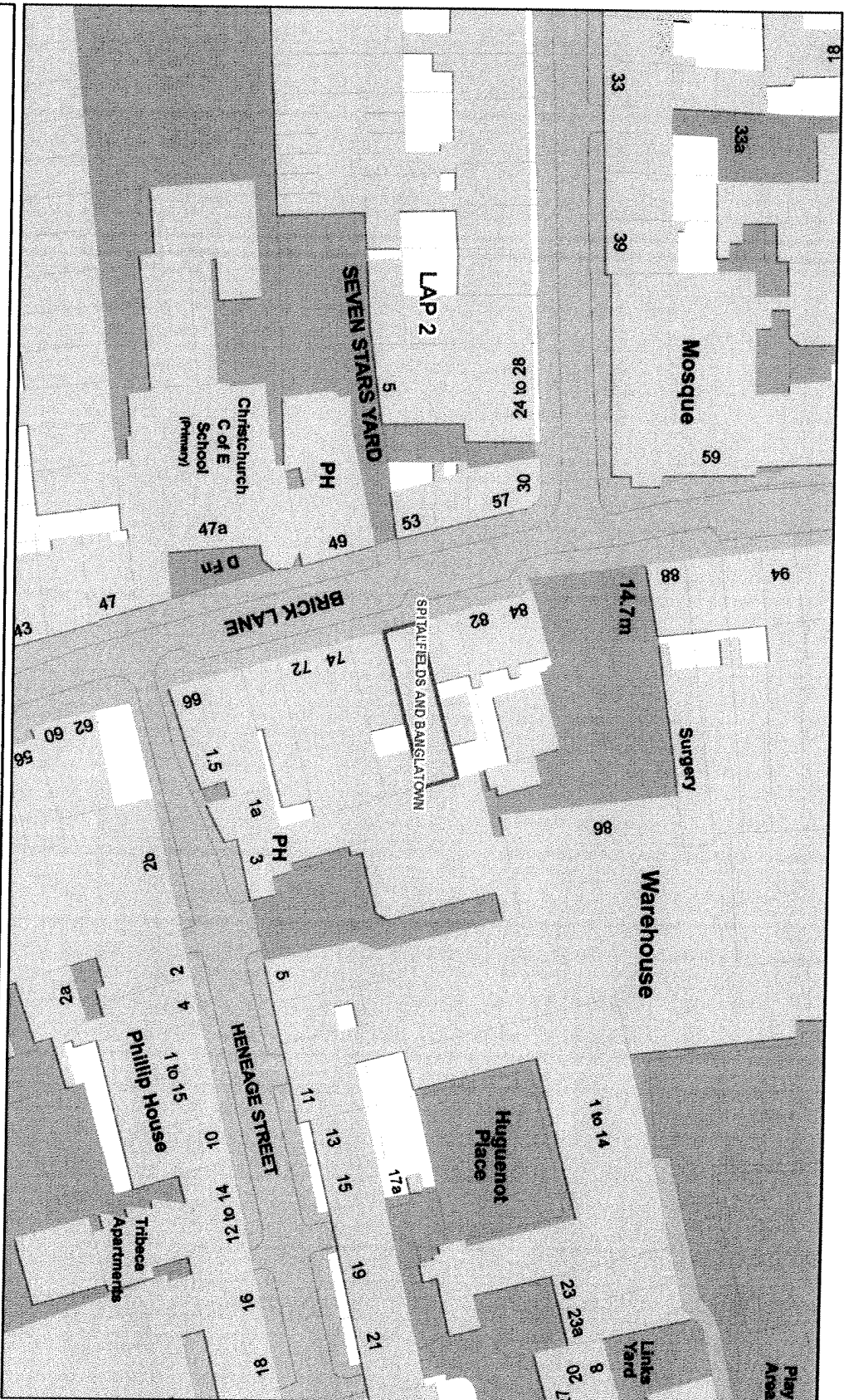
Name of designated premises supervisor
where the premises licence authorises for
the supply of alcohol

Mr Shams Uddin

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

No restrictions

Appendix 3

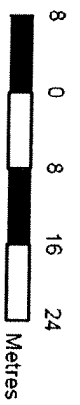


78 Brick Lane

Monsoon



Scale 1:699



Metres



TOWER HAMLETS

Produced by London Borough of Tower Hamlets on 29/11/2010. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution. Ordnance Survey material may lead to prosecution or civil proceedings. 100019288 2010.



78 Brick Lane

Monsoon



Scale 1:2205



Metres



TOWER HAMLETS

Produced by London Borough of Tower Hamlets on 29/11/2010. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019268. 2010.

Appendix 4



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Ms Randall
LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

HT - Tower Hamlets Borough

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
Bethnal Green
E2 9NZ

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:

Our ref:

3rd Nov 2010

Dear Ms Randall

Re: Review of a premises licence
Monsoon ,68 Brick lane, E1 6RL

I write with reference to the above review which was received in this office on the 27th October 2010.

Please accept this letter as notification that the police, as a responsible authority are supporting the review initiated by LBTH Trading Standards. **The crime and disorder and the prevention of public nuisance objectives have not been maintained or promoted**

Although Brick Lane is a very busy area, there are many restaurants competing against one another. This has lead to the increased use of "curry touts" by a number of restaurants. People are accosted in the street and offered incentives to enter their own individual restaurant. This would include offering a "free drink" or a cheap set price.

As a result there has been a willingness by some touts to use violence to run off their competitors and this has resulted in some serious injuries, including a stabbing. On one occasion there was a mass brawl outside Café Reema involving two rival restaurants.

When diners eventually finish their meal, some waiters charge them the full amount and this has again resulted in fights between the customers and the restaurant staff.

Although there have been a number of convictions for touting, it does not deter some restaurants who will simply employ new touts.

However in relation to Monsoon itself, the following incidents have occurred:

A police intelligence report states that on the 12th February 2010 at about 2238, one male was seen stopping people outside the restaurant and talking to them. The officer could not hear what was being said.

On the 4th June 2010 at about 1506, the victim was standing outside the Monsoon when he was attacked by an employee of Mango restaurant. The report does not state if the victim was a Monsoon employee however curry touts are a problem in this area.. The victim did not wish to pursue matters on police arrival
██████████ 04 Jun refers

A further police intelligence report states that on the 3rd July 2010, there had been a fight between Monsoon staff and the staff on the Saffron restaurant. They had been arguing over customers and this resulted in four males with minor injuries. No one wished to make any allegations on police arrival

On the 8th July 2001 at about 0045, a female entered the restaurant to use their toilet. She had not been a customer. Her two male companions were then approached by and said it would cost £5 to use the toilet. They refused to pay and a fight ensued. Cross allegations were made and no further action was taken against all parties.

In conclusion, the Metropolitan Police Licensing Unit supports this review

Alan Cruickshank PC 189HT

Appendix 5

Guidance Issued by the Home Office 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 6

Guidance Issued by the Home Office 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 Home Office 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 7

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 8

Guidance Issued by the Home Office 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 9

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.

Agenda Item 6.1

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank