



Meeting of the

**EXTRAORDINARY
LICENSING SUB
COMMITTEE**

Tuesday, 29 June 2010 at 6.30 p.m.

A G E N D A

VENUE

**The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG**

Members:	Ward Represented
Chair: Councillor David Snowdon	Millwall;
Councillor Kabir Ahmed	Weavers;
Councillor Aminur Khan	Whitechapel;

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

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 29 June 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. ITEMS FOR CONSIDERATION		
4 .1 Application to Review the Premises Licence for The Urban Bar, 27 Three Colt Street, E14 8HH (LSC 06/011)	15 - 20	Limehouse;
4 .2 Application to Review the Premises Licence for London Food Centre, 407 Roman Road, London E3 5QS (LSC 07/011)	21 - 96	Bow West;
4 .3 Application to Review the Premises Licence for Perfect Fried Chicken, 214 Mile End Road London E1 4LJ (LSC 08/011)	97 - 158	St Dunstan's & Stepney Green;

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

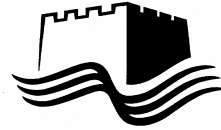
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

4. Procedure at the Hearing

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

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

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

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

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

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

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

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

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

The Authority will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

- a) their application, representation or notice; and
- b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit the person to return; or
- allow them to return only on such conditions as the authority may specify.

4.5 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

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

8. Notices

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

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

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

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Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 29 June 2010	Classification: UNRESTRICTED	Report No. LSC 06/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Nick Kemp - Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for The Urban Bar, 27 Three Colt Street, E14 8HH. Ward affected: Limehouse
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1.0 Summary

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

Licence under review: **Licensing Act 2003**

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

Representations:

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

2.0 Recommendations

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

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

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

3.0 Review Application

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

4.0 The Premises

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

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: the Metropolitan Police.
- 5.2 The review is supported by Environmental Protection, Noise Team see **Appendix 4**.
- 5.3 The review is also supported by local residents (see **Appendix 5** for a list of objectors). Please see **Appendices 6-11** for the individual representations.
- 5.4 The licensee is supported by a number of customers (see **Appendix 5** for a list of customers). Please see **Appendices 12-26** for individual representations.
- 5.5 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of:
- the prevention of public nuisance
 - The prevention of crime and disorder

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 27**. It is available on the Government’s website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations in its revision of the 28 June 2007 the DCMS has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 28.**
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 29**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 The DCMS has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 30**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 31**.
- 6.8 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their

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

- 6.9 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).
- 6.10 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 3.3 and 3.4 were considered before any representations were accepted for inclusion in this report.
- 6.11 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

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

8.0 Licensing Officer Comments

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

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

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

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

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

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

9.0 Legal Comments

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

10.0 Finance Comments

10.1 There are no financial implications in this report.

11.0 Appendices

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

Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 29 June 2010	Classification: UNRESTRICTED	Report No. LSC 07/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Acting Senior Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for London Food Centre, 407 Roman Road, London E3 5QS Ward affected: Bow West
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1.0 Summary

Name and Address of premises: **London Food Centre
407 Roman Rd
London E3 5QS**

Licence under review: **Premises Licence - Licensing Act 2003**

- **Sale by retail of alcohol**

Review triggered by: **Metropolitan Police**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali
020 7364 5498

3.0 Review Application

3.1 This is an application for a review of the premises licence for London Food Centre, 407 Roman Road, London E3 5QS.

3.2 The review was triggered by the Metropolitan Police. A copy of the review application is attached in **Appendix 1**.

4.0 The Premises

4.1 The current Premises Licence for 407 Roman Road was decided by the licensing subcommittee on the 12th May 2009, due to the review that was triggered by local residents. The licensees appealed this decision at Thames Magistrates. However, on the 9th March 2010, the licensees withdrew their appeal.

4.2 A copy of the current licence is contained in **Appendix 2**.

4.3 Maps showing the premises and the surrounding areas are included in **Appendix 3**.

5.0 Representations

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police. The review documents include various statements from the following Officers:

- Please see **Appendix 4** for the statement of Andrew Jackson, Police Licensing Officer.
- Please see **Appendix 5** for the statement of Ian Moseley, Trading Standards Officer.
- Please see **Appendix 6** for the statement of Matthew Clark, HM Revenue and Customs Officer.
- Please see **Appendix 7** for the statement of Edward Ward, HM Revenue and Customs Officer.
- Please see **Appendix 8** for the statement of Kevin Maple, Trading Standards Secondee.

- 5.2 This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary for State for Culture, Media and Sport. In particular the Service requests that you consider paragraphs 11.23 to 11.28, Reviews arising in connection with crime, making reference to paragraph 11.26. Paragraph 11.26 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises for, amongst other things, the sale of smuggled tobacco. **In paragraph 11.27 the guidance advises that revocation of the licence should seriously be considered, even at first instance.**
- 5.3 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 In the view of the responsible authority it is necessary to achieve the licensing objective of the prevention of crime & disorder.

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 9**. It is available on the Government’s website, www.culture.gov.uk. It was last revised on 29th March 2010.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

- 6.4 In relation to its advice on representations the DCMS has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 10.**
- 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 11**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 In relation to the prevention of Public Safety the DCMS advises Licensing Authorities under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect and should therefore not seek to impose fire safety conditions where the Order applies.
- 6.7 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 6.8 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, business or a Ward councillor).
- 6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 6.10 were considered before any representations were accepted for inclusion in this report.

- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

- 7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 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 9**. Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
 - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely

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

9.0 Legal Comments

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

10.0 Finance Comments

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Statement of Andrew Jackson, Police Licensing Officer
Appendix 5	Statement of Ian Moseley, Trading Standards Officer
Appendix 6	Statement of Matthew Clark, HM Revenue and Customs Officer
Appendix 7	Statement of Edward Ward, HM Revenue and Customs Officer
Appendix 8	Statement of Kevin Maple, Trading Standards Secondee
Appendix 9	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix 10	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 11	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder

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Appendix 1



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

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

**HT - Tower Hamlets Borough
HT - Whitechapel Police Station**

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

Telephone: 0208217 4118
Facsimile: 0208217 6688
Email: Andy.Jackson@met.police.uk
www.met.police.uk

Your ref:
Our ref:
10/3/2010

Dear Sir or Madam

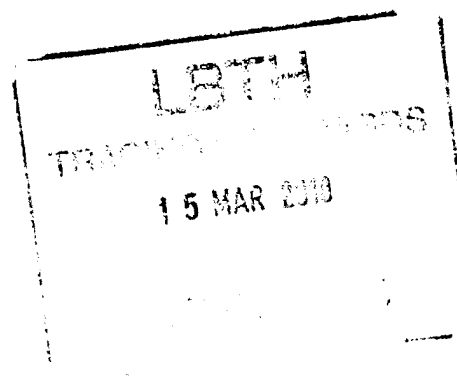
Please find enclosed a copy of the review under Sec 51 Licensing Act 2003 with regard to the following premise.

Buy To Save (also known as Roman Supermarket and London Food Centre). 407 Roman Road London E3 5QS.

I would be grateful if your could address any comments to the London Borough of Tower Hamlets' Licensing Team.

Yours sincerely,

**Andy Jackson
Police Licensing Officer.**





This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Andy Jackson PC124HT (On behalf of Chief Officer of Police)..... (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 club premises, or if none, ordnance survey map reference or description London Food Centre (Buy to Save) 407 Roman Road London	
Post town BOW	Post code (if known) E3 5QS

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

Neatway Ltd

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

[Redacted]

15 MAR 2010

OS

Part 2 - Applicant details

Please tick yes

I am

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

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

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

The London Food Centre is a premise which I have reviewed twice before under it's former name of Buy to Save. Those reviews have been in response to incidents of violence and on the second occasion initiated by local residents. The decision of the Licensing Committee at the latest review was to reduce the hours of alcohol sale from 24 hours a day to finishing at 2300hrs at the latest. This decision was upheld at Thames Mags Ct on 9th March 2010 when the appellants withdrew from their appeal.

A premise run by responsible people would have made sure that the type of behaviour which led to that hearing would have not continued, to give their appeal a chance of success. This premise however appears to allow noise and antisocial behaviour to continue particularly at night when they were the only 24 hour off licence in the area. Statements taken by officers detail disturbing events which take place outside or next to the premise. Many of the local residents are elderly and are intimidated by youths outside. The owner and his staff continued to sell alcohol to youths who congregated outside, holding impromptu "parties" in the street and having no regard for the distress caused to residents. Inevitably this action means that debris is left behind in the form of discarded litter and often smashed glass as well as pools of vomit and urine. Local residents are often left to clean up this mess themselves for the good of the neighbourhood. On 26th August 2009 I sent a letter to Mr Taslioglu detailing the behaviour of his late night customers. The letter was sent by registered post to both his work and home addresses. I requested that he takes more responsibility for the actions that follow his sale of alcohol. The letter was also sent to his legal representative. Both letters contained my full contact details. I have had no reply to this letter. On Wednesday 18th November 2009 I entered the shop in company with officers from both HMRC (Customs and Excise) and Trading Standards. A quick examination of the stock being sold revealed that a large quantity of both spirits and wine were believed to be smuggled. Officers from HMRC returned 2 days later with a suitable vehicle and seized 265.5 litres of wine and 229.4 litres of spirits. A further visit was made to the premise on 20th January 2010, again by police officers, HMRC and trading standards. On this occasion 189 bottles (141.5 litres) of smuggled wine, 38.3 litres of spirits which were either smuggled or bore counterfeit customs stamps. A further 12.3 litres of counterfeit champagne and vodka were seized by trading standards. In addition no premise licence was displayed.

On Friday 5th March 2010 I again attended the premise and found numerous licensing offences. At this time the premise was operating under the new owners, one of which was present.

At the hearing it became apparent that the premise and it's (under appeal) premise licence had been sold to another party. Applications to transfer the licence had been submitted but not processed. To do this seems like a cynical way to circumvent the decision of the licensing committee. The argument that the new owners shouldn't be held responsible for the wrongs of the old was discussed at the appeal hearing. The fact that the appeal was withdrawn half way through the morning session would indicate that the argument was not a valid one.

On Sunday 14th March 2010 sometime around 2am, 2 drunken males (their description) visited the shop. At this time it not known what they purchased or attempted to purchase. Following the visit to the shop they were robbed nearby by 2 other males who they had encountered in the shop. Police have spoken to the owners and it was stated that neither knew how to download images from the CCTV system. They did offer police the facility to bring their own "technician" to remove the images but this would obviously take time. Following last week's appeal and it's withdrawal, the Premise Licence states that;

"CCTV to be fully operational within the premises and a camera placed outside the premises, which is able to record the entrance door. These recordings to be available to Police at all times."

A few days after the appeal and this clearly is not the case.

The combination of the unsatisfactory way that the shop was (and to some extent is) run, the complaints from local residents about the anti social behaviour that it attracts and the sale of smuggled goods which have been found on 2 visits recently clearly demonstrate that serious questions have to be asked about the continued use of this site as an off licence.

With regard to the sale of smuggled/counterfeit alcohol the guidance of the DCMS states that the sale of smuggled alcohol is a criminal activity to be treated particularly seriously. For this reason I believe that the only option open to the police is to apply for the premise licence to be revoked as we have done successfully with other premises selling substantially less illicit goods and on only one occasion.

If the new owners then wish to apply for a new premise

licence, the application can be given the correct scrutiny by all responsible authorities, local residents as well as this licensing panel.

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

[Redacted Signature]

Date

10-3-2010

Capacity Police Licensing Officer.

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

Appendix 2

(London Food Centre)
407 Roman Road
London
E3 5QS

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Acting Team Leader, Licensing

Date: 10th October 2006

(As amended 24th April 2007)

(As amended by Committee on 12th May 2009)



Part A - Format of premises licence

Premises licence number

14223

Part 1 - Premises details

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

(London Food Centre)
407 Roman Road

Post town

London

Post code

E3 5QS

Telephone number

02030000000

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol:

- Monday to Saturday from 08:00 until 23:00 hours
- Sunday from 10:00 until 22:30 hours

The opening hours of the premises

- Monday to Sunday, for 24 hours a day

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

Off sales

Part 2

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

Mr Armagan Akyol

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr Serdar Tas

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

Mr Serdar Tas

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Personal Licence Number: 034272
Issuing Authority: Nottingham Council

Annex 1 - Mandatory conditions

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

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

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

Effective from 10th October 2010:

- (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.

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV to be fully operational within the premises and a camera placed outside the premises, which is able to record the entrance door. These recordings to be available to Police at all times. The system to be digital or if video used then there must be 31 tapes kept for at least one month.
2. At ALL TIMES from 11pm there will be a personal licence holder working in the premises.
3. Proof of age posters to be clearly displayed within the premises.
4. After the hour of 11pm there must be two members of staff working in the premises.
5. The premises to keep an incident book, which must be completed daily.

6. Notices to be displayed reminding customers that CCTV is in operation.
7. Panic alarm system connected directly to the Police to be installed and maintained
8. All emergency exits shall be kept free from obstruction at all times.
9. Clear and legible notices will be prominently displayed to remind customers to leave quietly.
10. Customers who appear to be under the age of 21 shall be required to prove they are over 18 by way of photographic identification. Notices shall be displayed requiring persons who appear to be under the age of 21 to prove they are over 18.
11. The licensee and staff will ask persons who appear to be under the age of 18 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

**Annex 3 - Conditions attached after a hearing by the licensing authority
Review Hearing 12/05/2009**

1. A refusal book is to be maintained
2. A member of staff conversant with the CCTV system to be on the premises at all times.
3. **Sale of Alcohol**
Monday to Saturday from 08:00 until 23:00 hours
Sunday from 10:00 until 22:30 hours

Annex 4 - Plans

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

18th July 2006



Part B - Premises licence summary

Premises licence number

14223

Premises details

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

(London Food Centre)
407 Roman Road

Post town
London

Post code
E3 5QS

Telephone number

020 8000 0000

Where the licence is time limited
the dates

N/a

Licensable activities authorised
by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol:
Monday to Saturday from 08:00 until 23:00 hours
Sunday from 10:00 until 22:30 hours

The opening hours of the premises

Monday to Sunday, for 24 hours a day

Name, (registered) address of holder of premises licence

Mr Armagan Akyol Mr Serdar Tas
~~407 Roman Road~~ ~~61 Woolpack House~~
~~London~~ ~~Kettering Road~~
~~E8 5QC~~ ~~London~~
~~EN3 6UU~~

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

Off sales

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

~~0400250~~

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

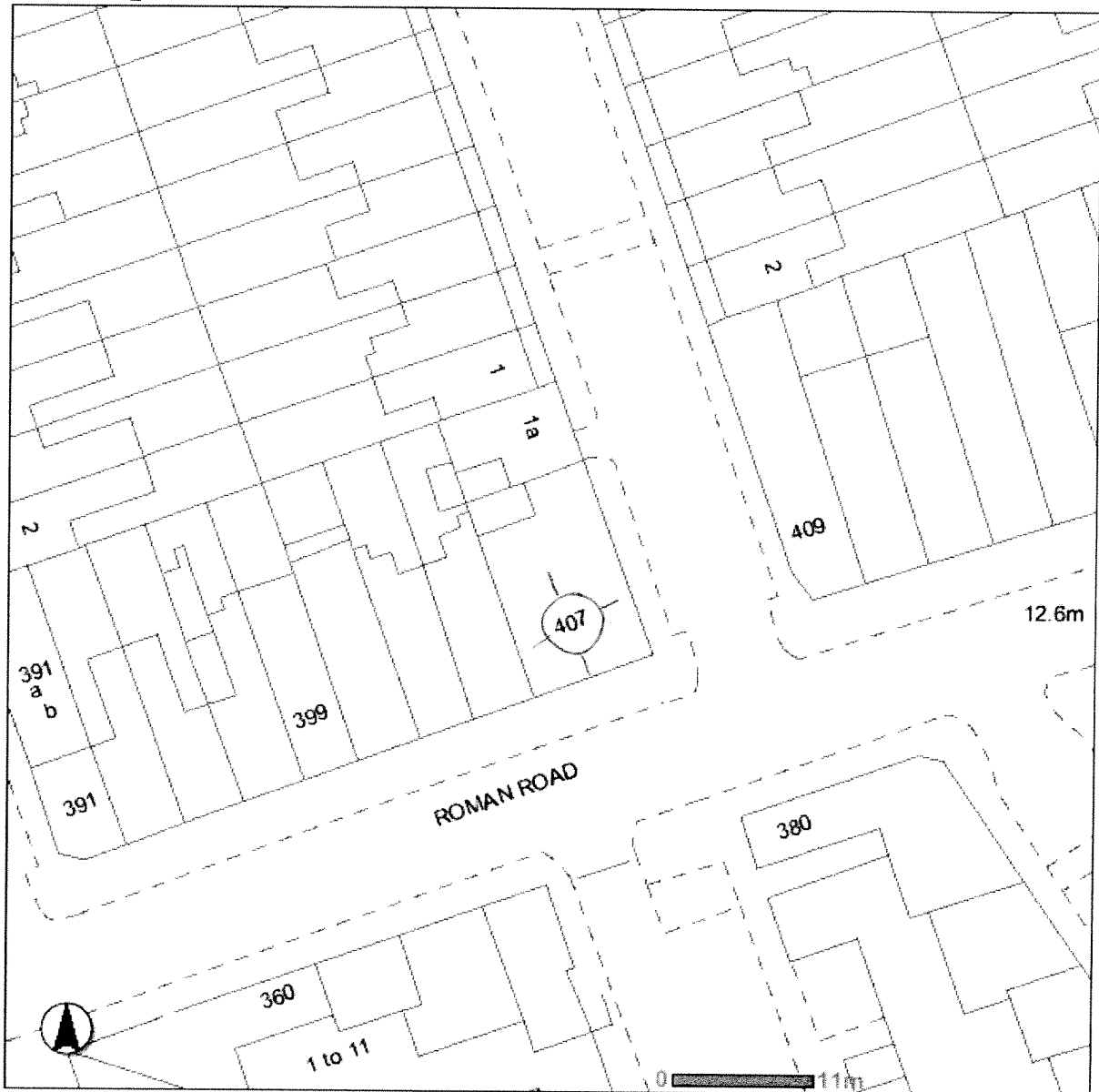
Mr Serdar Tas

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

No

Appendix 3

Map



Scale 1:500

Map of:

Notes:

407 Roman Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1250

Map of:

Notes:

407 Roman Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4

WITNESS STATEMENT

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

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

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

This statement (consisting of 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] Date: 10/3/10

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

I am a police Licensing Officer for the London Borough of Tower Hamlets. On 20th January 2010 I was working on a joint operation with fellow officers from HMRC (Customs) and Trading Standards. The day was designed to target premises where either intelligence had been obtained or a previous visit had shown that counterfeit or smuggled goods were for sale. 14 premises were targeted over the 2 days with many premises found to be selling such goods. This was the second operation of its type we had run with the first one identifying several premises selling these goods. One of the premises found selling the goods in November was the London Food Centre (a.k.a. Buy to Save), 407 Roman Rd E3. A decision was made to re-visit the premise as any evidence would then become admissible at an appeal hearing which was being scheduled for early 2010. We entered the premise and identified ourselves to the person behind the counter, a male who I know to be Mr Haydar Taslioglu who I have dealt with in previous visits. He is the DPS. On entry it was explained why we had returned and using our powers under various Acts including the Licensing Act 2003 we examined the alcohol for sale within the shop. It soon became apparent that again the shop was selling either smuggled or counterfeit goods so seizures were made on the spot by both Customs and Trading Standards officers. We spent about 90 minutes at the shop, most of the time securing and packaging bottles of alcohol which had been seized. When we left Customs took 189 bottles (141.5 litres) of smuggled wine, 38.3 litres of spirits which were either smuggled or had counterfeit customs labels on them and 12.3 litres of counterfeit champagne and vodka which was seized by Trading Standards. The items were taken away with the owner having a certain period of time to produce receipts proving where he bought the items, and that duty had been paid. I understand that no proof was produced and that the bottles were destroyed. It was noted that again the premise was not displaying its premise licence to sell alcohol.

Signature: [Redacted] Signature witnessed by:

WITNESS STATEMENT

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

Statement of **Andrew Jackson** URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff**

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

Signature: 

Date: **8/3/2010**

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

I am a police Licensing Officer for the Metropolitan Police working in the London Borough of Tower Hamlets. On Friday 5th March 2010 I was working as such when as a part of some late visits I attended a premise called London Food Centre at 407 Roman Road E3 5QS. In my possession I had a copy of the conditions attached to the Premise Licence (Page 4, annex 1 and 2). Serving behind the counter was a male who gave his name as Mr Armagan AKYOL who is joint premise licence holder with Mr Serdar TAS. Mr TAS is also the DPS for the premise. Mr Akyol stated that the DPS was not present at the premise. There was one other male at the premise who Mr Akyol stated was just a friend. Working down the list I asked Mr Akyol if he was a personal licence holder. He stated that he was not. I asked him where the copy of the Premise Licence was displayed in the shop. He looked through some papers and gave me a copy of an LBTH letter dated in 2007 which had nothing from Licensing attached. I told him that a copy of the premise licence should be displayed and he said he didn't have one. I asked him if he had a written authority to sell alcohol from the DPS. Again he started to look through some papers under the counter and to make some phone calls. After about 5 minutes he told me that he couldn't get in contact with Mr Tas and that he was unable to find any written authority. Whilst waiting for this reply I had a look around the store with regard to other conditions. The CCTV seems to be good with a large screen in front of the counter which shows both the inside and the entrance to the store. On the door was a sign informing people of the need to be 18 years of age to buy alcohol. I asked Mr Akyol for the incident book and he again stated that he didn't have one. I also noticed that there were no signs reminding customers that CCTV is in operation. I asked about a panic alarm which again is a condition on the licence and was told that there wasn't one. Another condition states that the emergency exits must be kept free from obstruction at all times. There are 2 exits, the main door to the front and another through the store to the rear. The shop is generally very crowded with good in the aisles. One aisle which leads between the 2 exits has rows of 2 or 4 large soft drink bottles on the floor. This reduced the aisle by about 50% in width. At the ends of some aisles near the front door there were boxes of fruit drinks which again reduced the width of the aisle by half. In the aisle leading to and including the front doorway,

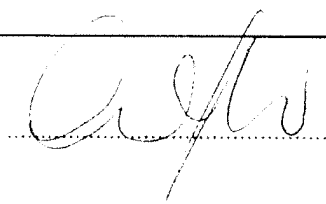
Signature: 

Signature witnessed by:

Continuation of Statement of **Andrew Jackson**

there was a row of large 5 litre water bottles again reducing the width of the main aisle. There were also boxes of tomatoes lying in the aisle. The rear fire exit is located through the rear storeroom which also acts as a staff room. Inside there are a lot of stacked boxes and cartons of drinks. Further examination showed that the "Challenge 21" policy which is a condition of the premise licence is not advertised anywhere within the premise. Mr Akyol appeared unconcerned that he was unable to produce a copy of the premise licence, a letter of authority, an incident book or that a panic alarm was not fitted. He kept offering me soft drinks which I declined and told me that the problems with the last owners who he said were very bad, would not be happening from now. I left the shop at 2120hrs.

Signature:



Signature witnessed by:

2003(1)

WITNESS STATEMENT

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

Statement of **Andrew Jackson PC124HT**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff**


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

Signature: 

Date: **23/11/09**

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

I am a police Licensing Officer for the Borough of Tower Hamlets. On Wednesday 18th November 2009 I was working in that capacity when at 1140hrs I went to a premises called the London Food Centre (also known as Buy to Save) at 407 Roman Road, E3. I was accompanied by Sgt Jane Burke, 2 Trading Standards Officers and 2 officers from HMRC. This visit was one of several arranged within the Borough to investigate whether individual premises were abiding by the law in relation to the Licensing Act 2003, various Acts in relation to the sale of goods and the Customs and Excise Management Act. As part of a briefing and from visits already completed I had learnt that spirits (30% and over alcohol by volume and 35cl or more) legally advertised for sale in the UK have a customs stamp with a reference number either stuck to the bottle or incorporated within the label. Those without this stamp are either imported for personal consumption or counterfeit goods. If the bottle was "old stock" it should have been returned within a period of time for a refund and should not be for sale. That period of time I am informed has now ended. As we entered the store all officers identified themselves to the male serving behind the counter. I know this male to be the DPS of the premises, Mr Haydar Taslioglu who I have had dealings with before during 2 review hearings. Due to the length of time it takes to seize, box, then bag up any goods, then to transport them to Stratford by van, it was decided that we would examine the goods for sale, note any which appear to be unlawfully for sale and leave. Officers from HMRC would then return with an appropriate vehicle and seize all the goods in one go. Whilst other officers checked various areas of the shop I got a stool and looked at the spirits for sale on the top shelf, to the left of the counter as you look at it. It quickly became apparent that many of these items, which were whiskey and brandy 70cl bottles and at least 37%abv, were not displaying a UK duty stamp. I left the shop soon after without alerting Mr Taslioglu as to what I had found. I then spoke to other officers outside who said that they had found an amount of wine which was being sold so cheap that UK duty could not have been paid on it. I understand that this wine was of a brand which was similar to what we had found for sale in numerous other off licences. I informed the officers from HMRC what I had seen and it was decided that officers would attend in the next few days to seize the goods as planned. On Monday 23rd November I

Signature:  Signature witnessed by:

Continuation of Statement of **Andrew Jackson PC124HT**

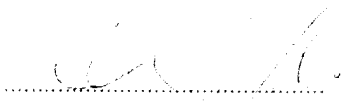
received an email from HMRC informing me that they had revisited the premises last week and seized a substantial amount of wine and spirits. The quantities they gave me were as follows.

Wine 265.5 litres.

Spirits 229.4 litres.

This premise has been reviewed by police twice in the last 16 months, both times for serious violence. At the last hearing the Licensing Committee reduced the hours of selling alcohol from 24 hours a day to finishing at 11pm and 1030pm on a Sunday. The premise has appealed against this decision so that decision has been set aside until that appeal has been heard. Whilst waiting for the appeal to be heard I have continued to receive complaints from local residents about the disturbance caused by this shop, particularly at night. It seems that the owner of the shop, Mr Taslioglu and his staff continue to operate the premise in the same way as it was before the review, and they appear to have no consideration for local residents feelings. Together with the large quantity of smuggled goods found for sale in the shop, I believe that the operation of this premise in this manner fail to promote the licensing objective relating to crime and disorder. For alcohol to be sold responsibly, the owner and his staff have a duty to promote the licensing objectives. By selling such a large amount of smuggled goods in his shop it would indicate that profit is the main factor in how the shop conducts it's business. DCMS guidance states that the sale of smuggled alcohol is a "criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously". For this reason I would ask that the premise licence be revoked.

Signature:



Signature witnessed by:

2003(1)

Appendix 5

9

WITNESS STATEMENT

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


URN

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Statement of: Ian David Moseley

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

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

Signature:  Date 14/12/09

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

I am a Trading Standards Officer employed by the London Borough of Tower Hamlets and authorised to enforce the provisions of the Weights and Measures Act 1985 and related provisions of the Licensing Act 2003

I have examined records held by the Council relating to premises at 407 Roman Road. The records show that the premises are operated by Neatway Limited trading as, variously, Syar, Buy 2 Save and Roman Supermarket.

These records indicate that:-

In November 2005 the then existing licence for the premises was revoked.
In February 2006 alcohol was sold to an underage test purchaser. A Police penalty charge notice was issued and a warning letter written to the owner concerning underage sales. Subsequent visits by licensing officers in April 2006 confirmed that alcohol was being sold without a licence and this information was passed to the Police.

Subsequently a licence was applied for and issued on the 18th of July 2006 to a Mr Buldak Yaldiz.

Subsequent records show that a Mr Yuzif Yaldiz was convicted of 3 offences under the Licensing Act 2003 and fined £750 on each and conditions agreed with applicant relating to the display of alcohol.

In October 2006 an underage sale of alcohol took place and the new licensee was warned about future behaviour

In March 2007 an application for 24 hour opening was requested and agreed

Signature: 

Signature witnessed by: / /

2004(1)

**CONTINUATION OF STATEMENT OF WITNESS
(Criminal Procedure Rules r27.1(1): Criminal Justice Act 1967,
S.9; Magistrates Courts Act 1980 5B)**

In December 2007 a quantity of counterfeit condoms was found on the premises and the owner was given a written warning with regard to offences under the Trade Marks Act 1994

On the 6th of August 2008 the then Designated Premises Supervisor A Mr Kemal Koca, a director of Neatway Limited was removed following Police information relating to incidents of violence. The licence was suspended until a further hearing on the 19th of August subject to Mr Koca not being on the premises at any time.

On the 31st of August 2008 21 bottles of counterfeit Imperial Vodka were seized from the premises. A formal caution was issued in respect of Food Safety Act offences.

In 2009 there have been 4 underage test purchase attempts and sale has been refused in each case.

Records also show that on the 12th of May 2009 the premises were subject to a review, triggered by local residents, relating to noise and disturbance associated with the premises. As a result of this review the permitted hours were reduced from 24 hour opening to 08:00 - 23:00 weekdays and Saturday and 10:00 to 22:300 on Sundays. An appeal has been lodged and will be heard in January 2010.

JM 14/12/09

Appendix 6

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1987, s.9; MC Act 1980. ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of Matthew John Clark

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

Occupation: HM Revenue and Customs

This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 11 / 03 / 2010

I am an Officer of Her Majesty's Revenue and Customs (HMRC). On 20/01/2010 at 11.00 hours I entered a shop called Buy 2 Save at 407 Roman Road, London E3 5QS.

Also present was Officer Cooper of HMRC, Police Officers from Bethnal Green Licensing Team and Trading Standards Officers from Tower Hamlets. I identified myself as a Customs Officer to a person I now know to be Mr Haydon Tasliogla. I then conducted a search of the premises for non UK duty paid excise goods using the powers contained in The Customs and Excise Management Act 1979 sections 112 and 118. I identified thirty eight point three litres of Spirits (38.3 Litres) which had no UK duty stamps attached. There were also 141.75 litres of non UK duty paid wine. These bottles had no supporting invoice and it was apparent that duty had not been paid. These bottles were located for sale in the shop behind the counter and in the aisles of the shop. They were being offered for sale for two bottles for five pounds which is less than the duty and taxes required. A form C156 (Seizure Information Notice) and Warning Letter were issued and at 1220 hours using the powers contained in The Customs and Excise Management Act 1979 sections 139 the alcohol was seized. The total amount of duty and VAT involved is £ 738.53. At approximately 1300 hours I left the premises with the other Officers.

Date: 11 / 03 / 10

Signature:

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 2

ENFO 881A

CEP (Aug 2008)

Appendix 7

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70, CP Rules Part 27.1)

Statement of: Edward Keith Ward

Age if under 18:

(If over 18 insert 'over 18')

Occupation: HM Revenue and Customs

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

Signature:

Date:

4/12/9

On 19 November 2009 at 1005 hours I entered a shop called London Food Centre, 407

Roman Road, London E3 5QS with other Officers. I identified myself as a Customs Officer to the shop assistant. I then carried out a check on the shops stock of alcohol and cigarettes. 14 litres of Vodka of various brands had no UK tax stamps on and 194.2 litres of vodka of various brands had false UK duty stamps on. 178.2 litres of whiskey of various brands had false UK duty stamps on. There were fifty nine cases each containing six bottles of wine which was being sold at two for £5.00. These cases had no supporting invoice and it was apparent that duty had not been paid. A form C156(Seizure Information Notice) Notice 12a and Warning Letter were issued. All of the above stock was seized from the business. The total amount of duty and VAT involved is £4664.00. I left the premises at approximately 1745 hours.

Date:

4/12/9

Signature:

(signature of witness)

Signature:

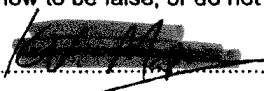
(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY



Appendix 8

WITNESS STATEMENT

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

URN	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Statement of: Kevin Vincent Maple				
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Trading Standards Secondee				
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.				
Signature: 			Date 21st January 2009	
Tick if witness evidence is visually recorded (supply witness details on rear)				
Background				
I am employed as a Trading Standards Secondee by the London Borough of Tower Hamlets.				
On Tuesday 20 th January 2010, I took part in a joint partnership operation between the Metropolitan Police Licensing Unit for Tower Hamlets, H.M. Revenue and Customs (HMRC) and the London Borough of Tower Hamlets Trading Standards. The Police Licensing Unit had identified a number of problematic venues involving either the sale of counterfeit goods, the selling of non-paid duty alcohol or where premises are believed to be in breach of their premises licences.				
Visit to London Food Centre, 407 Roman Road, London E3 (previously known as Buy 2 Save)				
At around 10.50 hours I accompanied my colleague Principal Consumer Services Officer Sean Rovai, PS 26HT Jane Burke, PC 124HT Andy Jackson, PC 189HT Alan Cruickshank and HMRC Officer's Matt Clark and Ben Cooper on a visit to the London Food Centre, 407 Roman Road, E3. After entering the premises I observed an IC2 male, who was later known to me as Haydar TASLIOGLU, positioned in front of shop counter located on the immediate right hand side of the store. I also observed bottles of wine and spirits displayed on shelving behind the counter and bottles of wine and beer displayed on shelving on the right hand of the premises.				
Search of premises and seizure of goods				
I and other officers proceeded to search the premises. During the search Officer Ben Cooper found a quantity of Champagne displaying Bollinger trademarks displayed on the bottom shelf alongside the counter. Officer Cooper also found a quantity of 70cl bottles of Vodka displaying the Glen's Vodka trademark displayed on the third shelf down immediately behind the counter to the right of the cigarette display unit. In addition, Officer Rovai found a quantity of 1 litre bottles of Vodka displaying the Glen's Vodka trademark located on the top shelf on the right hand wall of the store (facing inwards from the shop entrance). All these products were believed to be counterfeit				

Signature:

Signature witnessed by:

2004(1)

Appendix 9

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);

- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- to suspend the licence for a period not exceeding three months;

- to revoke the licence.

- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for unlawful gaming and gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.
- 11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 10

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

Crime and Disorder Act 1998

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

Pool Conditions

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

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - the nature and style of the venue;
 - the activities being conducted there;
 - the location; and
 - the anticipated clientele.

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

3. 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.
4. Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.
It is also important that conditions which are imprecise or difficult to enforce should be avoided.
5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

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

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

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

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

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

Door supervisors

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

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

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

Bottle bans

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

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

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

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

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

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries.

Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

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

Open containers not to be taken from the premises

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

This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

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

CCTV

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

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

Restrictions on drinking areas

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

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

Capacity limits

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

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, licensed premises should have in place an age verification policy. This requires 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 age verification policies may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof which bears a photograph, the individual's date of birth and a holographic mark, such as photo-driving licences, National Identity Cards, some 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 25", "Challenge 21" or other similar initiatives. Under these initiatives those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the specified age and who is attempting to buy alcohol.

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. Discounting at individual premises may be permissible provided it is consistent with the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions (see section 10). Licensing authorities are reminded that there may be a judgement needed on whether a specific promotion is responsible or irresponsible. 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 11

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.

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Agenda Item 4.3

Committee: Licensing Sub-Committee	Date: 29 June 2010	Classification: UNRESTRICTED	Report No. LSC 08/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Nick Kemp - Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Perfect Fried Chicken, 214 Mile End Road London E1 4LJ Ward affected: St Dunstan's & Stepney Green
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1.0 Summary

Name and
Address of premises: **Perfect Fried Chicken**
 214 Mile End Road
 London
 E1 4LJ

Licence under review: **Licensing Act 2003**

- **Late night refreshment**

Representations: **Environmental Protection**

- **Police**

2.0 Recommendations

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

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

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

authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 3.3 and 3.4 were considered before any representations were accepted for inclusion in this report.

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

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

7.0 Review Advertisement

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

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

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

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

8.0 Licensing Officer Comments

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

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

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

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

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

Appendix 1



This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ... Alan Cruickshank 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 club premises, or if none, ordnance survey map reference or description	
Perfect Fried Chicken 214 Mile End Road	
Post town London	Post code (if known) E1 4LJ

TOWER HAMLETS
STANDARD
07 MAY 2010

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

Kabir Ahmed / Mrs Salima Khatun

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

[REDACTED]

Part 2 - Applicant details

Please tick yes

I am

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

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Alan Cruickshank PC 189HT Licensing Unit Bethnal Green Police Station 12 Victoria Park Square E2 9NZ
Telephone number (if any) 0208 217 6699
E-mail (optional) Alan.Cruickshank@met.police.uk

BLANK

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

Please tick one or more boxes

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

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

This review has been instigated as I believe the premises licence holder is failing to maintain the following two licensing objectives :

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

Background

On the 30th March 2009 I received an application for a new premises licence for Perfect Fried Chicken ,214 Mile End Road , E1

The present premises licence holder, Salima Khatun , had applied for the following late night refreshments:

**Mon - Thur 1200 - 0400
Fri - Sat 1200 - 0500**

I opposed this application as I believed that the hours were too long and I was concerned over the effect that late night eateries have on the community and potential victims of crime. This was supported by PS Sandall who represents the local SNT of St Dunstons and Stepney Green. He believed that any extension would "further blight the quality of life for the residents"

During the consultation period, my concern was further raised when an incident occurred on Sat 18th April 2009 at about 0140. Two people were having a meal when the suspect entered the shop and became abusive towards the staff. He then fell on top of the male victim, whereby he was pushed off by the victim. The suspect then hit the victim and on the victim standing up to protect himself, the suspect took a fork and stabbed the victim in the cheek. During the fracas the suspect also took the fork down the side of the face of the female victim who was trying to prevent his escape. It also lead to further disorder outside the shop. Both victims were taken to a hospital and the suspect was charged with two counts of GBH (CRIS 4209722 / 09 and 4208897/ 09 refers)

The result of the committee held on the 16th June 2009 was to grant the following hours

**Mon - Thur 1200 - 0200
Fri - Sat 1200 - 0300
Sunday 1200 - 2300**

One of the conditions imposed was the following

1. That the CCTV system should incorporate a recording facility and any recordings should be retained and stored in a suitable and secure manner for a minimum of 31 days.....the system should be maintained and fully operational throughout the hours the premises is 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 the police officer or other regulatory authority.

Assaults since the hours granted

1. On the 25th December 2009 at about 0210 two groups were in the shop eating, when a drunken female victim threw a tissue behind her, accidentally hitting one male in a group of four males. . An argument ensued and the female tried to calm the situation but one of the four males jumped over the table and punched one of her friends. The male suspect then punched the female victim on her head.
The other male suspects then began to kick the first male victim. The female victim had her hair pulled and also kicked in the ribs.
The fight continued outside. The female victim was told to "calm down bitch" and again was punched to her head and body.
Both the male and female victim taken to the RLH

CCTV was present but no staff was able to download the images as the officers were informed that an engineer was needed to come out and download it. **This is contrary to the CCTV condition that "there must be someone on the premises who can download the images and present them immediately on request by the police officer or other regulatory authority.**

The CCTV storage capacity was only 7 days contrary to the condition that **any recordings should be retained and stored in a suitable and secure manner for a minimum of 31 days.**

CRIS 4231525/09 refers

2. On the 27th December 2009 at about 0409, police were called to a fight at Perfect Fried Chicken. On their arrival they found a male staggering outside the shop, bleeding from the nose. There was another 20 Asian males standing about outside the shop. An argument had occurred inside the shop which lead to the fight inside and shortly after, outside the shop. One male was arrested for GBH. In total, five male suspects were involved.

One male who was arrested stated that they had left Kings Cross at about 0300 and drove back to Tower Hamlets. They then went to Perfect Fried Chicken as " he goes to after most nights out as it is open late"

Once again, no member of staff could download the CCTV.

CRIS 4231607/09 refers

3. On the 2nd April 2010 at about 0330, three people were in the shop eating when ten to twelve youths entered the shop. They started picking up the victims' food and began throwing it at them. They then began attacking the victims. One victim was kicked several times on the floor, amounting to an ABH

On this occasion, the CCTV was not working.

CRIS 4207861/10 refers

As a result of this assault, on the 9th April 2010, PS 26HT Burke and PC 189HT Cruickshank attended the shop and spoke to the premises licence holder, Mr Kabir AHMED. They reminded him of the conditions attached to his licence, one of which that the CCTV should be operational whilst the licensable activities take place. Also that his shop should close at 0300, as this assault took place at 0330. Mr AHMED believed that if he stopped serving at 0300, his customers could remain inside the shop until they had finished their meal.

4. On the 1st May 2010 at 0419 police were called outside Perfect Fried Chicken where a male had been stabbed.

The victim and his brother were eating in the shop when a male not known to them, entered the shop. This male began arguing with the victim and told him to come outside. The suspect's friends tried to calm him down and took the suspect out of the shop. The victims remained in the shop and ate their food, thinking that the incident had blown over. On leaving they were surrounded by 20 - 30 Asian males. The brother was punched to the face and the main victim was stabbed to his left shoulder. All then ran off.

The stabbing victim was taken to the RLH and he received treatment for a 4 inch wound to his left shoulder. This was a GBH
CRIS 4210493/10 refers

Yet again the CCTV was not working and the premise was open far past its closing hours of 0300. Even if the CCTV had been working there was no one on duty who could have downloaded it.

On Wednesday 5th May 2010 at about 1330 , PC Cruickshank held a meeting with both PLHs. They stated the CCTV had been broken but would be fixed on the 6th May 2010. Once again there was confusion over the closing hours. Mr AHMED believed that if he stopped serving at 0300, his customers could take as long as they needed to eat up and leave the shop.

Mrs KHATUN said they employ one SIA door man on busy nights. However Mr AHMED said he had left at 0300, which was prior to the fight.

Overall, there has been five serious incidents of disorder, resulting in either GBH or ABH on the victims.

There has been a clear breach of the CCTV condition and the premise has been open past their hours. The lack of CCTV has stopped the early identification of any suspects. By operating after their hours, disorder has occurred in the shop, also leading to assaults outside in the street.

I would like the committee to consider removing their late night refreshment hours.

I don't believe Mr Ahmed has control of his shop when he is faced by drunk aggressive men and I question his ability to deal with people who remain in his shop way past the closing hour

If however the committee are to consider reducing their hours, I ask that two SIA door staff be employed from 2000 until closing on Friday and Saturday nights.

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 see previous statement

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....
Date

.....
Capacity

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

Notes for Guidance

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

Appendix 2

**(Perfect Fried Chicken)
214 Mile End Road
London
E1 4LJ**

Licensable Activities authorised by the licence

Provision of Late Night Refreshment

See the attached licence for the licence conditions

Signed by

**Jacqueline Randall _____
Acting Licensing Services Manager**

Date: 16/06/09



Part A - Format of premises licence

Premises licence number

13380

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Perfect Fried Chicken)
214 Mile End Road

Post town
London

Post code
E1 4LJ

Telephone number

020 7112 8226

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The provision of late night refreshment

**The times the licence authorises the carrying out of licensable activities
Late Night Refreshment (Night Café)**

Monday to Thursday from 12:00 hrs to 02:00 hrs
Friday & Saturday from 12:00 hrs to 03:00 hrs
Sunday from 12:00 hrs to 23:00 hrs

The opening hours of the premises

Monday to Thursday from 12:00 hrs to 02:00 hrs
Friday & Saturday from 12:00 hrs to 03:00 hrs
Sunday from 12:00 hrs to 23:00 hrs

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

Not authorised

Part 2

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

Mr Kabir Ahmed
Mrs Salima Khatun

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

N/A

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

Not applicable

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

Not applicable

Annex 1 - Mandatory conditions

Hours

Late Night Refreshment

Monday to Thursday from 12:00 hrs to 02:00 hrs

Friday & Saturday from 12:00 hrs to 03:00 hrs

Sunday from 12:00 hrs to 23:00 hrs

Annex 2 - Conditions consistent with the operating Schedule

1. Children under 10 years must be accompanied by an adult.

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

2. That the CCTV system should incorporate a recording facility and any recordings should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system should be maintained and fully operational throughout the hours that the premise is 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 the police officer or other regulatory authority.
3. That no metal cutlery should be used by their customers after 22:00hrs.
4. That there should be an increase in signage for the appropriate disposal of litter.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
26 March 2009



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

13380

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Perfect Fried Chicken)
214 Mile End Road

Post town
London

Post code
E1 4LJ

Telephone number
0207 762 0220

Where the licence is time limited
the dates

N/A

Licensable activities authorised
by the licence

The provision of late night refreshment

The times the licence authorises
the carrying out of licensable
activities

Late Night Refreshment

Monday to Thursday
from 12:00 hrs to 02:00 hrs

Friday & Saturday from 12:00 hrs to 03:00 hrs

Sunday from 12:00 hrs to 23:00 hrs

The opening hours of the premises

Monday to Thursday
from 12:00 hrs to 02:00 hrs
Friday & Saturday
from 12:00 hrs to 03:00 hrs
Sunday from 12:00 hrs to 23:00 hrs

Name, (registered) address of holder of premises licence

Mr Kabir Ahmed
Mrs Salima Khatun
100 Bow Common Lane
[REDACTED]
London
[REDACTED]
[REDACTED]
07949522812

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

Not authorised

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

Not applicable

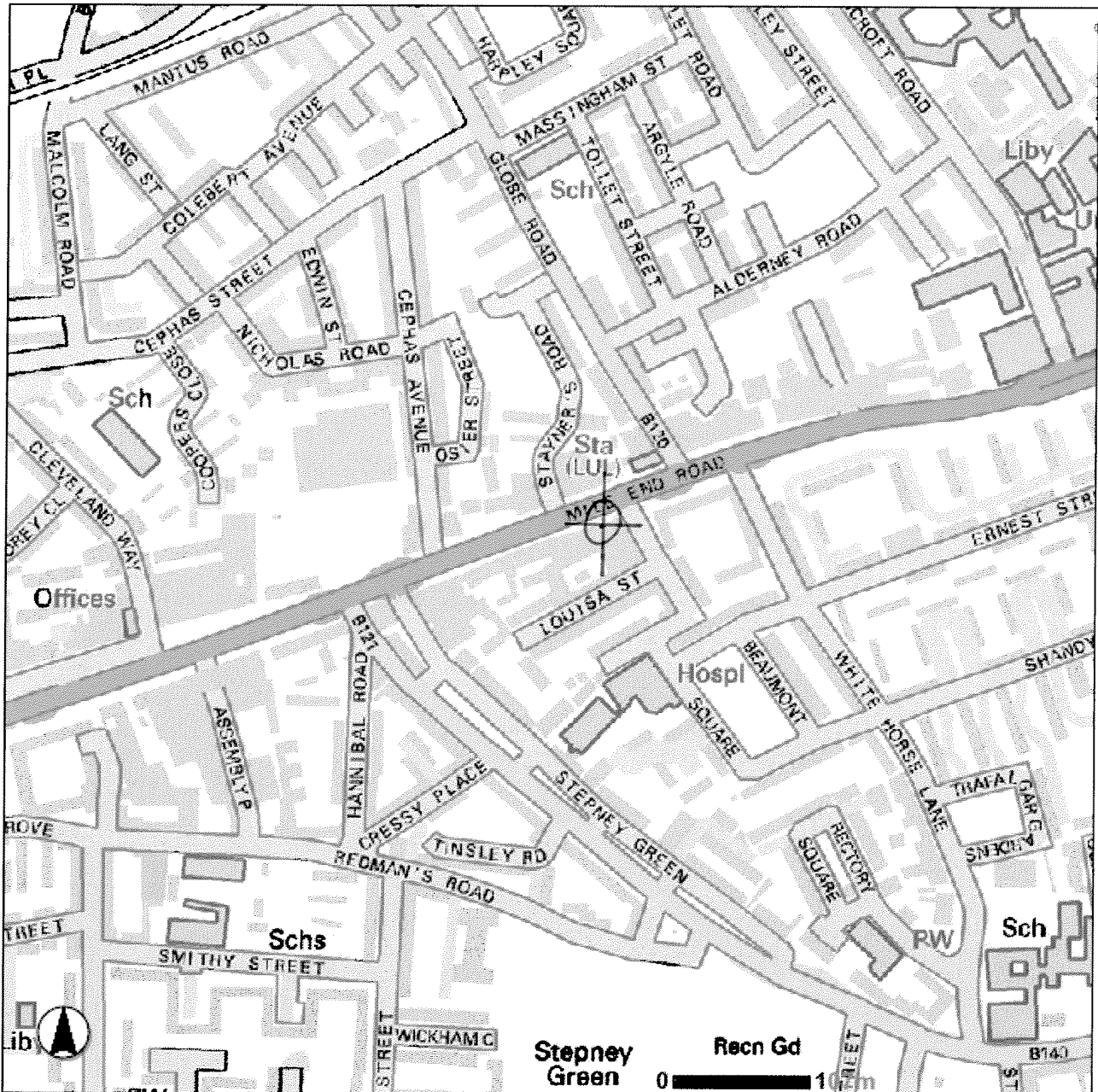
State whether access to the premises by children is restricted or prohibited

Children under 10 years of age must be accompanied by an adult

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Appendix 3

Map



Scale 1:5000

Map of:

Notes:

PFC 214 Mile End Road - small scale

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

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

- 11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

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

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

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

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

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

Appendix 5

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

Crime and Disorder Act 1998

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

Pool Conditions

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

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

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

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

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

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

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

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

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

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

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

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

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

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

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

Door supervisors

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

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

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

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

Bottle bans

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

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

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

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

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

Plastic containers and toughened glass

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

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

Open containers not to be taken from the premises

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

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

CCTV

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

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

Restrictions on drinking areas

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

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

Capacity limits

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

Proof of age cards

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

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

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

Crime prevention notices

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

Drinks promotions

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

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

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

Signage

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

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

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

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

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

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

Appendix 6

Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

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

Appendix 7

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

CONDITIONS RELATING TO THE 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 8

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.

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