



Meeting of the

**EXTRAORDINARY
LICENSING SUB
COMMITTEE**

Thursday, 5 December 2013 at 6.00 p.m.

A G E N D A

VENUE

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

If you require any further information relating to this meeting, please contact:

Simmi Yesmin, Democratic Services,

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

Public Information

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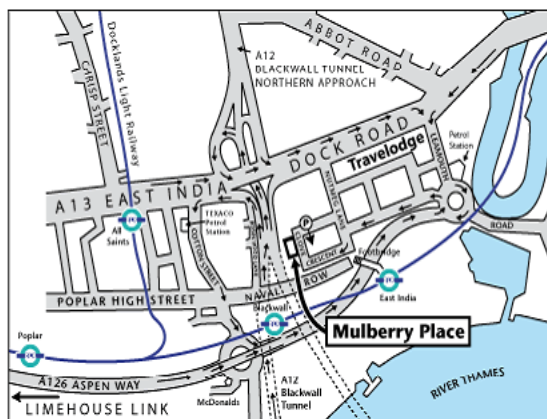
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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 5 December 2013

6.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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 Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	5 - 16	
To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION		
4 .1 Application for a New Premises Licence for The Holborn Workshop, 493 Hackney Road, London, E2 9ED	17 - 58	Bethnal Green North
4 .2 Application for a Review of a Premises Licence at JB Food Store, 97b Brick Lane, London, E1 6SE	59 - 146	Weavers
4 .3 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU	147 - 228	Spitalfields & Banglatown
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

John Williams, Service Head, Democratic Services, 020 7364 4204

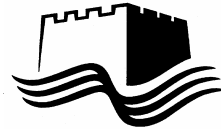
APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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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).
 - 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.

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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 grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

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 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 :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05 December 13	Unclassified	LSC 39/134	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a Premises Licence for The Holborn Workshop, 493 Hackney Road, London, E2 9ED
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Bethnal Green North

1.0 Summary

Applicant: **Manolo Gatsby Ltd. (08718666)**
Name and Address of Premises: **The Holborn Workshop**
493 Hackney Road
London
E2 9ED

Licence sought: **Licensing Act 2003 variation**

- **The Supply of Alcohol**
- **Provision of Regulated Entertainment**
- **Late Night Refreshment**

Objectors: **Local Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a premises licence for The Holborn Workshop, 493 Hackney Road, London, E2 9ED.

3.2 A copy of the variation application is enclosed as **Appendix 1**.

3.3 The applicant has described the nature of the variation as:

- The Supply sale of Alcohol
- Providing Regulated Entertainment

3.4 The hours that have been applied for are as follows:-

The Supply of Alcohol (both on and off sales):

- Sunday to Thursday from 08:00hrs to 21:00hrs
- Friday to Saturday from 08:00hrs to 23:00hrs

The Provision of Regulated Entertainment in the form of live music (indoors):

- Saturday from 19:00hrs to 22:00hrs

Hours premises is open to the public:

- Sunday to Thursday from 08:00hrs to 21:00hrs
- Friday to Saturday from 08:00hrs to 23:00hrs

3.5 Where the hours of selling alcohol and the premises being open to the public overlap the following comment should be added

Members may wish to note that in relation to the sale of alcohol this is the same as when the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.

3.6 It should be noted by members that the application has been amended by the applicant through mediation with the Metropolitan Police. They have agreed to add the following conditions which may be applied when considering the Operating Schedule:

1. No music noise or patron noise will be audible at any affected residential facade;
2. No more than 5 smokers outside at any one time; and
3. No drinks to be taken outside after 8pm.

3.7 A map showing the relevant premises is included as **Appendix 2**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident, Mr Gary Reid. See **Appendix 4**.
- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.11 The objections cover allegations of
- Anti-social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Noxious smells or light pollution
- 5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 **Licensing Officer Comments**

- 6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's

Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
- ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 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.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 5-8** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live

music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- | | |
|-------------------|---|
| Appendix 1 | A copy of the application |
| Appendix 2 | Maps of the area |
| Appendix 3 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 4 | Representations of Local Resident Mr Gary Reid |
| Appendix 5 | Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises |
| Appendix 6 | Licensing Officer comments on Noise While the Premise is in Use |
| Appendix 7 | Licensing Officer comments on Access and Egress Problems |
| Appendix 8 | Licensing Officer comments on Noxious Smells or Light Pollution |

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Appendix 1

Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

The premises is an retail unit which we are renting after it has been vacant for 3months. The shop will be in the front two rooms with toilet facilities on a lower level which is down a ramp. We will sell high quality artisan alcohol off license for gifts etc. We will then serve alcohol on the premises at our events which include design talks, drinks talks/tastings, acoustic music nights and 'how to' practical workshops.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

The music will low-key primarily acoustic music sets, with the occasional use of small portable amps. On specific Saturday nights, (2 or 3 a month) we will have two performers doing 30-40 minute sets.

State any seasonal variations for the performance of live music

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

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

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

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

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

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

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

We will create a responsible drinking environment, with our various events, talks, drinks tastings, workshops, the focus will be on the event and not on drinking. We will not provide any irresponsible drink offers and will not encourage any form of binge drinking.

b) The prevention of crime and disorder

We will not allow any illegal activities to take place on the premises. We will not tolerate any unruly behavior and will

Continued from previous page...

remove any such persons from the premises. We will also regular invite local officers to come and visit the premises.

c) Public safety

We will not serve anyone either drink to consume on the premises or off the premises when they are drunk. We will not allow opened drinks to be taken outside on to the pavement and consumed there.

d) The prevention of public nuisance

We will keep all our activity to a minimum level including performances. We will not allow opened drinks to be taken outside on to the pavement and consumed there.

e) The protection of children from harm

We will operate a Challenge 21 policy on both on and off license operations. For events in the evening such a drink tastings and the live acoustic music performances we will not allow those under 18 into the premises.

Section 19 of 19

PAYMENT DETAILS

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

Premises Licence Fees are determined by the non domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Continued from previous page...

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand 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.

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

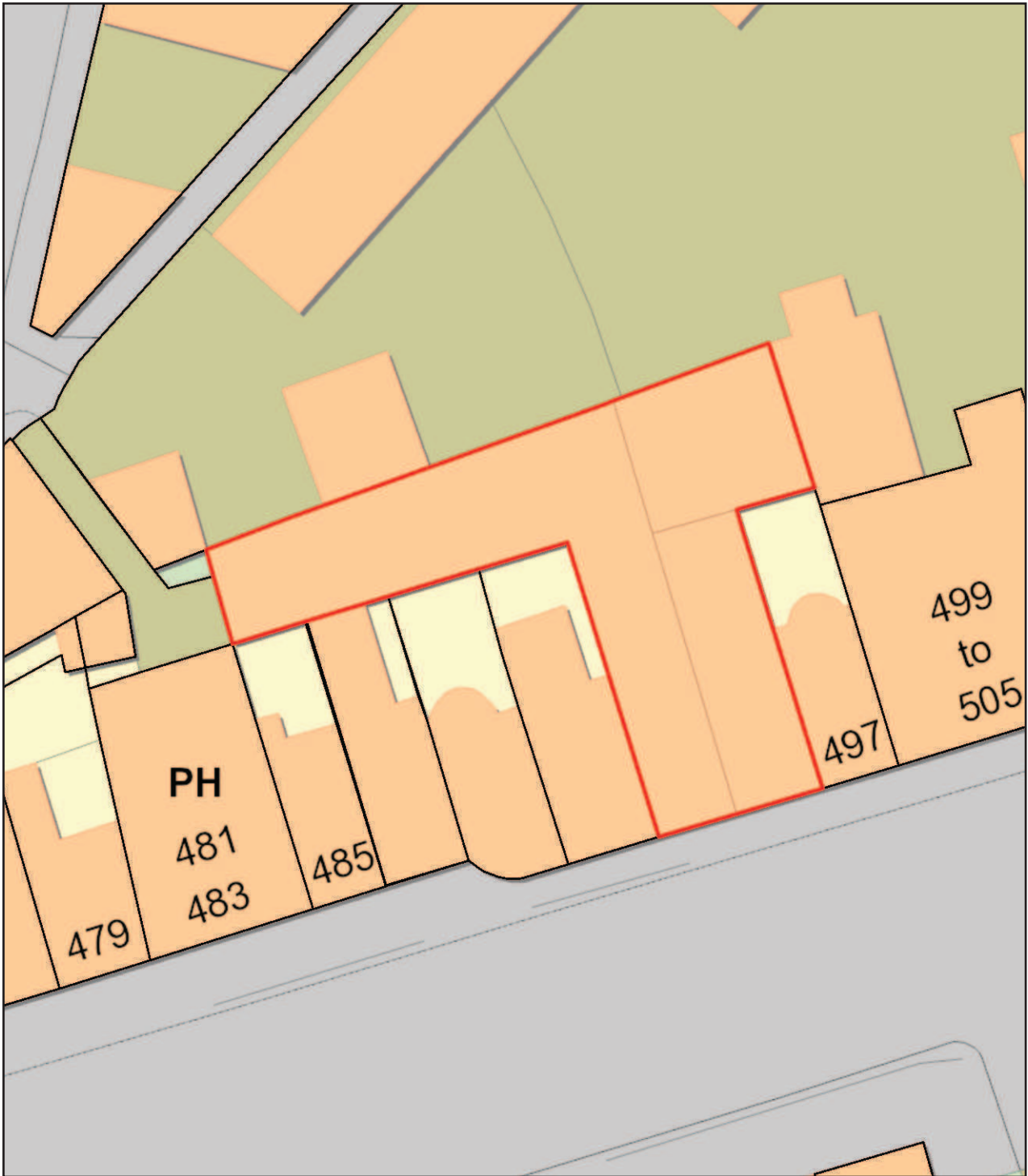
Once you're finished you need to do the following:

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

Appendix 2



493 Hackney Road

Map 1



Scale 1:334



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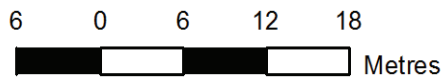


493 Hackney Road

Map 2



Scale 1:668



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Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult

for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4

From: Gary Reid [REDACTED]
Sent: 10 November 2013 11:17
To: Licensing
Subject: Licensing Act 2003 and 493 Hackney Road, London E2 9ED
Attachments: Hackney-Road-Licence-app.pdf

Attention: Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London E14 2BG

Dear Licensing Section

Re: Licensing Act 2003 and 493 Hackney Road, London E2 9ED

This is an objection in reference to the new application for a premises licence to sell alcohol and play live music at the address above.

1. Concentration of Licensed Outlets.

- There are already 3 shops selling alcohol within 250m of the property.
- There are over 10 pubs and licensed premises in close proximity to the property.
- In addition to above there are numerous restaurants with alcohol licences.

The addition of another outlet selling alcohol in this location, which is a conservation area is inappropriate during daylight hours and after dark adds to concerns about breaches of the peace increasing in and around Hackney Road.

This outlet will also put extra pressure on independent grocery outlets and pubs in what is difficult times for them already.

2. Crime and Disorder.

An alcohol licence will draw unwelcome attention and increased footfall at unsociable hours to a residential and conservation area.

Noise, public nuisance, anti-social behaviour, low-level nuisance (non reportable crime inc. shouting, swearing, urination in public, littering) will be increased.

Historically there have been vagrants sleeping and using the Cambridge Heath station causing disturbances.

The premises is right next to a signalled pedestrian crossing.

3. Public Nuisance.

The licence for both alcohol and live music will add to the additional draw of pedestrians and vehicles.

The already narrow pavement has been impacted by shop items on the pavement which is close to the 1.8m wide rule and smokers crowding on the pavement in this area will cause both a nuisance and public safety issue if passers by have to step onto the road to get past.

Noise, light pollution, traffic and traffic noise will all have a negative impact. To note again, this is a conservation area.

Additional traffic, to an already busy junction, pedestrian crossing and road will have serious public safety implications.

Thank you for taking the time to seriously consider these objections.

Yours Sincerely,

NAME: Gary Reid

ADDRESS: [REDACTED]

DATE: 10th November 2013.

Appendix 5

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” **(See Section 4.10 and 4.11 of the Licensing Policy).**

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).** In particular Members may wish to consider (this list is not exhaustive):

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.20).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (s.2.7-2.11).

There is also guidance issued around the heading of "public nuisance as follows

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures "within the direct control of the licence holder" (2.38).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 6

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**).

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 Sections 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 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 (1.19)

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

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

Appendix 7

Access and Egress problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 8.1 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 8.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 8

Noxious smells or light pollution

General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23 00 hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights.

Other Legislation

The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

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Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 05 December 2013	Classification: UNRESTRICTED	Report No. LSC 40/134	Agenda Item No.
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Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a Review of a Premises Licence at JB Food Store, 97b Brick Lane, London, E1 6SE Ward affected: Weavers
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1.0 Summary

Name and	JB Food Store
Address of premises:	97b Brick Lane London E1 6SE
Licence under review:	Licensing Act 2003 § Sale by retail of alcohol
Representations:	-Trading Standards - Police - Director of Public Health - 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 2003Tower Hamlets Licensing Policy		Andrew Heron 020 7364 2665

- File

Review Application

2.2 This is an application for a review of the premises licence for JB Food Store, 97b Brick Lane, London, E1 6SE. The review was triggered by Mr John McCrohan of Tower Hamlets Trading Standards.

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

3.0 The Premises

3.1 The premises licence was issued on 10th March 2006. A copy of the current licence is contained in **Appendix 2**.

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

4.0 Representations

4.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Mr John McCrohan of Tower Hamlets Trading Standards.

4.2 This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office. 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.

4.3 The review is also supported by local residents:

- Prof KarimBrohi
- Alex Gordon Shute
- Jane Curtis and Keith Bowler
- Sandy Critchley- Vice-Chairman, Spitalfields Society
- SelinaMisfud - Spitalfields Community Group
- Jon Shapiro – resident, Chair of the Spitalfields & Banglatown Police Ward Panel and Chair of SPIRE (Spitalfields Residents)
- Paul Hutchison

- 4.4 Please see **Appendices 4-10** for the individual representations.
- 4.5 The review is further supported by Dr Somen Banerjee, the Director of Public Health for Tower Hamlets. Please see **Appendix 11**.
- 4.6 The review is further supported by PC Perry of the Metropolitan Police. Please see **Appendix 12**.
- 4.7 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
- 4.8 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

5.0 **Review Explained**

- 5.1 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.”
- 5.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 13**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2010.
- 5.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

- 5.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 14.**
- 5.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 15.** The Pool Conditions in the Policy are the same as the Government’s.
- 5.6 The Home Office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 16.**
- 5.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 17.**
- 5.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licenceholders 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.”
- 5.9 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 member of the Licensing Authority).
- 5.10 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

- 5.11 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.

6.0 Review Advertisement

- 6.1 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.
- 6.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 6.3 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).

7.0 Licensing Officer Comments

- 7.1 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

- 7.2 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.
- 7.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 7.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 7.5 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.

8.0 **Legal Comments**

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

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Representation from local resident Prof Karim Brohi
Appendix 5	Representation from local resident Alex Gordon Shute
Appendix 6	Representation from local resident Jane Curtis and Keith Bowler
Appendix 7	Representation from local resident Sandy Critchley- Vice-Chairman, Spitalfields Society
Appendix 8	Representation from local resident Selina Misfud - Spitalfields Community Group
Appendix 9	Representation from local resident Jon Shapiro – resident, Chair of the Spitalfields & Banglatown Police Ward Panel and Chair of SPIRE (Spitalfields Residents)
Appendix 10	Representation from local resident Paul Hutchison
Appendix 11	Representation from Dr Somen Banerjee, the Director of Public Health for Tower Hamlets
Appendix 12	Representation from PC Perry of the Metropolitan Police
Appendix 13	Guidance issued under Section 182 by the Home Office for reviews
Appendix 14	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 15	London Borough of Tower Hamlets Licensing Policy
Appendix 16	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 17	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I John Patrick McCrohan

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 97 Brick Lane	
Post town	Post code (if known) E1 6SE

Name of premises licence holder or club holding club premises certificate (if known) JB Food Store Limited
--

Number of premises licence or club premises certificate (if known) 13125
--

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

n/a

First names

n/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

n/a

Post town

n/a

Post Code

n/a

Daytime contact telephone number

n/a

E-mail address (optional)

n/a

(B) DETAILS OF OTHER APPLICANT

Name and address

n/a

Telephone number (if any)

n/a

E-mail address (optional)

n/a

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

Please refer to attached document.

Please tick yes

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

If yes please state the date of that application

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If you have made representations before relating to this premises please state what they were and when you made them

n/a

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date 15th October 2013

Capacity **TRADING STANDARDS AND LICENSING MANAGER**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

London Borough of Tower Hamlets

97 Brick Lane London E1 6SE

Licence No 13125 (Licence Holder — JB Food Store Limited)

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

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder licensing objective, and public nuisance licensing objective.
2. The premises at 97 Brick Lane, holds a Premises Licence under the Licensing Act 2003, numbered 13125
3. The Premises Licence Holder is **JB Food Store Limited**.
4. The Designated Premises Supervisor at the premises is Mr Abdul Halim.

Drinking control zone

5. The Council has introduced Designated Public Place Orders (DPPO), " a drinking control zone" across the Borough having been satisfied that there was an alcohol related nuisance or annoyance to the public in the Borough.

Saturation policy

6. The Premises is within the cumulative impact policy zone (saturation policy) that is currently in the progress of being implemented. The justification for a saturation policy in Brick Lane can be summarised as:-

- A) There are already over 207 Licensed Premises within this small area;
- b) The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime);
- c). It is responsible for 8% of all crime within Tower Hamlets;
- d) . It is responsible for the highest level of complaints about street drinking;
- e) . 22% of all police calls to licensed premises are in the Brick Lane Area;
- f.) There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area;
- g) . LBTH has the second highest level of ASB in London;
- h) . The highest rates of ASB in the Borough are in the Brick Lane Area;

- i) . ASB is now decreasing in the Borough and Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents;
- j) . LBTH has significantly worse alcohol related harm indicators compared with regional and national averages;
- k) . There is a steady increase in ambulance call outs in the Brick Lane Area;
- l) . The Brick Lane Area has a vibrant and expanding night time economy which has led to a sizeable and steady increase in visitors to the area;
- m) . Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.

Brick lane – Shoreditch ASB/crime hot spot

7. The Licensing Authority understands that the Brick Lane/Shoreditch triangle that runs across Islington, Hackney and Tower Hamlets is flagged as a crime and disorder hotspot of the similar magnitude as Westminster. To address this, the Metropolitan Police is extending its Operation Trafalgar to include Brick lane and the Shoreditch area.

Crime and disorder

Two Under age sales of alcohol

8. On 25th October 2010, a sale of alcohol was made to an under-age test purchaser.
9. On 14th December 2010, a sale of alcohol was made to an under-age test purchaser.
10. Two test purchases using an under age test purchaser were conducted at the premises in 2011 and 2012, and in both cases, the sale was refused

Seizure of smuggled wine

11. On 12th September 2012, a quantity 28 bottles smuggled wine was seized by Her Majesty's Revenue and Customs (HMRC) during a partnership visit with the Police and Trading Standards.

Test purchase 00:40 on Saturday 17th August 2013– opened bottle of Becks Beer

12. At around 00:40 on Saturday 17th August 2013 a smoke free Technical officer entered JB Food Store, 97 Brick Lane, London, E1 6SE accompanied by an Environmental Health Officer (EHO). The EHO observed that the shop was open and trading. She witness her colleague select a bottle of Becks beer, who then approached the counter where she witnessed him purchase the alcohol and ask the cashier could he open it for him. The cashier used a bottle opener which

appeared to be attached to the counter with a chain and opened the bottle of beer.

13. The Licensing Authority is of the view that the test purchase on 17th August 2013 shows that the premises is facilitating the immediate consumption of the alcohol in the public areas in and around Brick Lane. The Public consumption of alcohol in the Brick Lane area in the early hours of a weekend increases the risk crime and disorder and public nuisance.

Public nuisance

Hostels nearby – homeless medical centre

14. The Licensing Authority has been advised by the **Public Health, Education, Social Care & Wellbeing Directorate** that the premises is in the proximity to the following three hostels:

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Booth House, 153-175 Whitechapel Road, London, E1 1DN

15. Also, the premises is also in the proximity of Health E1, 9-11 Brick Lane London E1 6PU, and a homeless medical centre.

16. It is the Licensing Authority's contention that because of lack of management control of the business, there is a foreseeable risk that sales of alcohol will be made to vulnerable adults, leading to public nuisance.

Licensing authority concerns - management of premises in hot spot area

17. The Licensing Authority has serious concerns regarding the general management of the premises as a result of the above. In particular because of the nature of the area and concerns about crime and disorder, protection of children and public nuisance, the Licensing Authority needs to have confidence that licensed premises in the Brick Lane area are managed in way to ensure the Licensing objectives are met. The Licensing Authority does not have confidence that the management of the premises by the Premises Licence holder will ensure that the Licensing objectives are met.

18. This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the HOME OFFICE. In particular the Service requests that you consider paragraphs 11.24 to 11.28, *Reviews arising in connection with crime*, making reference to paragraph 11.25. Paragraph 11.27 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 licensed premises for, amongst other things, the sale of smuggled tobacco and alcohol. In paragraph 11.28 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

19. The Licensing Authority respectfully requests that the Licensing sub-committee; in order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, and public nuisance, changes the starting time and terminal hour and adds the conditions as follows to the premises licence.

Change to earlier terminal hour and later starting time

20. The times the licence authorises the carrying out of licensable activities are changed as follows:-

"The sale by retail of alcohol, Monday to Sunday 08 00 hrs to 23:00"

Conditions

21. Conditions:-

- 1) The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless 3 or more bottles/cans are purchased together;
- 2) During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups,
- 3) During a sale of alcohol, the premises will not open any container the alcohol is contained in;

- 4) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

- 5) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration detail, if applicable
 - V.

- 6) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

- 7) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

- 8) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately. "

- 9) The designated premises supervisor or a Personal Licence Holder must be present when all alcohol sales are made.

John Patrick McCrohan

Trading Standards and Licensing Manager

London Borough of Tower Hamlets

Prosecution reference number: 003254

PROSECUTION DETAILS

PROSECUTION NUMBER: 003254

LA REFERENCE:

UNIT: TS - Trading Standards
OFFICER: IDM - Ian Moseley
OPEN DATE: 05/11/2010
DATE CLOSED: 19/11/2010
ACTION: T34 - Underage alcohol enforcement
FEE: 0.00
PAYMENT RECEIVED: No

DESCRIPTION OF OFFENCE

Sale of alcohol to person under the age of 18
Police PND issued

DEFENDANT'S DETAILS

PREMISES REF: F155TH97BB/1

NAME: JB Food Store Ltd
ADDRESS: 97B Brick Lane
London
E1 6SE

AREA: Tower Hamlets
WARD: Weavers

TEL NO: [REDACTED]
UPRN/USRN: 6002630
EASTING: 533868.0
NORTHING: 182117.0
TRADE: off-licence

ASSOCIATED NAMES AND ADDRESSES

OFFENCE DETAILS

<u>ST.</u>	<u>DESCRIPTION</u>	<u>SECTION</u>	<u>OFFENCES</u>	<u>RES</u>	<u>PEN</u>	<u>FINE</u>	<u>ADVOCATE</u>	<u>ANALYST</u>	<u>PROSECUTE</u>	<u>PURCHASE</u>	<u>WITNESS</u>
L22	Licensing Act 2003 (UAS 146/14	146	1		F	80.00	0.00	0.00	0.00	0.00	0.00

COURT DETAILS

OPEN DATE: 05/11/2010
DATE OF OFFENCE: 25/10/2010
DATE CLOSED: 19/11/2010

ITEM EVENT DESCRIPTION

SCH. DATE ACT. DATE OFF

FURTHER ACTION

ACTION TYPE: T34 - Underage alcohol enforcement

Action record initiated under record number 218244

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>
1	T04	TS - witness statement Police witness	05/11/2010	05/11/2010	IDM
2	T04	TS - witness statement volunteer	05/11/2010	05/11/2010	IDM
3	T04	TS - witness statement Police ref Penalty Notice	05/11/2010	05/11/2010	IDM
4	T01	TS file review	19/11/2010	19/11/2010	IDM

Prosecution reference number: 003390

PROSECUTION DETAILS

PROSECUTION NUMBER: 003390

LA REFERENCE:

UNIT: TS - Trading Standards
OFFICER: IDM - Ian Moseley
OPEN DATE: 15/12/2010
DATE CLOSED: 17/04/2012
ACTION: T34 - Underage alcohol enforcement
FEE: 0.00
PAYMENT RECEIVED: No

DESCRIPTION OF OFFENCE

A sale of can of Fosters lager to volunteer police cadet age 16 sealed as N00555729

DEFENDANT'S DETAILS

PREMISES REF: F155TH97BB/1

NAME: JB Food Store Ltd
ADDRESS: 97B Brick Lane
London
E1 6SE

AREA: Tower Hamlets
WARD: Weavers

TEL NO: [REDACTED]
UPRN/USRN: 6002630
EASTING: 533868.0
NORTHING: 182117.0

ASSOCIATED NAMES AND ADDRESSES

OFFENCE DETAILS

<u>ST.</u>	<u>DESCRIPTION</u>	<u>SECTION</u>	<u>OFFENCES</u>	<u>RES</u>	<u>PEN</u>	<u>FINE</u>	<u>ADVOCATE</u>	<u>ANALYST</u>	<u>PROSECUTE</u>	<u>PURCHASE</u>	<u>WITNESS</u>
L22	Licensing Act 2003 (UAS 146/14	146	0			0.00	0.00	0.00	0.00	0.00	0.00

COURT DETAILS

OPEN DATE: 15/12/2010
DATE OF OFFENCE: 14/12/2010
DATE CLOSED: 17/04/2012

FURTHER ACTION

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>
ACTION TYPE: T34 - Underage alcohol enforcement					
Action record initiated under record number 222405					
1	T01	TS file review Volunteer A	15/12/2010	15/12/2010	IDM
2	T01	TS file review Volunteer B	15/12/2010	15/12/2010	IDM
3	T01	TS file review visit sheet	15/12/2010	15/12/2010	IDM
4	T05	TS Obtain Witness Stat	22/12/2010	22/12/2010	IDM
5	T05	TS Obtain Witness Stat police2	22/12/2010	22/12/2010	IDM
6	T05	TS Obtain Witness Stat policel	22/12/2010	22/12/2010	IDM
7	T04	TS - witness statement	22/12/2010	22/12/2010	IDM
8	T01	TS file review	17/04/2012	17/04/2012	IDM

Prosecution reference number: 005953

PROSECUTION DETAILS

PROSECUTION NUMBER: 005953

LA REFERENCE:

UNIT: TS - Trading Standards
OFFICER: KVM - Kevin Maple
OPEN DATE: 12/09/2012
DATE CLOSED: 12/09/2012
ACTION: YAA - Investigation started
FEE: 0.00
PAYMENT RECEIVED: No

DESCRIPTION OF OFFENCE

28 bottles of non-dury paid wine seized

DEFENDANT'S DETAILS

PREMISES REF: F155TH97BB/1

NAME: JB Food Store Ltd
ADDRESS: 97B Brick Lane
London
E1 6SE

AREA: Tower Hamlets
WARD: Weavers

TEL NO: [REDACTED]
UPRN/USRN: 6002630
EASTING: 533868.0
NORTHING: 182117.0

ASSOCIATED NAMES AND ADDRESSES

OFFENCE DETAILS

<u>ST.</u>	<u>DESCRIPTION</u>	<u>SECTION</u>	<u>OFFENCES</u>	<u>RES</u>	<u>PEN</u>	<u>FINE</u>	<u>ADVOCATE</u>	<u>ANALYST</u>	<u>PROSECUTE</u>	<u>PURCHASE</u>	<u>WITNESS</u>
L23	Licensing Act 2003 (Smuggled i		0			0.00	0.00	0.00	0.00	0.00	0.00

COURT DETAILS

OPEN DATE: 12/09/2012
DATE OF OFFENCE: 12/09/2012
DATE CLOSED: 12/09/2012

FURTHER ACTION

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>
ACTION TYPE: YAA - Investigation started					
Action record initiated under record number 303617					
1		****YAA - INVESTIGATION STARTED****			
2		****YAA - INVESTIGATION STARTED****			
3	YAA	Decision taken to commence an investigation	12/10/2012		
4	YAB	RIPA used	12/10/2012		
5	YAC	Invite to PACE interview **	12/10/2012		
6	YAD	PACE interview undertaken	10/01/2013		
7	YB9	PACE transcript attached	10/01/2013		
8	YAE	Witness statement (lead officer) **	10/01/2013		
9	YAF	Witness statement (others)**	10/01/2013		
10	YAH	Decision to prosecute checklist **	10/01/2013		
11		IF YES Load template YAB IF NO Load tamplate YAC			
12	T64	TS visit to trader		12/09/2012	KVM
13	T96	HMRC smuggled goods seizure		12/09/2012	KVM

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: Alison Flynn

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: ENVIRONMENTAL HEALTH 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

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

I am ALISON FLYNN and I am employed as an Environmental Health Officer by the London Borough of Tower Hamlets Environmental Health Service.

On Friday 16th August 2013 I was working with my colleague Simon Chorley (Environmental Health – Smokefree Technical Officer). We were carrying out late-night visits to a number of premises throughout the Borough, taking us into the early hours of Saturday morning of 17th August 2013.

JB Food Store, 97 Brick Lane, London, E1 6SE

At around 00:40 on Saturday 17th August 2013, Officer CHORLEY and I entered **JB Food Store, 97 Brick Lane, London, E1 6SE** further to information received that the retail shop was encouraging drinking on the street.

The shop was open and trading. The shop is a retail premises. We approached the display chiller and Officer CHORLEY selected a bottle of Becks beer. We approached the counter and I witnessed Officer CHORLEY purchase the alcohol and ask the cashier could he open it for

Signature:

Signature witnessed by:

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

him. The cashier used a bottle opener which appeared to be attached to the counter with a chain and opened the bottle of beer.

Officer CHORLEY introduced himself as an officer of the London Borough of Tower Hamlets and advised the cashier that to open the bottle was in breach of their licence. He asked the cashier for his name and the cashier stated it was Mr Abdul Hamif and that he was a new employee. The manager, Mr Miemtinz Hussain, was on site at the time and stated the bottle opener was kept behind the counter to open soft drink bottles only. I checked that the premises licence was on display and saw that it was.

We departed the premises with the bottle of beer at approx. 00:50 hours.



Appendix 2

(JB Food Store Limited)

97 Brick Lane
London
E1 6SE

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 10th March 2006



Part A - Format of premises licence

Premises licence number

13125

Part 1 - Premises details

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

97 Brick Lane

Post town

London

Post code

E1 6SE

Telephone number

██████████

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

Alcohol

- Monday to Sunday, 07:00 hrs to 01:00 hrs

The opening hours of the premises

- Monday to Sunday, 07:00 hrs to 01:00 hrs

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

JB Food Store Limited
97 Brick Lane
London
E1 6SE

Tel: [REDACTED]

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

Company
Registered number: 6705803

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

Mr Abdul Halim
[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

Mr Abdul Halim

Personal Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

4.

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

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

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

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

Times

Alcohol

- Monday to Sunday, 07:00 hrs to 01:00 hrs

Annex 2 - Conditions consistent with the operating Schedule

1. Maintain CCTV systems covering both inside and outside of the premises
2. Admission to an unaccompanied child after midnight will be refused. Request Proof of identity from any person who appears to be under the age of 18 when selling alcohol.

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

N/A

Annex 4 - Plans

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

24 November 2005

Part B - Premises licence summary

Premises licence number

13125

Premises details

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

97 Brick Lane

Post town

London

Post code

E1 6SE

Telephone number

██████████

Where the licence is time limited
the dates

N/a

Licensable activities authorised
by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, 07:00 hrs to 01:00 hrs

The opening hours of the premises

- Monday to Sunday, 07:00 hrs to 01:00 hrs

Name, (registered) address of holder of premises licence

JB Food Store Limited
97 Brick Lane
London
E1 6SE

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)

Company
Registered number: 6705803

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

Mr Abdul Halim

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

Admission to an unaccompanied child after midnight will be refused

Appendix 3

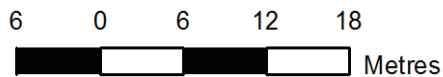


97 Brick Lane

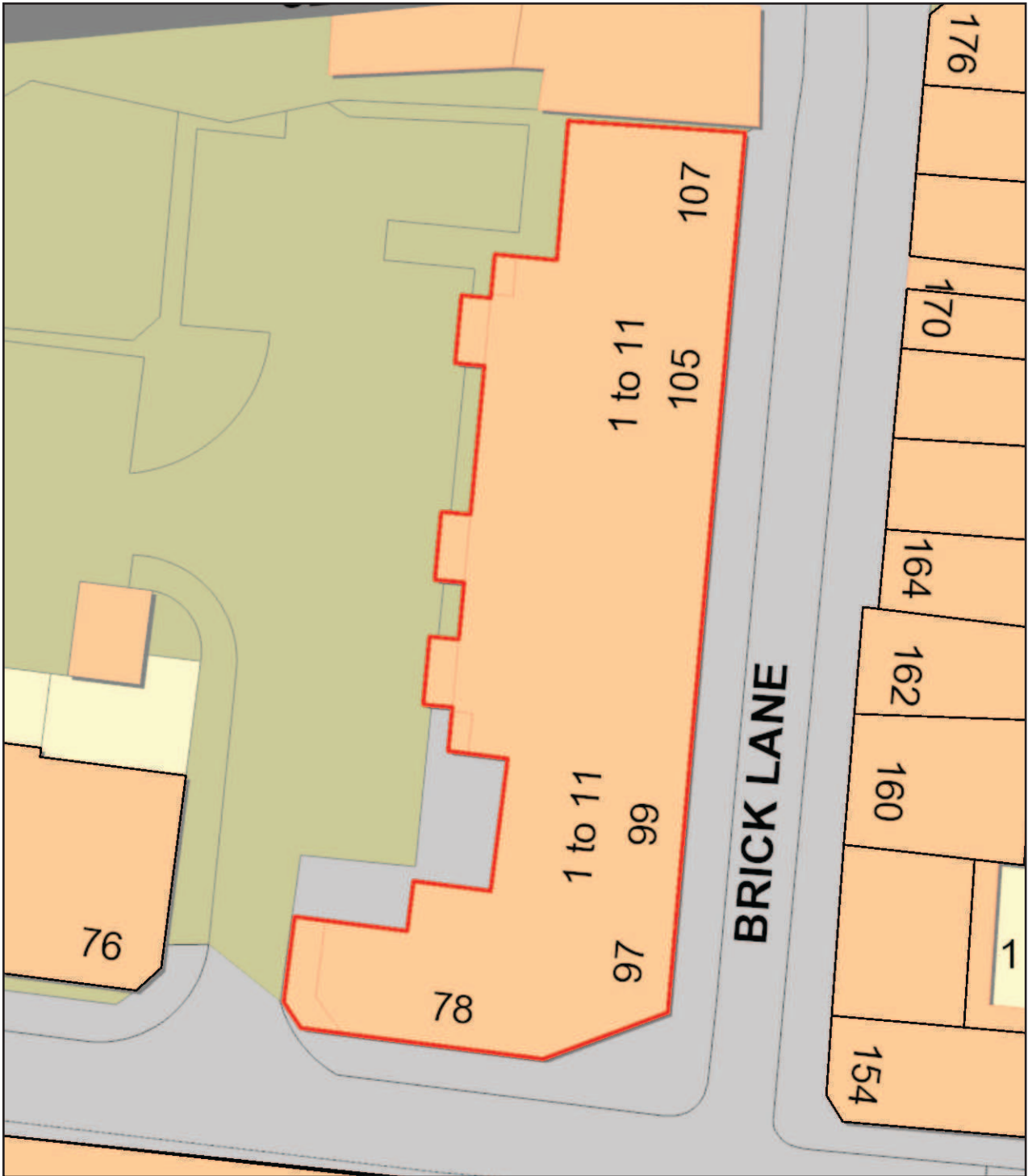
Map 1



Scale 1:668



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97 Brick Lane

Map 2



Scale 1:334




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Appendix 4

Statement of Objection to Licence Application

97 Brick Lane

12th November 2013

Prof Karim Brohi



Re: 97 Brick Lane License Application

Dear Mr Heron, Licensing Team,

I wish to object to the license application for sale of alcohol at 97 Brick Lane on the grounds of public disorder, antisocial behaviour and threats to public safety. This off-licence, along with others along Brick Lane, fuels the antisocial behaviour experienced by business and residents along the whole length of the high street. This is especially true out of hours (after 11pm) where the off-licences become venues for street drinking parties, especially of students and tourists. These disturb businesses and residents with shouting, screaming and singing and then deteriorate into violence and antisocial behaviour including urination and vomiting in the street. They are also focuses for local gangs and drug dealers who use the crowds for their illegal activities and target vulnerable people.

As the council has identified, the Brick Lane area is saturated with premises that sell and deliver alcohol. Many of these off-licenses operate outside the bounds of their licence or actively breach the regulations of the licensing act on a regular basis. These premises must have their licenses revoked if Brick Lane is to become a safe and enjoyable place for businesses, residents and visitors.

Off-licences that operate beyond 11pm serve no useful purpose to the neighbourhood and only fuel crime, public disorder and antisocial behaviour. Those premises that have not broken the law or regulations should still have their hours limited to 11pm. Only in this way can some order be returned to a neighbourhood that is out of control.

Yours sincerely


Appendix 5

Andrew Heron

From: Alex Gordon Shute [REDACTED]
Sent: 10 November 2013 20:53
To: Andrew Heron; Licensing
Subject: Alcohol Licence Review for 97 Brick Lane

Dear Andrew Heron and Licensing Officers,

My Partner (Dick Tyler) and I live at 36 Princelet Street, just off Brick Lane and we wanted to register our objection to the licence to sell alcohol already in operation at 97 Brick Lane, London E1

This off licence is the closest to the Truman Brewery and has a history of selling alcohol which fuels significant drunken and unruly behaviour from Truman's patrons. The urination, fights, shouting and other forms of assault in the Brick Lane area from these patrons causes significant stress, upset and nuisance to the residents of Brick Lane and the surrounding streets. I also understand that LBTH Licensing have made test purchases at this establishment and are in the process of taking enforcement action.

There are significantly more off-licences in Brick Lane than are needed for the customers of the curry houses and 97 Brick Lane in particular is notorious for breaching the licensing laws and fuelling anti-social behaviour which impacts on the local community. I therefore ask the Licensing Sub-Committee to revoke this licence.

Best wishes,

Alex Gordon Shute
[REDACTED]
[REDACTED]

Appendix 6

Andrew Heron

From: Jane Curtis [REDACTED]
Sent: 09 November 2013 19:14
To: Andrew Heron; Licensing
Subject: Review of 97 Brick Lane E1

Dear Andrew Heron

Review of Premises Licence for 97 Brick Lane, E1

We would like to support the review of the premises licence for 41 Brick Lane, London E1. These premises are incapable of upholding the licensing objectives in particular:

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

As a long term residents of Spitalfields we have seen the availability of alcohol from off licences, including 41 Brick Lane, lead to an intolerable increase in anti social behaviour and street drinking, which has made living in the area very challenging. The problem of alcohol abuse in Spitalfields is well documented. We ask the licensing department to revoke this licence and support all sections of this diverse community in feeling safe in their homes.

There are many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses. Licences should only be given to licence holders who have proved that they respect the licensing laws and who are willing to uphold the licensing objectives at all times.

Yours sincerely,

Jane Curtis

Keith Bowler

[REDACTED]

Appendix 7

Andrew Heron

From: Critchley [REDACTED]
Sent: 09 November 2013 10:55
To: Andrew Heron; Licensing
Cc: [REDACTED]
Subject: Premises Licence at 97 Brick Lane, E1

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 97 Brick Lane, E1

The Committee of the Spitalfields Society has asked me to express our objection to the licence to sell alcohol already in operation at 97 Brick Lane, London E1.

We consider the operation of this licence very unlikely to satisfy the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance, in that the off-sales of alcohol made from these premises are certain to fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and nuisance and sometimes lead to fights and other forms of assault in the streets.

We believe that LBTH Licensing have made test purchases at this establishment and are in the process of taking enforcement action.

There are far too many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses, and they are notorious for breaches of the licensing laws and for causing extreme anxiety and disturbance among those living nearby. Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Appendix 8

Andrew Heron

From: Spitalfields Community Group [REDACTED]
Sent: 07 November 2013 20:57
To: Licensing
Cc: Alan Cruickshank
Subject: application to review the premises licence at 97 Brick Lane E1

Dear Sir/Madam,

Spitalfields Community Group supports the application to review the premises licence at 97 Brick Lane E1 on the grounds of prevention of crime and public disorder.

Spitalfields Community Group (SCG) was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy. In accordance with this focus, SCG has recently supported the adoption of a cumulative impact zone for the Brick Lane area, within which the premises at 97 is situated.

ASB caused by excessive alcohol consumption in the Brick Lane area is well documented, with many recent reports by residents of problems caused by drunken patrons at night and throughout the weekend. These problems include noise nuisance (screaming, shouting, swearing, singing, playing music etc) litter and vandalism to cars and homes, street urination and defecation, vomiting, and aggressive and intimidating behaviour. Patrons leaving Brick Lane for transport hubs on Bishopsgate and Commercial Street pass along residential streets causing unwanted mayhem and misery.

Recently there has been a particular issue with large groups of revellers buying alcohol from off licences in Brick Lane and sitting outside through the night drinking and causing a disturbance. The premises at 97 Brick Lane has no doubt facilitated this. Residents in surrounding streets, including Hanbury Street, Princelet Street and Woodseer Street, have all reported an upsurge in noise nuisance and litter, as well as street urination, over the recent year. The high crime incident rate in the Brick Lane area is fuelled, at least in part, by off licences with late licences. The strain on police and public health resources is unacceptable.

For the reasons above Spitalfields Community Group supports the application for licence review of the premises at 97 Brick Lane, E1.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 9

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 08 November 2013 16:01
To: Licensing
Cc: [REDACTED]
Subject: Review of the Alcohol Licence of 97 Brick Lane, Spitalfields

Dear Sir or Madam,

I believe that LBTH Licensing Department is carrying out a review of the licence to sell alcohol as an "off-licence" of 97 Brick Lane, Spitalfields.

I would like to take this opportunity to request any Licensing Hearing to completely revoke the alcohol licence for this retail establishment on the grounds of endangering Public Safety.

97 Brick Lane is located literally 50 yards away from Daniel Gilbert House which is a Hostel for the homeless that houses many highly vulnerable members of society. I believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to so many vulnerable people.

On these grounds I urgently request that any alcohol licence should be wholly revoked.

I am raising this objection (if I may) in three capacities;

- 1) As a resident of Spitalfields
- 2) As Chair of the Spitalfields & Banglatown Police Ward Panel
- 3) As Chair of SPIRE (the ASB Working Group) – an umbrella organisation representing over 600 households in the Brick Lane area who are members of the six major local community groups.

Please would you acknowledge receipt of this email.

Yours faithfully,
Jon Shapiro.

[REDACTED]

[REDACTED]

Appendix 10

To whom it may concern,

I would be grateful if you took the following comments into account when reviewing the alcohol license for the general store/off-license at 97 Brick Lane (and more generally, all off-licenses in Brick Lane).

I have lived round the corner from this shop since 2008. During that time I have been alarmed at the sheer amount of alcohol the shop sells, all-day-every-day, to almost anyone, regardless of the state the customer might already be in. Especially (but not only) at the weekends, the shop is a like a magnet for a variety of people (e.g., clubbers, alcoholics, homeless people, people clearly suffering from long-term mental health problem, young people who like to 'hang out' in a street where they get away with almost anything). Many of these people use the shop more like a public house: they buy their alcohol inside then stand outside the shop or sit on the window ledges of the neighbouring shops drinking it, and causing a nuisance to residents and passers-by.

Like most people passing the shop, especially (but not only) in the evening, I am constantly approached by drunks who stand outside begging until they have enough money to go inside to make their next purchase, and who then urinate in the alleyways opposite and round the corner at the entrance to Sheba Place, where I live. They throw their bottles and cans on the street then start all over again. There is never any attempt on the part of the shopkeepers to move them on (this is who they make their money from, after all).

The shopkeepers also seem to have no concerns about serving the same people multiple times regardless of their current state. I am not suggesting that the shopkeepers should be policing the streets, but should they be serving alcohol to customers who are clearly intoxicated, who stand outside drinking, begging, being aggressive, urinating in the streets, throwing their empty cans and bottles on the street, and so on? Do they not think of the potential consequences of selling the same people litres of cheap cider and cans of super-strength lager first thing in the morning, then at regular intervals throughout the day?

The argument could be made that the customers that cause so much hassle for residents and passers-by would simply move to other nearby shops if this one lost its license. However, I regularly see stores such as Tesco (in Commercial Street, Bethnal Green Road, and

Whitechapel High Street) refuse to sell alcohol to people who look like they are already under the influence. In addition, Tesco always asks for proof of age from anyone that looks around or younger than 30 years old. Moreover, although in an ideal world all such off-licenses in Brick Lane would lose their licenses, at least the smaller ones towards the southern end of Brick Lane are mostly located between restaurants, and, as anyone who spends time in the area knows, the curry touts are very quick to move drunks away from their premises, meaning that they are not able to hang around harassing passers-by, as they currently do at the shop at 97 Brick Lane.

There is also the issue of the toilet habits of the shop's customers. As already mentioned, the shop sells a considerable amount of alcohol, all-day-every-day, but especially at the weekends. They are constantly stocking the fridges and shelves, and crates of beer and cheap cider are continuously being offloaded into the shop from vans at the rear of the shop: a truly staggering amount of alcohol. The customers are not taking this alcohol home to consume; they are drinking it in the streets. The lack of public toilets in the area means that many of the shop's customers urinate in the streets around Brick Lane. I regularly have to cover my face when entering and leaving my house at the weekends due to the smell of urine. The streets are also constantly littered with empty bottles and cans, most of which seems to have been bought in this and similar shops in Brick Lane.

When deciding whether or not to withdraw this shop's license, I suggest you compile two lists. Firstly, list all the positives for the neighbourhood and the local residents of allowing this shop to carry on as normal. Then list all the negatives. I think it is clear which list will be longer! Indeed, if I were asked to name a single act that would help reduce the drunken, anti-social behaviour that we have all become used to in this area, it would be to withdraw this shop's alcohol license. The very last thing we need in this area is a shop that sells very cheap alcohol, all-day-every-day, to almost anyone, regardless of the state they are already in, and regardless of where they go and what they do once they have made their purchases.

There have been several important changes initiated by THC in recent years that have improved the quality of life of residents in and around Brick Lane, as well as the experiences of the many visitors to the area. This includes the removal of the many unsightly and filthy rubbish skips that used to line the street, the displacement of the most drunken/anti-social/criminal sellers on market day, and the 'taming' of the most aggressive touts outside the restaurants (although the latter remains a serious problem). Removing this shop's license would be another significant step in the right direction. An even better plan would be to do

the same to all of the unscrupulous licensees in the street: there are numerous Tesco stores in the area should people want alcohol, who adopt a much more responsible attitude than the shopkeepers in Brick Lane.

Finally, it is disappointing that the only way residents could have become aware of the license reviews is via small signs attached to lampposts outside the shops in question. For the reasons stated above, many residents avoid the shop at 97 Brick Lane, and so will not have read the announcement. I am sure that had the review been more widely publicized, more comments would be forthcoming. It is also disappointing that the sign at this particular shop was quickly removed, replaced again after I reported that it was missing, but was then missing again an hour or so later. When I reported that the sign was missing, the person who contacted me said that several other premises in Brick Lane were also having their licenses reviewed. So, on Saturday 2nd November I walked from one end of the street to the other (twice) to look for any signs indicating which premises this referred to, but saw only one. I was, however, offered numerous free bottles of wine and rounds of beer from at least 15 restaurants during my journey! This typifies the priorities of the many parasitic traders who have been allowed to prosper in this area over the years, at the residents' expense. Be bold: let them know that the party is over!

Regards,

--Paul Hutchison



Appendix 11

**Public Health, Education, Social Care &
Wellbeing Directorate
Commissioning & Health**

London Borough of Tower Hamlets
5 Clove Crescent
Mulberry Place, 4th Floor
London, E14 2BG

[REDACTED]

[REDACTED]

www.towerhamlets.gov.uk

12th November 2013

Dear Mr McCrohan,

Re: Representation from the Director of Public Health

As the responsible body for health the Director of Public Health would like to make a representation on the licensing review application for the premises at 97, Brick Lane.

Grounds for representation:

The location of the premises poses a high risk of public nuisance and public safety through the inappropriate and unregulated alcohol consumption among vulnerable adults.

The premises is in the proximity to the following two hostels and medical practice (within 5 minutes walking distance):

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Health E1, 9-11 Brick Lane London E1 6PU, a homeless medical centre

The majority of residents and patients of these services are considered to be vulnerable adults due to mental health problems and factors such as homelessness and substance misuse which can lead to them being unable to take care of themselves or protect themselves without help.

The misuse of alcohol – whether as chronically heavy drinking, binge-drinking or even moderate drinking among vulnerable people –poses a threat to the health and wellbeing of the drinker and also poses a risk to the community through problems such as noise nuisance, anti-social behaviour and street loitering.

Alcohol problems are more common among people with mental health problems and consumption can reveal or intensify underlying feelings of anger, anxiety or worthlessness, causing people to become aggressive when they become intoxicated. The impact of alcohol is heightened among vulnerable adults and therefore can increase the risk of public nuisance and potentially crime and disorder in the community. To reduce the risk of this wider social harm it is particularly important to regulate alcohol consumption among this target group.

Recommendations:

The location of this premises poses a higher risk of public nuisance and concerns for public safety due to inappropriate and unregulated alcohol supply among vulnerable adults.

In a motion to avoid the risk of public nuisance and address concerns for public safety, the DPH would recommend that due consideration is given to the following restrictions. The premises:

- Only supply alcohol between 12:00 until 22:00, Sunday to Saturday
- Given the offences outlined in the A&Y Wines application for the review of a premises licence (prepared by John P. McCrohan -Trading Standards and Licencing Manager) which includes selling alcohol to a drunken person, supply of cup with alcohol purchase and drinking from plastic cups outside the premises, the DPH is supportive of the other restrictions proposed such as the named licensee must be on premises at all times.

Yours sincerely,

Dr Somen Banerjee
Director of Public Health
Education, Social Care and Wellbeing Directorate
London Borough of Tower Hamlets

Appendix 12



**HT - Tower Hamlets Borough
HH - Limehouse Police Station**

Licensing Unit at Old Cad Room
Limehouse Police Station
27 West India Dock Road
E14 8EZ

Telephone:



19 October 2013

Tower Hamlets Police support the review by Tower Hamlets Council of JB Food Store 97 Brick Lane, on the grounds of Crime and Disorder.

Brick Lane an Overview

Between 10pm on Friday night and 2:00am Monday morning Tower Hamlets is second only to the West End for ASB calls to Police in London, this is shown on Page 1 of the appendix. Brick Lane is a Hot Spot for alcohol related anti-social behaviour, noise, inconsiderate behaviour and overall anti-social behaviour, as shown in pages 2 - 6 of the appendix. This is due in large part to the number of licensed premises in and around Brick Lane.

While the larger licensed premises such as Café 1001, Vibe Bar, Big Chill and others attract people to the area and can be described as “destination venues”, the off licenses like JB Food Stores are places where people go to purchase alcohol to drink in the Brick Lane area before they enter the larger venues. Many of those people consuming alcohol in Brick lane having purchased them from the local off licenses, are responsible for a large proportion of the anti-social behaviour reported to both the Police and Tower Hamlets Council. Many of these people have usually already consumed alcohol prior to entering Brick Lane.

They stand around the off licenses or in the immediate vicinity, usually in small groups and as they drink more alcohol their voices become louder and their behaviour more inconsiderate to people around them. As they are loitering in Brick Lane drinking the alcohol they have bought from the local off licenses they attract people who want to sell them Nitrous Oxide (laughing gas) from balloons, and also people who want to sell them drugs.

Many of the Off licenses are open after these larger venues close, and people then purchase more alcohol from them as they leave Brick Lane to go on to venues that are still open. This contributes to a “double hit” of alcohol related crime and antisocial behaviour caused by customers of the night time economy as they come into, and then leave the Brick lane area. As the table on page 7 of the appendix shows over 25% of all crime in Spitalfields and Banglatown ward is committed between 8:00pm to 2:00am Friday to Sunday. The table on page 8 of the appendix shows that 20% of all crime in Weavers ward is committed between 8:00pm to 2:00am Friday to Sunday

All the off licenses and indeed all the licensed premises in and around Brick Lane have been made aware by the Police that encouraging people to consume alcohol in the Brick Lane area only contributes to the level of anti-social behaviour and crime. They have been asked not to sell plastic or paper cups, not to open containers of alcohol for customers, all of which contribute to the alcohol related anti-social behaviour in the area.

The negative effects of the “Night Time Economy” are also demonstrated in the data provided by the Director of Public Health data which was provided to Full Licensing Committee in October 2013. The data in table 1 that Spitalfields and Banglatown ward and Weavers ward, both of which cover Brick Lane have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

JB Food Store

I have conducted numerous patrols in Brick Lane, and on many of those patrols I have seen people outside JB Food Stores consuming alcohol either standing directly outside the store, or a few meters away. These people are usually in groups of about 5 or 6 and sometimes many more. Their voices are loud and their behaviour is often anti-social due to their loud voices and drunken antics.

The fact that JB Food Stores has a bottle opener on a chain at the desk indicates to me that they regularly open alcoholic containers for customers, who then consume the alcohol outside the shop. This then attracts more people to the shop who purchase alcohol and then consume it outside, and contribute to the anti-social behaviour in the area. Brick Lane is part of the "Drinking Control Zone" so by opening drinks containers for customers, the shop is in my opinion encouraging and assisting its customers to breach Tower Hamlets own policy.

I am also concerned that the shop only keeps CCTV for such a short time, making it very difficult to identify and catch perpetrators of crime (please see incident 4th July listed below)

JB Food Store is known to Police for the following crimes over the last 8 months which are listed below.

Thursday 22nd August 2013 at about 10:45pm - Threatening person

A call to Police stating that a male keeps coming into the shop asking the caller to open his bottle, if he refuses he will blow up the store. The informant later called back to say that the person had left the shop. When Police tried to contact the caller again he would not answer the phone.

Sunday 4th August 2013 at about 11:17pm - Fight at JB Food Store

A worker at the shop contacted Police as there was a male and female customer fighting at the store. The male was drunk on police arrival, and the female had left the area. No allegations were made and the drunk male left the area.

Thursday 4th July 2013 at about 10:30pm - Theft from customer of JB Food Store

A female customer had her mobile phone taken from her bag by two people while she was in the shop. On the 9th of July Police attended to collect the CCTV only to be told that the shop only had CCTV going back to the 5th of July and anything prior to that would have been recorded over. As there was no CCTV therefore the investigation could not be progressed, and the case was closed.

On Friday 15th March 2013 at about 8:00pm - Assault opposite JB Food Store

Two people had been drinking in a small alleyway opposite JB Food Store. They had been drinking there for approximately thirty minutes. The victim of this assault stated that they had both had a few cans of beer before they met, and stated that he did not know the other person until they started drinking that night. The victim stated that all of a sudden he was punched in the face, with enough force that he fell to the floor, and that he was holding his mobile phone in his hand, however whilst he was on the floor the suspect has taken the mobile phone off of him and run off. The victim did not wish to pursue any action against the suspect.

On Sunday 16th September 2012

At about 9:10pm Pc Cruickshank observed that there were approximately 16 people outside the shop drinking alcohol. PC Cruickshank approached the venue where he saw a white male, was at the front door stopping people from getting in. On speaking to this male it was obvious he was drunk. PC Cruickshank produced his warrant card asked to be let in the shop. This male refused. PC Cruickshank then repeated his request informing him that if he kept obstructing him he was making himself liable to arrest. The male said that there were too many people in the shop and he could let PC Cruickshank in because of fire regulations.

PC Cruickshank then walked to the other side of the road to make notes. A male from a flat above him to his left leaned out of the window and shouted to Pc Cruickshank "Close down this place" indicating JB Food Stores.

Later PC Cruickshank then asked two uniform officers who were on patrol to assist him. They then spoke to the man who continued to be aggressive and agitated towards them.

PC Cruickshank then went into the shop and spoke with an Abdul SAMAD, a member of staff. He was informed that he should not be employing drunks as a security guard. Mr Samad replied he was just a neighbor helping out. PC Cruickshank replied that this was contrary to the licensing objectives.

On returning outside the male was still remonstrating with the Police officers.

The officers calmed the situation and asked the male to leave the area. He quickly returned to the shop and after a few seconds PC Cruickshank saw him walking out of the shop with a tin of Stella Artois lager.

Given the evidence from Tower Hamlets Licensing and our own evidence Tower Hamlets Police fully support the review, which we believe will help reduce crime and disorder in the area. In addition to the conditions sought by Tower Hamlets Council, we also ask for the following condition to be added to the License:

- 1) A Refusals Book to be kept and maintained at the shop, and available for inspection upon request.
- 2) A personal License holder to be at the venue when alcohol is sold.

We also ask that the CCTV condition be amended to:

1. A CCTV camera system covering both internal and external to the premise is to be installed. The system is to be of a quality that is acceptable to Tower Hamlets Council and Tower Hamlets Police.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

Yours sincerely,

PC Mark Perry
Tower Hamlets Police Licensing Officer

Appendix 13

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

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

REVIEWS ARISING IN CONNECTION WITH CRIME

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

- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for unlawful gaming and gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

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

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

Appendix 14

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

Crime and Disorder Act 1998

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

Pool Conditions

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. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.

2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); 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, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, 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 must be excluded.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

RADIO LINKS AND TELEPHONE COMMUNICATIONS

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the 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;

- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio 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 relation to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

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, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

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

RESTRICTING ACCESS TO GLASSWARE

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware 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 given to customers 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.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. 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 alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

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 (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate 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 location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

RESTRICTIONS ON DRINKING AREAS

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

Restrictions on drinking areas may also be relevant and appropriate 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 can also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be required to ensure that the numbers are appropriately controlled (see above).

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises). Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

It may be appropriate 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 voluntarily display 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 appropriate 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 licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban

defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate 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 that have exceptionally high capacities, are used primarily or exclusively for the sale and consumption of alcohol, and provide little or no seating for their customers.

Where 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 Chapter 10 to control entry for the purpose of compliance with the capacity limit.

Appendix 15

Appendix 15

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 16

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

PUBLIC NUISANCE

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be

appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Appendix 17

London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

8 Prevention of Nuisance

8.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

8.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.

8.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

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Agenda Item 4.3

Committee: Licensing Sub-Committee	Date: 05 December 2013	Classification: UNRESTRICTED	Report No. LSC 41/134	Agenda Item No.
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Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU Ward affected: Spitalfields and Banglatown
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1.0 Summary

Name and	Cost Price
Address of premises:	41 Brick Lane London E1 6PU
Licence under review:	Licensing Act 2003 § Sale by retail of alcohol
Representations:	-Trading Standards - 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 2003Tower Hamlets Licensing Policy		Andrew Heron 020 7364 2665

- 4.4 Please see **Appendices 4-10** for the individual representations.
- 4.5 The review is further supported by Dr Somen Banerjee, the Director of Public Health for Tower Hamlets. Please see **Appendix 11**.
- 4.6 The review is further supported by PC Perry of the Metropolitan Police. Please see **Appendix 12**.
- 4.7 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
- 4.8 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

5.0 Review Explained

- 5.1 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.”
- 5.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 13**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2010.
- 5.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

- 5.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations. ”It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 14.**
- 5.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 15.** The Pool Conditions in the Policy are the same as the Government’s.
- 5.6 The Home Office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 16.**
- 5.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 17.**
- 5.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 5.9 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 member of the Licensing Authority).
- 5.10 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 Mr John McCrohan is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0.were considered before any representations were accepted for inclusion in this report.

- 5.11 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.

6.0 Review Advertisement

- 6.1 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.
- 6.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 6.3 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).

7.0 Licensing Officer Comments

- 7.1 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

- 7.2 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.
- 7.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 7.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 7.5 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.

8.0 **Legal Comments**

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

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** Copy of the review application
- Appendix 2** Current Premises Licence
- Appendix 3** Maps of the premises and surrounding area
- Appendix 4** Representation from local resident Prof Karim Brohi
- Appendix 5** Representation from local resident Joyce Fenton Douglas
- Appendix 6** Representation from local resident Alex Gordon Shute
- Appendix 7** Representation from local resident Jane Curtis and Keith Bowler
- Appendix 8** Representation from local resident Sandy Critchley- Vice-Chairman, Spitalfields Society
- Appendix 9** Representation from local resident Selina Misfud - Spitalfields Community Group
- Appendix 10** Representation from local resident Jon Shapiro – resident, Chair of the Spitalfields & Banglatown Police Ward Panel and Chair of SPIRE (Spitalfields Residents)
- Appendix 11** Representation from Dr Somen Banerjee, the Director of Public Health for Tower Hamlets
- Appendix 12** Representation from PC Perry of the Metropolitan Police
- Appendix 13** Guidance issued under Section 182 by the Home Office for reviews
- Appendix 14** Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
- Appendix 15** London Borough of Tower Hamlets Licensing Policy
- Appendix 16** Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
- Appendix 17** London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I John Patrick McCrohan

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Cost Price , 41 Brick Lane	
Post town	Post code (if known) E1 6PU

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

Number of premises licence or club premises certificate (if known) 12661
--

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

n/a

First names

n/a

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

n/a

Post town

n/a

Post Code

n/a

Daytime contact telephone number

n/a

E-mail address (optional)

n/a

(B) DETAILS OF OTHER APPLICANT

Name and address

n/a

Telephone number (if any)

n/a

E-mail address (optional)

n/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address John McCrohan Licensing Authority Trading Standards and Licensing Service London Borough of Tower Hamlets Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)
Please refer to attached document.

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

Please refer to attached document.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date 15th October 2013

Capacity **TRADING STANDARDS AND LICENSING MANAGER**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

London Borough of Tower Hamlets

Cost Price , 41 Brick Lane, London, E1 6PU

Licence No **12661** (Licence Holder — Mr Mohammed Shilu Chowdhury)

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

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

-
1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder licensing objective, and public nuisance licensing objective.
 2. The premises at **41 Brick Lane**, a venue known as **Cost Price**, holds a Premises Licence under the Licensing Act 2003, numbered **12661**.
 3. The Premises Licence Holder and Designated Premises Supervisor at the premises is — Mr Mohammed Shilu Chowdhury.

Drinking control zone

4. The Council has introduced Designated Public Place Orders (DPPO),” a drinking control zone” across the Borough having been satisfied that there was an alcohol related nuisance or annoyance to the public in the Borough.

Saturation policy

5. The Premises is within the cumulative impact policy zone (saturation policy) that is currently in the progress of being implemented. The justification for a saturation policy in Brick Lane can be summarised as:-

- A) There are already over 207 Licensed Premises within this small area;
- b) The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime);
- c). It is responsible for 8% of all crime within Tower Hamlets;
- d) . It is responsible for the highest level of complaints about street drinking;
- e) . 22% of all police calls to licensed premises are in the Brick Lane Area;
- f.) There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area;
- g) . LBTH has the second highest level of ASB in London;
- h) . The highest rates of ASB in the Borough are in the Brick Lane Area;

- i) . ASB is now decreasing in the Borough and Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents;
- j) . LBTH has significantly worse alcohol related harm indicators compared with regional and national averages;
- k) . There is a steady increase in ambulance call outs in the Brick Lane Area;
- l) . The Brick Lane Area has a vibrant and expanding night time economy which has led to a sizeable and steady increase in visitors to the area;
- m) . Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.

Brick lane – Shoreditch ASB/crime hot spot

6. The Licensing Authority understands that the Brick Lane/Shoreditch triangle that runs across Islington, Hackney and Tower Hamlets is flagged as a crime and disorder hotspot of the similar magnitude as Westminster. To address this, the Metropolitan Police is extending its Operation Trafalgar to include Brick lane and the Shoreditch area.

Crime and disorder

Seizure of illicit tobacco – caution

7. On 17th September 2009, Mr Mohammed Shilu Chowdhury received a caution for offences under the Consumer Protection Act 1987 following a seizure of illicit

tobacco that did not bear UK health warnings, nor duty paid markings. A copy of the caution is attached.

Under age sale of alcohol

8. On 14th December 2010, a sale of alcohol was made to an under-age test purchaser. A letter of warning was sent, a copy of which is appended.

Seizure of smuggled wine

9. On 10th May 2011, a quantity of smuggled wine was seized by Her Majesty's Revenue and Customs (HMRC) during a partnership visit with the Police and Trading Standards.

Test purchase Sunday 15th September 2013 at 00:45 – opened bottle of cider

10. In the early hours of Sunday 15th September 2013, a Smoke Free Technical Officer purchased a bottle of Pear Kopperberg cider. She asked the seller to open the bottle and using a bottle opener, he opened the bottle, taking its cap off.
11. On the 22nd September 2013, the premises declined to open a bottle of alcohol, telling the test purchaser that it was, "... not allowed...".
12. The Licensing Authority is of the view that the test purchase on 15th September 2013, shows that the premises is facilitating the immediate consumption of the

alcohol in the public areas in and around Brick Lane. The Public consumption of alcohol in the Brick Lane area in the early hours of a weekend increases the risk crime and disorder and public nuisance.

Public nuisance

Hostels nearby – homeless medical centre

13. The Licensing Authority has been advised by the **Public Health, Education, Social Care & Wellbeing Directorate** that the premises is in the proximity to the following three hostels:

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Booth House, 153-175 Whitechapel Road, London, E1 1DN

14. Also, the premises is also in the proximity of Health E1, 9-11 Brick Lane London E1 6PU, and a homeless medical centre.

15. It is the Licensing Authority's contention that the because of lack of management control of the business, there is a foreseeable risk that sales of alcohol will be made to vulnerable adults, leading to public nuisance.

Licensing authority concerns - management of premises in hot spot area

16. The Licensing Authority has serious concerns regarding the general management of the premises as a result of the above. In particular because of the nature of the area and concerns about crime and disorder, protection of children and public nuisance, the Licensing Authority needs to have confidence that licensed premises in the Brick Lane area are managed in way to ensure the Licensing objectives are met. The Licensing Authority does not have confidence that the management of the premises by the Premises Licence holder will ensure that the Licensing objectives are met.

17. This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the HOME OFFICE. In particular the Service requests that you consider paragraphs 11.24 to 11.28, *Reviews arising in connection with crime*, making reference to paragraph 11.25. Paragraph 11.27 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 licensed premises for, amongst other things, the sale of smuggled tobacco and alcohol. In paragraph 11.28 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

18. The Licensing Authority respectfully requests that the Licensing sub-committee; in order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, and public

nuisance the applicant seeks changes the terminal hours and adds the conditions as follows to the premises licence.

Earlier terminal hour

19. The times the licence authorises the carrying out of licensable activities are changed as follows:-

"The sale by retail of alcohol ,Monday to Sunday 08 00 hrs to 23:00"

Conditions

20. Conditions:-

- 1) The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless 3 or more bottles/cans are purchased together;
- 2) During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups,
- 3) During a sale of alcohol, the premises will not open any container the alcohol is contained in;
- 4) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

5) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable
- V.

6) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

7) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

8) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately. "

John Patrick McCrohan

Trading Standards and Licensing Manager

London Borough of Tower Hamlets

**Trading Standards and
Environmental Health
(Commercial)**

Mr Shilu Chowdhury
T/A Cost Price
41 Brick Lane
London
E1 6PU

Head of Service **Colin Perrins**

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

Date: 17/09/2009

Tel [REDACTED]
Fax **020 7364 6901**
Enquiries to **Alan Richards**
Email
[REDACTED]

Your reference
My reference: AER/PSU 2316

www.towerhamlets.gov.uk

Dear Mr Chowdhury,

Consumer Protection Act 1987

Following on from our recent communications regarding the offences of 3rd March 2009, relating to possession of non UK tobacco products, I am in receipt of your signed simple caution and voluntary surrender notice.

Due to time limits imposed by the legislation we have decided however not to accept the simple caution and are minded to issue a letter of warning only on this occasion. The simple caution will not therefore be registered with the Office of Fair Trading.

I think it would be fair to say that you have been fortunate to avoid prosecution for this offence and you should treat this as a warning. Should you be found in possession of similar tobacco products in the future then we will not hesitate to institute proceedings, with each offence carrying a maximum penalty of up to £5,000.

If you have any query with regards these matters please call me on the number above.

Yours sincerely

Alan Richards
Trading Standards Officer

Mr M. S. Chowdhury
82 Vaughan Gardens
Ilford
IG1 3PD

Date 18/1/2011

Your reference
My reference P3385

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

Head of Service **Colin Perrins**

**Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY
Tel [REDACTED]
Fax 020 7364 6901
Enquiries to Ian Moseley
Email
[REDACTED]**

www.towerhamlets.gov.uk

Dear Sirs

**Licensing Act 2003, Section 146/147: sale of alcohol to person under the age of 18 years.
Cost Price 41 Brick Lane, London, E1 6PU**

I understand from our records that you are the licensee and designated premises supervisor for the above premises.

As you may be aware, on the 14th of December 2010 a volunteer under the age of 18 was able to buy alcohol at those premises from a Mr Mohammad Ambia. At the time the matter was dealt with by the issue of a Police Penalty Charge Notice.

Sale of alcohol to persons under 18 years of age is an offence under the provisions of Section 146 of the Licensing Act 2003.

I must point out that the Council takes a very serious view of breaches of this legislation and should any further such offences take place then this may lead to prosecution of the offender and or review of the licence. A review of the licence may result in additional conditions, suspension of the licence for a fixed period, or revocation.

A second underage sale within 3 months can result (currently) in suspension of the licence for up to 48 hours or prosecution with a fine of up to £10,000. There are proposals that will raise this to 14 days suspension or £20,000.

Test purchase exercises of this sort are being carried out throughout the year and you should ensure that you and your staff are fully aware of the legal requirements and take the necessary steps to ensure you comply.

We would recommend that you adopt the following policies if not already in place.

*Corporate Director
Communities, Localities & Culture
Stephen Halsey*

1] Introduce a strict 'Challenge 21' policy and 'No ID, No sale' policy which is supported by signage at all entrances and in the serving area.

2] Only documents which include a photograph of the purchaser are acceptable to prove that persons age, e.g. passport, new style driving licence and only PASS - approved age cards, e.g. Portman card, citizens card.

3] Maintain a 'Refusals book' which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The licensee or the Designated Premises Supervisor should monitor the Log on a regular basis and sign it to show it has been done.

Yours Faithfully

Ian Moseley
Trading Standards Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey

Prosecution reference number: 003857

PROSECUTION DETAILS

PROSECUTION NUMBER: 003857

LA REFERENCE:

UNIT: TS - Trading Standards
OFFICER: SJR - Sean Rovai
OPEN DATE: 12/05/2011
DATE CLOSED: 14/09/2011
ACTION: T06 - Investigation completed - nfa
FEE: 0.00
PAYMENT RECEIVED: No

DESCRIPTION OF OFFENCE

HMRC seizure of non-duty paid wine

DEFENDANT'S DETAILS

PREMISES REF: F179TH41BR/1

NAME: Cost Price
ADDRESS: 41 Brick Lane
London
E1 6PU

AREA: Tower Hamlets
WARD: Spitalfields and Banglatown

TEL NO: [REDACTED]
UPRN/USRN: 6001207
EASTING: 533892.0
NORTHING: 181727.0

ASSOCIATED NAMES AND ADDRESSES

OFFENCE DETAILS

<u>ST.</u>	<u>DESCRIPTION</u>	<u>SECTION</u>	<u>OFFENCES</u>	<u>RES</u>	<u>PEN</u>	<u>FINE</u>	<u>ADVOCATE</u>	<u>ANALYST</u>	<u>PROSECUTE</u>	<u>PURCHASE</u>	<u>WITNESS</u>
L23	Licensing Act 2003 (Smuggled I		0			0.00	0.00	0.00	0.00	0.00	0.00

COURT DETAILS

OPEN DATE: 12/05/2011
DATE OF OFFENCE: 10/05/2011
DATE CLOSED: 14/09/2011

FURTHER ACTION

ITEM EVENT DESCRIPTION

SCH. DATE ACT. DATE OFF

ACTION TYPE: T06 - Investigation completed - nfa

Action record initiated under record number 238138

ITEM EVENT DESCRIPTION

SCH. DATE ACT. DATE OFF

1	108	Please note information	12/05/2011	01/09/2011	JMC
2	T18	TS Visit Other Bodies		10/05/2011	SJR

STATEMENT OF WITNESS

(C.J ACT 1967, S.9; M.C. ACT 1980 S102; M.C. Rules 1981 r 70)

Statement of: Shola Thompson

Age of Witness: Over 18

Occupation of Witness: Smokefree Technical Officer

This statement consists of a page is signed by me, and 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.

Dated: 20th September 2013

Signed _____

I, Shola Thompson produced this witness statement. I am currently working for London Borough of Tower Hamlets Council as a Smokefree Technical Officer as part of the Environmental Health Smokefree Team. I am an authorised officer under the Health Act 2006.

On the early hours of Sunday 15th September 2013 at 12:45am, I visited, Cost Price off licence at 41 Brick Lane, London, as part of a planned licensing enforcement visit. I was accompanied by Rahel Zaman, Food Safety officer.

On arrival there were two in the store, one male by the door and another behind the counter, we went straight to the fridge and I retrieved a bottle of Pear Kopperberg and Rahel got a can on coke. We then approached the man behind the counter who later identified himself as Mr Shabbil Khan to pay for the drinks. After paying for the drinks I asked Mr Khan if he had a bottle opener to which he replied that he did, I then asked him if he could open the bottle of Pear Kopperberg for me, and he opened the bottle. At that moment we identified ourselves and he was then verbally advised on the conditions of the Licensing Act 2003.

I observed the license displayed on the wall, store was licensed to open until 1am. We left the store at 1am, on leaving I emptied the contents of the opened bottle of Kopperberg into the drain and disposed of the bottle in the bin.

Signature _____

Signature Witnessed by _____

Appendix 2

(Just Price)
41 Brick Lane
London
E1 6PU

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 2 October 2006

Licence amended following the licensing subcommittee hearing of 10th July 2008



Part A - Format of premises licence

Premises licence number

12661

Part 1 - Premises details

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

(Just Price)
41 Brick Lane

Post town
London

Post code
E1 6PU

Telephone number
[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Sunday to Thursday, from 11:00 hours to midnight
- Friday and Saturday, from 11:00 hours to 01:00 hours

The opening hours of the premises

- Sunday to Thursday, from 11:00 hours to midnight
- Friday and Saturday, from 11:00 hours to 01:00 hours

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

Off sales only

Part 2

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

Mr Mohammed Shilu Chowdhury

[REDACTED]

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

Not applicable

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

Mr Mohammed Shilu Chowdhury

[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

Licence Number : [REDACTED]

Issuing Authority : [REDACTED]

Annex 1 - Mandatory conditions

4.

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. Adult entertainment is not permitted.
2. CCTV shall be maintained and operational at all times.
3. Request photographic identification to anyone appearing to be underage and service shall be refused if this is not produced.
4. Outside areas of the premises to be kept clear and clean.

Annex 3 - Conditions attached after a hearing by the licensing authority Licensing subcommittee hearing of 10 July 2008

1. CCTV must be working at all times the premises are open for business. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month.
2. A refusal book shall be kept and maintained.

Annex 4 - Plans

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

15 April 2008



Part B - Premises licence summary

Premises licence number

12661

Premises details

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

(Just Price)
41 Brick Lane

Post town
London

Post code
E1 6PU

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities


The sale by retail of alcohol

- Sunday to Thursday, from 11:00 hours to midnight
- Friday and Saturday, from 11:00 hours to 01:00 hours

The opening hours of the premises

- Sunday to Thursday, from 11:00 hours to midnight
- Friday and Saturday, from 11:00 hours to 01:00 hours

Name, (registered) address of holder of premises licence

Mr Mohammed Shilu Chowdhury


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

Off sales only

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

Not applicable

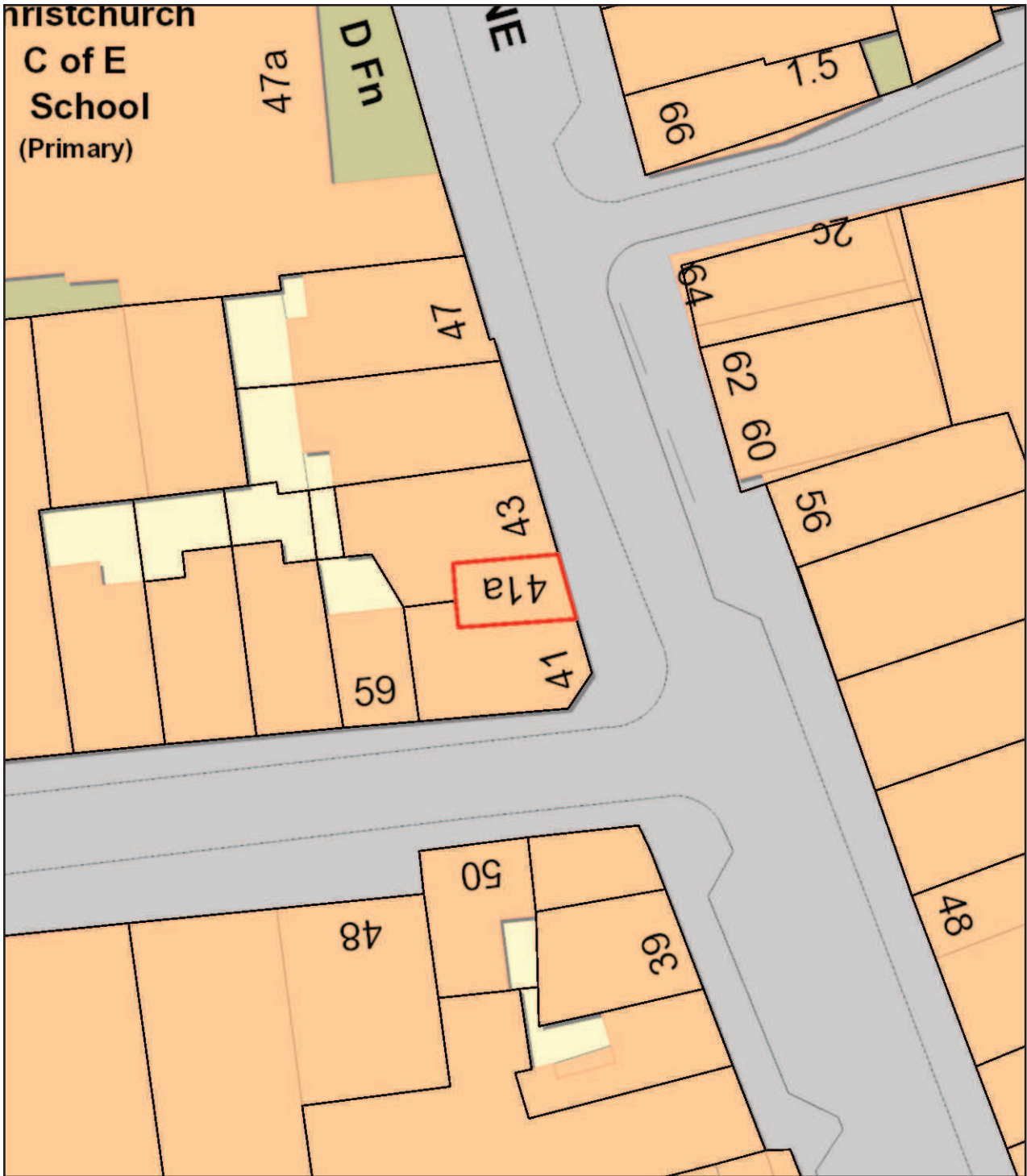
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Mohammed Shilu Chowdhury

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

No restrictions

Appendix 3

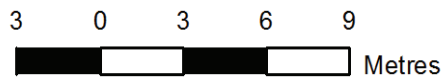


41 Brick Lane

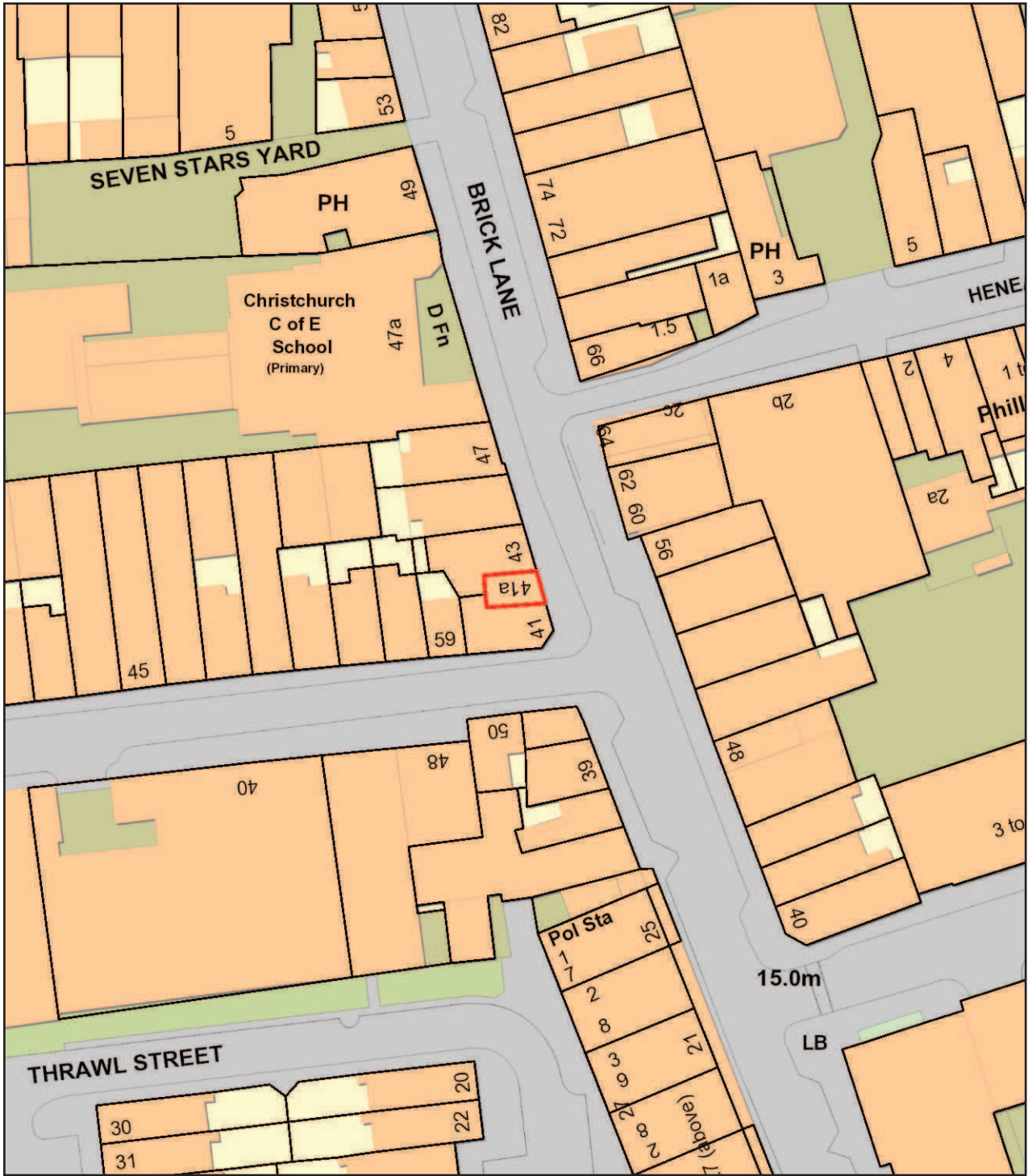
Map 1



Scale 1:334



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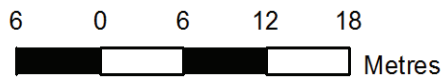


41 Brick Lane

Map 2



Scale 1:668



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Appendix 4

Statement of Objection to Licence Application

41 Brick Lane

12th November 2013

Prof Karim Brohi


Re: 41 Brick Lane License Application


Dear Mr Heron, Licensing Team,

I wish to object to the license application for sale of alcohol at 41 Brick Lane on the grounds of public disorder, antisocial behaviour and threats to public safety. This off-licence, along with others along Brick Lane, fuels the antisocial behaviour experienced by business and residents along the whole length of the high street. This is especially true out of hours (after 11pm) where the off-licences become venues for street drinking parties, especially of students and tourists. These disturb businesses and residents with shouting, screaming and singing and then deteriorate into violence and antisocial behaviour including urination and vomiting in the street. They are also focuses for local gangs and drug dealers who use the crowds for their illegal activities and target vulnerable people.

As the council has identified, the Brick Lane area is saturated with premises that sell and deliver alcohol. Many of these off-licenses operate outside the bounds of their licence or actively breach the regulations of the licensing act on a regular basis. These premises must have their licenses revoked if Brick Lane is to become a safe and enjoyable place for businesses, residents and visitors.

Off-licences that operate beyond 11pm serve no useful purpose to the neighbourhood and only fuel crime, public disorder and antisocial behaviour. Those premises that have not broken the law or regulations should still have their hours limited to 11pm. Only in this way can some order be returned to a neighbourhood that is out of control.

Yours sincerely



Appendix 5

Andrew Heron

From: Joyce Fenton-Douglas [REDACTED]
Sent: 09 November 2013 16:02
To: Andrew Heron
Cc: Licensing
Subject: Review of Premises Licence for 41 Brick Lane, E1

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 41 Brick Lane, E1 I am writing to register my objection to the licence to sell alcohol already in operation at 41 Brick Lane, London E1.

I consider the operation of this licence very unlikely to satisfy the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance, in that the off-sales of alcohol made from these premises are likely to fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and nuisance and sometimes lead to fights and other forms of assault in the streets.

Off-sales of alcohol at this location actually constitute a danger to Public Safety, as the premises are close to a number of hostels for the homeless that house many highly vulnerable members of society. We believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to these people who are already having a very hard time in life and who could do without an inducement to drunkenness right on their doorstep.

Additionally these such off sales make a huge problem for pubs in the area such as The Pride of Spitalfields, which is opposite our building, because people buy cheaper off sales and then consume them while joining the crowds outside the pub, making a general noise and access nuisance for residents.

There are far too many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses.

Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Joyce Fenton Douglas

[REDACTED]
[REDACTED]

Appendix 6

Andrew Heron

From: Alex Gordon Shute [REDACTED]
Sent: 10 November 2013 20:46
To: Andrew Heron; Licensing
Subject: Alcohol Licence Review for 41 Brick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Andrew Heron and Licensing Officers,

My Partner (Dick Tyler) and I live at 36 Princelet Street, just off Brick Lane and we wanted to register our objection to the licence to sell alcohol already in operation at 41 Brick Lane, London E1.

The licence at 41 Brick Lane is fuelling acts of drunkenness and anti-social behaviour in the immediate vicinity and further up Brick Lane. It is also close to a group of hostels for the homeless which house those who, in a significant number of cases, have or have had problems with alcohol. It seems extraordinarily unsupportive of their recovery efforts to sell alcohol so close to them and where anti-social behaviour by others is likely to make their lives harder rather than easier.

There are already too many off-licences in Brick Lane – a lot more than are currently needed to provide wine and beer to customers of the curry houses. I would therefore ask the Licensing Sub-Committee to revoke this licence.

Best wishes,

Alex Gordon Shute



Appendix 7

Andrew Heron

From: Jane Curtis [REDACTED]
Sent: 09 November 2013 19:11
To: Andrew Heron; Licensing
Subject: Review of 41 Brick Lane

Dear Andrew Heron

Review of Premises Licence for 41 Brick Lane, E1

We would like to support the review of the premises licence for 41 Brick Lane, London E1. These premises are incapable of upholding the licensing objectives in particular:

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

As a long term residents of Spitalfields we have seen the availability of alcohol from off licences, including 41 Brick Lane, lead to an intolerable increase in anti social behaviour and street drinking, which has made living in the area very challenging. The problem of alcohol abuse in Spitalfields is well documented. We ask the licensing department to revoke this licence and support all sections of this diverse community in feeling safe in their homes.

There are many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses. Licences should only be given to licence holders who have proved that they respect the licensing laws and who are willing to uphold the licensing objectives at all times.

Yours sincerely,

Jane Curtis

Keith Bowler

[REDACTED]

[REDACTED]

Appendix 8

Andrew Heron

From: Critchley [REDACTED]
Sent: 09 November 2013 11:25
To: Andrew Heron; Licensing
Cc: [REDACTED]
Subject: Premises Licence at 41 Brick Lane, E1

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 41 Brick Lane, E1

The Committee of the Spitalfields Society has asked me to register our objection to the licence to sell alcohol already in operation at 41 Brick Lane, London E1.

We consider the operation of this licence very unlikely to satisfy the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance, in that the off-sales of alcohol made from these premises are likely to fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and nuisance and sometimes lead to fights and other forms of assault in the streets.

Off-sales of alcohol at this location actually constitute a danger to Public Safety, as the premises are close to a number of hostels for the homeless that house many highly vulnerable members of society. We believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to these people who are already having a very hard time in life and who could do without an inducement to drunkenness right on their doorstep.

There are far too many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses. Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Appendix 9

Andrew Heron

From: Spitalfields Community Group [REDACTED]
Sent: 07 November 2013 20:56
To: Licensing
Cc: Alan Cruickshank
Subject: application to review the premises licence at 41 Brick Lane E1

Dear Sir/Madam,

Spitalfields Community Group supports the application to review the premises licence at 41 Brick Lane E1.

Spitalfields Community Group (SCG) was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy. In accordance with this focus, SCG has recently supported the adoption of a cumulative impact zone for the Brick Lane area, within which the premises at 41 Brick Lane is situated.

The location of an off licence here is particularly inappropriate given its proximity to several hostels for the homeless, amongst whom a high rate of alcohol abuse is prevalent. It is close to the Dellow Centre in Wentworth Street, operated by the homeless charity Providence Row, and to the Hoptown Hostel in Old Montague Street, operated by the Salvation Army. An off-licence so close to is clearly morally irresponsible and can only prey on those most vulnerable in our community.

Street drinking, both by homeless people and by visitors to this area, already causes unwanted noise and nuisance, litter and ASB. Street urination as a result of street drinking is a growing and recognised problem. There is no provision of public lavatories in the area. Sales of alcohol here undoubtedly contribute to public nuisance with the resulting loss of amenity to surrounding residents.

ASB caused by excessive alcohol consumption in the Brick Lane area is well documented, with many recent reports by residents of problems caused by drunken patrons at night and throughout the weekend. These problems include noise nuisance (screaming, shouting, swearing, singing, playing music etc) litter and vandalism to cars and homes, street urination and defecation, vomiting, and aggressive and intimidating behaviour. Patrons leaving Brick Lane for surrounding transport hubs pass along residential streets causing unwanted mayhem and misery. The high crime incident rate in the Brick Lane is fuelled, at least in part, by off licences. The strain on police and public health resources is unacceptable.

For the reasons above Spitalfields Community Group supports the application to review the licence of 41 Brick Lane E1.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 10

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 08 November 2013 15:57
To: Licensing
Cc: David Tolley; John Mccrohan; [REDACTED]
Subject: Review of the Alcohol Licence of 41 Brick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

I believe that LBTH Licensing Department is carrying out a review of the licence to sell alcohol as an "off-licence" of 41 Brick Lane, Spitalfields.

I would like to take this opportunity to request any Licensing Hearing to completely revoke the alcohol licence for this retail establishment on the grounds of endangering Public Safety.

41 Brick Lane is located relatively close to Hopeton House and the Dellow Centre, both of which are Hostels for the homeless that house many highly vulnerable members of society. I believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to so many vulnerable people.

On these grounds I urgently request that any alcohol licence should be wholly revoked.

I am raising this objection (if I may) in three capacities;

- As a resident of Spitalfields
- As Chair of the Spitalfields & Banglatown Police Ward Panel
- As Chair of SPIRE (the ASB Working Group) – an umbrella organisation representing over 600 households in the Brick Lane area who are members of the six major local community groups.

Please would you acknowledge receipt of this email.

Yours faithfully,
Jon Shapiro.

[REDACTED]

[REDACTED]

Appendix 11

**Public Health, Education, Social Care &
Wellbeing Directorate
Commissioning & Health**

London Borough of Tower Hamlets
5 Clove Crescent
Mulberry Place, 4th Floor
London, E14 2BG

Tel: [REDACTED]

Email: [REDACTED]

www.towerhamlets.gov.uk

12th November 2013

Dear Mr McCrohan,

Re: Representation from the Director of Public Health

As the responsible body for health the Director of Public Health would like to make a representation on the licensing review application for the premises at 41, Brick Lane.

Grounds for representation:

The location of the premises poses a high risk of public nuisance and public safety through the inappropriate and unregulated alcohol consumption among vulnerable adults.

The premises is in the proximity to the following two hostels and medical practice (within 5 minutes walking distance):

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Health E1, 9-11 Brick Lane London E1 6PU, a homeless medical centre

The majority of residents and patients of these services are considered to be vulnerable adults due to mental health problems and factors such as homelessness and substance misuse which can lead to them being unable to take care of themselves or protect themselves without help.

The misuse of alcohol – whether as chronically heavy drinking, binge-drinking or even moderate drinking among vulnerable people – poses a threat to the health and wellbeing of the drinker and also poses a risk to the community through problems such as noise nuisance, anti-social behaviour and street loitering.

Alcohol problems are more common among people with mental health problems and consumption can reveal or intensify underlying feelings of anger, anxiety or worthlessness, causing people to become aggressive when they become intoxicated. The impact of alcohol is heightened among vulnerable adults and therefore can increase the risk of public nuisance and potentially crime and disorder in the community. To reduce the risk of this wider social harm it is particularly important to regulate alcohol consumption among this target group.

Recommendations:

The location of this premises poses a higher risk of public nuisance and concerns for public safety due to inappropriate and unregulated alcohol supply among vulnerable adults.

In a motion to avoid the risk of public nuisance and address concerns for public safety, the DPH would recommend that due consideration is given to the following restrictions. The premises:

- Only supply alcohol between 12:00 until 22:00, Sunday to Saturday
- Given the offences outlined in the A&Y Wines application for the review of a premises licence (prepared by John P. McCrohan -Trading Standards and Licencing Manager) which includes selling alcohol to a drunken person, supply of cup with alcohol purchase and drinking from plastic cups outside the premises, the DPH is supportive of the other restrictions proposed such as the named licensee must be on premises at all times.

Yours sincerely,

Dr Somen Banerjee
Director of Public Health
Education, Social Care and Wellbeing Directorate
London Borough of Tower Hamlets

Appendix 12



HT - Tower Hamlets Borough
HH - Limehouse Police Station

Licensing Unit at Old Cad Room
Limehouse Police Station

[REDACTED]
Telephone:

[REDACTED]
19 October 2013

Tower Hamlets Police support the review by Tower Hamlets Council of Cost Price 41 Brick Lane, on the grounds of Crime and Disorder.

Brick Lane an Overview

Between 10pm on Friday night and 2:00am Monday morning Tower Hamlets is second only to the West End for ASB calls to Police in London, this is shown on Page 1 of the appendix. Brick Lane is a Hot Spot for alcohol related anti-social behaviour, noise, inconsiderate behaviour and overall anti-social behaviour, as shown in pages 2 - 6 of the appendix. This is due in large part to the number of licensed premises in and around Brick Lane.

While the larger licensed premises such as Café 1001, Vibe Bar, Big Chill and others attract people to the area and can be described as “destination venues”, the off licenses like Cost Price are places where people go to purchase alcohol to drink in the Brick Lane area before they enter the larger venues. Many of those people consuming alcohol in Brick lane having purchased them from the local off licenses are responsible for a large proportion of the anti-social behaviour reported to both the Police and Tower Hamlets Council. Many of these people have usually already consumed alcohol prior to entering Brick Lane.

They stand around the off licenses or in the immediate vicinity, usually in small groups and as they drink more alcohol their voices become louder and their behaviour more inconsiderate to people around them. As they are loitering in Brick Lane drinking the alcohol they have bought from the local off licenses they attract people who want to sell them Nitrous Oxide (laughing gas) from balloons, and also people who want to sell them drugs.

Many of the Off licenses are open after these larger venues close, and people then purchase more alcohol from them as they leave Brick Lane to go on to venues that are still open. This contributes to a “double hit” of alcohol related crime and antisocial behaviour caused by customers of the night time economy as they come into, and then leave the Brick lane area. As the table on page 7 of the appendix shows over 25% of all crime in Spitalfields and Banglatown ward is committed between 8:00pm to 2:00am Friday to Sunday. The table on page 8 of the appendix shows that 20% of all crime in Weavers ward is committed between 8:00pm to 2:00am Friday to Sunday

All the off licenses and indeed all the licensed premises in and around Brick Lane have been made aware by the Police that encouraging people to consume alcohol in the Brick Lane area only contributes to the level of anti-social behaviour and crime. They have been asked not to sell plastic or paper cups, not to open containers of alcohol for customers, all of which contribute to the alcohol related anti-social behaviour in the area.

The negative effects of the “Night Time Economy” are also demonstrated in the data provided by the Director of Public Health data which was provided to Full Licensing Committee in October 2013. The data in table 1 that Spitalfields and Banglatown ward and Weavers ward, both of which cover Brick Lane have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Cost Price

I have conducted numerous patrols in Brick Lane, and on many of those patrols I have seen people outside Cost Price consuming alcohol either standing directly outside the store, or a few meters away. These people are usually in groups of about 5 or 6 and sometimes many more. Their voices are loud and their behaviour is often anti-social due to their loud voices and drunken antics.

The fact that Cost Price has opened a bottle of alcohol during a LBTH test purchase is concerning as it raises the question of how many bottles of alcohol they have opened for customers. Brick Lane is part of the "Drinking Control Zone" so by opening drinks containers for customers, the shop is in my opinion encouraging and assisting its customers to breach Tower Hamlets own policy.

18th October 2013

On Friday 18th October at about 9:10 pm I was in plain clothes and conducted a test purchase. I purchased a 20cl bottle of Smirnoff Vodka, a can of Red Bull sugar free and 7 foam cups. I then identified myself as a Police Officer and was joined by LBTH licensing Officer Alex Lisowski and LBTH planning officer Gerard McCormack. Both Alex Lisowski and myself pointed out to the sales person that selling alcohol, mixers and foam cups contributed to alcohol related anti-social behaviour. The sales assistant, Mr Shabbir Khan said that he had not been working at the shop for long. Gerard McCormack then said that he had conducted a visit to the store about 6 months ago and that he (Mr Khan) had been serving customers then as well.

I then asked to see the Refusals book, which is a condition of the license. Mr Khan could not produce the book. I asked Mr Khan where he recorded any instances of refusing to sell alcohol or tobacco to customers, Mr Khan replied that he did not record them anywhere.

A short while later we were joined by Mohammed Choudhury the son of the owner. I explained to him what had happened. Mr Choudhury said he spoke to Mr Khan who said that initially he had offered me a bag of 25 foam cups. I replied that he did, but that there was an open bag of foam cups behind the counter and I had told Mr Khan that I only wanted a few cups, which he then sold me. I asked Mr Choudhury and Mr Khan why they had an open bag of 25 foam cups behind the counter, and only 7 cups left. They told me that they were for the use of staff in the shop but when they looked in the bin behind the counter they could not produce any of the cups the staff had allegedly used. I believe that the shop sells these cups to customers to use to consume alcohol in Brick Lane, and in the immediate vicinity of the shop.

I asked Mr Choudhury where the refusals book was, but he also was not able to produce it. I asked him how he could demonstrate that he was refusing to sell alcohol to those under the age of 18 or who were drunk, he replied that he could not. I then issued Mr Khan with a Section 19 Closure Notice for failing to have and maintain a refusals book, in accordance with the premises license.

I then asked him to download the CCTV coverage of my visit. Mr Choudhury told me that he could not as only his father had access to the system. I told him this was unacceptable, and that I would be back on Wednesday 23rd October to collect a copy. He should be able to contact his father and get the code to download the CCTV by then. I told him that if this was not done that I would consider that his CCTV was not working, which would be a breach of his license and I would issue a second Section 19 Closure Notice.

Given the evidence from Tower Hamlets Licensing and our own evidence Tower Hamlets Police fully support the review, which we believe will help reduce crime and disorder in the area. In addition to the conditions sought by Tower Hamlets Council, we also ask for the following condition to be added to the License:

1) A personal license holder to be at the venue while the shop was open to the public.

We also ask that the CCTV condition be amended to:

1. A CCTV camera system covering both internal and external to the premise is to be installed. The system is to be of a quality that is acceptable to Tower Hamlets Council and Tower Hamlets Police.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

Yours sincerely,

PC Mark Perry
Tower Hamlets Police Licensing Officer

Appendix 13

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

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

REVIEWS ARISING IN CONNECTION WITH CRIME

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

- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for unlawful gaming and gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

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

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

Appendix 14

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

Crime and Disorder Act 1998

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

Pool Conditions

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. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.

2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); 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, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, 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 must be excluded.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

RADIO LINKS AND TELEPHONE COMMUNICATIONS

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the 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;

- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio 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 relation to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

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, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

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

RESTRICTING ACCESS TO GLASSWARE

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware 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 given to customers 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.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. 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 alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

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 (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate 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 location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

RESTRICTIONS ON DRINKING AREAS

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

Restrictions on drinking areas may also be relevant and appropriate 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 can also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be required to ensure that the numbers are appropriately controlled (see above).

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises). Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

It may be appropriate 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 voluntarily display 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 appropriate 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 licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban

defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate 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 that have exceptionally high capacities, are used primarily or exclusively for the sale and consumption of alcohol, and provide little or no seating for their customers.

Where 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 Chapter 10 to control entry for the purpose of compliance with the capacity limit.

Appendix 15

Appendix 15

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 16

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

PUBLIC NUISANCE

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns

raised in relevant representations and additional conditions may be appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Appendix 17

London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

8 Prevention of Nuisance

8.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

8.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.

8.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

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