



Meeting of the

# **EXTRAORDINARY LICENSING SUB COMMITTEE**

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**Tuesday, 4 February 2014 at 2.00 p.m.**

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## **A G E N D A**

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### **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](mailto:simmi.yesmin@towerhamlets.gov.uk)

## Public Information

### **Attendance at meetings.**

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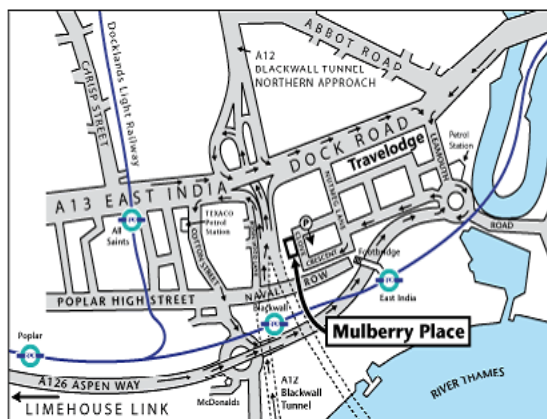
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# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Tuesday, 4 February 2014

2.00 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
<b>3. RULES OF PROCEDURE</b>	<b>5 - 16</b>	
To note the rules of procedure which are attached for information.		
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application for a New Premises Licence for Subway, 222 Brick Lane, London, E1 6SA</b>	<b>17 - 76</b>	<b>Weavers</b>
<b>4 .2 Application for a Review of a Premises Licence for JB Food Store, 97b Brick Lane, London, E1 6SE</b>	<b>77 - 164</b>	<b>Weavers</b>
<b>4 .3 Application for a Review of a Premises Licence for Cost Price, 41 Brick Lane, London, E1 6PU</b>	<b>165 - 246</b>	<b>Spitalfields &amp; Banglatown</b>
<b>4 .4 Application for a Review of a Premises Licence at Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR</b>	<b>247 - 376</b>	<b>Whitechapel</b>

## **5. EXCLUSION OF THE PRESS AND PUBLIC**

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

### **EXEMPT/CONFIDENTIAL SECTION (Pink Papers)**

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

## **6. EXEMPT ITEMS FOR CONSIDERATION**

- |             |   |                  |                    |
|-------------|---|------------------|--------------------|
| <b>6 .1</b> | <b>Application for a Variation of Designated Premises Supervisor for Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR</b> | <b>377 - 420</b> | <b>Whitechapel</b> |
|-------------|---|------------------|--------------------|

# 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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

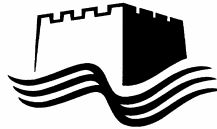
(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

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 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

<b>Application Type</b>	<b>Period of Time within which Hearing to be Held (after reps have closed)</b>	<b>Notice Period of Hearing</b>	<b>Notice Sent To</b>	<b>Attendee Reply Form Back In</b>
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.
<b>Licensing Sub Committee</b>	04 February 2014	<b>Unrestricted</b>	LSC 57/134	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation Services</b>  Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Title <b>Licensing Act 2003</b> <b>Application for a New Premises Licence for Subway, 222 Brick Lane, London, E1 6SA.</b>  Ward affected <b>Weavers</b>
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## 1.0 Summary

Applicant: **Bluebell UK Ltd**

Name and **Subway**

Address of Premises: **222 Brick Lane, London, E1 6SA**

Licence sought: **Licensing Act 2003 Application for a new premises licence for:**

- **Late Night Refreshment**

Objectors: **The Metropolitan Police**

## 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

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

- 3.1 This is an application for a new premises licence to allow the provision of late night refreshment at Subway, 222 Brick Lane, London, E1 6SA.

The premises is a fast food restaurant. As well as operating as a “take-away” restaurant, it also offers seating for customers to eat their food inside the restaurant. At present the restaurant is open during the day and in the evening prior to 23.00pm.

The premises is within the Brick Lane Cumulative Impact Zone.  
**See Appendix 10.**

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

The hours applied for are:

#### **The Provision of Late Night Refreshment**

- Friday and Saturday, 23.00pm to 04.00am the next day.

#### **The Opening Hours of The Premises**

- Monday to Thursday, 07.00am to 23.00pm.
- Friday , 07.00am to 04.00am the next day.
- Saturday, 09.00am to 04.00am the next day.
- Sunday, 09.00am to 22.00pm

- 3.3 Maps showing the area around the venue are included as **Appendix 2.**

### 4.0 **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 1<sup>st</sup> 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](http://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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.6 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.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Metropolitan Police

### **See Appendix 3**

- 5.8 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

- 5.9 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

5.10 The objections cover allegations of

- Crime and public disorder
- Public nuisance

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

## 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 “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. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 5-9** 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 for a new premises licence.
- Appendix 2** Maps of the area surrounding the premises.
- Appendix 3** Representations of The Metropolitan Police.
- Appendix 4** Guidance for reviews, issued under Section 182 by the Home Office.
- Appendix 5** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 6** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 7** Access and egress problems.
- Appendix 8** Planning.
- Appendix 9** Licensing Policy relating to hours of trading.
- Appendix 10** Brick Lane Cumulative Impact Zone

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# Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

On-Line payments can be made at:

[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

**Application for a premises licence to be granted 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/We (insert name(s) of applicant) MOHAMMED ALAM

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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.

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <u>222 BACK LANE</u>	
Post town <u>LONDON</u>	Post code <u>E1 6SA</u>

Telephone number at premises (if any)

Non-domestic rateable value of premises

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate
- a) an individual or individuals\*  Please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

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

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

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

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

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

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

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**



**B) OTHER APPLICANTS**

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

Name	BLUEBELL UK LTD
Address	UNIT 2 THE CHRONOS BUILDING 9-25 MILE END ROAD LONDON E1 4TP
Registered number (where applicable)	07640845
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
1	3	12 2013

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

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

--

Please give a general description of the premises (please read guidance note1)

THE PREMISES IS A A1 RETAIL UNIT SERVING HOT AND COLD SANDWICHES AND DRINKS LOCATED AT THE NORTH END OF BRICK LANE.

THE UNIT IS ARRANGED OVER TWO FLOORS (GROUND AND BASEMENT) WITH FOOD PREP/STORAGE AND SERVICE COUNTER LOCATED ON THE GROUND FLOOR AND CUSTOMER SEATING AREA LOCATED IN THE BASEMENT. LICENCE IS ONLY SOUGHT FOR THE GROUND FLOOR ARE. AS THE BASEMENT AREA IS AND WILL CONTINUE TO BE RESTRICTED TO CUSTOMERS FROM 23:00 TO 07:00 MON-SUN.

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here (please read guidance note 3)</b>	Both		
Tue						
Wed				<b>State any seasonal variations for performing plays (please read guidance note 4)</b>		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here (please read guidance note 3)</b>	Both		
Tue						
Wed				<b>State any seasonal variations for exhibition of films (please read guidance note 4)</b>		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat						
Sun						

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<u>Please give further details here</u> (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>	Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick (Y)</b> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5) 5)		
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5) 5)		
Fri					
Sat					
Sun					

I

<u>Late night refreshment</u> Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both - please tick [Y] (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here (please read guidance)</u>  THE SERVING OF HOT SANDWICHES, TEA AND COFFEE.		
Tue					
Wed					
Thur			<u>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</u>  NONE		
Fri	23:00	04:00			
Sat	23:00	04:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>  NONE		
Sun					

J

<u>Supply of alcohol</u> Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption - please tick [Y] (please read guidance note 7)</u>	On the premises		
Day	Start	Finish		Off the premises		
				Both		
Mon			<u>Please give further details here (please read guidance)</u>			
Tue						
Wed			<u>State any seasonal variations for the supply of alcohol (please read guidance note 4)</u>			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</u>			
Sat						
Sun						

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

Name

MOHAMMED ALAM

Address

UNIT 2 THE CHRONOS BUILDING  
9-25 MILE END ROAD  
LONDON  
Postcode E1 4TP

Personal Licence number(if known)

N/A

Issuing licensing authority (if known)

N/A

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE



L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:00	NONE
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	<b>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  NONE
Fri	07:00	04:00	
Sat	09:00	04:00	
Sun	09:00	22:00	

**M**

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

a) **General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

SEE ATTACHED SHEET  
'LICENSING OBJECTIVES'

b) **The prevention of crime and disorder**

''

c) **Public safety**

''

**d) The prevention of public nuisance**

((

**e) The protection of children from harm**

((

**You have completed part 3 of this form. Below is a checklist for your assistance.**

**CHECKLIST:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee  
Insert On-Line Payment reference here if applicable : 183 - 6141
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**Part 4 – Signatures** (please read guidance note 10)

**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**

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature

[REDACTED]

Date

6/11/13

Capacity

AGENT

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

SABINA GELUM  
20 SOLANDER GARDENS  
E1 0DN

Post town

LONDON

Post code

E1 0DN

Telephone number (if any)

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

[REDACTED]

## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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 un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## **Licensing Objectives**

### **a) General**

1. Work with the Police and Local Authority to improve upon delivering the objectives.
2. Regularly review policies and procedures.
3. Work in partnership with local businesses and residents to minimise crime and improve public safety.
4. Undertake checks on all mechanical and electrical equipment.
5. Ensure staff are familiar with the licensing objectives and adhere to them at all times.

### **b) The prevention of crime and disorder**

1. Clear and legible notice will be placed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
2. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
3. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
4. All CCTV cameras will be maintained in good working order and will continually record and the tapes will be securely retained for a minimum of 14 days
5. Drinks will only be served in plastic bottle and paper cups.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.
7. Install registers away from customer access and upon closing, remove all money and leave the drawer open.
8. Maintain an incident log of any criminal activity or attempted criminal activity within or within the immediate vicinity of the premises.

### **c) Public safety**

1. Adequate access is provided for emergency vehicles and personnel.
2. All parts of the premises and all fittings and apparatus including door fastenings and notices and the seating, lighting, heating, electrical, ventilation,

sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.

3. A log book or recording system will be kept in the premises for recording inspections made including those required by legislation, and information compiled to comply with any public safety condition attached to the premises license. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

4. Adequate access is provided for emergency vehicles and personnel.

5. Regular gas and electricity check will be undertaken by a suitably qualified person.

6. Exits will be kept unobstructed, free of trip hazards and clearly identified.

7. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

8. All exit doors are easily openable without the use of a key, card, code or similar means.

9. The premises should comply with all statutory fire safety controls

**d) The prevention of public nuisance**

1. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

2. Deliveries to the premises will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

3. Staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

4. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.

5. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

6. Noise or vibration will not emanate from the premises such as to cause unreasonably disturbance to neighbours.

7. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.

8. Customer will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.

9. Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.

10. Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

11. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.

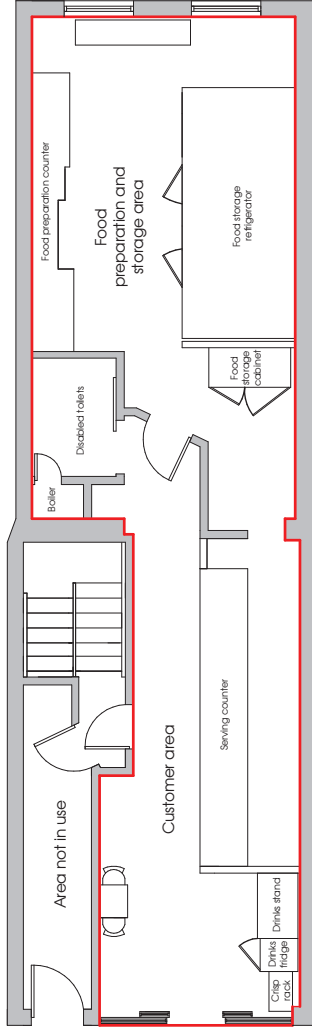
**e) The protection of children from harm**

1. In the interests of protecting children from harm, children below the age of 16 will be excluded from the premises between the hours of 23:00 to 04:00.

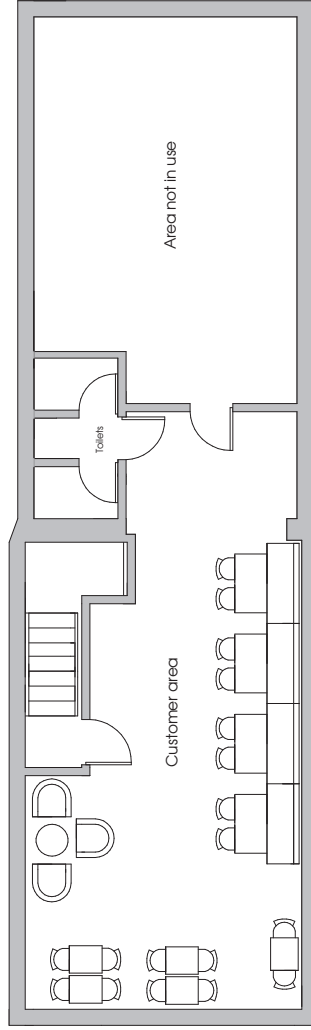


# 222 Brick Lane Premises Licence Ground floor and basement plan

0m 0.5m 1m 2m 4m  
No liability is accepted to any third party relying on information contained in this drawing.  
Contractors must verify all dimensions on site before commencing any work or shop drawings.



Ground floor plan

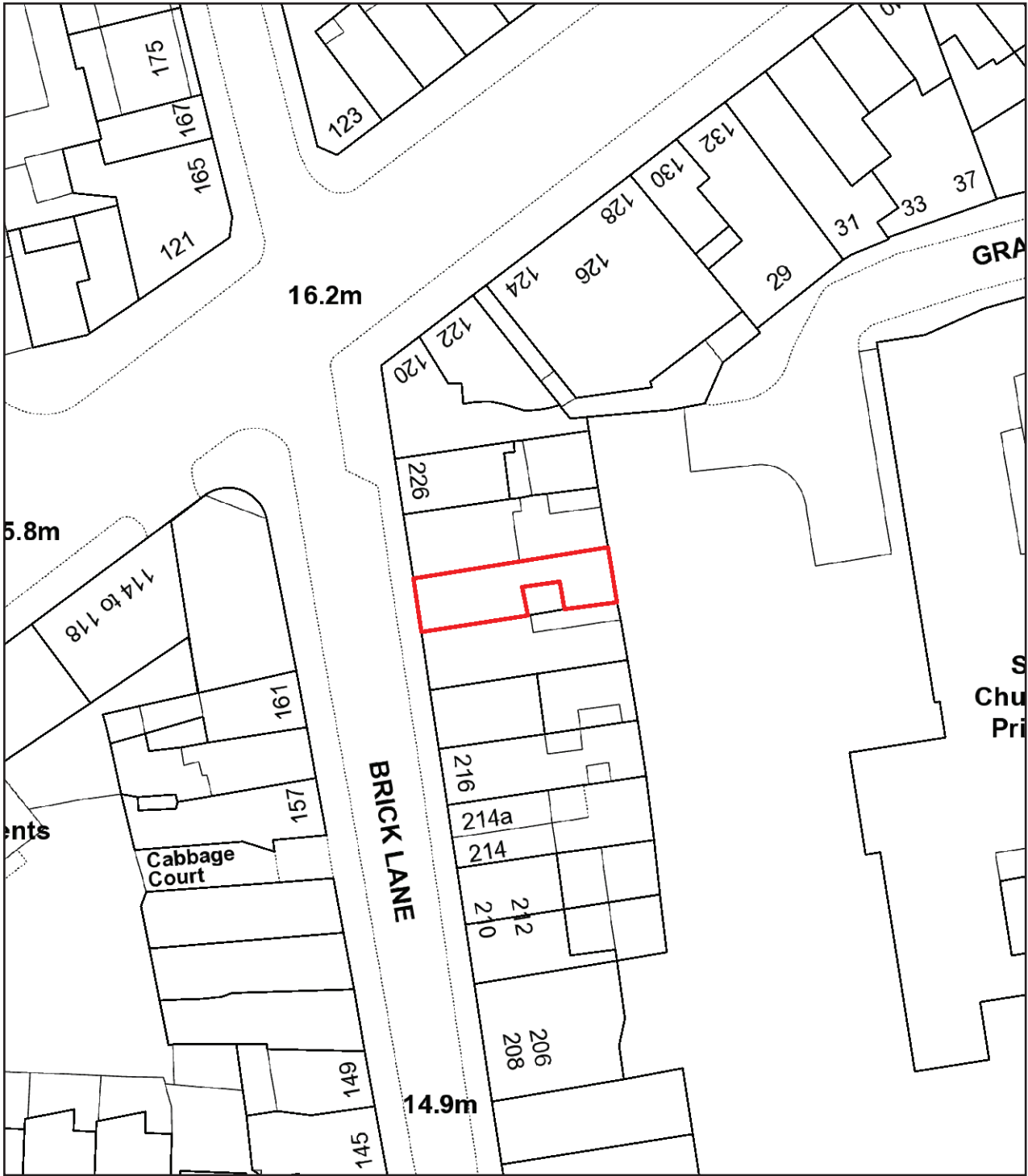


Basement plan

Premises licence area

**Note:**  
Premises licence is only sought for ground floor area identified in red.  
The basement customer seating area will be restricted to customers from 23:00 to 07:00.

# Appendix 2

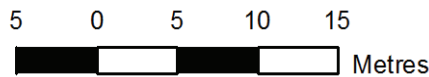


# Subway

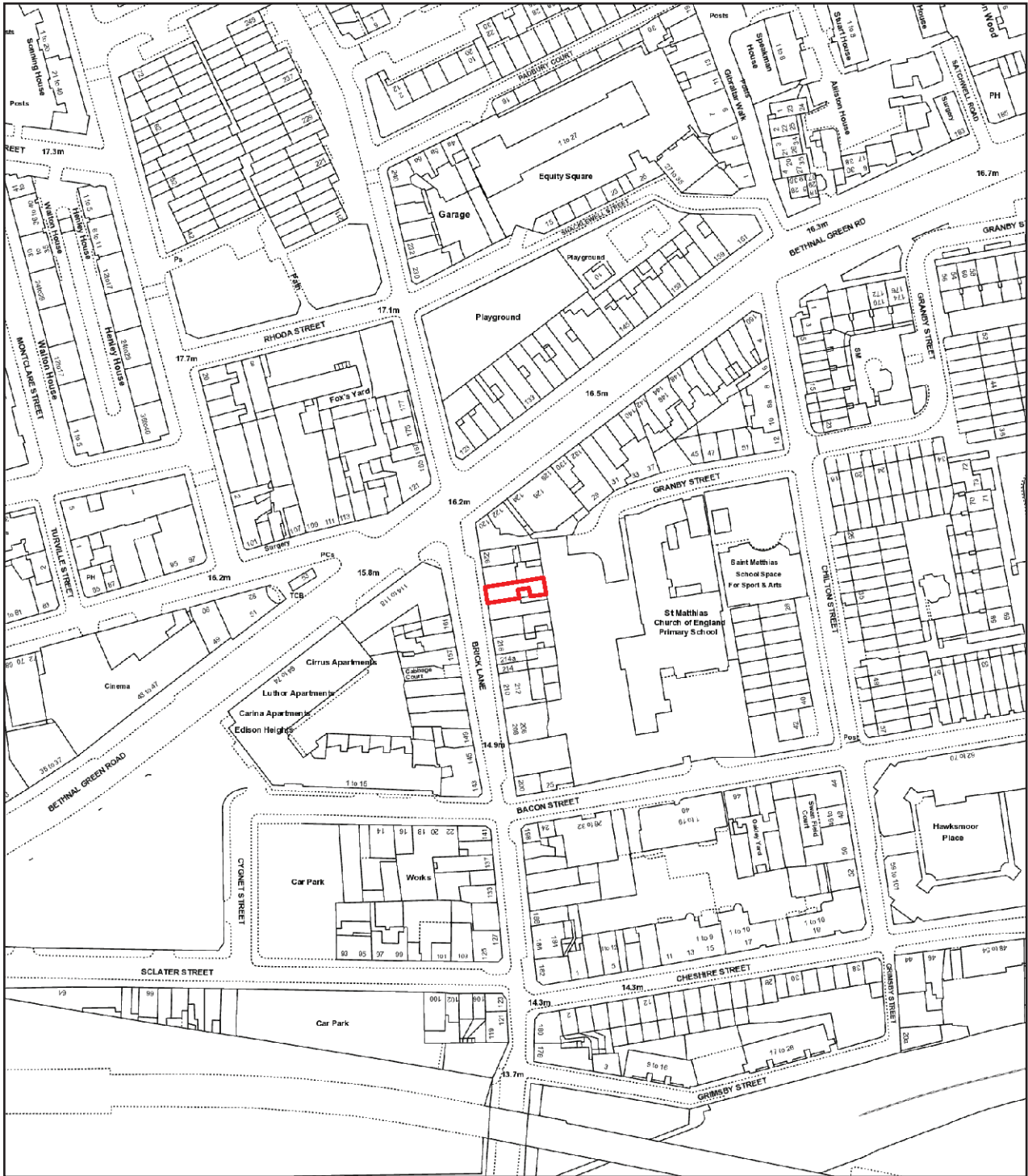
222 Brick Lane



Scale 1:575



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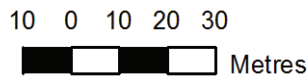


# Subway

## 222 Brick Lane



Scale 1:1918



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# Appendix 3

John McCrohan  
London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

**Limehouse Police Station,  
27, West India Dock Road,  
London,  
E14 8EZ**

Office: **020 7275 4950/4911**

Mobile: [REDACTED]

Email: [REDACTED]

Your ref:

2nd December 2013

Dear Mr McCrohan,

**Re: Application for a Premises Licence**  
**Subway, 222 Brick Lane, E1 6SA**

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

**The prevention of crime and disorder**

**The prevention of public nuisance**

The applicant has applied for late night refreshments on Friday and Saturday from 2300 - 0400

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed

premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; **unless the applicant can**

**demonstrate there will be no negative cumulative impact on one or more of the**

**licensing objectives.**

Brick Lane has become a “destination venue” for the night time economy in Tower

Hamlets. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems at the top end of Brick

Lane. It has been suggested at a separate hearing for a TEN application by the applicant,

that there are already two nearby shops open throughout the night and the opening of this

Subway venue will ease the congestion.

I said at the time, that if these two premises were to apply today for late night refreshments

until 5am, we would oppose it.

This top end of Brick Lane is already busy, with people hanging around the bagel shops.

The availability of alcohol and food at these late hours keeps people in the Brick Lane area

for a longer period of time, contributing to ASB and the potential for violence.

Can the applicant provide evidence that the operation of the premises will not add to the

negative cumulative impact already being experienced in this area?

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue whether it is standing in the street drinking or shouting at the top of their voices?

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.



25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

I am hoping to include a statement from Weavers NPT in regards to this area.

**The hours applied for falls i. to the above peak hours.**

In relation to Subway itself, I refer the committee to part of a TEN objection submitted by my licensing colleague, PC O'Rourke.

"At present, the venue does not hold a premises licence and therefore cannot open between 23:00 hours and 05:00 hours to sell hot food or drinks.

On Sunday, 27/10/13 at 00:10 hours, PC 291HT O'Rourke attended the premises and witnessed the sale of hot food and drink, in a statement dated 27/10/13 he states:

*"At approximately 00:10 I attended the premises and saw that a male had just bought a sandwich with melted cheese on it. A female came in and bought a hot tea. Two other males then bought meatball sandwiches, which were steaming hot".*

PC O'ROURKE then spoke the manager who identified himself as Mr. Mohammed ALAM, DOB 10/02/1983, who told him that he also ran the Subway in Whitechapel on Mile End Road.

In short Mr. ALAM led PC O'ROURKE to believe that there was a mix up in that Mr. ALAM understood the planning permission granted to the premises as 'A1 no restriction', meant he could open whenever he wanted and that he had emails from the Council confirming this"

Mr. Alam was reported for unauthorized sales by PC O'Rourke

PC O'Rourke later obtained a statement from Mr. Alex Lisowski of LBTH Licensing. In it, he states:

*"On Monday, 29th April 2013, I received a complaint from a neighbour that Subway, Unit 2, 6-25, Mile End Road, London E1 4TP, was providing late night refreshment without a premises licence. I checked my department records, Subway did not have a premises licence. As part of my investigation of this complaint I wrote a letter for the owner of the Subway at Unit 2, advising him of the law about the provision of late night refreshment. On Thursday, 2nd May 2013 at 16:30 hours I went to Subway, Unit 2 to deliver the letter and asked to speak to the manager. The person I spoke to told me he was the owner and subsequently gave his name as Mohammed ALAM. I explained to him that I was investigating a complaint and I gave him the letter".*

(Please see the statement in full)

I am concerned that Mr. ALAM either chose to ignore the advice in the letter or that he failed to open the letter, when a responsible business operator would consider this to be important.

Did he get advice from the Subway franchise on how to operate lawfully?

I acknowledge that he has operated under the TEN system without any reported incidents but there is a difference between operating on a limited number of TENs and an all year round business.

To reiterate, the top end of Brick Lane is now as busy as any part of the CIZ.

I therefore ask the committee to refuse this application as it falls within the CIZ. I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that the following CCTV condition.

#### Install / maintain CCTV

CCTV

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

(Can one camera be placed o/s the entrance and on entry)

Alan Cruickshank PC 189HT

**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: ALEXANDER LISOWSKI.....

Age if under 18: Over 18 ..... (if over 18 insert 'over 18') Occupation: LICENSING OFFICER .....


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

Signature: .....  ..... Date 29<sup>th</sup> October, 2013 .....

I am a licensing officer for The London Borough of Tower Hamlets.

On Monday, 29<sup>th</sup> April, 2013, I received a complaint from a neighbour that Subway, Unit 2, 9 – 25 Mile End Road, London, E1 4TP, was providing late night refreshment without a premises licence. I checked my department' records. Subway did not have a premises licence. As part of my investigation of this complaint I wrote a letter for the owner of Subway at Unit 2 advising him of the law about the provision of late night refreshment.

I present a copy of this letter as Exhibit AL/1.

On Thursday, 2<sup>nd</sup> May, 2013, at 16.30pm, I went to Subway, Unit 2, to deliver the letter. At Subway I asked to speak to the manager of the venue. The person I spoke to told me he was the owner and subsequently gave his name as Mohammed Alam. I explained to him that I was investigating a complaint about Subway and I gave him the letter. At the time that I typed the letter I did not know the name of the owner of Subway. 

Signature: 

Signature witnessed by:

I identify this exhibit as that referred to in the statement signed by me

Exhibit number AL/1

Date 29/10/2013

Signed [REDACTED]

Name ALEXANDER LISOWSKI

**Consumer and Business Regulations.**

Head Of Service David Tolley

Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel 020 7364 7446

Fax 020 7364 0863

Enquiries to Alexander Lisowski

Email [REDACTED]

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

The Owner,  
Subway,  
9-25 Mile End Road,  
London, E1 4TP.

Date: 2<sup>nd</sup> May, 2013

Dear Sir or Madam,

**COMPLAINT RE TRADING OUTSIDE OF PERMITTED HOURS**

Any premises which sells or supplies hot food and/or hot drink any day, anytime, between the hours of 11pm and 5am the following day requires a premises licence for the provision of late night refreshment.

One of your neighbours has complained that you are remaining open beyond 11pm on a regular basis.

Selling or supplying hot food and/or hot drink between 11pm and 5am is an offence contrary to Section 136 of The Licensing Act. 2003. Because a complaint has been received a licensing officer at some time in the future will check what hours you remain open to.

If you wish to apply for a premises licence for the provision of late night refreshment, an application form can be downloaded from the Council's website.

Yours sincerely,

Mr A. Lisowski,  
Licensing Officer,  
The London Borough of Tower Hamlets.

# Appendix 4

## Section 182 Advice by the Home Office

Updated June 2013

### 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 5

## Crime and Disorder on the Premises

### Licensing Policy

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police 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 and their staff or agents, but can directly impact on the behaviour of

customers on, or in 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, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

#### Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 6

## **Crime and Disorder 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.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 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).**

### 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 (Annexe D).

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

and their staff or agents, but can directly impact on the behaviour of customers on, or in 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, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

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

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

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). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (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 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.

### 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 Sections 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).**

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 Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll 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 pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

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

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

# Appendix 8

## **Planning**

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

# Appendix 9

## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

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

Monday to Thursday	06:00 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

# Appendix 10

## **8 Special Cumulative Impact Policy for the Brick Lane Area**

- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.
- 8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

**The Cumulative Impact Zone in the Brick Lane area**

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Drawn By: WJ. CLC Strategy & Performance. September 2012



# Agenda Item 4.2

Committee: <b>Licensing Sub-Committee</b>	Date: 04 February 2014	Classification: UNRESTRICTED	Report No. LSC 58/134	Agenda Item No.
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Report of : <b>David Tolley Head of Consumer and Business Relations</b>  Originating Officer: <b>Andrew Heron Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a Review of a Premises Licence at JB Food Store, 97b Brick Lane, London, E1 6SE</b>  Ward affected: <b>Weavers</b>
---	---

## 1.0 Summary

Name and	<b>JB Food Store</b>
Address of premises:	<b>97b Brick Lane London E1 6SE</b>
Licence under review:	<b>Licensing Act 2003 § Sale by retail of alcohol</b>
Representations:	<b>-Trading Standards - Police - Director of Public Health - Local Residents</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Andrew Heron  
020 7364 2665

## **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 10<sup>th</sup> 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 Karim Brohi
- Alex Gordon Shute
- Jane Curtis and Keith Bowler
- Sandy Critchley- Vice-Chairman, Spitalfields Society
- Selina Misfud - 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](http://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

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

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

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

<b>Number of premises licence or club premises certificate (if known)</b> 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

**(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

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

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

[Redacted Signature]

Date 15<sup>th</sup> 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

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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 25<sup>th</sup> October 2010, a sale of alcohol was made to an under-age test purchaser.
9. On 14<sup>th</sup> 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 12<sup>th</sup> 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 17<sup>th</sup> August 2013– opened bottle of Becks Beer**

12. At around 00:40 on Saturday 17<sup>th</sup> 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 17<sup>th</sup> 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

ST.	DESCRIPTION	SECTION	OFFENCES	RES	PEN	FINE	ADVOCATE	ANALYST	PROSECUTE	PURCHASE	WITNESS
122	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					
<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>
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 police1	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 1		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 

--	--	--	--

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 16<sup>th</sup> 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 17<sup>th</sup> August 2013.

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

At around 00:40 on Saturday 17<sup>th</sup> 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: 10<sup>th</sup> 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**

[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

**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

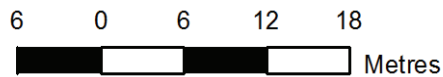


# 97 Brick Lane

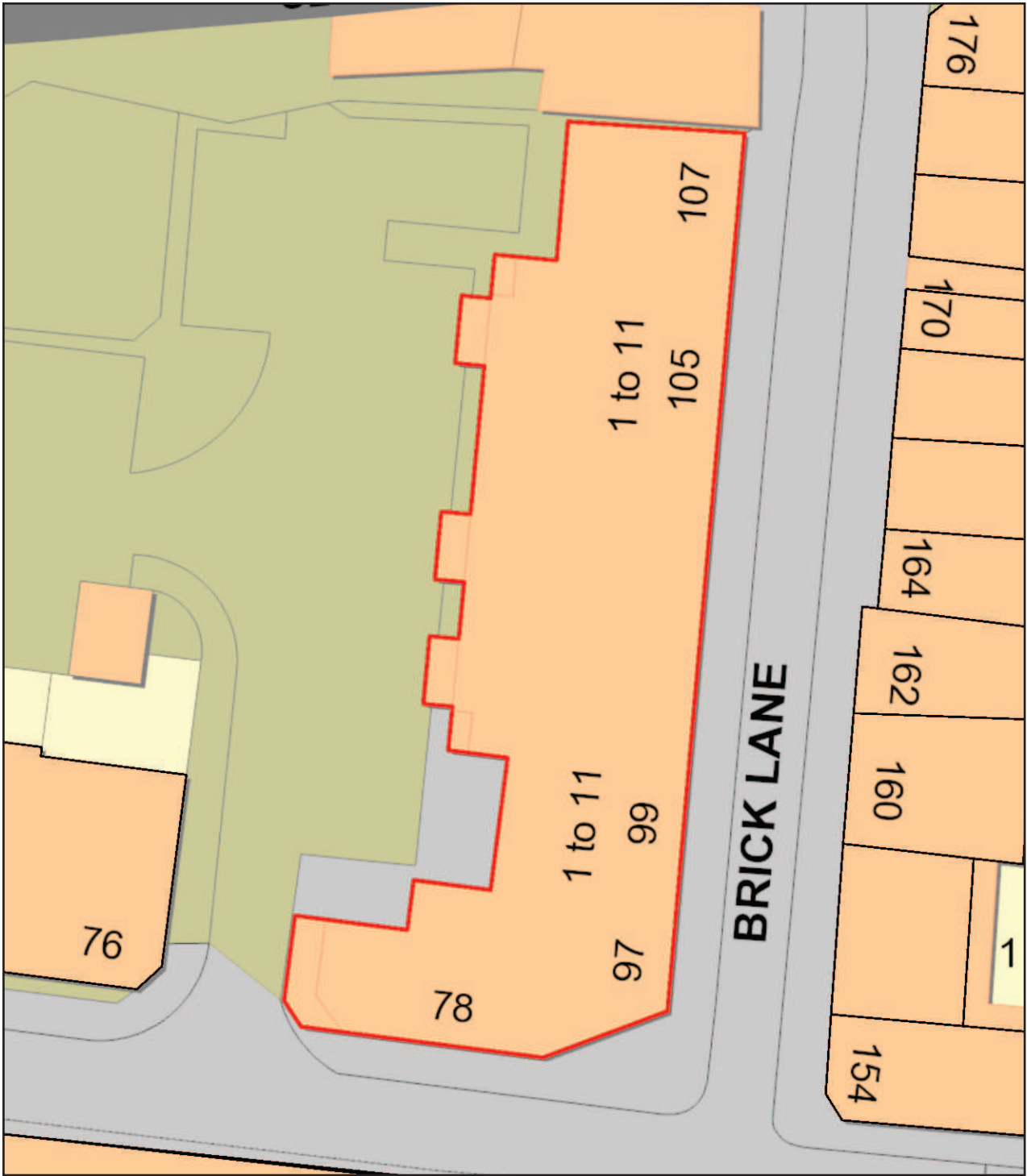
## Map 1



Scale 1:668



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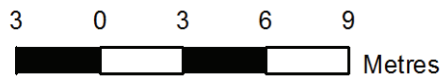


# 97 Brick Lane

## Map 2



Scale 1:334



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# Appendix 4

## Statement of Objection to Licence Application

### 97 Brick Lane

12<sup>th</sup> November 2013

Prof Karim Brohi  

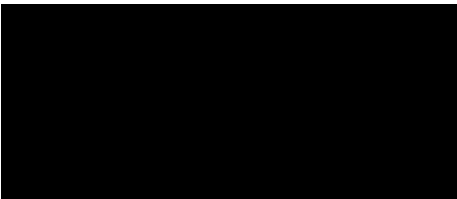

Re: 97 Brick Lane License Application

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 2<sup>nd</sup> 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, 4<sup>th</sup> Floor  
London, E14 2BG

[REDACTED]

[REDACTED]

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

12<sup>th</sup> 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.<sup>5</sup> 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: <b>Licensing Sub-Committee</b>	Date: 04 February 2014	Classification: UNRESTRICTED	Report No. LSC 59/134	Agenda Item No.
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Report of : <b>David Tolley Head of Consumer and Business Relations</b>  Originating Officer: <b>Andrew Heron Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a Review of a Premises Licence at Cost Price, 41 Brick Lane, London, E1 6PU</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Name and	<b>Cost Price</b>
Address of premises:	<b>41 Brick Lane London E1 6PU</b>
Licence under review:	<b>Licensing Act 2003 § Sale by retail of alcohol</b>
Representations:	<b>-Trading Standards - Police - Local Residents</b>

## 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"><li>Guidance Issued under Section 182 of the Licensing Act 2003</li><li>Tower Hamlets Licensing Policy</li><li>File</li></ul>		<b>Andrew Heron 020 7364 2665</b>



- 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](http://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**

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

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mohammed Shilu Chowdhury
---

<b>Number of premises licence or club premises certificate (if known)</b> 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.

[REDACTED]

**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

--	--	--	--	--	--	--	--

**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 15<sup>th</sup> 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 17<sup>th</sup> 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 14<sup>th</sup> 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 10<sup>th</sup> 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 15<sup>th</sup> September 2013 at 00:45 – opened bottle of cider**

10. In the early hours of Sunday 15<sup>th</sup> 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 22<sup>nd</sup> 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 15<sup>th</sup> 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](http://www.towerhamlets.gov.uk)

Dear Mr Chowdhury,

**Consumer Protection Act 1987**

Following on from our recent communications regarding the offences of 3<sup>rd</sup> 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](http://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 14<sup>th</sup> 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 1		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: 20<sup>th</sup> 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 15<sup>th</sup> 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 10<sup>th</sup> July 2008



TOWER HAMLETS

LICENSING ACT 2003

## 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**

**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

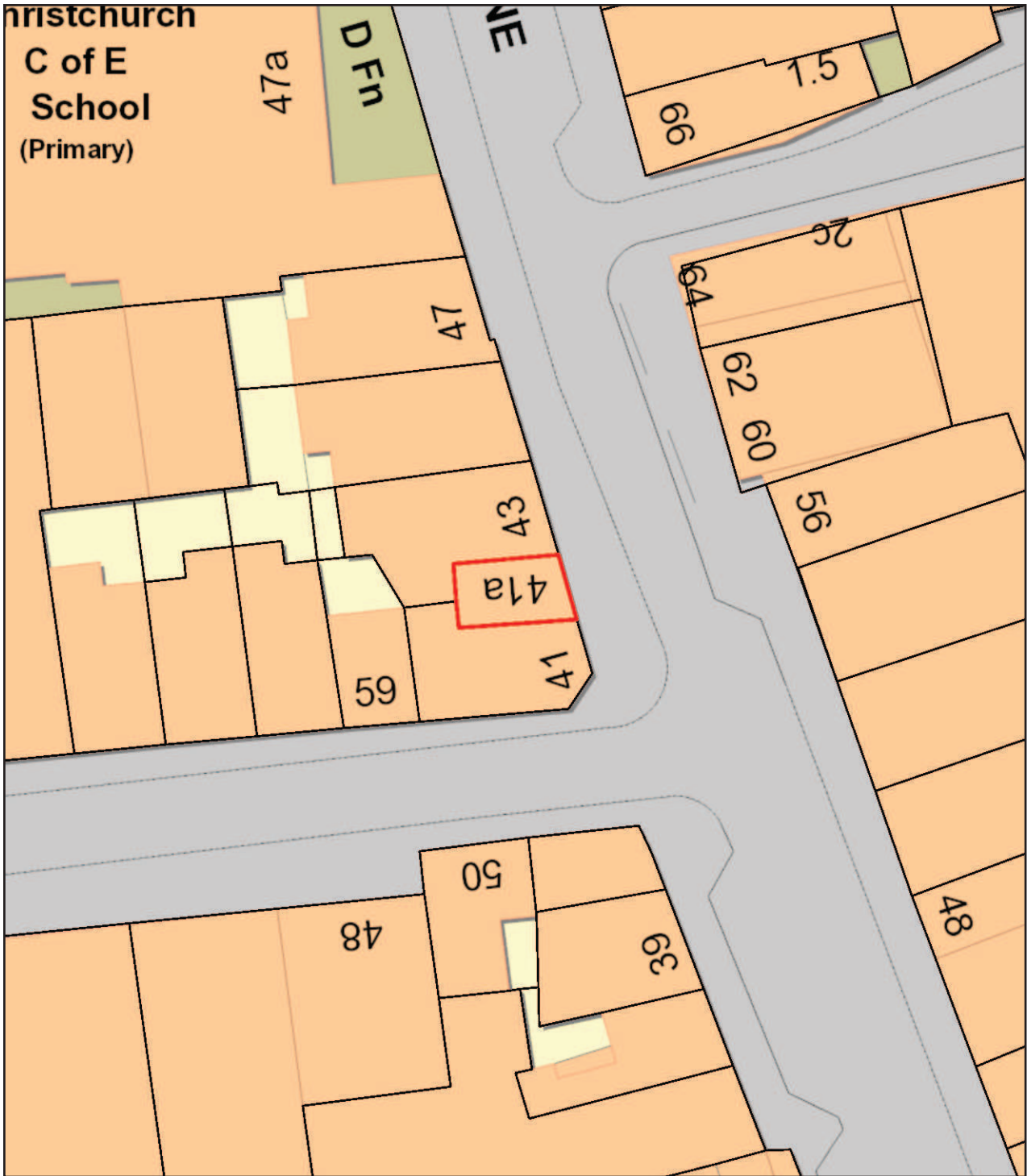
N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities	<u>The sale by retail of alcohol</u> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 11:00 hours to midnight</li> <li>• Friday and Saturday, from 11:00 hours to 01:00 hours</li> </ul>
The opening hours of the premises	<ul style="list-style-type: none"> <li>• Sunday to Thursday, from 11:00 hours to midnight</li> <li>• Friday and Saturday, from 11:00 hours to 01:00 hours</li> </ul>
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

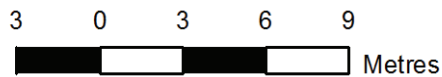


# 41 Brick Lane

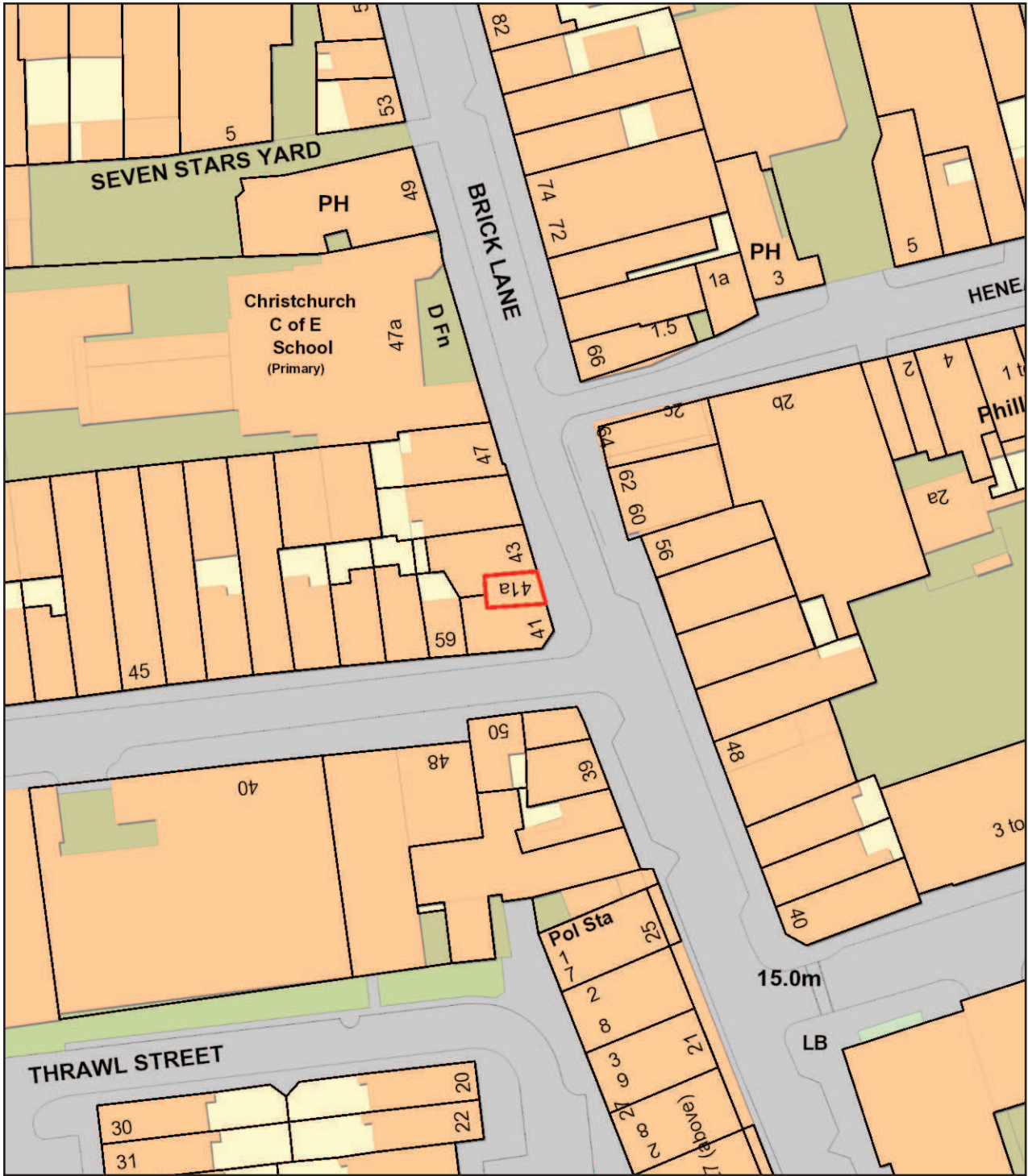
## Map 1



Scale 1:334



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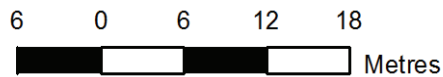


# 41 Brick Lane

## Map 2



Scale 1:668



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# Appendix 4

## Statement of Objection to Licence Application

### 41 Brick Lane

12<sup>th</sup> November 2013

Prof Karim Brohi  

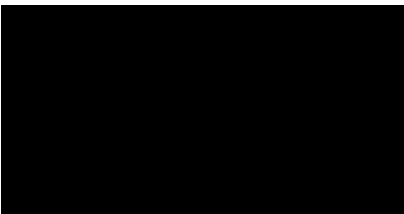

Re: 41 Brick Lane License Application

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

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**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, 4<sup>th</sup> Floor  
London, E14 2BG

Tel: [REDACTED]

Email: [REDACTED]

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

12<sup>th</sup> 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

████████████████████  
████████████████████  
Telephone:  
██  
████████████████████

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.<sup>5</sup> 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 4.4

Committee: <b>Licensing Sub-Committee</b>	Date: 04 February 2014	Classification: UNRESTRICTED	Report No. LSC 60/134	Agenda Item No.
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Report of : <b>David Tolley Head of Consumer and Business Relations</b>	Title: <b>Licensing Act 2003 Application for a Review of a Premises Licence at Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR</b>
Originating Officer: <b>Andrew Heron Licensing Officer</b>	Ward affected: <b>Whitechapel</b>

## 1.0 Summary

Name and Address of premises: **Low Cost Food and Wine  
34 White Church Lane  
London  
E1 7QR**

Licence under review: **Licensing Act 2003  
§ Sale by retail of alcohol**

Representations: **Metropolitan Police**

## 2.0 Recommendations

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

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

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

### 3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR. The review was triggered by PC Brendan O'Rourke of the Metropolitan Police.
- 3.2 A copy of the review application is attached in **Appendix 1**. Supporting documents from PC O'Rourke are contained in **Appendices 7-27**.

### 4.0 The Premises

- 4.1 The premises licence was issued on 16<sup>th</sup> May 2013. A copy of the current licence is contained in **Appendix 2**.
- 4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

### 5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police.
- 5.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 4**. It is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in October 2010.
- 5.3 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.4 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of prevention of crime & disorder.

### 6.0 Review Explained

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

- 6.2 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.3 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 5.**
- 6.4 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 6.** The Pool Conditions in the Policy are the same as the Government’s.
- 6.5 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.6 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
  - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

## 7.0 **Review Advertisement**

- 7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

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

## 8.0 Licensing Officer Comments

- 8.1 The Governments advice in relation to reviews is contained in Appendix 4. Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
  - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
  - Suspend the licence for a period
  - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

## 9.0 Legal Comments

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

## 10.0 Finance Comments

10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	Copy of the review application
<b>Appendix 2</b>	Current Premises Licence
<b>Appendix 3</b>	Maps of the premises and surrounding area
<b>Appendix 4</b>	Guidance issued under Section 182 by the Home Office for reviews
<b>Appendix 5</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 6</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
<b>Appendix 7</b>	PC O'Rourke Cover letter producing supporting documents
<b>Appendix 8</b>	Supporting Doc: Statement – PC O'Rourke Re. 02.10.2013
<b>Appendix 9</b>	Supporting Doc: Statement – PC O'Rourke Re. 05.10.2013
<b>Appendix 10</b>	Supporting Doc: S19 Notice issued 05.10.2013
<b>Appendix 11</b>	Supporting Doc: LCF&C Police Book Re. 05.10.2013
<b>Appendix 12</b>	Supporting Doc: Statement – PC O'Rourke Re. 26.10.2013
<b>Appendix 13</b>	Supporting Doc: Statement – PC O'Rourke Re. 26.10.2013
<b>Appendix 14</b>	Supporting Doc: LCF&C Police Book Re. 26.10.2013
<b>Appendix 15</b>	Supporting Doc: Statement - Alex Lisowski Re. 02.10.2013
<b>Appendix 16</b>	Supporting Doc: Statement – Ian Wareing Re. 02.10.2013
<b>Appendix 17</b>	Supporting Doc: Statement – Andrew Heron Re. 04.10.2013

- Appendix 18** Supporting Doc: Statement – Kathy Driiver Re. 26.10.2013
- Appendix 19** Supporting Doc: Letter to Mr Latib dated 30.10.2013 – Surrey
- Appendix 20** Supporting Doc: Letter to Mr Latib dated 01.11.2013 – Surrey
- Appendix 21** Supporting Doc: Letter to Mr Latib dated 05.11.2013 – Surrey
- Appendix 22** Supporting Doc: Letter to Mr Latib dated 05.11.2013 – London
- Appendix 23** Supporting Doc: Letter from Miramar Legal dated 27.11.2013
- Appendix 24** Supporting Doc: Statement – PC O'Rourke Re. 05.12.2013
- Appendix 25** Supporting Doc: LCF&C Police Book Re. 07.12.2013
- Appendix 26** Supporting Doc: Exhibit Photographs and cover statement
- Appendix 27** Supporting Doc: Statement – PC Reed Re. 13.12.2013
- Appendix 28** Supporting Doc: Cover Letter – PC O'Rourke (18.02.2014)
- Appendix 29** Supporting Doc: UKBA Email – John McManus (09/01/2014)
- Appendix 30** Supporting Doc: Schedule of Incidents



# Appendix 1



## LICENSING ACT

This form should be completed and forwarded to:

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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I Brendan O'ROURKE PC 291HT, on behalf of the Chief Officer of Police,  
apply for the review of a premises licence under section 51 of the Licensing Act  
2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

Low Cost Food and Wine 34, White Church Lane Whitechapel	
Post town London	Post code (if known) E1 7QR

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

**Mr Abdul LATIB**

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

**16774**

**Part 2 - Applicant details**

Please tick yes

I am

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

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

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

**Surname**

**First names**

Please tick yes

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

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

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

**I am 18 years old or over** Please tick  yes

**Current postal address if different from premises address**

**Post Town**  **Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address	
PC 291HT Brendan O'ROURKE Licensing Unit Limehouse Police Station 27 West India Dock Rd, LONDON E14 8EZ	
Telephone number (if any)	<input type="text"/>
E-mail (optional)	<input type="text"/>

This application to review relates to the following licensing objective(s)  
Please tick one or more boxes

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

X

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

This review has been instigated with regards to the Crime and Disorder objective.

The premises had this licence granted after a Licensing Sub-Committee hearing on 16/05/13 and has broken the conditions of that premises licence on numerous occasions as detailed in the events below throughout October 2013.

Police have adopted a stepped approach to enforcement throughout October with the DPS Mr LATIB, who has quite frankly ignored that engagement and shown no regard to the conditions on his Premises Licence or the licensing process.

There has been a series of incidents and crime reports in relation to this venue prior to October 2013 and what was the premises earlier incarnation at 35 White Church Lane (same company and DPS, which moved to premises over the road to number 34 - subject of the 16/05/12 application/hearing) and these incidents and reports that taken as a whole has lead to this application.

The following police calls (CAD) / crime reports (CRIS) and/or engagement are in chronological order beginning on 02/04/12:

**HM Revenue & Customs, Police and Council Visit - Wednesday, 02/04/12**

**@ 13:08 hours:**

HM Customs and Revenue officers in partnership with LBTH Trading

Standards officers entered the premises, then at 35 White Church Lane. The staff member present was Hamaon ROSHID, DOB 01/01/1988. Mr. Abdul LATIB the DPS was not present.

SEIZED: 83 bottles of wine (shelving advertising "2 for £5") and 8 bottles of spirits (counterfeit labels).

**Call to police - CAD 9773/14SEP12 (Friday) @ 21:27 hours (#35 White Church Lane):**

Informant states that the shop window has been broken. The suspects have headed to Commercial Road. Description of the two males circulated by police operator over the airwaves (ages given as approximately 15 years old). CCTV confirm they are checking the area. Informant updates the police operator saying that the suspect broke the shop window as he wanted alcohol and did not have any ID, so was refused to be served. CCTV and a local police unit confirm 'area search, no trace'. Informant advises he does not wish to make any allegations as the damage is minor and he is not willing to attend court. Pocket note book signed to this effect by PC 987HT. Matter closed.

**Call to police - CAD 9418/31AUG13 @ 20:17 hours (# 34 White Church Lane):**

Informant states there is a dispute over payment in which the customer believes he has been overcharged. Informant advised this is a civil dispute. One of the customers spoken to and advised to contact Trading Standards if unsatisfied.

Matter resolved.

**Police and Council Visit - Wednesday, 02/10/13 @ 15:42 hours:**

Police attended the premises after a Council licensing officer undertook a successful test purchase of a single can of alcohol of 9% abv and is reported for prosecution.

(Supporting MG 11 attached from PC 291HT O'ROURKE)

**Police and Council Visit - Saturday 05/10/13 @ 00:05 hours:**

Police undertook a follow-up compliance visit and made a successful test purchase of a can of Guinness 4.2% abv (13.5% extra) at 00:05 hours.

(Supporting MG11 attached from PC 291HT O'ROURKE and Mr HERON LBTH and a copy of Form 'Book 694' Notification of alleged offences under the Licensing Act 2003)

Initially a Section 19 Closure Notice under Section 19 Criminal Justice and Police Act 2001 is issued, but this was later withdrawn by police on 30/10/13. However this notice did state 'actions' for the DPS to carry out, which at least as advice, police would have hoped he would have heeded - the advice was under the heading 'Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))' and was *"To comply with all licence conditions in particular mandatory conditions.*



*Place a sign next to the beer above 5.6% abv stating 'Minimum sale 3 cans or more'. Close on time"*

**Police and Council Visit - Saturday 05/10/13 @ 00:15 hours:**

Police return (having chosen the wrong can of alcohol for 'super strength', which was 13.5% 'extra', not 13.5% 'abv'!) and make a successful test purchase of a can of 'K' cider 8.4% abv. The visit was to test compliance of the 'super strength' licence condition, but police and the council officer quickly realise on inspection of the premises licence, that in fact the premises is open more than an hour after alcohol sales should cease.

PC O'ROURKE and Mr HERON return to the premises at 00:35 hours and they are still open, they remain on the premises completing paperwork until 01:25 hours.

During this time there was a customer banging on the door expecting to be let in every few minutes, some quiet angry the premises was closed. It was simply unbelievable. One potential customer, a female was dressed in her pyjama's and was clearly a local resident who had popped out from her flat to purchase something well beyond closing time.

It was obvious to police that the premises had been regularly opening in excess of there permitted hours and this was very well known locally, due to the shear volume of traffic trying to get into the shop.

(Supporting MG11 attached and is combined with the statement above).

**Police Visit and Council - Saturday 26/10/13 @ 00:20 hours:**

Police undertook a joint licensing visit with a licensing officer from LBTH to check that the premises was closed. It was not. At approximately 00:20 hours police saw two males banging on the door to be let in and the person inside let them in. Ms Driver from LBTH then went to the front door and was let in as well and undertook a successful test purchase of a 20cl bottle of Glens vodka. PC 291HT O'ROURKE also observed a sale of a bottle of Smirnoff vodka at 00:28 hours.

(Supporting MG11 from PC 291HT O'ROURKE attached and copy Form 'Book 694' Notification of alleged offences under the Licensing Act 2003)

It is understood that Mr. LATIB will appear before Magistrates at Thames Magistrates Court in relation to the offences committed under the Licensing Act 2003 on 05/12/13.

Signed,

  
PC 291HT Brendan O'ROURKE.

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

Please tick ? yes  
NO

If yes please state the date of that application

Day		Month		Year			

**If you have made representations before relating to this premises please state what they were and when you made them**

The premises licence for the new venue at 34 White Church Lane (effectively a transfer from 35 White Church Lane) was granted by the Licensing Sub-Committee on 16/05/13 after representations from the police and Thames Reach in relation to 'super strength alcohol (above 5.6% abv).

The application was granted with conditions.


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

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

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature: 

*PC JAI UK*

Date: 01/11/13

Capacity: Police Constable behalf of the Chief Officer of Police of the Metropolis a Responsible Authority.

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

# Appendix 2

**(Off Licence)  
34 White Church Lane  
London  
E1 7QR**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**John McCroha**   
**Trading Standards and Licensing Manager**

**Date: 16<sup>th</sup> May 2013**



**Part A - Format of premises licence**

Premises licence number

16774

**Part 1 - Premises details**

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

34 White Church Lane

**Post town**

London

**Post code**

E1 7QR

**Telephone number**

020 7246 0141

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

Sale of Alcohol (off sales only)

- Monday to Saturday from 07:00hrs to 23:00hrs
- Sunday from 09:00hrs to 23:00hrs

**The opening hours of the premises**

- Monday to Saturday from 07:00hrs 23:30hrs
- Sunday from 08:00hrs to 23:30hrs

**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**

NFU London Ltd.  
35 White Church Lane  
London  
E1 7QR

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

8248216

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

Abdul Latib



**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: MVDC594  
Issuing Authority: Mole Valley District Council

## **Annex 1 - Mandatory conditions**

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

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

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

1.

- (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.

2. The responsible person shall ensure that;

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and

- (b) customers are made aware of the availability of these measures.

## **Annex 2 - Conditions consistent with the operating Schedule**

None Applicable

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

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. CCTV camera system covering both internal and external to the premises is to be installed;
3. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority;
4. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises;
5. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
6. No nudity or semi nudity permitted;
7. Alcohol shall only be sold in sealed containers;
8. 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;
9. 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
10. Legible copies of the documents referred to in 9) shall be retained on the premises and made available to officers on request;
11. The trader shall obtain and use a UV detection device to verify that duty stamps are valid;
12. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately;
13. Every incident of crime or disorder in the premises shall be reported to the Police by the Designated Premises Supervisor (DPS) or a nominated member

of staff. The DPS and all members of staff shall ensure that all lawful and reasonable instructions and/or directions given by the Police are complied with;

14. Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use;
15. Emergency light and smoke detector system shall be installed at the locations marked, "emergency light" and "smoke detector" on the plan of the premises;
16. Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook;
17. The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book;
18. All exits and escape routes to those exits (including external escape routes) from the premises shall be clearly marked, maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises;
19. Fire fighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers;
20. Fire fighting equipment shall be examined regularly by the manufacturer or other competent person and maintained and tested in accordance with BS 5306 Part 3, 2000;
21. All members of staff will be familiar with the operation of the fire fighting equipment;
22. All staff shall be instructed and trained to ensure that they understand the fire precaution measures in the premises and the procedure and action to be taken in the event of fire;
23. The electrical installation will be inspected annually;
24. Any gas boiler, calorifier or other gas appliance will be tested on a regular basis.
25. There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting the premises containing details of the trading hours under the premises licence;
26. All staff shall be instructed and trained to ensure customers are discouraged from congregating outside the premises;

27. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents;
28. The premises will only be open to the public between the hours as set in this application;
29. All staff shall be instructed and trained to ensure no deliveries of stock are made to the premises between 22:00hrs and 08:00hrs on any day;
30. All staff shall be instructed and trained to ensure that external illumination signs are switched off when the premises are closed for licensable activities;
31. All staff shall be instructed and trained to ensure the sale or supply of alcohol is prohibited to any person who is intoxicated;
32. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the Home Office, a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth;
33. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

#### **Annex 4 - Plans**

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

14<sup>th</sup> January 2013 (Drawing Number: 2012 / 014/003)



**Part B - Premises licence summary**

**Premises licence number**

16774

**Premises details**

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

34 White Church Lane

**Post town**

London

**Post code**

E1 7QR

**Telephone number**

[REDACTED]

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (off sales only)

- Monday to Saturday from 07:00hrs to 23:00hrs
- Sunday from 09:00hrs to 23:00hrs

The opening hours of the premises

- Monday to Saturday from 07:00hrs to 23:30hrs
- Sunday from 08:00hrs to 23:30hrs

Name, (registered) address of holder of premises licence

NFU London Ltd.  
35 White Church Lane  
London  
E1 7QR

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)

8248216

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

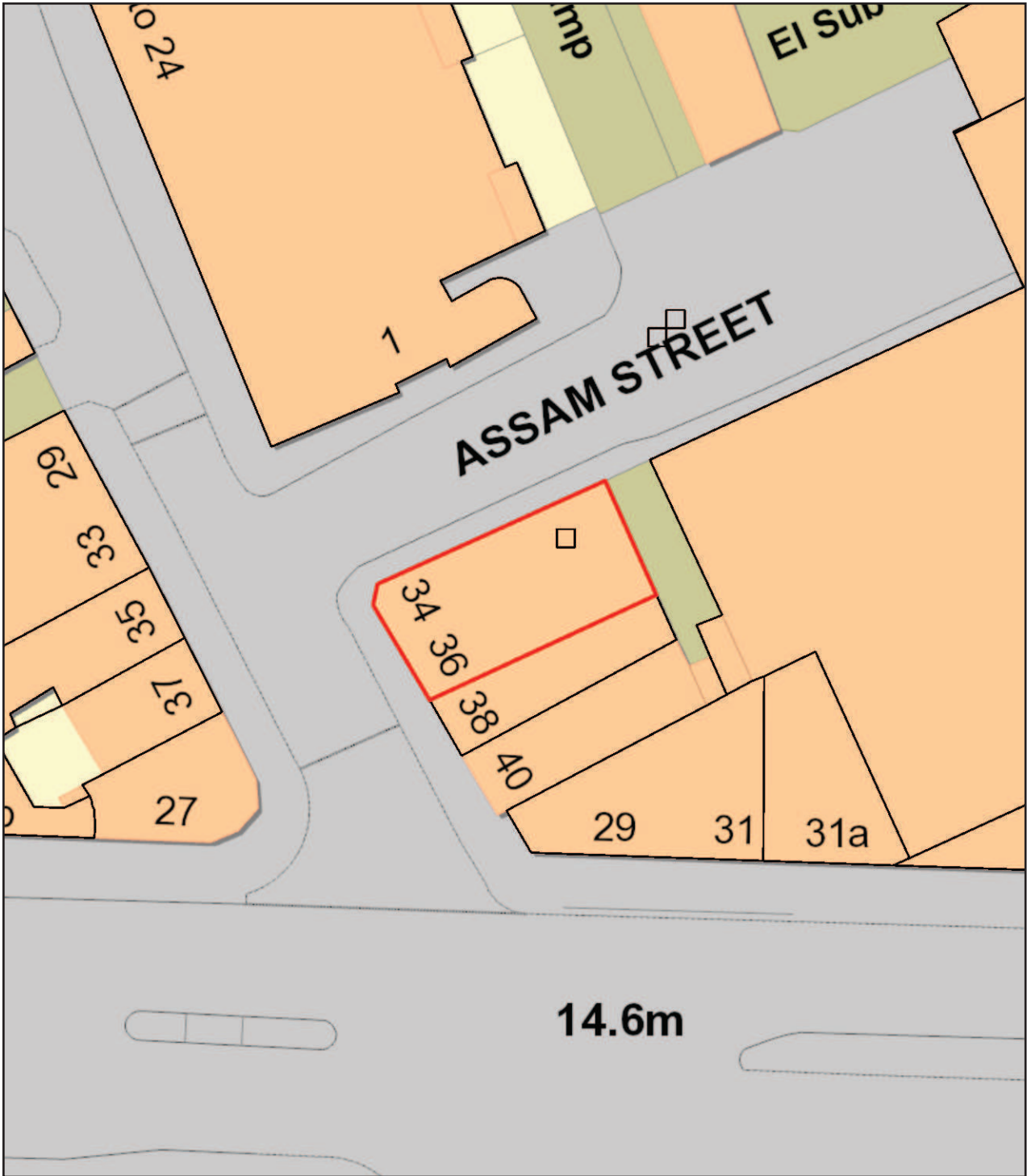
Abdul Latib

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

No restrictions

# Appendix 3



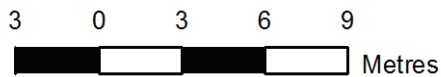


# 34 White Church Lane

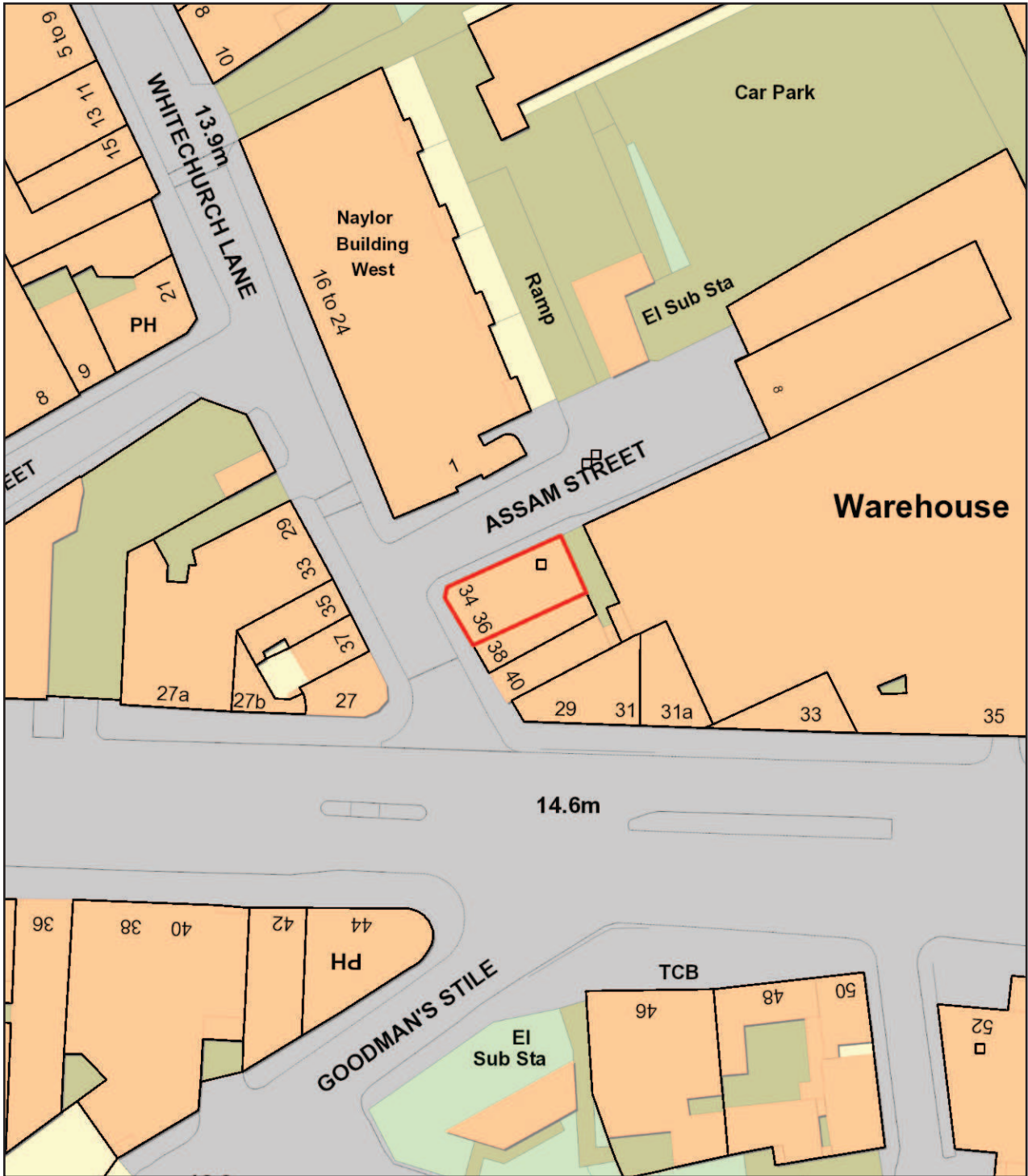
Map 1



Scale 1:334



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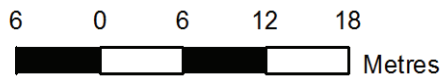


# 34 White Church Lane

## Map 2



Scale 1:668



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# Appendix 4

### 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 5



### 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.<sup>5</sup> 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 6

## **Appendix 6**

### **Licensing Policy Adopted by the London Borough of Tower Hamlets**

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.



# Appendix 7



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Tower Hamlets Borough  
Licensing Office**

Ms Kathy Driver,  
Principal Licensing Officer,  
London Borough of Tower Hamlets,  
Licensing Section,  
Mulberry Place,  
5 Clove Crescent,  
London,  
E14 2BG

**Limehouse Police Station,  
West India Dock Road,  
London,  
E14 8EZ**

Office: **020 7275 4950/4911**  
Mobile: **07825 850 906**

Email: [Brendan.O'Rourke@met.pnn.police.uk](mailto:Brendan.O'Rourke@met.pnn.police.uk)

Your ref:  
Our ref: LIC/011113/13

11th December 2013

Dear Ms Driver,

**Re: Supporting documents as outlined in the Review Application and additional evidence**

**In the matter of: Request under Sec 51 Licensing Act for a Review of Premises Licence Low Cost Food and Wine, 34, White Church Lane, LONDON E1 7QR.**

Please find attached copies of the supporting documents as referred to in my original review application dated 01/11/13:

- Re: 02/10/13 - MG11 From PC 291HT O'ROURKE (dated 04/10/13).
- Re: 05/10/13 - MG11 From PC 291HT O'ROURKE (dated 06/10/13).
- Re: 05/10/13 - Closure Notice - Section 19 Criminal Justice and Police Act 2001.
- Re: 05/10/13 - Book 694 Notification of alleged offences under the Licensing Act 2003.
- Re: 26/10/13 - MG11 From PC 291HT O'ROURKE (dated 26/10/13).
- Re: 26/10/13 - MG11 From PC 291HT O'ROURKE (dated 30/10/13).
- Re: 26/10/13 - Book 694 Notification of alleged offences under the Licensing Act 2003.

Additionally, please find attached further supporting evidence as outlined below:

- Re: 02/10/13 - MG11 From Mr LISOWSKI, LBTH (dated 04/10/13).
- Re: 02/10/13 - MG11 From Mr. WAREING, LBTH.
- Re: 05/10/13 - MG11 From Mr HERON, LBTH (dated 11/10/13).
  - Further offences reported for Breach of Conditions:
    - Conditions 2 and 3, there was no active CCTV system at the premises
    - Condition 5 , no signage
    - Condition 11, no suitable UV light to check duty stamps
    - Condition 18, fire exits were not signposted
    - Condition 25, no signage
    - Condition 33, no notices
    - Mr LATIB personal licence has not been updated with his new address, nor had it been amended on the premises licence.
- Re: 26/10/13 - MG11 From Ms DRIVER, LBTH (dated 27/11/13).
- Letter to Mr LATIB (dated 30/10/13) - Surrey.
- Letter to Mr LATIB (dated 01/11/13) - Surrey.
- Letter to Mr LATIB (dated 05/11/13) - Surrey.
- Letter to Mr LATIB (dated 05/11/13) - London (with copies sent of above three letters (and attachments) originally sent to Surrey).
- Letter from Miramar Legal to Police (dated 27/11/13).
- Re: 07/12/13 - MG11 From PC 291HT O’ROURKE (dated 08/12/13).
- Re: 07/12/13 - Book 694 Notification of alleged offences under the Licensing Act 2003.Re: 07/12/13 - MG11 from PC 291HT O’ROURKE (dated 10/12/13).
- Photographs of the premises - numbered exhibit’s ‘BOR/1 - 5’.

I can further state that on 5th December 2013, I attended Thames Magistrates Court where Mr. McCabe, solicitor for the London Borough of Tower Hamlets prosecuted Mr Latib for breaches of his premises licence under the Licensing Act 2003. It is a matter already referred to in the above documentation. Mr Latib pleaded guilty to the one offence prosecuted (which was the offences committed on 26/10/13). He pleaded guilty and was sentenced to a fine of £385 (£165 fine; £200 costs; £20 victim surcharge). A ‘Collection Order’ was made and his Personal Licence was suspended for a period of one month - effective immediately. Part of the mitigation put forward by his defence in relation to the consideration of any suspension of the personal

licence by the Magistrates, was that if *'his personal licence was suspended he would lose his income or the ability to earn and pay any fine'*.

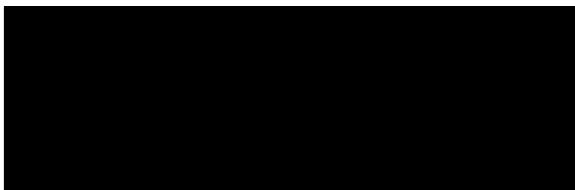
At the time of writing there are four outstanding prosecutions against Mr Latib and/or a staff member of Low Cost Food & Wines for breaches of the Licensing Act 2003 (as outlined in the documentation), but for clarity they are offences committed on 02/10/13; 05/10/13 x 2 and 07/12/13.

In addition to offences reported by the police on 05/10/13 - please see attached in the Annex witness the statement from LBTH Licensing Officer in relation to other offences Mr Heron found further breaches on 5<sup>th</sup> October 2013 (dated 11/10/13).

There are other complicated matters ongoing with Mr Latib that involves his immigration status in the UK. Mr. Latib currently has an ongoing claim for asylum with UKBA - this is relevant to the Licensing Committee in that as it is understood that Mr Latib is in receipt of benefits and he *cannot* work in the UK. Mr Latib is still the Designated Premises Supervisor for Low Cost Food & Wine and there has been no application to vary this over the last few months since his work status was known. It is anticipated that the full facts surrounding this matter will be made available to the Licensing Committee in due course.

If you have any further questions about the above, please don't hesitate to contact me.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Brendan O'Rourke

PC 291 HT

# Appendix 8

1

### WITNESS STATEMENT

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

Statement of **Brendan Paul O'ROURKE** ..... URN: 

01	HT		13
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222** .....

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

Signature:  ..... Date: **04/10/2013** .....

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

This statement is in relation to a test purchase at 34 WHITECHURCH LANE, LONDON E1 7QR

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Wednesday, 2nd October 2013, I was on duty in plain clothes in the company of PC 189HT CRUICSHANK, Mr Alex LISOWSKI, a London Borough of Tower Hamlets Licensing Officer and Mr Ian WAREING, a London Borough of Tower Hamlets Environmental Health Officer on joint Licensing Patrols within Tower Hamlets.

At approximately 15:42 hours Mr WAREING entered the premises of 34, WHITECHURCH LANE and returned shortly afterwards with a single can of 'Skol Super' lager, 9% abv.

I then entered the premises and identified myself to staff as a police officer, saying "HELLO I AM PC 291HT O'ROURKE FROM TOWER HAMLETS LICENSING".

I said to the male who Mr WAREING had identified as the male who had served him "WHAT IS YOUR NAME AND DATE OF BIRTH PLEASE"?

He replied "MOMAON ROSHID, 01/01/1988".

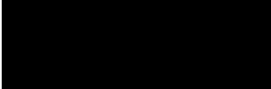
I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "35A WHITECHURCH LANE LONDON E1 7QR".

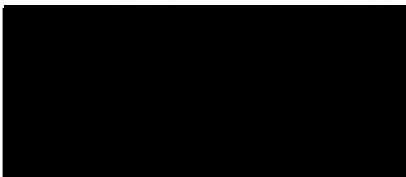
Signature:  ..... Signature witnessed by: **PC J. H. W.** ..... N/A .....

Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then conducted police checks on the male and heard Mr LISOWSKI report the male for summons for committing an offence under the Licensing Act 2003, being in breach of their premises licence.

I then left the premises.  *pc Lisowski*

Signature:



Signature witnessed by: N/A.....

# Appendix 9



(2) + (3)

### WITNESS STATEMENT

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

Statement of **Brendan Paul O'ROURKE** ..... URN: 

01	HT		13
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222** .....

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

Signature:



*PC J. King*

Date: **06/10/2013**.....

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

This statement is in relation to a test purchase at 34 WHITECHURCH LANE, LONDON E1 7QR

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Saturday, 5th October 2013, I was on duty in plain clothes in the company of Mr Andrew HERON, a London Borough of Tower Hamlets Licensing Officer on joint Licensing Patrols within Tower Hamlets.

At approximately 00:05 hours I entered the premises of 34, WHITECHURCH LANE in plain clothes to undertake a 'Test Purchase'. The shop was busy with several people selecting and purchasing alcohol in front of me. There are several open fridges full of cans of lager or beer to the right as you enter and a wall full of shelves containing wine on the left, with spirits held behind the counter. I would say approximately 50% of the shop floor is dedicated to the sale of alcohol.

The fridge shelves containing beer is arranged in a confusing way, with different strength beers mixed and it is not easy to ascertain which is 'Super Strength' or over 5.6% abv (which is a special condition on the premises licence i.e. 'only 3 or more cans with a strength above 5.6% abv may be sold). Neither is there any sign advising customers of this condition. It would appear that the shop have had no regard to this condition whatsoever.

I selected from one of the fridges a single can of Guinness (alcohol content 4.2% abv) and paid £1.30 for it at the till. I produce this in evidence as exhibit BOR/1 - sealed in evidence bag LA035242.

Signature:



*P.C. J. King*

Signature witnessed by: N/A .....

Continuation of Statement of **Brendan Paul O'ROURKE** .....

I then returned to the premises at 00:15 hrs and purchased a single can of 'K Cider' (alcohol content 8.4% abv) and a bag of crisps and paid £2.24 for it. I produce the can in evidence as exhibit BOR/2 - sealed in evidence bag LA035239.

I returned again shortly afterwards to the premises with Mr HERON who identified himself to the staff working as a Council Official and I produced my warrant card and badge identifying myself as a police officer, saying "HELLO I AM PC 291HT O'ROURKE FROM TOWER HAMLETS LICENSING".

I said to the male who had served me "WHAT IS YOUR NAME AND DATE OF BIRTH PLEASE"?  
He replied "MOMAON ROSHID, 01/01/1988".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "35A WHITECHURCH LANE LONDON E1 7QR".

Mr HERON had already asked him if he had a personal licence, which he did not. The Designated Premises Supervisor arrived at some point during our conversation, who verbally confirmed his details to me as Mr Abdul LATIB, DOB 18/09/1985. He gave his address as 35, WHITECHURCH LANE, LONDON E1 7QR, however that differed from the address given to LBTH and recorded on the premises licence (which I believe was in Surrey). I inspected Part A of the Premises Licence to confirm that the shop should cease the sale of alcohol at 23:00 hours and be completely closed by 23:30 hrs.

I then completed two Met Police Licensing Forms, one from 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and the other a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'.

At 01:20 hours, I said to Mr. LATIB "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCES:

- 'UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON',

IN PLAIN ENGLISH THAT MEANS YOU HAVE SOLD ALCOHOL OUTSIDE YOUR

Signature:



Signature witnessed by:

N/A.....

*f. O'Rourke*

Continuation of Statement of **Brendan Paul O'ROURKE**.....

PERMITTED HOURS”.

I then gave the ‘now’ caution and said “THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY OR MAY NOT BE PROSECUTED”, he made no reply. The above offences are recorded on the form from Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/3 - sealed in evidence bag C36680925.

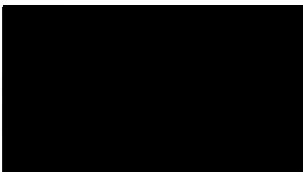
I then gave MR LATIB a copy of the Section 19 Closure Notice I had completed, with specific steps to be taking in compliance of this. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/4 - sealed in evidence bag C36680926.

I would like to add, during my entire time on the premises, from approximately 00:35 hours until 01:25 hours, there was a customer banging on the door expecting to be let in every few minutes. It was simply unbelievable. One person, a female was in her pyjama’s and was clearly a local resident who had popped out of her flat to purchase something well beyond closing time.

It appeared obvious to me, that the premises had been regularly opening in excess of there permitted hours and this was very well known locally

I then left the premises.  *Pi Jell*

Signature:



Signature witnessed by:

N/A.....

*W1*

# Appendix 10

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 05/10/13 Time Served: 0045

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC JAMIE O'NEILL

Signature: [Handwritten Signature]

Name (if applicable) and address of the affected premises:

34 White Church Lane  
London E1 7AR

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

At 00:15 hrs on 05/10/13 PC JAMIE attended the above premises in plain clothes and conducted a walk purchase of K Cider 8.40 abv. Earlier at 00:05 hrs, PC JAMIE also purchased a can of Guinness (4.2% abv)

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Premises licence clearly states sale of alcohol Monday to Saturday 07:00 hrs to 23:00 hrs, additionally under Annex 3 'will not sell any beer (etc.) over 5.6% abv or higher unless 3 or more are purchased together'

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

To comply with all licence conditions in particular mandatory conditions place a sign next to the beer above 5.6% abv stating 'minimum sale 3 cans or more' & close on time

Effect of section 20 - Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name: Abdul LATIB

Signature: [Redacted]

Date: 05/10/13

## **1. EXPLANATORY NOTES**

A police officer has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premises has been operating either without a premises licence, or otherwise than in accordance with a premises licence. It also details the actions that may be taken by the owner or manager to end the unlicensed sale of alcohol to prevent it reoccurring. Please note that any such unauthorised activity may also constitute a criminal offence under section 136 Licensing Act 2003.

The purpose of this notice is to provide a warning to those responsible for the premises in order that swift remedial action can take place to rectify the unauthorised activity. If the problem continues, or appears likely to continue, the police may apply to the magistrate's court for an order to close the premises.

## **2. Section 19 of the 2001 Act- Closure Notices**

Where a police officer, or an authorised officer from the local authority, is satisfied that any premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol, for consumption on, or in the vicinity of the premises, , he may serve a notice under section 19(3) in respect of the premises. An "unauthorised sale of alcohol" includes a premises with a valid premises licence, but that is operating in breach of its licence conditions.

## **3. Section 20 of the 2001 Act- Closure Orders**

Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unlicensed sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future.

The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.

After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a court hearing. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.

In accordance with the Magistrates' Courts Act 1980, and the Human Rights Act 1998 you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

## **4. Appeals- Section 24 of the 2001 Act**

An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

## **5. Enforcement Powers and Offences- Section 25 of the 2001 Act**

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such

an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of this authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

# Appendix 11





METROPOLITAN POLICE

TOTAL POLICING

Book 694

Venue Copy

### Notification of alleged offences under the Licensing Act 2003

Venue Name: \_\_\_\_\_ REF: (CAD/CRIS etc.) \_\_\_\_\_

Address: 34 White Church Lane \_\_\_\_\_

LONDON E1 7QR \_\_\_\_\_ Date: 05/10/13 Time: 01:20

Details of person in charge at the relevant time: Abdul LATIB

(Licence mole valley S.C. #594 exp 24/02/21) DPS  Personal Licence Holder

#### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:  
Plain clothes police (PC JAHK) entered the premises at 00:05 hours and bought a can of Guinness, then at 00:15 hours bought a single can of K. Cider 8.4% abv. - in contravention of Licence conditions on 05/10/13.

Issuing officer: PC JAHK \_\_\_\_\_ Print: O'Connell

I acknowledge receipt of this form: (venue) \_\_\_\_\_

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

# Appendix 12

4

WITNESS STATEMENT

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

Statement of **Brendan Paul O'ROURKE** ..... URN: 

01	HT		13
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222** .....

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

Signature:  ..... *P. J. O'Rourke* ..... Date: 26/10/2013.....

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

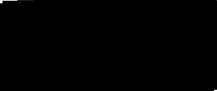
This statement is in relation to a test purchase at 34 WHITECHURCH LANE, LONDON E1 7QR on Saturday 26th October 2013 and the Breach of a Sec 19 Closure Notice - Criminal Justice and Police Act 2001 - issued at 00:45 hours on 5th October 2013

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Saturday, 26th October 2013, I was on duty in plain clothes in the company of Ms Kathy Driver, the Principle Licensing Officer for The London Borough of Tower Hamlets, carrying out joint enforcement and compliance licensing visits.

At approximately 00:20 hours we drove past the above premises and saw that there was a member of staff inside and two males banging on the door to be let in. As we watched the member of staff opened the door and let the two males in. At that point Ms DRIVER went to the door and she was allowed in. At 00:25 hours she exited and showed me a can of alcohol that she had just purchased (having undertaken a 'test purchase'), I knew this to be in breach of their Premises Licence and additionally a breach of a Section 19 Closure Notice - Criminal Justice and Police Act 2001, issued by myself on Saturday, 5th October at 00:45 hours.

I then observed one of the two males inside select a bottle of Smirnoff Vodka, I saw he paid for it and started to exit the shop. I then entered the premises and produced my warrant card and badge to the males and the member of staff identifying myself as a police officer, saying "HELLO I AM PC

Signature:  ..... *P. J. O'Rourke* ..... Signature witnessed by: N/A .....

Continuation of Statement of **Brendan Paul O'ROURKE**.....

O'ROURKE FROM TOWER HAMLETS LICENSING, CAN I JUST HAVE A WORD PLEASE, DON'T WORRY YOU ARE NOT IN TROUBLE" (to the male buying the vodka).

I then explained to the males that the shop was open 'after hours' and that the alcohol had been sold in breach of their licence. I then asked the member of staff, who I recognised as the DPS Mr Abdul LATIB to refund the gentleman which he did. There was some small confusion as the male had paid £13.49, but was refunded £14.00. I said that was a matter for the both of you and the males left.

Mr LATIB started immediately started making excuses "I WAS CLOSED, THEY BEGGED ME FOR A DRINK BECAUSE THEY HAD A PIZZA I HAVE NOT SOLD ANYTHING ELSE TO ANYONE".

At that point Ms DRIVER introduced herself as a Council Official presenting her warrant card to him and I heard her say "THAT'S NOT TRUE I JUST BOUGHT A CAN OF LAGER FROM YOU AND YOU NOT TELL ME NO".

I then asked Mr LATIB to confirm his name, date of birth and address for me which he did stating Abdul LATIB; DOB 18/09/1985; 35, WHITECHURCH LANE, LONDON E1 7QR

I seized the bottle of Smirnoff Vodka (that he had just sold) from the counter and I produce this in evidence as exhibit BOR/1 - sealed in evidence bag C36675930.

I then inspected Part A of the Premises Licence to confirm that the shop should cease the sale of alcohol at 23:00 hours and be completely closed by 23:30 hrs. This is my fourth visit to the premises in as little as 21 days in which I have now recorded four separate licensing offences being committed. It simply appears that Mr LATIB has no regard for his Premises Licence, nor licensing legislation and is incapable of managing an off-licence. He has ignored my advice given to him in the Section 19 Notice of 5th October 2013 and again tonight (between 00:30 hours and 01:00 hours) there was a constant stream of customers banging on the door and actually getting quite vocal and aggressive when told by Ms DRIVER or myself that the shop was closed. This is almost 1 ½ hours after the whole premises should be closed and 2 hours after the sales of alcohol should cease.

Signature:  Signature witnessed by: N/A.....

Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then completed one Met Police Licensing Form from 'Book 694' "Notification of alleged offences under the Licensing Act 2003", ticking the following offences:

- o - SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON'
- o 'UNDER SECTION 137 (1) EXPOSING ALCOHOL FOR RETAIL SALE WITHOUT AN AUTHORISATION',

He signed the Form 694 and I gave him a copy. I produce this in evidence as exhibit BOR/2 - sealed in evidence bag C36783330.

I then explained the form to him and further that the Police would be making an application to Thames Magistrates Court next week under Section 20 to seek a Closure Order for the premises. Ms DRIVER advised him to go to a solicitor for advice, stressing how serious the situation could be for his business. At that time, we were unsure about the need to further report for process in regards to the 'test purchase' and sale of the vodka as that caused the breach of the Section 19. However having returned to the police station, it appears to me that the guidance from the Home Office is quite clear and essentially as another (and separate) offence *has* occurred, I shall return tonight and formally 'report for process' Mr LATIB for this matter.

I then left the premises.  P(29145)

Signature:



Signature witnessed by:

N/A.....

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# Appendix 13

**WITNESS STATEMENT**


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

Statement of **Brendan Paul O'ROURKE** ..... URN: 

<b>01</b>	<b>HT</b>		<b>13</b>
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222** .....

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

Signature:  ..... *PC JAW* ..... Date: **26/10/2013** .....

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


This statement is in relation to the Report for Summons in regards a test purchase at Low Cost Food 34 WHITECHURCH LANE, LONDON E1 7QR on Saturday 26th October 2013.

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police. This statement is linked to the one timed at 01:30 hours of today.

On Saturday, 26th October 2013, I was on duty in plain clothes when at approximately 22:05 hours I attended at the above premises and met Mr LATIB, who recognised me on entering, greeting me with "I AM NEVER GOING TO FORGET YOU".

I said to him "THERE IS JUST ONE MATTER I NEED TO CLARIFY WITH YOU FROM THIS MORNING AND THAT IS THAT I NEED TO REPORT YOU FOR OPENING LATE AND SELLING ALCOHOL AFTER HOURS".

I then said "I SHOULD POINT OUT THAT IT IS AN OFFENCE UNDER SECTION 136 OF THE LICENSING ACT TO CARRY ON OR ATTEMPT TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON, WHICH BASICALLY MEANS OPENING AFTER TIME AND SELLING ALCOHOL AFTER TIME".

Signature:  ..... *PC JAW* ..... Signature witnessed by: **N/A** .....



Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then gave the 'Now' Caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED".

He made no reply. I recorded this in an Evidence and Actions Book (EAB). He asked me if there was any paperwork for this one and I advised no, other than the form he had received this morning.

I then left the premises.



*pc jenkins*

Signature:



Signature witnessed by:

N/A.....

*pc jenkins*

# Appendix 14



**TOTAL POLICING**

Book 694

Venue Copy

### Notification of alleged offences under the Licensing Act 2003

Venue Name: NFM London Ltd REF: (CAD/CRIS etc.) \_\_\_\_\_

Address: 34, White Church Lane  
London E1 7QA Date: 26/10/13 Time: 0045

Details of person in charge at the relevant time: Abdul LATIF

DPS  Personal Licence Holder

#### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

PC JAIN witnessed a sale of Smirnoff vodka at 00:30 hours on Saturday 26/10/13. Premises should have closed at 23:30 hours & have breached a previous Section 19. Blot.

Issuing officer: PC JAIN [Redacted] Print: J. Kowthke

I acknowledge receipt of this form: (venue) [Redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

# Appendix 15

**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: Alexander Lisowski .....

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

This statement (consisting of two 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 4th October, 2013 .....

I am a licensing officer for The London Borough of Tower Hamlets.

The Off Licence, 34 White Church Lane, London, E1 7QR, has a premises licence for the off-sale of alcohol. Condition 1, in Annex 3 of the licence states, "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." I present a copy of the premises licence as Exhibit AL/1.

On Tuesday, 2<sup>nd</sup> October, 2013, I was on duty with Mr Iain Waring, a Council environmental health officer, and Police Constables Alan Cruickshank and Brendan O'Rourke. At approximately 15.42pm Mr Waring went to 34 White Church Lane to make a test purchase. The rest of us waited nearby. Mr Waring returned with a can of "Skol Super" lager which he told me he had purchased, on it's own, at the off-licence (Exhibit AL/2). The alcoholic strength of the lager was shown on the can as 9% ABV. On both sides of the can, in the middle, are the words, "Skol Super". Underneath that is the phrase "Alc 9% Vol".

We all then went to the off-licence. Behind the counter at the off-licence was a man I now know to be Homaon Roshid. Mr Waring identified Mr Roshid as the man who had sold him the

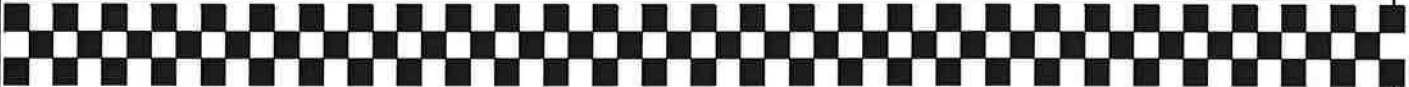
Signature: .....

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)**

can of Skol Super. I pointed out the offence of selling high strength lager, contrary to the conditions of the shop's premises licence, to Mr Roshid. I then reported and cautioned him for the offence, at 15.42pm. He made no reply to caution [REDACTED]

[REDACTED]



**Witness contact details**

Home address:

Postcode:

Home telephone No:

Work telephone No:

# Appendix 16

**WITNESS STATEMENT**

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

URN 

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Statement of: Ian Wareing .....

Age if under 18: Over 18 ..... (if over 18 insert 'over 18') Occupation: Technical Officer, Environmental Protection .....

This statement (consisting of one page 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 9th October, 2013 .....

I am an Environmental Health Technical Officer employed by the London Borough of Tower Hamlets Council. On Tuesday, 2nd October, 2013 at 15.42 I entered an Off Licence at 34 White Church Lane, London, E1 7QR. As I entered the premises, I noticed a large display cabinet on my right hand side. Towards the bottom of the cabinet I saw a can of Skol Super. I picked up the can and saw that it was a high strength beer as it had 9% Vol written on it. I queued behind a white male and then reached the counter to be served by a slim Asian male with a black beard. He appeared to be the only member of staff in the shop. I put the can of drink on the counter and he said "one pound forty five please". I gave the man a ten pound note; he then returned Eight pounds and fifty five pence. I then left the shop and headed north on Whitechurch Lane to meet with my colleagues from the Police, PC Alan Cruickshank and PC Brendan O'Rourke, and from London Borough of Tower Hamlets Licensing, Mr Alex Lisowski. I explained to them what had just happened. We then all returned to the off licence, where I was asked by Alex Lisowski if the man behind the counter was the man that had served me and, I confirmed it was the same.

Signature:

Signature witnessed by:



# Appendix 17

**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: Andrew Heron .....

Age if under 18: Over 18 ..... (if over 18 insert 'over 18') Occupation: LICENSING OFFICER .....

This statement (consisting of 5 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 11-10-2013 .....

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

I am Andrew Heron and I am employed as a Licensing Officer by the London Borough of Tower Hamlets. On 4<sup>th</sup> October 2013 I was working with Metropolitan Police Officer Brendan O'ROURKE (PC 291 HT) into the early hours of 5<sup>th</sup> October 2013.

At 00:15 I parked the Tower Hamlet Trading Standards departmental van in Adler Street, E1 while PC O'ROURKE went to an Off Licence at 34 White Church Lane, E1 7QR to attempt a test purchase of alcohol. PC O'ROURKE returned to the van some 5 minutes later and showed that he had purchased x1 can Guinness. He then returned to the premises to make a further purchase and returned with x1 can 'K' cider with a packet of crisps and advised that they had cost £2.24. I moved the van to Coke Street, E1 where the can of 'K' cider was placed into Evidence Bag LA035239. I accompanied PC O'ROURKE to the premises.

We arrived at the off licence at 00:35. I showed my warrant to the IC4 gentleman behind the till, who identified himself to be Mr Humaon RASHID. I asked him to close the shop, which he did. The door was locked, the 'open' sign was turned around and the illuminated 'open' sign was switched off.

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**

Mr RASHID showed us his driving licence which gave a DOB: 01/01/1988. He advised that he also had a personal licence with London Borough of Tower Hamlets, but that he did not have it with him. I asked Mr RASHID what time the premises licence allows them to sell alcohol. He advised that they could sell alcohol until 23:30. I pointed to the summary of the premises licence that was along from the counter (numbered: 16774) and showed that it states 23:00. I advised that PC O'ROURKE had been served past midnight, to which PC O'ROURKE advised he had been served by Mr RASHID.

Another IC4 gentleman came behind the counter. He identified himself as Mr Abdul LATIB, the DPS on the licence. I asked him what time he can sell alcohol until, which he replied 23:30. I advised that PC O'ROURKE had been served after midnight, to which he said he didn't know as he hadn't been in the shop, which PC O'ROURKE stated that Mr LATIB had been present at the time of the test purchases. Mr LATIB apologised. I asked to see a full copy of the licence, which he was able to produce. It was in an envelope behind the counter that also contained the decision of the Tower Hamlets Licensing Sub Committee to grant the licence, dated 5<sup>th</sup> June 2013, signed by myself. I asked if he had read and understood the licence and the cover letter, which he reluctantly advised he had. I then took the main licence and looked at each condition in Annex 3 to see if there were currently any breaches.

Condition 1 states: The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together'. I advised that I was aware that he had received advice about this over the phone earlier that day with my colleague, Licensing Officer Alex Lisowski, which he agreed he had made a phone call to the Council. I

Signature:

2004(1)

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)

advised that not only had they sold after their hours, but that they had sold a single can of high strength alcohol. Mr LATIB said that he did not understand the condition, he thought that he had the same conditions on the licence as when he had previously owned an off licence across the road at 35 White Church Lane. I advised that he and I had been at the Hearing and had received the decision letter which clearly stated that this condition had been added.

Conditions 2 and 3 state: 'CCTV camera system covering both internal and external to the premises is to be installed'; 'The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority'. I asked if they had CCTV, to which he pointed at cameras mounted on the ceiling. I asked if it was working, for which he agreed it was. I asked to see where we could watch the recording, he advised that it was in the basement, I asked to see it. As I was shown to the door of the basement, he said that it wasn't plugged in. I went downstairs and found that the unplugged CCTV monitor was face down on the floor. There was a bundle of wires which were explained to be to be for the CCTV system, that they did not yet have installed. I returned to the shop floor.

Condition 5 states: 'Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly'. I asked where the signs were and was advised that there weren't any.

Condition 11 states: 'The trader shall obtain and use a UV detection device to verify that duty stamps are valid'. I asked to see the UV light and was shown a system that was designed to be used on bank notes. I asked where the one was for use on duty stamps, which he did not understand what a duty stamp was. I asked for a large bottle of gin and showed the label, which

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**

they then tried to hold against the UV light, but due to the designed shape of the reader, it did not reflect the stamp. I said that I believed that it was inadequate for the purposes of complying with Condition 11.

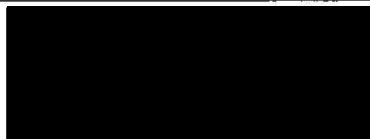
Condition 18 states: 'All exits and escape routes to those exits (including external escape routes) from the premises shall be clearly marked, maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises'. I asked where the exit signs were, but there were none in the shop. I was shown a door to the rear of the shop that led to an external fire exit. The outer fire exit was labelled, but the inner door in the shop was not.

Condition 25 states: 'There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting the premises containing details of the trading hours under the premises licence'. I asked where the sign was, but Mr LATIB that there was not one.

Condition 33 states: 'A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age'. I asked where the sign was, but Mr LATIB agreed that there was not one.

Mr LATIB showed us his personal licence, which had a Licence Number: MVDC594, issued by Mole Valley District Council. The address stated on the card (and on the premises licence was: 13A Hampstead Road, Dorking, Surrey, RH4 3AF. PC O'ROURKE asked if he still lived at that address, to which he advised it was now his cousin's address; that he had moved to 35 White Church Lane since his shop had changed premises. I advised that he had a duty to

Signature:



Signature witnessed by:

2004(1)

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


inform the Council as this is an offence under the Licensing Act 2003 not to keep it updated.

I told Mr LATIB that I had some genuine concerns with his ability to manage the off licence. Mr LATIB said that as it was his first mistake, we should let him off. I asked why the premises continued to be open and selling alcohol beyond its hours, he replied it was a mistake.

For the entire duration of our visit to the premises, there was a constant stream of people trying to come into the shop, whom expressed annoyance that the premises was closed. In particular, there were x2 IC1 young gentlemen that said that they had been to the cash point to come back to buy booze, as he had told them to (pointing at Mr RASHID). I expressed concern that so many people were still coming to the shop expecting it to be open.

PC O'ROURKE issued a Section 19 Closure Notice and a Notification of Alleged Offences Under Licensing Act 2003 form, giving the caution at 01:18.

We departed the premises at 01:20 and returned to the van, at which point the can of Guinness that had been purchased earlier was placed into Evidence Bag: LA035242.

On Monday 7<sup>th</sup> October 2013, I conducted a Companies House search on NFU London Ltd. (company number: 8248216) and found that Abdul LATIB (DOB: 18.09.1985) had resigned as Director of the company 06/08/2013. The Director since that time has been Humaon RASHID (DOB: 01/01/1988). I also found that Mr RASHID has a personal licence with Tower Hamlets (Licence No. 16812) addressed to 35 White Church Lane, London, E1 7QR. 

Signature:

2004(1)

Signature witnessed by:

e 330

# Appendix 18

**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: Kathy Joanne DRIVER .....

Age if under 18: Over 18 ..... (if over 18 insert 'over 18') Occupation: LICENSING OFFICER .....

This statement (consisting of 3 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.

..... Date 27.11.2013 .....

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

I am Kathy Joanne DRIVER and I am employed as a Principal Licensing Officer by the London Borough of Tower Hamlets in the Licensing Section of Consumer and Business Regulation Service.

On 26<sup>th</sup> October 2013 I was working in partnership with Metropolitan Police with PC Brendan O'ROURKE under Operation Dymock, licensing compliance visits.

At around 00:25 I arrived outside Low cost food and wine, 34 Whitechurch Lane, London E1 7QR, as I stopped to observe the shutters were pulled halfway down, I saw an IC4 male open the door and let two IC1 males inside, I entered the premises, the shutters were down enough for me to gain access to the premises, the door was unlocked and the lights were on inside.

Two IC1 males were at the counter. As I entered, the counter was on the left nearest to the entrance door, there were shelves of wine and beer on display on the right of the premises, I picked up a can of pepsi max from the fridge and went to the counter, behind the counter were shelves of spirits, I asked the IC4 male, who I now know to be Mr Abdul LATIB, for a small bottle of vodka, he asked me which one I wanted, I answered a bottle of Glens Vodka. He reached for the vodka and placed it on the counter and I gave him the can of pepsi. He charged me £7.99 plus 49p for the pepsi. I gave him £10 note and I received £1.52 change.

Signature



Signature witnessed by:

2004(1)



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

He placed the items in a small black carrier bag and I left the premises at 00:28.

I returned to the premises accompanied by PC O'ROURKE where the two IC1 males were still inside, PC O'ROURKE asked the two males if they had purchased alcohol, one of them proceeded to show a bottle of Smirnoff vodka from one of the carrier bags they held including other food items items.

Myself and PC O'ROURKE showed our authorisations and introduced ourselves. PC O'Rourke advised the customers that they should not have been sold the alcohol. PC O'Rourke requested Mr. LATIB refund the cost of the vodka to the customers and advised he would be seizing the bottle as evidence.

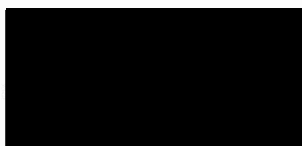
On request Mr. LATIB was able to produce a copy of the licence which I now produce as licence no: 16774 I Exhibit WHITE34.001 which has been in place since 16th May 2013.

I questioned Mr Latib whether the address on the licence was correct and he stated yes. The address given was 13A Hampstead Road, Dorking, Surrey RH4 3AF he then gave O'ROURKE a different residing address as 35 Whitechurch Lane, London E1 7QR.

I advised Mr. Latib of the serious nature of our visit and that despite warnings he continued to sell alcohol. A number of people were trying to get in the premises whilst on the premises and in my view appeared they were somewhat surprised the premises had closed, so much so that they were hanging around outside for some time.

Once O'ROURKE had completed his documentation we then left the premises.

Signature:



Signature witnessed by:

2004(1)

I identify this exhibit as that referred to in the statement signed by me

Exhibit number: WHITE34.001

Date: 27/11/2013

[REDACTED]

**(Off Licence)  
34 White Church Lane  
London  
E1 7QR**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan** [REDACTED] [REDACTED]  
**Trading Standards and Licensing Manager**

**Date: 16<sup>th</sup> May 2013**



**Part A - Format of premises licence**

Premises licence number

16774

**Part 1 - Premises details**

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

34 White Church Lane

**Post town**

London

**Post code**

E1 7QR

**Telephone number**

020 7246 0141

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

**Sale of Alcohol (off sales only)**

- Monday to Saturday from 07:00hrs to 23:00hrs
- Sunday from 09:00hrs to 23:00hrs

**The opening hours of the premises**

- Monday to Saturday from 07:00hrs 23:30hrs
- Sunday from 08:00hrs to 23:30hrs

**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**

NFU London Ltd.  
35 White Church Lane  
London  
E1 7QR

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

8248216

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

Abdul Latib



**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: MVDC594  
Issuing Authority: Mole Valley District Council

## **Annex 1 - Mandatory conditions**

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

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

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

1.

- (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.

2. The responsible person shall ensure that;

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

## **Annex 2 - Conditions consistent with the operating Schedule**

None Applicable

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

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. CCTV camera system covering both internal and external to the premises is to be installed;
3. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority;
4. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises;
5. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
6. No nudity or semi nudity permitted;
7. Alcohol shall only be sold in sealed containers;
8. 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;
9. 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
10. Legible copies of the documents referred to in 9) shall be retained on the premises and made available to officers on request;
11. The trader shall obtain and use a UV detection device to verify that duty stamps are valid;
12. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately;
13. Every incident of crime or disorder in the premises shall be reported to the Police by the Designated Premises Supervisor (DPS) or a nominated member

of staff. The DPS and all members of staff shall ensure that all lawful and reasonable instructions and/or directions given by the Police are complied with;

14. Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use;
15. Emergency light and smoke detector system shall be installed at the locations marked, "emergency light" and "smoke detector" on the plan of the premises;
16. Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook;
17. The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book;
18. All exits and escape routes to those exits (including external escape routes) from the premises shall be clearly marked, maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises;
19. Fire fighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers;
20. Fire fighting equipment shall be examined regularly by the manufacturer or other competent person and maintained and tested in accordance with BS 5306 Part 3, 2000;
21. All members of staff will be familiar with the operation of the fire fighting equipment;
22. All staff shall be instructed and trained to ensure that they understand the fire precaution measures in the premises and the procedure and action to be taken in the event of fire;
23. The electrical installation will be inspected annually;
24. Any gas boiler, calorifier or other gas appliance will be tested on a regular basis.
25. There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting the premises containing details of the trading hours under the premises licence;
26. All staff shall be instructed and trained to ensure customers are discouraged from congregating outside the premises;



27. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents;
28. The premises will only be open to the public between the hours as set in this application;
29. All staff shall be instructed and trained to ensure no deliveries of stock are made to the premises between 22:00hrs and 08:00hrs on any day;
30. All staff shall be instructed and trained to ensure that external illumination signs are switched off when the premises are closed for licensable activities;
31. All staff shall be instructed and trained to ensure the sale or supply of alcohol is prohibited to any person who is intoxicated;
32. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the Home Office, a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth;
33. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

#### **Annex 4 - Plans**

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

14<sup>th</sup> January 2013 (Drawing Number: 2012 / 014/003)



**Part B - Premises licence summary**

**Premises licence number**

16774

**Premises details**

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

34 White Church Lane

**Post town**  
London

**Post code**  
E1 7QR

**Telephone number**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

<p>The times the licence authorises the carrying out of licensable activities</p>	<p><u>Sale of Alcohol (off sales only)</u></p> <ul style="list-style-type: none"> <li>Monday to Saturday from 07:00hrs to 23:00hrs</li> <li>Sunday from 09:00hrs to 23:00hrs</li> </ul>
<p>The opening hours of the premises</p>	<ul style="list-style-type: none"> <li>Monday to Saturday from 07:00hrs to 23:30hrs</li> <li>Sunday from 08:00hrs to 23:30hrs</li> </ul>
<p>Name, (registered) address of holder of premises licence</p>	<p>NFU London Ltd. 35 White Church Lane London E1 7QR</p>
<p>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</p>	<p>Off sales only</p>
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	<p>8248216</p>
<p>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol</p>	<p>Abdul Latib</p>
<p>State whether access to the premises by children is restricted or prohibited</p>	<p>No restrictions</p>

# Appendix 19



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Tower Hamlets Borough  
Licensing Office**

Mr Abdul LATIB  
13 A Hampstead Road  
Dorking  
Surrey  
RH4 3AF

**Limehouse Police Station,  
West India Dock Road,  
London,  
E14 8EZ**

Office: **020 7275 4950/4911**  
Mobile: **07825 850 906**

Email:  
Brendan.O'Rourke@met.pnn.police.uk

Your ref:  
Our ref: LIC/301013/13

30th October 2013

Dear Mr Latib,


**Re: Section 19 Closure Notice - issued 05/10/13 for 34, White Church Lane, LONDON E1 7QR**

Further to the Section 19 Closure Notice - Criminal Justice and Police Act 2001 - that police issued to you on 05/10/13 at 00:45 hours - it is without further notice cancelled and withdrawn by police.

In regards to the alleged breach of this Section 19 Closure Notice on 26/10/13 at 00:25 hours that matter is therefore also concluded and there will be no action at Thames Magistrates Court this week, (as advised last Saturday 26/10/13 in regards the alleged breach).

If you have any questions about this, please don't hesitate to contact me.

*Yours sincerely,*

  
Brendan O'Rourke  
PC 291 HT

# Appendix 20



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Tower Hamlets Borough  
Licensing Office**

Mr Abdul LATIB  
13 A Hampstead Road  
Dorking  
Surrey  
RH4 3AF

OK

**Limehouse Police Station,  
West India Dock Road,  
London,  
E14 8EZ**

Office: 020 7275 4950/4911  
Mobile: 07825 850 906

Email:  
Brendan.O'Rourke@met.pnn.police.uk

Your ref:  
Our ref: LIC/011113/13

1st November 2013

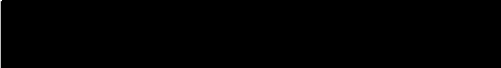
Dear Mr Latib,

**Re: Request under Sec 51 Licensing Act for a Review of Premises Licence  
Low Cost Food and Wine, 34, White Church Lane, LONDON E1 7QR.**

Please find attached a copy of the application police have made to review your premises licence.

If you have any questions about this, please don't hesitate to contact me.

Yours sincerely,

  
Brendan O'Rourke  
PC 291 HT





# Appendix 21



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Tower Hamlets Borough  
Licensing Office**

Mr Abdul LATIB  
13 A Hampstead Road  
Dorking  
Surrey  
RH4 3AF

**Limehouse Police Station,  
West India Dock Road,  
London,  
E14 8EZ**

Office: **020 7275 4950/4911**  
Mobile: **07825 850 906**

Email:  
Brendan.O'Rourke@met.pnn.police.uk

Your ref:  
Our ref: LIC/011113/13

5th November 2013

Dear Mr Latib,


**Re: Request under Sec 51 Licensing Act for a Review of Premises Licence  
Low Cost Food and Wine, 34, White Church Lane, LONDON E1 7QR.**

Further to the letter sent to you on 1st November and a copy of the application to review your premises licence.

I apologise for not making clear what sanction the police seek - which is the *revocation* of your premises licence.

If you have any questions about this, please don't hesitate to contact me.

Yours sincerely

  
Brendan O'Rourke  
PC 291 HT

# Appendix 22



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Tower Hamlets Borough  
Licensing Office**

Mr Abdul LATIB  
Low Cost Food and Wine,  
34, White Church Lane,  
LONDON  
E1 7QR.

**Limehouse Police Station,  
West India Dock Road,  
London,  
E14 8EZ**

Office: **020 7275 4950/4911**  
Mobile: **07825 850 906**

Email:  
Brendan.O'Rourke@met.pnn.police.uk

Your ref:  
Our ref: LIC/011113/13

5th November 2013

Dear Mr Latib,

**Re: Your correct address?**

As police have several different addresses for you, including the address as shown on your premises licence of 13 A Hampstead Road, Dorking, Surrey RH4 3AF and another local address of 35 White Church Lane, London E1 7QR.

Could you please confirm which is the correct address for correspondence?

For continuity, I have enclosed copy correspondence recently sent to you at the address you have given on your premises licence in Surrey.

If you have any questions about this, please don't hesitate to contact me.

Yours sincerely,



Brendan O'Rourke  
PC 291 HT

# Appendix 23

T: +44 (0)203 328 1600  
F: +44 (0)203 328 1601

Oakwood House  
422 Hackney Road  
London E2 7SY

info@miramarlegal.co.uk  
www.miramarlegal.co.uk

DX 40900  
Bethnal Green

PC 291 HT Brendan O'Rourke  
Licensing Unit  
Limehouse Police Station  
West India Dock Road  
London E14 8EZ

Date: 27 November 2013  
Our ref:  
Your ref: LIC/011113/13  
DDI:  
Email:

**Sent by post and e-mail:**  
Brendan.O'Rourke@met.pnn.police.uk

Dear Sir,

**Re: Request under Sec 51 Licensing Act for a Review of Premises License  
Low Cost Food and Wine, 34, White Church Lane, London E1 7QR**

We refer to your letter dated 5<sup>th</sup> November 2013.

Mr. Abdul Latib has instructed us in respect of the revocation of his premises licence and wishes to settle this matter before the hearing takes place at the Magistrates Court on the 5<sup>th</sup> December 2013.

We would be grateful if you could kindly contact us as soon as possible.

Yours faithfully

  
**MIRAMAR LEGAL**

201  
5/12/13

# Appendix 24

WITNESS STATEMENT

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


S

Statement of **Brendan Paul O'ROURKE** ..... URN: 

01	HT		13
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222** .....

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

Signature:  *PC 29141* Date: **08/12/2013**.....

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

This statement is in relation to breaches of the Licensing Act 2003  
at 34 WHITECHURCH LANE, LONDON E1 7QR

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Thursday, 5th December 2013, I attended Thames Magistrates Court and was present when Mr Abdul LATIB, DOB 18/09/1985, of 35, WHITECHURCH LANE, LONDON E1 7QR pleaded guilty to offences under the Licensing Act 2003 - the Magistrates sentenced him to a fine of £385 and suspended his personal licence for one month.


On Saturday, 7th December 2013, I was on duty in full police uniform in the company of Inspector WEEDEN conducting licensing patrols within Tower Hamlets.

At approximately 19:35 hours, I was in a marked police vehicle that parked outside the premises of 34, WHITECHURCH LANE and saw Mr LATIB exit quickly walking away. I said "HELLO MR LATIB, WE ARE HERE TO TALK TO YOU".

He replied "I AM NOT WORKING, I HAVE BEEN HERE TWO MINUTES, I AM SMOKING". He then walked away.

I entered the shop and recognised the two members of staff inside and said to the male behind the counter, "HELLO WE ARE JUST CONDUCTING A LICENSING VISIT".

I then said "CAN YOU CONFIRM YOUR NAME AND DATE OF BIRTH PLEASE"?

Signature:  *PC 29141* Signature witnessed by: N/A .....



Continuation of Statement of **Brendan Paul O'ROURKE**.....

He replied "HOMAON RASHID, 01/01/1988".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "35 WHITECHURCH LANE LONDON E1 7QR".

I said "AND ARE YOU NOW THE DPS"?

He replied "NO, BUT I HAVE A PERSONAL LICENCE".

He then produced it from his wallet and I made a note. It had his photo on it, with his name and address, it was issued by LBTH, number 16812, expiring 22/05/23.

I said "DO YOU HAVE A COPY OF YOUR PREMISES LICENCE PLEASE"?

He produced from behind the counter from an envelope a copy of part A, but four pages were missing, which appeared to be all the mandatory conditions, so it was not possible to clarify the exact wording. Only pages 1 to 4 and 9 to 10 where there, with pages 5 to 8 being removed.

I then asked Mr. RASHID to play back to CCTV for me, but he could not.

I said "DO YOU KNOW HOW TO WORK IT"?

He replied "NO".

I said "SO IF SOMEONE HAD JUST BEEN STABBED OR ASSAULTED IN YOUR SHOP RIGHT NOW AND THE POLICE WANTED TO LOOK AT THE SUSPECT YOU COULD NOT SHOW ME"?

He replied "NO".

I said "I'M CERTAIN THAT IS A PART OF YOUR LICENCE CONDITIONS, I'M JUST GOING TO BRICK LANE POLICE STATION TO GET A COPY AND WILL COME BACK LATER".

I then said "IT'S REALLY IMPORTANT THAT YOU ASK MR LATIB TO SHOW YOU HOW TO WORK THE CCTV OR ASK THE PEOPLE WHO INSTALLED IT TO TRAIN YOU. IF ANYONE HAD BEEN ASSAULTED OR INJURED, WE WOULD WANT TO LOOK AT IT STRAIGHT AWAY SO WE COULD TRY AND IDENTIFY AND SUSPECTS, IT'S TO PROTECT YOU AND THE STAFF HERE TOO, NOT JUST YOUR CUSTOMERS". He said that he would and understood why it was important.

At approximately 22:30 hours I returned with Inspector WEEDEN and Mr RASHID was still there. I showed him the full premises licence and showed him the various paragraphs (Annex 1.b; 3.4) that I had been talking about and again explained why they were so important and that they had only been put on the premises licence on 16th May 2013.

Signature: 

Signature witnessed by: N/A.....

*PC JAHN*

Continuation of Statement of **Brendan Paul O'ROURKE**.....

I said to him "DO YOU HAVE A TEN? A TEMPORARY EVENT NOTICE OR HAVE YOU APPLIED TO VARY YOUR LICENCE AND BECOME THE DPS"?

He replied "NO, I JUST HOLD MY PERSONAL LICENCE".

I then said "IF YOU LOOK HERE AT ANNEX 1 IT SAYS NO SUPPLY OF ALCOHOL MAY BE MADE UNDER THE PREMISES LICENCE UNDER A AT A TIME THERE IS NO DESIGNATED PREMISES SUPERVISOR IN RESPECT OF THE PREMISES LICENCE OR UNDER B WHEN THE DESIGNATED PREMISES SUPERVISOR DOES NOT HOLD A PERSONAL LICENCE OR HIS PERSONAL LICENCE IS SUSPENDED. MR. LATIB HAD HIS PERSONAL LICENCE SUSPENDED ON THURSDAY AT THAMES MAGISTRATES COURT YOU SHOULD NOT BE SELLING ALCOHOL AS YOU ARE NOT THE DPS".

He did not reply.

I then completed Met Police Licensing Form 'Book 694' "Notification of alleged offences under the Licensing Act 2003".

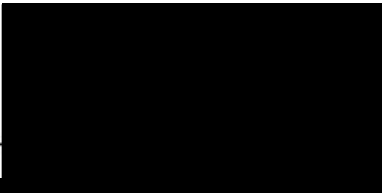
At 22:40 hours, I said to Mr. RASHID "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCES:

- 'UNDER SECTION 57 (7) FAIL TO PRODUCE A PREMISES LICENCE OR A CERTIFIED COPY'
- 'UNDER SECTION 109 (8) FAIL TO PRODUCE A TEN TO A POLICE OFFICER'
- 'UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON''

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply.

The above offences are recorded on the form from Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/1 - sealed in evidence bag D43843353.

I then left the premises.



*P. Jalil*

Signature:



Signature witnessed by:

N/A.....



**TOTAL POLICING**

Police Book 694  
Venue Copy

### Notification of alleged offences under the Licensing Act 2003

Venue Name: Low Cost Food + Wine REF: (CAD/CRIS etc.)

Address: 34, WHITECHURCH LANE  
LONDON E1 7AR Date: 07/12/13 Time: 2240

Details of person in charge at the relevant time: Mr Homagon RASHID

DPS  Personal Licence Holder

**Summary of alleged offences identified**

LSTW 16812

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details: on 05/12/13 the DPS had his personal licence suspended for one month at Thames MC. on 07/12/13 police conducted a compliance check at 1935. Mr RASHID was unable to produce a full copy of the premises licence, unable to operate the CCTV when requested to operate it. As the DPS personal licence is suspended. there is a breach under Annex 1 (along with Annex 3-4 CCTV).

Issuing officer: [Redacted] Print: O'Rourke

I acknowledge receipt of this form: (venue) X [Redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

# Appendix 25

per

per



TOTAL POLICING

Police Book 694  
Venue Copy

### Notification of alleged offences under the Licensing Act 2003

Venue Name: Low Cost Food + Wine REF: (CAD/CRIS etc.)

Address: 34, WHITE CHURCH LANE  
LONDON E1 7QR Date: 07/12/13 Time: 2240

Details of person in charge at the relevant time: Mr Womson RASHID

DPS  Personal Licence Holder

#### Summary of alleged offences identified

LSTN 16812

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details: on 05/12/13 the DPS had his personal licence suspended for one month at Thames MC. on 07/12/13 police conducted a compliance check at 1935. Mr RASHID was unable to produce a full copy of the premises licence, unable to operate the CCTV when requested to operate it. As the DPS personal licence is suspended. there is a breach under Annex 1 (along with Annex 3-4 CCTV).

Issuing officer: [Redacted] RASHID Print: O'Rourke

I acknowledge receipt of this form: (venue) [Redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

# Appendix 26

**WITNESS STATEMENT**

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

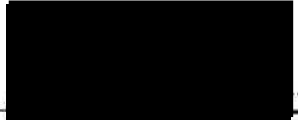
Statement of **Brendan Paul O'ROURKE** ..... URN: 

<b>01</b>	<b>HT</b>		<b>13</b>
-----------	-----------	--	-----------

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222** .....

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

Signature:



*PC Jean W*

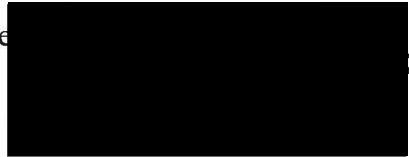
Date: **11/12/2013**.....

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

Statement in relation to exhibiting photographs taken at Low Cost Food & Wine,  
34 WHITECHURCH LANE, LONDON E1 7QR on 07/12/13.

On Wednesday, 10th October 2013, I was on duty, when I attended at the above premises and took the following photographs, which I produce in evidence as follows:

- BOR/1 - External photo showing premises frontage.
- BOR/2 - Fridge containing beer (has a shutter)
- BOR/3 - Display shelf of wines (no shutter)
- BOR/4 - Display shelf of spirits etc (behind the counter, no shutter)
- BOR/5 - Overall view from rear of premise



*PC Jean W*

Signature:



*PC Jean W*

Signature witnessed by:

N/A .....



BOR | 1



BOR | 2







# Appendix 27

**WITNESS STATEMENT**

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

**Statement of**      **Colin REED 17HT** .....      URN:      

--	--	--	--

Age if under 18      **Over 18** .....      (if over 18 insert 'over 18')      Occupation:      **Police Sergeant P203973**.....

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

Signature: .....      Date: .....

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

This statement refers to the licensing visit conducted at Low Cost Food and Wine, 34 White Church St, E1, on Friday 13th December 2013.

I am the above named officer and have worked for the Metropolitan Police Service for approximately thirteen years. On that day I was working with my team, Weavers Ward NPT, and was tasked under Operation Condor to undertake licensing visits, in the company of the UK Border Agency.

We called at Low Cost Food and Wine at approximately 2015 hours. The licensee Abdul LATIB was not on the premises, however, a Mr Mohammed Homoan ROSHID DOB 01/01/1988 was contacted by phone by the two persons present and he arrived on premises a short time later, stating that he was having a nap at number 35. He was asked to show his personal licence which he had to leave and retrieve, but did produce a personal licence issue number 16812. There were two males present when we first arrived on scene, Mr Noman AHMED DOB 02/06/1974 and Mr Sultan MAHMUD DOB 19/06/1990. Mr AHMED, of 57 SPEY STREET E14 6PP, stated that he was an Italian national and was on a weeks free trial at the shop, that he was receiving benefits but was not being paid. Today was the fourth day of his free trial. Mr MAHMUD who was behind the counter when entering stated that he was 'volunteering' at the shop, was not being paid. Unfortunately immigration checks showed that he was an over stayer in the UK, and so he was arrested and now faces deportation. Mr ROSHID was asked why he had not conducted proper checks of Mr MAHMUD before employing him, he explained that MAHMUD had come in to the shop about 1700 hours, and was on a trial only basis. I pointed out that he was extremely trusting to leave his shop with a man he met two hours previously, but maybe not the actions of a responsible licence holder. Immigration also informed Mr ROSHID that employing a foreign national without making the necessary checks could render him liable to prosecution.

Signature: .....      Signature witnessed by: .....

# Appendix 28



Ms Kathy Driver,  
Principal Licensing Officer,  
London Borough of Tower Hamlets,  
Licensing Section,  
Mulberry Place,  
5 Clove Crescent,  
London,  
E14 2BG

Limehouse Police Station,  
West India Dock Road,  
London,  
E14 8EZ

[REDACTED]  
[REDACTED]

Your ref:  
Our ref: LIC/011113/13

18th January 2014

Dear Ms Driver,

**Re: Additional evidence - In the matter of: Request under Sec 51 Licensing Act for a Review of Premises Licence Low Cost Food and Wine, 34, White Church Lane, LONDON E1 7QR.**

Further to my letter dated 11th December 2013, submitting the supporting evidence in this matter. There has been one more significant incident which occurred on 13/12/13 at the premises, which I would wish to bring to the Committee's attention.

On 13/12/13 police conducted 'Operation Condor' - a London-wide licensing enforcement operation with external partners. During the operation a police sergeant visited Low Cost Food & Wine with officers from the United Kingdom Border Agency (UKBA). In short a person working on the premises was arrested for being an illegal immigrant (overstaying his visa) and was conveyed to a UKBA Detention Centre, pending deportation.

Supporting statements (attached from PS Reed and Ms Khay from UKBA [AWAITS]) fully outline the circumstances.

But in short, due to Mr Latib having had his personal licence suspended for one month by Magistrates sitting at Thames Magistrates Court on 05/12/13 and Mr Roshid being 'acting DPS' (from 10/12/13 with a pending application to vary DPS). Whilst Mr

Roshid was not actually on the premises when police and the UKBA arrived at 20:15 hours, he *was* in charge of the premises at the time.

This shows a serious error of judgement on his behalf and quite frankly the explanation given to the police sergeant is not plausible, one quote from PS Reed's statement is:

*"Mr. ROSHID was asked why he had not conducted proper checks of Mr. MAHMUD [male arrested] before employing him, he explained that MAHMUD had come in to the shop about 1700 hours, and was on a trial. I pointed out that he was extremely trusting to leave his shop with a man he met two hours previously".*

In regards to this, I would invite the Committee to additionally consider the following from the **Amended Guidance issued under section 182 of the Licensing Act 2003** - issued by The Home Office June 2013

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

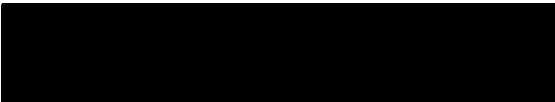
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

Enclosures:

- MG11 from PS REED (dated 18/12/13)
- Email from Mr John McManus, UKBA (dated 09/01/14 re: 06/04/13)

If you have any further questions about the above, please don't hesitate to contact me.

Yours sincerely,

  
Brendan O'Rourke

PC 291 HT

# Appendix 29



O'Rourke Brendan P - HT

From: McManus John [REDACTED]  
Sent: 09 January 2014 14:59  
To: O'Rourke Brendan P - HT  
Subject: Immigration

Brendan

Abdul LATIB 18/09/1985 was arrested on 06/04/2013 when we visited Low Cost Food and Wine, 34 White Church Lane E1 7QR. He claimed to have last entered the UK in 2006 legitimately. However, no trace of his lawful entry was found in Home Office indices. He produced his Bangladeshi passport which contained a counterfeit 'visa' and immigration stamp. LATIB was initially detained but he then submitted a new application for leave to remain so was released while his case is considered. As a condition of his release he has to report to an immigration officer fortnightly and is prohibited from taking employment. No record can be found of LATIB ever having been granted leave to enter therefore he has never had the right to take employment in the UK.

Regards

John  
John McManus  
Immigration Officer  
FIO Tower Hamlets  
Home Office  
Operational Intelligence Directorate  
[REDACTED]

\*\*\*\*\*  
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# Appendix 30

**SCHEDULE OF INCIDENTS AND SUPPORTING EVIDENCE**  
**LOW COST FOOD & WINE, 34, WHITE CHURCH LANE, LONDON E1 5NG**

Item #	Date	Time	Day	Reference	Incident / Event	Details
1	06/04/13	-	-	UKBA	Right to Work	Mr LATIB cannot work in the UK this day onwards
2	06/04/13	-	-	UKBA	UKBA	John McManus, UKBA
3	16/05/13	-	-	LBTH	Premises Licence Issued	Mr LATIB becomes premises licence holder and DPS
4	06/08/13	-	-	Companies House	Directorship	Mr LATIB ceases his directorship of NFU London Ltd (8248216)
5	31/08/13	20:17	Saturday	CAD 9418/31AUG13	Civil Dispute	Call to police regarding a customer refusing to leave claiming being overcharged (Not produced - but a redacted copy available at the Committee hearing)
6	02/10/13	15:42	Wednesday	LBTH / Police	Test Purchase & Breach of Premises Licence	LBTH official purchases single can of alcohol above 5.6% abv - Mr ROSHID makes the sale.
7	“					MG11 from Mr Ian WAREING, LBTH
8	“					MG11 from Mr Alex LISOWSKI, LBTH
9	“					MG 11 from PC 291HT O’ROURKE
10	05/10/13	00:05	Saturday	Police	Test Purchase & Breach of Premises Licence	Police purchase a single can of Guinness (4.2% abv), more than 1 hour after sales should cease. Mr ROSHID makes the sale.
11	05/10/13	00:15	Saturday	Police / LBTH	Test Purchase & Breach of Premises Licence	Police purchase a single can of K cider (8.4% abv), more than 1¼ hours after sales should cease. Mr ROSHID makes the sale. People are seen to be knocking on the door of the premises as late as 01:25 hrs
12	“	01:25	Saturday	LBTH	Further Breaches of Premises Licence	LBTH official reports Mr ROSHID for further breaches of the premises licence
13	“				“	MG 11 from PC 291HT O’ROURKE
14	“				“	MG 11 from Mr Andrew HERON, LBTH

Item #	Date	Time	Day	Reference	Incident / Event	Details
15	“				“	Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001 - with corrective advice.
16	“				“	Copy Form - Book 694 - Notification of alleged offences under the Licensing Act 2003
17	26/10/13	00:20	Saturday	LBTH / Police	Test Purchase	LBTH official purchases a bottle of vodka at 00:20 hours; with an additional sale of another bottle of vodka witnessed at 00:28 hrs - some 1 hour 20 minutes to 1 ½ hour after sales should cease.
18	“				“	MG 11 from PC 291HT O’ROURKE x 3
19	“				“	MG 11 from Ms Kathy DRIVER, LBTH
20	“				“	Copy Form - Book 694 - Notification of alleged offences under the Licensing Act 2003
21	30/10/13	-	-	Police	Letter to Mr LATIB	Withdrawing the above Sec 19
22	05/12/13	-	Thursday	Thames Magistrates Court	Prosecution for offences committed on 26/10/13 only	Mr LATIB pleads guilty and is fined £165; £200 costs & £20 victim surcharge. His personal licence is suspended immediately for 1 month.
23	07/12/13	19:35	Saturday	Police	Breach of Premises Licence	Mr ROSHID was present, but was not the DPS, was unable to produce a full copy of the premises licence (the mandatory conditions had been removed), nor could he operate or playback the CCTV recording system.
24	“				“	MG 11 from PC 291HT O’ROURKE x 2
25	“				“	Copy Form - Book 694 - Notification of alleged offences under the Licensing Act 2003
26	13/12/13	20:15	Friday	Police / UKBA	UKBA arrest employee	UKBA arrest a male at the premises for being an illegal immigrant. Mr ROSHID warned he could be fined up to £10,000 by UKBA.
27					“	MG 11 from PS HT REED
28					“	MG 11 from Ms KHAY, UKBA (AWAITS)
29	Misc	-	-	Police		Exhibits BOR/1 -5 Photographs of premises

# Agenda Item 6.1

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
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