

LICENSING SUB COMMITTEE

Tuesday, 7 October 2014 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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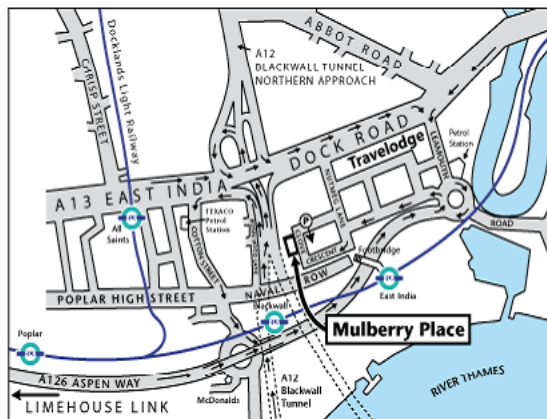
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. 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.

2. RULES OF PROCEDURE (Pages 5 - 20)

To note the rules of procedure which are attached for information.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 38)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 2nd & 16th September 2014.

| | PAGE NUMBER(S) | WARD(S) AFFECTED |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------|
| 4. ITEMS FOR CONSIDERATION | | |
| 4 .1 Application for a Review of the Premises Licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL | 39 - 118 | Spitalfields & Banglatown |
| 4 .2 Application for a Variation of a Premises Licence for Londis 88-90 Columbia Road, London, E2 7QB | 119 - 170 | Weavers |
| 5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT | | |

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Agenda Item 1

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 be deemed as determined by default.

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4. Procedure at the Hearing

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

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

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

evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

- 7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

- 8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:
 - a) it can be accessed by the recipient in a legible form;
 - b) it is capable of being reproduced as a document for future reference;
 - c) the recipient has agreed in advance to receive it in such form;
 - d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

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

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

APPENDIX A

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

| Application Type | Period of Time within which Hearing to be Held (after reps have closed) | Notice Period of Hearing | Notice Sent To | Attendee Reply Form Back In |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------|
| Section 31(3)(a) (determination of application for a provisional statement). | 20 working days | 10 working days | Applicant; People who have made representations | 5 working days |
| Section 48(3)(a) (cancellation of interim authority notice following police objection). | 5 working days | 2 working days | The person who has given Notice; Chief Officer of Police who has given Notice | 1 working day |
| Section 72(3)(a) (determination of application for club premises certificate). | 20 working days | 10 working days | Applicant (club); People who have made representations | 5 working days |
| Section 85(3) (determination of application to vary club premises certificate). | 20 working days | 10 working days | Applicant (club); People who have made representations | 5 working days |
| Section 88(2) (determination of application for review of club premises certificate). | 20 working days | 10 working days | Club that holds club premises certificate; People who have made representations; Applicant | 5 working days |
| Section 105(2)(a) (counter notice following police objection to temporary event notice) | 7 working days | 2 working days | The premises user; Chief Officer who has given Notice | 1 working day |
| Section 167(5)(a) (review of premises licence following closure order). | 10 working days | 5 working days | The holder of the premises licence; People who have made representations | 2 working days |
| Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence). | 10 working days | 5 working days | Applicant; Chief Officer of Police who has given Notice | 2 working days |
| Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate). | 10 working days | 5 working days | Applicant (club) Chief Officer who has given Notice | 2 working days |

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page: www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

| | | | | |
|----------------|--|--------------------|--|-----------------------|
| Public Seating | | Objectors Benches | | Sub-Committee Members |
| Public Seating | | | | Chair |
| Public Seating | | | | Legal Officer |
| Public Seating | | Applicants Benches | | Committee Officer |
| Public Seating | | | | Licensing Officer |

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. Decision letter will be sent to all interested parties confirming the decision made.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 2 SEPTEMBER 2014

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

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Khaled Uddin Ahmed
Councillor Suluk Ahmed

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Adnan Ayub - Item 3.1
Kennith Burleigh - Item 3.1
David Dadds - Item 4.1
Mohammed Qureshi - Item 4.1

Objectors In Attendance:

PC Alan Cruickshank - Item 4.1

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Bundu Khan - 43 Commercial Street, London, E1 6BD

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Bundu Khan, 43 Commercial Street, London E1 6BD. It was noted that objections had been made by a local resident with a supporting petition.

It was noted that all addresses on the petition had been verified as there was no header on the petition and so therefore the petition was accepted as part of the initial representation sent in by Ms Khanum. It was also noted that the representation regarding the protection of children from harm was not a relevant consideration for Members as this was not in the premises however could be seen as public nuisance.

At the request of the Chair, Mr Kenneth Burliegh, Representative on behalf of the Applicant explained that the premises had been trading since 2008 and has been using the Bring Your Own policy since 2009. He explained that it was a fine dining restaurant and wanted to sell alcohol with food. He said that an alcohol licence would give management better control of alcohol consumption by patrons.

It was noted that the Designated Premises Supervisor has had 18 years experience of running licensed premises, that alcohol would be served at tables and that there had been no complaints or problems at the premises.

There was no objector present at the meeting and therefore members considered and noted the objections contained in the agenda.

In response to questions it was noted that the premises was currently trading as a restaurant and customers were bringing there own alcohol, that the premises would operate a Challenge 21 policy and would only sell alcohol with food. It was noted that a drinking up period had not been factored in when applying for the licence.

Members retired to consider their decision at 7.00pm and reconvened at 7.15 pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the applicant.

Members had reached a decision and this decision was unanimous. Members had noted that local residents had made representations. These representations were general in nature. Members were very aware of the problems in the area as well as the types of premises that cause a problem. This was a restaurant, and alcohol would be sold with meals only. There was no off sales of alcohol and there would be a segregated area for children.

It was considered that this premises would not lead to or add to the cumulative impact already being experienced. The premises was already open and trading, Members felt it appropriate to add a condition that 'Alcohol is to only be supplied to persons eating food'.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Bunda Khan, 43 Commercial Street, London E1 6BD be **GRANTED with a condition.**

Sale of Alcohol (on sales only)

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

The Provision of Regulated Entertainment - Recorded Music (indoors)

Monday to Friday from 12:00 hours to 15:00 hours and from 18:00 hours to 23:00 hours

Saturday and Sunday from 12:00 hours to 23:00 hours

Hours Premises is open to the Public

Monday to Friday from 12:00 hours to 15:00 hours and from 18:00 hours to 23:00 hours

Saturday and Sunday from 12:00 hours to 23:00 hours

Conditions

1. Alcohol is to only be supplied to persons eating food.

3.2 Application for a Variation of the Premises Licence for Best Kebab - 275 Commercial Road, London, E1 2PS

This item was withdrawn by the Applicant.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

4.1 Licensing Act 2003 Application for a Premises Licence for 129 Whitechapel High Street, London E1 7PT

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Food Giant Express, 129 Whitechapel High Street, London E1 7PT. It was noted that an objection had been made on behalf of the Metropolitan Police.

At the request of the Chair, Mr David Dadds, Legal Representative on behalf of the Applicant confirmed that the application was for off sales only and not on sales as described in the application as this was an administration error. Mr Dadds noted that the premise was within the cumulative impact zone however asked Members to consider each application on its own merits. He explained that the premise was on the border line of the cumulative impact zone and had the premises been on the other side of the road there would have been no objection to the application.

He then raised concerns as to the statistics and data provided by the Police as evidence, he questioned the interpretation of the statistics and the fact that it did not relate to the premises and that there was no evidence that this premise would cause a negative impact on the area. He then referred to the supporting documents which had witness statements and observations of the area which showed that there were issues arising from that specific area.

Mr Dadds explained that measures had been put in place to promote the licensing objectives such as conditions restricting the sale of super-strength alcohol, having only 15% of the premise used for the display of alcohol etc. It was noted that no other responsible authorities or local residents had objected to the application.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that the premises was within the cumulative impact zone and that the policy had been adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of anti-social behaviour calls and the potential for disorder.

He also stated that the late submission with the witness statement/observations was not appropriate. As there was issues around street drinking in the area and the observation was not a true reflection as the premises was currently not selling alcohol.

In response to questions the following was noted;

- That the premises was within the cumulative impact zone

- That there were no specific problems with the premises as they didn't have a licence.
- That there was a general problem with off licences selling outside trading hours
- That the conditions proposed would help robustly manage the premises and promote the licensing objectives.

Members retired to consider their decision at 7.50pm and reconvened at 8.05 pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the objector and the applicant.

It was noted that the Police objection related to the premises being in the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation is made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Food Giant Express, 129 Whitechapel High Street, London E1 7PT be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Sunday to Thursday from 08:00 hours to 22:00 hours
Friday and Saturday from 08:00 hours to 22:30 hours

Conditions

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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
6. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
7. The premises licence holder shall ensure that refresher training be satisfactorily completed every 12 months for all staff and documented as above.
8. The premises licence holder shall ensure that a Challenge 25 policy is operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card. The premise licence holder shall ensure that notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25' or similar scheme operates in the premises.
9. The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log s as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the products sought, the gender and approximate age of the customer together with a description of the customer as well as the name of the member of staff who refused the sale. The refusal log shall be made available for inspection by the Police or Council Officers.
10. An incident log shall be kept at the premises and shall be made available for inspection by Police or Council Officers upon reasonable request which should record the following;
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - Any visit by a relevant authority or emergency service.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. There shall be no self-service of spirits on the premises

13. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises
14. No super-strength beer, lager or cider of 6.5% abv or above shall be sold at the premises.
15. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screen or secured behind locked cabinet doors.
16. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
17. All waste shall be presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

4.2 Gambling Act 2005 Application for a new Premises Licence Paddy Power, 620 Roman Road, London E3 2RW

The Chair noted that the applicant had requested that the application be deferred and advice from Paul Greeno, Senior Advocate was that since the application was for a new premises licence, the deferment would cause no prejudice to either the applicant or objectors. As it was a new application and as the applicants were unable to attend then it was in the public interest for the applicant to be given the opportunity to make their application to Members rather than the case being determined in their absence. The new date for hearing the application would be 21st October 2014 and that date has been set after checking with the applicants as to availability.

The meeting ended at 8.10 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 16 SEPTEMBER 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Shah Alam

Councillor Gulam Kibria Choudhury

Other Councillors Present:

Councillor Peter Golds

Councillor John Pierce

Officers Present:

| | |
|---------------|---------------------------------------------------|
| Kathy Driver | - (Principal Licensing Officer) |
| Kirsty Panton | - (Legal Services) |
| Ian Wareing | - (Environmental Protection) |
| Simmi Yesmin | - (Senior Committee Officer, Democratic Services) |

Applicants In Attendance:

| | |
|--------------|------------|
| Ben Allali | - Item 4.1 |
| Niall McCann | - Item 4.2 |
| Elaina Sozi | - Item 4.2 |

Objectors In Attendance:

| | |
|------------------|------------|
| Phil Crier | - Item 4.1 |
| Deni Butterfield | - Item 4.1 |
| Saadami Allali | - Item 4.2 |
| PC Mark Perry | - Item 4.2 |

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 24th July, 5th & 19th August 2014 were agreed.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Variation of the Premises Licence for Ferry House, 26 Ferry Street, London E14 3DT**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Ferry House, 26 Ferry Street, London E14 3DT. It was noted that there had been objections from local residents, Environmental Health and a Freeholder. It was noted that the application was only for the 1st floor of the premises and that the application had been amended with a reduction in hours and some conditions had been agreed with Environmental Health.

At the request of the Chair, Mr Ben Allali, Applicant, briefly explained that he had an existing licence on the ground floor and wanted to extend the license to the first floor to primarily operate as a restaurant and therefore was happy to have a condition which restricted the sale of alcohol with food only. He also mentioned that he wished to reduce the hours applied for to Monday-Sunday 11am to 11pm and allowing 20 minutes drinking up time.

It was noted that regulated entertainment had been withdrawn and windows and doors would be shut after 9.30pm to address the noise concerns raised by residents.

Mr Allali, also explained that the premises was a listed building and had a balcony on the 1st floor and wanted that to be accessed by customers, when visiting the premises, it was noted that no consumption of alcohol or smoking would be allowed on the balcony and was happy to restrict the numbers to a maximum of 6-8 people at any one time and for use until 9.30pm.

Mr Allali concluded that there hadn't been any complaints from residents about noise in the last year and that there were other licensed premises in the local area and that he wanted to move more towards becoming a restaurant then a pub.

Members then heard from Mr Phil Crier, representing the Ferry House LLP Freeholders, Councillor Peter Golds, representing Deni Butterfield and Ian Wareing, Environmental Health who all expressed similar concerns of public nuisance and noise nuisance, and fears that it would become a drinking establishment the same as the ground floor and therefore strongly suggested that if a licence were to be granted conditions be set restricting the sale of alcohol with food only and to have no use of the balcony area. It was also noted that the premises had been closed since February 2014 hence why there had been no complaints.

In response to questions the following was noted;

- That the applicant was happy to have a condition that restricted the sale of alcohol to be only served to customers with a meal.
- That the balcony area would be policed by members of staff, ensuring there was no smoking or nuisance being caused.
- That the applicant was happy to reduce hours for the use of the balcony
- That there would be no vertical drinking on the first floor
- That only customers wishing to have a meal would be guided to the 1st floor area.
- It was noted that there was a capacity for 52 people on the 1st floor.

Members retired to consider their decision at 7.15pm and reconvened at 7.25 pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations for all interested parties.

Members heard representations and considered the licensing objective for the prevention of public nuisance. It was noted that the objections mainly related to the use of the balcony area and its close proximity to residents homes and its impact. Members welcomed the withdrawal of the regulated entertainment and reduction in hours. Members believed that specific conditions restricting the sale of alcohol with food only and the restriction for the use of the balcony area would help address the concerns raised by residents.

Members had reached a decision and this decision was unanimous. Members decided to grant the application as amended and added conditions offered by the applicant and those agreed with Environmental Health.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Ferry House, First Floor, 26 Ferry Street, London E14 3DTbe **GRANTED with conditions.**

First Floor

Sale of Alcohol (on and off sales only)

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

Hours Premises is open to the Public

Monday to Sunday from 11:00 hours to 23:20 hours

Non-standard times

New Years Eve from 23:00 hours to 11:00 on New Years Days

Conditions

1. Alcohol to be only served to seated customers and ancillary to a meal.
2. No access to the balcony at any time by customers or members of staff.
3. Maximum capacity on the 1st Floor to be 52 people at any one time.
4. Windows and doors to be closed after 21:30 hours

4.2 Application for a New Premises Licence for A Filo Limited, Unit 9 Ground Floor (Block B), 6 Richmix Square, London, E1 6LD

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for A Filo Limited, Unit 9, Block B. 6 Richmix Square, London E1 6LD. It was noted that there had been objections from local residents, local Councillors, and the Metropolitan Police.

At the request of the Chair, Mr Niall McCann, Legal Representative explained the nature and concept of the premises, he explained that it was a small retail

premises selling high end premium Italian food for people to taste the food and buy the ingredients to take home.

He accepted that the premises was within the Cumulative Impact Zone, however he stated that there were other premises in the area who had and applied for later hours. It was noted that the Applicant wanted to use the outdoor area for dining and would restrict the use of the area to 10pm.

He said that the CIZ but not add to the cumulative impact and as shown in plans very small only has 36 covers with only 700 square foot. Not very big area.

Mr McCann said that the outdoor area would only be used when there was good weather, that it was envisaged that the turnover of the business would comprise of 20% alcohol and 80% food and soft drinks. He further explained that it was a very small premises with 36 covers and that it was miles away from being a bar or vertical drinking establishment. Members were then referred to page 167 of the agenda which had a number of conditions offered by the Applicant to help promote the licensing objectives.

Members then heard from Councillor John Pierce, Ward Councillor, who explained how the continued development and increasing number of restaurants, late night takeaways and off licences and bars was impacting local residents with anti-social behaviour, noise nuisance and the potential to lead to public disorder. It was noted that it would place a considerable strain on police resources and other council resources.

Councillor Pierce concluded that this application and its proposal to sell alcohol in a seated area on Richmix Square would have a debilitating effect on the quality of life for the people that live on Richmix Square many of whom were families with young children living in Eddison Heights.

Members then heard from Mr Saadani Allali, local resident, who stated that the proposed tables and chairs to be put outside the premises would only be 5 meters away from residents bedroom windows and highlighted the growing concerns of anti-social behaviour and noise nuisance in the area.

Members also heard from PC Mark Perry, Metropolitan Police, who said that there was no real concerns specific to the premises, however, it was in close proximity to residential homes which was likely to cause public nuisance. He welcomed the reduction in hours and the agreement to conditions.

In response to questions the following was noted;

- That customers dining outside would finish before 10pm
- That there were 8-10 covers outside
- That the sale of alcohol would be with food only.
- That it was not a vertical drinking establishment
- That residents would be provided with a direct telephone number for the Designated Premises Supervisor

- That a number of conditions had been proposed by the applicant to help promote the licensing objectives

Members retired to consider their decision at 8.10pm and reconvened at 8.20 pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Ms Kirsty Panton, Senior Licensing Advocate, advised Members that a Cumulative Impact Policy was adopted by the Council on 18 September 2013. It was noted that where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. However, the effect of this special cumulative impact policy is to create a rebuttable presumption.

The applicant can rebut the presumption if they can demonstrate that their application for a new licence premises, as in this case would not undermine on the four licensing objectives. The main concerns raised by the objectors appear to be prevention of public nuisance. Therefore the applicant is expected to show this through the operating schedule and with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's representative and from various objectors.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted how the Applicant had amended the application to address the concerns of residents by reducing the hours applied for.

Members were satisfied that the premises would not have a detrimental cumulative impact in the area and therefore granted the application as amended with conditions which which would promote the licensing objectives and restrict the outdoor area helping alleviate the concerns of residents in relation to noise and public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for A Filo Limited, Unit 9, Ground Floor, (Block B), 6 Richmix Square, London E1 6LD be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday to Thursday from 10:00 hours to 23:00 hours
Friday and Saturday from 10:00 hours to 23:30 hours
Sunday from 10:00 hours to 22:00 hours

The Provision of Late Night Refreshments

Friday and Saturday from 23:00 hours to 23:30 hours

Hours premises is open to the public

Monday to Thursday from 08:00 hours to 23:30 hours
Friday and Saturday from 08:00 hours to 00:00 hours (midnight)
Sunday from 09:30 hours to 22:30 hours

Conditions

1. The sale of alcohol shall be ancillary to the provision of food only
2. The outdoor area shall not be used for the consumption of food or drink past 20:00 hours on Sunday to Thursday and 21:00 hours on Friday and Saturday.
3. The outdoor area to be restricted to a maximum of 8 people for seating and dining.
4. Limit the number of smokers outside the premises to a maximum of 5 people at any one time.
5. A designated taxi number shall be available.
6. There will be no draught sales of alcohol.
7. There shall be no self-service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume.
8. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
9. No alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are

recognised photographic identification cards, such as a driving licence or passport.

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
16. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) all seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. All sales of alcohol for consumption away from the immediate outside of the premises shall be in sealed containers only, and shall not be consumed on the premises.

21. The supply of alcohol shall be by waiter or waitress service only.
22. CCTV camera system covering both internal and external to the premises is to be installed.
23. 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.
24. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.

4.3 Application for a Temporary Event Notice for ICAN Studios, 33-35 Monier Road, London, E3 2PR.

This item was withdrawn from the agenda as an agreement had been reached between the Applicant and Objector prior to the meeting.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent.

The meeting ended at 8.25 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee

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Agenda Item 4.1

| | | | | |
|----------------------------------------------|--------------------------|---------------------------------|--------------------------|-----------------|
| Committee: Licensing Sub-Committee | Date: 07 October 2014 | Classification: UNRESTRICTED | Report No. LSC 35/145 | Agenda Item No. |
|----------------------------------------------|--------------------------|---------------------------------|--------------------------|-----------------|

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer | Title: Licensing Act 2003 Application to review the premises licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL Ward affected: Spitalfields and Banglatown |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1.0 Summary

Name and Address of premises: **Preem Restaurant and Balti House
118-122 Brick Lane
London
E1 6RL**

Licence under review: **Licensing Act 2003**
§ **Sale by retail of alcohol**
§ **Regulated entertainment**
§ **Late night refreshment**

Representations: **- Metropolitan Police
- LBTH Trading Standards
- LBTH Licensing Authority**

2.0 Recommendations

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

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

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

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL. 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**.
- 3.3 The application has been added to with supporting statements from two Special Constables working in the Brick Lane area on Friday 19th September 2014. There observations are presented in the form of statements in **Appendix 2**. The statements are heavily redacted as they contain information regarding surrounding premises which would be inappropriate to publish at this time as enforcement proceedings may be sought.

4.0 The Premises

- 4.1 The premises licence was issued on 3rd August 2010, amended on 11th January 2011, 21st July 2011 and 6th October 2011. Additional conditions have been added to the licence previously by the Tower Hamlets Licensing Sub Committee as a result of previous touting offences. Premises licence suspensions have also been handed out by the Committee (see Para. 5.3). A copy of the current licence is contained in **Appendix 3**.
- 4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 4**. Please be advised that the full address of the premises is 118-122, thereby extending the full premises to the full northern corner of Brick Lane and Hanbury Street.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police.
- 5.2 The review is also supported by Tower Hamlets Trading Standards. Please see **Appendix 5**.
- 5.3 The review is further supported by Tower Hamlets Licensing Authority. Please see **Appendix 6**. This representation outlines a previous Tower Hamlets Licensing Sub Committee suspension as a result of touting offences and also prosecutions successfully brought by the Licensing Authority against the premises licence holder for touting offences
- 5.4 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

5.5 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder.

6.0 Review Explained

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

6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 7**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised 1st November 2013.

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

6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at 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 8**.

6.5 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 9**.

6.6 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 10**. The Council’s Police on Public Nuisance is contained in **Appendix 11**.

6.7 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.”

- 6.8 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, business or member of the Licensing Authority).
- 6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

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

8.0 Licensing Officer Comments

- 8.1 The Government's advice in relation to reviews is contained in **Appendix 7**. Members must consider all the evidence and then decide from the following alternatives:

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

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

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

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

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

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

- | | |
|--------------------|--------------------------------------------------------------------------------------------------------------|
| Appendix 1 | Copy of the review application |
| Appendix 2 | Additional Statements from Special Constables Newton and Ridout |
| Appendix 3 | Current Premises Licence |
| Appendix 4 | Maps of the premises and surrounding area |
| Appendix 5 | Supporting Representation from LBTH Trading Standards |
| Appendix 6 | Supporting Representation from LBTH Licensing Authority |
| Appendix 7 | Guidance issued under Section 182 by the Home Office for reviews |
| Appendix 8 | Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder |
| Appendix 9 | Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance |
| Appendix 10 | London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder |
| Appendix 11 | London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance |

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

Preem,
118-124, Brick Lane,

Post town

London

Post code (if known)

E1 6RL

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

Azmal MERT HUSSAIN

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

15901

Part 2 - Applicant details

Please tick yes

I am

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

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over Please tick yes

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

| | | | |
|------------------|----------------------|-----------------|----------------------|
| Post Town | <input type="text"/> | Postcode | <input type="text"/> |
|------------------|----------------------|-----------------|----------------------|

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

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| | |
|----------------------------------------------------------------------------------------------------------------------------|------------|
| Name and address | |
| PC 291HT Brendan O'ROURKE Licensing Unit Metropolitan Police [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Telephone number (if any) | [REDACTED] |
| E-mail (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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

This review has been instigated with regards to primarily the Crime and Disorder and secondly Public Nuisance licensing objectives.

The premises licence was last updated after an amendment was made on 06/10/11 (after a licensing sub-committee review hearing). However at an earlier review hearing on 11/01/11, the licensing sub-committee added the following conditions (of note):

Annex 3. Conditions attached after a hearing by the licensing authority:

7. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.

8. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

Additionally, as recent as 04/03/14 – there was a new premises licence application for Preem made before this sub-committee - it was refused - but if I may quote from the minutes of that hearing (also attached):

“In response to questions, the Applicant [Mr HUSSAIN] stated he would not be touting anymore and would take positive steps to promote the licensing objectives, would employ additional staff to help customers leave quietly and have voice activated CCTV system and would not

allow drunk people to enter the premises". 'Staff' at Preem were caught by PC O'ROURKE only 2 ½ weeks later on 22/03/14 'touting'... Mr HUSSAIN was fined £6,845.00 at Thames Magistrates Court on 10/07/14 for those offences (as outlined below).

And therein lays the prime reason for the request of this review – the persistent (and continuing) breaches of the Licensing Act 2003 by the premises licence holder Mr HUSSAIN for allowing 'touting' or other licence matters. Whilst police suspect touting happens daily, Mr HUSSAIN he only been caught by police four times since the above promises were made to this sub-committee on 04/03/14. More seriously, Mr HUSSAIN has now breached a Section 19 Closure Notice (Criminal Justice and Police Act 2001) advising him to stop touting on three separate occasions...

Whilst Mr HUSSAIN may already be well known to most Members of the sub-committee, for clarity a short background is that Mr HUSSAIN is the premise licence holder for Preem at 118-122 Brick Lane and it's sister restaurant Prithi Bar and Restaurant adjacent at 124-126, Brick Lane – both restaurants employ 'touts' to engage potential customers passing by in Brick Lane – it would be equally fair to say, that the practice is rife and all too common in almost all similar restaurants in Brick Lane and unique to them alone.

It may be useful to point out too, whilst there is one Premises Licence for 118-122 BRICK LANE, the building is slightly unusual in that it is comprised of three buildings with two separate front doors, 118 is a single building, whilst 122-124 is two knocked together.

This sub-committee will be aware that many restaurants in Brick Lane have had 'no-touting' conditions attached to their premises licences. 'Touting' does not occur for example in other restaurants nearby such as the 'Chez Elles' (at 45 Brick Lane), 'Moo Cantina Argentina' (at 60, Brick Lane), nor 'Kinkao' (at 176, Brick Lane). But It has become a part of life in Brick Lane. For local residents (and indeed tourists), it is a different matter and there may well be strong representations made by local resident associations – who frequently complain to police about the continuing 'touting practice' and the perception that nothing is being (or can be) done about it... Generic feedback from other visitors (who may also be tourists to the UK), can be sought on the likes of websites, such as 'Trip Advisor' etc. But does not form part of my evidence.

Preem or the premises licence holder is *not* the only business that the police have action taken against it and our work is ongoing in this area. I should add however that it is very time and labour intensive and when there are other higher priorities or demands on policing in Brick Lane, or other licensing issues elsewhere on Borough - it is often a difficult balance to strike at the time.

It is public record that Mr HUSSAIN has been fined £12,325.00 to date for breaches of the Licensing Act 2003 and he still continues to do so with impunity and appears to view the fines as an 'operating cost', rather than a punishment or as a deterrent.

The last fine on 10/07/14 was £6,845.00, for offences that PC O'ROURKE discovered on 22/03/14 (as previously mentioned).

On 16/07/14, PC O'Rourke reported two touts for Tower Hamlets Byelaw offences, whilst Mr HUSSAIN was present. Mr HUSSAIN'S reply to his staff after they had been cautioned and 'reported for process' was "DON'T WORRY I WILL PAY YOUR FINES" – it was quite simply unbelievable and police have formed the view that Mr HUSSAIN has no intention whatsoever in upholding the Licensing Act 2003 (let alone Tower Hamlets Byelaws) and if anything he has a complete and utter disregard for the whole legislative and licensing sub-committee process in full...

Mr HUSSAIN is involved in local politics and this causes local tension amongst surrounding businesses (as below) - whilst any political issues have no bearing on this application whatsoever, other than this observation - when police attended at PRITHI (124-126 Brick Lane) on 02/08/14 Mr HUSSAIN asked PC CRUICKSHANK "HAS THE MAYOR ASKED YOU TO TARGET ME"?

'Touting' evidence:

Tuesday, 04/03/14 - Licensing Sub-Committee Hearing

(Already outlined above on page 15).

Saturday, 22/03/14 - 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) x3 and Section 19 Closure Notice Issued – Criminal Justice and Police Act 2001.

The first offence after the above Licensing Hearing.

PC O'ROURKE says: On Saturday, 22nd March 2014, I was on duty in plain clothes in Brick

Lane, walking north, as I made my way through the crowds a male stepped out onto the pavement just a few feet ahead of me from PREEM at 118 BRICK LANE and I heard him say to two passers by "25% DISCOUNT AND A FREE BOTTLE OF WINE". I looked straight at him and produced my warrant card and said "HELLO I'M PC O'ROURKE, TOWER HAMLETS LICENSING, LET'S GO INSIDE AND HAVE A WORD PLEASE".

The male looked horrified that he had been stopped and immediately said "I'M SORRY, I'M SORRY". He appeared to not want to move and I said, "COME ON LET'S GO INSIDE, I NEED TO TAKE YOUR DETAILS".

Again, he kept repeating non-stop, "I'M SORRY, I'M SORRY".

It is was also found that Mr HUSSAIN had not displayed a summary of his premises licence (Part B), nor did he have a copy of the full premises licence available for inspection.

Supporting documents to follow:

- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11 from PC 291HT O'ROURKE

Wednesday, 16/07/14 – 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) and Breach of Section 19 Closure Notice – Criminal Justice and Police Act 2001.

PC O'ROURKE says: Two males are seen on CCTV to tout outside the two doors working in a pincer movement touting people passing by. At one point Mr HUSSAIN himself is on the doorstep, but ambles off to Prithi at 124-126 Brick Lane.

Supporting documents to follow:

- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001

- MG11 from PC 291HT O'ROURKE

Wednesday, 30/07/14 - 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) and Breach of Section 19 Closure Notice – Criminal Justice and Police Act 2001.

PC O'ROURKE says: Two plain clothes police officers are touted at Preem, PC 990HT WARLOW and PC 106HT RODGERS.

Supporting documents to follow:

- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11's x 3 from PC 990HT WARLOW, PC 106HT RODGERS and PC 291HT O'ROURKE

Friday, 01/08/14 - 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) and Breach of Section 19 Closure Notice – Criminal Justice and Police Act 2001.

PC O'ROURKE says: Two plain clothes MSC police officers are touted outside Preem (and later Prithi).

Supporting documents to follow:

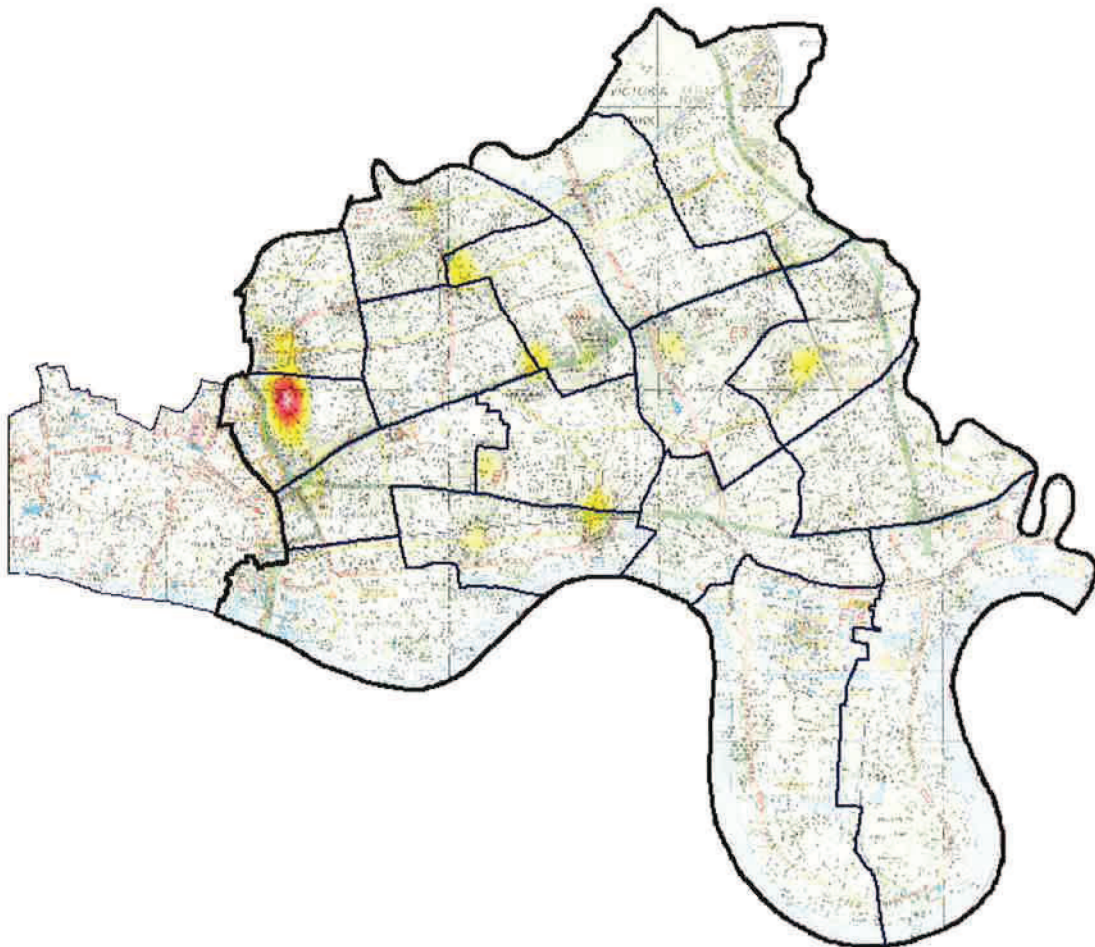
- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11 x 2 from MSC SC 5312HT RIDOUT and PC 291HT O'ROURKE

Other evidence:

In addition to the breaches of the Licensing Act 2003, already outlined above - the sub-committee will see below a series of violent incidents that all appear to emanate from ‘touting’ jealousy and assaults amongst rival staff...

Also between 01/08/13 and 31/07/14, 56% of alcohol related crime in Tower Hamlets has also included violence against the person - the most affected ward is (no surprise) Spitalfields and Banglatown accounting for 12% of those offences - as can be seen on the hotspot (over:

HT Alcohol Related Crime:



Friday, 14/02/14 - Call to Police CAD 8804/14FEB14 @ 20:19 hrs - to Preem, 120 Brick Lane - (CRIS 4203758/14 also refers)

Informant states that he has been assaulted by being hit in the face by a male who works across the road in The Bengal Village. The suspect is arrested on suspicion of Common Assault and taken to Bethnal Green Police Station (custody number HT/857/14 refers). The victim is actually punched once in the eye and once in the neck - after an argument originated over stealing each others customers... The suspect is later bailed with bail conditions not to contact the victim, nor enter Preem at 118-122 Brick Lane - this matter continues (*but 'flares' again up several times below*) and is still subject to ongoing criminal proceedings.

Friday, 14/03/14 - Police stopped in Brick Lane - CAD 10184/14MAR14 @ 21:47 hrs - to Preem, 118-122 Brick Lane (CRIS 4206201/14 also refers)

Informant states he has been assaulted having flagged down a passing officer in Brick Lane. The suspect has left the scene, but is said to have been a staff member (tout) at The Shampan, opposite (79, Brick Lane). The victim who says he works "*to encourage passing trade come into the restaurant*" is punched and sustains a small cut to his hand. His glasses also get broken during the incident. Police attend The Shampan to arrest the suspect and the manager is particularly unhelpful to police when given the suspects description (and nickname) advising "*I don't know of him, I have lots of people working for me*".

The following four CADS are linked to the above incident:

- **Saturday, 15/03/14 - CAD 5039/15MAR14 @ 13:26 hrs - to outside Bengal Village 75, Brick Lane (opposite Preem)**

Informant states he was a victim of an assault yesterday and the suspect is outside The Bengal Village where it is suspected 'he works' [contradicting the above]. Police attend at 14:54 hrs and report 'area search no trace'.

- **Saturday, 15/03/14 - CAD 5216/15MAR14 @ 13:43 hrs - to Preem, 118-124, Brick Lane**

Informant states that a suspect is trying to get him to drop the charges against him

- **Saturday, 15/03/14 - CAD 6043/15MAR14 @ 15:12 hrs - to outside Bengal Village**

Informant states, suspect has returned to the location

- **Sunday, 16/03/14 - CAD 7680/16MAR14 @ 18:36 hrs - to Preem 118-122 Brick Lane.**

The above suspect from 14/03/14 is arrested by police who is seen standing outside The Shampan and is conveyed to Bethnal Green Police Station. Custody number HT/1461/14. Final result, is that there was no prosecution after the matter was closed on 07/04/14.

Thursday, 10/07/14 - Telephone report of theft from outside Preem 118-124 Brick Lane - CRIS 4217245/14

Informant was delivering items to Preem, when a female suspect apparently known to staff stole items from the delivery vehicle (Sat Nav, watch, sunglasses, car key £470-£520 value), staff witness the theft but they are afraid to intervene as she is known as a drug user and to cause trouble they could not stop her. After the police operator make enquiries to Preem, police are told they had no CCTV cameras!

Friday, 11/07/14 - CAD8044/11JUL14 @ 11:00 hrs - Prithi 124, Brick Lane

Informant states that 800 copies of a newspaper he owns has been stolen from three East London Mosques.

Wednesday, 16/07/14 – Call to police – CAD 7645 @ 17:16 hrs - 118-122 Brick Lane

Informant states that someone has stolen a bottle of water from the restaurant. The Duty Sergeant gives advice to the controller, questioning the dispatching of officers to a £1 theft of water.. Police do attend at approx 17:50:13 hrs (PC 306HT) and reports that the incident was a dispute between an employer and former employee and CCTV are monitoring in case there are further issues.. Informant states that he just wanted police to tell his former employee he was no longer welcome at his restaurant.

Tuesday, 22/07/14 – Call to police – CAD 11245/22JUL14 @ 22:09 hrs - to Preem, 118-122, Brick Lane.

Informant states a male has crossed the road from The Bengal Village threatening him, apparently breaching his bail conditions. Police are extremely busy (albeit it on a Tuesday night) and have no free units to send. Informant to follow up and later attends a police station on 24/07/14 - **(CRIS 4203758/14 from 14/02/14 (as above refers).**

Thursday, 24/07/14 -Call to police - CAD 8461 @ 17:31 hrs - to : Preem, 118-122, Brick Lane.

Informant complains about the aggressive behaviour of staff at The Bengal Village and The Curry Bazaar who are said to be “*shouting from across the road to my customers saying my food is bad and theirs is good*”. Appears to originate from ‘touting’ jealousy and references to previous threats are noted. PC 890HT attends and records ‘No offences on this occasion’ and the matter is closed.

In summary there is an overwhelming body of evidence and substantial supporting documents in this matter. Put simply, the Police have no confidence whatsoever in Mr HUSSAIN as a manager or businessman and cannot see that ANY amendments to the operating schedule will improve, change or stop Mr HUSSAIN from breaking the law. He has had more than enough chances to engage with police, the Council, the Courts – but he chosen not to.

In previous mitigation to this sub-committee it has been suggested that Mr HUSSAIN ‘had assisted the Police on a number of occasions with CCTV

footage', as if this absolved him less - it is his duty to provide CCTV not only as part of conditions on his premises licence , but under a duty under the Crime and Disorder licensing objective and should not be given any extra weight.

He has made promises to previous sub-committees and broken those promises, he is not to be trusted and it is believed he will never change his ways or business practices...

My final submission to the sub-committee is that the police respectfully urge the sub-committee to consider revoking the premise licence in full.

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

Please tick yes
√

If yes please state the date of that application

| Day | | Month | | Year | | | |
|-----|---|-------|---|------|---|---|---|
| 0 | 6 | 1 | 0 | 2 | 0 | 1 | 1 |

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

PC CRUICKSHANK opposed a premise licence application on 04/03/14.

PC CRUIKSHANK made representations in a review of the premises licence on 11/01/11 and on 06/10/11 when 'No-Touting' conditions were attached to the premises licence (as briefly mentioned on page 15).

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:



PCJA141

.....
Date: 15/08/14

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

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

WITNESS STATEMENT

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 | | 14 |
|-----------|-----------|--|-----------|

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

This statement (consisting of: **5**..... 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 2911W** Date: **17/07/2014**

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

This statement is in relation to a breach of Premises Licence Conditions and Section 19 Closure Notice at PREEM, 118 - 122, BRICK LANE LONDON E1 6RL


Officers original notes made at Brick Lane Police Station at 00:45 hours in my own company.

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

On Wednesday, 16th July 2014, I was on duty in plain clothes when I attended the CCTV Control Room operated by the London Borough of Tower Hamlets, for a variety of matters. After I had collected some CCTV for an unrelated matter at approximately 18:25 hours I asked one of the CCTV operators if anyone was 'touting' in Brick Lane. The operator looked at camera 203 which was at wide angle view, pointing north between the junction of PRINCLET STREET and HANBURY STREET - there appeared to be two males standing outside Preem, 118-122 Brick Lane E1. They appeared to be touting directly outside the premises.

I could see one male, described as Asian, medium to heavy build, bald head, aged 30-35, wearing a red/burgundy checked shirt, blue jeans and black trainers with a white 'N' Nike logo on the side. I don't know him to speak to or by name, but I know he is always there when I walk past on that junction. The second male was Asian, aged 30-35, slim to medium build, wearing a white shirt, dark trousers and shoes.

At approximately 18:25 hrs whilst male one was outside the door to 122, I saw on CCTV Mr

Signature:  **PC 2911W** Signature witnessed by: **N/A**

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

HUSSAIN, the premises licence holder leave by the door at 122 and speak to male 1 whilst he was touting. Mr HUSSAIN ambles up the road to his adjacent premises of Prithi & Preem at 124 Brick Lane. He makes no effort to stop male 1 and appears to exchange pleasantries, in short Mr HUSSAIN has no respect whatsoever for the licensing process.

I was aware the premises licence holder of Preem - Mr HUSSAIN had just been fined £6,849.00 at Thames Magistrates Court on 10/07/14 for Licensing Act 2003 offences, some of which I had dealt with, committed on 22/03/14 - when I also issued a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 for breaches of their premises licence.


I have known Mr HUSSAIN for around four to five years, initially from when he used to attend the Ward Panel meetings when I was an officer based at Spitalfields & Banglatown SNT. He is by and large a very pleasant man who always says hello and shakes your hand when greeting you.

I am aware that their Premises Licence, which is number 15901, has a condition in Annex 1.4 which states "No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place."

I have to say - after the large fine last week - I was surprised to see the two males outside clearly touting and working in a 'pincer movement' together. The premises of 118-122 is slightly unusual in that it is comprised of three buildings, however only two are knocked through (118-120) and the other (122) has a separate entrance. It is at the junction of BRICK LANE and HANBURY STREET, on the eastern footway.

Whilst I will write a more detailed statement later from the CCTV when I receive a copy, I can say that between 18:25 hours and approximately 19:11 hours - both males constantly touted people in the streets. Rather annoyingly male 1 would approach people outside door at 122, they would decline and move on, only to be touted again by male two who largely remained outside the door at 118-120 - it was quite remarkable.

At 22:46 hours I attended at the premises and immediately saw male 1 who was still at the same

Signature: ..... Signature witnessed by: N/A.....
pc jain's

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

junction. I approached him and identified myself as a police officer by producing my warrant card and saying "HELLO, I'M PC O'ROURKE FROM TOWER HAMLETS LICENSING, YOU HJAVE BEEN SEEN TOUTING AND I'D LIKE TO TAKE YOUR DETAILS PLEASE".

He replied "I HAVE NOT BEEN TOUTING"

I said "I HAVE SEEN YOU MYSELF, CAN YOU TELL ME YOUR NAME PLEASE"?

He replied "MOHAMMED MIAH".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "6 BEVAN AVENUE BARKING IG11 9NW"

I said "AND WHAT IS YOUR DATE OF BIRTH PLEASE"?

He replied "11/04/1979".

He was still wearing the light red checked shirt, dark blue jeans and black trainers with the white 'N' logo on the side. I had previously been watching him for approximately 45 minutes on a CCTV camera, the lighting was excellent, occasionally people walked past obscuring my view and at times he went inside the premises, he has a bit of a hunch and I have seen him many times outside Preem - he was the same person, I had seen on CCTV.

I then approached the second male, who was stood outside the lower door I had seen him at earlier, it was the male with the pony-tail and he was very distinctive, he was still the same person, I identified myself as a police officer by producing my warrant card and saying "HELLO, I'M PC O'ROURKE FROM TOWER HAMLETS LICENSING, YOU HAVE BEEN SEEN TOUTING AND I'D LIKE TO TAKE YOUR DETAILS PLEASE"?

He replied "NOT ME I AM WAITER"

I said "I HAVE SEEN YOU MYSELF, CAN YOU TELL ME YOUR NAME PLEASE"?

He replied "MOHAMMED JALIL".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "16 BARNARD HOUSE, TONYBEE STREET, LONDON E1 7NR".

I said "AND WHAT IS YOUR DATE OF BIRTH PLEASE"?

He replied "12/02/1965".

He was still wearing the white shirt and black trousers. He said to me "OFFICER, PLEASE DON'T GIVE ME ANYTHING, I AM WAITER".

Whilst I had been taking his details, Mr HUSSAIN arrived and listened to what I was saying, he then said to me "AM I BEING TARGETTED"?

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

PC JAHN

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

I said "POLICE ARE LOOKING AT ALL PREMISES THAT ARE BREAKING THEIR PREMISES LICENCE CONDITIONS, BUT I CAN ONLY DO ONE AT A TIME, I'M SURPRISED YOU ARE TOUTING AGAIN AFTER THE BIG FINE YOU GOT LAST WEEK".

At 22:50 hours I said to both males "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE TOWER HAMLETS BYELAWS TO TOUT FOR CUSTOM". I then cautioned them, using the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED".


Mr HUSSAIN then said "DON'T WORRY I WILL PAY YOUR FINES".

I could not believe what Mr HUSSAIN had just said and had brushed it aside as if it was an operating cost, rather than a deterrent to stop. It was clear to me that he has no intention whatsoever to uphold the Licensing Act 2003 and if anything has a complete disregard for it.

An excerpt from the Byelaws reads: London Borough of Tower Hamlets BYELAWS FOR GOOD RULE AND GOVERNMENT - Byelaws made under section 235 of the Local Government Act 1972 by the Council of London Borough of Tower Hamlets for the good rule and government of the Borough of Tower Hamlets and for the prevention and suppression of nuisances. **TOUTING** 13. No person shall in any street or public place for the purpose of selling or advertising any article or obtaining custom tout or importune to the annoyance or obstruction of passengers.

I had already partially 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'.

I then said to Mr HUSSAIN at 22:53 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE '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 BREACHED YOUR PREMISES LICENCE BY ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14".

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

pc jain

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. The above offences are recorded on the Form 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 (copy attached).


I then gave MR HUSSAIN a copy of the Section 19 Closure Notice I had completed. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/2 (copy attached).

Mr HUSSAIN then shook my hand and I then left the premises.

Notes completed 01:50 hrs.



P. J. O'Rourke

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



Notification of alleged offences under the Licensing Act 2003

Venue Name: Preem REF: (CAD/CRIS etc.)

Address: 118-122 Brick Lane London E1 6RL

Date: 16/7/14 Time: 2253
Details of person in charge at the relevant time: Mr Azmat Hussain

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 Yes No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Yes No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Yes 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: Two members of staff seen on CCTV to actively look in the search for business between 18:35 -> 19:15 hours on 16/7/14, this is also a breach of a Section 19 closure notice issued at 2253 on 22/03/14

Issuing officer: Print: J ROURKE

I acknowledge receipt of this form: (venue)

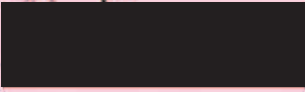
The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 16/07/14 Time Served: x 2254

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 291 HT O'Rourke

Signature: 

Name (if applicable) and address of the affected premises:
Preem
118-122 Brick Lane London E1 6RL

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:

Two members of staff seen to actively look for business in the street on CCTV between 18.25 & 19.15 hours

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

CCTV evidence is overwhelming - Breach of premises licence condition Annex 1.4

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))

This is a breach of a previous Sec 19 issued on 27/03/14 at 2225 hours

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details)

If yes they must be issued with a copy of this form

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 Mr Azmul Hussain

Signature: 

Date 16/07/14



Notification of alleged offences under the Licensing Act 2003

Venue Name: Freeem REF: (CAD/CRIS etc.) _____

Address: 108 Brick Lane, London E1 6RL 22/03/14

118 street Date: 22/03 Time: 22:00

Details of person in charge at the relevant time: Mr A Hussain

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:

Breach of premises licence condition - member of staff Mr MIZAN RAHMAN was seen and heard to solicit for business by offering a discount on the street - contrary to Annex 1.4 of the premises licence.

Issuing officer: [Redacted] Print: [Signature]

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

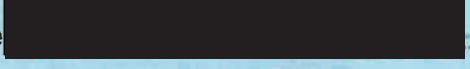
The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 22/03/14 Time Served: 2225

Authority issuing Notice: Metropolitan Police Service

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

Signature 

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

118/108 Brick Lane London E1 6RL
5th fl.

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:

member of staff Mr Muzam RAHMAN solicited for business in the street

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

Mr RAHMAN was heard to offer a 25% discount and a free bottle of wine

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))

not to allow staff to hawk or solicit for business on premises or your premises licence Annex 4

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) Yes

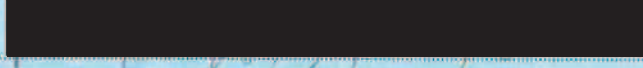
If yes they must be issued with a copy of this form

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 Mr A. Hussain

Signature 

Date 22/03/14

Appendix 2

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 **Anthony Newton SC 5178HT**..... URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 521958**

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: **Anthony Newton SC 5178HT** Date: **20/09/14**

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

On Friday 19th September 2014 I was on duty in plain clothes on foot patrol in Brick Lane with Special Constable 5312HT RIDOUT. We were ground assigned from 21.20hrs.

[REDACTED]

At 21.58hrs we were approached by a male on the opposite side of the road to Preem and Prith Balti House, 118 Brick Lane, E1. He was IC4 and aged about 40 years. He wore a black silk shirt, black trousers and smart black shoes. He had a shaved head and short beard and was about F510 tall. He said "I will give you a starter, main,

Signature: **Anthony Newton SC 5178HT** . Signature witnessed by:

Continuation of Statement of **Anthony Newton SC 5178HT**.....

rice and papadoms for £12 each plus one free beer each" if we ate in his restaurant. When we later returned to serve a Section 19 notice I learnt the male was Lahin KHAN, date of birth 12.08.1977 of 189 Mungo Park Road, Rainham, RM13 7PT.

[REDACTED]

At around 22.30hrs SC 5312HT RIDOUT and I went to Brick Lane Police Station where we reported our experiences to PC 748HT Mark PERRY. He the wrote out the Section 19 notices before heading out to issue them to the relevant restaurants.

3-15 HH NEWTON SC 5178 HT _____ AN
3-16 HH

Signature: **Anthony Newton SC 5178HT** . Signature witnessed by:

WITNESS STATEMENT


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

Statement of **James Ridout**..... URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

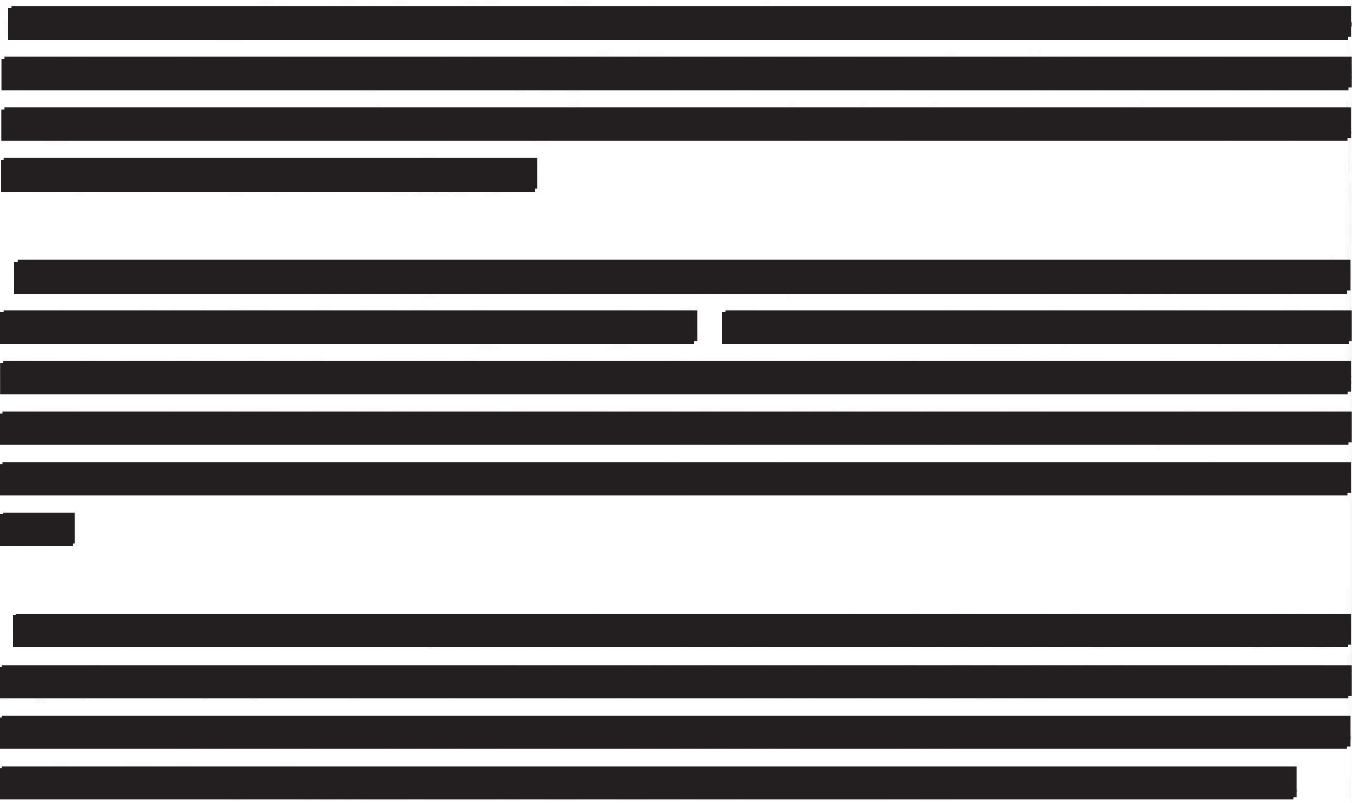
Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff s524573**

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:  S31241T..... Date: 20/9/14.....

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

On Friday the 19th of September 2014, I was on duty in Plain cloths with HT5178. We had started shift at 19.45 hours at Limehouse police station were we had a briefing by HT5020 were we went through how we are trying to stop the touts from outside the Indian restaurants from Brick Lane E1.



The next one was Preem Brick Lane E1. I would describe him as being IC4 wearing a Black silk like shirt with black trousers and shoes he also had a large silver bracelet on his left arm. He had a shaved head and a slight

Signature:  S31241T..... Signature witnessed by:

Continuation of Statement of **James Ridout**.....

stubble he was about 5`11” . He was stood out side the curry house and offered us £12 for a starter, main, rice, and popadoms and one drink each.

[Redacted signature area]

All this information was then passed on to HT748 PERRY we made our way back up Brick Lane at 23.30 hours were I pointed out the touts to him then he went on to deal with the licence holders.

I believe this all to be true and as accurate as possible to the true events.

3
3
[Redacted signature] S312 HT

Signature: [Redacted signature] S312 HT

Signature witnessed by:

Appendix 3

(Preem)
118 -122 Brick Lane
London
E1 6RL

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 3rd August 2010

- Licence amended on 11th January 2011
- Licence varied following the licensing sub-committee hearing of 21st July 2011
- Licence amended following the licensing sub-committee review hearing of 6th October 2011



Part A - Format of premises licence

Premises licence number

15901

Part 1 - Premises details

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

(Preem)
118-122 Brick Lane

Post town
London

Post code
E1 6LR

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

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

The Provision of Regulated Entertainment - (Recorded music only)

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

The opening hours of the premises

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

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

On and off sales

Part 2

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

**Mr Azmal Hussain
124 Brick Lane
London
E1 6LR**



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

N/A

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

**Mr Azmal Hussain
124 Brick Lane
London
E1 6LR**

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 No: 9963
Issuing Authority: London Borough of Tower Hamlets**

Annex 1 - Mandatory conditions

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

at a time where there is no designated premises supervisor in respect of the premises licence, or

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 responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (iii) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. Any customers under the age of 18 years must be accompanied by a person over the age of 18 years.

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

1. No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service, and the agreed level be made available to the public on request.
2. To ensure, as far as reasonably practical, that patrons who enter and exit the premises especially late at night will act quietly and considerately at all times by ensuring prominent and clearly legible notices to be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
3. The premise is required to have CCTV cameras installed, covering the premises internally and externally.

4. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
5. No food or drink will be allowed to be consumed outside the premises.
6. There will be no early morning (before 08:00 hours) or late night (after 19:00 hours) deliveries of food and drink to the premises. No bottles or refuse will be placed outside the premises after 21:00 hours.

(Conditions added after Review Hearing on 11th January 2011)

7. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
8. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

(Condition added after Review Hearing on 6th October 2011)

9. A CCTV camera to be installed so that it captures images of persons entering the premise via the front entrance.

Annex 4 - Plans

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

22nd June 2010

[The licences area is the ground floor of 118 & 120-122 referred to in the plan marked: Job No. 210610/118~122 BL-E1. Drawing No. **A1(02)** 001 Rev. 01.

The basement area is NOT licensed, however, a plan of the basement is included in the file: Job No. 210610/118~122 BL-E1. Drawing No. **A1(01)** 001 Rev. 01 refers, in order to show the access between 118 & 120-122 via the basement which is relevant to the managerial control of the premises].



Part B - Premises licence summary

Premises licence number

15901

Premises details

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

(Preem)
118-122 Brick Lane

Post town
London

Post code
E1 6LR

Telephone number
020 7247 3469

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The Provision of Regulated Entertainment
(Recorded music only)

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The opening hours of the premises

- Monday to Saturday from 12:00hrs to 23:30hrs
- Sunday from 12:00hrs to 23:00hrs

Name, (registered) address of holder of premises licence

Mr Azmal Hussain
124 Brick Lane
London
E1 6LR

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

On and off sales

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

N/A

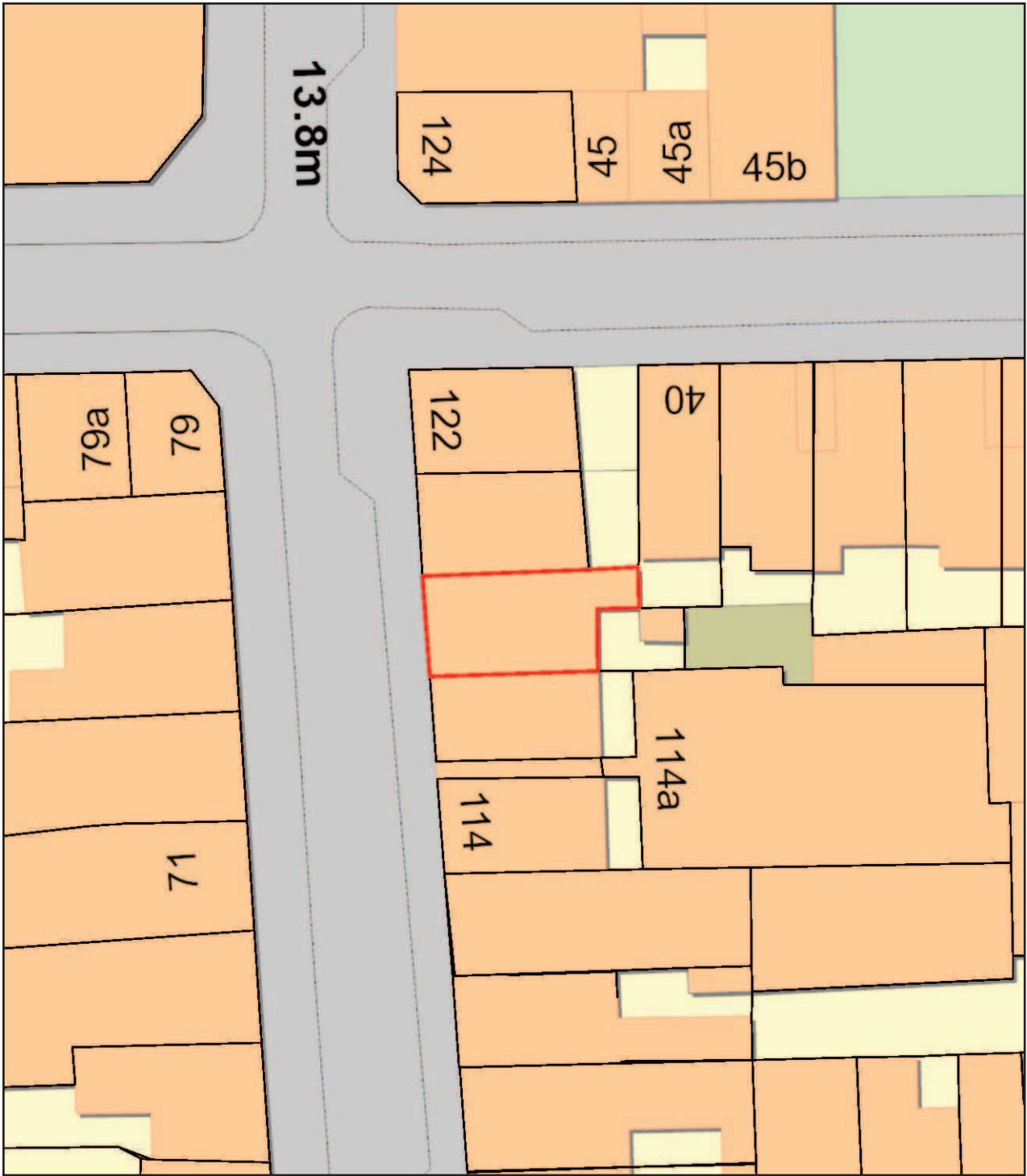
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Azmal Hussain

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

No restrictions

Appendix 4

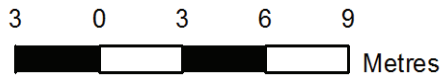


118-122 Brick Lane

Map 1



Scale 1:334



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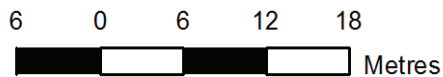


118-122 Brick Lane

Map 2



Scale 1:668



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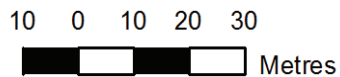


118-122 Brick Lane

Map 3



Scale 1:1669



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Appendix 5

London Borough of Tower Hamlets

**Preem Restaurant
118-122 Brick Lane, London, E1 6RL**

Licence No.15901
licensee Mr Azmal Hussein

London Borough of Tower Hamlets – Trading Standards Service

**Statement in support of review requested by the Metropolitan Police under
Section 51 of the Licensing Act 2003**

1. The Trading Standards Service, as the Local Weights and Measures Authority is designated a 'responsible authority' for the purposes of the Act and it is supporting this Review in relation to the prevention of Crime and Disorder - licensing objective 1 and prevention of public nuisance - Licensing Objective 3.
2. Trading Standards have initiated reviews of these premises on 3 previous occasions. The first, heard on 25/1/2011, resulted in the imposition of standard conditions prohibiting touting. The second review, heard 6/10/2011 and relating to issues around touting, resulted in a 2 week suspension of licence. The third, heard on 13/11/2012, resulted in a 4 week suspension.
3. It is appears from the information provided by the Police in support of their review that Mr Hussain has continued to ignore the requirements of his licensing conditions and other legal restrictions. We are also aware of significant concerns with regard to his management of other businesses within his control. As such officers believe that Mr Hussein has an overly casual attitude towards the law and consequently that we can have no confidence in his management of these premises.

4. In view of these concerns and the fact that the previous suspensions appear not to have had any effect on management behaviour, the Trading Standards Service supports the Police in requesting that Members consider revocation of the licence.



Ian David Moseley

**Senior Trading Standards Officer
London Borough of Tower Hamlets**

Appendix 6

Communities, Localities & Culture
Safer Communities

Head of Consumer and Business Regulations
David Tolley

LBTH Licensing Authority
Mulberry Place
5 Clove Crescent
London E14 2BG

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG



www.towerhamlets.gov.uk

15th September 2014

My reference: TSS/LIC/73686
Your reference:

Dear Sir / Madam,

Licensing Act 2003

**Re: Review Application – Preem, Ground Floor and Basement, 118-122
Brick Lane, London, E1 6RL**

This Licensing Authority as a Responsible Authority wishes to make representation in support of the application for review made by the Police, on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

Touting is a significant issue in the Brick Lane area and a common public nuisance. Officers have witnessed this at all premises owned by Mr Hussain. Mr Hussain was keen to sign up to the Tower Hamlets Anti-Touting Code of Practice, which included having an anti-touting condition placed on each premises licence. Despite this, touting has continued at all premises, which can only reflect Mr Hussain's disingenuous regard for the scheme.

Complaints in relation to 118-122 Brick Lane

| | |
|------------|--------------------------------------------------------------------------------------------------------|
| 2/8/14 | Section 19 served by Police for breach of touting condition |
| 16/7/14 | Section 19 served by Police for breach of touting condition |
| 22/3/14 | Section 19 served by Police for breach of touting condition |
| 25/2/13 | Complaint of selling alcohol during suspension |
| 19.12.2013 | Complaint that cheap lager is being passed off as Cobra branded lager |
| 25.02.2013 | Complaint of the premises selling alcohol during its suspension period |
| 22.02.2013 | Complaint of the premises opening until 3am, serving hot food and drinks |
| 30.01.2013 | Complaint of touting |
| 30.01.2013 | Second complaint about touting |
| 01.11.2012 | PC Mark Taylor witness customers in the restaurant eating food and drinking glasses of beer at 01:25am |
| 02.08.2012 | Complaint of touting |
| 11.07.2012 | Complaint of touting |
| 14.06.2012 | Complaint of touting |
| 13.06.2012 | Complaint of touting |
| 12.06.2012 | Complaint of touting |
| 08.05.2012 | Complaint of touting |
| 05.04.2012 | Complaint of touting |
| 30.03.2012 | Complaint of touting |
| 22.03.2012 | Complaint of touting |
| 23.03.2012 | Complaint of touting |

In September 2012, Tower Hamlets Trading Standards reviewed the premises licence as a result of continued touting. The licence was suspended from 6th February 2013 to 5th March 2013. The premises was found to be serving alcohol during that period, for which a warning letter was issued by Trading Standards.

In January 2013 Mr Hussain pleaded guilty to 2 offences for breach of condition under Section 136 received a fine of £1000 including costs of £850 from Thames Magistrates Court as a result of touting offences at the premises.


Mr Hussain applied to extend the hours of the licence, including the sale of alcohol in February 2013. This was refused by the Tower Hamlets Licensing Sub Committee due to evidence from the Licensing Authority, Police and Environmental Health of clear disregard to the laws and the licensing objectives.

On 10 July 2014 Mr. Hussain pleaded guilty to offences for breach of licence condition 7, failure to display the licence summary and failure to produce the premises licence. Court advised fine would have been £9,000 but gave him credit for his guilty plea so reduced this to £6,000 with Costs awarded of £729.


Mr Hussain also owns 124-126 Brick Lane (on the opposite side of the road from this application). Again, we have received complaints in relation to touting, who has also been issued with Section 19 Notice the most recent being 3/8/14. These other premises have also received a four week suspension from the Sub Committee in September 2012 as a result of Licensing Act breaches.

As a result of the above, I believe that Mr Hussain has total disregard of many of his legal obligations under the Licensing Act 2003. The licence has already been suspended and conditions added, I do not feel that conditions would have any affect considering that he has pleaded guilty on two occasions, and therefore ask Members to consider revocation.

Yours sincerely,


Kathy Driver
Principal Licensing Officer

c.c. Mr Azmal Hussain, 

Via Email: 

Appendix 7

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 8

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;

- the activities being conducted there and the potential risk which these activities could pose to the local area;
- the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
- the anticipated clientele.

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

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.⁵ It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

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

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events,

such as international football matches, when there may be high states of excitement and emotion.

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply. Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

CAPACITY LIMITS

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

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)

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

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

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and

the presence of security staff holding the appropriate SIA licence or exemption (see Chapter 10 to control entry for the purpose of compliance with the capacity limit.

Appendix 9

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from public nuisance, including noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

HOURS

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

NOXIOUS SMELLS

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

LIGHT POLLUTION

Flashing or particularly bright lights at the premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

OTHER MEASURES

Other measures previously mentioned in relation to the crime prevention objective may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

Appendix 10

Appendix 10

Licensing Policy Adopted by the London Borough of Tower Hamlets in relation to the Prevention of Crime and Disorder

- 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 11

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

Licensing Policy

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

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.11**).

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

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. A premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

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 (2.34)

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Agenda Item 4.2

| | | | | |
|-------------------------|-----------------|----------------|------------|-----------------|
| Committee : | Date | Classification | Report No. | Agenda Item No. |
| Licensing Sub Committee | 07 October 2014 | Unclassified | LSC 36/145 | |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer | Title: Licensing Act 2003 Application for variation of a premises licence for Londis 88-90 Columbia Road, London, E2 7QB Ward affected: Weavers |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1.0 Summary

Applicant: **Kazim Doldur - Director Kismet Trading Ltd.**

Name and Address of Premises: **Londis
88-90 Columbia Road
London
E2 7QB**

Licence sought: **Licensing Act 2003 variation
Extending the hours for the sale of alcohol**

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 | | Andrew Heron 020 7364 2665 |

3.0 Background

3.1 This is an application for a variation in a premises licence for Londis, 88-90 Columbia Road, London, E2 7QB.

3.2 A copy of the existing licence is enclosed for information in **Appendix 1**.

The current hours are as follows:-

The sale of alcohol:

- a. On weekdays, other than Christmas Day, 08:00hrs to 23:00hrs
- b. On Sundays, other than Christmas Day, 10:00hrs to 22:30hrs.
- c. On Christmas Day, 12:00hrs (midday) to 15:00hrs and 19:00hrs to 22:30hrs
- d. On Good Friday, 08:00hrs to 22:30hrs

The opening hours of the premises

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

3.3 A copy of the variation application is enclosed as **Appendix 2**. Members may note that the applicant has included with the application, a copy of an earlier licence; not the current licence as appears in Appendix 1. The applicant has described the nature of the variation as follows:

- Extending the hours for the sale of alcohol

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

Sale of Alcohol (off sales only)

- Monday to Sunday from 08:00hrs to 01:00hrs (the following day)

Hours premises is open to the public:

- Monday to Sunday from 08:00hrs to 01:00hrs (the following day)

3.5 Maps showing the relevant premises is included as **Appendix 3**.

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised in October 2012.
- 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 **Objections**

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:

The Metropolitan Police (**See Appendix 4**)

- 5.2 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
- 5.3 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.4 There are strict time limits to any representations. The time limits are contained in the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.5 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 **Licensing Officer Comments**

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

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

- v Routine conditions about drink promotions are not permitted but can be imposed in 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 providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows *the comments of the Association of Chief Police Officers on non-standard times is also included:*
 - Appendix 5** Licensing Officer comments on Crime and Disorder on the Premises
 - Appendix 6** Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises
 - Appendix 7** Licensing Officer comments on Egress Problems
 - Appendix 8** Licensing Officer comments on ACPO comments on irregular times
 - Appendix 9** Licensing Officer comments Licensing Policy relating to hours of trading
- 7.0 **Legal Comments**
 - 7.1 The Council’s legal officer will give advice at the hearing.

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

- | | |
|-------------------|------------------------------------------------------------------------------------------------------------|
| Appendix 1 | A copy of existing licence |
| Appendix 2 | A copy of the variation application |
| Appendix 3 | Map of the area |
| Appendix 4 | Representations of the Metropolitan Police PC Alan Cruickshank and supporting statement from PC Colin Reed |
| Appendix 5 | Licensing Officer comments on Crime and Disorder on the Premises |
| Appendix 6 | Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises |
| Appendix 7 | Licensing Officer comments on Egress Problems |
| Appendix 8 | Licensing Officer comments on ACPO comments on irregular times |
| Appendix 9 | Licensing Officer comments Licensing Policy relating to hours of trading |

Appendix 1

**(Londis)
88-90 Columbia Road
London
E2 7QB**

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 27th September 2005



Part A - Format of premises licence

Premises licence number

16610

Part 1 - Premises details

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

**LONDIS
88-90 Columbia Road**

Post town :London

Post code: E2 7QB

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 shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

See Mandatory conditions for drinking up time

The opening hours of the premises

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

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

Off sales only

Part 2

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

Kismet Trading Limited
88-90 Columbia Road
London
E2 7QB

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

07527039

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

Kazim Doldur

[Redacted address and telephone number]

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 No. [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

Alcohol shall not be sold in an open container or be consumed in the licensed premises
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

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

Private Entertainment

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

- a) is not a public entertainment but

b) is promoted for private gain

Public Entertainment

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

4 AUG 2005



Part B - Premises licence summary

Premises licence number

16610

Premises details

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

LONDIS
88-90 Columbia Road
London

Post town

London

Post code

E2 7QB

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

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

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

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

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Kismet Trading
Limited
88-90 Columbia
Road
London
E2 7QB

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

On and off supplies

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

N/A

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

Kazim Doldur

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

No

Appendix 2

Application to vary a premises licence 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 KAZIM DOLDUR

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| |
|-----------------------------------------|
| Premises licence number 15652 |
|-----------------------------------------|

Part 1 – Premises Details

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------|--|------------------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description LONDIS 88-90 COLUMBIA ROAD LONDON | | | |
| Post town | | Post code | E2 7QB |

| | |
|------------------------------------------------|---------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £31,500 |

Part 2 – Applicant details

| | | | |
|------------------------------------------------------------------|-----------------------|-----------------|------------|
| Daytime contact telephone number | 07833438280 | | |
| E-mail address (optional) | | | |
| Current postal address if different from premises address | FLAT 28 [REDACTED] | | |
| Post Town | | Postcode | [REDACTED] |

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

| Day | Month | Year |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
CONVENIENCE STORE AND OFF-LICENCE

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

| | | | | | | | | |
|-------------------------------------------------------------------------------------|--------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> | | | |
| | | | | Off the premises | <input checked="" type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) THERE WILL BE NO SEASONAL VARIATIONS. | | | | | |
| Mon | 08:00 AM | 01:00 AM | | | | | | |
| Tue | 08:00 AM | 01:00 AM | | | | | | |
| Wed | 08:00 AM | 01:00 AM | | | | | | |
| Thur | 08:00 AM | 01:00 AM | | | | | | |
| Fri | 08:00 AM | 01:00 AM | | | | | | |
| Sat | 08:00 AM | 01:00 AM | | | | | | |
| Sun | 08:00 AM | 01:00 AM | | | | | | |
| | | | | | | 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) | | |
| | | | | | | | | |
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| | | | | | | | | |

N

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)

O

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) THERE WILL BE NO SEASONAL VARIATIONS |
|---------------------------------------------------------------------------------------------------------|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Day | Start | Finish | |
| Mon | 08:00 AM | 01:00 AM | |
| Tue | 08:00 AM | 01:00 AM | |
| Wed | 08:00 AM | 01:00 AM | |
| Thur | 08:00 AM | 01:00 AM | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) |
| Fri | 08:00 AM | 01:00 AM | |
| Sat | 08:00 AM | 01:00 AM | |

| | | | |
|-----|-------------|-------------|--|
| | | | |
| Sun | 08:00 AM | 01:00 AM | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

1. WE WILL ALWAYS WORK IN CONJUNCTION WITH THE RECOMMENDATION AND ADVISE OF THE RESPONSIBLE AUTHORITIES IN PROMOTING THE LICENSING OBJECTIVES.
2. THE APPLICANT IS AN EXPERIENCED SUPERVISOR HAVING OPERATED AN OFF LICENCE WHO IS SELLING ALCOHOL AND FAMILIAR WITH THE LICENSING OBJECTIVES

b) The prevention of crime and disorder

1. THE PREMISES HAS A CCTV RECORDS AND MONITORS THE PREMISES THE SYSTEM IS TO ONE WHICH IS ACCREDITED BY THE POLICE TO DETER CRIMINALS.
2. CCTV WILL BE GOOD VIEWABLE AND EVIDENTIAL QUALITY. DEDICATED EMPLOYEES, WHO HAVE WORKING KNOWLEDGE F THE CCC WILL BE ON PRMISES AT ALL TIMES AND WILL BE IN A POSITION TO ALLOW THE RELEVANT AUTHORITY TO VIEW AND DOWNLOAD THE CCTV AS AND WHEN NECESSARY
3. ANY INCIDENTS WYLL BE REPORTED TO THE POLICE AND RECOMMENDATIONS WILL BE FOLLOWED

c) Public safety

1. THE PREMISES WILL COMPLY WITH ALL RELEVANT LEGISLATION AND PUBLIC SAFETY REQUIREMENTS. THE PREMISES WILL COMPLY WITH THE FIRE SAFETY REGULATIONS
2. STAFF TRAINING AND INCIDENT LOGS WILL BE DOCUMENTATED AND UPDATED AND THESE WOULD BE KEPT ON THE PREMISES AT ALL TIMES SO THAT IT CAN BE INSPECTED BY THE RELEVANT AUTHORITY WHEN REQUIRED TO DO SO.

d) The prevention of public nuisance

THE OPERATORS WILL PUT UP POSTERS IN THE PREMISES AND ON THE WINDOWS ADVERTISING CUSTOMERS NOT TO LITTER THE STREETS AND TO RESPECT THE RESIDENTS IN THAT THEY SHOULD ENTER REMAIN AND LEAVE PREMISES QUIETLY IN AN ORDERLY MANNER AND FASHION

THE PREMISES WILL REGULARLY SERVICE THE PLANT AND MACHINERY OPERATING WITHIN THE PREMISES IN ORDER TO EDUCE THE LEVEL OF NOISE THAT MY CAUSE HARM TO THE PUBLIC

e) The protection of children from harm

THE PREMISES WILL NOT SERVE UNACCOMPANIED CHILDREN AFTER 8:00PM ON WEEKDAYS

THERE WILL BE A RELEVANT AGE CHALLENGE SCHEME "CHALLENGE 21 OR 25"

THE PREMISES WILL REQUIRE THE FOLLOWING FORM OF VERIFICATION OF A PERSONS PROOF OF AGE IS:-

1. A VALID PASSPORT,
2. A PHOTO DRIVING LICENCE ISSUED IN A EUROPEAN UNION COUNTRY,
3. A PROOF OF AGE STANDARD CARD SYSTEM
4. A CITIZEN CARD, SUPPORTED BY THE HOME OFFICE


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

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

| | |
|-----------|------------------------------------------------------------------------------------|
| Signature |  |
| Date | 4/8/14 |
| Capacity | OWNER |

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd 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 address for correspondence associated with this application (please read guidance note 13)

| | | | |
|----------------------------------------------------------------------------------------|--|-----------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | | | |



**(Londis)
88-90 Columbia Road
London
E2 7QB**

Licensable Activities authorised by the licence
Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

JR Jackie Rand
Licencing Services Manager



Date: 27th September 2005

| FOR OFFICE USE | Receipt Number | Fee Paid | Fee Req. | Date | Initial |
|----------------|----------------|----------|----------|------|---------|
|----------------|----------------|----------|----------|------|---------|



Part A - Format of premises licence

Premises licence number

15652

Part 1 - Premises details

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

LONDIS
88-90 Columbia Road

Post town :London

Post code: E2 7QB

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 shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

See Mandatory conditions for drinking up time

The opening hours of the premises

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

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

Off sales only

Part 2

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

Kazim Doldur



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

N/A

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

Kazim Doldur



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 No 
Issuing Au 

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

Alcohol shall not be sold in an open container or be consumed in the licensed premises
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

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

Private Entertainment

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

- a) is not a public entertainment but

b) is promoted for private gain

Public Entertainment

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

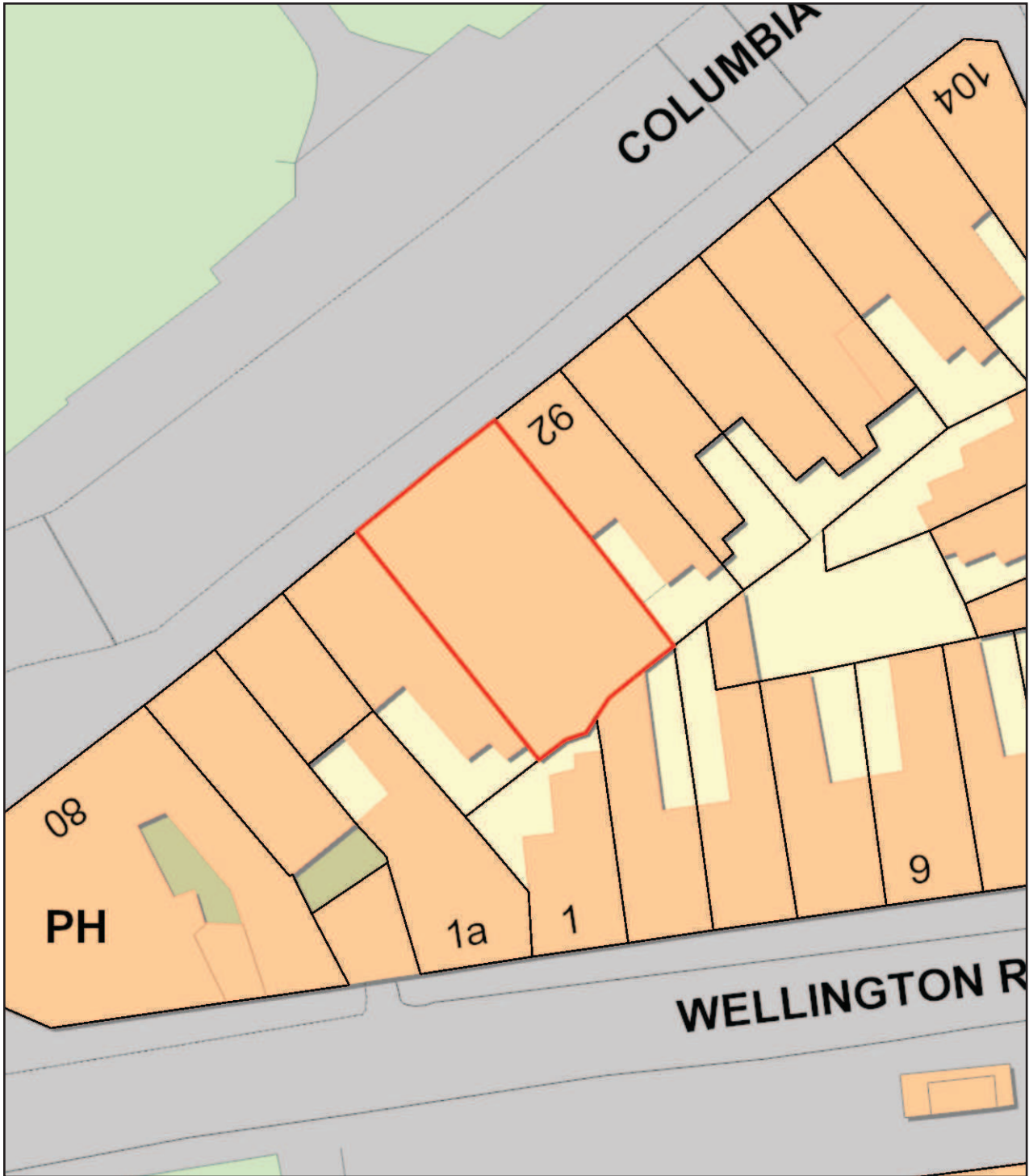
None

Annex 4 - Plans

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

4 AUG 2005

Appendix 3

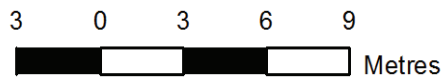


88-90 Columbia Road

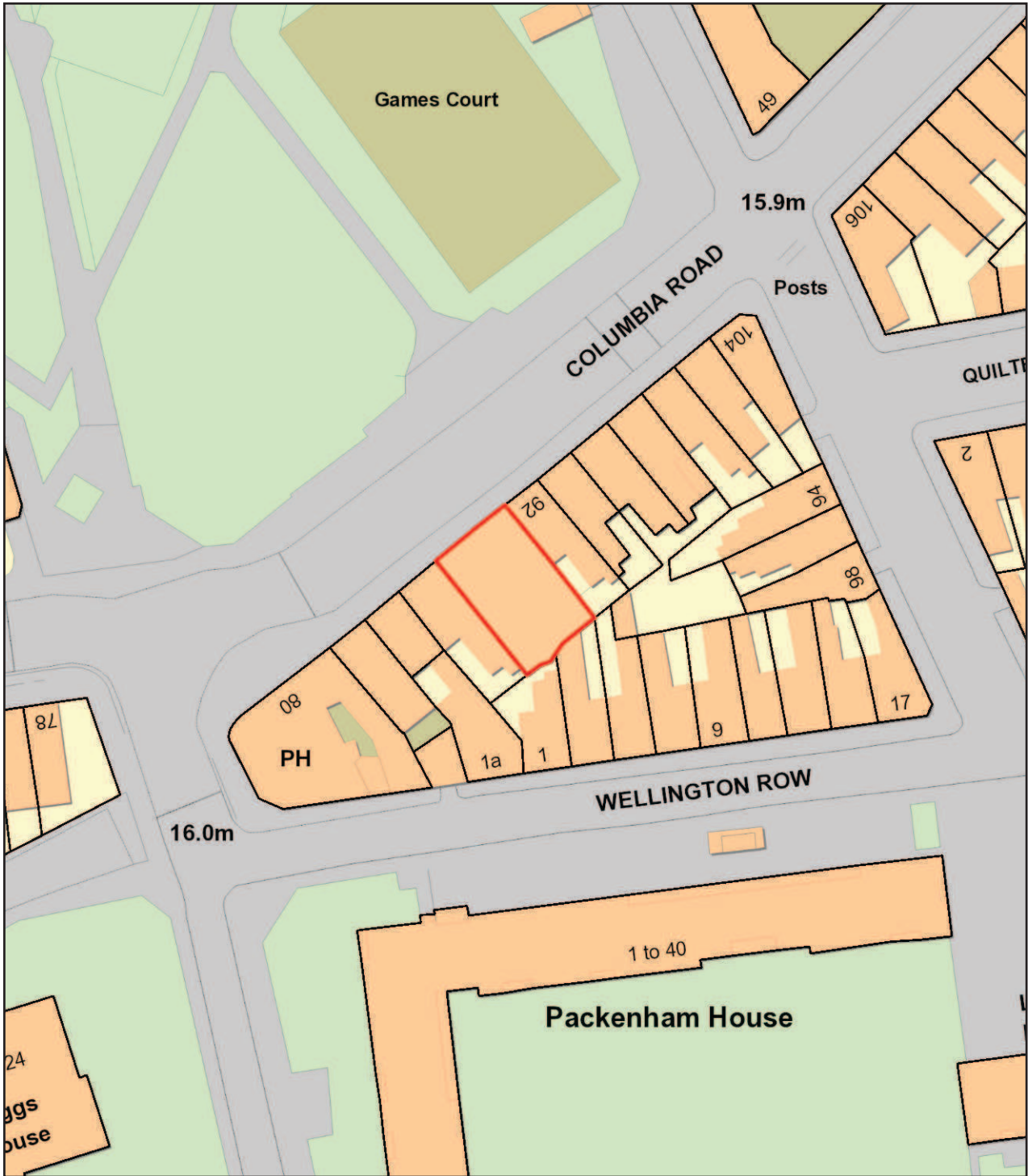
Map 1



Scale 1:334



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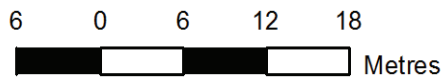


88-90 Columbia Road

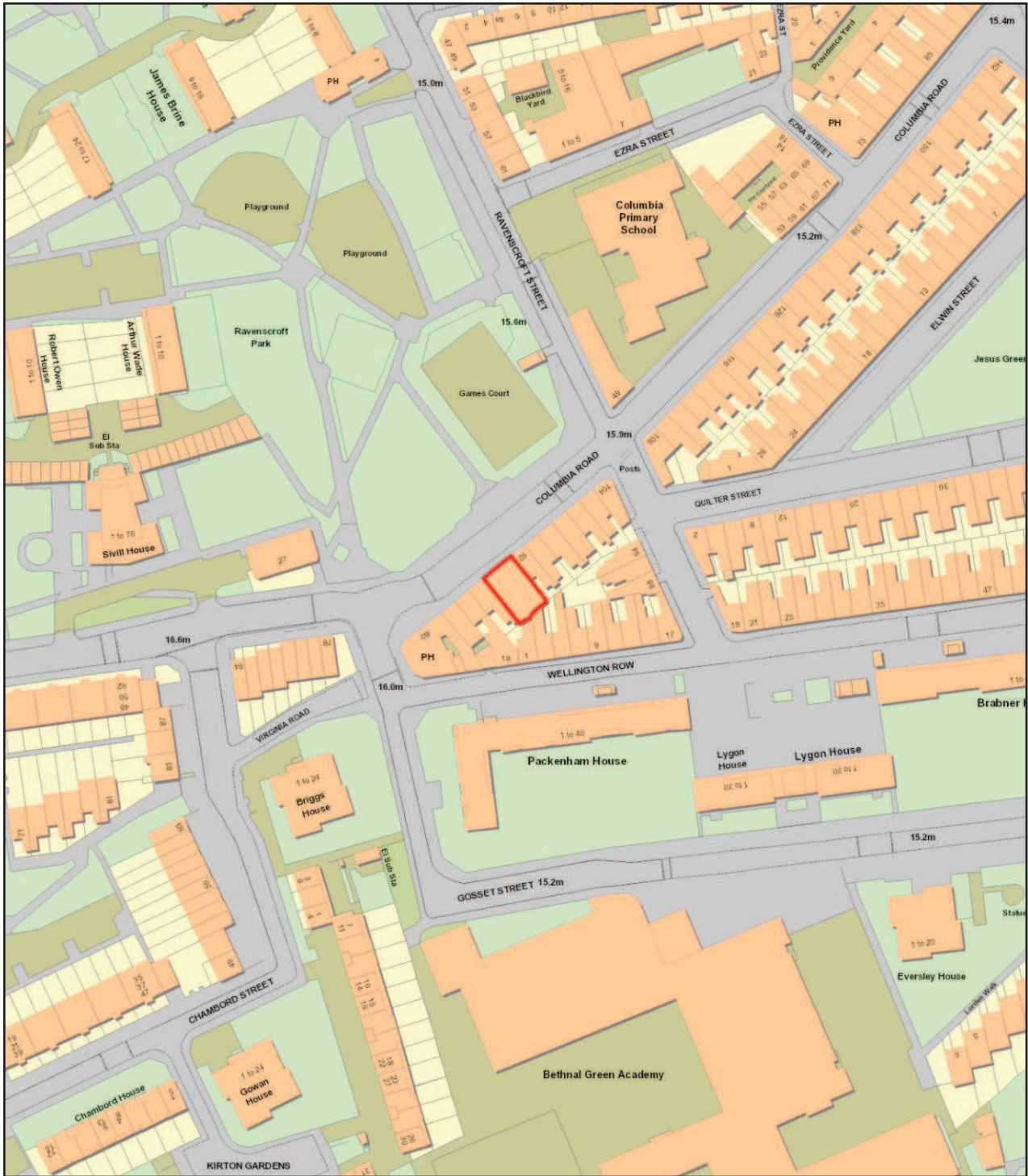
Map 2



Scale 1:668



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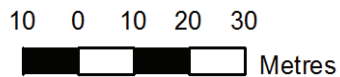


88-90 Columbia Road

Map 3



Scale 1:1669



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Appendix 4

John McCrohan
LBTH Licensing
Toby Club
Vawdrey Close
E1 4AU

HT - Tower Hamlets Borough
HH - Limehouse Police Station
Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ



Your ref:
Our ref:
1 September 2014

Dear Mr McCrohan

Re: Application to vary a premises licence

Londis, 88-90 Columbia Rd, E2 7QB

I write with reference to 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

Columbia Road is already a busy street especially at the weekend where there are a large number of people visiting other licensed venues in the area. The road and the surrounding area, still has a substantial residential population.

There is no other off licences in the immediate vicinity that has such a late opening. It will certainly attract people who are already drunk and looking to top themselves up. It is unfortunate but off licences often attracts people who are either under the influence of alcohol who can be very loud or it can attract people who are either anti-social or violent. With the best will in the world, it is difficult for staff to stop the noise or the potential ASB.

People do drink in the street especially in the summer months. These are mainly young adults. After the pubs close, many of them are already under the influence of alcohol. They become increasingly drunk by buying more alcohol from off licences. This can lead to violence, ASB and littering. Glass bottles are often found smashed in the street.

I refer to the statement of Inspector REED who is in charge of Weavers neighbourhood policing team.

“A regular complaint from local residents are the effects caused by nearby licensed venues, namely shouting from people leaving premises, urination in the street, vehicles causing noise nuisance”.

“This venue is opposite a large open green space and child’s play area which is not secured at night, an area that would naturally attract street drinkers, and surrounded by residential housing. Venues that have late licenses are a magnet for people, and historically this is where fights and disturbances are located due to the high density of people being present, and persons being under the influence of drink and/or drugs”

“.....In addition this location is situated not far from the local authority saturation zone, and the area has the honour of being second only to Westminster for the highest ASB area in the whole of London, and I am confident any additional late opening licenses in or around this zone will simply add more fuel to this reputation”.

By remaining open until 1am all week, the likelihood of further ASB is considerable.

I ask the committee to refuse this application.

If however, the committee is to grant this application I would ask them to consider the following:

1. Supply of alcohol: Friday and Saturday only: until midnight.

Conditions

1. Install / maintain 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)

2. Use of an incident / refusal book.

3. The premises will not sell any beer, larger or cider that exceeds the strength of 6.5 abv or higher unless 3 or more bottles/cans are purchased together.

Or

The premises will not sell any beer, larger or cider that exceeds the strength of 6.5 abv.

4. A personal licence holder is to be present from 2100 until closing.

Alan Cruickshank PC 189HT

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** URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

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

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)

I am completing this statement in response to the application for an extended licence, for the premises of Flower Supermarket / Londis , 88-90 Columbia Rd, E2.

I am the above named person and have worked for the Metropolitan Police Service for thirteen years. For the last five years I have been posted to Tower Hamlets Borough, and have worked on frontline response team, custody, and currently I am in charge of the Weavers Ward Neighbourhood Policing Team which encompasses the area in which this licence application has been made.

As part of my neighbourhood duties we are required to cooperate with local residents and housing organisations, and every three months we have a panel meeting with a cross section of representatives of both. A regular complaint from local residents are the effects caused by nearby licensed venues, namely shouting from people leaving premises, urination in the street, vehicles causing noise nuisance. As a community officer my team and I are committed to trying to improve the area, and are doing our very best to reduce begging, thefts, robberies and drug misuse, all crimes which are attracted to areas that have active night time economies. The area surrounding is also a highly populated area, with both local authority and private housing nearby.

This venue is opposite a large open green space and child's play area which is not secured at night, an area that would naturally attract street drinkers, and surrounded by residential housing. Venues that have late licenses are a magnet for people, and historically this is where fights and disturbances are located due to the high density of people being present, and persons being under the influence of drink and/or drugs.

In summary, any additional licensed premises will increase activity in an area that is already very saturated. In order to try and deal with the issues Tower Hamlets Police already have to develop strategies, to try and reduce crime with resources that could be used elsewhere. In addition this location is situated not far from the local authority saturation zone, and the area has the honour of being second only to Westminster for the highest ASB area in the whole of London, and I am confident any additional late opening licenses in or around this zone will simply add more fuel to this reputation.

Signature: Signature witnessed by:

Appendix 5

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 and SIA is acknowledged (2.1-2.2).

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 in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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

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 and SIA is acknowledged (2.1-2.2).

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 (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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 (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder (1.6). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified.

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

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 (1.19).

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

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 (2.24).

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.

Appendix 8

Appendix 8

ACPO comments on irregular times

Association of Chief Police Officers

The Association of Chief Police Officers (ACPO) has issued standard advice on unusual opening hours. As well as limiting the number they are anxious that the Police are given reasonable notice and an absolute veto on any event. Their policy is as stated below.

ACPO suggest that the following approach be applied to applications that include unspecified hours.

- No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.
- An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed.
- A minimum of 7 days' notice to police and the licensing authority.
- An absolute veto for police in respect of any of these occasions.

Appendix 9

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