

LICENSING SUB COMMITTEE

Tuesday, 2 December 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:

Simmi Yesmin, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for an electronic
agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

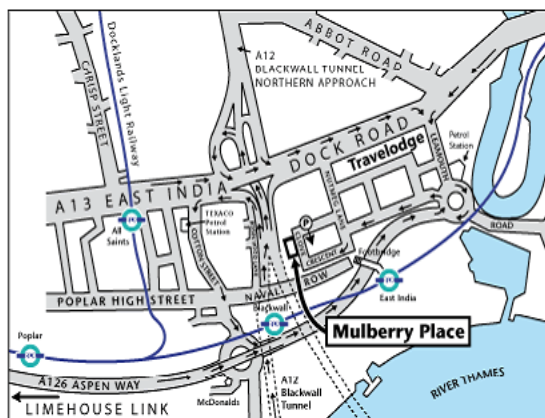
Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line: (http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

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.

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3 .1 Application for a New Premises Licence for Hotbox, 46 - 48 Commercial Street, London E1 6LT	21 - 82	Spitalfields & Banglatown
3 .2 Application to Review the Premises Licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL	83 - 250	Spitalfields & Banglatown
4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

This page is intentionally left blank

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

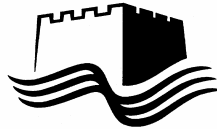
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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>

This page is intentionally left blank

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.

[

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.

This page is intentionally left blank

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.

This page is intentionally left blank

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	02 December 2014	Unclassified	LSC 53/145	

Report of: David Tolley Head of Consumer and Business Regulations Service	Title: Licensing Act 2003 Application for a Premises Licence for Hotbox, 46 - 48 Commercial Street, London E1 6LT
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant:	Hotbox London Limited
Name and	Hotbox
Address of Premises:	46 – 48 Commercial Street London E1 6LT
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• Sale by retail of alcohol• The provision of regulated entertainment• The provision of late night refreshment
Representations:	Met Police Environmental Protection

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

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for Hotbox, 46 - 48 Commercial Street, London E1 6LT.

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

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

Sale by retail of alcohol - *on sales only*

- Monday to Saturday, from 11:00 hours to 01:00 hours the following day
- Sunday, from 11:00 hours to 23:00 hours

The provision of late night refreshment - Indoors

- Monday to Saturday, from 23:00 hours to 01:00 hours the following day

The provision of regulated entertainment – Indoors

Live music

- Monday to Saturday, from 23:00 hours to 01:00 hours the following day
- Sunday, from 23:00 hours to 23:00 hours

Recorded music and anything of a similar description to live music, recorded music or performance or dance

- Monday to Saturday, from 11:00 hours to 01:00 hours the following day
- Sunday, from 11:00 hours to 23:00 hours

Non-standard timings

- To extend the provision of alcohol on the premises until 03:00 hours on New Years Day.

Hours premises are open to the public:

- Monday to Saturday, from 11:00 hours to 01:30 hours the following day
- Sunday, from 11:00 hours to 23:30 hours

Non-standard timings

- To extend the provision of alcohol on the premises until 03:30 hours on New Years Day.

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

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in October 2014.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.5 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.6 This hearing is required by the Licensing Act 2003, because a relevant representations have been made by the Met Police and Environmental Protection
- 5.7 Please see **Appendix 3** for the representation of Met Police.
- 5.8 Please see **Appendix 4** for the representation of Environmental Protection.

- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
 - Public Health
 - Licensing Authority
- 5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.11 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.12 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.
- 5.13 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.

6.0 **Licensing Officer Comments**

- 6.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). 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 to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)
- ❖ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as 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 (10.6).
- ❖ 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.10.25).
- ❖ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.20)
- ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.33).
- ❖ 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. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.39).

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve the licensing objectives.” (2.39)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 5 - 11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Representation of Met Police
- Appendix 4** Representation of Environmental Protection
- Appendix 5** Licensing Officer comments on noise while the premise is in use
- Appendix 6** Licensing Officer comments on access/egress problems
- Appendix 7** Licensing Officer comments on crime and disorder on the premises
- Appendix 8** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading
- Appendix 11** Cumulative Impact Policy

Appendix 1

Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Ltd Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

An American style smoke house restaurant with bar area, kitchen over 2 floors (basement and ground floors) as per drawings number 1414.GF.000 and 1412.BF.000. The basement area shall have capacity for 82 covers the ground floor 73 covers. Recorded and live music shall be performed whilst customers are dining. Films will be shown on special film nights.

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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

- Indoors Outdoors Both

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

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

Live music may include the provision of a disc jockey, piano, guitar and or other musical instruments.

State any seasonal variations for the performance of live music

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

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

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

To extend the provision of live music until 03:00 on New Years Day.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

Amplified and unamplified.

State any seasonal variations for playing recorded music

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

Not applicable.

Continued from previous page...

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

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

To extend the provision of recorded music until 03:00 on New Years Day.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 13 of 19

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

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Give a description of the type of entertainment that will be provided

A disc jockey, provision of various musical instruments, comperes, but not limited to.

Will this entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

Amplified and unamplified.

State any seasonal variations for entertainment

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

Not applicable.

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

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

To extend the provision of anything of a similar description until 03:00 on New Years Day.

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

The provision of hot food from the Hot Box menu.

State any seasonal variations

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

Continued from previous page...

Not applicable.

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

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

To extend the provision of late night refreshment until 03:00 on New Years Day.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

Not applicable.

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

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

To extend the provision of alcohol on the premises until 03:00 on New Years Day.

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

Adult entertainment shall not be provided.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

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

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

To extend hours of opening until 03:30 on New Years Day.

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

CCTV
Alcohol to be served by waiter/waitress service.
Fire fighting equipment
Challenge 21

b) The prevention of crime and disorder

Continued from previous page...

CCTV installed and maintained throughout the premises.
CCTV recordings shall be maintained for 31 days.
Signage shall be displayed at the premises advising customers that CCTV is in operation.
Alcohol is to be served by waiter/waitress service.
A time delay safe shall be installed.
A manager is to be employed during licensable activities.
A maximum of 2 SIA security personnel shall be provided on a Friday and Saturday nights from 21:00 until close.

c) Public safety

Fire prevention and firefighting equipment shall be installed at the premises as per drawings number 1414.GF.000 and 1412.BF.000.
The staircase from the basement to the ground floor shall be protected with 30 minutes fire resistance.
No drinks shall be permitted to be taken outside by any customers, including those going outside to smoke.
Drinking water shall be made available to customers during the times alcohol is sold.

d) The prevention of public nuisance

All doors to the licensed premises shall with the exception of entrance and egress be kept closed while regulated Entertainment is in operation.
Clear signage is to be displayed at the premises supporting Tower Hamlets policy on anti-touting.
Signage is to be displayed at the entrance and exit to the premises advising customers to respect local residents by leaving the premises in a quiet and orderly fashion.

e) The protection of children from harm

Children are to be accompanied by an adult whilst on the premises.
A challenge 21 policy shall be the age verification policy adopted at the premises.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
Premises Licence Fees are determined by the non-domestic rateable value of the premises.
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm
Band A - No RV to £4300 £100.00
Band B - £4301 to £33000 £190.00
Band C - £33001 to £8700 £315.00
Band D - £87001 to £12500 £450.00*
Band E - £125001 and over £635.00*
*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee
Band D - £87001 to £12500 £900.00
Band E - £125001 and over £1,905.00
There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.
Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.
If you operate a large event you are subject to ADDITIONAL fees on the number in attendance at any one time

Continued from previous page...

Capacity 5000-9999 £1,000.00
Capacity 10000 -14999 £2,000.00
Capacity 15000-19999 £4,000.00
Capacity 20000-29999 £8,000.00
Capacity 30000-39000 £16,000.00
Capacity 40000-49999 £24,000.00
Capacity 50000-59999 £32,000.00
Capacity 60000-69999 £40,000.00
Capacity 70000-79999 £48,000.00
Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

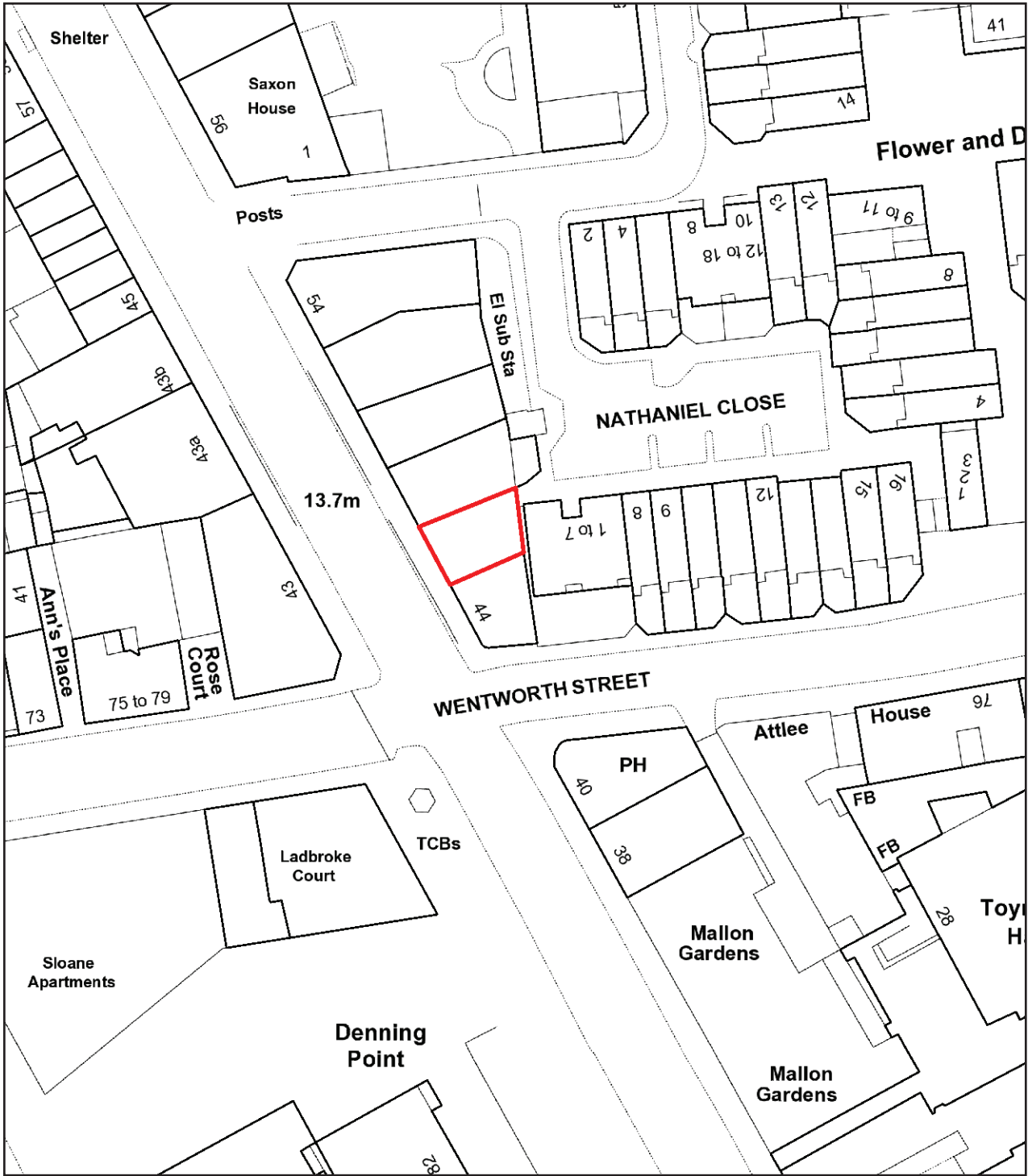
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

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

Continued from previous page...

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

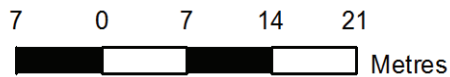
Appendix 2



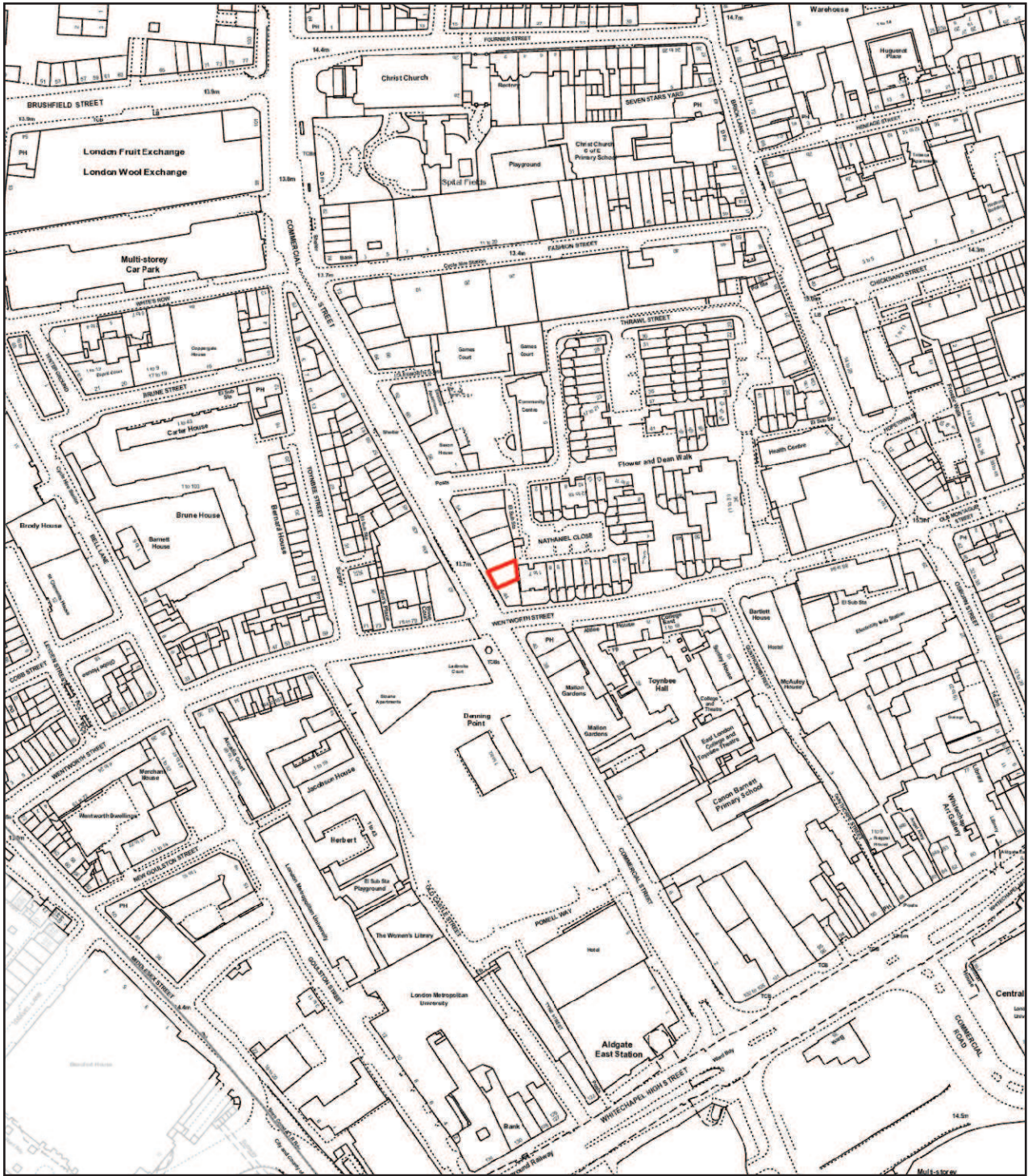
44 - 46 Commercial Street



Scale 1:762



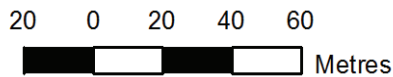
Produced by London Borough of Tower Hamlets on 31/10/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



44 - 46 Commercial Street



Scale 1:2668



Produced by London Borough of Tower Hamlets on 31/10/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 3

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 20 October 2014 16:07
To: Mohshin Ali
Subject: FW: Hot Box Premises License application Objection
Attachments: Objection Hot Box.doc

From: MARK.J.Perry@met.pnn.police.uk [<mailto:MARK.J.Perry@met.pnn.police.uk>]
Sent: 20 October 2014 15:49
To: Licensing; [REDACTED]
Subject: Hot Box Premises License application Objection

Dear all,

Please find attached the objection to the premises license application for Hot Box London.

Regards

Pc Mark Perry
Licensing Officer
Tower Hamlets Borough
Toby Club
Vawdry Close
E1 4UA

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)

Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)



John McCrohan
LBTH Licensing
Toby Club,
Vawdry Close,
London E1 4UA

HT - Tower Hamlets Borough

Licensing Office
Toby Club,
Vawdry Close,
London E1 4UA
Facsimile:
Email: Mark.J.Perry@met.police.uk
www.met.police.uk
Your ref:
Our ref:
20th October 2014

Dear Mr McCrohan,

**Re: Application for Premises Licence for
Hot Box 46 - 48 Commercial Street E1**

I write with reference to the above application which was received by Tower Hamlets
Police Licensing.

Police object the application for a Premises License on the grounds of Crime and Disorder
and Prevention of Public Nuisance.

This application is for a new premises license within the Cumulative Impact Zone (CIZ) for
the Brick Lane Area, set up by Tower Hamlets Council.

This application is in essence for a late night bar, with music that will be open until 01:30
am most nights. Having spoken to the applicant the venue will sell cocktails and look to
attract people to come to the premises after 10:30pm. Attracting people to the venue at

such a late hour there is a probability that customers may have already been drinking at other venues.

With a closing time of 1:30am there is a real risk that people will leave the venue under the influence of alcohol and cause nuisance and cause public order related offenses. As can be seen from the crime and alcohol related statistics below, 20% of crime occurs between 8:00pm and 2:00am Friday to Sunday. Anti-social behaviour levels are at their highest from 10:00pm Friday until 4:00 Monday morning. Allowing this premises to open would in the Police's view increase these levels, and application such as this are in the Police's opinion the very reason the CIZ was set up in the first place.

The applicant has also asked for regulated entertainment until 1:00am along with the sale of alcohol, which in practice means the venue could become a late night party venue.

If this license were granted it would mean another 200 to 300 people in the CIZ at the time when there is a peak in alcohol related crime and disorder. An area that is by the council's own definition saturated with late night venues and suffering with high levels of both crime, anti-social behavior and alcohol related medical demands.

Tower Hamlets Police therefore object to the application. If this application is granted Tower Hamlets Police request the Licensing Sub Committee adds the below conditions to the license, and restrict the hours of the premises to the framework hours also listed below.

1) An incident report book to be kept that records all incidents of note and made available on request to Police or any person from a relevant authority.

2) The following CCTV condition:

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

3) A minimum of 2 SIA door staff to be on duty Thursday Friday and Saturday from 7:00pm until the premises is closed.

4) The hours of the premises are restricted to Framework Hours:

Sale of Alcohol:

Sunday to Thursday 06:00 to 23:00

Friday and Saturday 06:00 to midnight.

Hours open to the Public:

Sunday to Thursday 06:00 to 23:30

Friday and Saturday 06:00 to 00.30

5) After 20:00 each day the sale of alcohol is ancillary to the sale of food.

6) A Security plan to be agreed with Tower Hamlets Police

7) A Dispersal Plan to be agreed with Tower Hamlets Police.

8) No drinks to be taken outside the premises.

9) Challenge 25 Police put in place.

With regard to the CIZ Tower hamlets Police would like to draw the attention of the

Licensing Sub Committee to the following:

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

The application falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises in this immediate area.

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

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

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

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

The hours applied for on a Friday and Saturday falls into the above peak hours.

Further to this, two negative effects of the "Night Time Economy" are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

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

Table 2: Alcohol Attributable Admission Rates 2011/2012

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

Kind Regards

Pc Mark Perry 748HT

Appendix 4

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 17 October 2014 15:03
To: Mohshin Ali
Subject: FW: EH/EP REPRESENTATION...MAU 078884, HOT BOX LONDON, 46-48 Commercial Street.

From: Alkesh Solanki
Sent: 17 October 2014 14:52
To: Licensing
Cc: [REDACTED]; Alan.D.Cruickshank@met.police.uk
Subject: EH/EP REPRESENTATION...MAU 078884, HOT BOX LONDON, 46-48 Commercial Street.

I wish to offer an representation to the New Premises Licence application for HOT BOX LONDON, 46-48 Commercial Street, on the grounds that the licensing objective for the PREVENTION OF PUBLIC NUISANCE will not be met.

The application includes the provision of regulated entertainment without appropriate control measures in the operating schedule that will prevent public nuisance. I attempted to negotiate with the applicant via the licensing agent for the agreement of the following:

Terminal hour for licensable activity:

- Sunday - Thursday 23.30; and
- Friday/Saturday 00.30

Terminal hour for hours open to the public:

- Sunday - Thursday 00.00; and
- Friday/Saturday 01.00

As I explained in our recent telephone conversation, the above is my first and final offer.

In terms of the licensing objective for the Prevention of Public Nuisance I request that the following conditions are address to the operating schedule:

- Noise from regulated entertainment shall not be audible inside any affected commercial or residential premise or at the facade of any affected commercial or residential premises (as relevant to the source of complaint);
- Noise and/or vibration from any mechanical plant or equipment shall not cause a nuisance inside any affected commercial or residential premise or at the facade of any affected commercial or residential premises (as relevant to the source of complaint);
- Smoke from any activity at the licensed premises shall not cause a nuisance at any affected commercial or residential premise or at the facade of any affected commercial or residential premises (as relevant to the source of complaint);
- Odour from any activity at the licensed premises shall not cause a nuisance at any affected commercial or residential premise or at the facade of any affected commercial or residential premises (as relevant to the source of complaint);

- No more than 5 smokers allowed outside after 9pm; and
- No drinks to be taken outside by smokers at anytime.

Alas , the licensing agent was not able to contact his client in the time before the consultation period ended for approval. Therefore, I formally object to the application as it is my belief that the licensing objective for the PREVENTION OF PUBLIC NUISANCE will not be met.

Mr Alkesh Solanki
Environmental Health Officer
Pollution Team.

Appendix 5

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 10 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 10.2 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 Public Nuisance. (**See 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
- 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 24hrs a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.19).

Licence conditions should not duplicate other legislation (1.16)

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

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

Other Legislation

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

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

Appendix 6

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 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 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 7

Anti-Social Behaviour 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 Section 6 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 3 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 (1.16).

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 (10.22-10.23).

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 8

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” (**See Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 7 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.14)

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures “within the direct control of the licence holder” (2.22/2.24).

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 9

Planning

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

Appendix 10

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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(see 15.8 of the licensing policy)

In considering the applicability of framework 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 15.8 of the licensing policy)

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

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

Appendix 11

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

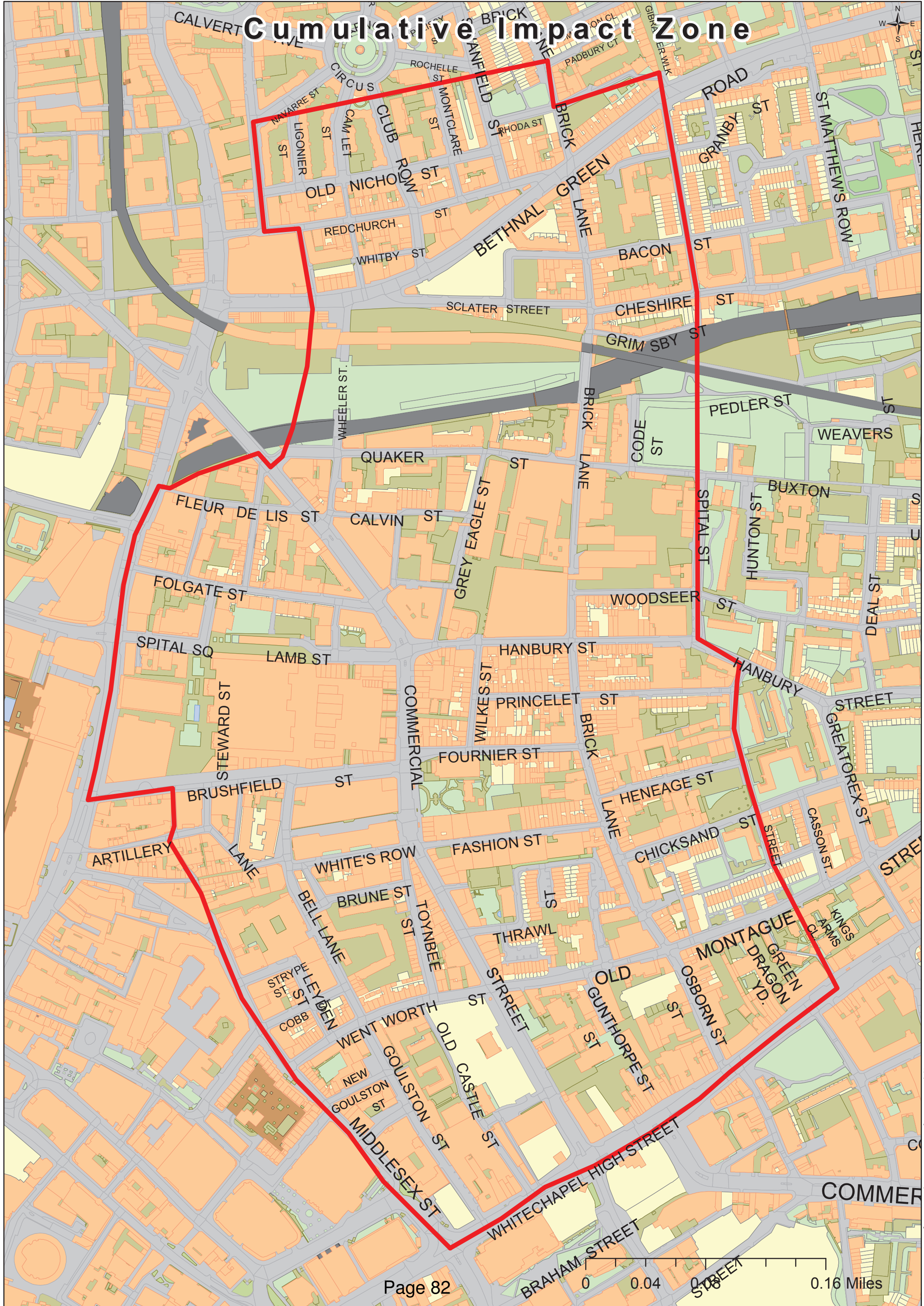
The Cumulative Impact Zone in the Brick Lane area

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



Drawn by: WJ, CLC Strategy & Performance, September 2012

Cumulative Impact Zone



Agenda Item 3.2

Committee: Licensing Sub-Committee	Date: 02 December 2014	Classification: UNRESTRICTED	Report No. LSC 54/145	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 2003• Tower Hamlets Licensing Policy• File		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 12	Supporting documents submitted on behalf of the Metropolitan Police
Appendix 13	Supporting documents submitted on behalf of the Premises Licence Holder.

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**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
PC 291HT Brendan O'ROURKE Licensing Unit 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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please 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:

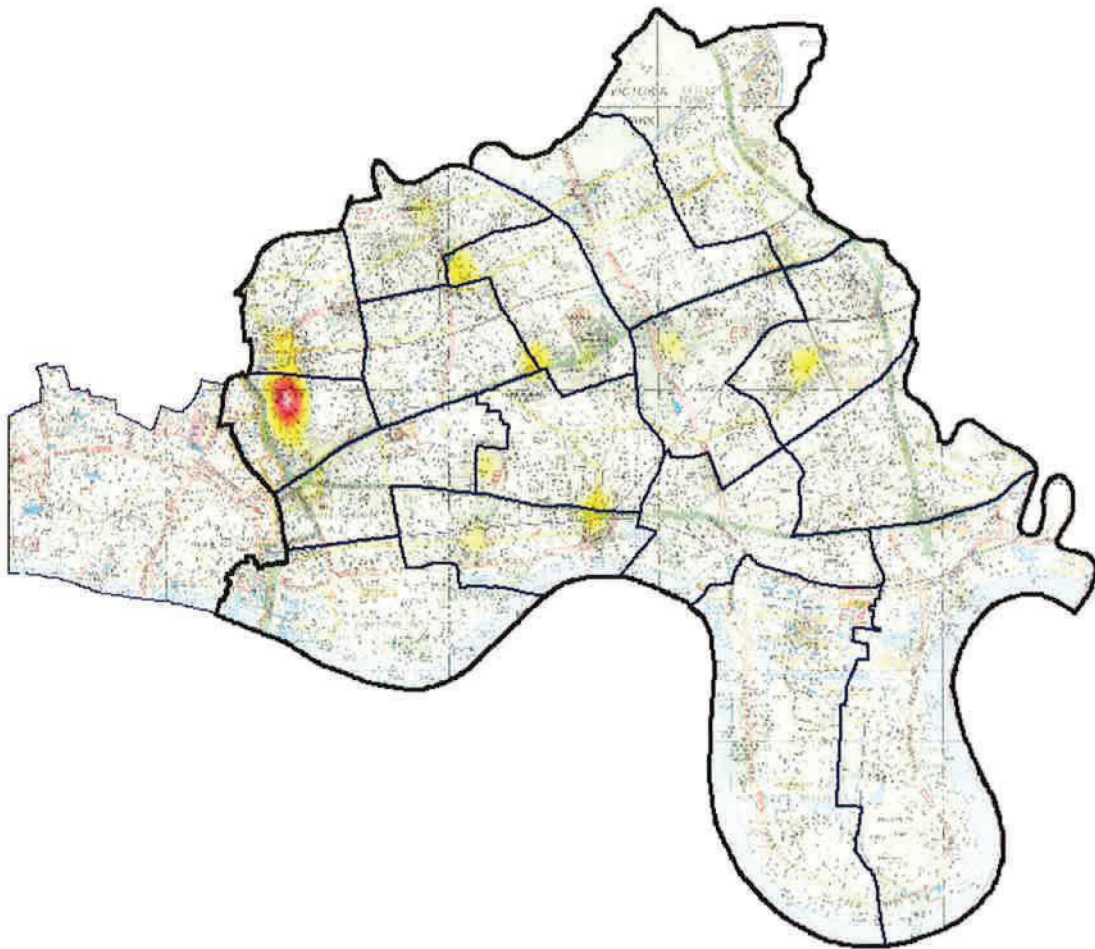
- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11 x 2 from MSC SC 5312HT RIDOUT and PC 291HT O'ROURKE

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 yes
√

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

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 JAWI** 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 JAWI** 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 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: 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 22:55 on 22/05/14

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: [Redacted]

Name (if applicable) and address of the affected premises:
Prem
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 [Redacted]

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 seal 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]

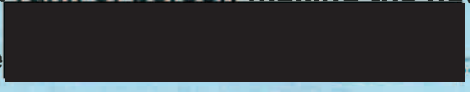
The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant 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
Start

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 as per the conditions on 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

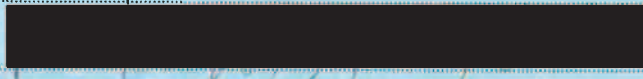
If yes they must be issued with a copy of this form

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 [REDACTED] HH NEWTON SC 5178 HT ————— AN
3-16 [REDACTED] 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: [Redacted] 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.

[Redacted]

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: [Redacted] 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

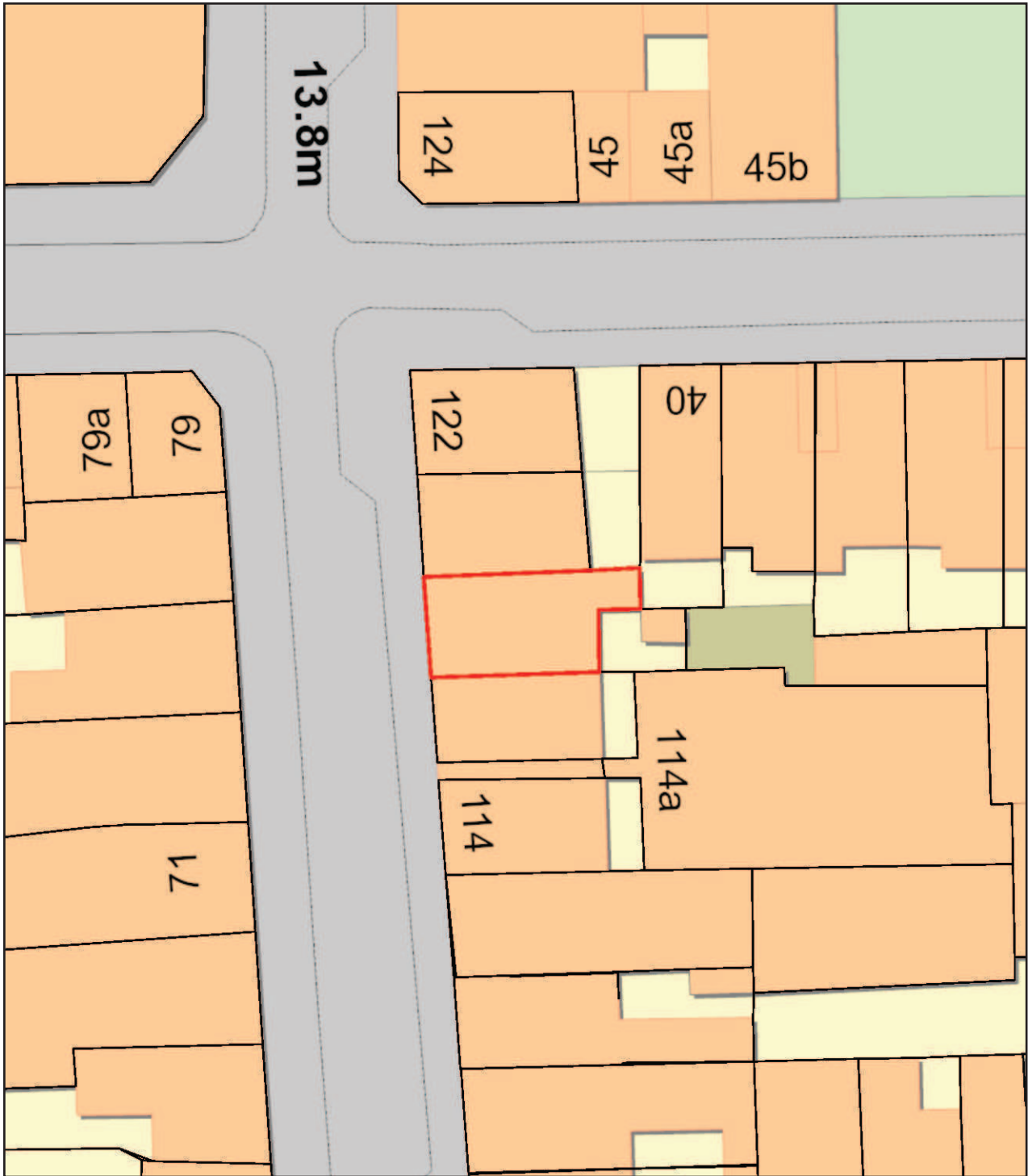
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Azmal Hussain

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

No restrictions

Appendix 4

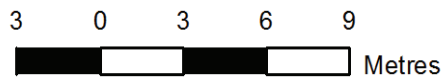


118-122 Brick Lane

Map 1



Scale 1:334



Produced by London Borough of Tower Hamlets on 24/09/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

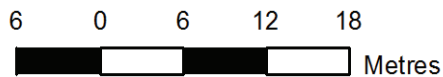


118-122 Brick Lane

Map 2



Scale 1:668



Produced by London Borough of Tower Hamlets on 24/09/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

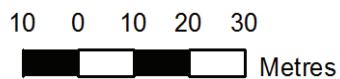


118-122 Brick Lane

Map 3



Scale 1:1669



Produced by London Borough of Tower Hamlets on 24/09/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

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,

[Redacted Signature]

Kathy Driver
Principal Licensing Officer

c.c. Mr Azmal Hussain, [Redacted]

Via Email: [Redacted]

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.

APPENDIX 12

This page is intentionally left blank

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: [Redacted] PC O'Rourke Date: 23/03/2014.....

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

This statement is in relation to a breach of Premises Licence Conditions at PREEM, 118, BRICK LANE E1 6RL

Officers original notes made at Limehouse Police Station at 10:45 hours in my own company.

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

I was previously attached to the former Whitechapel Town Centre Team and I had worked on that team since it's inception in January 2010. Prior to that I was a Police Constable attached to Spitalfields & Banglatown Safer Neighbourhood Team, based in Brick Lane Police Station which I joined in March 2009, when I transferred to Tower Hamlets.

All my previous teams covered the areas in the Tower Hamlets Wards' of Whitechapel, Spitalfields & Banglatown and Weavers - I have worked in this area for 5 years now and very familiar with this part of Brick Lane. One of my first ever tasks was to set up anti-touting operations to tackle the curry touts and I can honestly say, hardly anything has ever changed - day in and day out it still continues and can be hugely time consuming for police, when there are more pressing matters locally.

It may be the norm for most restaurants on Brick Lane to employ unofficial 'curry touts', but it has to be remembered the reason why The London Borough of Tower Hamlets Council introduced this Bye Law in the first place and that was the common place violence that erupted between rival staff, jealous over who touted customers into their restaurants or the inducements that were simply not honoured once the

Signature: [Redacted] Signature witnessed by: N/A.....

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

customer came to pay leading to confrontations or violence, though less and less - they do still occur. I have known Mr HUSSAIN (as below) since I first joined the Brick Lane team, as he used to attend as Chair of the Brick Lane Business Association, the Spitalfields & Banglatown Safer Ward Panel meetings.

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 passersby "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".

We went inside and the restaurant was packed, but we found a small table at the back to sit down at. As I passed the bar, I spoke to a male who said he was the manager, but not the Designated Premises Supervisor (DPS). The Premises Licence Holder and DPS is Mr Azmal HUSSAIN who was next door.

I said "I NEED TO SEE YOUR FULL LICENCE PLEASE"?

He said "IT'S NEXT DOOR".

I said "YOU NEED TO HAVE A COPY ON THE PREMISES".

He pointed to Part B high on a wall and impossible to read, he offered to retrieve it and I declined saying "THAT'S OK AS LONG AS PART B IS ON DISPLAY THERE IS NO PROBLEM, BUT I NEED TO SEE PART A PLEASE, IT SHOULD BE EIGHT TO TEN PAGES LONG".

Mr HUSSAIN arrived and I explained I would like to see Part A of the Premises Licence?

He said "WHY DO YOU WANT TO SEE IT"?

Signature: 

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

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

I said "WELL THE POLICE OR COUNCIL OR LONDON FIRE BRIGADE COULD REQUEST TO SEE IT AT ANY TIME AND IT SHOULD BE ON THE PREMISES, IT IS AN OFFENCE IF YOU DON'T. I HAVE JUST SEEN THIS MAN HERE TOUT OUTSIDE AND I'D LIKE TO CHECK YOUR CONDITIONS".

He left to go next door, but there is a slight anomaly with these premises in that the Premises Licence covers the premises 118 - 122 BRICK LANE, but they are in fact two separate buildings. 118 is stand alone and 120-122 is the adjoining premises.

Whilst I waited for Mr HUSSAIN to return, the male who I had seen 'tout' sat down with me and I asked him for his name, date & place of birth and home address, which he gave as Mizanur RAHMAN, DOB [REDACTED], POB BANGALDESH, [REDACTED], [REDACTED].

At 22:15 hours, I said to Mr RAHMAN "I SHOULD POINT OUT THAT IS AN OFFENCE UNDER THE TOWER HAMLETS BYELAWS TO SOLICIT FOR CUSTOM, WHICH MEANS TOUTING". I then gave the 'now' caution and he made no reply. I then said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED".

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.

Mr HUSSAIN then returned with a Committee Paper from a previous hearing, stating he was too busy to find the Premises Licence. A member of staff then produced the laminated copy from the wall, which I saw related to Preem FC at 108 BRICK LANE. I said to Mr HUSSAIN, "IT IS GOOD THAT YOU HAVE PART B ON THE WALL, BUT IS THIS 108 BRICK LANE"?

He replied "NO, 108 HAS CLOSED".

Signature:

[REDACTED SIGNATURE]

Signature witnessed by:

N/A.....

PC JAW

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

I said "YOU NEED TO ENSURE THAT YOU HAVE THE CORRECT PART B ON THE WALL, A COPY OF THE FULL PREMISES LICENCE IN THE PREMISES BEHIND THE BAR, THIS BOOKLET IF FROM A HEARING AND IS NOT THE CORRECT LICENCE".

I then however inspected the Premises Licence in that booklet, which was number 15901. There was a condition in Annex 1.4 which stated "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 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 reminded Mr HUSSAIN that his premises had a 'no touting' condition on its licence. At 22:25 hours I said to him "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 A MEMBER OF STAFF TO TOUT".

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, with specific steps to be taking in compliance of this. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/2 (copy attached).

Later at Limehouse Police Station I accessed the Council computer system and printed off a copy of the

Signature:

[Redacted Signature]

Signature witnessed by:

N/A.....

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

proper premises licence, which on page 8, states in Annex 3.7 No person shall be employed to solicit for custom or be permitted to solicit for custom for business in any public place within a 500 metres radius of the premises.

[Handwritten signature]
[Redacted] *PC 29/14/16*
Notes completed 11:50 hrs.

Signature: *[Handwritten signature]*

Signature witnessed by:

N/A.....

Witness contact details

Home address: Limehouse Police Station, 27, West India Dock Road, LONDON.....
Postcode: E14 8EZ
Home telephone number Work telephone number 020 7275 4950
Mobile/pager number Email address: Brendan.O'Rourke@met.pnn.police.uk.....
Preferred means of contact: Work
Male / Female (delete as applicable) Date and place of birth: Over 18 - SHEFFIELD, UK
Former name: N/A Ethnicity Code (16+1): W1 Religion/belief: Christian.....

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name: O'Rourke
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): PC 291 HT 230222 Brendan O'ROURKE.... Station: Bethnal Green - HT.....

Time and place statement taken: 10:45 hours - Limehouse Licensing Office

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:

001	10	3 01034227	60
-----	----	------------	----

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

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:  SC5312HT..... Date: 2/8/14.....


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

On Friday the 1st of August 2014, I was on duty in Plain cloths with HT5020. 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.

At 20.40 hours Myself HT5312 RIDOUT and HT5020 BARNA made our way along Osborn Street then on to Brick Lane on foot. We were approached by a Male IC4 Black shirt, black trousers and black shoes form Saffron 53 Brick lane E1 6PU at 20.58 Hours when he offered us a starter, main, rice, poppadoms and a drink for £10 pounds each for four(4) people. The next one was Preem were we had two people from 124-126 and one from 118-122 E1 6RL. At 124-126 we were offered two beers and 25% off of all on the menu, this was offered at 21.08 hours. We then walked away, then came back and were offered two offers by the 118-122 were we were offered two beers, starter, main, rice and nan for £12pounds, this was made at 21.48 hours. This was made by an IC3 and an IC4 both male. We then moved on to the City Spice 138 Brick Lane E1 6RU. They offered one pint with 25% of all the menu at 21.10 hours.

All this information was then passed on to HT291 O'ROURKE we made our way back up Brick Lane at 23.10 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.

Signature:  SC 5312 HT..... Signature witnessed by:  SPS BARNA 5020 HT.....

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **MSC 5312 HT s524573 Ridout**..... Station: **Limehouse**

Time and place statement taken:

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 Jai W* Date: **30/07/2014**.....

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

This statement is in relation to a breach of Premises Licence Conditions

at Preem, 118-122, BRICK LANE LONDON E1 6RL on 30/07/14


Officers original notes made at Brick Lane Police Station at 22:00 hours in my own company.

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

On Wednesday, 30th July 2014, I was on duty in plain clothes when at approximately 20:40 hours, I gave a briefing to officers regarding the Byelaws surrounding 'touting', an overview of the Licensing Act 2003 in reference to Premises Licences and in particular to Section 19 Closure Notices issued to three restaurants in BRICK LANE, some of whom had already breached those Section 19's multiple times.

I identified to the four officers present those three venues and also the key players in each restaurant, namely the Premises Licence Holders, Designated Premises Supervisors and known touts. I briefed them with names, dates of birth and photographs - where known.

The officers then left the briefing and made their way up BRICK LANE. At approximately 21:25 hours I received a phone call from PC 990HT WARLOW advising me he had been touted and was sat inside Preem at 118-122 Brick Lane. I made my way and entered, proceeding to where PC WARLOW and PC 106HT RODGERS were sat. I could see that the staff looked startled and had already recognised me. PC RODGERS told me it was the large male in the red checked shirt, whom I had briefed them on earlier

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

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

and I know to be Mohammed MIAH, (DOB [REDACTED]). PC RODGERS went to look for him, but it appeared he had run out of the side door and disappeared.

I then formally identified myself to the two staff present by producing my warrant card and saying "HELLO I THINK YOU HAVE ALREADY RECOGNISED ME, I'M PC O'ROURKE FROM LICENSING".

I said "WHERE DID MR MIAH RUN OFF TO"? He replied "WHO"? I said "MOHAMMED MIAH, THE LARGE GUY IN THE RED CHECKED SHIRT, HE'S CALLED MOHAMMED MIAH". The male replied "OH WE KNOW HIM AS TYSON". A reference I took to mean in relation to the boxer 'Mike Tyson' as Mr MIAH is well built and strong looking.

I asked the male who was doing all the talking his name, but he declined, I asked him to call Mr HUSSAIN down from his office as it was him I needed to speak to. He did.

I have known Mr HUSSAIN for many years and around May 2012 he showed me his new powerful CCTV camera system that he installed at 118-122 BRICK LANE. It has very powerful cameras known as 'PTZ', which means 'point, tilt and zoom' - they are also capable of recording sound. He showed me their capability and his ability to zoom around BRICK LANE and 'take a look' as what is going on.... I have seen recently, after an increase in police action in BRICK LANE, he has also installed two new PTZ cameras at Prithi at 124-126, BRICK LANE. I think that it is more than a coincidence that his waiters who tout outside both his restaurants disappear inside when I walk up or down BRICK LANE, before they have even spotted me. The usual greeting is "MAMU", which in Bengali means 'Uncle' and it is a local reference to '*the police are coming*' in BRICK LANE.

Whilst I was waiting for Mr HUSSAIN I took a look around 122 BRICK LANE and next door in 118 BRICK LANE to see if Part B of the Premises Licence was on display and to see if any staff could produce a full copy of the Premises Licence.

I should add that 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 (I have made an error in an earlier statement of

Signature: [REDACTED]..... Signature witnessed by: N/A.....

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

17/07/14, where I have erroneously described this the other way around). You cannot walk from one to the other on the ground floor (I am unsure about the basement, where the kitchens are).

In 120-122, I spoke to Mr Oliur RAHMAN, a waiter - this perplexed the other male, who I assumed was the duty manager, but as he was being awkward when spoken to (refusing to give his name and getting angry when I spoke to two customers, advising and reassuring them not to be alarmed it was a straightforward licensing visit etc). The other male had already spoken to them and at that point they were instantly anti-police themselves. I suspected they had been touted in, but they said they had not. They were the only two customers inside, well apart from the other two police officers.

Neither Mr RAHMAN, nor the other male was unable to produce a full copy of the Premises Licence and I saw on the wall a copy of pages 2 & 3 of Part A - but in reference to 108 BRICK LANE and not these premises. On 22/03/14, I reported Mr HUSSAIN for three offences of breaches of the Licensing Act 2003 (in fact the same identical ones as will follow below). On that day too, the same copy licence for PREEM FC, 108 BRICK LANE was on the wall and Mr HUSSAIN despite having had 4 months to rectify the matter had done nothing whatsoever to put the correct one on the wall. It is a further example of his utter contempt for The Licensing Act 2003, his Premises Licence conditions and general ambivalence towards any earlier police advice and action. On 10/07/14 Mr HUSSAIN was fined £6,849.00, for those offences committed on 22/03/14.

I then visited next door at 118, where there was neither a copy of Part B on the wall, nor a full copy of the Premises Licence for inspection (there was a copy of page 2 & 3 of Part A only available however). I recall similar to the above, this was the same on 22/03/14 and again Mr HUSSAIN had done nothing to correct the situation.

This time I spent some time with the male in 118 and explained in great detail to him what steps Mr HUSSAIN must take and I asked him to help him and ensure that he does it. The male appeared genuinely concerned and he wrote down what I said - I checked it and it was correct - my advice being to ensure Mr HUSSAIN has to have a fully copy of the Premises Licence available behind the counter in either 118 or 120-122 and to have a copy of Part B on display preferably in both - but most certainly in one of the two sides. He said he would and help Mr HUSSAIN not get in any more trouble.

Signature: 

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

PC JAH

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

I have to say, that despite my view of his utter contempt and indifference as described above Mr HUSSAIN is still in the circumstances taken together - a Gentleman to deal with.

About 15 minutes later, after I had returned to 120-122, Mr HUSSAIN arrived and as usual he shook my hand and I asked him to sit down. 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'. He was particularly perplexed today and kept saying to me "I AM TIRED, I HAVE HAD ENOUGH, I CAN'T COMPETE WITH THE OTHER BUSINESSES I AM SELLING, I HAVE HAD ENOUGH, CAN YOU JUST LET ME SIGN THE FORMS AND I WANT TO GO".

I said "MR HUSSAIN, I CAN'T LET YOU SIGN ANY BLANK FORMS, BARE WITH ME I WILL BE AS QUICK AS I CAN IF YOU ARE NOT FEELING WELL, BUT I DON'T KNOW HOW MANY TIMES I NEED TO WARN YOU, YOU ARE SERIOUSLY PUTTING YOUR BUSINESS AT RISK NOW AND POTENTIALLY YOU MAY LOOSE YOUR PREMISES LICENCE AND IF YOU DO WHO WOULD WANT TO BUY IT, YOU MUST STOP YOUR STAFF FROM TOUTING".

I then said to Mr HUSSAIN "THERE IS NO COPY B ON THE WALL, YOU STILL HAVE PREEM FC AT 108 BRICK LANE ON THIS WALL, DO YOU NOW HAVE A COPY OF THE FULL PREMISES LICENCE"?

He replied "NO, I'M TRYING TO FIND".

I then said to Mr HUSSAIN "THESE TWO OFFICERS HAVE BEEN TOUTED BY MR MIAH OR TYSON AS I NOW KNOW HE IS CALLED, WHO HAS RAN OFF THROUGH YOUR SIDE DOOR, BUT HE OFFERED THEM TWO FREE DRINKS EACH PER PERSON AND 20% OFF THE BILL OUT IN THE STREET".

At 22:00 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE UNDER SECTION 57 (4) - FAIL TO PROMINENTLY DISPLAY A SUMMARY OF THE LICENCE, UNDER SECTION 57 (7) - FAIL TO PRODUCE A PREMISES LICENCE OR CERTIFIED COPY AND 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

Signature:

[Redacted Signature]

pc jain wj

Signature witnessed by:

N/A.....

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

ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON', IN PLAIN ENGLISH THAT MEANS YOU HAVE BREACHED YOUR PREMISES LICENCE BY NOT HAVING A COPY OF PART B ON DISPLAY OR A FULL COPY OF YOUR PREMISES LICENCE FOR INSPECTION AND ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14 AND 16/07/14".

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 23:30 hrs.  PC JAH/14/1

Signature 
2003(1) PC JAH/14/1

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

Witness contact details

Home address: Limehouse Police Station, 27, West India Dock Road, LONDON
Postcode: E14 8EZ
Home telephone number Work telephone number 020 7275 4950
Mobile/pager number Email address: Brendan.O'Rourke@met.pnn.police.uk....
Preferred means of contact: Work
Male / Female (delete as applicable) Date and place of birth: Over 18 - SHEFFIELD, UK
Former name: N/A Ethnicity Code (16+1): W1 Religion/belief: Christian

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, . language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you tick this box to decline their services:				<input checked="" type="checkbox"/>		

Signature of witness: [Redacted] Print name: O'Rourke
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): PC 291 HT 230222 Brendan O'ROURKE Station: Bethnal Green - HT

Time and place statement taken: 22:00 hours - Brick Lane Police Station

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:

[Redacted 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 "[REDACTED]"

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

He replied "[REDACTED]".

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 "[REDACTED]".

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

He replied "[REDACTED]".

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: [REDACTED].....

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

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 2011/15


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. O'Rourke*

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

Witness contact details

Home address: **Limehouse Police Station, 27, West India Dock Road, LONDON**.....
 Postcode: **E14 8EZ**
 Home telephone number Work telephone number **020 7275 4950**
 Mobile/pager number Email address: **Brendan.O'Rourke@met.pnn.police.uk**....
 Preferred means of contact: **Work**

Male / Female-(delete as applicable) Date and place of birth: **Over 18 - SHEFFIELD, UK**

Former name: **N/A**..... Ethnicity Code (16+1): **W1**..... Religion/belief: **Christian**.....

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: **[Redacted]** Print name: **O'Rourke**.....
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC 291 HT 230222 Brendan O'ROURKE**.... Station: **Bethnal Green - HT**.....

Time and place statement taken: **00:45 hours - Brick Lane Police Station**

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: [Redacted] PC JAHT Date: 02/08/2014.....

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

This statement is in relation to a breach of Premises Licence Conditions at Preem, 118-122, BRICK LANE LONDON E1 6RL on 01/08/14

Officers original notes made at Brick Lane Police Station at 21:00 hours in my own company.

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

On Friday, 1st August 2014, I was on duty in plain clothes when at approximately 19:00 hours, I gave a briefing to T/Sgt MSC 5020HT BARNA at Bethnal Green Police Station, regarding the Tower Hamlet Byelaw surrounding 'touting', a brief overview of the Licensing Act 2003 in reference to Premises Licences and in particular to Section 19 Closure Notices under The Criminal Justice and Police Act 2001. I advised him that three restaurants in BRICK LANE had already been issued with Section 19 Closure Notices and we were concentrating on evidence with these three, however, any evidence in relation to any other restaurants would be welcome. There was also a formal slide on the Tower Hamlets briefing system in relation to this too. However as police resources are scarce and stretched over the weekend, particularly in the Whitechapel area, only a couple of officers were assigned to this matter undertaking a local initiative operation.

During the evening I was kept apprised of their progress and was advised that they had been 'touted' quite a few times. Around 22:00 hrs I met up with SC 5312HT RIDOUT and he gave me a verbal overview of the premises he had been touted at whilst with T/Sgt BARNA. We then attended various premises as and when SC RIDOUT saw the 'tout' who made the offer - I then I went into the premises

Signature: [Handwritten Signature] Signature witnessed by: N/A.....

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

with him and after he repeated the allegations, I then dealt with the matter.

At 23:55 hours I was in the company of PC 189HT CRUICKSHANK and SC RIDOUT, when we attended at Prithi Restaurant and Bar at 124-126 BRICK LANE, E1 6RL - I immediately saw at the door Mr Azmal HUSSAIN and said to him "HELLO MR HUSSAIN, CAN WE SIT DOWN SOMEWHERE QUIET PLEASE"? Mr HUSSAIN knows me extremely well and I had no need to formally identify myself, as didn't PC CRUICKSHANK who has been the Licensing Officer for this area for many years.

I had just reported a male who works at ALADIN for 'touting and Obstructing the Highway', but he and his colleague had followed us and were causing a disturbance outside. I had to call over my police radio for a uniformed unit's to assist as I could now hear a lot of obscenities being shouted at us through the windows. One male who I have know since my first few weeks on Borough as Shah MIAH (who was the other 'tout' at ALADIN - was the main instigator and I believed he was intoxicated. He was using his mobile phone to film police and I had already given him a warning for swearing in public and he was warned that if he swore again, he would be arrested for a Public Order offence. Mr HUSSAIN had been at his door ushering the crowd away, but Mr MIAH entered the restaurant and sat down shouting at staff "I WANT A CURRY, CAN I HAVE A MENU"? It was comical as much as very childish, but this insensed Mr HUSSAIN, who instructed staff "GET HIM OUT OF MY RESTAURANT, I DON'T WANT HIM IN HERE". He remained in the street at the window pointing me out to people he was with as if warning them who to 'look out' for (or avoid). He was then moved away by uniformed police who arrived.

PC RIDOUT then brought over the male who had touted him at Prithi (124-126 BRICK LANE) and said in the males presence and hearing to Mr HUSSAIN "THIS MAN TOUTED ME OUTSIDE AT 21:08 HOURS I WAS OFFERED TWO PINTS AND 25% OFF ALL FOOD".

The male said "WHAT EVIDENCE DO YOU HAVE I DON'T TOUT"?

I then said to that male "HE JUST TOLD YOU WHAT YOU SAID, IF YOU DISAGREE AND THIS MATTER GOERS TO COURT, YOU WILL HAVE YOUR CHANCE TO TELL THE COURT YOURSELF"

He said "I DON'T BELIEVE HIM".

I then said to him "CAN YOU TELL ME YOUR NAME AND DATE OF BIRTH PLACE"?

Signature: .....

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

PC 291/117

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

He replied "MOHAMMED RAHMAN, 11/04/1968".

I said "AND WHAT'S YOUR OCCUPATION"?

He replied "WAITER".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "25 ELTON HOUSE, CANDY STREET, LONDON E3 2LJ".

I said "AND ARE YOU REGISTERED TO VOTE THERE"?

He replied "YES 11 YEARS".

PC CRUICKSHANK then reported him for touting under the Tower Hamlets Byelaws and I thanked him and said he could go now.

I said to Mr HUSSAIN "DO YOU HAVE YOUR FULL PREMISES LICENCE FOR HERE 124-126 PLEASE"?

He replied "NO I FORGOT TO PICK IT UP".

I had attended these premises (124-126) on 06/07/14 at 02:15 hours, some 15 minutes after the premises should have closed and 45 minutes after all licensable activities should have ceased (as per my MG11 dated 06/07/14). On that occasion Mr HUSSAIN had neither Part B on display (telling me it 'had fallen off the wall') and neither did he have a full copy of the premises licence available for inspection. I have to say, I gave Mr HUSSAIN a 'warning' on that occasion for not having his Premises Licence available, advising him to have a copy available as soon as possible as the Fire Brigade, Trading Standards, Council Licensing or Food Hygiene may visit and ask to see it. I also Reported him for Process (Summons) for breaches of Section 136 Licesning Act 2003, but on reflection I felt I had insufficient evidence of hot food or alcohol being served after time and approximately 3-4 days later I met Mr HUSSAIN and gave him 'words of guidance' and advised there would be no prosecution (I had given him Met Police Form 694 - 'Notification of Alleged Offences' and said it was now cancelled).

This again simply shows, Mr HUSSAIN'S disregard for any advice he has been given. He has had three weeks to ensure that a copy of the Premises Licence was available and still has done nothing about it - it simply appears he has no intention of upholding the Licensing Act 2003, no matter how insignificant whatsoever. The Police have no confidence in him as a Premises Licence Holder and will now be seeking a Review of his Premises Licence before a Tower Hamlets Licensing Committee and seeking

Signature: 

Signature witnessed by:

N/A.....

2003(1)

PC Jenny

Page 188

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

legal advice over his breaches of the various Section 19 Closure Notices.

I am aware that that PC CRUICKHANK then reported Mr HUSSAIN for that offence and the touting offence - both breaches of his Premises Licence. He then dealt with the paperwork and issued a Section 19 Closure Notice under The Criminal Justice and Police Act 2001.

I then said Mr HUSSAIN, "THIS OFFICER WAS ALSO TOUTED BY TYSON OUTSIDE PREEM NEXT DOOR".

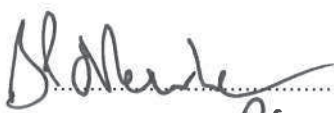
SC RIDOUT then said "I WAS APPROACHED BY THREE OF YOUR STAFF WITH OFFERS, BUT AT 21:48 HOURS I WAS OFFERED TWO BEERS, STARTER, MAIN, RICE AND NAN FOR £12 POUNDS EACH".

I had indentified one of the three touts as Mohammed MIAH (known as 'Tyson' to staff - he was covered in my briefing earlier) - he is always outside the north door of Preem and that is 'his corner'. It is the third time he has been caught touting by police recently and he touts constantly and he does so with impunity.

At 00:00 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 ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14, 16/07/14 and 30/07/14".

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he replied "I UNDERSTAND".

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).

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

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

Mr HUSSAIN then shook my hand and I then left the premises and we continued to the next venue.



Notes completed 22:20 hrs.

PC 29/11/17

Signature:



PC 29/11/17

Signature witnessed by:

N/A.....

Witness contact details

Home address: **Limehouse Police Station, 27, West India Dock Road, LONDON**.....
 Postcode: **E14 8EZ**
 Home telephone number Work telephone number **020 7275 4950**
 Mobile/pager number Email address: **Brendan.O'Rourke@met.pnn.police.uk**.....
 Preferred means of contact: **Work**

Male / Female (delete as applicable) Date and place of birth: **Over 18 - SHEFFIELD, UK**

Former name: **N/A** Ethnicity Code (16+1): **W1** Religion/belief: **Christian**

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:  Print name: **O'Rourke**

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 291 HT 230222 Brendan O'ROURKE**.... Station: **Bethnal Green - HT**

Time and place statement taken: **21:00 hours - Brick Lane Police Station**

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 Stephen RODGERS PC106HT..... URN: 01 HT 14

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 217001

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: [Redacted] PC106HT Date: 04/08/2014.....

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

On Wednesday the 30th of July 2014 I was on duty in plain clothes in company with PC99HT Dave WARLOW, PCSO 7117HT Karl BLAIR, PC776HT Reece BUCKLEY at Brick Lane Police Station, a briefing was provided by PC 291HT O'ROURKE who is from the Tower Hamlets Licensing Team, PC291 O'ROURKE provided the briefing that related to the ongoing issues in relation to touting outside the restaurants in Brick Lane.

At approximately 21:25hours myself and PC990HT WARLOW were walking EAST along HANBURY STREET towards the junction with BRICK LANE, as we entered BRICK LANE we were approached by a male who I know to be Mr Mohammed MIAH DOB: [Redacted] of [Redacted], MIAH was wearing a distinctive RED chequered shirt, PC990HT WARLOW was using his mobile phone in order to communicate with PC 291HT O'ROURKE.

MIAH approached me and I clearly heard him say to that he would give me a 20% discount off my food bill and 2 free alcoholic or soft drinks, I informed MIAH that myself and my friend were meeting 2 more friends therefore there would be 4 of us in total, MIAH again stated that 20% off the bill and 2 free drinks would be provided to all 4 people if we entered and eat in the restaurant that was behind him which was the PREEM RESTAURANT at 118-122 BRICK LANE E1 6RL, MIAH said 'Come inside and wait for your man', MAIH then turned around and beckoned both myself and PC990HT WARLOW into the restaurant.

MIAH showed us to a table in the far corner of the restaurant and another IC4 appeared and began to speak to MIAH in BENGALI, this second IC4 waiter was wearing a BEIGE SHIRT and had a side parting in his hair, the IC4 Male waiter then placed 2 extra menus on the table. A few moments passed then I was aware that PC291HT O'ROURKE had joined us in the restaurant and he sat down opposite me next to PC990HT WARLOW, at this point I looked over my LEFT shoulder and saw MIAH exiting out the rear of the restaurant, I left the restaurant and looked EAST along HANBURY STREET to see if MIAH could be seen, I did not see MIAH, I then want

Signature: [Handwritten Signature] PC106HT Signature witnessed by:


Continuation of Statement of **Stephen RODGERS PC106HT**

back into the restaurant. When I went back into the restaurant I saw the IC4 male that had provided us with the 2 extra menus who clearly appeared to be working as a waiter, I said "Why didn't Mr Mohammed MIAH want to stay?", the IC4 male denied knowing anyone by this name and stated that he knew someone by the nickname of 'TYSON' who sometimes hangs around outside the restaurant, this IC4 male waiter refused to give his details.

I was aware that PC291HT O'ROUKE was completing the relevant paperwork required to report the owner of the premises and the licence holder, A male who I now know to be Mr Azmul MIAH then appeared, as he appeared elderly and out of breath I stood up and offered him my seat, Mr Azmul MIAH then sat down and PC291HT O'ROURKE completed the paperwork that was issued

We then all exited the restaurant, I would like to make it known that I have been a police officer for over 10 years and I have worked in different areas some of which have been extremely threatening and hostile, I can confidently state that whilst in the restaurant I was constantly aware of the movement of the staff and a number of other IC4 males who were not wearing uniform but clearly knew the staff, I felt that at point the situation could turn hostile and my experience on this occasion would form my future risk assessment in that I would never enter the restaurant on my own, I detected a tangible animosity towards PC291HT O'ROURKE coming from the IC4 waiter and Mr Azmul MIAH.

When we left the restaurant and made our way SOUTH along BRICK LANE I was aware that we were being followed and observed by the same IC4 Male waiter from the PREEM Restaurant, this male was speaking to other IC4 males who were loitering outside other restaurants and gesturing towards myself and PC990HT WARLOW and he appeared to be warning other touts that we were police officers.



Signature:



PC106HT

Signature witnessed by:

.....

Witness contact details

Home address: **c/o Bow Police Station**
 Postcode: **E3**
 Home telephone number **N/A** Work telephone number **0207 275 3968**
 Mobile/pager number **N/A** Email address: **stephen.rodger@met.pnn.police.uk**
 Preferred means of contact: **email**
Male / Female (delete as applicable) Date and place of birth: **over 18**
 Former name: **n/a** Ethnicity Code (16+1): **NS** Religion/belief: **n/a**
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC 217001 S.RODGERS** Station: **Bow**

Time and place statement taken: **20:00 - Bow Police Station**

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.

At 21.42hrs we were walking past Papadoms, 84 Brick Lane, E1. A male crossed the road to speak to us. I would describe him as being IC4 and about F505 tall and aged around 30 years. He wore a purple shirt, black trousers and smart black shoes. He had short black hair and a neatly trimmed beard. He encouraged us to cross the road to look at the menu in the Papadoms window and explained his was the best restaurant. He then said "I will give you 20% off the menu prices and both of you a free drink". We said we had to go and meet friends up the road and left.

Further up the road at 21.50hrs a male approached us outside The Standard Balti House, 71 Brick Lane, E1. I would describe him as being IC4 wearing a dark t-shirt and a black body warmer jacket. He wore a name badge which said 'Jay' and had distinctive black Prada trainers. He had a small beard, black hair and was about F505 tall and aged around 27 years. He encouraged and escorted us to cross the road and look at his menu. He then said "you can have 20% off these prices and 2 free drinks each". After later returning to the restaurant to serve a Section 19 notice I discovered the male to be Ahmad HOSSAIN, D.O.B. [REDACTED]

At 21.51hrs a male stopped us outside The Famous Curry Bazaar, 77 Brick Lane, E1. He was IC4 and wore a light grey Lyle and Scott branded sweatshirt and blue jeans. He was aged around 25 years and was about F505 tall with short, dark hair. He said "I will give you 20% off the menu, two free drinks and no service charge". I later came to know him as Mohamnod AHMED, D.O.B. [REDACTED] of [REDACTED] when his restaurant was issued with a Section 19 notice.

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 [REDACTED] of [REDACTED]
[REDACTED]

At 22.17hrs we were walking past Curry Capital, 202 Brick Lane, E1. An IC4 male aged around 50 years stopped us. He was about F510 tall and of a large build. He had black hair with some greys and a bushy moustache which was also going a bit grey. He wore a black shirt, black blazer, black trousers and brown shoes with a buckle. He said "I will give you the first round of drinks for free. Look, I have curry starting from just £5.95".

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 [REDACTED] ANTHONY SC 5178 HT _____ AN
3-16

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: [Redacted] S3124T 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.

At 21.30 hours Myself HT5312 RIDOUT and HT5178 NEWTON made our way along Osborn Street then on to Brick Lane on foot. We were approached by a Male IC4 black short hair and full beard. He was wearing a purple shirt, black trousers and black shoes form Popadoms Brick lane E1 at 21.42 Hours when he offered us 20% of all the menu and a drink each for four(4) people.

The next one was the standard Balti house 71 Brick Lane at 21.50 hours . I would describe him as being IC4 wearing a dark t-shirt and a black body warmer jacket. He wore a name badge which said 'Jay' and had distinctive black Prada trainers. He had a small beard, black hair and was about F505 tall. I now know him to be Ahmad HOSSAIN, date of birth [Redacted] of [Redacted]. He encouraged and escorted us to cross the road and look at his menu. He then said "you can have 20% off these prices and two(2) free drinks each".

The next one was the famous curry bazaar Brick Lane E1. I would describe him as being IC4 wearing a light grey Lyleo scott jumper blue jeans and dark shoes. He had a short hair and a slight stubble he was about 5'4" I now know him to be Mohamnod AHMED D.O.B [Redacted] Address: [Redacted]. He was stood out side the curry house and offered us two(2) Free drinks and 20% off the menu and no service charge.

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: [Redacted] S3124T 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.

The Last one was Curry Capital Brick Lane E1. I would describe him as being IC4 wearing a black suite with a black shirt. And black smart shoes. He had a short hair and a thick black moustache was about 5`4”. He was stood out side the curry house and offered us our first round of drinks free.

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.

3:20 SA 20 SEP'14 HH

 S312 HT

3:20 SA 20 SEP'14 HH

Signature:  S312 HT

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 **Francesca Adams** URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 521432**

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: **5280HT** Date: 20/09/2014

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

On Friday 19th September 2014 I was on patrol on Brick Lane E1 with my colleague 5280HT-JD. We were on a preplanned plain clothes licensing operation to observe the breaking of Section 19 Licensing Law relating to curry restaurants. We were also targeting illegal balloon sellers on Brick Lane.

At 21:40 hours we were walking past 53 Brick Lane when an employee of the Saffron restaurant approached us and touted a deal to eat his establishment. He offered us a free pint of beer and a large glass of wine plus a discount of 20% he then increased this to 25% which he quoted would give us a quarter of the bill. He was an IC4 male, aged between 25-30 years; he was a small build with facial hair shaped into a goatee with a thin beard line to his sideburns. He had a small gap on his right upper canine tooth. He was wearing a white polo t-shirt, blue denim jeans and tan coloured walking boots branded Timberlands or very similar. We thanked him but told him that we would have to meet our friends but may come back later. Before we left he handed us a business card of the restaurant.

At 22:15 hours we walking past the Curry and Tandoori restaurant; address 118 Brick Lane E1, when we were approached by two men who began touting us to enter their restaurant. The offer was 25% reduction and the first round of drinks free. The first male was IC4 aged between 40 to 45 years. He was wearing grey Nike trainers with navy blue jeans and a navy blue jumper with a collared grey shirt underneath. He had black hair which was receding. The second male was an IC4 he had a bald head and he had a distinct mono-brow. He was wearing a light pale blue shirt dark trousers and black shoes. We declined the offer and moved on.

At 22:33 hours we walked past the Moon Light restaurant; address 8 Brick Lane E1, when an IC4 male approximately 5ft 3ins in height with dark hair, he also had a chin beard with no moustache. He was wearing a blue & white small squared checkered shirt, dark trousers and dark coloured shoes. The IC4 male crossed the road and stopped us to make an offer to dine at his restaurant. His offer was: any starter, any rice, any main along with a naan bread for £10 each plus a free drink. He asked how many of us there were, we said "four of us" to which he replied "you will not spend more than forty pounds I guarantee it". We said "we will find our friends and come back" we then moved on. At 23:15 hours we returned to the Moon Light restaurant with Licensing officer PC Mark Perry 748 who issued a section

Signature: **5280HT** Signature witnessed by:

Continuation of Statement of **Francesca Adams**.....

19 to the man we described touting us for business, who I now know to be Mr Sala Uddin of [REDACTED]. I explained to Mr Uddin what had taken place when we walked past earlier and PC Perry then cautioned Mr Uddin at 23:20 hours to which he replied "okay".
END OF WITNESS STATEMENT. [REDACTED] *5158HT.*

Signature:

[REDACTED]

5158HT

Signature witnessed by:

WITNESS STATEMENT

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

URN _____:_____:_____:

Statement of: Despina Soteriou

Age if under 18 over 18 (if over 18 'over 18') Occupation CCTV Operator

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

Signature: [REDACTED] Date Thursday, July 17, 2014

This statement is to document the release of CCTV evidence from the London Borough of Tower Hamlets CCTV Control Room at the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG. The system provides on-street video images that are transmitted from cameras positioned in various locations throughout the London Borough of Tower Hamlets and are overt in operation. The transmissions are received at a purpose built control room in the Town Hall, Mulberry Place, 5, Clove Crescent, London E14 2BG. Camera signals are continuously and automatically recorded by way of time lapse onto a digital storage system. Images are presented on DVD for evidential purposes. The system uses a time stamp from the atomic clock to ensure accuracy of time across the CCTV system and is checked daily. I can confirm that the cameras concerned with this request are in full working order and the system is operating correctly. As a result of a request from 291HT of the Metropolitan Police I have produced DVD(s) numbered LBTH 6458 , I have sealed the DVD(s) in evidence bag number MPSA19839876. I produce this/these DVD(s) as Exhibit DS/01 [REDACTED]

Signature: [REDACTED]

Signature Witnessed by:

EVIDENCE & ACTIONS BOOK

SUSPECT/PERSON(S) CONCERNED/ARRESTED.....

ARREST/PROCESS /INCIDENT.....

WEDNES day the 30TH JULY 20.14
at 2135 time at PHEEM + PRITHI^{DO} PRITHI
RESTAURANT + BALTI HOUSE, 120 -
124 BRICK LANE

Post Code E1 6RL

OFFICER REPORTING WARLOW
Warrant No. 218856 Rank PC No. 99047
OCU Code HTY Station O1HW
Email david.warlow@met.pnn.police.uk

Book of

Name of Accused

Custody No./ Unique Ref. No.

Stop/Search 5090 completed Yes No

CRIS No.

Other Ref. No.

TIME NOTES STARTED:

2138

TIME NOTES COMPLETED:

2200

LOCATION NOTES MADE:

PREEM + PRITHI

PERSONS PRESENT:

PC 106HT, PC 291HT

Notes not made/completed at scene must be recorded on page 33.

- Record first descriptions on page 14.
- Include questions and answers before and after caution . Keep an open mind . You are duty bound to gather all evidence. **You should include hearsay.**
- Do not be afraid to ask questions without cautioning. An officer is entitled to question any person from whom he or she thinks useful information can be obtained.
- Interviews of suspects must comply with PACE Codes of Practice.
- Offer notes of conversation for signature.
- ATR this page as soon as you arrive at the police station.

ON WEDNESDAY 30TH JULY 2014
I was on duty in plain clothes
in the company of PC RODGERS 106H
We had arrived at BRICK LANE
POLICE STATION at approx 2040hrs
where we were met by PC
291HT O'ROURKE. PC O'ROURKE
provided us with a briefing ~~regarding~~
regarding the Local By Law and
conditions on the premises

Continued: licence regarding restaurants on BRICK LANE, TOKYO. At approx 2120HRS PC RODGERS LOGHT and I exited the TRUMAN BREWERY on to HANBURY STREET. We turned LEFT and walked towards the junction with BRICK LANE. I was stood next to a bin on BRICK LANE, directly outside PREEN AND PRITHI speaking on my mobile phone. I was approached by a LARGE BUILD ASIAN MALE wearing a RED CHECKED SHIRT. This male said to me "Who are you looking for?" I said "I'm on the phone to my friend". He said "When you get off the phone, come into my Restaurant. I'll give you a good deal, I'll give you and your friends TWENTY PERCENT OFF THE BILL and TWO FREE PINTS OF LAGER PER PERSON". I said to the male "I'm on the phone". The male then said to

PC RODGERS words to the effect of "Come inside". I got off the phone and rejoined PC RODGERS and ~~the~~ the male. I recognised the male in the checked shirt from the briefing notes PC O'ROURKE 291ST showed me. I recognised the male as, Mohammad MIAH dob [REDACTED]. The male ushered PC RODGERS 106HT and myself into PREEN AND PRITHI. I called PC O'ROURKE and informed him that we were inside PREEN + PRITHI. I was joined by PC O'ROURKE at approx 2125hrs. We identified ourselves as police officers. Mr MIAH was seen to enter the rear of the premises and did not return. There was a member of staff who refused to provide his name, I would describe him as ASIAN MALE, approx 5'6 tall, approx 35 years of Age, Clean Shaven, COLLAR LENGTH HAIR, wearing a CREAM SHIRT, BLACK TROUSERS and

	Ambulance Service	Fire Brigade
Called at		
By		
Time arrived		
Time left		
Details		
CAD Ref. No.		

1st Aid given (full details in Notes).....

CONVEYED TO..... HOSPITAL
 DETAINED.....
 NOT DETAINED.....
 NOT KNOWN.....



NOTES OF ARREST/REPORT OF INCIDENT

TIME NOTES STARTED:

TIME NOTES COMPLETED:

LOCATION NOTES MADE: **CONTINUATION OF**

PERSONS PRESENT **NOTES AT SCENE**

It is essential that you record a complete account of events. It is intended to protect you from needless civil action or complaint investigation. You MUST follow the following guidance. Your notes will be subject to close scrutiny. You may confer with other officers who were present for an overview, but these notes are to assist YOUR recollection.

Background

- Set the scene: As fully as possible "on day, date, time, place, etc."
- State the information you had before attending the scene, this will help explain your actions.
- If notes were not made at scene, explain fully.
- Do not mention sensitive sources/techniques.

Action

- State what happened when you arrived.
- Record all questions asked/answers given both before and after caution. **Keep an open mind.** You are duty bound to gather all evidence and entitled to question any person from whom useful information can be obtained. **You should include hearsay.**
- Fully record your actions and the options considered **up to the point of arrest.**
- Show what factors influenced your decision, include reasons for *not* taking action.

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, ss 5A(3)(a) and 5B; MC Rules 1981, r70

Statement of

Age if under 18

(if over 18 inset 'over 18')

Occupation

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

Date: 30/07/2014

Time:

Signature:

[Redacted Signature]

PC 9904

BLACK SHOES. Once this male understood that PC RODGERS and I were Police Officers, he said words to the effect of "Just give us our fine and go. We'll keep doing what we're doing and you do what you have to do. I'll say no more about it than that." PC O'ROURKE asked the male who made the above comment to get the premises licence holder, Armal HUSSAIN, to the restaurant. At approx 2130 Hrs, a male who I knew as

Signature:

[Redacted Signature]

PC 9904

Continued:

Mr Azmal MERT entered
the premises, PC O'ROURKE 291 HT
informed me that Azmal MERT
is Azmal Hussain. PC O'ROURKE
pointed out that Mr Hussain was
being reported for ^{PU} under the
licensing Act (Section 136(1) of
the Licensing Act.

[Redacted]

PC 990147



Signature

[Redacted Signature]

PC 990147



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 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: 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 22:55 on 22/05/14

Issuing officer:  Print: J ROURKE

I acknowledge receipt of this form: (venue) X

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 X 

Date 16/07/14



Notification of alleged offences under the Licensing Act 2003

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

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

118 seal Date: 2200 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
from 5/10/14

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 as per the conditions on 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) No

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



Notification of alleged offences under the Licensing Act 2003

Venue Name: 118-122, Brick Lane London E1 6RL REF: (CAD/CRIS etc.)

Address: 118-122, Brick Lane London E1 6RL

Date: 20/7/14 Time: 21:25

Details of person in charge at the relevant time: 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 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: At 21:25 hours PC WARRICK + PC RODGERS were alerted by a mark known to be mohammed MIAM with an offer of two free drinks + 20% discount; Part B notice display in 118 or 122; neither was a copy of the full premises licence further is a breach of section 19 issued at 21/03/14 and 16/07/14

Issuing officer: [Redacted] Print: OFFICIAL

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: 30/7/14 Time Served: 2130 BPM

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 2914T O'Rourke

Signature: 

Name (if applicable) and address of the affected premises:
Prem
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 police officers were banked in the street and no part B on display nor full premises licence available for inspection

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

Two PCs banked, no part B on display nor full licence available for inspection - 2914T inspected both 118 + 122

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

To stop staff from banking - display part B correctly and have available full licence for inspection

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: Arman UGASSAI

Signature: 

Date: 30/7/14

To be handed to the venue with S19 Notice

1. EXPLANATORY NOTES

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

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

2. Section 19 of the 2001 Act- Closure Notices

Where a police officer, or an authorised officer from the local authority, is satisfied that any premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol, for consumption on, or in the vicinity of the premises, he may serve a notice under section 19(3) in respect of the premises. An "unauthorised sale of alcohol" includes a premises with a valid premises licence, but that is operating in breach of its licence conditions. Any person occupying another part of any building or other structure of which the premises forms part whom may have their access adversely affected by the application to the magistrate for a section 20, resulting in a possible issuing of a full closure (Sec 21) by the court must also be issued with a copy of this form.

3. Section 20 of the 2001 Act- Closure Orders

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

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

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

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

4. Appeals- Section 24 of the 2001 Act

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

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

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

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

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

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

Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.



Notification of alleged offences under the Licensing Act 2003

Venue Name: Free m REF: (CAD/CRIS etc.)

Address: 118-122 Brick Lane London

Date: 21/8/14 Time: 0005

Details of person in charge at the relevant time:

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 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:

At 21:48 2 plain clothes officers were located outside 118-122 Brick Lane contrary to premises licence conditions and previous provisions of Sec 19(1).

Issuing officer:  Print: O. Haniff

I acknowledge receipt of this form: (venue) X


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: 2/8/14 Time Served: 0005

Authority issuing Notice: Metropolitan Police Service

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

Signature:  PC JARVIS

Name (if applicable) and address of the affected premises:
Prison 118-122 South Lane (CONDON)
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:

Plain clothes officers were booked 3 times o/s
Prison at 21:48 hrs on 1/8/14

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

Members of staff + man for 712 offer in the street
(Tyson) then offer repeated

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))

Multiple breaches of previous Sec 19's - It is
very important to adhere to your premises licence
conditions.

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) No

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 Azmal Hussain

Signature 

Date 2/8/14

1. EXPLANATORY NOTES

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

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

2. Section 19 of the 2001 Act- Closure Notices

Where a police officer, or an authorised officer from the local authority, is satisfied that any premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol, for consumption on, or in the vicinity of the premises, he may serve a notice under section 19(3) in respect of the premises. An "unauthorised sale of alcohol" includes a premises with a valid premises licence, but that is operating in breach of its licence conditions. Any person occupying another part of any building or other structure of which the premises forms part whom may have their access adversely affected by the application to the magistrate for a section 20, resulting in a possible issuing of a full closure (Sec 21) by the court must also be issued with a copy of this form.

3. Section 20 of the 2001 Act- Closure Orders

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

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

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

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

4. Appeals- Section 24 of the 2001 Act

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

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

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

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

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

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

Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 4 MARCH 2014

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

Members Present:

Councillor Ann Jackson (Chair)

Councillor Marc Francis

Councillor Md. Maium Miah

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 Committee meeting held on 28th January 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a Variation of a Premises Licence for the Coborn Arms,
6-8 Coborn Road, London, E3 2DA**

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 after careful consideration the Chair stated that the Sub Committee had decided to grant the application. Members' had carefully listened to representation made by the Applicant's Representative and noted and considered the written

objections contained in the agenda and the verbal objections made at the meeting by Cllr Joshua Peck and local residents. However Members' believed that there was insufficient evidence to refuse the application as there were no reported complaints of public nuisance or crime and disorder. It was noted that there was what had been referred to as a low level of noise concerns that had not been reported to the appropriate authorities. As it was low level concerns, Members did not consider that that was sufficient to refuse in this case. Had these concerns been reported then they would have been investigated by responsible authorities. Further Members considered that the representations made were more appropriately Planning considerations and should therefore be considered by that regime.

The Chair advised that even though a Premises Licence had been granted, the applicant was still required to get planning consent. Member's also suggested a number of informatives to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of a Premises Licence for, Coborn Arms, 6-8 Coborn Road, London E3 2DA be **GRANTED**.

To vary the layout of the premises in accordance with the amended plans supplied by the applicant. All licensable activities, permitted hours and opening hours to remain as existing.

In-formatives

- Alcohol to be served with food in the dining area
- Restrict the number of smokers outside to 5 people after 11pm
- To have a designated bay for taxi's to park when picking or dropping off patrons.

4.2 Application for a Premises Licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL

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.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the Applicant's Representative and submissions from the Police,

Trading Standards and local residents. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder.

In making the decision Members noted that the premises was within the area of the Special Cumulative Impact Zone but did not consider whether the applicant had addressed the rebuttable presumption as Members had noted that there had been a number of Licensing breaches including touting; serving alcohol during a period of suspension; and opening outside terminal hours. Members were also concerned that the applicant considered that the retail sale of alcohol was a supply of refreshment and therefore covered by the hours applied for the provision of late night refreshment. Such are different licensable activities however. Therefore Members' decided to refuse the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Preem, Ground Floor and Basement, 118-122 Brick Lane, London E1 6RLbe **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee

This page is intentionally left blank

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 Jak Bentley URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 224995.....

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

Signature: Date: 26.10.14

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

On Sunday 26th October 2014 between 1800 hours and 2200 hours I was on duty, foot patrol, in full uniform and between these dates I was walking in Brick Lane Tower Hamlets as part of an ongoing reassurance patrol of the area.

As part of my duty I spoke to a number of persons outside various restaurants in Brick Lane and warned them regarding their touting for custom to the various restaurants in the area.

About 19:10 hours I saw a male, whom I now know to be Mr Mohammed Faruk Miah standing outside Preem Restaurant on the junction with Brick Lane and Hanbury street. I watched as Mr Miah approached members of the public and spoke with them, often with his arms outstretched as if to increase his presence around them and "herd" them. I watched as he spoke to the members of public and then pointed to the menu displayed on the wall, or to the front door of the premises. I formed the opinion that he was touting for business. I went over and spoke to Mr Miah, I should point out that as previously stated I was in full uniform including beat helmet and reflective Police jacket. I told Mr Miah what I had seen and that I believed he was touting for custom and that this was against a by law and not allowed. Mr Miah told me he knew that it was not allowed but that everybody did it and it was part of the business. I warned Mr Miah that if I saw him doing so again I would report him for the offence.

About 19:30 hours I again returned to the area of Brick Lane and Hanbury Street I stood on the corner opposite the Preen restaurant and about twenty five feet from Mr Miah, I had a clear and uninterrupted view of him and was aware that he could clearly see me. I watched Mr Miah approach a couple and speak with them and he then pointed at the menu on the wall of the restaurant. The couple waved Mr Miah away and continued walking. Another couple approached and I watched and saw Mr Miah walked towards them and spread his arms out wide as if to prevent them walking around them. He spoke to them and then tried to usher them towards the restaurant. The couple stepped around him and continued walking, however, it was clear to me that Mr Miah was touting these customers to enter the restaurant, though I could not hear what was being said.

Signature: Signature witnessed by:

Continuation of Statement of **Jak Bentley**

I approached MR Miah and told him that I had seen him continuing to tout for trade for the restaurant even though I had warned him it was an offence. Mr Miah stated that “it is my job, I am here every night, this is my living” I said to Mr Miah 2I am going to report this and I am reporting you for street Touting” I the cautioned Mr Miah who replied “do what you like, I don’t care, this is my job” he went on to say “ report me, I will still be here tomorrow, I have been doing this for fifteen years, everybody does it, you cant stop me” I asked Mr MIAH for his details and he told me his name and gave his address as [REDACTED]. he provided me with a provisional picture driving licence to confirm his details. I made enquiries to speak with the manager of the Preem Restaurant but was told that he was not available as he was at the mosque and would not be back until later.

Signature: Signature witnessed by:

Witness contact details

Home address: **C/O Limehouse police station**

Postcode: **e14 8 ez**

Home telephone number Work telephone number

Mobile/pager number **07515516046** Email address: **jak.bentley@met.pnn.police.co.uk**

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth: **13.06.1963 London**

Former name: Ethnicity Code (16+1): **W1** Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PS 11HT 224995 Jak Bentley** Station: **Limehouse**

Time and place statement taken:

This page is intentionally left blank

APPENDIX 13

This page is intentionally left blank

Our Ref: L.M/A.H/KC
Your Ref: TSS/LIC/73686



KC Solicitors

2nd Floor, 291 Whitechapel Road
London E1 1BY
Tel : 020 7375 3761
Fax : 020 7377 1113
info@kcsolicitors.co.uk
www.kcsolicitors.co.uk

01/10/2014

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

Dear Sirs

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

We write to confirm that we have been instructed to deal this above licensing matter. We would be grateful if you kindly forward all the future correspondences to our letter head address. We acknowledged that our client's license would be formally reviewed 07/10/2014 at the LBTH Mulberry Place. Please note that we will formally represent our client on the day and we would be obliged if you kindly assist our representative to deal this matter accordingly.

We hereby enclosed the following documents:

1. Mr Hussian's statement;
2. 4 x notices those were served by our client through by his counsel;
3. 3 x correspondences letters between my client and his counsel;

We would be grateful if you kindly consider the enclosed documents as well as written and oral evidences to review our client's license.

Should you require any more information please do not hesitate to contact us.

Yours faithfully


KC Solicitors

Principal
Mohammed Abul Kalam Chowdhury

ASSOCIATE SOLICITORS
Abu Elias
Mohammed Rakibur Rahman

Your Ref: TSS/LIC/73686

01/10/2014

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

Dear Sirs

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

I write to confirm that I am the manger and DPS License holder of Preem Restaurant. The matter has been listed before the licensing sub committee to review my license. I personally believe that I became a victim and the matter has been deliberately listed since I already received conviction for the same offence where I have pleaded guilty. I believe that the committee should consider my following grounds to determine the review application:

1. I have already pleaded guilty and fined. Therefore, it would be unfair and unreasonable to review this matter again.
2. A group of people including the some brick lane restaurant owner are always against me. They have been campaigning against me and have been trying to put me in trouble.
3. I have already served official notices to the local businessmen those deliberately employ the touts and to do touting in my doorstep. After serving the notices I got numerous threats from the alleged group of individuals.
4. During September 2014 the licensing officers were attacked by the local restaurant touts and they took shelter in my premises. However, before leaving the premises they accused me for no justifiable reasons.
5. I would like to mention that there is a rumour around brick lane and in particular Bengali community that a group of people working tirelessly to remove me from brick lane. This group are well organised and they took instruction from the very high level of LBTH officials. As I always speak for the truth and against any sort of injustice. This group also aiding or facilitating another particular group to make the brick lane "a Non Alcoholic Zone".
6. Finally I would like to confirm that despite my numerous efforts to comply with all the conditions attached to my license but this particular group always put me in trouble and always behind me. Therefore, I am requesting a fair justice from the licensing committee.

Yours faithfully,


Azra Hussain
118 Brick Lane
London
E1 6RL

[REDACTED]
The Licencees,
Curry Bazaar,
77 Brick Lane,
LONDON E1 6QL

Dear Sir,

NOTICE BEFORE ACTION
OPEN OFFER TO AGREE TO UNDERTAKINGS

Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:

Introduction

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane), Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

Factual Background

The facts of the matter, as alleged by Mr Hussain, are these.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ("the Borough") of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussain UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

From the first three restaurants named above, Curry Bazaar, Bengal Village and Mohaib, the owners as well as the touts were coming over to my side of the road, enticing customers away and threatening members of my staff and me. It is alleged that you, Mr Mohammed, were one of those. From each of the above three, touts have stood directly on the pavement of the same side of Brick Lane as the Preem Restaurants, enticing customers away, saying that the restaurants are of bad quality and stating that their restaurants have better deals.

Over the period of almost two months since 12th June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12th June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff. They have said that they should not

work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

Your Liability

It is an offence, pursuant to ss 1 of the Protection from Harassment Act 1996, to be responsible, directly or indirectly, for a course of conduct that causes another person harassment, alarm or distress.

As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

Undertakings

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the

aforesaid;

- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
- (3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

Legal Action

If you do not inform Mr Hussain, by post to Mr Hussain, Preem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11th June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

You are strongly advised to seek independent legal advice.

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

FRANCIS HOAR

Counsel (direct public access) to Mr Hussain and Hussain (UK) Limited

[REDACTED]
The Licencee,
Bengal Village,
75 Brick Lane,
LONDON E1 6QL

Dear Sir,

NOTICE BEFORE ACTION
OPEN OFFER TO AGREE TO UNDERTAKINGS

Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:

Introduction

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

Factual Background

The facts of the matter, as alleged by Mr Hussain, are these.

You are currently charged with assaulting a member of Mr Hussain's staff. Mr Hussain alleges that you are guilty of that offence and that that offence is a part of the course of conduct, constituting harassment, against him, his staff and his customers.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just

drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussain UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

From the first three restaurants named above, Curry Bazaar, Bengal Village and Mohaib, the owners as well as the touts were coming over to my side of the road, enticing customers away and threatening members of my staff and me. It is alleged that you, Mr Uddin, were one of those. From each of the above three, touts have stood directly on the pavement of the same side of Brick Lane as the Preem Restaurants, enticing customers away, saying that the restaurants are of bad quality and stating that their restaurants have better deals.

Over the period of almost two months since 12th June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12th June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when in he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff. They have said that they should not work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

Your Liability

It is an offence, pursuant to ss 1 of the Protection from Harassment Act 1996, to be responsible, directly or indirectly, for a course of conduct that causes another person harassment, alarm or distress,

As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

Undertakings

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
- (3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

Legal Action

If you do not inform Mr Hussain, by post to Mr Hussain, Preem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11th June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

You are strongly advised to seek independent legal advice.

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

FRANCIS HOAR

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited

[REDACTED]
The Licencee,
Nazrul Restaurant,
130 Brick Lane,
LONDON E1 6RU

Dear Sir,

NOTICE BEFORE ACTION
OPEN OFFER TO AGREE TO UNDERTAKINGS

Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:

Introduction

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohab Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohab Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

Factual Background

The facts of the matter, as alleged by Mr Hussain, are these.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussain UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

Over the period of almost two months since 12th June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12th June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when in he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten his staff. They have said that they should not work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

Your Liability

It is an offence, pursuant to ss 1 of the Protection from Harassment Act 1996, to be responsible, directly or indirectly, for a course of conduct that causes another person harassment, alarm or distress.

As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

Undertakings

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;

(3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane.

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

Legal Action

If you do not inform Mr Hussain, by post to Mr Hussain, Prem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11th June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

You are strongly advised to seek independent legal advice.

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

FRANCIS HOAR

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited

[REDACTED]
The Licencee,
Muhib Restaurant,
73 Brick Lane,
LONDON E1 6QL

Dear Sir,

NOTICE BEFORE ACTION
OPEN OFFER TO AGREE TO UNDERTAKINGS

Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:

Introduction

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

Factual Background

The facts of the matter, as alleged by Mr Hussain, are these.

You are currently charged with assaulting a member of Mr Hussain's staff. Mr Hussain alleges that you are guilty of that offence and that that offence is a part of the course of conduct, constituting harassment, against him, his staff and his customers.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just

drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussain UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

From the first three restaurants named above, Curry Bazaar, Bengal Village and Mohaib, the owners as well as the touts were coming over to my side of the road, enticing customers away and threatening members of my staff and me. It is alleged that you, Mr Ahab, were one of those. From each of the above three, touts have stood directly on the pavement of the same side of Brick Lane as the Preem Restaurants, enticing customers away, saying that the restaurants are of bad quality and stating that their restaurants have better deals.

Over the period of almost two months since 12th June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12th June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when in he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff. They have said that they should not work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings, one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

Your Liability

It is an offence, pursuant to ss 1 of the Protection from Harassment Act 1996, to be responsible, directly or indirectly, for a course of conduct that causes another person harassment, alarm or distress.

As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

Undertakings

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
- (3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

Legal Action

If you do not inform Mr Hussain, by post to Mr Hussain, Preem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11th June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

You are strongly advised to seek independent legal advice.

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

FRANCIS HOAR

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited

This page is intentionally left blank