

LICENSING SUB COMMITTEE

Thursday, 8 January 2015 at 2.00 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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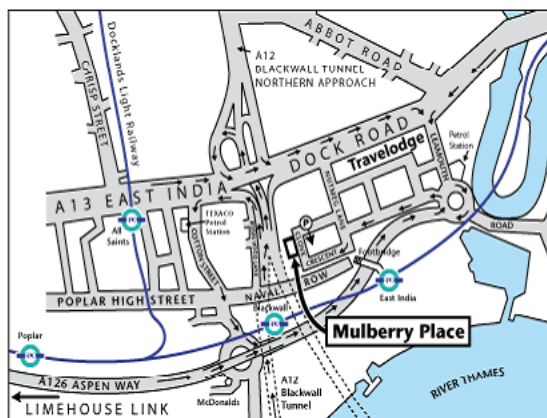
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 5 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 26)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 2nd December 2014.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for a New Premises Licence for Bella Cosa, Drewry House, 213 Marsh Wall, London E14 9FJ	27 - 64	Blackwall & Cubitt Town
4 .2 Application to Review the Premises Licence for The Westferry Arms, 43 West India Dock Road, London, E14 8EZ	65 - 144	Poplar
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

- Any holder of a premises licence or club premises certificate where:
 - application is made for review

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

3.4 Information to be provided in a notice of hearing

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

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

3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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4. Procedure at the Hearing

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

5. Determination of Application – Time Limits

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

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

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

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

6. Record of Proceedings

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

7. Irregularities

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

8. Notices

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

9. Appeals

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

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

APPENDIX A

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

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.45 P.M. ON TUESDAY, 2 DECEMBER 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Amina Ali
Councillor Rachel Blake

Officers Present:

Philip Devonald	– (Interim Head of Legal Operations, Law, Probity and Governance)
Kathy Driver	– (Principal Licensing Officer)
Andrew Heron	– (Licensing Officer, Licensing Department)
Ian Moseley	– (Trading Standards Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

PC Alan Cruickshank	- (Item 3.2)
Mr Leo Charalambides	- (Item 3.2)

Objectors In Attendance:

Mr Philip Howorth	- (Item 3.2)
Mr Azmal Mert Hussain	- (Item 3.2)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Hotbox, 46 - 48 Commercial Street, London E1 6LT

This item was resolved prior to the meeting as both objectors had withdrawn their objections and therefore no longer required consideration by the Licensing Sub Committee.

3.2 Application to Review the Premises Licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London E1 6RL. It was noted that the review had been triggered by the Metropolitan Police and supported by Trading Standards and the Licensing Authority.

At the request of the Chair, Mr Leo Charalambides, Counsel on behalf of the Metropolitan Police explained that this application for review was deemed so serious that the only response was to seek for revocation of the premises licence. He referred Members to the guidance issued by the Home Office under Section 182 of the Licensing Act and in particular to paragraph 11.26 relating to Powers of a Licensing Authority on the Determination of a Review.

He explained that Brick Lane was within the Cumulative Impact Zone which was a wider community burden and this was exacerbated by restaurants touting. He explained that there was a Local Authority bye-law to tackle issues of touting but this seemed to have been ignored in this case. It was noted that there had been three reviews prior to this meeting, at the first review in January 2011 Members imposed conditions on the licence, the second review took place in October 2011 and Members imposed a two week suspension and a third review in November 2012 when Members imposed a four week suspension.

He explained that touting was a problem and a cause of many other problems such as anti-social behaviour, public nuisance and crime and disorder. He explained that the Premises Licence Holder, Mr Azmal Mert Hussain, had ignored previous suspensions and breached a number of licensing conditions and continues to do so. He highlighted the fact that none of the previous decisions have been challenged and therefore it was accepted by Mr Hussain that touting and breaches of conditions had been taking place.

Mr Charalambides highlighted that the minutes at the previous meeting confirmed that Mr Hussain had stated that he would not be touting anymore and would take positive steps to promote the licensing objectives, but obviously failed to keep to his word as staff at Preem were caught by PC

O'Rourke only 2 ½ weeks later touting and still continue to tout. There was also reference to page 231 of the agenda, Mr Hussain's supporting documents, which also referenced Mr Hussain admitting to touting, admitting to conspiracy and informal agreements with other restaurateurs.

Mr Charalambides also stated that Trading Standards and the Licensing Authority agreed with the Police that only revocation would be suitable as Mr Hussain had had ample opportunities to mend his ways but still continues to repeatedly breach conditions. It was also noted that previous reviews had not been challenged, that there had been a number of prosecutions where Mr Hussain has been found guilty and in total been fined over £12k. He also referred to all the police evidence/witness statements contained in the agenda which identified touting directly linked to the premises.

Mr Charalambides concluded that they had no confidence in Mr Hussain and that only revocation would do. That there had been three reviews prior to this one where Sub-Committees had imposed conditions and suspensions. He stated that due to the overwhelming evidence provided a serious message needed to go out to the wider community with a revocation of the premises licence.

Members then heard from Ms Kathy Driver and Ian Mosely who both expressed grave concerns about touting, the concerns over the management of the premises and Mr Hussain's overly casual regard to the Licensing Laws. Ms Driver also explained that there had been 271 complaints of touting between 2012-2014 for various premises in Brick Lane for aggressive touting, confrontations, abuse etc. she explained that Mr Hussain had a number of premises on Brick Lane and that 40 of the 271 complaints were directly linked to Mr Hussain's premises. She also highlighted the number of reviews that had been triggered against the premises, the suspensions and breaches of conditions.

It was concluded that Mr Hussain had no regards to the prosecutions of Licensing Laws and still continues to tout, therefore they believed that the most appropriate sanction would be for a revocation of the premises licence.

At the request of the Chair, Mr Philip Howorth, Counsel for Mr Hussain, explained that he accepted that the issues raised by the Responsible Authorities were of an important nature and that Mr Hussain was very apologetic to be at a Sub Committee meeting yet again and assured Members that he took these matters very seriously and that as a result of the review and others issues he had put his businesses on Brick Lane up for sale.

Mr Howorth went on to explain the options available to Members other than revocation. He stated that Mr Hussain had not taken previous reviews casually. He noted the Local Authority's effort to protect the public by imposing bye laws in order to prevent people causing annoyance or obstructions to passers by.

He stated that in 2010, a number of reviews were triggered by Trading Standards and as a result touting conditions were imposed as well as

suspensions etc, he questioned whether it was actually illegal to tout for business as it was an accepted form of business in some places.

It was noted that Mr Hussain had only one door staff who stood inside the entrance door but it was other business touts who would come outside Mr Hussain's premises and stop customers from entering the premises. Mr Hussain stated that he believed to have been the target of political activity. Mr Howorth stated that it was wholly wrong to blame all issues of touting entirely on Mr Hussain as there were other premises which contributed to the touting culture in Brick Lane.

Mr Howorth concluded that there had only been two incidents in the 4/5 years Mr Hussain has held a licence and that any sanction imposed should be reasonable and proportionate and revocation should not be granted just to send out a message to the wider community. He suggested that Members should allow a period of suspension to allow Mr Hussain further time to establish a method of operation and have a robust management system in place.

In response to questions from Members the following was noted:

- That the review had been triggered as a result of ongoing breaches of touting and licence conditions.
- That Mr Hussain would not employ touts and would instruct his staff not to tout.
- That this review was the first of many other premises reviews that were being processed through the licensing system.
- That prosecution can take place alongside a review application.
- That a successful prosecution could lead to fines up to £20k and imprisonment.
- That the decision whether to prosecute is determined by Officers by using the protocols in place as well as the Enforcement Policy.
- The steps taken before a review application.
- That touts were often waiters of the restaurant and not licensed door staff.
- That attacks on Mr Hussain had not been ignored by the Police as investigations were still on-going.
- That Licensing Services, Trading Standards and the Police have worked with Mr Hussain in the past to help him promote the licensing objectives.
- That Mr Hussain was touting because other businesses were doing the same.
- That the restaurant association in Brick Lane exclude Mr Hussain from meetings.
- That Police in the past have used images from Mr Hussain's CCTV cameras as evidence for other prosecutions.
- That Brick Lane was no longer a business environment and therefore Mr Hussain was selling his businesses.
- That Mr Hussain confirmed that touting would not happen again and would only have one door staff at the entrance.

- That all decisions made at previous Sub Committees were never appealed and therefore accepted by Mr Hussain.
- That Mr Hussain accepted that PC O'Rourke attending the premises on 16/07/14 but he denied stating "don't worry I will pay your fines" (page 97 of the agenda).
- That anyone could review a premises licence.

In summation, Mr Charalambides stated that no active steps had been taken by Mr Hussain since adjournment of the previous meeting 7 weeks ago. That all Mr Hussain did was blame other people for his wrong doings, make empty promises, and continues to breach conditions. He stated that they have heard nothing from Mr Hussain to believe that things could be different and therefore believed it was necessary and proportionate to revoke the licence.

Mr Howarth briefly stated that steps have been taken and business were now up for sale and that there was bigger problems in Brick Lane other than Mr Hussain who was only a small part of it and urged Members not to sanction the ultimate sanction of revocation in vain.

Members retired to consider their decision at 8.10pm and reconvened at 9.15pm.

The Licensing Objectives

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

Consideration

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

Members reached a decision and the decision was unanimous. Whilst making the decision Members had regard to section 51 of the Licensing Act 2003 and paragraph 11 of the statutory guidance relating to reviews. The Chair stated that in light of the number of repeated and serious breaches of the premise licence conditions in relation to touting which is in itself was a criminal offence, Members felt that it was appropriate and proportionate to suspend the premises licence for the maximum period of 3 months.

The Chair stated that it was the Sub Committee's (although they could not bind other Sub-Committees) view that this was Mr Azmal Mert Hussain's, Premise Licence Holder final opportunity to put matters right, responsibly manage the premises and abide with conditions of the license.

The Chair stated that it was evident from the evidence provided at the meeting that touting was a widespread problem and not just in relation to this premises as there were ongoing breaches by other premises in the area and

in fact the Police themselves state that it is “part of life in Brick Lane”. Therefore the Chair stated that this would be further considered by the Licensing Committee and suggested that a comprehensive programme and strategy be produced to address this across the board.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Preem Restaurant & Balti House, 118-122 Brick Lane, London E1 6RL be **GRANTED in part** with a suspension of the licence.

Suspension

Three month’s suspension. (the commencement date for suspension, to be detailed, in the decision notification letter)

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.15 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	08 January 2015	Unclassified	LSC 61/145	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for Bella Cosa, Drewry House, 213 Marsh Wall, London E14 9FJ Ward affected: Blackwall and Cubitt Town
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1.0 Summary

Applicant:	Anglo Indian Beverage Limited
Name and	Bella Cosa
Address of Premises:	Drewry House 213 Marsh Wall London E14 9FJ
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• Sale by retail of alcohol• The provision of late night refreshment
Representations:	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 Bella Cosa, Drewry House, 213 Marsh Wall, London E14 9FJ.

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 and off sales*

- Sunday to Wednesday, from 11:00 hours to 23:30 hours
- Thursday to Saturday, from 11:00 hours to 00:30 hours

The provision of late night refreshment - Indoors

- Sunday to Wednesday, from 23:00 hours to 23:30 hours
- Thursday to Saturday, from 23:00 hours to 00:30 hours

Hours premises are open to the public:

- Sunday to Wednesday, from 11:00 hours to 00:00 hours
- Thursday to Saturday, from 11:00 hours to 01:00 hours the following 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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 **Representations**

5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. 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 representation has been made by Environmental Protection
- 5.7 Please see **Appendix 3** for the representation of Environmental Protection.
- 5.8 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
- 5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.10 Essentially, the relevant party 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.
- 5.11 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.

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

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 4 - 7** 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 Environmental Protection

Appendix 4 Licensing Officer comments on noise while the premise is in use

Appendix 5 Licensing Officer comments on access/egress problems

Appendix 6 Planning

Appendix 7 Licensing Policy relating to hours of trading

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Appendix 1

Section 1 of 19

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Anglo Indian Beverage Ltd	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? <input checked="" type="radio"/> Yes <input type="radio"/> 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	Vasanth	
* Family name	Karuppusamy	
* E-mail	[REDACTED]	
Main telephone number		Include country code.
Other telephone number		
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> 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?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
* Registration number	07965451	
* Business name	Anglo Indian Beverage Limited	If the applicant's business is registered, use its registered name.
* VAT number	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">GB</div> <div style="border: 1px solid black; padding: 2px; flex-grow: 1;">158685068</div> </div>	Put "none" if the applicant is not registered for VAT.
* Legal status	Private Limited Company	

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...

Limited 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.

The premises is an Italian Restaurant situated in an area surrounded mostly by office buildings. It is a ground floor premises with a mezzanine floor with further seating, function room and bar.

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

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

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

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.

State any seasonal variations

Continued from previous page...

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

Non-standard timings. Where the premises will be used for the supply of 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.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

None

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.

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.

The premises licence holder and DPS have carried out a risk assessment with consideration of the four licensing objectives. All staff will be fully trained to understand their responsibilities with regard to the retail sale of alcohol. Records of staff training will be maintained and updated accordingly.
The sale of alcohol will be ancillary to the sale of food.

b) The prevention of crime and disorder

There is a 30 camera IP CCTV system installed on the premises which is set to record on motion based recording, with night

Continued from previous page...

vision on all outdoor cameras. Up to 1 months recordings will be stored on a 2TB server which is remotely monitored via client software.

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.

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. An Incident Book is to be kept and maintained. This will document all refusals of people entering the premises, refusals of the sale of alcohol, any incidents of crime and disorder, as well as all other incidents of note. This book is to be updated regularly and made available to Police or any relevant authority upon request.

c) Public safety

The premises will be maintained in a safe manner at all times.

All exits will be clear of hazards.

All staff will be fully trained in emergency procedures and training records maintained.

All repairs and maintenance will be carried out by approved contractors where so required.

d) The prevention of public nuisance

All refuse will be disposed of in an appropriate manner.

Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

Notices will be displayed prominently near the customers exit asking customers to leave the premises quietly and in a respectful manner.

There will be a customer taxi ordering service available after 22:00.

e) The protection of children from harm

The premises will promote an age verification scheme "Challenge 25" with notices displayed to such effect.

The premises will operate a "no ID, no sale" policy at all times and will only accept photographic ID such as a passport, driving licence or PASS card as acceptable forms of identification.

Staff will be trained in the understanding of this policy and training records will be maintained on site at all times. Training records will be available for inspection if requested by any responsible authority.

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.

Continued from previous page...

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

635.00

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

Shaun D Ward

* Capacity

Authorised agent

* Date

09 / 10 / 2014
dd mm yyyy

Add another signatory

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.

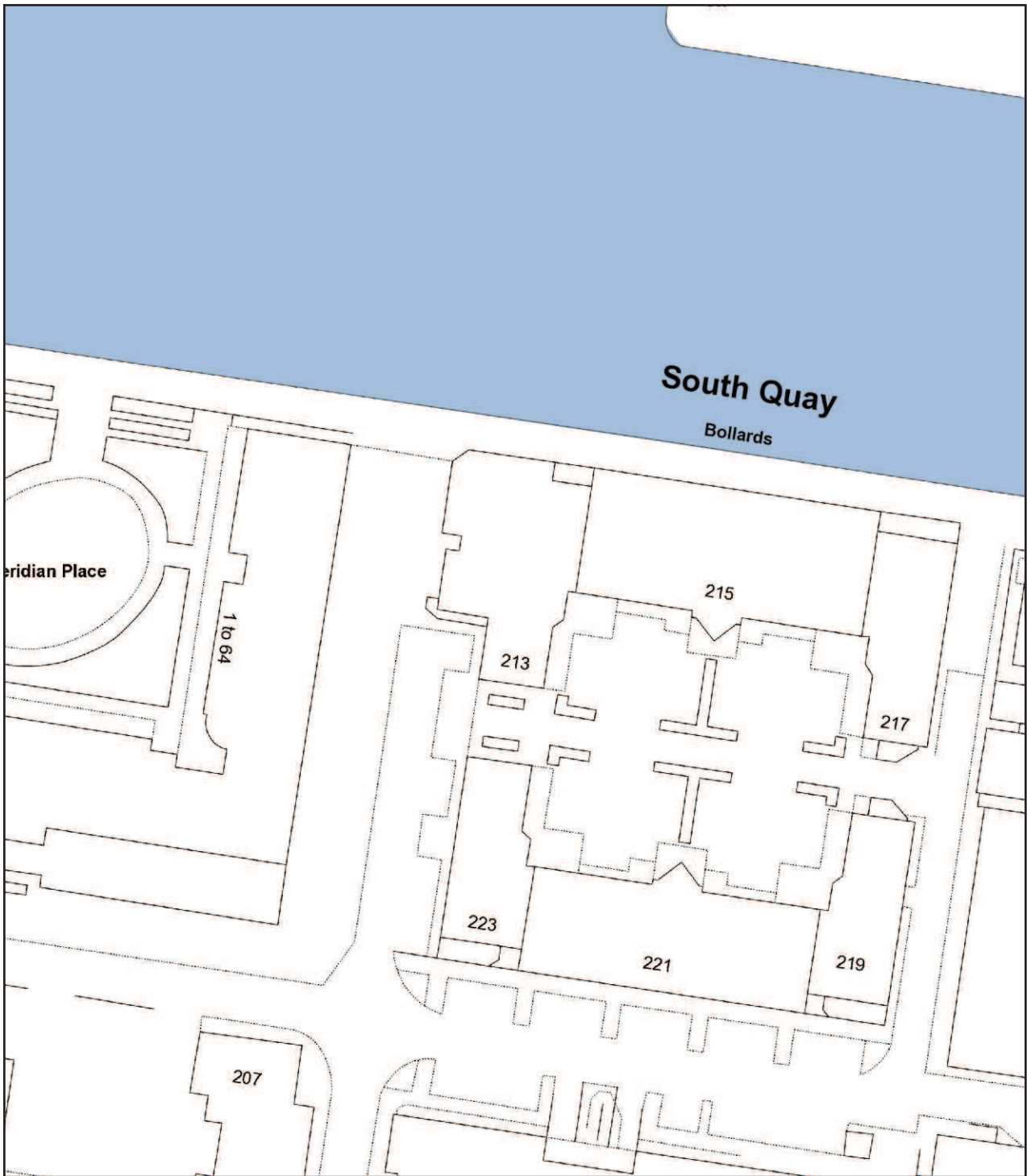
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Anglo Indian Beverage Ltd"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [Next >](#)

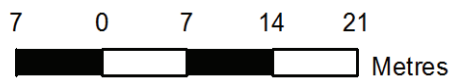
Appendix 2



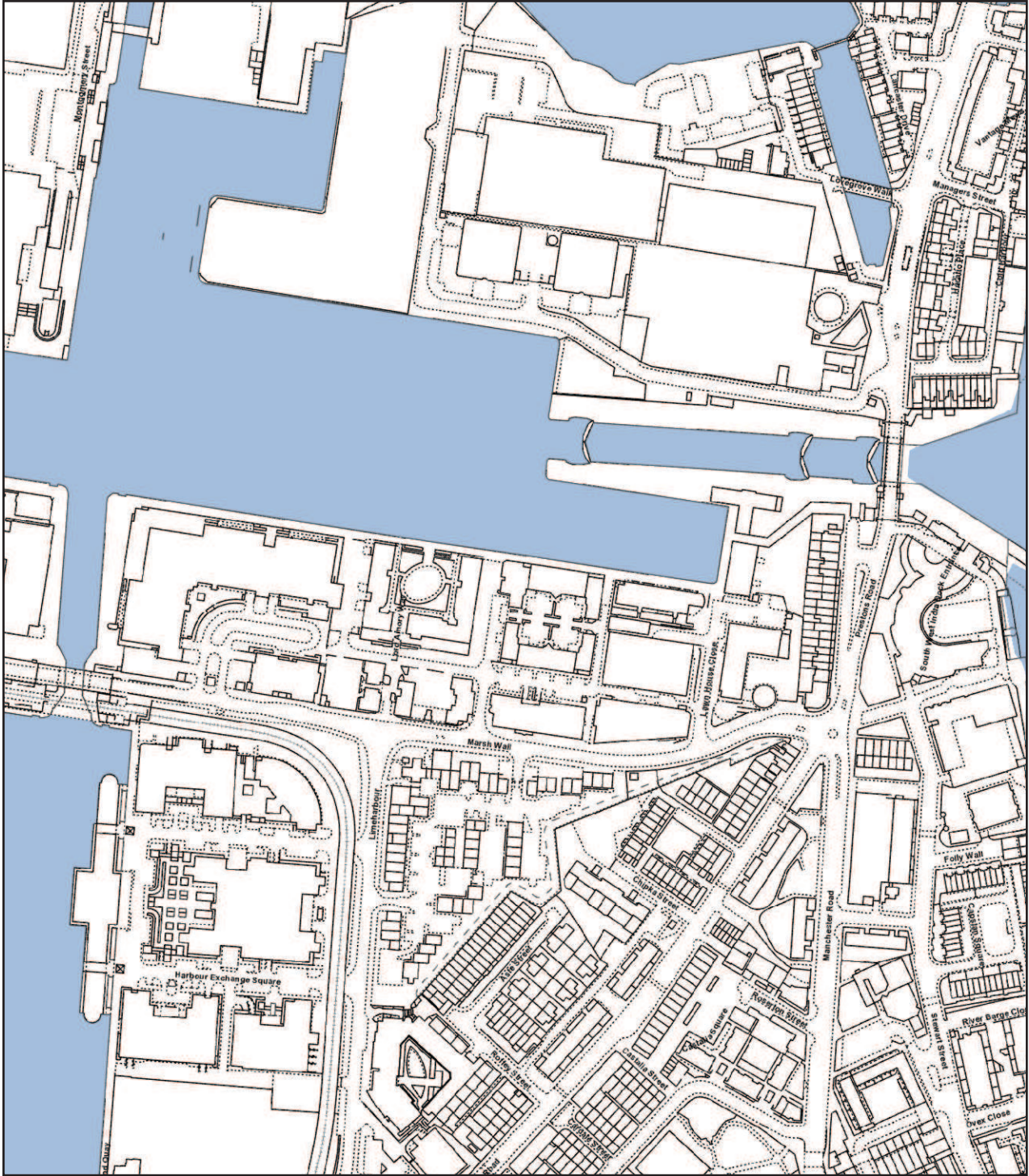
213 Marsh Wall



Scale 1:760



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213 Marsh Wall



Scale 1:3800

30 0 30 60 90

Metres



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Appendix 3

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 05 November 2014 10:21
To: Mohshin Ali
Subject: FW: 079320 Bella Cosa - "Drewry House", 213 Marsh Wall, London

From: Ian Wareing
Sent: 05 November 2014 09:00
To: Licensing
Subject: 079320 Bella Cosa - "Drewry House", 213 Marsh Wall, London

Please accept this email as a representation to the above application.

EH have reviewed the application and consider the hours applied for in this extremely quiet area, next to residential as excessive and would cause significant Public Nuisance.

We have experienced issues with a similar venue that included noise from patrons in the outside seating areas, noise from smokers, noise from waste disposal and noise from customer egress at such a late hour.

The applicant has made no mention of the residents, that lay within 15metres to the west of the premises, in their application.

EH would require cessation of use of the outside area at 20.00 and a designated smoking area as far away from the residential block as possible.

Regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008

ian.wareing@towerhamlets.gov.uk

Appendix 4

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 5

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 6

Planning

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

Appendix 7

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

Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 08 January 2015	Classification: UNRESTRICTED	Report No. LSC 62/145	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Regulations Originating Officer: Alexander Lisowski Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for The Westferry Arms, 43 West India Dock Road, London, E14 8EZ. Ward affected: Poplar
---	---

1.0 Summary

Name and Address of premises:	Westferry Arms 43 West India Dock Road London E14 8EZ
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none">▪ Sale by retail of alcohol▪ Regulated entertainment
Representations:	Metropolitan Police Environmental Health Employees and Customers

2.0 Recommendations

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

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

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

3.0 **Review Application**

3.1 This is an application for a review of the premises licence for the Westferry Arms, 43 West India Dock Road, London, E14 8EZ. The review was triggered by the Metropolitan Police..

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

4.0 **The Premises**

4.1 The premises licence was issued on 9th August, 2005. A copy of the current licence is contained in **Appendix 2**.

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

5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: the Metropolitan Police.

5.2 The review is also supported by Environmental Health. Representations have also been received from employees and customers of the venue who are opposed to the review. (See **Appendix 4** for a list of objectors and supporters). Please see **Appendices 5-11** for the individual representations.

5.3 Only representations that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.4 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of 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 12**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2014.
- 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 13**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 14**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 The Home Office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 15**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 16**.
- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licenceholders early warning of their

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

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

7.0 Review Advertisement

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

8.0 Licensing Officer Comments

- 8.1 The Governments advice in relation to reviews is contained in **Appendix 12**. Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
 - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 Legal Comments

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

10.0 Finance Comments

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Index of representations – objectors and supporters
Appendix 5	Representations of Environmental Health
Appendix 6	Representations of Leonard Deering
Appendix 7	Representations of Sandra Duncan
Appendix 8	Representations of Linda Morris
Appendix 9	Representations of Kerry Murphy
Appendix 10	Representations of Oliver Sheridan
Appendix 11	Representations of Isaac Solarin
Appendix 12	Guidance issued under Section 182 by the Home Office for reviews
Appendix 13	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 14	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 15	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 16	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1



This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ...Pc Mark Perry 748HT Borough Licensing Officer apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Westferry Arms, 43 West India Dock Road	
Post town London	Post code (if known) E14 8EZ

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

Punch Taverns

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

18145

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

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Pc Mark Perry 748HT Licensing Officer Tower Hamlets Police Toby Club Vawdry Close E1 4UA	
Telephone number (if any)	<input type="text"/>
E-mail (optional)	<input type="text"/>

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

Please tick one or more boxes

- | | |
|---|--------------------------|
| 1) the prevention of crime and disorder | Y |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input 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)
Tower Hamlets Police have concerns about the Westferry Arms pub, despite several interventions by the Police, and conditions added to the license the premises continues to come to notice for both violence and drugs.

This has been exacerbated by poor management, and a lack of control of a sizable element of the premises customers. As is detailed below and in statements provided the pub has attracted a number of customers who use the pub to take class A and class B drugs, and also use the premises for selling stolen property.

As a result of these customers being allowed to in effect take over the pub, previous managers, staff and local residents now are frightened to go near it. Tower Hamlets Police have been approached by people who have worked at the pub and local residents who have given statements about their concerns about the pub. These have been backed up by Police Licensing visits which has found evidence of Class A drugs use, and a number of assaults that have taken place in and around the venue, these are listed below.

Perhaps what is most concerning are the words of two previous managers who have quit the pub due to the violence, the criminality, and the fact that as one manager put it "I cant trust the customers not to kick off, they don't care if they get arrested".

On Tuesday the 18th June 2013 at 1:15pm whilst in the yard Limehouse Police Station Police officers smelt a strong smell of cannabis in the air coming from the direction of the Westferry Arms public house, West India Dock Road which backs onto the rear yard at Limehouse Police Station.

Police drove out of the station and around outside the Westferry Arms where they saw two males and a female smoking outside the pub.

Police drove into Birchfield Street where they witnessed the group of three go back into the West Ferry Arms pub. On the floor outside the pub were a lot of cigarette dog ends as well as spent cannabis joints. There was still a strong smell of cannabis in the air.

Around 29th June 2013 a call came out over the radio between 11:30pm - 00:00am stating that there was a fight at location, team officers and CID ran out the station and headed

towards the Westferry Arms public house. There were about 15 people outside and most of the benches by the pub were full. It was clear once uniform officers were outside that no one was going to make themselves known, all of the public drinkers outside the location ignored officers and nothing was said. Bar staff and the landlord did not approach police or enquire as to why Police were there. Alcohol was still being consumed inside and outside the bar.

Later on at about 01:00am there were still members of the public outside the pub drinking as police drove past, some of these customers thought it would be a good idea to stand in the middle of the road in front of vehicles just before the set traffic lights. They were clearly drunk, staggering around and shouting at passers by. As Police went around on to Burchfield Street heading north driving past the main front door, there was a silver vehicle parked with the drivers side window open directly in front of the entrance and it was clear that drinkers from the public house were leaning into the window and exchange money for packages. Police were unable to deal at the time due to being on route to a serious assault call which was linked to the early fight at the pub. Two victims were found at the Texaco on Burdett Road J/W St. Pauls. One of which had suspected broken ribs and the other had facial injuries including a black swollen eye which was impairing his vision. One of the victims stated he had never been to the venue before and had no idea why he was attacked.

On the 5th July 2013 Police carried out a licensing visit at the West Ferry Arms public house. Drug swipes were taken from the toilets of the pub, testing for the presence of cocaine. In the presence of the then DPS Mr. Husted positive traces were found in the male toilets and in the disabled toilets.

On the 13th 2013 during a Police licensing visit a section 19 closure notice was issued to the DPS Mr Husted as the CCTV was not working, a breach of the conditions of the license.

On the 14th August 2013 at approximately 22:30pm a plain clothes Police Officer was walking past the Westferry Arms pub when he noticed a group of people drinking on the raised area outside and in front of the pub.

A number of these people, mostly males aged between 25yrs - 35yrs were clearly drunk and were still consuming alcohol outside the venue.

As the officer walked past, a number of the males became abusive and started shouting abuse in his direction. A number of the comments included "Hey, Pig", "Fucking wanker", "Police cunt" and a number of other comments. It is believed that these males had seen the officer exit Limehouse Police Station via the rear yard.

As a result the officer entered the pub and spoke with a male standing behind the bar. The officer then asked him if he was in charge and he confirmed that he was. The officer then identified himself as a Police Officer and showed his Warrant Card. The officer firmly pointed out to him that he was responsible for the peaceful running of the establishment and that he should exert more control over the conduct of his patrons. The officer then left the venue to a chorus of further jeering and abuse.

On Saturday, 16th November 2013, officers were called to the location due to calls to a fight at the pub. The victim was the new manager of the pub. He explained that a male entered the premises at about 00:10am and went straight to the bar asking to be served a brandy and coke. The member of bar staff refused because the pub is only licensed to serve alcohol until midnight. The male then got upset and demanded to be served the drink. When the bar staff refused the male proceeded to shout calling her 'bitch', 'slag' and said she was racist.

Foyer

The member of the bar staff looked at the manager for assistance. The male then approached manager and demanded to be served the drink. The manager refused, and the male began to shout at him, and threatened to 'do him'. The male then left the pub via the side door. After 5 minutes another male entered the pub and spoke to manager about the altercation, this male stated that they should 'sort it out'. The first male again entered the pub and started shouting at the member of the bar staff and the manager. The manager then told the males to leave the premise. One of the males then responded, 'Are you going to make me?' The manager then took out his mobile to call police but one of the men snatched it from his hand. The manager shouted at the man to give the phone back. The

member of bar staff then went behind male and snatched the mobile phone from his hand and gave it back to manager. At this point, the male punched member of bar staff in the face. The other male then punched manager and both ran through the side exit of the pub.

On the 16th March 2014 Police carried out a licensing visit on the Westferry Arms public house. Drug swipe tests carried out on both the male and female toilets, on pretty much every flat surface showed strong traces of cocaine. The manager Mr LEES was told that he will be asked to attend Limehouse Police station regarding our concerns about his management of the pub, and that we would draw up a security plan for him to agree to.

On the 13th April 2014 Police were called to outside the Police station on West India Dock Road E14, Officers turned left onto West India Dock Road and could see a large group of people outside the West Ferry Arms public house. There appeared to be allot of shouting but officers could not see any fighting or scuffles. As officers drove past slowly they saw two females who appeared to be squaring up to each other. Police Officers separated both females. One of the females had blood all over her face. She was holding a denim jacket to her head and Officers could see that she had blood over her face, and could see that she had a small open cut about 20 mm x 5mm on her left eye brow.

Police asked the inured female who had caused the injury and she stated that it had started by her asking another female if she had taken her friends bag. She went on to say that the girl's dad had hit her in the face. As she was saying this a Bald headed male walked into the Westferry Arms Public House. Officers asked her "Is that him" and she replied "Yes". I was having difficulty relaying this to any other officer as the crowd was large and the victim did not wish to pursue the allegation.

One witness told Police, that she was outside the West Ferry Arms smoking a cigarette when a female in a stripy top kicked a female in an orange top in the face, she has then thrown a bottle at her. Both females were separated by other people outside the pub. She then goes on to say that a male who she had seen in the pub earlier Said "Whose been fighting my daughter?" he then went inside the pub to look for that person. Female in the orange top is believed to be male's daughter, she has approached another

female the victim and a female in the stripy top. Words were exchanged and victim and stripy top female squared up to each other. At that point male has exited the pub and has had words with victim he has then struck her twice in the face by punching her. The witness stated she was no more than 2 meters away. She stated that there was a tree in the way but this did not obscure the punches.

On the 26th April 2014 police carried out a licensing visit on the West Ferry Arms. There were about 20 people inside the pub. Drug swipes taken in both male and female toilets; Staff had just finished cleaning them on Police entry. Traces of cocaine found in both toilets. I told manager that IU would be calling him, and the area manager in from Enterprise Inns to discuss changes to the license and give advice on how to prevent drug use.

On the 7th May 2014 at Limehouse Police Station, Police met with Leroy Lees the DPS of the Westferry Arms and Andre Quibel the representative of Punch Taverns who own the pub. Oliver Sheridan the lease holder of the pub failed to turn up.

It was pointed out to both that this was a challenging pub to run, with a series of assaults and disorder in the last year. There were also allegations of drug dealing at the premises and the premises were being attended by known criminals.

It was pointed out that last year when Carl Husted was the manager there effectively was no DPS, and that this was the fault the brewery. Mr Quibell admitted that his company was at fault. Mr Lees stated that the previous DPS was allowing drug use to take place in the pub.

It was pointed out to both that there had been several assaults in the pub in the last 6 months and that Mr Lees had also been assaulted, that some of the customers from the local estate are known criminals and that they would drink on the street, and use the pub as a location to associate.

It was also pointed out that that the customers could become violent and abusive. Mr Lees stated that the atmosphere could change, and that some of the customers did not care if they were arrested and that they would resort to violence very quickly. He stated that he had worked hard to stop the smoking of cannabis outside.

Police said they were concerned that with the summer approaching and the good weather that the problems faced on the Marathon Day would replicated weekends. Mr Lees was also concerned, and said that he had been in Birmingham recently and that the atmosphere there was much better.

Police then showed Mr Lees and Mr Quibell pictures of Hippy Crack canisters outside the pub which I had seen being used last weekend. Mr Lees said he would try to deal with this.

Police said they would offer as much support as they could and would conduct overt licensing visits when on duty at weekends and that I had spoken to the local NPT and arranged for them to help. Police also asked for the below conditions to be added to the license to help the pub run better and this would help us help them remove the problem customers.

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested.
3. In addition to the requirements under condition (2) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been captured on CCTV as they enter the premises.
4. The CCTV Camera system and coverage thereof must cover both internal and external to the premises.

5. No drinks to be taken outside the pub, except for the seated area facing West India Dock Road.

6. A Incident Reporting and Refusals book to be kept and maintained, this will record all incidents at the premises including, people refused service, customers ejected, property reported lost or stolen, property found, any incidents of violence or disorder.

7. The DPS will work with Police to identify those customers causing crime, disorder and anti-social behaviour and take appropriate action to deal with them.

On Friday 9th May 2014 Police received the following e-mail from the Premises License Holder of the pub Oliver Sheridan:

Dear Andre, Pc Mark Perry,

I regret to inform you both that Leroy Lees, manager of the Westferry Arms, has tendered his resignation today. I realise that in recent months, Leroy has been working closely with us all in order to combat any anti-social behaviour in the pub and has indeed been instrumental in improving the pubs standing in the community.

Leroy has expressed his desire to seek employment elsewhere and has stated that The Westferry Arms is just not for him. I respect his decision and can understand his reasoning even though his leaving will obviously have a notable effect on the business and our goals going forward.

I intend to nominate Richard Thompson as his replacement and will be submitting the DPS consent forms shortly. I have worked with Richard briefly in the past and have found him to be honest and direct in his dealings with customers and peers alike. I am sure that he will be as co-operative with you both as Leroy has been and that he will continue to keep a close check on the running of the pub.

He is going to work alongside Leroy for a few days so as to get accustomed to what's

expected of him and will then take over fully after that.

Regards

Oliver Sheridan.

Police have replied to both Oliver Sheridan and Andre Quibell saying they are very concerned that Leroy has quit.

On the 16th May 2014. Police were called about the venue regarding a noise complaint. Police attended about 10:30pm and the premises was closed, Police spoke to Richard Thompson the proposed DPS, he stated that he had closed early due to the customers actions, being aggressive and out of dangerous. He said that about 1/3 of the customers smelt of cannabis, that customers were smoking it outside the pub. He also said that, people had come in to the pub offering to sell stolen goods. And that customers were drinking on the street, and that they didn't care about breaking rules of the pub. He also said that he feared that the customers of the pub would kick off and that he could not trust them. He also stated that he would not be working there much longer.

On the 29th August 2014 Police conducted a premises license visit, Pub was closing and only 3 customers inside. One customer was very anti-police but left shortly after Police arrival. Police asked one of the security to accompany them while drug swabs were taken from the toilets. There were large positive hits found in both the male and female toilets, and on 2 of the tables in the pub, and on the bar. DPS not present, the manager was informed of the drugs traces found but made no comment. One of the SIA security said that he was not surprised about the drugs traces in the toilets as "There were lots of people going in and out of the toilets all night" and that he thought they were "Well at it", when I asked him what he meant by that he said "Taking drugs".

Despite Tower Hamlets Police working with the Westferry Arms it has become clear that the pub still attracts a problem crowd and that criminality is taking place inside the premises. Local residents and those working at the Westferry arms have said how drug taking is place in the premises, backed up by the drugs found by police when using drug swipes. Previous

managers, staff and members of public have also stated that a sizable section of the pubs customers have no regard for the law, and that they do not care if they are arrested, or if there are security in the pub. Indeed Previous managers have been assaulted, and security have been threatened.

It appears that the recent conditions that have been added have made little difference to the actions of some of the pubs customers. There still remains a risk of disorder and violence if the pub is allowed to remain open. Tower Hamlets Police therefore ask for the license to be revoked.

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

Please tick ? yes
N

If yes please state the date of that application

Day	Month	Year

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

No

Please tick yes

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

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity

.....

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

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 **PETER FURNESS**..... URN:


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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **POLICE CONSTABLE**.....

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

Signature:  Date: 17/08/2013.....

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

On Friday 21st June 2013 shortly after 2200 hours I was on duty in full uniform posted to a marked Police van in the company of PC728HT Taylor. We were dealing with a road traffic collision outside Limehouse Police Station on West India Dock Road near the junction with Westferry Road, E14 when I was called over to the Westferry Arms Public House by an unknown male. There were several males outside the pub and there was a lot of noise coming from the pub. He told me that inside the pub there was a member of the bar staff having a seizure. The pub was quite full and there was a male who I was made aware was on the phone to the ambulance service. The male was very drunk, was slurring his words and was not listening to me. I immediately entered the pub and I could see a female lying on the floor near the end of the bar but behind the bar. Her head was in the bar area and her body was over the threshold where the bar door stops members of the public getting behind the bar. I was followed into the pub by PC Taylor. The female on the ground was identified to me as a member of the bar staff. She was being tended to by two males. I was told that the seizures are a regular occurrence and are getting more frequent. At one point I was asked to hold a camera to film one of the seizures to show to the female's doctor. A member of the public held the camera and I created an incident message and requested an ambulance via my personal radio. There appeared to be a second female working behind the bar. The bar was very full and there were a lot of drunk people in the bar area which made it difficult for me to get near to the female on the floor. I confirmed the males tending to her were doing the right thing and moved back outside to wait for the ambulance. Other officers entered the pub and returned to dealing with the road traffic collision. 

Signature:  Signature witness: 

I write with some concerns I have with regards to the Westferry Arms, Limehouse (next to Limehouse Police Station).

From reading about the pub, it seems to have had a disproportional amount of trouble previously, and new ownership has turned the pub around somewhat. There are clear signs up about the consequences of drug use with CCTV etc, which is all positive.

However, what is actually happening is somewhat different. Others have also shared my concerns. I have been constantly told by those who frequent the pub that the new security are not needed, and that even if anything happened the security wouldn't be needed or "stand a chance" - a real quote. You could of course attribute this just to types of people the pub attracts, and it may just be friendly banter.

However, even with this considered, the wider picture you can't simply ignore or attributed to banter. Maybe it's the attitude people live with but we have witnessed some things really the police and council should know about, which are plainly unacceptable and unlawful - especially on licensed premises. These are listed in no particular order.

On each Friday (and sometimes Saturday), an Oriental man will enter the pub carrying two bags. He will then put the bags on a table in the pub, and then sell DVDs. People will come by and look at what he has to offer. These DVDs are in single plastic wallets, consistent with what those selling counterfeit copies would sell. This is all cash in hand. This is tolerated by the management who also look at what is on offer and talk with customers about the films.

On both Friday and Saturday nights, at various times, X2 Asian males approach the pub. One carrying two bags, one without. The one without will enter the pub and speak to various people inside. A few minutes later, the male returns outside followed by a few people. They go to the side of the pub and the bag the second male is carrying is opened. Goods such as t-shirts and fragrances are looked at. Some items are bought. For example, one customer told me he bought 3 GAP t-shirts for £7. Now, I guess there may not be anything wrong per se with this other than street trading, but the secretive nature raises suspicions. This was confirmed when the £7 t-shirts were only discounted because they had their security tags on!! I would imagine these are stolen items. What is of more concern is that the management participate in this, for example, the two males did not have any cream the landlady wanted, so the comment was made "get some for next week, that cream was nice last week". Again, to me, with the previous evidence, this suggest at goods stolen to order. I may be cynical but it may well be true. We are talking about normally expensive goods, although I don't know what make the cream was. When marked police vehicles left the adjacent police station the two males turned their backs and people buying goods hid their purchases. The purchases until this weekend happened to the side of the pub, but this weekend some were made on the outside wooden patio part. CCTV pretty much captures this.

Drugs is an issue I think the pub has had before, but attempts have been made to stop this, however, drugs is an ongoing issue, as people are quite blatant in their use and dealing.

For example, Friday night, the pub stank of cannabis through those with it on them and smoking it across the road. The toilets have been made uninviting places for people to take cocaine etc yet it still happens. When I went to the toilet, a man there offered me drugs, and asked if I wanted to have some of the coke he had. He was sniffing as I went in, probably having done a line of coke. You can't say anything, as the other customers will simply turn on you, and they have made it clear, as mentioned already, people won't stand a chance. Dealing happens inside and outside the pub. For example, an approach will be made inside. People then leave the pub, exchange on the street and back I they go. Cannabis is dealt inside, with a person called Jacob selling. He gets on well with the management.

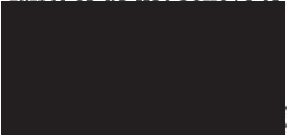
I am left frustrated. I am powerless to stop people doing the above simply as it will end one way for us. The management don't seem bothered at all I guess are complicit in the above things. Blatant drugs use really annoys me, I have raised this before, but nothing gets done.

WITNESS STATEMENT

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

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:

22/8/14

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

I am a local resident and I live in the Birchfield estate, and have lived in the area for several years. This statement refers to problems I and others in the community have had with the Westferry Arms Public House, West India Dock Road. I do not wish my details to be made public as I fear that if they are known to the people who drink in the pub, I and more importantly my family will be at risk of retribution.

In January 2014 I was a member of the local residents association, there was an application to extend the hours of the Westferry Arms public House until the early hours of the morning. As a result I contacted the other members of the residents association asking for their thoughts on this proposed application.

I got many e-mails back from members of the association saying they were horrified at this application from the Westferry Arms. The responses were from all types of people of varying ages, and cultural backgrounds, but all stated that they were concerned that if the hours of the pub were extended then the antisocial and criminal behaviour of the pub would get worse.

Some members said that when they had been in the pub they had been offered Class A drugs such as cocaine. Others stated that they felt intimidated by the customers of the pub, that their drunken behaviour shouting, swearing and arguing amongst themselves made local residents uneasy, even going past the pub. Recently when my partner was walking past the pub one evening with our children there were a group of people standing outside the pub smoking cannabis.

Residents believe the pub acts as a magnet for local trouble makers, there is a group who go the pub who seem to continually move between drinking in the pub and smoking cannabis in and around the local estate. It just seems to be a pub that attracts criminals and this is not what we in the community want.

Signature:



Signature witnessed by:



Continuation of Statement of **Joseph**

The customers don't seem to care about what they do or the impact it has on peoples lives, and the management of the pub don't seem willing or able to do anything about it, regardless of who is the landlord at the time.

We had wanted a nice local pub but now we just have problem pub that affects the whole community.

Signature:



Signature witnessed by:



Appendix 2

Postal Address

(Westferry Arms)
43 West India Dock Road
London
E14 8EZ

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

John McCrohan
Trading Standards and Licensing Manager

Date: 9th August 2005
Amended by minor Variation (Conds.) 15th July 2014



Part A - Format of premises licence

Premises licence number

18145

Part 1 - Premises details

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

43 West India Dock Road

Post town

London

Post code

E14 8EZ

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

- a. On Monday to Wednesday, 10:00hrs to 23:00hrs
 - b. On Thursday to Saturday, 10:00hrs to 00.00hrs (midnight)
 - c. On Sunday, 12:0hrs (midday) to 22:30hrs
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend
 - A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend
 - A further additional hour every Christmas Eve
 - A further additional hour every Boxing Day
 - To reflect existing New Years' Eve / Day hours

The opening hours of the premises

- a. On Monday to Wednesday, 10:00hrs to 23:30hrs
 - b. On Thursday to Saturday, 10:00hrs to 00.30hrs (the following day)
 - c. On Sunday, 12:00hrs (midday) to 23:00hrs
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend
 - A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
 - A further additional hour every Christmas Eve.
 - A further additional hour every Boxing Day.
 - To reflect existing New Years' Eve / Day 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

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

Tel: 01283 501 600

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

Company Registered Number: 03752645

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

Sandra Duncan

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

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;
 - (e) 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.

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

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

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

Times

- a. On Monday to Wednesday, 10:00hrs to 23:00hrs
- b. On Thursday to Saturday, 10:00hrs to 00.00hrs (midnight)
- c. On Sunday, 12:00hrs to 22:30hrs

- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend
- A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend
- A further additional hour every Christmas Eve
- A further additional hour every Boxing Day
- To reflect existing New Years' Eve / Day hours

Regulated Entertainment

Amplified and/ or unamplified live music with two live performers in the bar.
Amplified recorded music ancillary to the sale of alcohol.
Karaoke in the bar

Private Entertainment

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

- a) is not a public entertainment but
- b) is promoted for private gain

Annex 2 - Conditions consistent with the operating Schedule (as amended by minor variation 15th July 2014)

1. There are always a minimum of two staff on duty at any one time;
2. Unaccompanied children are not permitted on the premises and all children are not permitted on the premises after 21:00hrs;
3. No nudity;
4. No striptease;
5. No restricted film exhibition;
6. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer through the preceding 31 day period;
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested;
8. In addition to the requirements under condition (7) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been captured on CCTV as they enter the premises;
9. The CCTV Camera system and coverage thereof must cover both internal and external to the premises;
10. No drinks to be taken outside the pub, except for the seated area facing West India Dock Road;

11. An Incident Reporting and Refusals Book to be kept and maintained; this will record all incidents at the premises including, people refused service, customers ejected, property reported lost or stolen, property found, and incidents of violence or disorder;
12. Two SIA staff are to be employed at the premises on Friday and Saturday evenings from 20:00hrs until the close of the premises.

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

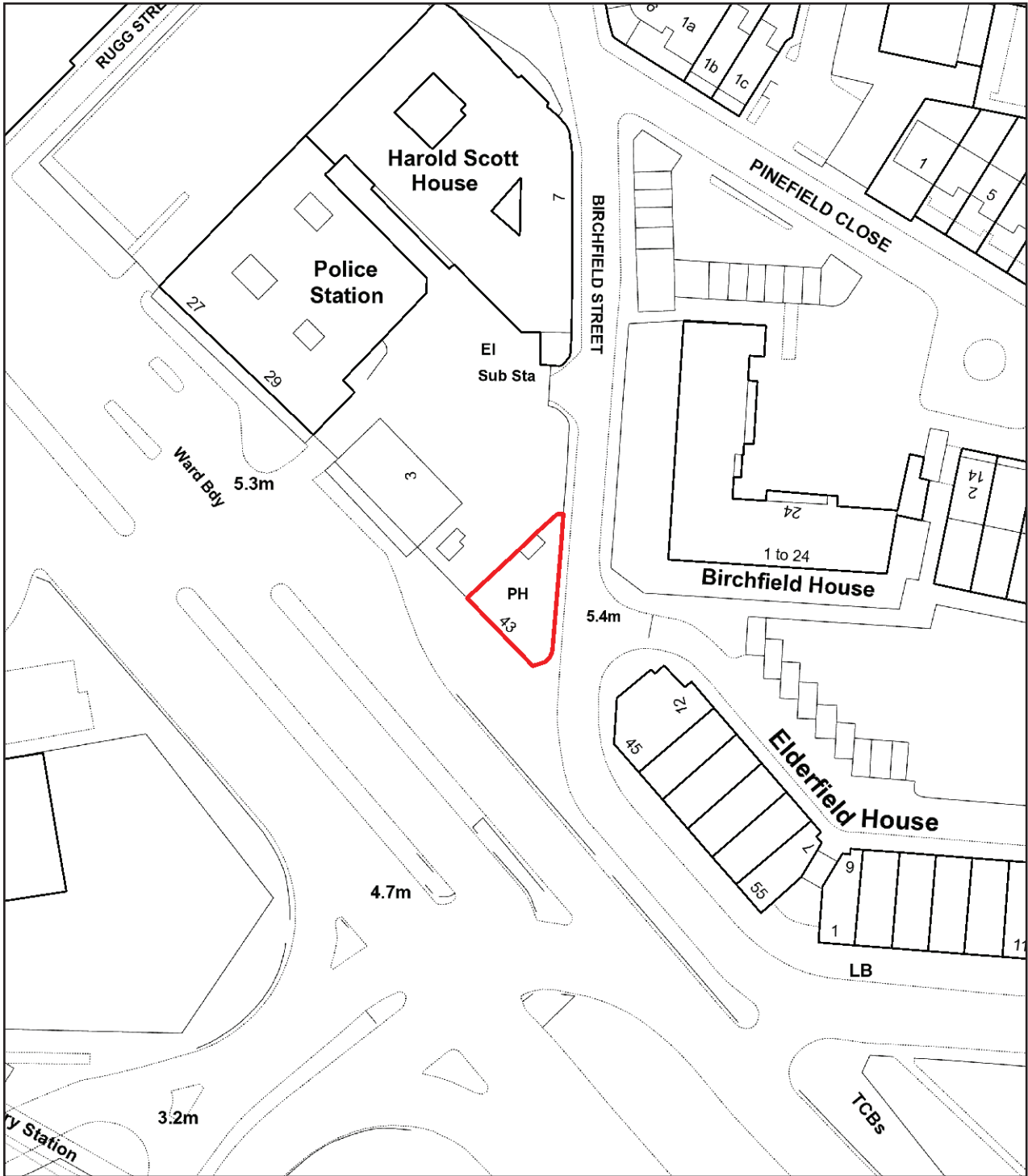
Not applicable

Annex 4 - Plans

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

27 June 2005

Appendix 3

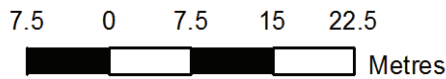


Westferry Arms

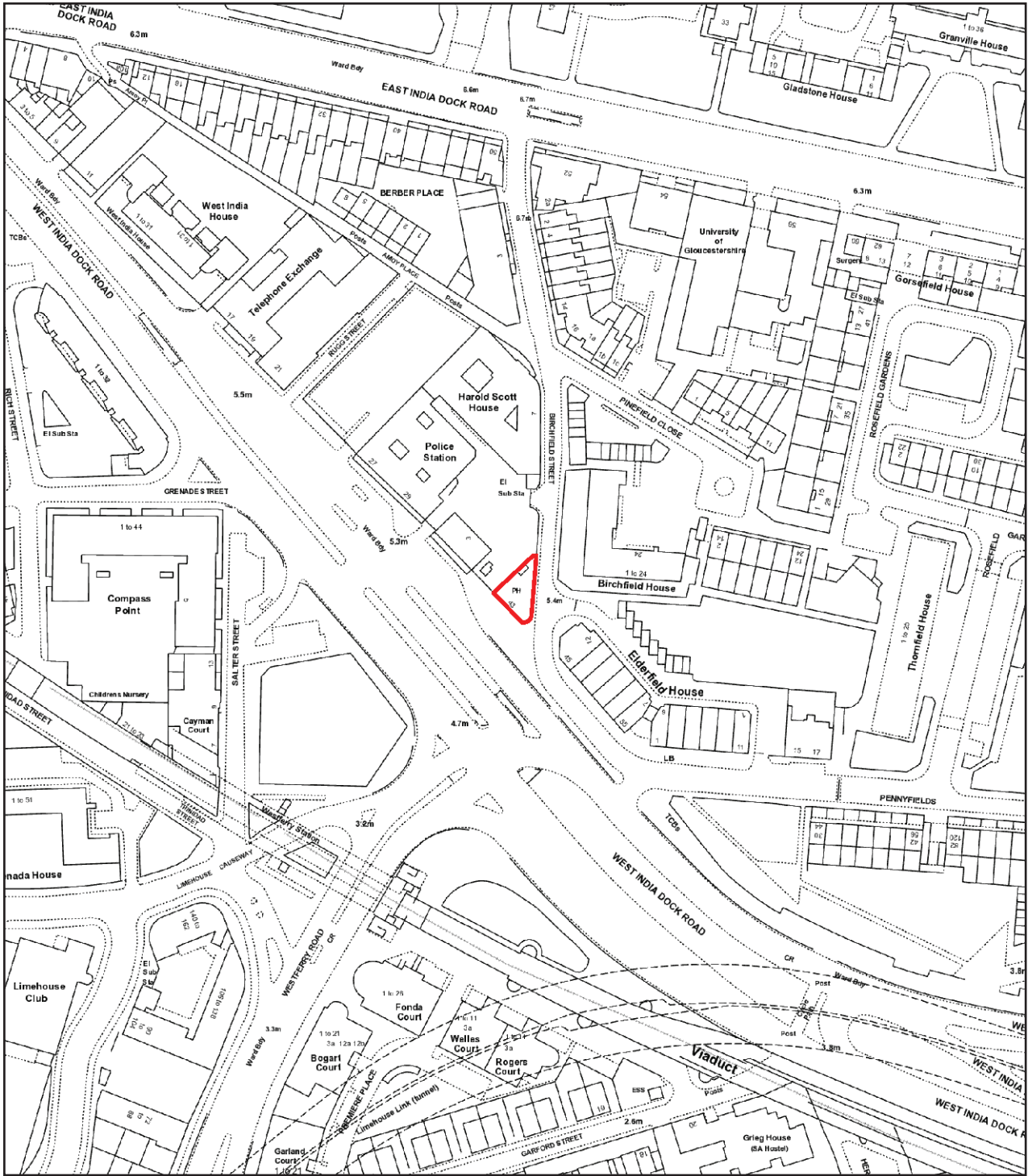
43 West India Dock Road



Scale 1:850



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Westferry Arms

43 West India Dock Road



Scale 1:1906

10 0 10 20 30



Metres



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Appendix 4

INDEX OF REPRESENTATIONS

REPRESENTATIONS IN FAVOUR OF THE REVIEW

APPENDIX 5 ENVIRONMENTAL HEALTH

REPRESENTATIONS OPPOSED TO THE REVIEW

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APPENDIX 8 LINDA MORRIS

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APPENDIX 11 ISAAC SOLARIN

Appendix 5

LBTH Licensing,
Toby Club,
Vawdrey Close,
London

Communities, Localities & Culture

Safer Communities

Environmental Health, Environmental Protection
Mulberry Place (AH)
5 Clove Crescent
London E14 1BY

Date: 29th October 2014

Enquiries: Ian Wareing
Tel: 020 7364 5008
Fax: 020 7364 6831

Dear Sir/Madam,

Email: environmentalhealth@towerhamlets.gov.uk

The Westferry Arms, 43 West India Dock Road, London, E14 8EZ

We have been notified by the Metropolitan Police that they have submitted a review of the premises licence for the above address.

Environmental Protection would like to support the Police by submitting a representation.

We have worked closely with Licensing, Police, Local residents and the pub owners to try and end the noise, nuisance and anti-social behaviour that this pub regularly inflicts on the area.

I have detailed complaints our department has received since July 2013 of Loud Music and ASB. I can also corroborate some of the points covered by PC Perry in his statement that included the use of cannabis, nitrous oxide, drug dealing and possible handling of stolen goods.

5/7/2013

Complaint received 21.43 – Loud music, screaming and shouting.

TOA 22.15 – Witnessed very loud music from street (opposite end to the pub). The Public House had the entrance door wide open, people were standing outside shouting and screaming. The music was really loud. Attended the pub and spoke to the manager. He complained about the high temperature and customers leaving the door open. Advised him to keep doors shut, to speak with his customers and ask them to keep the volume down. Written warning was issued. TOD 22.40

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

2/8/2013

Complaint received 21.59 – Loud music & loud customers.

TC 22.35 – Client stated that the pub has now shut the doors and the music noise level has now been reduced.

Re-call 23.33 – Visit agreed.

TOA 00.04 Music now off and doors closed – verbal warning issued.

13/4/2014

Complaint received 20.26 – Loud music, screaming and shouting.

TC 21.00 Music has now stopped, but lots of noise from patrons outside. Complainant described a 'pitched battle' outside of the pub. I advised to call Police. We drove by at 21.20, Police were on scene, lots of broken glass in the road, people milling around, looked like there had been a major disturbance.

16/5/2014

Complaint received 21.29 – Loud music and voices.

On site at 22.03, 20+ people outside with glasses containing liquid, very strong smell of cannabis in the air, doors to pub wide open, customers walking away with glasses containing drink, signs of dealing/handling stolen goods. There was a male and two females with glasses of drink behind the off licence in a huddle, with one of the females smoking cannabis. 2 males walked away from pub with glasses and towards Birchfield House. Karaoke was playing at high volume. Spoke to Ritchie Thompson – temporary DPS, advised him to close doors and lower volume. We waited for 10 minutes for these actions to take place, yet still people remained outside the front door with glasses. I rang PC Mark Perry and advised him of the situation. 22.18 – Rang complainant and advised of actions. They stated that the smoking of cannabis near their property from patrons of the bar is a regular occurrence.

25/7/2014

Complaint received 21.19 – Loud music, shouting and screaming from a group of people outside the pub.

TC 21.38, tonight music is not the problem; it is customers coming into the alleyway and smoking skunk under their window. Advice given to report to Licensing Department and to call Police.

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

1/8/2014

Complaint received 21.16 – Loud bass music from pub, lots of people milling about outside making noise and shouting.

On site 21.49 – door to pub propped open. Security were asked to find manager. Spoke to Sandra Duncan, advised to close door and reduce volume.

10/10/2014

Complaint received 22.47 – Loud music from pub.

TOA 23.15, heard a man on microphone singing and people cheering. At 23.16 recorded music came on “Caribbean Queen”, several people outside the pub smoking, did not feel too happy about approaching because they looked ‘unsavoury’. Also witnessed two men smoking cannabis across the road outside Birchfield House, then go into pub.

24/10/2014 – 22.30

Whilst patrolling the area as part of my out of hour’s duties I went past the pub and found the pub’s main door propped open, music blasting out. SIA were inside at the western side of the bar. White male, shaved head was dancing behind the bar after taking a bottle of wine. He then spotted me and approached door. He was confrontational and declared that he was nothing to do with the management of the pub. I asked to speak to the manager or the SIA staff. He stated that the manager was not around and that he would get the SIA staff.

I spoke with SIA staff with regards the doors being open and the level of music. A white female then joined us and said she was just a barmaid and the manageress was not around.

Doors were closed and music was lowered.

The male is allegedly well known to Police. Another male who joined in shouted out ‘hope you catch some real criminals’ as we departed.

TC – Telephone call

TOA – Time of arrival

TOD – Time of departure

I believe that the Responsible Authorities involved have done everything in their power to bring an end to the issues described, unfortunately a hostile customer base has formed and the only resolution to the public nuisance, crime and disorder is revocation.

Kind regards,

**Ian Wareing
Technical Officer**

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

Appendix 6

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter. I intend to state my position as a regular customer of the premises and share my personal experiences of this matter.

The current management have done a great job in improving the standards of the pub and this hard work should not go un-noticed as the pub now has a safe and comfortable environment which we all enjoy regularly

Yours

Leonard Deering,

████████████████████

██ ██

Appendix 7

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I wish to attend the hearing and give my side of the story to the committee on this matter. I am currently the Designated Premises Supervisor for this premises and I have first-hand experience on a daily basis, of what's going on.

Whatever the past history of the premises, I can prove to the committee that the clientele and standards of the premises are now very different to those proposed in the review application. I only ask for a chance to state my side of the story.

Yours

Sandra Duncan

████████████████████
██████████████
██████████

Appendix 8

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter.

As a regular customer of the premises I feel the closure of the pub would be unfair and a loss to the community.

The current management have done a great job in improving the standards of the pub and this hard work should not go un-noticed as the pub now has a safe and comfortable environment which we all enjoy regularly

Yours

Linda Morris,

████████████████████

██████████

Appendix 9

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I wish to attend the hearing and make a statement to the committee on this matter. I am currently employed as a bar-maid at the premises and would like to share my experiences and opinions of the pub and how it is currently operated

Yours

Kerry Murphy

████████████████████
██████████
██████

Appendix 10

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter. I intend to state my position as the current lease-holder of the pub.

Even if the pub has had a chequered past as stated by the police, I will bring evidence and witnesses to prove that the current management of the premises is capable and has eliminated any of the criminal activity suggested by the police review application.

Yours

Oliver Sheridan

████████████████████
██
████████████████
██████████

Appendix 11

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter. I intend to state my position as the SIA certified Doorstaff of the premises and share my views on the pub.

Whatever the past history of the premises, I can vouch for, and have evidence of, the huge improvement in standards and of the change in clientele over the past few months. This should be taken into consideration in any decisions made by the committee.

Yours

Isaac Solarin

████████████████████
██
████████████████
██████████

Appendix 12

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 13



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 14

Licensing Policy Adopted by the London Borough of Tower Hamlets

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

Appendix 15

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 16

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.

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