



# LICENSING SUB COMMITTEE

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Tuesday, 4 November 2014 at 4.00 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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Website: <http://www.towerhamlets.gov.uk/committee>

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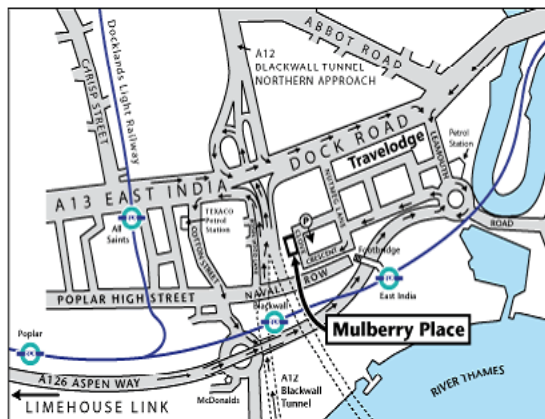
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QR code for smart phone users.

**APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

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

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

**2. RULES OF PROCEDURE (Pages 5 - 20)**

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

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3 .1 Application for a New Premises Licence for The Grocer, 4 Crispin Square, Crispin Place,London, E1 6DW</b>	<b>21 - 98</b>	<b>Spitalfields &amp; Banglatown</b>
<b>3 .2 Application to Review the Premises Licence for Sweetpoint, 2 Old Montague Street, London, E1 5NG</b>	<b>99 - 172</b>	<b>Spitalfields &amp; Banglatown</b>
<b>3 .3 Application to Review the Premises Licence for SD Retail, 2 Spey Street, London E14 6PZ</b>	<b>173 - 236</b>	<b>Lansbury</b>

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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

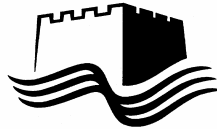
(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

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

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

## **APPENDIX B**

### **Regulation 8**

#### **Action Following receipt of notice of hearing**

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

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## 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](http://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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# Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	04 November 14	<b>Unrestricted</b>	LSC 43/145	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation Services</b>  Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Title <b>Licensing Act 2003</b> <b>Application for a New Premises Licence for The Grocer, 4 Crispin Square, Crispin Place, London, E1 6DW.</b>  Ward affected <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant:	<b>Geronimo Inns Ltd</b>
Name and	<b>The Grocer</b>
Address of Premises:	<b>4 Crispin Square Crispin Place London E1 6DW</b>
Licence sought:	<b>Licensing Act 2003 Application for a new premises licence to allow:</b> <ul style="list-style-type: none"><li>• <b>The On and Off-Sale of Alcohol</b></li></ul>
Objectors:	<b>Local Residents The Metropolitan Police</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

- 3.1 This is an application for a new premises licence, for the on and off-sale of alcohol, at 4 Crispin Square, Crispin Place, London, E1 6DW.

At present the venue is a restaurant with a premises licence for the on-sale of alcohol. Under the new licence the venue will operate as a public house.

The venue is within the Brick Lane Cumulative Impact Zone.

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

The hours applied for are:

**The On and Off-Sale of Alcohol**

Monday to Saturday, 10.00am to 23.00pm.

Sunday, 10.00am to 22.00pm

**The Opening Hours of The Premises**

Monday to Saturday, 10.00am to 23.00pm

Sunday, 10.00am to 22.00pm

- 3.3 Maps showing the relevant premises are included as **Appendix 2**.

### 4.0 **Policy and Government Advice**

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

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in 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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.6 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents
  - Metropolitan Police

**See Appendices 4-18**

- 5.8 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority  
The Metropolitan Police  
The LFEPA (the London Fire and Emergency Planning Authority  
Planning  
Health and Safety  
Noise (Environmental Health)  
Trading Standards  
Child Protection  
Primary Care Trust
- 5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety

- the prevention of public nuisance
- the protection of children from harm

5.10 The objections cover allegations of

- Crime and public disorder
- Public nuisance

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

## 6.0 Licensing Officer Comments

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

### 6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).

- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
  - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 19-23** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 7.0 Exemptions

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

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.

## 10.0 Cumulative Impact Zone

- 10.1 The venue is within the Brick Lane Cumulative Impact Zone.  
See **Appendix 24**.

## 10.0 Appendices

**Appendix 1** A copy of the application.

**Appendix 2** Maps of the area surrounding the venue.

**Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.

**Appendix 4** Index of representations.

- Appendix 5** Representations of the Police.
- Appendix 6** Representations of Jon & Ann Shapiro.
- Appendix 7** Representations of Phillippa Dawson.
- Appendix 8** Representations of Norbet McDermott.
- Appendix 9** Representations of Alan Williams.
- Appendix 10** Representations of Sian Warden.
- Appendix 11** Representations of Michael Myers.
- Appendix 12** Representations of Margaret Gordon.
- Appendix 13** Representations of Peter Dunne.
- Appendix 14** Representations of Selina Mifsud.
- Appendix 15** Representations of Ian Gordon.
- Appendix 16** Representations of Ruman Hussain.
- Appendix 17** Representations of Conor McLernon.
- Appendix 18** Representations of Ibrahim Ali.
- Appendix 19** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 20** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 21** Access and egress problems.
- Appendix 22** Planning.
- Appendix 23** Licensing Policy relating to hours of trading.
- Appendix 24** Information on the Brick Lane Cumulative Impact Zone.

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# Appendix 1

**London Borough of Tower Hamlets**

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We Geronimo Inns Ltd

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

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
The Grocer Unit 4 Crispin Square			
<b>Post town</b>	Crispin Place, London	<b>Post code</b>	E1 6DW

<b>Telephone number at premises (if any)</b>	Not yet confirmed
<b>Non-domestic rateable value of premises</b>	£110,000



**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *   | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *  | <input type="checkbox"/>            |                             |
| i. as a limited company   | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership  | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or  | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital   | <input type="checkbox"/>            | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

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

Please tick yes

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

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name Geronimo Inns Ltd
Address Riverside House 26 Osiers Road Wandsworth SW18 1NH
Registered number (where applicable) 2979146
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any) [REDACTED]
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

ASAP

Day	Month	Year
A	S	A P

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

Day	Month	Year

**A**

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

The premises will operate as a public house with a strong emphasis on food. The premises operate over one floor, the ground floor. The premises also includes outside areas including external seating areas surrounding the north, east and south sides of the premises.

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

N/A
-----

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)

- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

**A**

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

**B**

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

**C**

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

**D**

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

**E**

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

**F**

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

**G**

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

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>					
Day	Start	Finish				<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon							Outdoors	<input type="checkbox"/>
							Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)					
Wed								
Thur								
			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)					
Fri								
Sat								
			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)					
Sun								



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

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	23:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	10:00	23:00			
Sat	10:00	23:00	On public holidays: 10:00 to 22:00		
Sun	10:00	22:00			

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

<b>Name</b> Richard Hartley
--------------------------------

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)  
None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	23:00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>There shall be no use of the northern terrace after 20:00 hours.</p> <p>On public holidays: 10:00 to 22:00</p>
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	10:00	22:00	

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

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

The information in this box is solely for information and it is not intended for this to be transcribed as a condition on the Premises Licence, if granted.

Geronimo are a respected London pub operator now owned by Young's.

They have established a reputation for developing innovative and interesting pubs with a strong emphasis on good quality beer, wine and increasingly on good quality British food with, wherever possible, a local provenance.

Geronimo have been in discussions with the operator of Scarlet Spice for some time and have reached an agreement.

It is part of that agreement that Geronimo will apply for a new licence following the successful change of use of the Planning Permission from the existing A3 to A4.

A number of conditions were imposed to that Planning Permission including a restriction on the opening hours which are reflected in this application.

Geronimo are aware that this is a sensitive area in terms of the presence of local residents and it is now currently part of the Brick Lane Cumulative Impact Area.

However, it is submitted that this new licence for the same hours with a respected operator and with a strong emphasis on food will not add to the existing cumulative impact but will be an asset to the area.

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

- Staff training will include details of offences relating to the sale and supply of alcohol, in particular to under 18's and intoxicated people.
- Substantial refreshment available at all times.

**c) Public safety**

The premises will comply with all existing legislation in relation to fire safety, health and safety and food hygiene. Therefore no conditions are required under this Licensing Objective.

**d) The prevention of public nuisance**

- There shall be no use of the northern terrace after 20:00 hours.
- Any music emanating from the premises must not be audible at the nearest affected façade. No music to be played on outside terrace areas.
- Loading and unloading shall be restricted to: Monday to Friday (08:00 hours to 18:00 hours); Saturday (08:00 to 13:00); and not at all on Sunday & all public holidays.
- The area outside and around the immediate vicinity of the premises will be cleared and maintained in a clean and satisfactory state.

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

- A challenge 21 policy shall be operated at the premises and all staff shall be trained in its implementation.

Please tick yes

- I have made or enclosed payment of the fee or




- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

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

Signature	
Date	27 August 2014
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

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

Suraj Desor  
37 Stoney Street  
The Lace Market

Post town	Nottingham	Post code	NG1 1LS
-----------	------------	-----------	---------

Telephone number (if any)	
---------------------------	---

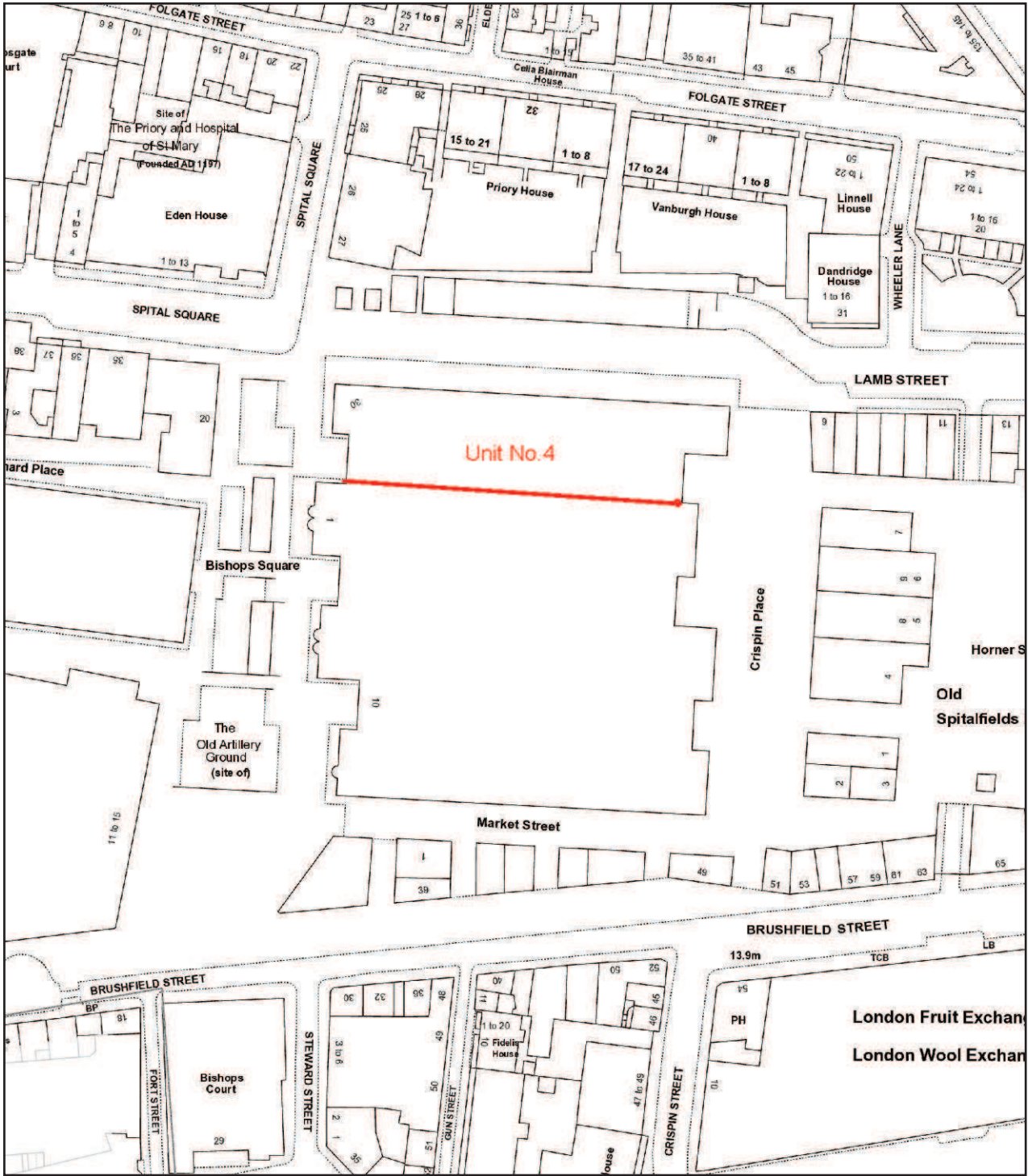
**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**



**Notes for Guidance**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application

# Appendix 2

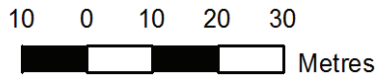


# The Grocer

## 4 Crispin Place



Scale 1:1417



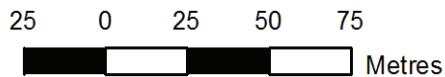


# The Grocer

## 4 Crispin Place



Scale 1:2833



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# Appendix 3



## Section 182 Advice by the Home Office

Updated October 2010

### Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. 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, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

## APPENDIX 4

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# Appendix 5

LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4AU

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

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]

Your ref:

Our ref:

24 September 2014

Dear Mr McCrohan

Application for a premises licence

The Grocer, Unit 4, Crispin Square, E1 6DW

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

*The prevention of crime and disorder*

*The prevention of public nuisance*

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

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

Crispin Place and the surrounding area are already very busy in terms of licensed premises.

However this would be the first public house inside the market area. There is a difference between restaurants and public houses in terms of their relationship with their customers.

Traditional public houses attract more people who are there specifically for drinking alcohol although I do understand that many will also consume food. The restaurants although selling alcohol to their customers are more food based. It is rare for our crime statistics to show restaurants as a “hot spot”. The saturation policy was intended to reduce the number of vertical drinking establishments in the CIZ.

There are residential properties adjoining the market and in nearby streets.

Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises in relation to the more traditional public house will only compound the problems in the CIZ.

It is yet another premise that will have the ability to sell alcohol in the area which is already “saturated”

Can the applicant provide evidence that the operation of the premise will not add to the negative cumulative impact already being experienced in this area?

Is there any specific plans in place to deal with rowdy customers or to combat theft in the venue?

I am concerned that the seating areas may be a public nuisance, in terms of the people standing or sitting there. It can lead to a noise issue even if it's just people with raised voices. Over recent months, outside areas have been of concern to local residents and responsible authorities, especially if people are allowed to drink without it being ancillary to a meal.

I ask the committee to refuse this application.

If the committee is to grant a licence, I would ask they consider the following.

1. Install / maintain CCTV

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

2. Outside seated area.

a) Alcohol must be ancillary to a meal

b) All seating areas to be used from 1000 - 2000

3. Use of an incident / refusal book

Alan Cruickshank PC 189HT



# Appendix 6

## Alex Lisowski

---

**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 06 October 2014 11:01  
**To:** Alex Lisowski  
**Subject:** FW: "The Grocer", Unit 4, Crispin Square, E1 ..... Licence Application by Geronimo Inns

---

**From:** Jon Shapiro [REDACTED]  
**Sent:** 05 October 2014 20:45  
**To:** Licensing  
**Cc:** Alex Lisowski; John Mccrohan; [REDACTED]  
**Subject:** RE: "The Grocer", Unit 4, Crispin Square, E1 ..... Licence Application by Geronimo Inns

Dear Sir or Madam,

As per our previous email (attached) dated 24<sup>th</sup> September we believe the Licence Application should be wholly refused as it is for a new pub premises within a CIZ.

However, if the Licensing Committee should grant a Licence (which we believe it should not) we would like an additional condition to be imposed as well as the three already requested:

- 4) There should be no noise from the premises discernable at the nearest façades of the surrounding residential dwellings

We note that this condition was imposed by Tower Hamlets Environmental Health as a condition on the recent Licence Application by "Second Home Limited" for their premises in Hanbury Street. Considering that 4 Crispin Place is in a much more heavily residential district than Second Home Limited, it is even more appropriate for this same condition to be imposed here.

Yours faithfully,  
Jon & Ann Shapiro.

[REDACTED]

[REDACTED]

---

**From:** Jon Shapiro [REDACTED]  
**Sent:** 24 September 2014 16:24  
**To:** 'licensing@towerhamlets.gov.uk'  
**Cc:** 'Alex Lisowski'; 'John Mccrohan'; [REDACTED]  
**Subject:** "The Grocer", Unit 4, Crispin Square, E1 ..... Licence Application by Geronimo Inns

Dear Sir or Madam,

We were told just a few days ago that a notice (as above) is displayed on "Scarlet", 4 Crispin Square, and hence went to look specifically for the notice.

We would like to request that this Licence Application by Geronimo Inns should be wholly refused on the grounds of:

- The prevention of crime and disorder

- Public safety
- The prevention of public nuisance

as the premises is within the Brick Lane “Cumulative Impact Zone” (CIZ).

The CIZ is already (by definition!) over-supplied with alcohol, and is already stated by our Borough Police Commander to be the “number one policing problem in Tower Hamlets”. Until and unless this area ceases to be such a policing problem we believe that no additional pub(s) – or any other establishments that allow “vertical drinking – in the CIZ should be allowed a licence.

Whilst we can readily see that for example a restaurant – if well-managed – might be able to justify a licence within the CIZ for the provision of alcohol as ancillary to a meal, we do not see how any pub operator could possibly justify a new licence within the CIZ.

On the above grounds we request that this Licence Application should be wholly refused.

If the Licensing Committee should grant a Licence (which we believe would be wholly in contradiction to the CIZ) then to ensure the prevention of public nuisance (in particular noise nuisance) we request that three conditions should be placed on any such Licence:

- 1) Absolutely no “vertical drinking” to be allowed on the “terraces” external to the building
- 2) These external terraces to be licensed only for the serving of alcohol ancillary to food being eaten by seated diners
- 3) All use of the external terraces (North, East and South) to cease at 20.00 hours.

(Note that in their Planning Application, Geronimo Inns voluntarily and already offered that to reduce noise nuisance they would cease using the North Terrace at 20.00 hours. However, because of the “funneling” effect of the overhead canopy, noise from the East and South Terraces is just as much a nuisance to the nearby residents as noise from the North Terrace. This is why all use of the North, East and South terraces must cease at 20.00 hours.)

Whilst the three conditions above would reduce the impact of the premises on public nuisance and on crime and disorder, given that the premises are within the CIZ we believe the Licence Application should be wholly refused.

Yours faithfully,  
Jon & Ann Shapiro.



# Appendix 7

## Alex Lisowski

---

**From:** StGeorgeResidents'Association [REDACTED]  
**Sent:** 25 September 2014 12:18  
**To:** Licensing; Alex Lisowski  
**Subject:** Licencing for Market areas. 10A Lamb St, 4 Crispin Place

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Licensing, LBTH, Town Hall.

One of our residents has sent this to you and copied to SGRA. She is concerned it might not have reached you . She asked that I clarify the address details of two premises about which she is concerned:

1. Geronimo's/Scarlet, 4 Crispin Place, E1 6DW 2. 'Lonzo', 10A Lamb Street, E1 6EA Please add her comments in respect of both applications.

Thanks.

Margaret Gordon, Chairman SGRA

On Wednesday, 24 September 2014, 20:38, DawsonPhilippa <[REDACTED]> wro: te:  
From: DawsonPhilippa <[REDACTED]> nt: Wednesday, 24 September 2014 21:25To:  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk); Alex LisowskiSubject: Licencing for Spitalfields Market. Lamb St Establishments  
#yiv3994629957 body {  
color:#262626;}

Dear Council, or licensing committee or whomever u are.

I find this constant requirement to protect the environment I live in wholly untenable. Weekly I am being bombarded by more establishments wanting to open within the market area. This market area already has it's fair share of establishments. Places that already pump out music, drunken patrons to urinate, be sick or hangout near my home and cause nuicances of themselves. The market is rapidly becoming the place to go to drink and just chuck your rubbish, get rowdy, be rude, and generally be horrible. I as an owner would love something gentile. Something that doesnt involve drunken behaviour or something that means loitering. Why can the council not see this saturation? Why can the council not see this outright and not have to put it to the general public.

Start thinking about the long term prospect of the area. Feeling intimidated walking home from drunken behaviour, loitering, singing, dancing, throwing bottles etc is common place. These establishments need glass collections which resonate thru the market and down the street causing sleepless hours due to the timing of such things and the hardness of the buildings which do not allow for any sound absorption. I am young. I like a vibrant place to live but this is now getting beyond a joke. Start thinking and be more proactive about the place I live and the place u represent. I am whole heartedly against ANY establishment that would serve only alcohol. Stand on the pavements with or without those drinks smoking. They are close enough to some benches which entice some revellers which causes rubbish, urination and noise.

PLEASE think carefully.I am across the road from the requested establishments @ [REDACTED] and already have enough broken sleep from revellers. Dont make it the joke of the city. Saturation has already happened.

Please ensure that my data is not freely advertised and please confirm receipt and it's entry into the consideration for these 2 licences.

Philippa Dawson Address above.

# Appendix 8

## Alex Lisowski

---

**From:** Norbert McDermott [REDACTED]  
**Sent:** 25 September 2014 16:03  
**To:** Mohshin Ali  
**Cc:** Licensing; A [REDACTED]  
**Subject:** Objection to the licensing application for 4 Crispin Place, currently Scarlet Spice, applying on behalf of Geronimo Inns

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

folks – here's letting you know that I have owned our property since it was first built in 1999 – lest you think that I'm a "newcomer" to our neighbourhood.

I've objected before, now I'm objecting once again, as a concerned property owner & resident of Spital Sq, to any possibility of you extending the operations of the above entity.

my objection is squarely based on the grounds of public nuisance – which I feel is irrefutable given the late hours proposed & the super-saturation of such premises in our area.

please treat this as my objection to any possible further leeway being granted to Scarlets.

many thanks.

[REDACTED]

24 Sep 2014

# Appendix 9



## Alex Lisowski

---

**From:** Mr Alan Williams <[REDACTED]>  
**Sent:** 29 September 2014 02:58  
**To:** Licensing; Mohshin Ali  
**Subject:** Premises Licence Application - Geronimo Inns/"Scarlet Spice"/"The Grocer", 4 Crispin Place,

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Planners

I regret that I am abroad at the moment, so have only just caught up with this application. I apologise for the consequential delay in writing and hope you can still take my comments into account.

I objected on the last occasion that an application was made for a licence to operate as a bar rather than a restaurant.

I see that there are restricted hours applied for for all but the eastern terrace. I object to the application as currently drawn up; we have enough bars in the area already catering for the drinking crowd.

In my experience, drinking leads to noise, leads to rowdiness, leads to crime and disorder, public nuisance, and a reduction in public safety. I notice that there is a childrens' nursery just across the eastern terrace, one that is open well into the applicant's proposed drinking hours. There are also a number of families living in nearby flats with young children.

For all these reasons, I object to the application.

Alan Williams

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 10

## Alex Lisowski

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 22 September 2014 12:40  
**To:** Alex Lisowski  
**Subject:** FW: Premises Licence Application: Geronimo Inns, 4 Crispin Place

---

**From:** Sian Warden [REDACTED]  
**Sent:** 21 September 2014 20:18  
**To:** Licensing; Mohshin Ali  
**Subject:** Premises Licence Application: Geronimo Inns, 4 Crispin Place

To whom it may concern,

Application number: PA/13/00719

I would like to ask for restrictions on the above licence application. I live directly opposite this premises and ideally would like the licence application to be removed entirely. However, you have approved it, so I would like to very strongly request that more restrictions be granted. I note from the application that there there are to be no drinkers on the northern terrace after 8pm. However, I would also like to request, under the licensing objective of prevention of public nuisance, that the eastern terrace also has similar restrictions. The two terraces are very close to each other, and noise from those on the eastern terrace is very audible, and disturbing, in our flats. It is exacerbated by the roof of the market, which magnifies the noise. For similar reasons, I would like to request that strong restrictions are put on those who go outside to smoke.

In general, I am very unhappy that you have granted planning permission for a pub so close to so many residential dwellings, and would very much like to see as strict restrictions as possible put on it, now that you have unfortunately granted this permission.

I look forward to hearing what further restrictions you will be putting in place.

Kind regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 11

## Alex Lisowski

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 22 September 2014 14:05  
**To:** Alex Lisowski  
**Subject:** FW: premises license-permission change of use /4 crispin place/spitalfields market

---

**From:** Michael Myers [REDACTED]  
**Sent:** 22 September 2014 13:58  
**To:** Licensing; Mohshin Ali  
**Subject:** premises license-permission change of use /4 crispin place/spitalfields market

PA13/00719

License Objection....Public Safety

The above application, if granted, would add to the increasing saturation of Spitalfields with premises selling alcohol.

For many months residents have and still are, experiencing anti social behaviour, by people coming into the area, and fueled not only by alcohol ,but drugs ( as confirmed by the police ) and act in a rowdy manor...shouting, urinating against residential doors in the side streets off Brick Lane.

One side of the premises of this application has an outside terrace for drinking and smoking . The terrace overlooks Lamb St, which is a very quiet at night. There are two other outside terraces that could hold a large number of people' The application states "the premises will operate as a public house, with a strong emphasis on food". To that I would add .."if the customers are hungry". "strong emphasis on food" is again mentioned in the application, confirming my fear that this description is really meaningless, and imbibing is really the applicant's true goal.

In the early days for redevelopment , I believe pubs were to be excluded from operating within the Market.

If application is granted, would the Committee impose strict restrictions, on times of operation, to safeguard residents from any likely disturbances

Yours faithfully

Michael Myers..... [REDACTED]

# Appendix 12

From:  
St George Residents' Association

[REDACTED]

To: Licensing Section  
Trading Standards  
Town Hall  
5 Clove Crescent  
London  
E14 2BG

23<sup>rd</sup> September 2014

Dear Sir or Madam,

Re: Premises Licence Application, Geronimo Inns, 4 Crispin Place, E1 6DW

St George Residents' Association Spitalfields represents owners and residents of 193 flats in Lamb Street, Folgate Street and Spital Square; many of them face [REDACTED] across [REDACTED] and others are diagonally opposite in [REDACTED]. Most of them are the closest residential properties to 4 Crispin Place. Residents' main concerns are about the potential noise nuisance resulting from the premises being granted Planning Permission late in 2013 for Change of Use from A3 to A4.

Residents do not want 'vertical drinking' so close to their homes, nor do they want the noise of clients leaving the premises after closing time, having spent the evening drinking. The hard external finish of the buildings and the cavernous structure of Crispin Place reflects and directs noise considerably. There are several bars within five minutes walk on Folgate Street, on Brushfield Street, on Bishopsgate and on Commercial Street. Noisy clients exiting from surrounding pubs is bad enough, but more happy drinkers leaving 4 Crispin Place close to residential properties in this acoustically reflective environment would be unacceptable.

Residents were disappointed about the Change of Use at 4 Crispin Place from A3 to A4. It allows the character of the place to become a bar rather than a restaurant, so its clients can now be drinkers primarily, rather than diners. This drinking establishment will be additional to all the others nearby, so we ask that the Committee consider this Premises Licence Application in the light of the Cumulative Impact this will have on overall alcohol sales in the area and the consequent noise nuisance by clients on the premises and after leaving.

No-smoking legislation has led to noise by groups of drinkers outside pubs, and we cannot suppose this venue to be any different. Smoking is not permitted in any part of Bishops Square, so smoking drinkers will use the nearest uncovered space (together with drinks and their friends) such as nearby pavements and Elder Garden which is even closer to the homes of the nearest St George residents. We ask that there is a limit to a small number of smokers standing outside the doorway at any time and particularly in the later part of the evening. We hope that the management will deal strictly with clients who move from the premises with drinks for a smoke.

Landlords are required to ask their clients to “respect the neighbourhood”. This is usually a small notice near the exit. Such a requirement is almost always forgotten by drinkers once they have left, and is rarely enforced by landlords – hence the crowds of drinkers that spread across pavements near bars at the corner of Hanbury/Commercial St. (Golden Heart), on Commercial St. (Smith’s and Ten Bells), at the corner of Bell Lane/Brushfield St. (Gun), and near the corner of Brushfield St/Steward St. ([Be@One](#)).

We note that Geronimo’s has not requested the licence to include regulated entertainment, yet later in the application there is reference to the fact that they will ensure any music will not disturb the neighbourhood. No music is good, but the statements seem contradictory.

We note the proposed delivery times and we appreciate the respectful nature of the proposed timings. However we ask that Saturday deliveries be not earlier than 9am. This would be in line with the timing of the start of market operations, which were required by Planning to allow residents at least one morning of the week without an 8am market start.

We note the proposal that use of the northern terrace will cease at 8pm. We ask that this should apply also to the other terraces. The Crispin Place entrance is a particularly resonant place which, until now, has not been the source of excessive evening noise because seated diners drink with a meal. The operation of a bar will create larger numbers of non-dining drinkers; we hope that they will enjoy drinking inside, not standing outside; the latter situation always generates more ‘competitive’ conversation!

The amount of refuse, particularly empty glass bottles, is likely to increase, so we ask that the management do not permit bottle dumping after 10pm or before 8am Mon-Fri and 9am Saturday. We also ask that refuse bins are not moved around outside these times.

We recognise that the premises have permission for A4 use. We also understand that Licensing decisions are not dependent on Planning decisions and vice versa. Members of the sub-committee are aware of the nature of the disturbances caused to residents living near to a drinking establishment. We hope, therefore, that they will give due consideration to the various points above, and include appropriate conditions when granting the Premises Licence.

Yours sincerely,

Margaret Gordon, Chairman - St George Residents' Association.



p.s. We would appreciate your acknowledgment of this letter, please.  
I also ask that personal details will be redacted from any published version on the internet.



# Appendix 13

## Alex Lisowski

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 24 September 2014 17:42  
**To:** Alex Lisowski  
**Subject:** FW: Re licence application, "The Grocer", Unit 4, Crispin Square

-----Original Message-----

**From:** Peter Dunne [REDACTED]  
**Sent:** 24 September 2014 17:39  
**To:** Licensing  
**Subject:** Re licence application, "The Grocer", Unit 4, Crispin Square

Dear Sir/Madam,

The flats along Lamb Street, facing the Spitalfields Estate and Market, form a natural amphitheatre, capturing and amplifying noise from ground level. The people who moved into the flats were assured by Hammerson, the previous owners of the estate, that they had no intention of allowing "vertical drinking" on the estate, and that the residents' right to peace and quiet would continue to be respected.

The owners of the estate have changed, and the present owners seem to have no regard to previous commitments, so it now falls to you to protect the residents of Lamb Street.

Despite what Geronimo Inns may tell you, it is a pub company, not a restaurant company, and the thrust of the company is the sale of alcohol. The rents in the Spitalfields Estate are such that in order to succeed a pub will have to generate an enormous amount of trade, and we feel any pub operator will be under extraordinary pressure to maximise the space available, by selling as much alcohol as possible and to as many people as possible. The operator will, therefore, have to encourage throngs of people to drink outside the premises, and there is no guarantee that they can possibly give to you in relation to the control of noise: crowds of people drinking make more and more noise the more they drink, and it is impossible to control the ambient sound level.

We already suffer from hordes of people walking up and down Lamb Street to and from the vast number of of pubs and bars already in the area, an area described by your own Licensing Department as "saturated". Our one consolation has been that we do not have a pub immediately outside our windows. This is no exaggeration; we referred to the amphitheatre nature of Lamb Street, and the present management of the site acknowledges that the sound not only travels, but is amplified at our flats. As a result of this, when there are one off events in the space the sound levels are closely managed by the estate management team, who are obviously unable to do this on a daily basis for a tenant the success of whose operation depends on filling the space equivalent of having an event every day of the year.

We know from experience that when the restaurant operator has any kind of function in which vertical drinking is allowed in this space, the noise is intolerable. Geronimo Inns will seek to persuade you that they will manage the space better than the current operator, but it is our contention that this space is unsuitable for the proposed use, because you cannot manage or control noise levels from the drinking public.

We would also point out that this large and essentially uncontained space is likely to become a magnet for all sorts of antisocial behaviour. This is not to say that the operators will allow antisocial behaviour in the area they control, but experience shows that outside drinking attracts opportunist criminals, noisy interaction between drinkers and passers by, a deterioration of the appearance of the space, increased litter, urination, all taking place in the vicinity of the outside drinking areas.

We are therefore of the opinion that no operator should be granted a licence for a pub or similar business in this space.

If, however, you should be inclined to grant this licence, we propose the following conditions on the licence might minimise the impact of such an operation:

1 That no vertical drinking be allowed at any time outside the premises, and that alcohol only be served outside as an accompaniment to a meal (properly defined as not a snack, a "giveaway" or any other of the common attempts to circumvent such a condition) consumed seated at table.

2 That all use of the external seating areas should cease by 7pm, and there should be no customers loitering outside after this time. The time of 7pm is chosen because it is a time when experience shows that noise levels increase unacceptably.

3 That there should be no breakout of recorded music or noise from the showing of sporting events at any time, and that the doors should be kept shut at all times during the playing of music or the showing of sporting events. No music played or sporting events to be shown outside.

We believe, however, given that this is in the Cumulative Impact Zone, commonly known as the saturation zone, the application for this operation should be wholly refused, especially considering that we are given to believe that this is a completely new licence application, and currently no licence is in place.

Given the issue of the public notice, this is, necessarily, a hastily composed letter, and we are hoping that you will extend the consultation period so that the applicant displays its public notice correctly and we may alert all our neighbours to this threat to their peace of mind.

Yours sincerely,

[Redacted signature block]

Sent from my iPad

## Alex Lisowski

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**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 06 October 2014 11:00  
**To:** Alex Lisowski  
**Subject:** FW: License Application "the Grocer", Unit 4 Crispin Square

**From:** Peter Dunne [REDACTED]  
**Sent:** 05 October 2014 20:28  
**To:** Licensing; [REDACTED]  
**Subject:** License Application "the Grocer", Unit 4 Crispin Square

Dear Sir/Madam,

I have written to you previously (24th September) to register my objections to the granting of this application, and on that occasion I suggested that should you, nevertheless, grant the application, that certain conditions should be attached to the licence. I am now of the opinion that the granting of this licence should not take place under any circumstances whatsoever.

The application for a licence requires certain conditions to be met, amongst them being clearly defined ways in which the public is to be informed of the application. Chief among these is the display on the premises of proper signage on a blue background so that passing members of the public who may have an interest can see and read the application.

Geronimo Inns is a multiple pub company with many pubs, owned by a yet larger company, Youngs, which owns many more pubs, and both these vastly experienced companies know their legal obligations with regard to the display of public notices in the matter of applying for a licence. In this case the display of the public notice was found to be inadequate by your own officer, in that it was not on public view and not on the correct background. It was hidden away and looked like tatty white notes on inaccessible windows. In other words the applicant was seeking to hoodwink the public, and cynically trying to avoid doing its public duty. The consultation period was extended as a result, although not by the required period for the proper display of a public notice, so it seem the public may be being ill served in this.

I make two comments on this: firstly if the display of the public notice did not fulfil the applicant's legal obligations, why are they not required to now display the notice for the proper period, such that the public consultation starts at the time the notice starts to be properly displayed (last Monday)? Secondly, given the clandestine (by which I really mean sneaky) way the applicant tried to get this application past public attention, how can they be trusted to adhere to any restrictions or conditions on their licence. If the applicant shows such cynicism with regard to its legal obligations to you at this stage, there is little hope of it fulfilling its obligations in the future. So I withdraw my qualified support for a licence with conditions.

The outside drinking area of premises in question is less than 30 meters from the windows of the nearest flats. There was never meant to be a pub here because this is no place for a pub. It would be inhumane to allow the establishment of what amounts to a pub garden so close to peoples' flats. Please do not grant this licence.

Yours sincerely,

Peter Dunne

# Appendix 14

## Alex Lisowski

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**From:** Andrew Heron on behalf of Licensing  
**Sent:** 25 September 2014 10:04  
**To:** Alex Lisowski  
**Subject:** FW: licence application at 4 Crispin Place, E1 6DW

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**From:** Spitalfields Community Group [REDACTED]  
**Sent:** 24 September 2014 21:27  
**To:** Licensing  
**Cc:** Alan Cruickshank  
**Subject:** licence application at 4 Crispin Place, E1 6DW

Dear Sir/Madam,

Spitalfields Community Group (SCG) OBJECTS to the licensing application submitted for 4 Crispin Place E1 6DW on behalf of Geronimo Inns/"The Grocer" bar/restaurant for sale of alcohol Mon – Sat 1000-2300 and Sun 1000-2200.

Spitalfields Community Group (SCG) was founded in 2011 with the aim of representing those who live and work in Spitalfields, enhancing their quality of living, and improving their sense of community. To that end, we have sought to represent the consensus view as demonstrated in our latest survey of members' priorities, which highlights continued concern about the detrimental effect of the night time economy in the area on our domestic and working lives. Indeed, we gave our active support to the adoption and implementation of the Cumulative Impact Zone, which recognizes the negative impact on residential amenity of the dense concentration of licensed premises in our community. The premises at 4 Crispin Place is within the Zone.

4 Crispin Place has already been the subject of a planning application and subsequent appeal which illustrated unresolved issues regarding surrounding residents' dissatisfaction with the use of outdoor terraces. Noise reverberates around and through Spitalfields Market and the adjacent blocks of residential flats, such as St George's, causing disturbance at antisocial hours. Deliveries and rubbish collection, particularly of glass bottles, causes irritation, in addition to the inevitable nuisance of outside drinkers making unwanted noise, and smoking beneath residents' windows.

For the reasons outlined above we wish to OBJECT to the licensing application UNLESS strict conditions are attached specifically prohibiting:

Any "vertical drinking" in the OUTSIDE SPACE at anytime

Any use of the OUTSIDE SPACE after 20.00 hours.

From and on behalf of Spitalfields Community Group

[REDACTED]

[REDACTED]

# Appendix 15

Licensing Section,  
Town Hall,  
Mulberry Place,  
5 Clove Crescent,  
London E14 2BG



24<sup>th</sup> September 2014

Dear Sir or Madam,

Re: Premises Licence Application at 4 Crispin Place, E1 6DW

I strongly objected to the Planning Application PA/14/00398 for Change of Use from A3 to A4. I hope that in considering this Premises Licence application the Committee will see it appropriate to include conditions that might soften the impact of a bar being so close. The entrance is visible from my flat less than one minute's walk away, diagonally across Lamb Street.

During evenings, large crowds of customers gather on the pavements outside The Golden Heart and Smith's, on Commercial Street, outside Be@One on Brushfield Street. All of these venues are bars, not restaurants. I expect that a bar at 4 Crispin Place also attract such customers, as Geronimo's is part of Young's whose principal business is supplying alcohol. There are already enough bars within easy distance, and this will be even more central to my flat.

People talk more loudly as they consume more alcohol. The noise nuisance created by drinking groups is unacceptable so close to residential properties. The surface of the buildings in Lamb Street and Crispin Place, including No.4, are very reflective so that noise echoes beyond the immediate space.

4 Crispin Place is currently a restaurant; outdoor diners are seated behind a waist-high partition and the conversation level is as expected at dining tables, causing no offensive noise in my judgement. Other restaurants in Crispin Place, thankfully, do not operate as bars. The 'outside' easterly area of 4 Crispin Place is in the partially covered part of Crispin Place. It is just at the point where noise pushes out to the flats opposite. I therefore would not want groups of noisy drinkers and smokers in this area each evening. Noise created in Crispin Place is directed out across Lamb Street and across Elder Garden to people's homes.

It would be better for people living nearby if all the outside terraces of 4 Crispin Place were not used after 8pm, not just the northern terrace. I would not want smokers using pavements and the nearby Elder garden, especially whilst drinking.

Yours faithfully,



Ian Gordon

- ♦ Please acknowledge that you have received this letter.
- ♦ I know my comments will be held on file as a public document but I do not want my personal details to be viewable via Tower Hamlets' website.



# Appendix 16

**Alex Lisowski**

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**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 06 October 2014 10:58  
**To:** Alex Lisowski  
**Subject:** FW: Objection to Geronimo Alcohol License, in Spitalfields market

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**From:** ruman hussain [[mailto: \[REDACTED\]](#)]  
**Sent:** 05 October 2014 20:12  
**To:** Licensing  
**Subject:** Objection to Geronimo Alcohol License, in Spitalfields market

Name: Ruman Hussain

Address: [REDACTED]

This License should not be awarded as the area is a part of saturation policy, this will cause more anti social behaviour.

Please add my objection on record and redact any personal details for public use.

# Appendix 17

**From:** Conor McLernon [REDACTED]  
**Sent:** 05 October 2014 19:22  
**To:** Licensing  
**Subject:** OBJECTION to application for 4 Crispin Place by the Spitalfields Society

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir/Madam,

The Spitalfields Society OBJECTS to the license application submitted for 4 Crispin Place by Geronimo Inns.

The establishment lies within the Cumulative Impact Zone and as such should be tested under the rebuttable presumption that approval of the license request would have a negative impact on local residents and amenity, specifically:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

The Cumulative Impact Zone policy was enacted in view of the large number of licensed premises in the local area and the extremely negative effects being felt by the local community.

This application is an unapologetic attempt to turn what was once a restaurant into a new pub.

It is obvious this would have a deleterious effect on local residents. There has already been strong opposition from local residents to associated planning applications. The Old Spitalfields Market does not have this sort of 'vertical drinking' establishment and we strongly object to its use as such.

The site is unsuitable for this use, in particular the proposed outside terraces, which lie close to residential blocks such as St Georges, where sound echoes around. The inevitable broken bottles, smoking, noise and other anti-social behaviour from drinkers will be of constant annoyance to residents. We do not wish to start a precedent for this sort of usage of the market.

We do not accept that a request for vertical drinking in the outside space is acceptable. Furthermore we do not feel any usage of the outside space after 8pm is appropriate.

Yours,

Conor McLernon

c/o The Spitalfields Society

# Appendix 18

## Alex Lisowski

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**From:** ibrahim <[REDACTED]>  
**Sent:** 05 October 2014 19:30  
**To:** Licensing  
**Cc:** Mohshin Ali  
**Subject:** Objection to Geronimo Alcohol License, in Spitalfields market

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ibrahim Ali  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

I would like to object to this license, as giving an license will add to the current alcohol abuse in the area, and especially in spitalfields, this will cause more anti social behaviour which the local police and enforcement teams are finding it difficult to contain.

The area is also part of the saturation policy and we should protect the residents

Please add my objection on record and redact any personal details for public use.

Kind Regards,

Ibrahim Ali

# Appendix 19

## Anti-Social Behaviour On The Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

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



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

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003  
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 20

## Anti-Social Behaviour From Patrons Leaving The Premises

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

### Cumulative Impact

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

### Police Powers

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

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

#### Crime and Disorder Act 1998

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

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

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

# Appendix 21

## **Access and Egress problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy, and also Section 12.5**).

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

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

# Appendix 22



## **Planning**

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

# Appendix 23

## **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:

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

# Appendix 24

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

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

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

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

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

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

Figure One

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

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



# Agenda Item 3.2

Committee: <b>Licensing Sub-Committee</b>	Date: 04 November 14	Classification: UNRESTRICTED	Report No. LSC 44/145	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Consumer and Business regulation Services</b>  Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for Sweetpoint, 2 Old Montague Street, London, E1 5NG</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Name and Address of premises:	<b>Sweetpoint</b> <b>2 Old Montague Street</b> <b>London E1 5NG</b>
Licence under review:	<b>Licensing Act 2003</b> § <b>Sale by retail of alcohol</b>
Representations:	<b>Trading standards</b> <b>- Liensing</b> <b>- Police</b> <b>- Local Residents</b>

## 2.0 Recommendations

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

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

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

### 3.0 **Review Application**

3.1 This is an application for a review of the premises licence for Sweetpoint, 2 Old Montague Street, London, E1 5NG. The review was triggered by Trading Standards.

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 5<sup>th</sup> October, 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 Trading Standards.

5.2 This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office. In particular the Service requests that you consider paragraphs 11.23 to 11.28, Reviews arising in connection with crime, making reference to paragraph 11.26. Paragraph 11.26 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises for, amongst other things, the sale of smuggled tobacco. In paragraph 11.27 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

5.3 The review is also supported by local residents . Please see **Appendices 4-8** for the individual representations.

5.4 The review is further supported by The Metropolitan Police and the Licensing authority as a responsible authority.  
Please see **Appendices 9 & 10**.

5.5 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



- 5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of prevention of crime & disorder.
- 6.0 **Review Explained**
- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 11**. It is available on the Government’s website, [www.homeoffice.gov.uk](http://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 12.**
- 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 13**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.6 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.”

- 6.7 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, businessor member of the Licensing Authority).
- 6.8 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.
- 6.9 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 11**. Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
  - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
  - Suspend the licence for a period
  - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

## 9.0 **Legal Comments**

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

## 10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	<b>Copy of the review application</b>
<b>Appendix 2</b>	<b>Current Premises Licence</b>
<b>Appendix 3</b>	<b>Maps of the premises and surrounding area</b>
<b>Appendix 4</b>	Representations from John Beswick
<b>Appendix 5</b>	Representations from Michael Dredge
<b>Appendix 6</b>	Representations from Margaret Gordon
<b>Appendix 7</b>	Representations from Jon Shapiro
<b>Appendix 8</b>	Representations from Jessica Wild
<b>Appendix 9</b>	Representations from the Police
<b>Appendix 10</b>	Representations from the Licensing Authority as Responsible Authority
<b>Appendix 11</b>	Guidance issued under Section 182 by the Home Office for reviews
<b>Appendix 12</b>	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix 13</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder

# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I Ian David Moseley

*(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 2 Old Montague Street	
<b>Post town</b> London	<b>Post code (if known)</b> E1 5NG

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Azizur Rahman
---

<b>Number of premises licence or club premises certificate (if known)</b> 17601
--

**Part 2 - Applicant details**

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Name and address  Ian David Moseley Mulberry Place 5 Clove Crescent London, E14 2BG
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

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

- 
- 
- 
- 

**Please state the ground(s) for review (please read guidance note 1)**  
Prevention of Crime and Disorder



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

Please see attached report

Please tick yes

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

If yes please state the date of that application

Day Month Year

2	0	0	9	2	0	1	3
---	---	---	---	---	---	---	---

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

Previous representations made in respect of the application dated 20/09/2013 relating to the discovery of contraband goods on the premises, sale of age restricted goods to underage persons and the observed sale of alcohol to an intoxicated person.

Please tick yes

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

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

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

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

Signature



Date

29/8/14

Capacity

PER TRADING STANDARDS AUTHORITY

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

Post town

Post Code

Telephone number (if any)

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

**Notes for Guidance**

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

London Borough of Tower Hamlets

**Sweet Point  
2 Old Montague Street  
E1 5NG**

**Licence No. 17601**

Mr Azizur Rahman (Licensee and Designated Premises Supervisor)

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

---

London Borough of Tower Hamlets – Trading Standards Service

**REPRESENTATIONS**

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1. The Trading Standards Service, as the Local Weights and Measures Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder - licensing objective 1.
2. This application relates to premises of Sweet Point Ltd t/a Sweet Point at 2 Old Montague Street London E1 5NG. Mr. Azizur Rahman is the licensee and Designated Premises Supervisor as well the director of Sweet Point Ltd.
3. The premises were the subject of a previous review applied for on 20/09/2013 by the Trading Standards Service and relating to instances of contraband goods being found on the premises, sales of age-restricted goods to underage persons and an observed sale of alcohol to an intoxicated person. As a result of that review the licence was suspended for 3 weeks and additional conditions were placed on the licence, in particular relating to purchasing goods from legitimate sources.
4. On the 23<sup>rd</sup> and the 24<sup>th</sup> of May 2014 the premises were visited and Mr RAHMAN was found to be in possession of a small amount of contraband

tobacco on each occasion. Please see attached statements of Officers Alex LISOWSKI and Kevin MAPLE AL01 and KM01.

5. On Tuesday the 19<sup>th</sup> of August 2014 officers from the Trading Standards Service, Police and HMRC went to these premises as part of joint operation covering premises in the Osborn Street/Brick Lane area. A search by these officers assisted by a tobacco detection dog resulted in the discovery of 6720 cigarettes, 600g of hand rolling tobacco and 3 Kg of Shisha tobacco all contraband and consequently not carrying the legal required warning statements and pictures contrary to the provisions of the Consumer Protection Act 1987 and Regulations 4 and 7 of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, as amended. These items were concealed in various locations in the premises. Please see the attached statement of Officer Kevin MAPLE, KM02.
6. Although on this occasion no contraband alcohol was found, it is clear that Mr Rahman continues to purchase and deal in contraband goods. .
7. As a result the Trading Standards Service can have no confidence in the management of the premises and are concerned that Mr Rahman may continue to act in defiance of the law and may continue to obtain contraband goods, including both alcohol and tobacco. Guidance issued under Section 182 of the Licensing Act 2003 on the application of the Licensing Act 2003, in paragraphs 11.24 to 11.28, states that the possession of such items is of very serious concern and may merit revocation even on a first instance.
8. The Trading Standards Service therefore respectfully requests that Members revoke the premises license.

**Ian David Moseley**

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

**WITNESS STATEMENT**

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

URN 

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Statement of: Alexander Lisowski.....

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

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

Signature:  ..... Date 2<sup>nd</sup> June, 2014.....



I am a licensing officer for The London Borough of Tower Hamlets. I am also authorised as a trading standards enforcement officer.

On Friday, 23<sup>rd</sup> May, 2014, I was working with Police officers visiting licensed premises in the Borough. At 23.55pm I went into SWEET POINT, 2 OLD MONTAGUE STREET, LONDON, E1 5NG. This venue is a general store which also sells alcohol and tobacco. At the time I went in it was open for customers. In charge of the shop at the time was a man who gave his name as Mr AZIZUR RAHMAN. The premises licence for the shop shows him as both the premises licence holder and the designated premises supervisor.

As you walk into the shop there is a sales counter on the left hand side. As part of my inspection of the shop I went behind the counter. There were shelves underneath the counter. On one of these shelves I saw a cigarette tin (Exhibit AL/1). The lid of the tin was marked Benson & Hedges (a brand of cigarettes) and there was a printed warning on the lid: "Smoking seriously harms you and others around you." This is an old health warning. It isn't the current one for the United Kingdom. Because of this I looked inside the tin.

Inside the tin were nine (9) packets of "AL FAKHER" shisha tobacco. On the side of each of them was the wording "Components: Tobacco". Other ingredients were listed as well. On the front of three (3) of the packets was the wording: "Shisha smoking is as harmful as other types of tobacco." On the side of all nine (9) packets was the wording: "Health Warning: Smoking is a main cause of lung cancer, lung diseases and of heart and arteries diseases." Because of the way the packets are sealed, the health warning on the side of the packets

Signature: 

Signature witnessed by:

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

isn't fully readable. None of these health warnings is the current one for the United Kingdom.

Mr RAHMAN signed a disclaimer in my notebook agreeing to me to taking these packets and others to check to see if they were legal. These others have subsequently proved to be legal.

On Saturday, 24<sup>th</sup> May, 2014, at 23.42pm, I returned to the store with the Police and Mr KEVIN MAPLE for a further inspection. As part of the inspection, Mr AZIZUR RAHMAN, Mr MAPLE and myself went down into the basement to check the stock there. In the stock room there was a three-draw cabinet. Mr RAHMAN opened the draws for me. In the top one there was a carton for 200 "Lucky Strike" cigarettes (Exhibit KVM/2). Inside this carton there were three(3) packets of 20 "Lucky Strike" cigarettes. On the front of each packet was the phrase: "Smoking Kills". On the rear of each packet was the phrase: "Smokers Die Younger". This is not the current health warning for the United Kingdom. I passed these cigarettes to Mr MAPLE. [REDACTED]



**Witness contact details**

Home address:

Postcode:

Home telephone No:

Work telephone No:

KM01

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

URN: 

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Statement of: Kevin Vincent Maple

Age if under 18 (if over insert "over 18"): Over 18      Occupation: Consumer Services Officer

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

Name / Signature: Date: 30<sup>th</sup> July 2014

Tick if witness evidence is visually recorded:  (Supply witness details on last page)

**Statement**

**Background**

I am a Consumer Services Officer employed by the London Borough of Tower Hamlets. On 24<sup>th</sup> May 2014 I took part in a joint operation involving officers from the Metropolitan Police, and London Borough of Tower Hamlets Trading Standards.

**Visit to Sweetpoint, 2 Montague Street, London, E1 5NG**

I entered Sweetpoint, 2 Montague Street, London, E1 5NG with at 23.45 hours with Tower Hamlets Licensing Officer Alex LISOWSKI. On entering I observed there was a shop counter immediately on the left hand side of the entrance. I also observed that the premises had displays of confectionary and grocery products throughout the store with alcohol and cigarettes displayed on shelving behind the counter. I introduced myself and explained the purpose of the visit to an IC4 male located behind the counter. His name gave his details as Mr Azizur RAHMAN and he stated that he was the owner of the premises. I then went behind the counter and on a shelf under the counter I found one (1) packet of twenty (20) non-UK Benson & Hedges Special Filter Gold cigarettes. I then proceeded with officer LISOWSKI to the basement area. Mr RAHMAN accompanied us to the basement. In the basement area we carried out a search of a storeroom at the back of the premises. In this room there was a three drawer office cabinet. I observed Mr RAHMAN open the drawers for Officer LISOWSKI and I then saw Officer LISOWSKI find a carton of two hundred (200) Lucky Strike cigarettes and inside this carton he found three (3) packets of twenty (20) Lucky Strike cigarettes. I could see that the packets did not contain the health

Name / Signature: Signature Witnessed by: .....



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

warnings as required by Regulation 7 of The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. Officer LISOWSKI passed the cigarettes to me and I placed these together with the pack of twenty (20) Benson & Hedges Special Filter Gold cigarettes that I had previously found into an evidence bag. I informed Mr RAHMAN that we would be seizing the tobacco as it was non-compliant. The seal number of this bag is P00407949. We all then returned to the shop floor area upstairs where I issued Mr RAHMAN a receipt (ref: 00B1210) for the seized goods, I exhibit this as KVM/01. We all left the premises at around 00.05 hours on 25<sup>th</sup> May 2014. The seized goods were placed into our van and later they were placed into secure storage at our offices. I exhibit the seized goods as KVM/02.

Name / Signature: .....



Signature Witnessed by: .....

1-1102

**Witness Statement**

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

URN: 

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Statement of: **Kevin Vincent Maple**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **Consumer Services Officer**

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

Name / Signature: Date: **28<sup>th</sup> August 2014**

Tick if witness evidence is visually recorded:  (Supply witness details on last page)

**Statement**

I am a Consumer Services Officer employed by the London Borough of Tower Hamlets. I am authorised to enforce various pieces of legislation including the Consumer Protection Act 1987 and the Trade Marks Act 1994

On **19<sup>th</sup> August 2014** I took part in Operation Henry involving officers from the Metropolitan Police, the London Borough of Tower Hamlets Trading Standards and an officer from Her Majesty's Customs and Excise (HMRC). Also in attendance was a dog handler and dog from Operation Wagtail. The purpose of the operation was to visit identified premises suspected of supplying illicit tobacco i.e. products that are either counterfeit, non-duty paid or do not display the correct health warnings and labelling for the UK market.

**Visit to Sweetpoint, 2 Montague Street, London, E1 5NG**

I arrived at **Sweetpoint, 2 Montague Street, London, E1 5NG** at 12.27 hours with HMRC enforcement officer Ben COOPER and PC Andy HILLER (HT226). On arrival there was an IC4 male, who was later known to me as Mr Mohammed Babrul HUSSAIN, standing immediately in the doorway of the entrance to the premises. I would describe Mr HUSSAIN as being aged about early 30s, of medium height, with black hair and of slim to medium build. He was wearing a blue two tone long sleeved blue top. At the same time as showing Mr HUSSAIN my credentials he moved back into the premises allowing us to enter. I then introduced us and explained the purpose of the visit. I asked this man if there were any other persons on the premises and after looking at the CCTV monitors he replied that there wasn't anyone else on site. However, PC HILLER

Name / Signature: Signature Witnessed by: .....

Witness Statement

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

proceeded to secure the premises and following this he was able to confirm to me that there were no other persons on site. Mr HUSSAIN agreed that the front entrance door could remain closed for the duration of the search. I then asked if Mr HUSSAIN if he could produce any identification and he handed to me his provisional driving licence. His details were Mr Mohammed Babrul HUSSAIN, DOB: 01/06/79, Address: 12 Altham House, 4 Copehagen Place, London, E14 7EU. The reference number of driving licence the HUSSA706019MB9NR08. I made a note of these details in my Incident Report Book. PC HILLER conducted a check on the Police Computer Network (PCN) and was able to confirm that his details were correct. Mr HUSSAIN informed me that he is the brother of the owner Mr Azizur RAHMAN who would not be attending the premises until later that evening.

**Layout of the premises**

The layout of the premises includes a shop area on the ground floor with stairs leading to a basement area. The shop area consists of a shop counter immediately on the left hand side of the entrance with displays of confectionary and grocery products throughout the store including alcohol and cigarettes displayed on shelving behind the counter. In the basement area there were three rooms. In one room was an office area containing a large desk / counter area with two computers and adjacent to it there were a number of workstations. I was aware that on two previous visits to the premises that this room was being used as an internet café and although the configuration of the room had changed from my previous visits it appeared that this room was still being used as an internet café. To the right of this room there is a room containing kitchen units, chairs, kitchen appliances, office drawer units and shelving containing stocks of confectionary. It appeared that this room was being used a combined kitchen, restroom, office and storeroom. Finally, the third room was a small store room containing shelving with stocks of confectionary and drinks.

**Search of the premises and details of tobacco seized.**

Whilst I was taking Mr HUSSAIN's details, HMRC Officer Benjamin COOPER started to search the shop area. When I finished speaking to Mr HUSSAIN I proceeded to search the basement area. During this search I found two packets of non-UK cigarettes located at the side of a computer unit on the desk / counter area. I could see that the packs were foreign and did not display the required UK health warnings. I took some photographs, removed the cigarettes from situ and returned upstairs to the shop area. Shortly after returning to the shop floor I could see

Name / Signature: ..

Signature Witnessed by: .....

Witness Statement

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

HMRC Officer COOPER finding quantities of illicit cigarettes at a number of locations around the shop. He then proceeded to search the basement area and he informed me that he had found further quantities of illicit cigarettes and tobacco. I took photographs of each find of illicit cigarettes in situ. HMRC Officer COOPER then removed the tobacco from their location and I then counted them and placed them into evidence bags. At 14.20 hours the Dog handler and his dog arrived at the premises. The dog handler conducted a search of the premises using dog trained to sniff out tobacco. During this search the dog and handler found quantities of illicit non-UK cigarettes at various locations throughout the premises. I again took photographs of each find of tobacco which was removed from situ and then counted and placed into evidence bags. The dog handler and dog left the premises at 14.45 hours. I recorded details in a premises search book of all the tobacco seized. I provide a summary of all the tobacco seized as follows:

Quantity	Description
61 packs	Al-Fakher tobacco (non-compliant labelling or non-UK)
6,500 cigarettes	B&H silver & gold (non-UK)
20 cigarettes	Palace (non-UK)
300 cigarettes	Marlboro Gold & Reds (non-UK)
20 cigarettes	King (non-UK)
80 cigarettes	President (non-UK)
8 x 50g	Amber Leaf hand rolling tobacco (non-UK)
4 x 50g	Golden Virginia hand rolling tobacco (non UK)
<b>61 Packs</b> <b>6,920 cigarettes</b> <b>12 x 50 hand rolling tobacco</b>	<b>TOTALS</b>

I also exhibit photographs SP/KVM/01 to SP/KVM/05 of a few of the locations where the tobacco was concealed. I issued Mr HUSSAIN with receipt (ref no: 00B1302) for the seized goods and a PACE Code B notice (ref no: 01243). We all left the premises at around 15.15 hours. The seized goods were placed into our van and later they were placed into secure storage.

Name / Signature: .....

Signature Witnessed by: .....



Exhibit Number SP/KVM/01  
Signed .....  
Date ..... 28/8/14  
I identify the exhibit above as that  
referred to in the statement signed by me



Exhibit Number SP/KUM/02  
Signed .....  
Date 28/8/14  
I identify the exhibit above as that referred to in the statement signed by me

Exhibit Number *SP/KVM/03*

Signed ..... [Redacted]

Date ..... *28/8/14*

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





Exhibit Number SP/KVM/04  
 Signed .....  
 Date ..... 28/8/14 .....  
 I identify the exhibit above as that  
 referred to in the statement signed by me





Exhibit Number SP/KM/05  
 Signed [Signature]  
 Date 28/8/14  
 I identify the exhibit above as that referred to in the statement signed by me

# Appendix 2

**(Sweet Point)  
2 Old Montague Street  
London  
E1 5NG**

**Licensable Activities authorised by the licence**

Retail sale of alcohol

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

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 05/10/2005**

Licence Amended by Review: 26/11/2013



**Part A - Format of premises licence**

Premises licence number

17601

**Part 1 - Premises details**

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

(Sweet Point)  
2 Old Montague Street  
London

**Post town**

London

**Post code**

E1 5NG

**Telephone number**

██████████

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

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

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

See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only

**Part 2**

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

Azizur Rahman

[Redacted]

[Redacted]

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

Not Applicable

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

Azizur Rahman

[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**

Personal 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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

### **Private Entertainment**

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

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

### **Public Entertainment**

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

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

None

### **Annex 3 - Conditions attached after a hearing by the licensing authority at Hearing held on 26<sup>th</sup> November 2013**

- 1) The Designated Premises Supervisor or a Personal Licence Holder must be present on the premises when all alcohol sales are made.
- 2) The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless four or more bottles/cans are purchased together.
- 3) The Premises Licence Holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
- 4) The Premises Licence Holder shall ensure that all receipts for goods bought include the following details:
  - I. Seller's name and address
  - II. Seller's company details, if applicable
  - III. Seller's VAT details, if applicable
  - IV. Vehicle registration details, if applicable
- 5) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 6) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 7) Where the trader becomes aware that any alcohol may not be duty paid they shall inform the Police immediately.
- 8) The introduction of the 'Challenge 21' policy and 'No ID No Sale' policy which is supported with signage at all entrances and in the serving areas.
- 9) Only documents which include a photograph of the purchaser are acceptable to prove that person's age, e.g. passport, new style driving licence and only PASS-approved age cards, e.g. Portman card, citizen's card.
- 10) A 'Refusals Book' is maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Licensee or the Designated Premises Supervisor should monitor the Log on a regular basis and sign it to show it has been done.
- 11) CCTV to be maintained in good working order with tapes to be kept for 21 days and to be made available upon request at 24 hours' notice to the Metropolitan Police and officers from the London Borough of Tower Hamlets who are authorised under the Licensing Act 2003.

### **Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:  
*04 AUG 2005*





**Part B - Premises licence summary**

**Premises licence number**

17601

**Premises details**

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

(Sweet Point)  
2 Old Montague Street  
London

**Post town**

London

**Post code**

E1 5NG

**Telephone number**

[REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:  
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.  
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.  
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.  
d. On Good Friday, 8 a.m. to 10.30 p.m.  
The above restrictions do not prohibit:  
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;  
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;  
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;  
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Azizur Rahman



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

Off sales supplies only

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

Not applicable

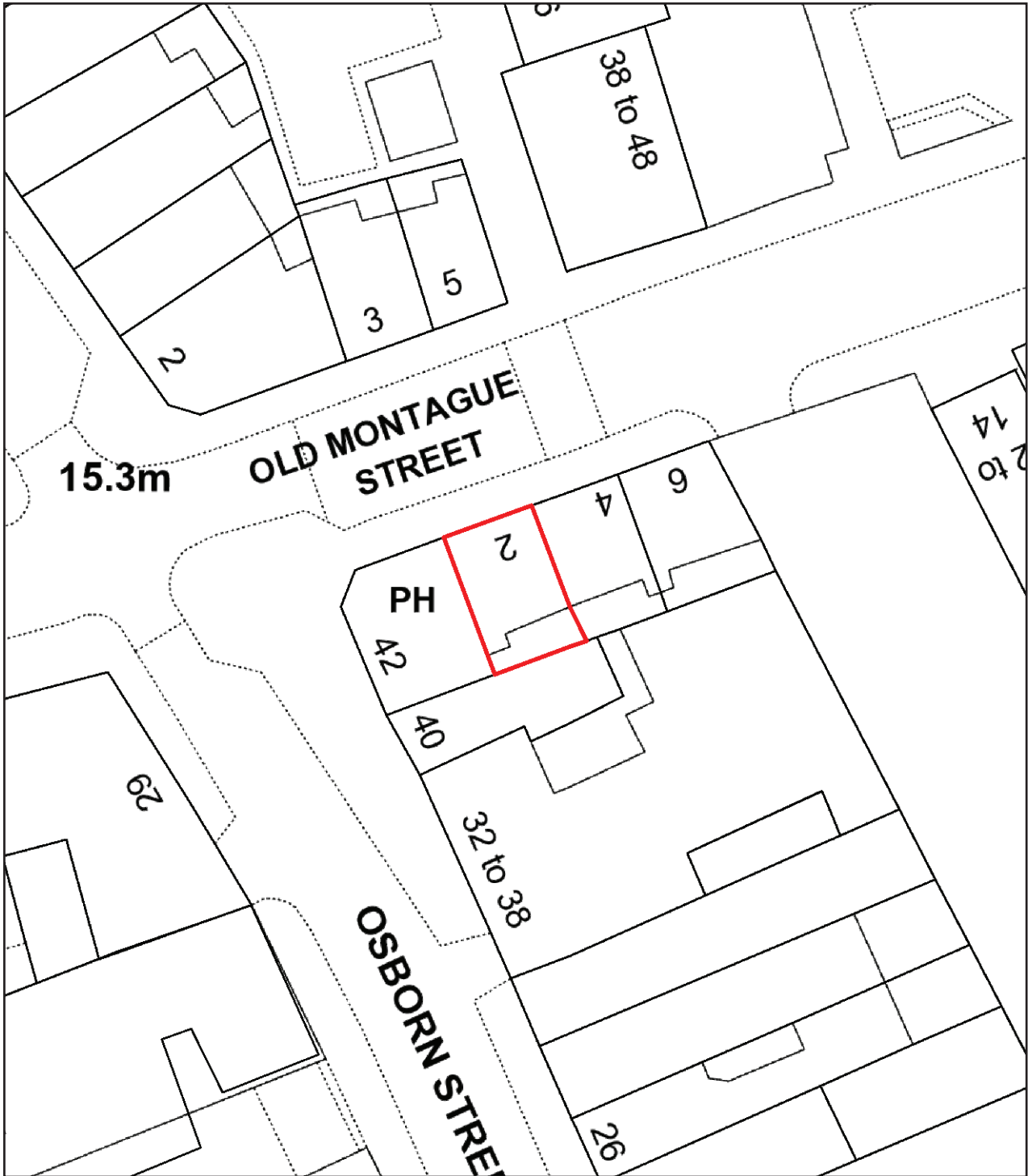
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Azizur Rahman

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

No

# Appendix 3

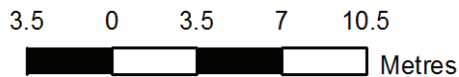


# Sweetpoint

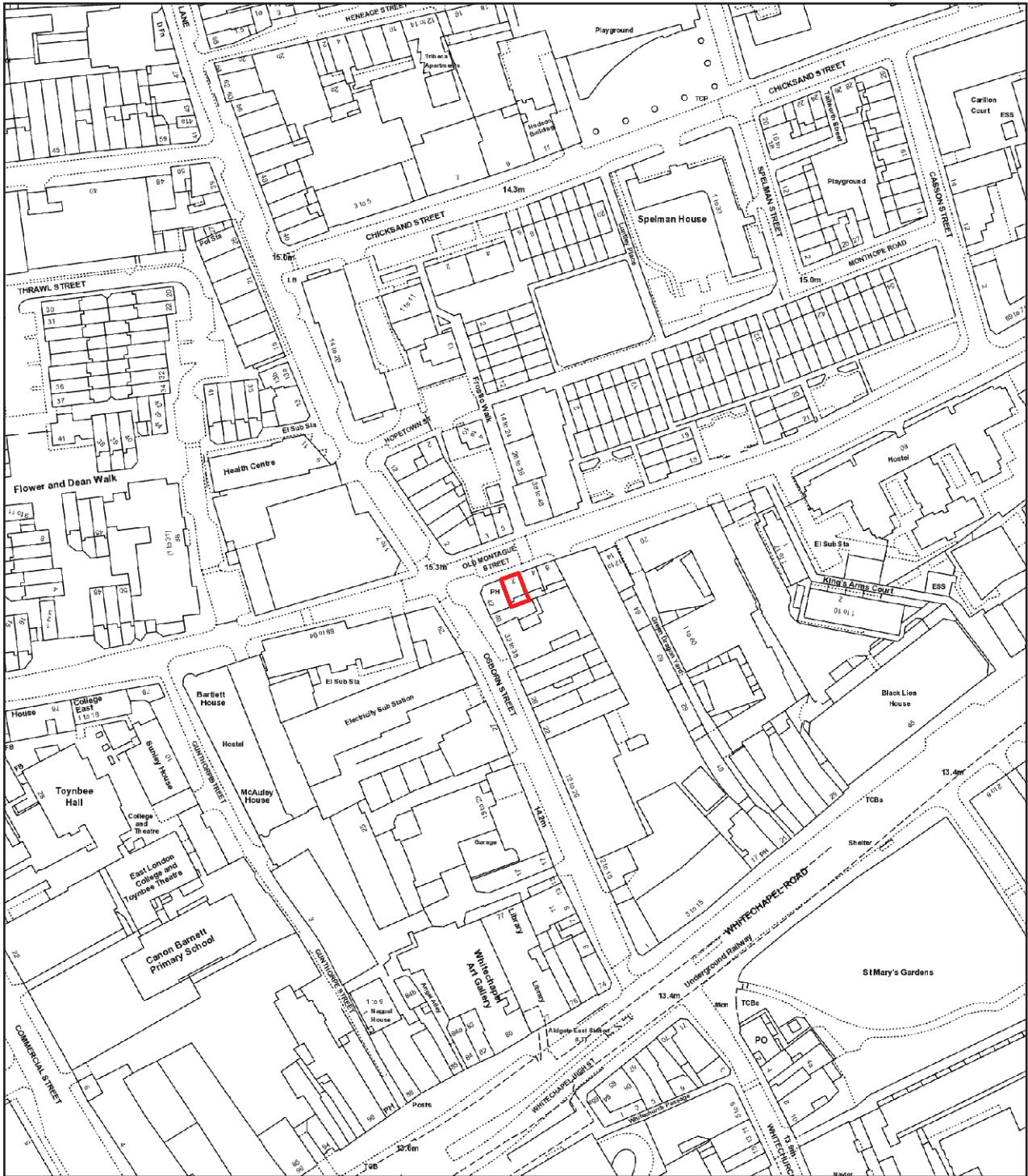
2 Old Montague Street



Scale 1:383



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# Sweetpoint

2 Old Montague Street



Scale 1:1914

10 0 10 20 30



Metres



# Appendix 4

## Kathy Driver

---

**From:** John Beswick [REDACTED]  
**Sent:** 24 September 2014 13:56  
**To:** Licensing  
**Subject:** FW: Sweetpoint 2 old Montague Street Licence Renewal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Further to my email below, I am submitting this representation as manager of the Dellow Centre Hostel, 82 Wentworth Street, E1 7SA  
John Beswick

---

**From:** John Beswick  
**Sent:** 24 September 2014 13:19  
**To:** 'licensing@towerhamlets.gov.uk'  
**Cc:** [REDACTED]  
**Subject:** Sweetpoint 2 old Montague Street Licence Renewal

Dear Sir,

As a member of the Spitalfield Police Ward Panel I have been apprised of the application for the renewal of the licence for Sweetpoint, 2 old Montagu Street.

It is my considered opinion that granting them a licence is not in the best interest of the local community and the points below support my view.

1. They have a history of continual breaches of licensing regulations
2. They are within yards of the Hopetown Hostel, the Dellow Centre and Booth House and are known to have supplied alcohol to vulnerable hostel dwellers
3. The licence holder was found in possession of contraband tobacco which raises concerns for the prevention of crime and disorder.

I trust you will give my view some consideration,

Many thanks,

John Beswick

This e-mail is from Providence Row Housing Association, a Charitable Housing Association providing housing and related support services to people in East London. We can be contacted at 458 Bethnal Green Road, London E2 0EA. Tel: [REDACTED] message is confidential and intended for the addressee(s) only. If you are not the addressee(s) please notify the sender immediately and delete the message. This message and any attachments received cannot be guaranteed free of viruses and it is the recipient's responsibility to check them. The views expressed in this communication are not necessarily those of Providence Row Housing Association. HCA No. L0695 Industrial and Provident Society No. 19322R  
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# Appendix 5





# Booth House Lifeshouse

Michael Dredge  
Service Manager

Tel: [REDACTED]  
Email: [REDACTED]

Date: 26 September 2014  
Ref:

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

Dear Licensing Section

Premises Licence - Sweet Point, 2 Old Montague Street, London, E1 5NG

I am writing to object to the renewal of the alcohol licence for the above premises.

Booth House, Whitechapel Road, provides accommodation for 150 men many of whom have been rough sleeping in Tower Hamlets and street drinking in the borough. We are very mindful of having a high number of residents in this area and our support to individual residents should have the net result of decreasing the overall incidence of street drinking in the area.

It is my understanding that this premises makes alcohol available on credit to some of our residents. Our residents use this premises as it is close to Booth House and other homeless services.

Making alcohol available on credit simply undermines our work with individual residents but also mitigates against any reduction in street drinking. It is our experience that street drinking contributes to low-level criminal activity and anti-social behaviour in the immediate vicinity (Whitechapel Road - Old Montague Street - Brick Lane).

I understand that the Licensing Act 2003 makes provision for objections to be made. In this instance I would like to object on the grounds that:

- **public nuisance** will not be prevented only sustained;
- access to alcohol on a credit basis facilitates an increase in availability and increases the likelihood that those trying to move away from street drinking and will be continue to be involved in **crime/disorder**.

Many thanks for your consideration of this objection and your understanding of the commitment we have both to both Booth House and our immediate community.

Yours sincerely

[REDACTED]

Michael Dredge  
Service Manager

# Appendix 6

## Alex Lisowski

---

**From:** StGeorgeResidents'Association [REDACTED]  
**Sent:** 24 September 2014 15:06  
**To:** Alex Lisowski; Licensing  
**Subject:** "Sweet Point" Premises Licence, 2 Old Montague Street,

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

From:  
St George Residents' Association,  
[REDACTED]  
[REDACTED]  
[REDACTED]

To:  
Licensing Section  
Town Hall  
5 Clove Crescent,  
London  
E14 2BG

Dear Mr Lisowski,

Re: Premises Licence Review - Sweet Point, Old Montague St.

We understand that after several years of trading during which there have been breaches of Trading Standards laws regarding sale of alcohol and tobacco, Sweet Point are still operating - and repeating the type of offences for which they have been fined in the past.

Will they never learn? Clearly, the management of Sweet Point is ineffective in monitoring retail sales, and of avoiding risk of further prosecution. The owner demonstrates that he is not a responsible person to run such an outlet. That in itself is reason enough to ask that the Premises Licence be revoked immediately, with no further warnings.

Alcohol related anti-social behaviour is a nightly problem in this area of Spitalfields. Even though our residents' flats are about four minutes walk from Sweet Point, the overall effect of inebriated males (usually) can be heard throughout the streets each evening and evidence is on pavements the next day. Whilst Sweet Point is probably not the only outlet selling alcohol and tobacco irresponsibly, anything local residents' groups can do to reduce evening disturbance should be encouraged.

The premises is very close to hostels for troubled individuals and that alone should be reason not to have alcohol sold irresponsibly nearby.

St George Residents' Association, along with other representative residents' groups has worked for a number of years to support the Police in reducing alcohol-related antisocial behaviour. We ask that the Premises Licence at Sweet Point be revoked without delay to prevent further crime, to protect children from harm and to prevent nuisance to local residents.

Yours sincerely,

Margaret Gordon - Chairman St George Residents' Association.

# Appendix 7

## Alex Lisowski

---

**From:** Jon Shapiro [REDACTED]  
**Sent:** 24 September 2014 14:48  
**To:** Licensing  
**Cc:** Alex Lisowski; John Mccrohan  
**Subject:** "Sweet Point" off-Licence, Old Montague Street

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir or Madam,

I have just been told that the alcohol licence for "Sweet Point" in Old Montague Street is being reviewed (yet again!) and I wish to request most strongly that their licence should be wholly and permanently revoked on the grounds of "Public Safety".

As you are well aware these premises were reviewed less than a year ago, and at that time your own LBTH Licensing Department requested total revocation of the licence. In hindsight that is most certainly what should have happened at the time of that review.

"Sweet Point" is a wholly undesirable Off-Licence in a wholly undesirable location:

- The premises has a long history of breaches of rules and regulations
- It is in the Brick Lane "Cumulative Impact Zone" (CIZ)
- It is within yards of the Hopetown Hostel, the Dellow Centre and Booth House all of which house vulnerable residents who are known to obtain alcohol at "Sweet Point"
- "Sweet Point" is known to have provided alcohol on credit to vulnerable ladies resident in Hopetown Hostel.

For all the above reasons I believe it is essential that the licence should be wholly and permanently revoked.

As Chair of the Spitalfields & Banglatown Police Ward Panel, I am aware of the issues that arise from the undesirable activities of "Sweet Point", and I wish to request revocation of the licence both as Chair of the Ward Panel, and as a resident of Spitalfields.

I request the total and permanent revocation of "Sweet Point's" alcohol licence.

Yours faithfully,  
Jon Shapiro.  
(Chair of the Spitalfields & Banglatown Police Ward Panel)

And resident at:

[REDACTED]  
[REDACTED]

# Appendix 8

## Alex Lisowski

---

**From:** Wild, Jessica <[REDACTED]>  
**Sent:** 26 September 2014 09:06  
**To:** 'licensing@towerhamlets.gov.uk'  
**Subject:** 'Sweet Point', Old Montague Street - alcohol licence

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

### RE: 'Sweet Point' off-licence alcohol licence

I understand that the alcohol licence for 'Sweet Point' off-licence on Old Montague Street is due to be reviewed therefore I am writing to request that the alcohol licence for fully revoked on the grounds of 'prevention of public nuisance' and 'prevention of crime and disorder.'

I am requesting that the licence at these premises is revoked as I strongly believe that it contributes significantly to the problems of anti-social behaviour and public disorder in the immediate vicinity of the off-licence. As the new manager of the women's hostel on Old Montague street, I am aware that these premises regularly sell alcohol to vulnerable individuals living not only in the women's hostel, but also to vulnerable individuals living in the other neighbouring hostels; Booth house and more notably the Dellow Centre Hostel. Furthermore, they are known to provide alcohol 'on credit' which I believe further contributes to the problems of anti-social behaviour in the area – particularly the problematic street drinking that takes place which is worsened by the fact that many extremely vulnerable individuals who would not normally have the means to purchase this alcohol, are enabled to do so.

My colleagues and I are working hard to try and combat the problems with anti-social behaviour and public disorder in the area, of which street drinking is a big part, in order to increase the safety both of our residents and of the members of the public, and the revocation of this licence would contribute significantly to improving this area. I also believe that limiting the access to alcohol on this street which contribute to a reduction in the low level crime and anti-social behaviour which takes place in the area.

I feel that the permanent and full revocation of the licence at these premises would contribute not only to reducing the problems of crime, disorder and public nuisance in the Old Montague Street area, but also that it would increase the safety of members of the general public as well as of the vulnerable women and men living in Hopetown and the other neighbouring hostels.

Yours sincerely,

Jessica

#### Jessica Wild

Contract Manager

*Hopetown Hostel*

Look Ahead Care & Support

60 Old Montague Street, London, E1 2[REDACTED]

[REDACTED]

[REDACTED]

**We have moved !** Look Ahead Care and Support's new head office address is;

Look Ahead Care and Support, Kings Buildings, 16 Smith Square, London, SW1P 3HQ. All other contact details remain the same.



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# Appendix 9

LBTH Licensing

Toby Club  
Vawdrey Place  
E1 4AUHT - Tower Hamlets Borough  
HH - Limehouse Police StationLicensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]  
www.met.police.uk

Your ref:

Our ref:

25 September 2014

Dear Mr McCrohan

Application for the review of a premises licence  
Sweetpoint, 2 Old Montague St, E1 5NG

The Metropolitan Police Licensing Unit, as a responsible authority wish to support the review instigated by LBTH Trading Standards, that the premises licence holder is seriously undermining the crime and disorder objective.

I was made aware that on the 19th August 2014, Trading Standards, HMRC and one of my police colleagues, PC 226HT HILLER, attended Sweetpoint at around 1227. A search of the premise, with assistance of a tobacco detection dog, resulted in the seizure a large quantity of cigarettes, tobacco and sisha tobacco.

Not only was this tobacco illegal but the length that someone has gone to conceal these items clearly indicates that they understood the illegal nature of these items and did their best to hide them throughout the premises.

Although this is not a breach of the Licensing Act it does indicate criminal intent.

Further to this, there has been further joint initiatives.

ON the 23rd and 24th May 2014 further visits were made to Sweetpoint and has been outlined in statements by Alex Lisowski of LBTH Licensing and Kevin Maple of LBTH Trading Standards.

On the 31st December 2013, PC Cruickshank and Inspector Weeden, both of the Licensing Unit attended Sweetpoint, as they were aware of the licence having been suspended. Just prior to entry, a man was seen to leave the off licence with a bottle of spirits. He did say he had bought it inside but as it was NYE he didn't want to stop. The premises licence holder / DPS, Mr Azizur RAHMAN did admit to selling the alcohol. There was confusion over the date of the suspension. He was later warned over this.

At the time there was no CCTV working, no refusal book or Challenge 21 signs. He was initially reported but as the licence was suspended, the conditions could not be upheld.

A further visit was made by PC Cruickshank on the 15th January 2014. The CCTV was working but Mr RAHMAN couldn't download the images. Unfortunately an immediate download is not part of their CCTV conditions.

Sweetpoint was initially reviewed on the 26th November 2013 by Trading Standards. My colleague PC O'Rourke supported the review. I include his representation.

On Sunday, 13th October 2013, I checked police computer systems, in particular police crime report recording (CRIS); computer aided dispatch (CAD) and police intelligence (CRIMINT) systems in relation to the above premises and have found the following nine incidents from the last 10 months or so of interest (they are in summary and 'redacted' to withhold confidential information of witnesses such as home addresses and telephone numbers):

**Re: 19/07/13 (Friday):**

- CAD 6297/19JUL13 @ 15:02 hours - Informant - 999 call
- + linked CAD 6350/19JUL13 @ 15:04 hours (witness) - additional 999 call
- + linked CAD 6352/19JUL13 @ 15:06 hours (witness) - additional 999 call
- CAD 6297 - (Main working CAD) - Telephone call to police @ 15:02 hours from Sweet Point regarding an incident of three males fighting outside the premises and causing damage to his shop window. Police are advised that the male with a Bull Mastiff is apparently carrying a knife - this escalates the risk assessment and police response. A PCSO; Immediate Response Vehicle (IRV) and Territorial Support Group (TSG) police carrier units respond and the TSG subsequently make three arrests. One of the males was wanted for theft; and two it appears were arrested for being drunk & disorderly. The male arrested with the dog, additionally requires a caged van to attend to safely transfer the dog to police kennels. At the time of this statement, I do not have the full details of the arrests or outcomes and will endeavour to have that information in time for the review hearing.

**Re: 22/06/13 (Saturday):**

- CAD 7265/22JUN13 - Telephone call to police from a customer at Sweet Point @ 17:36 hours - The informant (who the police operator describes on the CAD as "sounds intoxicated"), complained that he went into the shop to top up his mobile phone with £10 credit and it does not work. The informant demands his money back, which is refused. The informant was advised that this was a civil dispute by the police operator and police do not attend the shop. No further police action and the resolution

not known.

**Re: 07/06/13 (Friday):**

- CRIMINT - HTRT00385187 - *“At a meeting of the Hopetown hostel liaison group there was concerns expressed about Sweetpoint off licence and their relations to the hostel users. It has been observed that Sweet point sell Super strength cider for 17p a can and is also offering credit facilities to service users”.*

**Re: 22/05/13 (Wednesday):**

- CAD 8650/22MAY13 - Telephone call to police @ 18:44 hours from the informant at Sweet Point regarding criminal damage to the shops till. This generated a police response of two police officers in a marked vehicle, who created the following crime report 4212849/13.
- CRIS 4212849/13 - Crime report for Criminal Damage - The damage amounted to a grey & black Casio cash register being damaged by being thrown on the floor by a customer known as ‘John’. The damage caused to rear LCD display panel and also mechanism for opening the till - estimated damage was a nominal £50.00.  
The suspect ‘John’ is known by staff as a street drinker and regularly buys cans of alcohol there. During an argument over 40 pence, in which ‘John’ tried to pay £1.09 for a can of strong beer costing £1.49. The suspect then apparently borrowed the difference from another street drinker outside the shop. The suspect then became angry believing he was owed 10 pence in change and pushed the till off the counter onto the floor. Officers conducted an ‘area search’ for the suspect and attended what was suspected to be his home address, but there was no reply. The matter was ‘NFA’D’ due to lack of contact from the victim. Investigation closed.

**Re: 05/05/13 (Sunday):**

- CAD 9710/05MAY13 - Telephone call to police @ 23:15 hours from the informant at Sweet Point regarding a suspect who has smashed their shop window. This generated a police response of a marked vehicle with two police officers, who subsequently created the following crime report 4211296/13.
- CRIS 4211296/13 - Crime report for Criminal Damage - Estimated cost £300 - The suspect in this matter had a verbal disagreement with the shop owner and left the shop, returning shortly afterwards with an unknown object and hit the shop window causing it to crack. The suspect left prior to police arrival and the shop were unable to provide a statement due to being too busy. (Investigation closed).

**Re: 02/04/13 (Tuesday):**

- CAD 4963/02APR13 - Telephone call to police @ 14:55 hours - Informant stated that there was a male outside who has been there the last  $\frac{3}{4}$ 's of an hour believed to be dealing drugs. One officer attended on foot and conducted an 'area search' - which resulted in no trace of the male.

**Re: 24/02/13 (Sunday):**

- CAD 4927/24FEB13 - Telephone call to police @ 14:54 hours - Staff from Sweet Point complained of two drug males who had been coming in and out of the shop since 10:00 hours and are being a nuisance and harassing customers. Police unable to attend until 15:52 hours, when a marked vehicle attended and conducted an 'area search' - which resulted in a no trace of the two suspects. Advice given to staff to liaise with the local Safer Neighbourhood Team in Brick Lane.

**Re: 15/02/13 (Friday):**

- CAD 3878/15FEB13 - Telephone call to police @ 12:25 hours - Informant from Sweet Point advised that a drunk male had just head butted the front window of his shop and was refusing to leave the store. Two marked police vehicles attended the scene and the suspect was arrested and due to his behaviour a caged van had to be requested on "the hurry up" to convey him to the police station. The following crime report was created 4204218/13.
- CRIS 4204218/13 - Criminal Damage - Estimated damage £500 - On police arrival the suspect was seen sitting in a doorway next to Sweet Point very drunk. The informant told police the male had come into the shop already drunk and had been falling over and knocking things off the shelves and was asked to leave. The suspect refused and was then ejected, at which point the suspect decided to head butt the front window causing it to smash. Suspect admitted in interview causing the damage and was bailed pending CCTV enquiries and a 'loser's statement' to enable charge. It appears that this matter was NFA'D due to the victim unwilling to provide a quote for the damage. Investigation closed.

**Re: 13/01/13 (Sunday):**

- CAD 660/13JAN13 - Telephone call to police @ 01:30 hours from Sweet Point - The informant complained to police that the shops electricity had gone off. Informant was given “words of advice” by the police operator for the correct usage of the ‘999’ number.

It is clear from PC O'Rourke's representation that Sweetpoint has been an ongoing problem for responsible authorities.

I would highlight the concern that they were offering free credit to vulnerable street drinkers.

Even without their past history, the present application to review the licence is of such concern that I cannot see that any further conditions would be adhered to and I would have no faith in the present management to abide by such conditions.

I support the request that the licensing committee consider revoking the licence.

Alan Cruickshank PC 189HT

# Appendix 10

## Communities, Localities & Culture Safer Communities

Licensing Authority  
6<sup>th</sup> Floor  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)

23<sup>rd</sup> September 2014

Your reference: L1U - 77976  
My reference CLC/LIC/77976/MA

Dear Sir/Madam,

Head of Consumer and Business Regulations  
Service **David Tolley**

Licensing Section  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Tel **020 7364 5498**  
Fax **020 7364 0863**  
Enquiries to **Mohshin Ali**

Email [REDACTED]

### **Licensing Act 2003**

Application for a review of a premises licence: (Sweet Point), 2 Old Montague Street, London E1 5NG

The Licensing Authority as a Responsible Authority wishes to support the application for a review triggered by Trading Standards as the licence holder has failed to meet the licensing objective of the prevention of crime and disorder.

The premises licence for (Sweet Point), 2 Old Montague Street, London E1 5NG has been in place since 5<sup>th</sup> October 2005. Mr Azizur Rahman became the Designated Premises Supervisor on the 29<sup>th</sup> March 2007 and the licence holder on the 4<sup>th</sup> June 2007.

This licence was first reviewed on 20 September 2013 by Trading Standards. Following the licensing subcommittee hearing of 26<sup>th</sup> November 2013, Members made the following decision:

- the Premises Licence be SUSPENDED for a period of three weeks
- Conditions added to the licence. (Annex 3 Conditions 1-11 on current licence).
- The decision of the Members at the hearing is as follows:

*“In that the following matters were discussed:*

#### The Evidence

*At the request of the Chair, John McCrohan, Trading Standards and Licensing Manager, addressed the meeting with regard to his statement as contained in the previously circulated agenda pack, adding that the premises had a*



*chequered history and had been subject to action by Her Majesty's Revenue and Customs on a number of occasions, when non-duty paid cigarettes and alcohol had been seized. Test purchases had also resulted in an underage sale of a tobacco product to an underage person. Sale of alcohol to an already intoxicated person had also been witnessed. The premises was also within the Cumulative Impact Policy Zone (saturation policy) and was in the vicinity of Hopetown Hostel which housed vulnerable persons with alcohol problems. Mr McCrohan commented that the Licensing Authority had no confidence that the premises were being managed in a way that supported the Licensing Objectives. He requested that the Premises Licence be revoked. If the Sub-Committee chose not to do so, there should be a period of suspension plus the addition of conditions as set out in his report.*

*PC Mark Perry of the Metropolitan Police stated that the premises was in a key position in the Brick Lane area, which had the second highest level of anti-social behaviour (ASB) and associated offences in the metropolitan area. The Hopetown Hostel liaison group had also expressed concerns that hostel users were being sold super strength lagers at cheap prices. Street drinkers were also able to obtain credit at the shop and this contributed to ASB. The Police also had no confidence that the premises was being managed appropriately and supported revocation of the licence, or the application of the conditions proposed by Mr McCrohan.*

*Ms Sandy Critchley indicated that she was speaking as a local resident and Chair of the Spitalfields Society and confirmed that the area was subject to high levels of ASB, which the Police were trying to reduce. She supported the review of the licence and felt that the efforts of the Police should be supported by revoking it. She agreed that the location of the premises comprised the main grounds for review, along with the sale of alcohol to vulnerable people from the hostel who were trying to get their lives back together. The premises had a very poor record for addressing the Licensing Objectives and had an adverse effect on ASB levels. She expressed the opinion that the licence should be revoked for these reasons.*

*Mr Miah, Solicitor for the Premises Licence Holder, agreed that the premises were located near a hostel with vulnerable clients but added that there were also many people walking around the area and this could not be attributed to the shop. He commented that revoking the Premises Licence would not help fulfil the Licensing Objectives as hostel clients would still create problems for local residents. The Sub-Committee should consider conditions so the Licence Holder could promote the objectives and he would agree to the conditions proposed, with some amendments. Suspension of the licence would simply transfer the existing problems to another location and move people closer to other premises nearby that also sold alcohol.*

*Mr Miah referred to the visits by H.M. Customs and the Licensing Service and stated that the Licence Holder had tried to fulfil his obligations and had refused to sell alcohol on other occasions when test purchases had been attempted. The establishment accepted that there had been other inappropriate alcohol sales, however, the person responsible had been dismissed and a fine had been paid. Revocation of the licence would not help with observing the Licensing Objectives and the Premises Licence Holder or Designated Premises Supervisor would always be in the premises and ensure that sales staff were properly trained. The conditions would be accepted but the CCTV records should be kept for 21, not 31 days. He concluded by saying that suspending the licence would only remove the issue for a short time.*

*The Chair then invited questions from Members and the following points emerged:*

- *PC Perry stated that the fact the Police were called out by the shop showed that it was attracting problems. Offering high strength lager at low prices would attract drunken people and ASB would ensue. This was an inevitable result of the shop's actions and there had been no request for support in observing the Licensing Objectives until the licence was under threat. Other local shops did not require such a level of Police call-outs.*
- *Mr Miah stated that CCTV cameras had been installed but had not been working. This was the first request for a review and it was time for the Premises Licence Holder and the Licensing Authority to work hand-in-hand. If alcohol sales were refused to anyone suspected of being a hostel user, there would be many complaints. There had been refusals of sales to rough sleepers and it had been necessary to phone the Police as a result, as it was very difficult to manage such customers and it was not possible to move drunks away.*
- *Mr Miah stated that a period of 21 days for CCTV record retention was requested because the premises was small and storage would be a problem. He felt that maintaining a refusals book with CCTV records was also a duplication of effort, although this would be accepted.*

*“Each application must be considered on its own merits and the Chair stated that after careful consideration of all verbal and written evidence, the Sub-Committee had concerns regarding the licensing objectives of “protection of children from harm”; “crime and public disorder” and “public nuisance”. This was due to the incidence of ASB arising from activities at the shop, sales to minors and non-compliance with the law in selling non-duty paid cigarettes and alcohol.”*

The following records are registered on the Council's system since the last review was triggered on the 20<sup>th</sup> September 2014

- **23/05/2014** - Licensing and Police Licensing visited the premises and tobacco products that were incorrectly marked. Further details are in the Trading Standards review.
- **24/05/2014** - Licensing, Police Licensing and Trading Standards visited the premises and found cigarettes with incorrect health markings. Further details are in the Trading Standards review.

Conclusion

Due to the past operation of the premises, the Licensing Authority supports the Trading Standards review and their request to revoke the premises licence.

Yours faithfully,



Mohshin Ali

**Senior Licensing Officer**

**Licensing Authority Acting As a Responsible Authority**

CC:



# Appendix 11

# 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 12

# Appendix x

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

### Crime and Disorder Act 1998

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

### Pool Conditions

#### Annex D

#### Conditions relating to the prevention of crime and disorder

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

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

**Conditions enforcing these arrangements are therefore unnecessary.**

## **CORE PRINCIPLES**

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
  - the nature, type and location of the venue;
  - the activities being conducted there and the potential risk which these activities could pose to the local area;
  - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
  - the anticipated clientele.

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

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

# Appendix 13

## **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.



# Agenda Item 3.3

Committee: <b>Licensing Sub-Committee</b>	Date: 04 November 14	Classification: <b>UNRESTRICTED</b>	Report No. LSC 45/145	Agenda Item No.
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Report of: <b>David Tolley</b> Head of Consumer and Business Relations	Title: <b>Licensing Act 2003 Application to review the premises licence for SD Retail, 2 Spey Street, London E14 6PZ</b>
Originating Officer: <b>Kathy Driver</b> Principal Licensing Officer	Ward affected: <b>Lansbury</b>

## 1.0 Summary

Name and Address of premises: **SD Retail  
2 Spey Street  
London  
E14 6PZ**

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

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

## 2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"><li>Guidance Issued under Section 182 of the Licensing Act 2003</li><li>Tower Hamlets Licensing Policy</li><li>File</li></ul>		Kathy Driver 020 7364 5171

### 3.0 **Review Application**

- 3.1 This is an application for a review of the premises licence for SD Retail, 2 Spey Street, London E14 6PZ. The review was triggered by PC Mark Perry of the Metropolitan Police Licensing Unit.
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 A number of statements have been provided to support the review these are detailed in **Appendix 2**.

### 4.0 **The Premises**

- 4.1 The premises licence was issued on 28<sup>th</sup> September 2005, the licence holder has been in place since 16<sup>th</sup> March 2011, the Designated Premises Supervisor has been in place since 2005. A copy of the current licence is contained in **Appendix 3**.
- 4.2 Maps showing the premises are included in **Appendix 4**.

### 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 further supported by Tower Hamlets Licensing Authority. Please see **Appendix 5**.
- 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 “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 6**. It is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised 13<sup>th</sup> 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 7.**
- 6.5 The home office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 8.**
- 6.6 Members should also note the Council's Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 9**. The Council's Police on Public Nuisance is contained in **Appendix 10.**
- 6.7 The Home Office has advised that in relation to reviews "It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licenceholders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review."
- 6.8 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, business or member of the Licensing Authority).
- 6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the

licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

## 7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

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

## 8.0 Licensing Officer Comments

8.1 The Government's advice in relation to reviews is contained in **Appendix 6**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and

which are necessary and proportionate to ensure that the licensing objectives are met

- Suspend the licence for a period
- Revoke the licence completely

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

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

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

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

## 9.0 **Legal Comments**

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

## 10.0 **Finance Comments**

10.1 There are no financial implications in this report.

## 11.0 Appendices

- |                    |  |
|--------------------|--|
| <b>Appendix 1</b>  | Copy of the review application   |
| <b>Appendix 2</b>  | Supporting evidence for review   |
| <b>Appendix 3</b>  | Current Premises Licence   |
| <b>Appendix 4</b>  | Maps of the premises and surrounding area  |
| <b>Appendix5</b>   | Supporting Representation from LBTH Licensing Authority  |
| <b>Appendix6</b>   | Guidance issued under Section 182 by the Home Office for reviews   |
| <b>Appendix7</b>   | Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder |
| <b>Appendix8</b>   | Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance    |
| <b>Appendix9</b>   | London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder         |
| <b>Appendix 10</b> | 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 (Brar Wines Store) 2 Spey Street,	
Post town <b>London</b>	Post code (if known) <b>E14 2PZ</b>

Name of premises licence holder or club holding club premises certificate (if known)	Gurnaib Brar
Number of premises licence or club premises certificate (if known)	14793



**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)

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

I am 18 years old or over Please tick  yes

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

<b>Post Town</b>	<input type="text"/>	<b>Postcode</b>	<input type="text"/>
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<b>Daytime contact telephone number</b>	<input type="text"/>
---	----------------------

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

<b>Name and address:</b>  Pc Mark Perry 748HT Licensing Officer Tower Hamlets Police Toby Club Vawdry Close E1 4UA
Telephone number (if any) 0207 275 4911
E-mail (optional) mark.j.perry@met.police.uk

**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 | Y                        |

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

Tower Hamlets Police have received many complaints from residents in and around the Spey Street area regarding anti-social behaviour caused by large groups of youths who congregate around the shops in Spey Street, these youths regularly congregate around and outside Brar Wines Store at no 2 Spey Street. Details of the anti-social behaviour will be outlined in a statement from Pc Brown of the Poplar Harca Police Team who regularly patrol the area.

Police believe that the anti-social behaviour is linked to the off license at 2 Spey Street. Many residents have complained to Police that the shop sells alcohol to those people responsible for the crime and disorder in the area. Police believe that this shop acts as a magnet for those causing the problems.

Poplar Harca housing association have also received complaints from local residents that Brar Wines Store has been selling alcohol to young people and those responsible for causing the anti-social behaviour and disorder. A statement from Poplar Harca has been included.

Police have spoken to the manager of Brar Wines Mr Somesh Dhaka on several occasions about the concerns that his shop is the centre of the anti-social behaviour and the allegations by local residents that his shop is selling alcohol to those responsible for causing the anti-social behaviour, including people under 18. Every time Mr Dhaka has assured Police that his shop does not sell alcohol to those causing problems, and does not sell alcohol to anyone aged under 18.

Due to ongoing complaints from residents, and Police concerns about the premises a test purchase operation was undertaken by Tower Hamlets Police Cadets on the 23rd May 2014 at Brar Wines Store, 2 Spey Street. A 15 year old female cadet entered the store and purchased a can of Stella beer from the shop, despite not being able to provide any ID when asked by the assistant. The sale was witnessed by PC Pc Cooper. The person who sold her the beer Mr Milan Singh, was confronted by Police and when it was pointed out to him that the girl was 15 Mr Singh replied "It's a mistake". Mr Singh was issued with a fixed

penalty notice for selling alcohol to a person under 18. to which he made no reply.

This sale appears to confirm the complaints of residents that the shop sells alcohol to anyone, even a 15 year old girl with no ID.

On the 20th June 2014 Police Licensing Officer Pc Mark Perry 748HT attended Brar Wines Store at 2 Spey Street to discuss the sale of alcohol to a person under 18 with the shop management. Present at the store was the shop manager Mr Somesh Dhaka. Pc Perry introduced himself as a Police Licensing officer and asked Mr Dhaka why his shop had sold alcohol to a 15 year old girl. Mr Dhaka replied that the person was new and that it was a mistake.

While at the store discussing the seriousness of selling alcohol to a person under 18, Pc Perry witnessed a drunk male entered the store and be sold 2 cans of Special Brew alcohol by Mr Dhaka. When challenged about selling alcohol to a drunk person Mr Dhaka replied that this particular person was always under the influence of alcohol. This sale of alcohol to a person who the manager Mr Dhaka knows is regularly drunk leads to the conclusion that the shop regularly sells alcohol to people who are drunk, and offers them credit to do so.

Pc Perry asked for the incident to be downloaded from the shops CCTV system, Mr Dhaka replied that the CCTV was not working. This is despite Police asking for the CCTV to be fixed several months ago. Pc Perry then asked for a copy of the receipt of the cans that had been sold. Mr Dhaka said that the till was not working. Pc Perry then inspected the till and found that there was no paper in the till. Mr Dhaka was asked him how he was recording his sales? Mr Dhaka said he was writing it down in a book. Pc Perry looked in the book but could not see where the sales were recorded. Mr Dhaka was told that this would reported to HM Inland Revenue.

While Pc Perry was walking away from the store he saw that there were three young Asian males, aged about 16 hanging around outside the store. He then saw a male aged in his 30s leave the store and give a pack of cigarettes to the youths outside before leaving the area. Pc Perry went back to the store and informed Mr Dhaka of what he had seen. Mr Dhaka replied "what was he supposed to do?" Pc Perry replied that he should start by being able to see what was going on outside his shop, and that he should ban the person who

bought the cigarettes for the youths outside. Mr Dhaka replied that he would.

The above is covered in more detail in a statement by PC Perry which is included in this application.

It is clear to Police that this shop is acting as the focal point for the disorder and criminality being suffered by local residents. It is also clear from the sale of alcohol to a 15 year old girl and the sale of alcohol to a drunk person that the premises are not upholding the licensing objectives.

Tower Hamlets Police therefore ask for the premises license to be revoked. If the committee does not feel that a revocation is suitable Tower Hamlets Police ask for the following conditions to be added to the license.

1) The following CCTV condition:

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

2) No sale of alcohol (Beer & Cider excluding craft beer) above 6.5%

3) No single sale of cans / bottles of beer or cider, the minimum purchase is 4 cans / bottles.

4) Operate the "Challenge 25" scheme and must always request valid photographic ID from anyone appearing to look under the age of 25 years.

5) Refusals book to be kept and updated regularly and made available on request to Police or any person from a relevant authority.

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

.....

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

### **Notes for Guidance**

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

# Appendix 2

**WITNESS STATEMENT**

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

**Statement of**      **Pc Mark Perry 748 HT**.....      URN:      

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Age if under 18      **Over 18** .....      (if over 18 insert 'over 18')      Occupation:      **Police Officer 205619**.....

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: .....

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

I am Pc Mark Perry 748HT a Police Licensing Officer working in the London borough of Tower Hamlets, this statement refers to the events of Friday 20th June 2014 at Spey Street News when Mr Somesh Dhaka sold alcohol to a person who was drunk, an offence under sec 141 of the Licensing Act 2003.

On Friday 23rd May, as part of "Operation Condor" Police cadets in Tower Hamlets undertook test purchase operations in licensed premises across the borough. One of the premises tested was Spey Street News as there have been reports from local residents that the shop was selling alcohol to underage young people, and was attracting anti social behaviour to the area due to youths congregating by the shop. The test purchase was failed and a 15 year old female Police Cadet was sold alcohol at Spay Street News. A PND was issued to the person who sold her alcohol.

Following up this failed test purchase on Friday 20th June 2014 at about 12:00 I was on duty in plain clothes at Spay Street E14. I was going to visit Spey Street News to talk to them about the concerns police had about the shop selling alcohol to children. The shop initially was closed, so I went to a shop next door and asked when the shop usually opened. The shop keeper replied that Spey Street News usually opened around midday.

I waited outside the shop and at about 12:10 I saw a car pull up and Mr Somesh Dhaka get out. I identified myself as a Police Licensing Officer and told Mr Dhaka I needed to talk to him about the shop selling alcohol to underage people. Mr Dhaka said that it was a mistake and it was a new person who didn't know the law. I replied that I was concerned as there had been complaints from residents about the shop selling alcohol to underage people and this had been borne out to some extent by the failed test purchase. Mr Dhaka said that his shop did not sell alcohol to children. I replied that it had sold alcohol to a 15 year old girl.

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

Continuation of Statement of **Pc Mark Perry 748 HT** .....

Before Mr Dhaka could reply a man entered the shop, this male was 5'10 about 60 years old of slim build, he was very dishevelled and unkempt in appearance. He smelled strongly of intoxicating alcohol, and he was very unsteady on his feet, nearly banging into the shelves. This man went straight to the beer fridge in the shop, and said in a slurred voice "I owe money for a couple of cans I had before but I got some now I want a couple of cans of special" Mr Dhaka said "Ok" and got 2 cans of special brew from the fridge and handed them to the man. The man then went to the till where he gave Mr Dhaka £5, who then sold him the 2 cans of special brew.

I then identified myself as a Police Officer to this man and said that I believed him to be drunk and have just seen him purchase alcohol. I asked the man for his details and he produced a travel pass which identified him as Michael Mchale date of birth [REDACTED]. Mr Mchale said he was not drunk. I said that his breath smelt strongly of alcohol, that his speech was slurred and he was very unsteady on his feet. I asked Mr Mchale if he had consumed any alcohol today. He replied that he had had several cans of beer. Mr Mchale then left the shop.

I then went up to Mr Dhaka and said to him "You have just sold 2 cans of alcohol to a man who was clearly under the influence of alcohol, who was clearly drunk, which is an offence under the licensing act 2003. I must warn you that you will be reported for consideration to be prosecuted for selling alcohol to a person who is drunk". I then fully cautioned Mr Dhaka at about 12:22, to which he replied "But he is always under the influence of alcohol". I then wrote this down in my pocket book and asked Mr Dhaka to sign, which he did.

I then asked Mr Dhaka for a copy of the CCTV of this incident. Mr Dhaka said that the CCTV was not working. I told him this was not acceptable as I had asked him several months ago to fix the CCTV. I then asked for a copy of the receipt of the cans that had been sold. Mr Dhaka said that the till was not working. I inspected the till and found that there was no paper in the till. I asked him how he was recording his sales? Mr Dhaka said he was writing it down in a book. I looked in the book but could not see where the sales were recorded. I said to Mr Dhaka that I would report this to HM Inland Revenue.

I then told Mr Dhaka that I wanted to see him and the owner of the shop for a meeting with the local Neighbourhood Team on the 26th June at Limehouse Police Station to discuss the matter. Mr Dhaka said he would be there. I then left the store.

As I was walking away from the store I turned back and saw that there were three young Asian males, aged about 16 hanging around outside the store. I then saw a male aged in his 30s leave the store and give a pack of cigarettes to the youths outside before leaving the area. I went back to the store and informed Mr Dhaka of what I had seen.

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

Continuation of Statement of **Pc Mark Perry 748 HT** .....

Mr Dhaka asked what was he supposed to do? I replied that he should start by being able to see what was going on outside his shop, and that he should ban the person who bought the cigarettes for the youths outside. He replied that he would.

I then left the store, the youths had left the area, but were clearly basing themselves outside the shop, and purchasing cigarettes from there.

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

WITNESS STATEMENT

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

Statement of Keith Billinge 138HT..... URN: 01

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 186810 .....

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

Signature: [Redacted]

Date: 3rd SEPTEMBER '14

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

I am PC 138HT Keith BILLINGE and I work on a small team of officers dealing with crime and ASB on Poplar HARCA estates. We work closely with Poplar HARCA ASB Team.

This statement concerns some of the problems we have been having with Youth Disorder and ASB by youths gathering outside the shops in SPEY STREET E14 and specifically youths gathering and using the Off License at 2 SPEY STREET E14.

Because of the problems with youths in this location I have tried to speak to the shop owner at 2 SPEY STREET and request that he helps us by ringing the ASB line and reporting any incidents in the area. He has also been asked by Poplar HARCA to limit his opening times to 2200hrs.

On 29/03/2014 I was called to the shop by the shop owner Mr Mr Somesh DHAKA after a group of youths set fire to a poster on the front of the shop. I investigated the matter and made a crime report on CRIS 4207592/14. I asked him on that occasion about his CCTV in the shop and he stated that it was not functioning. I have regularly been called to the shop to investigate matters only to find that the CCTV is broken.

After the initial report I visited the shop subsequently on 3/04/2014 and suggested that Mr DHAKA spend some time fixing the CCTV and moving the posters and racks that obscure the front windows of the shop so that people can see into the shop and he can see out. I explained the benefits of this move would be good for preventing crime & ASB in the locality of the shop but Mr DHAKA was very reluctant to spend any money on smartening up the business or even fixing the CCTV. I have visited the address probably 2-3 times per week on our regular patrols of the area, but there have been no changes in the shop. As far as I am aware the CCTV still does not function

Signature: [Redacted] 138HT

Signature witnessed by: .....

WITNESS STATEMENT

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

Statement of Rebecca BROWN PC 543 HT..... URN: [ ] [ ] [ ] [ ]

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

This statement (consisting of: ..... 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: Rebecca BROWN PC 543 HT..... Date: 03rd Sept 14.....

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

I am Rebecca Brown PC 543 HT an am attached to the Poplar Harca Police Team. I work with the police and ASB team to tackle ASB on all Poplar Harca Estates and have been in this role for approx. 16 months.

In order to make this statement I have consulted with other officers in the metropolitan police and i have also consulted with the following police indices:- Computer Aided Despatch (CAD), Criminal Intelligence System (CRIMINT), Crime Reporting Information System (CRIS) and The Police National Computer (PNC) These entries are recorded by unique reference numbers (URN). I make this statement on behalf of a number of police officers and in order to deal with the matter expediently I have not produced the original logs. These are available if so required.

This statement refers to the anti-social behaviour in the Spey Street area, that police believe is linked to the off license at 2 Spey Street. Many residents have complained to Police that the shop sells alcohol to those people responsible for the crime and disorder in the area. Police believe that this shop acts as a magnet for those causing the problems. While Police are not saying that all the anti-social behaviour can be linked to the shop, if it were not selling alcohol it would be easier to control the problem.

The following incidents have occurred in and around 2 Spey Street from January to July 2014.

On Saturday 04th January 2014 at about 8:30pm Poplar Harca Police Team conducted a visit to the sweet shop at 2 Spey Street E14. On speaking with staff it was asked if the police team had been off. Apparently over the Christmas period youths had been gathering again at the location causing ASB by littering, spitting and making excessive noise. At about 8:45pm Poplar Harca Police Team was on patrol in Spey Street E14. A group of about

Signature: [Redacted] PC 543 HT..... Signature witnessed by: .....



Continuation of Statement of Rebecca BROWN PC543UT

On Thursday 13th March 2014 at about 5:45pm we received a call via the Poplar Harca ASB line to a group of youths causing problems outside his shop at 2 Spey Street E14. He said they were play fighting inside the shop and knocking into the shelves etc. He also complained that they were loitering right outside the door, obstructing the entrance. They left the shop area on sight of police but were standing in sight. They were shouting and swearing telling officers to "F\*ck Off"


Later on Thursday 13th March 2014 Poplar Harca Police Team responded to a call via the radio and a call was received from a different informant to the Poplar Harca ASB Line. It was reported that there was a large group of youths at the location. They were said to be noisy and intimidating. One informant described hearing the males saying that they had machetes and that it was going to kick off with the Somali boys. On Police arrival we could see a group of approx 6 youths sitting at the back of 2 Spey St on chairs. They did not want to speak with police and made off.

It transpired the shop had disposed of these chairs and left them outside the back door. Words of advice were given to the shop keepers with regards to the disposal of the chairs and the crime prevention aspect. From the front of the shop a large group of males made off. This group ran off towards the A12 by Brion Place E14.

In the walk way by 2 there were empty glass drink bottles, one with part of a carrier bag tied around the neck of the bottle. Lined up next to these bottles were bricks. It was thought that they could be there to be used as weapons so they were disposed of by officers. The resident that called stated that they are gathering most nights again and was complaining of the noise and the spitting of the youths

On 14th March 2014 at about 8:35pm officers attended 13th March 2014 E14 with other officers from HARCA Neighborhood Policing Team. This was as a result of a call reporting youths being loud and abusive outside the shop. On route officers saw a group of 6-8 Asian youths walking along ST Leonards Road E14.

Officers parked at the rear of the shops and began to walk through the alleyway at the side of the shop. The group described above was just arriving in Spey Street. They were clearly indicating to a group that were at the front of the shop but who couldn't be seen as yet, that police were walking through. This group began running off east into the estate as I exited the alleyway. The group were about 4-5 in number. The last member of the group turned and looked back at me as they ran off. The group was shouting back as they ran away "Pig C\*nts" repeatedly. The informant was spoken with, who stated that the group who were the problem were the ones who had just made off.

Signature:  PC543UT Signature witnessed by: .....

Continuation of Statement of Rebecca BROWN PCS434T

On Saturday 05th April 2014 at 1530 Hours, Poplar Harca Police Team were on patrol in the Spey Street area due to recent complaints from residents about youths hanging out at the location making excessive noise, smoking cannabis, dealing cannabis, leaving litter and acting in an intimidating manner; blocking the pathways around the shops on Spey Street E14.

As officers have entered Brion Place E14 a large group of males could be seen at the back of 2 Spey Street E14. A resident states that they live adjacent to Spey Street E14 . At all hours of the day, into the late evening, youths are using the alleyway to smoke cannabis. They make lots of noise causing a nuisance to the resident. Resident states they also graffiti the fence in the alley and on some occasions some of the youths use the alley way to have sex in. The youths leave litter in the alleyway and also throw cans and rubbish at the location.

On Thursday 10th April 2014 at about 1:00pm Poplar Harca Police Team attended Spey Street E14. Outside number two Spey Street several youths were gathered, blocking the entrance to the shop. They were asked to leave the entrance of the shop which they did, albeit, reluctantly.


On 17th April 2014 Police were called by the owners of the Off License at 2 Spey Street E14. Officers from Poplar HARCA Neighborhood Policing Team attended at 7:26pm. The owners of the shop complained of a large group of youths outside the shop spitting, smoking and generally causing a nuisance. In total there were about 14 youths all of whom regularly gather at the location causing ASB to which the Poplar HARCA Police Team are called to on a very regular basis.

On 1st May 2014, the several males were outside 2 Spey Street E14 at approximately 5:20pm. Residents complain that groups loiter and cause a nuisance to the local community.

On Wednesday 13th May 2014 at about 8:00pm Poplar Harca Police Team received a call via the ASB line to youths causing problems in Spey Street. It was stated that the youths were offering drugs to the customers of the shops, especially the customers going to 2 Spey Street E14. On arrival males made off on sight of police.

The area outside the shop was full of litter that this group had left behind as stated by the shop keeper of 2 Spey Street E14. Found in one of the drink cartons was a self seal bag of herbal cannabis. This was booked in for destruction at Limehouse Police Station.

Whilst police were present a resident came down to speak with officers. He stated that this was an ongoing problem that was affecting him most nights. He said they shout, are abusive to people, himself included. They

Signature:  PCS434T Signature witnessed by: .....

### WITNESS STATEMENT

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

Statement of Paula Cooper PC 121HT ..... URN: 


01			
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Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 199395 .....


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: 24/04/2013.....

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

On Friday the 23/05/2014 I was on duty in plain clothes engaged in Operation Condor with SPC Jim Wallis. At 1530hrs I was present when Cadet A was briefed. Cadet A is 15. Her date of birth is  She was informed that she was taking part in a test purchase operation and that she must always tell the truth during the operation. At 1815 I followed Cadet A into SD Retail Spey Street E14. I watched her pick up a single can of Stella Artois and go to the till to pay. Behind the counter was a middle aged Indian male wearing a turban. I now know this male to be MILAN SINGH The male asked her if she had any ID. Cadet A said she had left it at home. Mr .... Then proceeded to serve her the stella artois. She paid with a £5 note. She left the store and handed the can to me. I sealed this in bag MPSC36017651.

I handed this to SPC Wallis and attended the store with him to speak to the seller and Licencee. The offence was pointed out to Mr SINGH and the Licencee Mr SOMESH DHAKA spoken to. The matter was dealt with by issuing of a PND by SPC Wallis. 

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

WITNESS STATEMENT

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

Statement of JAMES WALLIS 5083HT

Four empty rectangular boxes for identification details.

Age if under 18 Over18 (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: [Redacted] Date: 23.06.14

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

On Friday 23rd May I was on duty at Isle of Dogs Police Station in full uniform. At 11:00 AM PC Steve Austin briefed 2 Police Cadets who I shall refer to as Cadets A and B. I instructed them that they were to attend shops in Tower Hamlets and attempt to purchase alcohol. If challenged he informed them that they must tell the truth and must not try to persuade the shop keepers to sell them alcohol. At shortly before 18:20 I was parked in Spey Street close to the SD RETAIL off licence. Cadet A returned to the van with a can of Stella Lager . I placed it into an exhibit bag MPSC36017651 I then returned to the store. At the location I spoke to an Indian male who I now know to be as Mr Milan SINGH. I said "I understand that you have just sold a can of Lager to a 15 year old Girl". He replied " It was a mistake I then showed him a photo of Cadet A and informed him that she was 15 . He replied "Ok" I pointed out to him that it was an offence and he made no reply. I told him that I intended to issue him with a PND for the offence and he made no reply. At 18:20 hrs I issued him with a PND for selling alcohol anywhere to a person under 18 years of age contrary To Sec 146(1) of the licensing act 2003. Mr SINGH was not carrying any form of identification but I was able to confirm his details with Mr Somesh DHAKA who is the licence holder I then left the venue. I would describe the cashier as male,Indian, f5,09slim build aged approx 40 years years old . He was wearing a Grey polo shirt, dark Grey trousers.

Signature: [Redacted] Signature witnessed by: .....

# Appendix 3

**(Brar Wines Store)**  
**2 Spey Street,**  
**London**  
**E14 2PZ**

**Licensable Activities authorised by the licence**

Retail sale of alcohol

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

**Signed by**

**Jackie Randall** \_\_\_\_\_  
**Licensing Services Manager**

**Date: 28<sup>th</sup> September 2005**



**Part A - Format of premises licence**

Premises licence number

14793

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
**(Brar Wines Store)**  
**2 Spey Street,**  
**London**

**Post town**  
**London**

**Post code**  
**E14 2PZ**

**Telephone number**

**Where the licence is time limited the dates**  
**N/A**

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

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

See Mandatory conditions for drinking up time

**The opening hours of the premises**

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

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

Off sales only



**Part 2**

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

**Mr Gurnaib Brar**



**07779093341**

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

**N/A**

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

**Baltej Singh**



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

**Personal Licence No: P00142**

**Issuing Authority: London Borough of Redbridge**

## **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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

### **Private Entertainment**

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

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

### **Public Entertainment**

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

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

None

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

None

**Annex 4 - Plans**

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

*05 JUL 2005*



**Part B - Premises licence summary**

**Premises licence number**

14793

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
**(Brar Wines Store)**  
**2 Spey Street,**  
**London**

**Post town**  
London

**Post code**  
E14 2PZ

**Telephone number**  
0207 538 0203

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

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

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

The above restrictions do not prohibit:

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

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Mr Gurnaib Brar



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

Off sales supplies

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

N/A

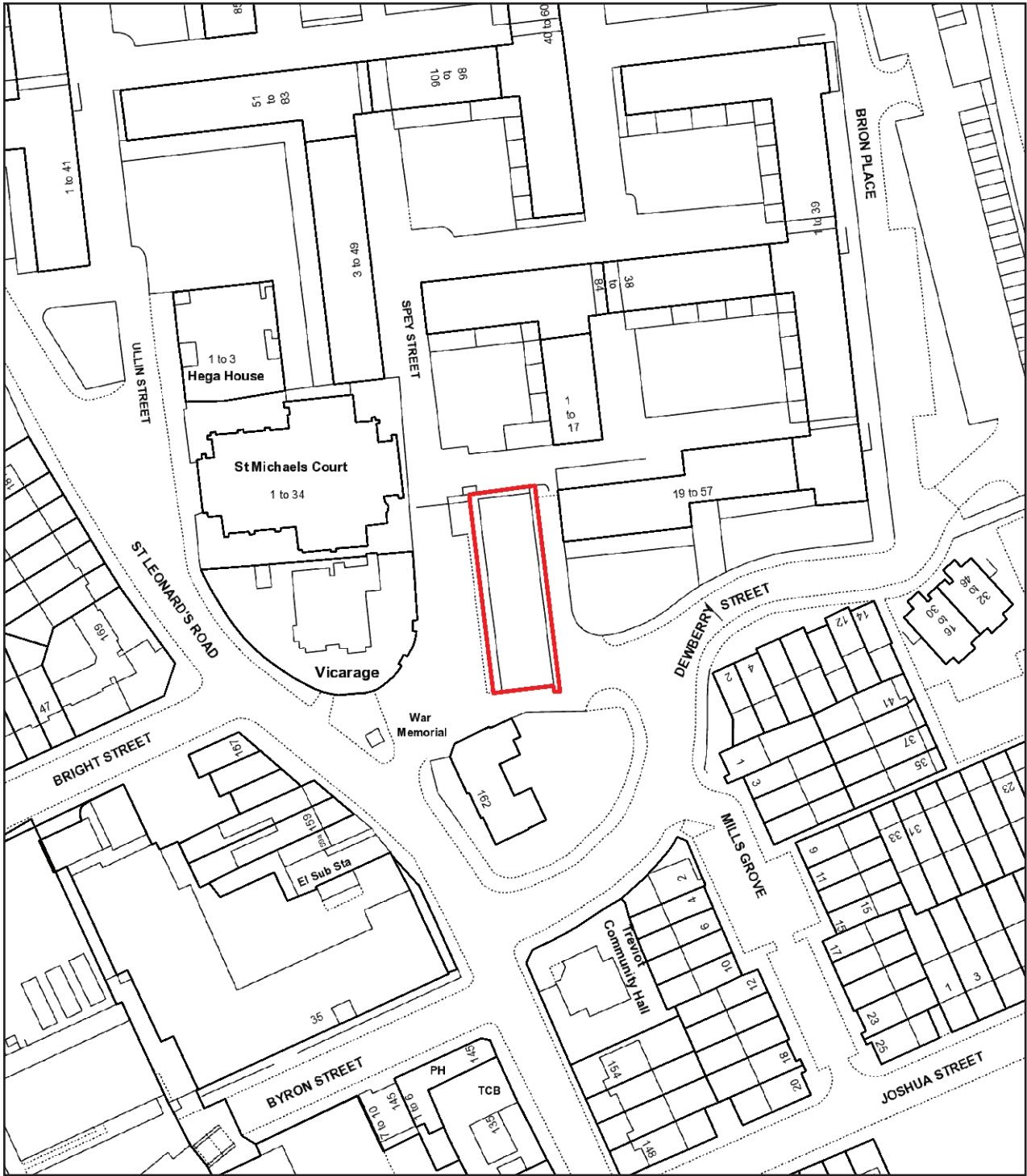
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Baltej Singh

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

No

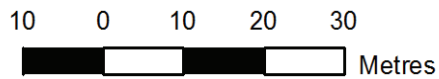
# Appendix 4



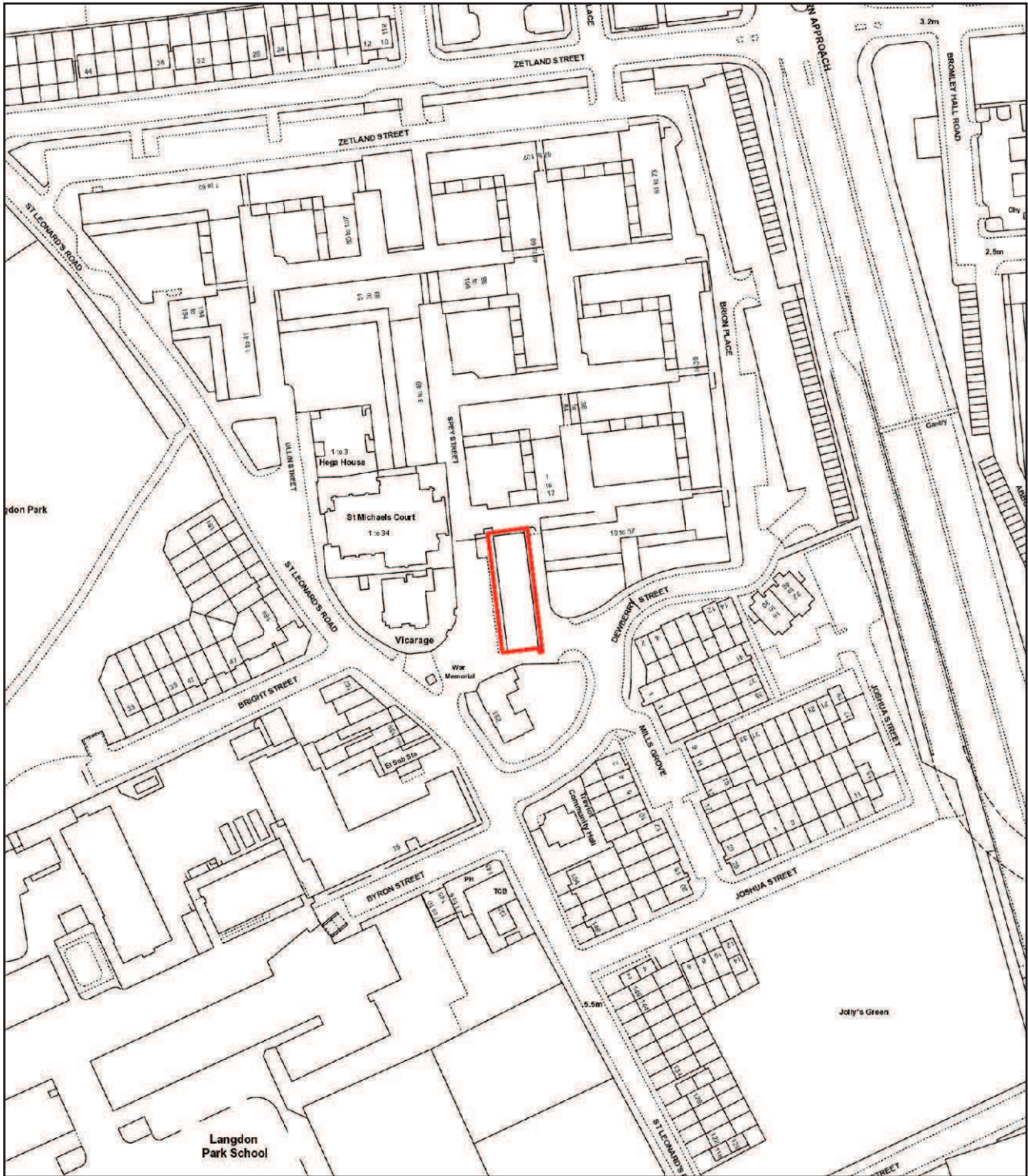
## 2 Spey Street



Scale 1:1153



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## 2 Spay Street



Scale 1:1922

10 0 10 20 30



Metres



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# Appendix 5

## Communities, Localities & Culture Safer Communities

Licensing Authority  
6<sup>th</sup> Floor  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)

24<sup>th</sup> September 2014

Your reference: L1U - 78051  
My reference CLC/LIC/78051/MA

Dear Sir/Madam,

Head of Consumer and Business Regulations  
Service **David Tolley**

Licensing Section  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Tel **020 7364 5498**  
Fax **020 7364 0863**  
Enquiries to **Mohshin Ali**

Email [mohshin.ali@towerhamlets.gov.uk](mailto:mohshin.ali@towerhamlets.gov.uk)

### **Licensing Act 2003**

Application for a review of a premises licence: (Brar Wines Store), 2 Spey Street, London E14 2PZ

The Licensing Authority as a Responsible Authority wishes to support the application for a review triggered by the Met Police on the 1<sup>st</sup> September 2014. The licence holder has failed to meet the licensing objectives of the prevention of crime and disorder and the protection of children from harm

The premises licence for (Brar Wines Store) 2 Spey Street, London E14 2PZ has been in place since 28<sup>th</sup> September 2005. Mr Gurnaib Brar became the licence holder on the 16<sup>th</sup> March 2011. The following are registered on the Council's system since:

- **23/04/2012 (CMU)** - Licensing sent a warning letter (dated 24/05/2012) to Mr Brar to advise on 19<sup>th</sup> April 2012 PC Mark Perry visited the premises and they failed to produce the premises licence and/or display a summary of the licence, the Designated Premises Supervisor (DPS) is rarely at the premises (No letter of authorisation), and refusal book not kept/maintained.
- **12/07/2013 (CMU)** – Freedom of Information request from a local resident requesting the details of the licence holder and the licence conditions.

- **31/07/2013** - Licensing sent a warning letter (dated 01/08/2013) to Mr Brar. To advise on Friday, 26<sup>th</sup> July, 2013, at 8.25pm, one of the Council's enforcement officers saw a customer who bought a bottle of Bacardi Breezer and the staff opened the bottle for him. This is a breach of the licence.
- **4/09/2013** - Council Officers visited the premises at on 16<sup>th</sup> August 2014 at 22:10 hours. They bought bottled beer and asked the staff if they could open it. The staff replied, *"I don't normally open drinks, I'm not allowed to."* Then opened the bottle with a bottle opener kept behind the counter. Man who served and opened the bottle was called "Amid Sangwan". A warning letter was sent to Mr Brar on the 15<sup>th</sup> April 2014 for breach of licence condition.
- **26/06/2014 (EVU)** – Licensing Officers visited the premises and the premises was closed at the time of visit.
- **16/07/2014** - Inspector Andrew Wilks registered a complaint that residents are alleging underage alcohol and cigarettes being sold at the premises and youths hanging around.
- **01/09/2014** - Review of premises licence triggered by Met Police.

Conclusion

Due to the past operation of the premises, the Licensing Authority supports the review of the Met Police and their request to revoke the premises licence.

Yours faithfully,



Mohshin Ali  
**Senior Licensing Officer**  
**Licensing Authority Acting As a Responsible Authority**

CC: Mr Gurnaib Brar, 

# Appendix 6

## **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 which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- 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;
  - 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);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 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.

- 11.22 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 that impact upon the licensing objectives.
- 11.23 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.24 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; money laundering by criminal gangs, the sale of contraband or stolen goods, 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. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate 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 licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 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 illegal 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 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.

## **Review of a premises licence following persistent sales of alcohol to children**

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



# Appendix 7

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

### **Crime and Disorder Act 1998**

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

### **Pool Conditions**

#### **Annex D**

#### **Conditions relating to the prevention of crime and disorder**

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

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

**Conditions enforcing these arrangements are therefore unnecessary.**

### **CORE PRINCIPLES**

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

2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
  - the nature, type and location of the venue;
  - the activities being conducted there and the potential risk which these activities could pose to the local area;
  - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
  - the anticipated clientele.

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

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

## **CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER**

### **RADIO LINKS AND TELEPHONE COMMUNICATIONS**

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

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

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

### **DOOR SUPERVISORS**

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

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

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

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

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

### **RESTRICTING ACCESS TO GLASSWARE**

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

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

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

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

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

### **ALTERNATIVES TO TRADITIONAL GLASSWARE**

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

### **OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES**

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

### **CCTV**

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

### **RESTRICTIONS ON DRINKING AREAS**

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

Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

## **CAPACITY LIMITS**

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

## **PROOF OF AGE CARDS**

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

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

## **CRIME PREVENTION NOTICES**

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

## **DRINKS PROMOTIONS**

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The

mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

## **SIGNAGE**

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

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

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

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

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

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

# Appendix 8



## **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 9

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

- 6.1 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.
- 6.4 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 10

## **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 Section 10 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 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 Section 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 Crime and Disorder. **(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 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 (2.19)

Licence conditions should not duplicate other legislation (1.16).

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.

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