Appendix 1

TOWER HAMLETS

LICENSING ACT 2003

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 124HT Andy Jackson on behalf of the Commissioner of the Metropolitan Police *(Insert name of applicant)* **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	
Cornucopia Market 246 Tredegar Road	
Post town London	**Post code (if known) E3 2GB**

Name of premises licence holder or club holding club premises certificate (if known)	**Cornucopia Market Ltd**
Number of premises licence or club premises certificate (if known)	**12974**

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) x

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

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

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

Surname | **First names**

Please tick yes

I am 18 years old or over ☐

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname | **First names**

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC124HT Andy Jackson
Licensing Officer
Bethnal Green Police Station
12 Victoria Park Square
London E2 9NZ

Telephone number (if any) [redacted]

E-mail (optional) [redacted]

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

Please tick one or more boxes ☐

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

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

This review is applied for under the crime and disorder licensing objective.

The basis of this review relates to a series of operations run jointly between Police, Trading Standards and Customs (HMRC) which have been running since November 2009. The aim of these visits was to identify which premises were selling goods which were either counterfeit or smuggled and to investigate offences under the Licensing Act 2003.

Certain off licences were identified following a review of intelligence from all 3 agencies where they had come to notice for similar offences in the past. No random visits were made.

13 premises across the Borough were identified for visits on 2 days in April 2010.

Entry to each premise was made under the Licensing Act 2003 as well as customs and trading standards legislation.

The review you will hear today concerns Cornucopia Market at 246 Tredegar Road, E3 2GB.

The premise was visited on 21st April 2010 at 1230hrs

On entry to the premise we found a total of 23 bottles of whiskey for sale which displayed a counterfeit duty stamp. These goods were seized by HMRC under Secs. 112 and 118. Customs and Excise Management Act 1979.

These spirits should have displayed a numbered Customs sticker which is either separate or incorporated in the label on the bottle. This applies to bottles over 35cl in size and where the alcohol by volume exceeds 30%. This is a system which has been in force since 1st January 2007. The stamps are checked under ultra-violet light and fakes fail to light up in the correct way as they have just been printed on paper.

Further examination of the wine on sale revealed that there were 36 bottles (27 litres) of mixed wines. The wines were for sale at a price where the duty for the goods couldn't have been paid. These were seized under Sec 139 of CEMA 1979.

No receipts were produced for the goods seized at the time and a notice of seizure and a warning letter were issued to the occupant Mr Hamza Boyraz.

The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been produced.

The goods seized amounted to a total of £214.00 of duty evaded with VAT added it comes to a total of £251.45.

DCMS Guidance states "certain criminal activity in connection with licensed premises, which the Sec of State considers should be treated particularly seriously", and one of these activities is "for the sale of smuggled tobacco and alcohol".

The Guidance also states that police are expected to use the review procedures effectively to deter such activities and crime and that even after a first instance revocation of the licence should be seriously considered.

In this case we have requested a suspension of the licence due to the lesser amount of goods that were seized in comparison to other premises where revocation was requested.

We have taken a view that when a licensed premise has a smaller amount of smuggled goods, a suspension of the licence would be sought and that we would suggest that the licensing panel be invited to decide as to the length of any suspension involved. We also felt that a premise, which has 16.1 litres of spirits and 27 litres of wine for sale, should be treated differently to a premise where both the amounts of spirits and wine are in the hundreds. We believe that this is a proportionate response.

Of course the panel can decide that they consider revocation to be necessary to promote the licensing objective of crime and disorder. However we feel that by suspending the licence in this incidence it would send a powerful message not only to this premise but, with the correct publicity, to all off licenses on this Borough. This is important because we have now completed 3 operations of this type on this Borough and have found the majority of off licences visited selling smuggled and/or counterfeit alcohol.

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

Please tick ? yes ☐

If yes please state the date of that application

Day		Month		Year			

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

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 [redacted] **authorised agent** (please read guidance note 4). **If signing on beh** [redacted] **hat capacity.**

Signature
.....
Date 7th July 2010
.....
Capacity Police Licensing Officer.....
...

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

WITNESS STATEMENT

ENGLAND AND WALES ONLY

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

Statement of: Benjamine Cooper

Age if under 18: OVER 18 (If over 18 insert 'over 18') Occupation: OFFICER OF H.M. Revenue & Customs

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

Signature: [redacted] Date: 17th June 2010

I am an Officer of H.M. Revenue & Customs based at Jubilee House, Stratford, London, E15 1AT.

On 21st April 2010, Officer Clark from H.M. Revenue & Customs and I, with Officers from Tower Hamlets Police Licensing Unit (Bethnal Green) and Trading Standards (Tower Hamlets) conducted a joint operation targeting various Off Licences within the area.

At 12:30 hours, Officers from the above mentioned agencies and I entered the premise at Cornucopia Market, 246 Tredegar Road, London, E3 2GB.

We all identified ourselves accordingly and explained the reasons for the visit (checks on UK Duty Paid stickers/stamps on both alcohol and cigarettes) to a man I now know to be Mr Hamza Boyraz.

A search was conducted under Customs & Excise Management Act 1979, s.112.

Found on shelving behind the counter and the rear stockroom was a total of 36 bottles (27 litres) of mixed Italian wine. This was being sold as 2 bottles of wine for £5. When asked for documentary evidence, such as purchase invoices for the wine, none was forthcoming/available at the time.

Also found were 15 bottles of Bells Whisky (70cl at 40%) and 8 other bottles of mixed Whiskys (70cl at 40%), giving a total of 16.1 litres. Tests on the UK Duty stamps using the Ultra Violet light resulted in all spirit bottles being counterfeit.

At 12:50 hours, all the above mentioned goods were seized under CEMA 1979, s.139.

Forms C156 (Notice of Seizure) and C162 (Warning letter) were issued to and signed by Mr Hamza Boyraz.

At approximately 13:10 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £60.73 for the wine and £153.27 for the mixed spirits, plus 17.5% VAT.

Date: 17th June 2010

Signature: [redacted]

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

EHFO 681A

CEP (Aug 2008)

Appendix 2

TOWER HAMLETS

Licence / Registration

Certificate Number

12975

(Cornucopia)
Bevan Court Shop Unit
246 Tredegar Road
London
E3 2GP

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse [redacted]
Team Leader Licensing

Date: 13 January 2009

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

TOWER HAMLETS

LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number 12974

Part 1 - Premises details

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

Bevan Court Shop Unit
246 Tredegar Road

Post town	**Post code**
London	E3 2GP

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

Monday to Sunday 08:00 – 23:00

The opening hours of the premises

Monday to Sunday 08:00 – 23:00

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

Cornucopia Market Limited
Bevan Court Shop Unit
246 Tredegar Road
London
E3 2GP

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

Company number [redacted]

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

Mr Hamza Boyraz
[redacted]

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

Licence Number [redacted]
Issued by Islington Council

Annex 1 - Mandatory conditions

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

A CCTV system will be installed at the premises and will conform to the following:

1. Cameras will be sited so as to cover the inside and outside of all doors used for entrance and exit.
2. Cameras covering the entrance must capture a full frame shot of the heads and shoulders of all persons entering the premises (to enable identification).
3. The image quality should be of a standard found suitable by the local police Crime Prevention Officer.
4. The device used to record the images must be located in a secure area or locked cabinet.
5. The system must have a monitor to review an images.
6. The system must be regularly maintained to ensure image quality and retention.
7. There must be signage displayed in the customer area to advise that CCTV is in operation.
8. Recorded images must be retained for 31 days.
9. The police will be allowed access to view any images at any reasonable time.
10. Suitable equipment must be available to enable the police to copy any images on request, remove them from the premises, and replay them on a standard computer.

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

Not applicable

Annex 4 - Plans

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

24th November 2008

TOWER HAMLETS

Licensing Act 2003

Part B - Premises licence summary

Premises licence number	12974

Premises details

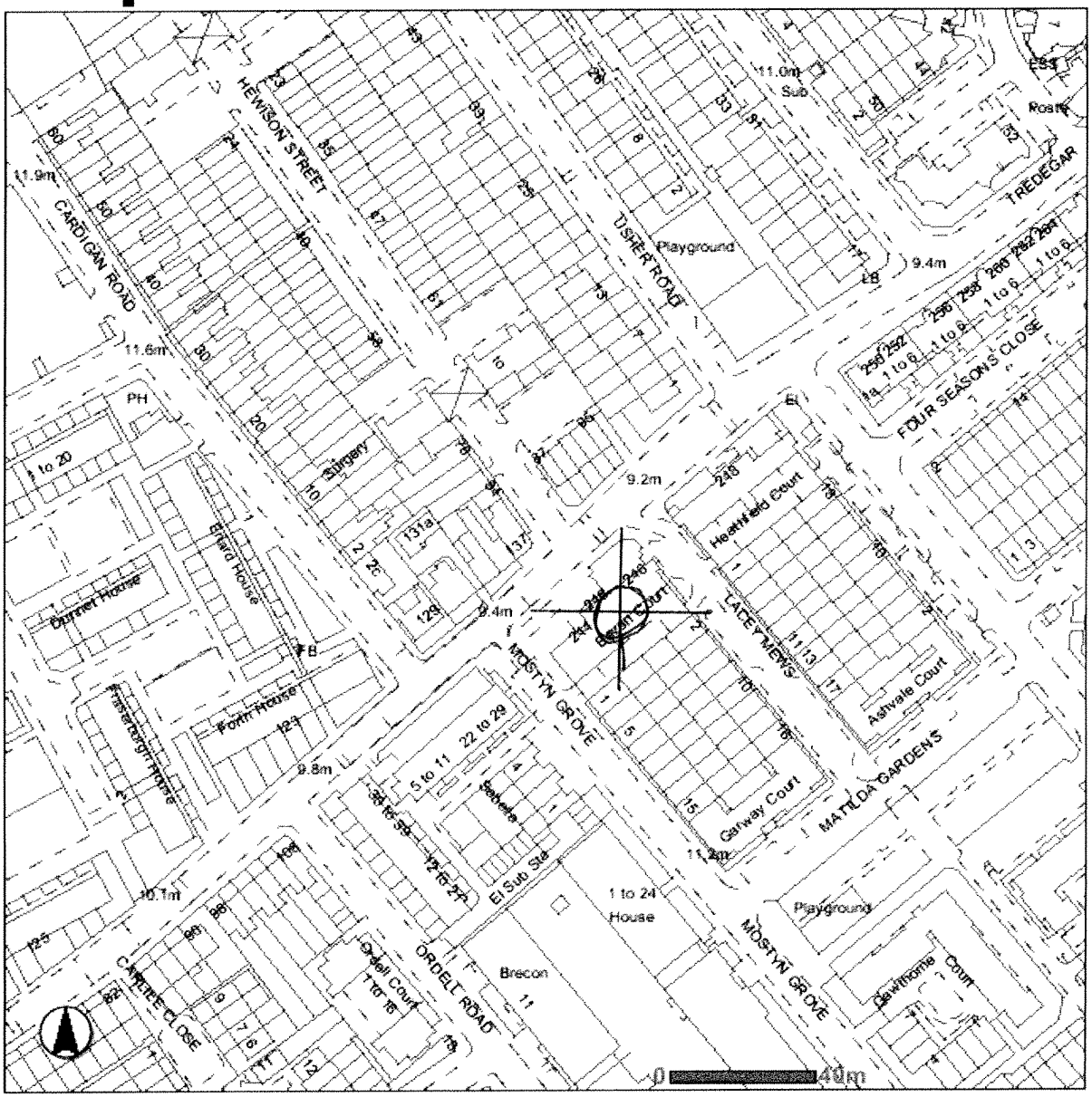
Postal address of premises, or if none, ordnance survey map reference or description Bevan Court Shop Unit 246 Tredegar Road London	
Post town London	**Post code** E3 2GP
Telephone number	

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	Monday to Sunday 08:00 – 23:00
The opening hours of the premises	Monday to Sunday 08:00 – 23:00
Name, (registered) address of holder of premises licence	Cornucopia Market Limited Bevan Court Shop Unit 246 Tredegar Road London E3 2GP
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Off sales only
Registered number of holder, for example company number, charity number (where applicable)	Company number [redacted]
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Mr Hamza Boyraz [redacted]
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 3

Map



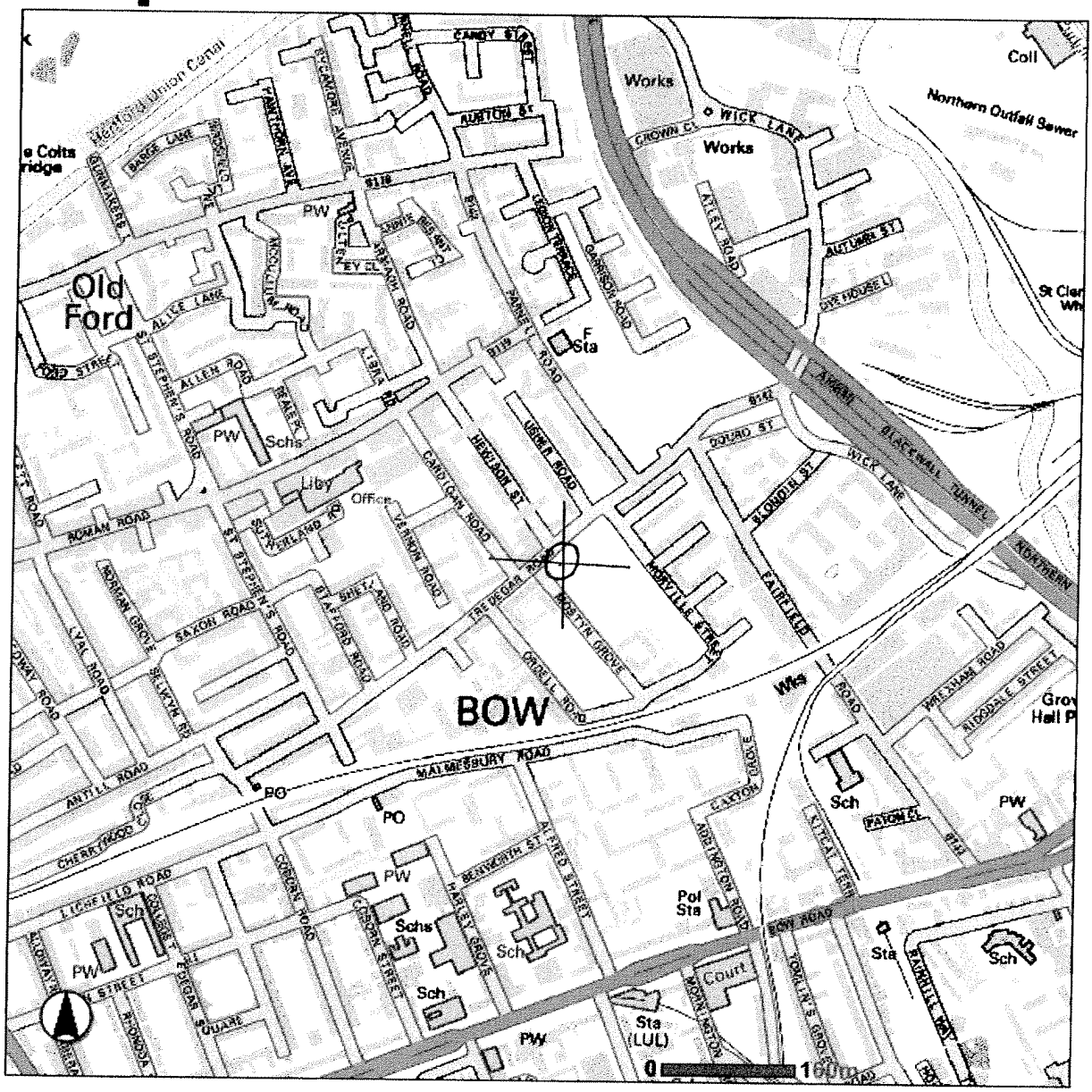
Scale 1:1750

Map of:

246 Tredegar Road - large

Notes:

Map



Scale 1:7500

Map of:

246 Tredegar Road - small

Notes:

Appendix 4

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

Tel: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

To: Whom it may concern

We the local residents of Tredegar road object to the idea of the remove/review of the existing license of Cornucopia Supermarket. We believe that it is very convenient to have grocery, alcohol and cigarettes in store as it is the only shop on Tredegar road. We are not fond of walking to Roman Road because of the distance and the environment is not very safe. We believe that Cornucopia Supermarket's staffs do not go against the legal requirements of the licence as we've never come across such an illegal sale or anything to do with the licensing act. Please accept this letter as our formal views of Cornucopia Supermarket.

Thank you

Name	[redacted]
Katie Carter	
R Marling	
Jason Gocklig	
The Occupier	
Laura Smith	
Natasha Garbutt	
Shane Bird	
Lisa Dillon	
Andrew Eddy	
Alexander Jones	
C Taylor	
M Cuffy	
D Karakus	
Tom Barton	
Kim Robinson	
Marc Ridgway	
I Coan	
P Hedley	
Reece Bird	
Katrina Saliba	
The Occupier	
Sam Whitehurst	
Emma Ramsey	
Jane Taylor	
Ryan Dacey	
Razz Webb	
K Deering	
J Kent	
F J Granville	

D Keys	[redacted]
Mark Joint	
David Boyd	
Fatima Begum	
Dean Attwood	
The Occupier	
The Occupier	
Gian Dadurro	
The Occupier	
The Occupier	
The Occupier	
The Occupier	
Lloyd Williams	
Henry Wilson	
John Derrick	
Mrs M Savage	
Ronnie Abela	
L Spiteri	
Mrs Joanne Bird	
Jolene Cooper	
The Occupier	
The Occupier	
L Doyle & D Hogan	
L Roberts	
Gareth Houston	
Rodger Sandher	
Chris McCafferty	
John Dunford	
Sandra Nunez	
Uche Ezugwu	

The Occupier	[redacted]
Nella Hodgkinson	
Guy Kenball-Williams	
The Occupier	
Heiko Meyer	
Mrs M Flery	
Miss H Zarouki	
Johannes Schaller	
B Marks	
Laura Smith	
Michael Bell	
Mary Lansiquot-Blake	
Robert Jakes	
G Goodings	
Bev McCafferty	
John Millen	
Dr J Ward & Paul Brooks	
M Lotter	
S Sait	
The Occupier	
The Occupier	
Cristina Nita	
Terrie Rae	
The Occupier	
Augus Hervey	
The Occupier	
Joe Brown	
The Occupier	
The Occupier	
T Moglynn	

Miss E Punter	[redacted]
Joseph Pirotta	
The Occupier	
Donald Bradford	
Rachel Powers	
Miss P Felix	
The Occupier	
H Beadon	
Oswald Andrew	
Mr F Small	
Seth Mclaren	
Rob Hughes	
The Occupier	
Daniel Nicholass	
Naomi Miller	
N Hillier	
E Humphreys	
The Occupier	
The Occupier	
The Occupier	
The Occupier	
The Occupier	
The Occupier	
Luke Layton	
The Occupier	
Steven Berthram	
The Occupier	
The Occupier	
The Occupier	
Leo Abrahams	

Miriam North	12 Cardigan Road	[redacted]		
The Occupier	[redacted]			
Terry Weymouth	[redacted]			
Jenny Saxton	[redacted]			
Vick Seymour	[redacted]			
A Lelie	[redacted]			
The Occupier	[redacted]			
L Healy	[redacted]			
The Occupier	[redacted]			
The Occupier	[redacted]			
The Occupier	[redacted]			
Katharine Nokes	[redacted]			
Chelsea Day	[redacted]			
A Richards	[redacted]			
Cherif Hashizume	[redacted]			
Joe Branscombe	[redacted]			
The Occupier	[redacted]		London	E6 2FQ

Appendix 5

Nick Kemp

From: [redacted]
Sent: 02 August 2010 19:50
To: Nick Kemp
Subject: Re: Cornucopia Supermarket Tredegar Road E3

[redacted]

Thanks

-----Original Message-----
From: Nick Kemp <Nick.Kemp@towerhamlets.gov.uk>
To: [redacted]
Sent: Mon, 2 Aug 2010 16:26
Subject: RE: Cornucopia Supermarket Tredegar Road E3

Dear Miss George,

I have received your representation but I need your full postal address in order to forward it to the Licensing Sub Committee.

Regards,

Nick Kemp

Nick Kemp - Licensing Officer
London Borough of Tower Hamlets Licensing Section Mulberry Place (AH) PO BOX 55739 5 Clove Crescent London E14 1BY
[redacted]

From: [redacted]
Sent: 02 August 2010 10:42
To: licensing
Cc: [redacted]
Subject: Cornucopia Supermarket Tredegar Road E3

I am a resident that uses this supermarket and i find that the people whom run it are very nice and polite and i use this store daily it mite be a bit pricey but i do not feel safe going into roman road especially in the evenings as there are a lot of gangs that hang around and cause problems down there, Cornucopia has had problems with some of the young people asking them to sell cigarettes or alcohol but i never see them give it to them as they always ask for id, what some of the young people do is wait outside the store and ask adults to buy them the drinks or cigarettes and some of the adults tell them no and then the young people start arguing with the adults and causes problems as i have seen first hand, so what can you do have security outside the store?

I need this supermarket as it is easier for me to pay bills and pick up some food stuff, u do not need to take their license from them, believe me there are a lot of ignorant/racist people that live around here, do not listen to them as it is their children's children that are causing this problem as most have problem around the roman road area and they will send their children to get cigarettes and drinks believe me.

Miss Patricia George

Appendix 6

Guidance Issued by the Department for Culture Media and Sport 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 7

Guidance Issued by the Department for Culture Media and Sport 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

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

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 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and

licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

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

1 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 as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, 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 should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager 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;
- any police instructions/directions are complied with whenever given; and
- all instances of crime or disorder are reported via the text/radio pager 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:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. 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, conditions may also need to deal with:
- the number of supervisors;
- the displaying of name badges;
- the carrying of proof of registration;
- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

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

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles 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 sold 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.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. 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 plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

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 (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary 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 sitting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

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

Restrictions on drinking areas may also be relevant necessary 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 should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives.

Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

Crime prevention notices

It may be necessary 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 volunteer the display of 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 necessary 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 premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary 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 which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and 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 paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

Appendix 8

Licensing Policy Adopted by the London Borough of Tower Hamlets

5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.