

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 Alan Cruickshank PC 189HT 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

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Low Cost Food and Wine 367 Mile End Road	
Post town London	Post code (if known) E3 4QS

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

Mr Shahidur RAHMAN

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

11288-374

STANDARDS
09 JUL 2010

Part 2 - Applicant details

Please tick yes

I am

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

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

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

Surname **First names**

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Unit Metropolitan Police Bethnal Green Police Station 12 Victoria Park Square London E2 9NZ
Telephone number (if any) 0208 217 6699
E-mail (optional) Alan.Cruickshank@met.police.uk

BLANK

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

On the 22nd April 2010, a joint operation was conducted at a number of off licences. Taking part in this multi-agency approach were H.M. Revenue and Customs, LBTH Trading Standards and Bethnal Green Police Licensing Unit.

At about 1205 we entered Low Cost Food and Wine, 367 Mile End Road, E3 4QS. After identifying myself to a man I now know to be a Mr Moshahid Ahmed, Mr Razu RASID and later to a man I now know to be a Mr Shahidur Rahman, the current DPS, a search took place throughout the shop. "Smuggled goods" were found on the shop's shelving and in the stock room.

The total amount found was 435 bottles (326.25 litres) of mixed Italian wine .They were selling two bottles for £5.

I produce a statement from Ben Cooper of H.M Revenue and Customs. He seized the above bottles under Customs related legislation. The calculated total amount of duty evaded was £ 733.85, plus 17.5% VAT.

Also seized on that day by LBTH Trading Standards was 114 bottles of Glen's vodka. I believe the bottles had fake labels attached, trying to indicate that the duty had been paid but this was not the case.

I produce a statement from Alan Richards, a LBTH Trading Standards Officer who seized the vodka.

However it can also be noted that an under-age sale was refused on the 1st July 2010

As a result of our joint operation on the 21st and 22nd of April 2010 this is one of three off-licences in Tower Hamlets who are currently being reviewed over the offence of smuggled goods. Five others are being reviewed by this office with a recommendation that the licence be suspended. I am also aware Trading Standards are reviewing two premises.

Prior to the April operation four other off licences were revoked by the licensing committee after similar offences were committed on 17th and 18th November 2009.

This would seem to be an ongoing problem in Tower Hamlets and further joint operations will take place.

DCMS guidelines state that the selling of smuggled goods is deemed a serious offence and should be viewed as such by licensing committees.

As this is a crime of dishonesty, no conditions can be imposed on the premises licence that would deter further criminal activity.

In light of this I would ask the Committee to consider revoking their premise licence.

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 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

[Redacted 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)	

Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 3. The application form must be signed.
- 4 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 5. This is the address which we shall use to correspond with you about this application.

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

11288

367 Mile End Road
London
E3 4QS

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse
Team Leader Licensing



Date: 16/01/2006

FOR OFFICE USE

Receipt Number	Fee Paid	Fee Req.	Date	Initial
497\2003\LicAct certs & lic\Prem Lic\ MileEndRoad367.doc				

161953

£190

16/01/06

Page 1 of 7

MT



Part A - Format of premises licence

Premises licence number

11288

Part 1 - Premises details

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

367 Mile End Road

Post town

London

Post code

E3 4QS

Telephone number

[REDACTED]

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

- Monday to Sunday, 07:00 hours to 07:00 hours (24 hours)

The opening hours of the premises

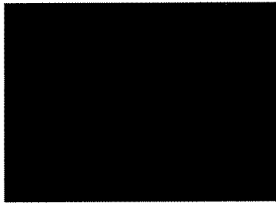
- Monday to Sunday, 07:00 hours to 07:00 hours (24 hours)

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

Off sales

Part 2

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



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



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

Mr Shahidur Rahman
London Borough Tower Hamlets **Licence No. 10408**

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

Times

Alcohol

- Monday to Sunday, 07:00 hours to 07:00 hours (24 hours)

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV will be operating inside and outside the premises 24 hours a day
2. Spirits will be kept behind the till

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

N/A

Annex 4 - Plans

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

14 December 2005



TOWER HAMLETS

Licensing Act 2003

Part B - Premises licence summary

Premises licence number

11288

Premises details

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

367 Mile End Road

Post town

London

Post code

E3 4QS

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

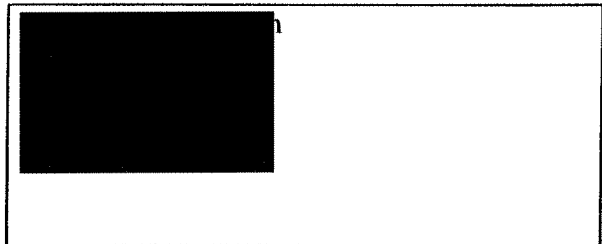
Alcohol

- Monday to Sunday, 07:00 hours to 07:00 hours (24 hours)

The opening hours of the premises

- Monday to Sunday, 07:00 hours to 07:00 hours (24 hours)

Name, (registered) address of holder of premises licence

A rectangular box containing a solid black redaction covering the name and address of the licence holder.

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

Off sales

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

N/A

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

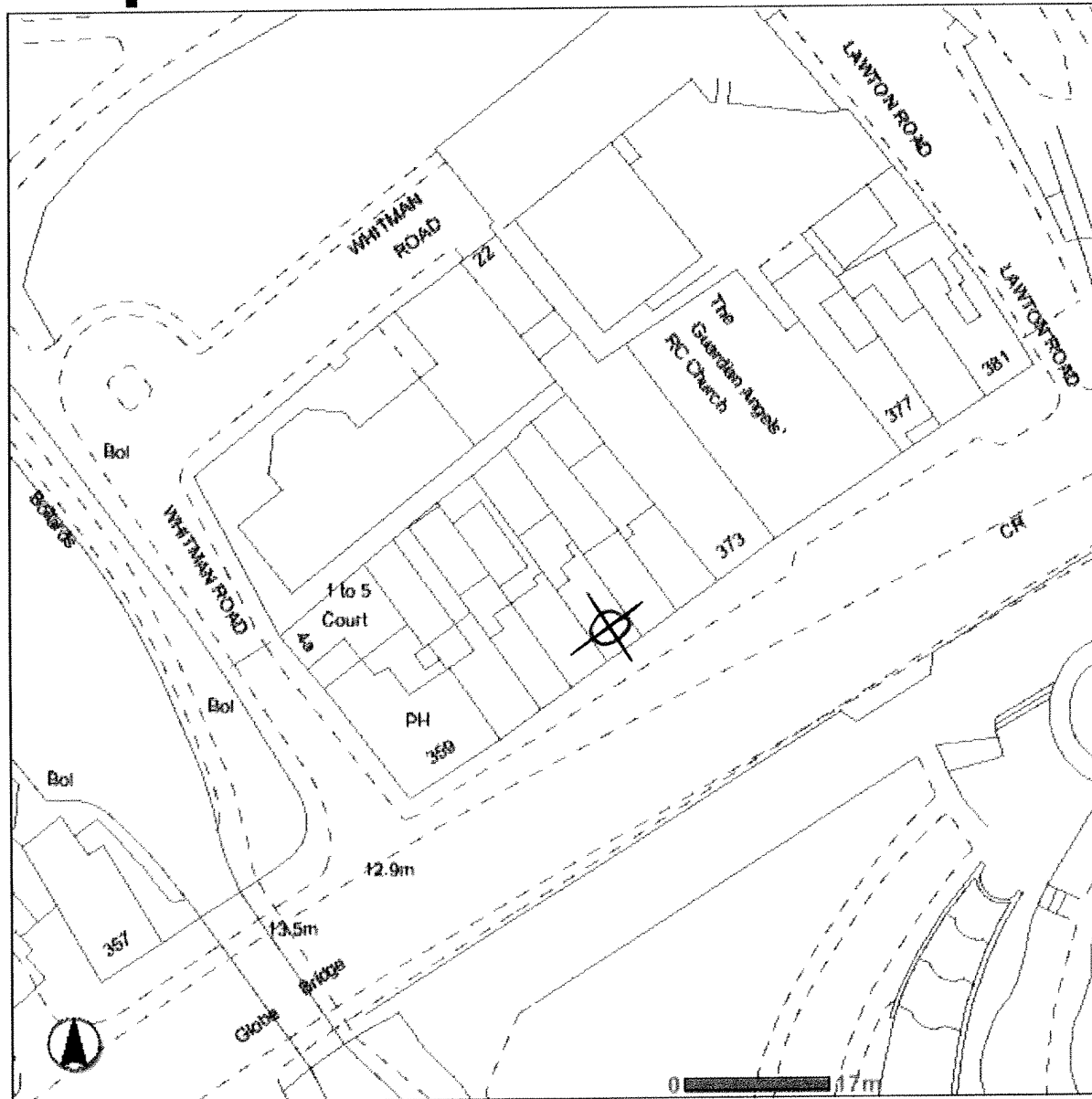
Mr Shahidur Rahman

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

No

Appendix 3

Map



Scale 1:750

Map of:

367 Mile End Road

Notes:

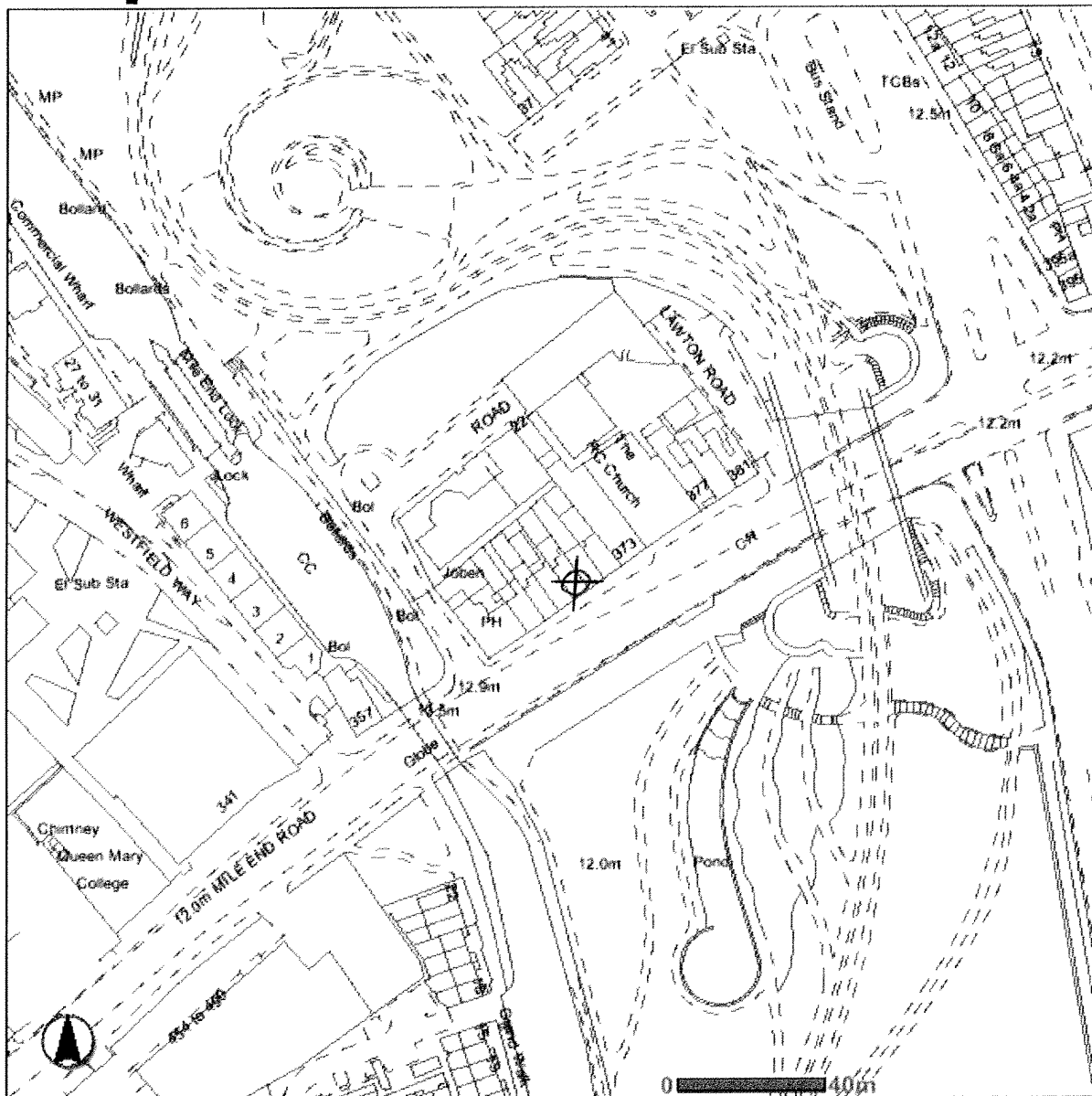
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1750

Map of:

Notes:

367 Mile End Road

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Licence Number: LA100019288

Appendix 4

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: Ben Cooper

Date: 17th June 2010

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

On 22nd 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 12:00 hours, Officers from the above mentioned agencies and I entered the premise at Low Cost Food & Wine, 367 Mile End Road, Mile End, London, E3 4QS.

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 Razu Rasid.

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

Found on shop shelving and the stock room below was a total of 435 bottles (326.25 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 12:20 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 R. Rasid.

At approximately 13:05 hours, all officers exited the premises.

It has been calculated that the total amount of Duty evaded equates to £733.85, plus 17.5% VAT.

Date: 17th June 2010

Signature: [Redacted]

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Appendix 5

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: ALAN EDWARD RICHARDS

Age if under 18 (if over insert "over 18"): OVER 18

Occupation: TRADING STANDARDS 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:

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

Statement

I am Alan Richards and I am employed as a Trading Standards Officer by the London Borough of Tower Hamlets Trading Standards Service, and as such I am authorised to enforce a number of pieces of Trading Standards legislation including the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008. I qualified as a Trading Standards officer in 1994 and have considerable experience in dealing with items produced without the authority of the Trade Mark holders, commonly known as counterfeits.

Background

The Trading Standards department, in conjunction with officers from HM Revenue and Customs (HMRC) and the local Police Licensing Team, are carrying out a series of joint visits targeting off licences in the borough looking at a number of potential problems including illicit tobacco, counterfeit goods, alcohol duty evasion and licensing offences. These visits are mainly targeted as a result of intelligence received from any of the agencies involved.

On the 22nd April 2010 I was in the company of Kevin MAPLE (Trading Standards Seconded), four officers from HMRC led by Benjamin COOPER and Police licensing Officer Alan CRUICKSHANK carrying out a number of these visits.

At around 11:20 am I received a telephone call from Anita Davis from the Trading Standards Office informing me that during a visit to a café called 'Munch' at 365 Mile End Road, Environmental Health Officer Ken MARSHALL had noted a quantity of Glens Vodka stored on the premises, possibly stored on behalf of an off licence next door called Low Cost Food and Wine. I am well aware that Glens Vodka is frequently counterfeited and/or smuggled in order to evade

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

duty, so as a result of receiving this information we decided to visit these premises.

Visit to 'Munch' 365 Mile End Road

At approximately 12:05, accompanied by an officer from HMRC, I entered Munch. After showing our identification and explaining the purpose of our visit to the manager we went into the storage basement. There was no alcoholic drink, including Glens, on the premises so we then left.

Visit to Low Cost Food and Wines 367 Mile End Road

At approximately 12:10 I entered Low Cost Food and Wines at 367 Mile End Road, London E3 4QS where the other officers were already present and in conversation with the employees/management of the shop. I went down a set of stairs to the side of the counter which led to a large basement storage area consisting of two rooms. In the smaller and first of these two rooms I could see a variety of cases of both alcoholic and non-alcoholic drinks including a number of boxes of Glens vodka and various brands of wine. In the larger second room were further quantities of both alcoholic and non-alcoholic drinks in boxes and loose on shelving, including some bottles of Glens vodka. I then went back upstairs to the shop and informed the officers from HMRC, one of whom came back down with me and we carried out an initial examination of the alcohol and specifically looked at the Glens vodka. The customs officer carried out a screen test on the rear duty labels and was of the opinion that the duty label was counterfeit. Because of this and due to other printing anomalies on the rear label I formed the opinion that the 1 ltr and 70cl bottles of Glens vodka may be counterfeit. We therefore moved the cases of Glens vodka from the first storeroom upstairs into the main area of the store. This comprised of four (4) cases of twelve (12) one litre bottles and four (4) cases of twelve (12) seventy (70) centilitre bottles. From the second storeroom I also bought up seven (7) bottles of one (1) litre and eight (8) bottles of seventy (70) centilitre bottles of Glens vodka.

Within the store I was informed by Kevin Maple that he had located three (3) seventy (70) centilitre bottles of Glens vodka behind the counter which he had sealed in a bag with the unique seal number P00409761.

Within the store I could see that officers from HMRC were examining and seizing a large quantity of wine, which they believed that required duty had not been paid on, and further quantities of the same brands of wine were also being recovered from the basement storage area.

I could also see and hear a quite heated discussion between officers from HMRC and two men, the younger of whom I later learned was Mr Shahid RAHMAN. I interceded into this discussion in order to both deflect it and to more fully

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

introduce myself, the purpose of my visit and the actions I intended to take in relation to the Glens vodka. Mr Rahman informed me that he was the owner of the business and the licensee and gave his address as [REDACTED]

[REDACTED] I fully explained to Mr Rahman the interests of both Trading Standards and HMRC and that I was seizing the Glens vodka as I believed it to be counterfeit under the Trade Marks Act 1994. In order to assist in this explanation Benjamin Cooper from HMRC demonstrated the screen test of the duty labels to Mr Rahman. Mr Rahman was adamant that all the products had been purchased from wholesalers and that he could produce paperwork relating to them.

Kevin Maple and I then bagged the Glens vodka and as follows:

No. bottles	Quantity	Seal number	Exhibit number
24	70 cl	LBTH002371	AER/LC/1
5	70 cl	LBTH002379	AER/LC/2
3	70 cl	P00409761	AER/LC/3
12	1 ltr	LBTH002374	AER/LC/4
24	70 cl	LBTH002372	AER/LC/5
12	1 ltr	LBTH002377	AER/LC/6
12	1 ltr	LBTH004603	AER/LC/7
12	1 ltr	LBTH002400	AER/LC/8
7	1 ltr	LBTH002378	AER/LC/9
3	70 cl	P00409760	AER/LC/10

I noted these products, totalling one hundred and fourteen (114) bottles on a seizure notice number B0407 which was signed for by Mr Rahman and the top copy left with him. I produce the carbon copy of this notice as exhibit AER/LC/11.

HMRC had seized a large quantity of wine and some additional spirits upon which they believed duty had been avoided. We then loaded all the items seized by both ourselves and HMRC on the office van and took them to our secure evidence store.

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

Meeting with Mr Rahman 30th April

On the 30th April 2010 Mr Rahman attended my office and gave me eleven (11) original invoices he said related to the seized stock of the 22nd April. I then photocopied these invoices, issued by EastEnders Cash and Carry Plc and gave the originals back to him. One invoice, number 41799, related solely to the purchase of Alpa wine and was date and time stamped after our seizure and I produce this as exhibit **AER/LC/Invoice1**. The remaining ten invoices, dated between 6th February 2010 and 3rd April 2010, listed purchases of varied drinks and I produce these as exhibits **AER/LC/Invoice2A to AER/LC/Invoice2J**. On the 6th May 2010 I examined these invoices in some detail and produced a schedule listing all purchases of Glens vodka contained on the invoices. I produce this schedule as exhibit **AER/LC/1**.

Examination of Glens vodka

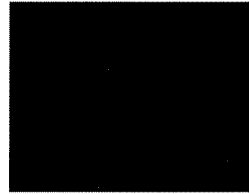
On the 7th May 2010 I went to our evidence store and one by one I opened each of the seized bags to further examine the Glens vodka. I also removed four (4) samples to be sent to the manufacturer, Glen Catrine, for further examination, resealed the remainder and exhibit them as per a schedule which I produce as exhibit **AER/LC/2**. The four samples I marked as exhibits **AER/LC/2378/1, AER/LC/2400/1, AER/LC/9760/1 and AER/LC/2372/1** and sealed within an evidence bag with a unique seal number of LA042711 and sent them to Glen Catrine for examination the same day.

Name / Signature:

Signature Witnessed by:

Appendix 6

Mark Rogers



To The Licensing Authorities

Dear Sir

My name is Mark Rogers, I am the security/receptionist at Queen Marys University of London France house reception.

I am writing to you regarding the Low Cost Food and Wine store at 367 Mile End Road London and the restaurant, Munch next door. I frequent both these properties at least four times a week and have witnessed on numerous occasions juveniles being turned away when attempting to purchase alcohol and cigarettes and I am very impressed with the overall assistance of all the staff of both premises when local youths are causing problems with the university students. I am in consent contact with the owner Mr. Shahidur Rahman and I am very impressed with the assistance I receive from him and all of his staff regarding any possible problems between the local youths and students.

One example of many would be when recently they intervened when some local youths were attempting to steal a foreign student's telephone. This was resolved without the need to call the police thanks to Mr.Rahman and his staff.

Yours faithfully



Mr Mark Rogers.

Appendix 7

Dear to whom this may concern,

The purpose of this letter is to address the issues raised by PC Alan Cruishank which lead to the recommendation for the review and potential revocation of the premises licence of 367 mile end road. On the 22nd of April 2010 at 12:05 HM custom officers accompanied by the metropolitan police and trading standard seized goods from the property which they believed to be counterfeit and non duty paid. This was followed by the recommendation for a review: the application dated 07/07/10. The review raised the following issues (numbered below) and was initiated by the met police based on the crime and prevention objective:

1. Seizure of counterfeit Glens.
2. Seizure of Italian wines.

Following the seizure I the DPS contacted the trading standards officer (Alan Richards) initiating a meeting to follow up the issues raised. I was asked to bring in receipts for the products and the places which I had purchased them. Having passed the previous quarter ending April, all the receipts had been handed to the accountant whom submitted the accounts. Hence I handed in receipts of which I could find. I at this stage contacted my suppliers for receipts this included payless cash and carry however they wrote back to me saying that the company had gone into liquidation and they no longer took liability for anything. Later visits to the cash carry at which stage staff informed me that HM customs had seized all the good due to tax evasion and false duty stamps.

Having gone to the accountant to get receipts and files and rummage through all the other files I had I was able to compile numerous receipts for glens 70cl, Smirnoff 70cl, glens 1ltr, Smirnoff 1ltr and Stolicya and Finlandia other vodka products that had raised issues on the 22nd of April. Having been in regular contact with Alan Richards I was later able to find out that the Glens vodka seized were in fact genuine products which had been labelled with fake duty stamps.

In relation to the wine seized I was unable to find any receipts for the wine as it has to be appreciated that a large number of receipts are banked and continually checked and referred back to for pricing purposes that may have lead to the receipts being misplaced or even the actual file being lost. However the addresses of the cash and carries at which we buy the products from were disclosed and the prices ect. Another issue that was raised was the pricing strategy (2 for £5). As explained to the officer the price of the boxes of wine are on average now £16 inc VAT (during winter periods they are on average about £11+ VAT) but if you purchase 2 then you get the third for free which, essentially means that you get 3 cases of 6 wines (18 total) for £32 + VAT which is £1.85 approx per bottle enabling the business to sell Italian wine 2 for £5 as in business to retain and pull in costumers on certain products only minimal margins are made.

The conclusion at this stage is that the legitimate purchase of the vodka has been proved and even though the receipts for the wines were not found the information as to the purchase, the price and the addresses at which the products are bought has been disclosed and also officers have been invited to come cash and carrying with us if they required any further confirmation proving the legitimate purchase of the products seized.

In relation to the issues raised by the met regarding the prevention of crime and disorder the police on the first of July undertook the test of underage purchase at the property however no alcohol was served in this instance or ever at anytime before as disclosed in the letter. In the 5 years this business has been operated there has been no issues regarding the police or at any stage were the police called in due to any complaints or incidences. On this note there has never been any other problems relating to any other issues i.e. public nuisance ect ever been raised. Previous checks for illegal cigarettes fake condoms ect have also been undertaken however never at any stage were this products sold or found in this property.

This business is run under very strict management which takes pride in its customer service skills and the ability to diffuse any situation before it escalates into anything big as will its record show. We as business are also aware of local issues and activities i.e. festivals, funfairs and the University and are in regular contact with these authorities initiating a safe local environment and promoting the prevention of the crime and disorder on the premises and in the local area. All staff are trained to a very high level to maintain and improve our service to the local community and the local authority. Furthermore after this incident we have become better educated as to what to look for in counterfeit labelling and the use of neon light to check the authenticity of the product something that we were not aware of before but have now in place and used in our everyday cash and carrying.

Therefore in conclusion we have provided everything we have to prove the legitimate purchase of the product and in relation to the licensing objective we do everything in our power to promote the objective both on the property and in some instances outside the property were a situation may be happening that can be diffused. Complying with all the expectation of the property from responsible authorities and some beyond what is expected of us as a business and individuals.

Yours Sincerely



Mr. S. Rahman

I hereby sign this petition in regards to the review proposed by Tower Hamlets Council Licensing department for the alcohol licence of 367 mile end road, London, E1 4QS (Lowcost food and wine). I hereby sign this petition in full support of Lowcost food and wine and the steps taken by the business to promote the prevention of crime and disorder at the premises and in the local area. The business and its staff take all the precautions to promote all the licensing objectives and have done so since its operations began 5 years ago i.e. checking I.D., diffusing situations, monitoring the property both inside and outside ect. We are in full support of the business and the way in which it is operated and hereby give support to them in form of our signatures.

<u>Date:</u>	<u>Name:</u>	<u>Address:</u>	<u>Signature:</u>
04/08/10	SIMON MAN	[REDACTED] MILE END RD.	[REDACTED]
7/8/10	RON WEST	[REDACTED] MILE END RD	[REDACTED]
4/8/10	KAMRUL HUSSAIN	6 mile end Rd	[REDACTED]
4/8/10	JONATHAN LOH	[REDACTED] MILE END ROAD	[REDACTED]
4/8/10	SARVAEY	[REDACTED] mile end Road	[REDACTED]
04/08/10	DAVE FERRIS	[REDACTED] MILE END ROAD	[REDACTED]
04/08/10	ROBIN SMITH	[REDACTED] MILE END ROAD	[REDACTED]
04/08/10	JIM O'HAGAN	[REDACTED] MILE END ROAD	[REDACTED]
04.08.10	REG. SINGH	[REDACTED] GROVE RD E3.	[REDACTED]
05.08.10	M WARD	[REDACTED] MILE END ROAD	[REDACTED]
05-08-10	KAMAL A. CHODHRY	[REDACTED] GROVE ROAD London E3 5AX	[REDACTED]
05-08-10	MAYA WITTETON	[REDACTED] Mile End Road	[REDACTED]
05/8/10	SHAHIN SAJJAD	[REDACTED] Mile End Road	[REDACTED]
05/8/10	ROBI RODRIGUEZ	[REDACTED] WHITMAN ROAD	[REDACTED]
05/8/10	AMY MCCARTHY	[REDACTED] MILE END ROAD	[REDACTED]
06/8/10	WILLIAM MCCARTHY	[REDACTED] MILE END ROAD	[REDACTED]
06/08/10	F. RAHMAN	[REDACTED] MILE END RD	[REDACTED]

Appendix 8

List of list of residents/business in support of the premises			
	Name	Address 1	Address 2
		Address 3	
1	Simon Man	Mile End Road	London
2	Ron West	& 373 Mile End Road	London
3	Kamrul Hussain	Mile End Road	London
4	Jonathon Loh	Mile End Road	London
5	Sarvary	Mile End Road	London
6	Dave Ferris	Mile End Road	London
7	Robin Smith	Mile End Road	London
8	Jim O'Hagan	Mile End Road	London
9	Reg Singh	rove Road	London
10	M Ward	Mile End Road	London
11	Kamal Choudhury	rove Road	London
12	Maya Wittleton	a Mile End Road	London
13	Shahin Samad	Mile End Road	London
14	Robi Rodriguez	hitman Road	London
15	Amy McCarthy	Mile End Road	London
16	William Cheung	Mile End Road	London
17	F Rahman	Mile End Road	London

Appendix 9

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 10

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.

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 as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. 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 siting 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 the commission of these criminal offences, licensed premises should have in place an age verification policy. This requires 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 age verification policies may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof which bears a photograph, the individual's date of birth and a holographic mark, such as photo-driving licences, National Identity Cards, some 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 25", "Challenge 21" or other similar initiatives. Under these initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the specified age and who is attempting to buy alcohol.

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. Discounting at individual premises may be permissible provided it is consistent with the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions (see section 10). Licensing authorities are reminded that there may be a judgement needed on whether a specific promotion is responsible or irresponsible. 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 11

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.