
Appendix 1



FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) MARKWISE LTD

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>P. Fig 2</u> <u>110 WHITE CHAPEL ROAD (GROUND FLOOR).</u> <u>LONDON</u> <u>ENGLAND</u>	
Post town <u>LONDON</u>	Post code <u>E1 1JL</u>

Telephone number at premises (if any) 020 7375 3314

Non-domestic rateable value of premises £ 13,500

26 JUL 2010

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick yes
- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

B) OTHER APPLICANTS

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

Name	MARKWISE LTD
Address	110 WHITECHAPEL ROAD (GROUND FLOOR) LONDON E1 9JL
Registered number (where applicable)	7196445
Description of applicant (for example partnership, company, unincorporated association etc)	
Telephone number, if any	02073753314
E-mail (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	8	07 2010

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

Day	Month	Year

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

--

Please give a general description of the premises (please read guidance note 1)

PFC - THE PERFECT FRIED CHICKEN IS A FAMILY FRIENDLY EATRY. IT SERVES HEALTHY DISHES AND FAST FOOD OPTIONS. THERE IS A LARGE, WELL SERVICED KITCHEN IN THE BACK AND THE FRONT OF THE BUILDING HAS A RANGE OF CHAIRS AND TABLES THAT ARE SPACED COMFORTABLY APART.

THERE ARE TOILET FACILITIES FOR CUSTOMERS IN THE BASEMENT AND THROUGHOUT THE BUILDING IS WELL LIT.

THE FRONT DOOR SERVES AS THE ENTRANCE FOR CUSTOMERS AND IS ALSO THE BUILDING'S MAIN EXIT.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

- Please tick yes
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

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

B

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing					
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the facilities for making music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing		
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing			
			Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor		
				Outdoor		
				Both		
Day	Start	Finish	Please give further details here (please read guidance			
Mon						
Tue						
Wed					State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Thur						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun						

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	04:00 23:00	03:00	Please give further details here (please read guidance note 4)	Both	
Tue	04:00 23:00	03:00			
Wed	04:00 23:00	03:00			
Thur	04:00 23:00	03:00			
Fri	04:00 23:00	04:00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	04:00 23:00	04:00			
Sun	04:00 23:00	03:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed				State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun					

Box M continues on the next page...

Box M continued

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

Name

Address

Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

THERE ARE NO ADULT ENTERTAINMENT or SERVICES THAT MAY GIVE RISE IN RESPECT TO CHILDREN.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	3:00	<p>None</p> <hr/> <p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>None</p>
Tue	12:00	3:00	
Wed	12:00	3:00	
Thur	12:00	3:00	
Fri	12:00	4:00	
Sat	12:00	4:00	
Sun	12:00	3:00	

P

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

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

PERFECT FRIED CHICKEN IS A WELCOMING ENTRY WHICH ALLOWS CUSTOMERS THE OPTION OF HEALTHY MEALS AS AN ALTERNATIVE TO ONLY SERVING FAST FOOD. ALLOWING PFC TO PROVIDE REFRESHMENT LATE AT NIGHT WILL PROMOTE CHOICE, SAFETY AND EMPLOYMENT IN THE AREA. THE PREMISES DOES NOT SERVE ALCOHOL, OR HAVE ANY ENTERTAINMENT, MAKING IT AN IDEAL PEACEFUL PLACE FOR LATE NIGHT STUDENT CUSTOMERS.

WE REGULARLY CLEAN AND CHECK THE OUTSIDE PAVEMENT AREAS AND ARE IN THE PROCESS OF INSTALLING CCTV CAMERAS, THEREFORE PROMOTING SAFETY, AND VISIBILITY IN THE AREA.

b) The prevention of crime and disorder

THE PERFECT FRIED CHICKEN IS A FAMILY FRIENDLY LOCAL RESTAURANT. IT IS WELL ~~W~~ LIT AND REASONABLY BUST WITH EASY ACCESS FOR CUSTOMERS. OUR STAFF REGULARLY GO OUTSIDE TO CLEAN ~~W~~ THE PAVEMENT AND THE SHOP FRONT, THEREFORE REDUCING THE LIKELIHOOD OF CRIME AND DISORDER IN THE PROXIMITY OF THE RESTAURANT.

c) Public safety

THE RESTAURANT HAS A LARGE AND WELL ORGANISED KITCHEN WHICH IS AT AMPLE DISTANCE FROM THE BODY OF THE SITTING AREA FOR CUSTOMERS. MOST CUSTOMERS TAKE AWAY FOOD, BUT THERE ARE SPACED OUT AND WELL MAINTAINED SIT DOWN FACILITIES. THE PREMISES IS CHECKED REGULARLY BY STAFF ON A ROTA BASIS AND IS SERVICED BY TOILET FACILITIES THAT ARE CHECKED FREQUENTLY TO PREVENT ANY SLIPS OR TRIPS.

d) The prevention of public nuisance

OUR STAFF REGULARLY CLEAN THE WINDOWS AND PAVEMENTS OUTSIDE THE PREMISES. MOREOVER WE DO NOT HAVE ANY ENTERTAINMENT OR ALCOHOL. THE PFC WILL BE A PEACEFUL ALTERNATIVE TO MOST LATE NIGHT VENUES.

WE ARE IN THE PROCESS OF INSTALLING CCTV (THE FOOTAGE OF WHICH WE WILL HAPPILY SHARE WITH THE APPROPRIATE AUTHORITIES IF REQUESTED).

OVERALL WE BELIEVE PFC CONTRIBUTES TO THE DISCOURAGEMENT OF PUBLIC NUISANCE IN THE AREA.

e) The protection of children from harm

THE KITCHEN AREA IS VERY ADEQUATELY SEPARATED FROM THE MAIN BODY OF THE RESTAURANT (WHICH IS ~~NOT~~ A CHILD FRIENDLY INSTITUTION). THERE ARE NO TRIP HAZARDS, THE PREMISES IS OPEN PLAN AND WELL LIT.

THERE IS NO COMPUTER GAMES, SLOT MACHINES OR ANY OTHER POTENTIALLY HARMFUL SERVICE / FACILITY FOR CHILDREN.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

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

Signature B.M.

Date 23-07-10

Capacity DIRECTOR

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

Signature

Date

Capacity

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

Post town

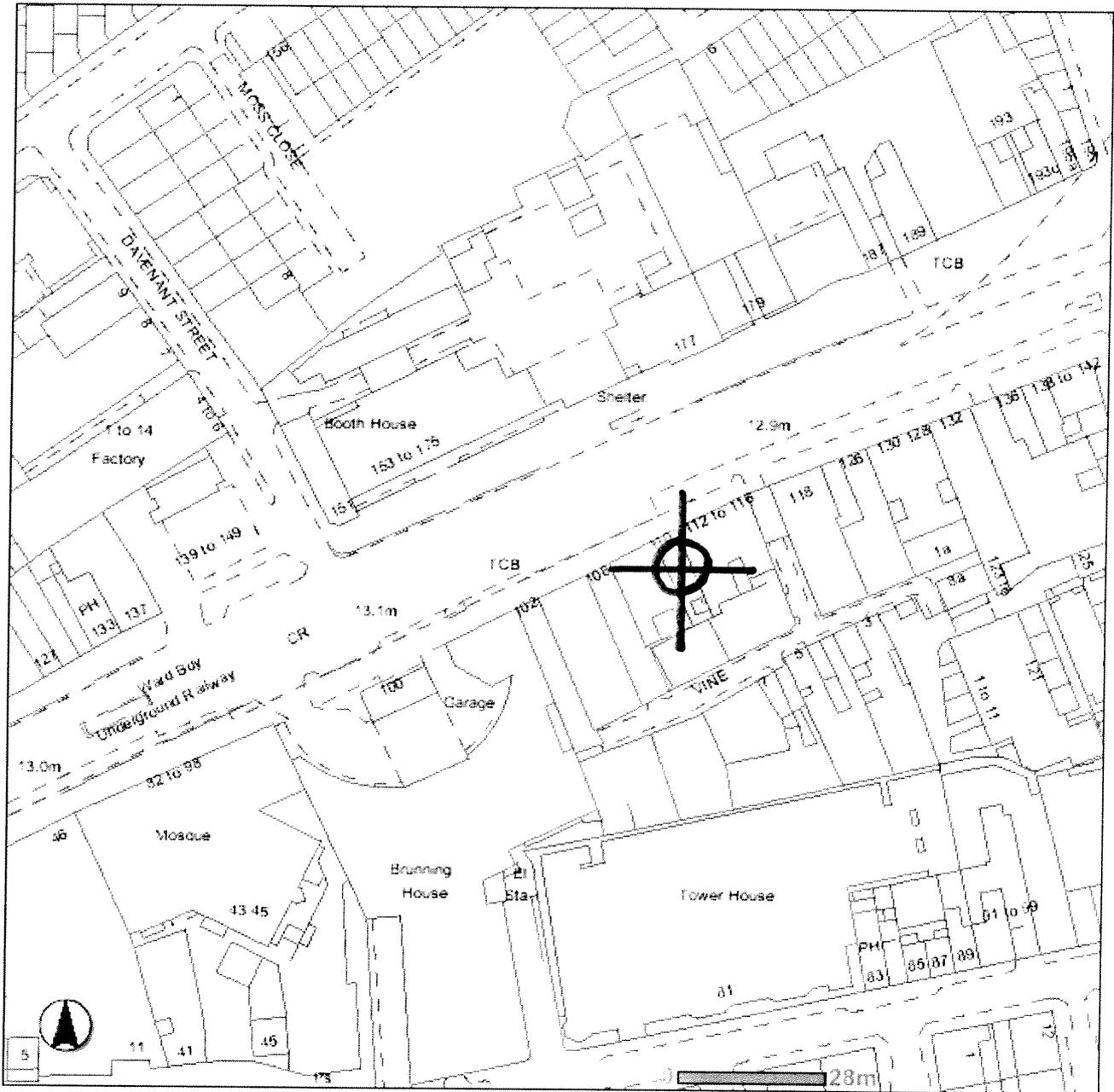
Post code

Telephone number (if any)

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

Appendix 2

Map



Scale 1:1228

Map of:

110 Whitechapel Road

Notes:

Lareg scale

Produced 28 September 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3



Working together for a safer London

TERRITORIAL POLICING

LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

**HT - Tower Hamlets Borough
Licensing Unit**

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
Bethnal Green
E2 9NZ

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:

Our ref:

18 August 2010

Dear Ms Randall

Dear Ms Randall

Re: application for a premises licence
Markwise Ltd,110 Whitechapel Road, E1 1JE

I write with reference to the above application, which was received in this office on the 2nd August 2010

Please accept this letter as notification that the police, as a responsible authority, are objecting to this application on the grounds that if granted in full, two out of the four licensing objectives will not be met; namely

Prevention of crime and disorder
Prevention of public nuisance.

Although Whitechapel Road has a number of takeaway shops all along the street, the night time economy has to be balanced between the needs of local businesses and the welfare of local residents.

The application to remain open on Friday to Saturday until 4am for late night refreshments in my opinion is excessive and would certainly have a detrimental effect on the area. I also believe the hours for the rest of the week are also excessive (all 3 am).

I believe that late night openings often attract people who are in high spirits, under the influence of alcohol who by their very nature can be loud. Of more concern is that it attracts ASB and assaults.

On Friday 18th June 2010 at about **0110**, inside No 110, now referred to as PFC2 an intoxicated victim was sitting inside at a table. He began speaking to the suspect and without warning and without any apparent reason he was punched in the face. This caused a cut to his lip. The suspect left the shop and as there was no CCTV , no further investigation was possible. CRIS 4215114/ 10 refers

On Wednesday 14th July at about **0420** the victim was standing in the queue and the suspect was in front of him. The suspect turned round and accused him of touching him. The victim had to leave the PFC to get money. On his return he was confronted by the suspect and asked to leave the shop with him. Fearing an assault he remained in the PFC. The suspect then slapped him and then threatened to shoot him. The victim and his friend managed to leave the PFC and contacted the police. The male was subsequently arrested and charged with common assault. CRIS 4217748/10 refers.

Both of the above incidents should never have occurred as the PFC should have closed at **11pm** as the applicant had no premises licence.

It was clear that the applicant was keeping his shop open after 11pm. On Friday 16th July 2010 at about 0110, PC 428HT PRASAD, who was in plain clothes attended the shop. Once again the shop was serving after hours. He spoke to a member of staff and informed him, he should be closed at 11pm. The staff member thought he could be open until 2am.
(see attached statement)

On Friday 23rd July at about 1955 I attended the PFC to speak to the applicant Mr Dudu Miah. After waiting a short while, Mr Miah appeared. At 2015, I cautioned Mr Miah, to which he made no reply. I said to him "Do you have a premises licence to be open late" he replied "No, I've applied". I said "Are you aware that you should be closed at 11pm". He replied "yes sir"

Mr Miah has completely disregarded the Licensing Act and I ask the Committee to reject this application.

Yours sincerely,

Alan Cruickshank PC 189HT

WITNESS STATEMENT

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

Statement of **Joe PRASAD** URN:

01			10
----	--	--	----

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

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

Signature: Date:

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

On FRIDAY 16th JULY 2010 at 0110 hours, I was on duty in plain clothes at PERFECT FRIED CHICKEN (PFC) 110 WHITECHAPEL ROAD E1, in company with PC 448HT Phil HOLLAND and PC 883HT Pete MCCUBBIN. I was acting on behalf of Alan CRUICKSHANK who is a licensing officer on the London Borough of Tower Hamlets. I visited PFC at 0110 hours and observed the manager (Foyisal AHMED dob 01/01/1980 of Flat 2 PATTINSON HOUSE WALLESEY STREET E1 3DR), serving hot food (A box of fried chicken with chips with sauce all over them and a can of Rubicon) to an Asian male, and then take money for it and process it through the till. I then introduced myself as a police officer to AHMED and showed him my warrant card and asked him if I could see the licence as it was not on display. AHMED replied "I will look". Five (5) minutes of looking AHMED returned to me and said "I can't find it, I will ring my boss, he will know where it is". He seemed very nervous and was evasive to questions that I asked him; and was trying to stall time as he walked back and fourth in the store. AHMED then rung his boss but there was no answer. I asked AHMED "What time are you meant to be closed?" (As I had information from CRUICKSHANK that on PFC's licence, they were meant to shut at 2300 hours). AHMED replied "2o'clock, sometimes 1 o'clock depending on our cleaning and how busy we are". I said "You are meant to shut at 2300 hours as it states on your licence". Ahmed said "I don't know I'm new here". I then said "As you have served hot food after the time that you are meant to be closed, you have breached the terms of your licence. Also not having your licence on display or not showing it to me, is also breaching terms of your licence. Therefore I am reporting you for this". At 0118 I cautioned AHMED to which he made no reply. I obtained his particulars, and as I left the store AHMED said "Do you want something to eat?" I said "No" and then left the store, as the shutters came down as we exited as if they were closing.

Signature: Signature witnessed by:

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

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

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

Dates of witness non-availability

.....

Witness care

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

Witness Consent (for witness completion)

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

Signature of witness: Print name:

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

Address and telephone number if different from above:

Statement taken by (print name): **PC 428 HT 72 / 228992 Joe PRASAD** Station: **BETHNAL GREEN**

Time and place statement taken:

WITNESS STATEMENT

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

Statement of **Andrew Jackson** URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 178779**

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

Signature: Date: **2/9/10**.....

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

I am a police licensing officer for the Borough of Tower Hamlets. On Saturday 21st August 2010 I was working in that capacity in company with PC 157HT Linda Hutchins. At 0007hrs I was in Whitechapel Road E1, across the road from the Perfect Fried Chicken situated at number 110. The area was quite busy and I was aware that the nearby Mosque had just finished. I was also aware from my colleague PC Cruickshank that this premise had no licence to serve food after 2300hrs. The premise was open with all the lights on and the front door wide open. As I watched I saw several Asian males enter the premise and also others leave the premise carrying boxes of chicken. There were also several in a group outside eating from boxes. I saw no sign that the shop was about to close. I left the area soon after.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number **0208 217 4118**.....

Mobile/pager number Email address:

Preferred means of contact:

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

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

Dates of witness non-availability **29/10/10 - 14/11/10 and 22/12/10 - 5/1/11**

Witness care

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

Witness Consent (for witness completion)

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

Signature of witness: Print name:

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

Address and telephone number if different from above:

Statement taken by (print name): **PC124HT 178779 Andy Jackson**..... Station: **Bethnal Green**.....

Time and place statement taken:

Appendix 4



TOWER HAMLETS

Memorandum

To	Licensing Department	Development & Renewal Directorate
From	Planning Enforcement	Planning Enforcement
Contact	Thomas Doyle	Mulberry Place (AH)
Extension	5204	PO Box 55739
Date	18/08/2010	5 Clove Crescent
Our Ref.		London E14 1BY
Your Ref.		Tel 020 7364 5204
Subject	Licensing Objection	Fax 020 7364 5415
		e-mail thomas.doyle@towerhamlets.gov.uk

Objection to Premises License, 110 Whitechapel Road, London, E1 1JE

The Planning Department wishes to object to the granting of a premises License at 110 Whitechapel Road, London, E1 1JE on the basis that the opening hours are excessive. Approving these hours will result in a greater degree of noise and disturbance to persons living in the area, later into the night and morning than already being caused by this venue and others in the near vicinity.

We accept that business performs an important function in supporting a night time economy. However, this has to balance against the needs of residents who reasonably expect a level of "quiet" late into the evening. Due to the properties close proximity to residential dwellings the granting of a premises license until 3.00am on Mondays to Thursdays and Sundays and until 4.00am on Fridays and Saturdays would be detrimental to the amenity of the neighbouring properties.

As an aside from this, the premise only has planning permission to operate as a class A3 (restaurant) between the hours of 8.00am and 11.00pm on any day.

Public Nuisance

Reference should be made to the Council's Licensing Policy and the framework hours for the operation of Licensed Premises. It states that more scrutiny should be given to premises operating past midnight on Friday and Saturdays, past 11.30pm on Mondays to Thursdays and past 10.30pm on Sundays. In particular the following points should be taken into consideration.

- The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises.

- The adequacy of the applicant's proposals to address the issues of (a) the prevention of crime and disorder and (b) the prevention of public nuisance.
- Where the premises have been previously licensed, the past operation of the premises.
- Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

The location of 110 Whitechapel Road is in an area where residential properties are likely to be adversely affected by noise from patrons leaving the venue.

Conclusion

Planning Enforcement **do not** support the application by 110 Whitechapel Road to extend their opening hours, as this will cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurs.

The application for a new Premises License hours is unreasonable and will not maintain a balance between commercial activities and residential amenity in an area where this is clearly required.

As an aside, the hours being applied for cannot legally be implemented as the premises does not have planning permission for the hours being requested nor is planning permission likely to be granted.

Thomas Doyle
Planning Enforcement Officer

Appendix 5

Crime and Disorder on the Premises.

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 6

Crime and Disorder From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 7

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.11**).

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

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

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

- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 8

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.10)**

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)

- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 9

Planning.

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

Appendix 10

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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