

# Appendix 1



LBTH  
LIC



TOWER HAMLETS

LICENSING ACT 2003

This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 124HT Andy Jackson on behalf of the Commissioner of the Metropolitan Police (*Insert name of applicant*) apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description London Food Centre 407 Roman Road	
Post town London	Post code (if known) E3 5QS

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

Mr Serdar Tas and Mr Armagan Akyol

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

14304

**Part 2 - Applicant details**

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

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

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

**Surname**  **First names**

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) DETAILS OF OTHER APPLICANT

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

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

Telephone number (if any) 0208 217 4118

E-mail (optional) Andy.Jackson@met.police.uk

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

Please tick one or more boxes

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

**Please provide as much information as possible to support the application (please read guidance note 2)**  
This review is submitted under the crime and disorder licensing objective.

Following a recent review of the premise licence when the evidence was heard a decision was made to allow the shop to sell alcohol until 2300hrs. A condition was added to the licence allowing them to stay open until 0100hrs and to thereafter cease all trading connected with the business until 0800hrs the following morning. The Committee did however warn the new owners who were present, that they were fortunate to keep the licence, saying that it was because they were prepared to draw a line under the behaviour of the previous operators.

On Saturday 7th August 2010 I was engaged in some late visits when at 0155hrs I passed the shop which had all the lights on, all the shutters up and people inside. I went inside and both the premise licence holders were present. I was aware that I was followed in by a male who went browsing around the shop. Standing at the counter were 2 people who were purchasing a soft drink and a sandwich. All the shutters for the alcohol displays were up. When asked why they were still open Mr Tas stated that he was waiting for a delivery of fruit and vegetables. I told him that the shop should be closed and left the shop.

On Tuesday 10th August Mr Tas and Mr Akyol both attended Bethnal Green Police Station to discuss that incident. Again they claimed that they were expecting a delivery. I explained several times about their licence, about not selling alcohol after 2300 and closing completely at 0100hrs. When they left the police station they said that although they hadn't fully understood at the time they did now.

After they left I sent them a letter explaining it once again so they could refer to it if they had a problem. A copy of this letter is attached to these papers dated and sent 10th August.

I contacted local residents to see if they were experiencing any problems with the premise. One of the residents contacted me to say he had just returned from holiday and passed the shop at 0130hrs on Sunday 15th August when he noticed that it was still open.

On Friday 13th August Sgt Burke parked opposite the premise at 2340hrs. She observed several customers leaving with bottles in bags, one of these appeared to be wine bottles and beer cans. On entering the store she saw 2 people present, one was Mr Tas. The large shutters were pulled over a wine display but beers were displayed at the bottom. The 2 chiller cabinets

were uncovered. From one of these she selected a can of Strongbow cider and some fruit. She paid but was not offered a receipt. This can is exhibited by Sgt Burke. A statement of this visit is also attached.

The new operators of this premise say the right things when required but fail every time they are tested. Mt Tas keeps telling me that he wishes to apply to open later at night and that he will show me that the shop can be run the right way. The above evidence shows that they appear to be failing in that.

The last line of my letter dated 10th August warned them that any further breaches of the premise licence will be dealt with by way of review. In submitting these papers I have kept my word.

As this is the 4th time in 2 years that I have reviewed this premise I request that the premise licence be revoked.



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

Please tick ? yes  
x

If yes please state the date of that application

Day		Month		Year			
0	1	0	8	2	0	0	8

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

**I have made 3 previous reviews of this premise between Aug 2008 and May 2010.**

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 Please tick  yes

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

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

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

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

Signature

.....  
Date 17th August 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.





Working together for a safer London

TERRITORIAL POLICING

Serdar Tas and Armagan Akyol  
London Food Centre  
407 Roman Road  
E3 5QS

HT - Tower Hamlets Borough  
HT - Whitechapel Police Station

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

Telephone: 02082174118  
Facsimile: 0208217 6688  
Email: Andy.Jackson@met.police.uk  
www.met.police.uk

Your ref:  
Our ref:

10 August 2010

Dear Sirs,

I am writing to you today following our meeting at Bethnal Green Police Station this morning. You attended the police station following my late night visit to your premises last Saturday 7th August 2010.

This visit by me at 0155hrs found your shop to be open, all the lights on both inside and out, all the shutters up including the ones for alcohol. I came into your shop following another male and I found both of you inside the shop. Mr Tas was serving 2 customers at the counter, a black male and a female. They were purchasing a sandwich and a soft drink. The other male went looking around the shop and I left before he may have bought something. I asked why you were still open as you made an undertaking at a licensing review hearing that you would cease all trading and close at 0100hrs. You stated that you were waiting for a delivery. I told you this was not allowed and left the shop.

You have come into the station today to discuss this with me and have stated that you didn't understand about condition on the licence that says you cannot even sell groceries after 0100hrs and must therefore close.

I now wish to clarify in writing what I said to you both which you have indicated to me that you now understand.

**You cannot sell alcohol after 2300hrs any day of the week for any reason. At 2300 you should close all the shutters on the displays of alcohol as displaying alcohol for sale outside these times is an offence with a penalty of 6 months imprisonment and/or £20,000 fine.**

**These shutters should remain closed until 0800 the next morning when the hours for selling alcohol begin again.**

**Between 2300 and 0100hrs the shop can stay open to sell grocery items only.**

**At 0100hrs the shop must cease trading altogether. You can sell nothing at all and the outside shutters must be closed. If as you stated, you are waiting for a delivery the shop should remain closed and the front door opened to allow the delivery to take place. The shop should be locked again after the delivery has been completed.**

Both of you were present at the review hearing when this was explained to you, and an amended copy of the Premise Licence has been hand delivered by a council officer.

Following the receipt of this letter there can be no room for misunderstanding. I am tasked with regular late visits and will be looking to see that these conditions are observed. I have also requested that the local residents report any issues they may have surrounding the shop.

As warned at the meeting, any further breaches of the Premise Licence will be dealt with by way of a review.

Yours sincerely,

**Andy Jackson**

### 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 Jane Burke ..... URN: 

--	--	--	--

Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: **Police Sergeant 26HT 82/007648** .....

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


Signature:  .. Date: 16th August 2010 .....

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

I am a Police Sergeant based at Tower Hamlets Police in charge of the Licensing Unit for the Borough. I write this statement with reference to London Food Centre 407 Roman Road E3 5QS. I am aware that the venue has a premise licence allowing the sale of alcohol until 2300hours on a Saturday evening and that the premise should be closed by 0100hours.

On Friday 13th August 2010 at about 1140hours I was on duty in plain clothes driving an unmarked police vehicle. I was in company with PC 189HT Alan Cruickshank, a member of the Police Licensing Unit. At about 1135hours I drove to Roman Road E3 where I parked in a residential parking bay directly opposite The London Food Centre. The lights of the premises were on and there were food stalls with fruit and vegetables outside the store. I observed a dark coloured car parked to the right of the store directly in the mouth of Ellesmere Road E3. The car doors were open and I saw a smartly dressed male and female walking from the direction the car into the store. A third smartly dressed male was standing in the shop doorway smoking a cigarette. After a few minutes I saw the smartly dressed male and female come out of the venue carrying blue plastic bags which appeared to contain large bottles. The females bag contained bottles in the shape of large coke bottles. The male was carrying two bags were several bottles inside, the shape of wine bottles and beer cans. The three persons got into the dark coloured car and it drove away.

I then parked the police vehicle went into the store. I noticed that there were two male staff member in the front of the store. The older male, who I believe to be the Manager, Mr Tas, was behind the counter and the younger male standing in front of the counter. I noticed that large shutters were pulled over what appeared to be a display of wines and beers to the right of the store. A row of beers including cans of stella artois could be seen on the bottom row. There were two chiller cabinets in front of me. None of the chillers were covered. The one against the back wall was full of bottles and cans of beers, alcopops and ciders. I selected one can of strongbow "black"

Signature:  ..... Signature witnessed by: *P, 26 HT* .....

Continuation of Statement of .....

cider. This I produce as exhibit JS/1. I went to the counter and to pay for the can of cider and one nectarine. Mr Tas requested one pound and thirty pence in money. I handed over two pounds and thirty pence and he gave me one pound in change but no receipt. I then left the store. I later placed the exhibit JS/1 in an exhibit bag and placed the details in book 66 at Bethnal Green Police Station (66/ 1843/10 refers).

Signature: .....

2003(1)

*P. S. 26*  
Signature witnessed by: .....



# Appendix 2



**Decision of Licensing Sub Committee of 12<sup>th</sup> May 2009**

Members considered the evidence presented by Local Residents and the Police

**In relation to the following licensing objectives:**

Crime and Disorder

In that the following matters were discussed:

Public Nuisance

Public Safety

Protection of children from harm

and, on balance, considered that the licensing objections would best be met by the following conditions:

**Sale of Alcohol**

Hours for the Sale of Alcohol

08.00 to 23.00 Monday to Saturday

10.00 to 22.30 Sunday

**Conditions**

A Refusal book be maintained

A Member of staff conversant with the CCTV System to be on the premises at all times

And a reduction of the hours of Sale of Alcohol



## **Decision of Licensing Sub Committee of 29<sup>th</sup> June 2010**

Reasons for allowing the premises licence to continue but with conditions added:

Members heard representations from PC Jackson and Mr Taskiran and Mr Tas. It was noted that a reduction of opening hours has been offered and it was considered necessary to reduce these hours for the promotion of the licensing objectives for the prevention of crime and disorder.

Members were prepared to draw a line under the previous activities, however were concerned about the sale of alcohol outside the permitted hours. The explanation of Mr Taskiran is not accepted and Members considered it necessary to suspend the licence for the first Friday and Saturday following despatch of the notification letter of the decision.

Members were aware of and bore in mind the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy and, on balance, considered that the licensing objections would best be met by the following conditions:

1. The opening times to be restricted to 07:00 hours – 01:00 hours

No activities shall take place at the London Food Centre, 407 Roman Road, London E3 5QS between the hours of 01:00 hours – 07:00 hours.



# Appendix 3







# TOWER HAMLETS

Licence / Registration

Certificate Number

14304

**(London Food Centre)**  
407 Roman Road  
London  
E3 5QS

**Licensable Activities authorised by the licence**  
The sale by retail of alcohol

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

**Signed by**

**Jacqueline Randall**  
**Acting Team Leader, Licensing**

**Date: 10<sup>th</sup> October 2006**

(As amended 24<sup>th</sup> April 2007)  
(As amended by Committee on 12<sup>th</sup> May 2009)  
(As amended by Committee on 29<sup>th</sup> June 2010)

**FOR OFFICE USE**

Receipt Number	Fee Paid	Fee Req.	Date	Initial
----------------	----------	----------	------	---------

72065 Lic Act Cons & Lic Prem Lic Roman Rd 407.Lic02.doc



**Part A - Format of premises licence**

Premises licence number

14304

**Part 1 - Premises details**

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

(London Food Centre)  
407 Roman Road

**Post town**  
London

**Post code**  
E3 5QS

**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**

**Sale by retail of alcohol:**

- Monday to Saturday from 08:00 until 23:00 hours
- Sunday from 10:00 until 22:30 hours

**The opening hours of the premises**

- Monday to Sunday 07:00 – 01:00

**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**

Mr Armagan Akyol



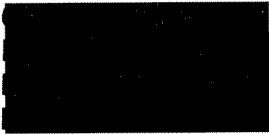
Mr Serdar Tas



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

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

Mr Serdar Tas



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

**Personal Licence Number:** 

**Issuing Authority:** 

## **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

### **Effective from 10<sup>th</sup> October 2010:**

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

1. CCTV to be fully operational within the premises and a camera placed outside the premises, which is able to record the entrance door. These recordings to be available to Police at all times. The system to be digital or if video used then there must be 31 tapes kept for at least one month.
2. At ALL TIMES from 11pm there will be a personal licence holder working in the premises.
3. Proof of age posters to be clearly displayed within the premises.
4. After the hour of 11pm there must be two members of staff working in the premises.
5. The premises to keep an incident book, which must be completed daily.
6. Notices to be displayed reminding customers that CCTV is in operation.
7. Panic alarm system connected directly to the Police to be installed and maintained

8. All emergency exits shall be kept free from obstruction at all times.
9. Clear and legible notices will be prominently displayed to remind customers to leave quietly.
10. Customers who appear to be under the age of 21 shall be required to prove they are over 18 by way of photographic identification. Notices shall be displayed requiring persons who appear to be under the age of 21 to prove they are over 18.
11. The licensee and staff will ask persons who appear to be under the age of 18 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

**Annex 3 - Conditions attached after a hearing by the licensing authority.  
(Review Hearing 12/05/2009)**

1. A refusal book is to be maintained
2. A member of staff conversant with the CCTV system to be on the premises at all times.

**(Review hearing 29/06/2009)**

3. No activities shall take place at the London Food Centre, 407 Roman Road, London E3 5QS between the hours of 01:00 hours – 07:00 hours
4. The licence is suspended on Friday 2<sup>nd</sup> June and Saturday 3<sup>rd</sup> June 2010.

**Annex 4 - Plans**

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

18<sup>th</sup> July 2006



**Part B - Premises licence summary**

**Premises licence number**

14304

**Premises details**

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

(London Food Centre)  
407 Roman Road

**Post town**  
London

**Post code**  
E3 5QS

**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

**Sale by retail of alcohol:**  
Monday to Saturday from 08:00 until 23:00 hours  
Sunday from 10:00 until 22:30 hours

The opening hours of the premises

Monday to Sunday 07:00 – 01:00

Name, (registered) address of holder of premises licence

Mr Armagan Akyol Mr Serdar Tas

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)

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

Mr Serdar Tas

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

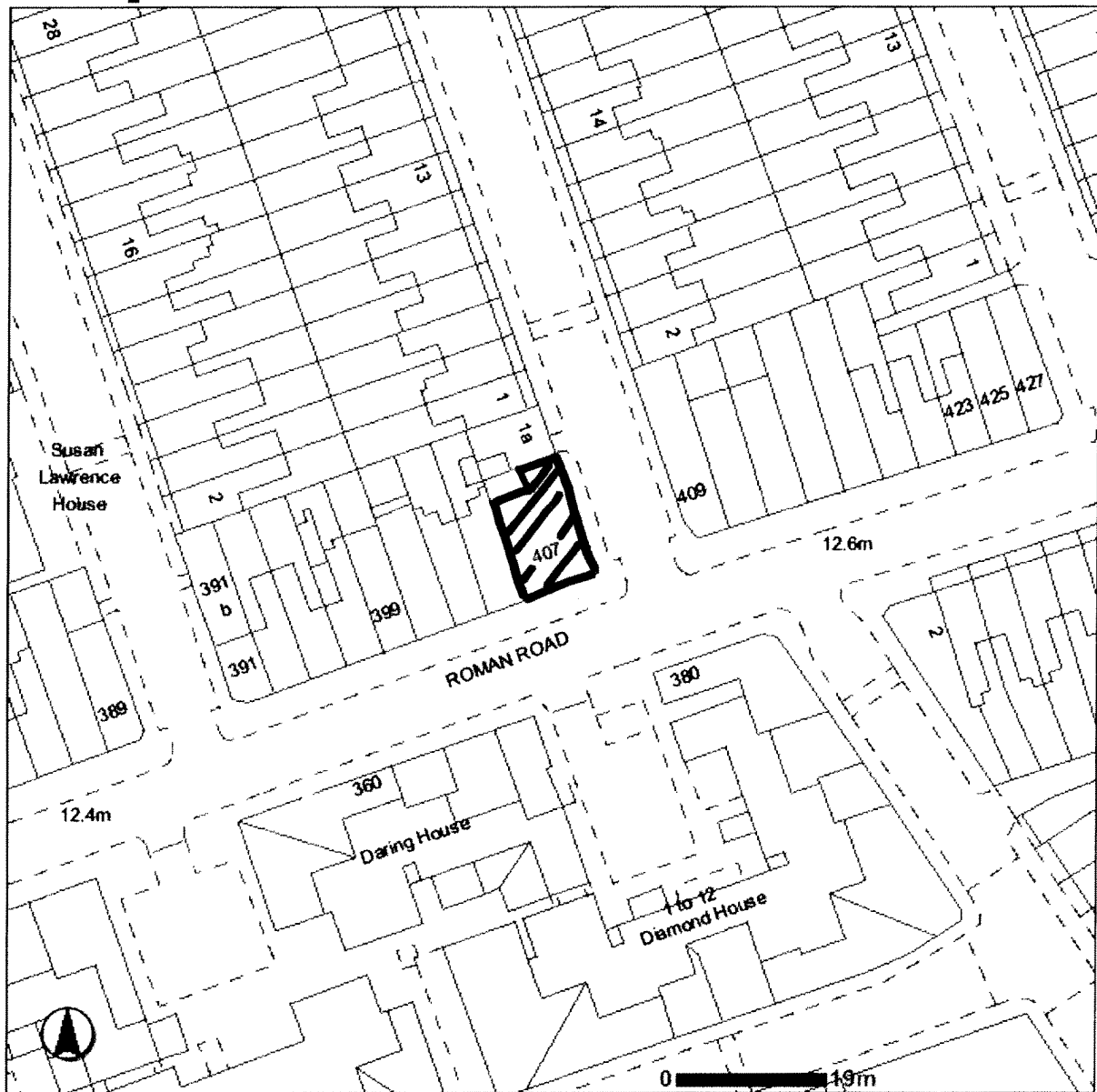
No



# Appendix 4



# Map



Scale 1:814

Map of:

## 407 Roman Road

Notes:

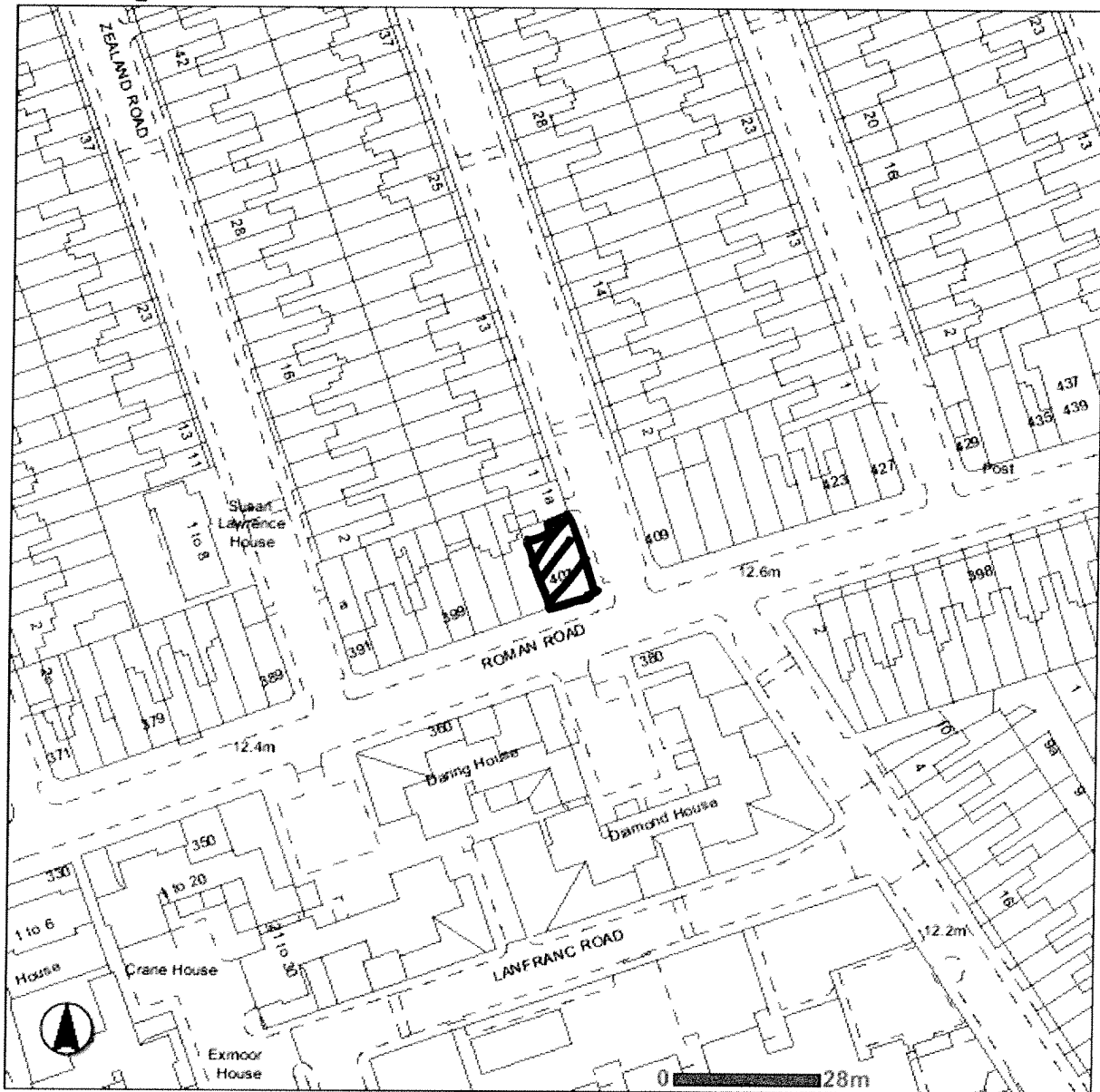
Produced 22 October 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

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

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Map



Scale 1:1228

Map of:

## 407 Roman Road

Notes:

Produced 22 October 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 5



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

### **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:  
to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

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

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.



11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

# Appendix 6



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

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

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

### **Pool Conditions**

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

### **Annex D**

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

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

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

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

## CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

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

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

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

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

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

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

### **Text/Radio pagers**

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

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

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

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

- the text/pager equipment is kept in working order at all times;
  - the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
  - any police instructions/directions are complied with whenever given;
- and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

### **Door supervisors**

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
  - the number of supervisors;
  - the displaying of name badges;

- the carrying of proof of registration;
  - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

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

### **Bottle bans**

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

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

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

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

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

### **Plastic containers and toughened glass**

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

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



### **Open containers not to be taken from the premises**

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

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

### **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise 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 these crimes, it may be necessary for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or other similar initiatives. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

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

### **Crime prevention notices**

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

### **Drinks promotions**

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and

irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

### **Signage**

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

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

### **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

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

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

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.



# Appendix 7





## **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.