

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I John Patrick McCrohan

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Cost Price , 41 Brick Lane	
Post town	Post code (if known) E1 6PU

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

Number of premises licence or club premises certificate (if known) 12661
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Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

n/a

First names

n/a

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

n/a

Post town

n/a

Post Code

n/a

Daytime contact telephone number

n/a

E-mail address (optional)

n/a

(B) DETAILS OF OTHER APPLICANT

Name and address

n/a

Telephone number (if any)

n/a

E-mail address (optional)

n/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address John McCrohan Licensing Authority Trading Standards and Licensing Service London Borough of Tower Hamlets Mulberry Place (AH) PO Box 55739 5 Clove Crescent London, E14 1BY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)
Please refer to attached document.

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

Please refer to attached document.

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

n/a

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date 15th October 2013

Capacity **TRADING STANDARDS AND LICENSING MANAGER**

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

London Borough of Tower Hamlets

Cost Price , 41 Brick Lane, London, E1 6PU

Licence No **12661** (Licence Holder — Mr Mohammed Shilu Chowdhury)

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

London Borough of Tower Hamlets – Licensing Authority

REPRESENTATIONS

-
1. The Licensing Authority is designated a 'responsible authority' for the purposes of the Act and it is raising this Review in relation to the prevention of Crime and Disorder licensing objective, and public nuisance licensing objective.
 2. The premises at **41 Brick Lane**, a venue known as Cost Price, holds a Premises Licence under the Licensing Act 2003, numbered **12661** .
 3. The Premises Licence Holder and Designated Premises Supervisor at the premises is — Mr Mohammed Shilu Chowdhury .

Drinking control zone

4. The Council has introduced Designated Public Place Orders (DPPO),” a drinking control zone” across the Borough having been satisfied that there was an alcohol related nuisance or annoyance to the public in the Borough.

Saturation policy

5. The Premises is within the cumulative impact policy zone (saturation policy) that is currently in the progress of being implemented. The justification for a saturation policy in Brick Lane can be summarised as:-

- A) There are already over 207 Licensed Premises within this small area;
- b) The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime);
- c). It is responsible for 8% of all crime within Tower Hamlets;
- d) . It is responsible for the highest level of complaints about street drinking;
- e) . 22% of all police calls to licensed premises are in the Brick Lane Area;
- f.) There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area;
- g) . LBTH has the second highest level of ASB in London;
- h) . The highest rates of ASB in the Borough are in the Brick Lane Area;

- i) . ASB is now decreasing in the Borough and Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents;
- j) . LBTH has significantly worse alcohol related harm indicators compared with regional and national averages;
- k) . There is a steady increase in ambulance call outs in the Brick Lane Area;
- l) . The Brick Lane Area has a vibrant and expanding night time economy which has led to a sizeable and steady increase in visitors to the area;
- m) . Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.

Brick lane – Shoreditch ASB/crime hot spot

6. The Licensing Authority understands that the Brick Lane/Shoreditch triangle that runs across Islington, Hackney and Tower Hamlets is flagged as a crime and disorder hotspot of the similar magnitude as Westminster. To address this, the Metropolitan Police is extending its Operation Trafalgar to include Brick lane and the Shoreditch area.

Crime and disorder

Seizure of illicit tobacco – caution

7. On 17th September 2009, Mr Mohammed Shilu Chowdhury received a caution for offences under the Consumer Protection Act 1987 following a seizure of illicit

tobacco that did not bear UK health warnings, nor duty paid markings. A copy of the caution is attached.

Under age sale of alcohol

8. On 14th December 2010, a sale of alcohol was made to an under-age test purchaser. A letter of warning was sent, a copy of which is appended.

Seizure of smuggled wine

9. On 10th May 2011, a quantity of smuggled wine was seized by Her Majesty's Revenue and Customs (HMRC) during a partnership visit with the Police and Trading Standards.

Test purchase Sunday 15th September 2013 at 00:45 – opened bottle of cider

10. In the early hours of Sunday 15th September 2013, a Smoke Free Technical Officer purchased a bottle of Pear Kopperberg cider. She asked the seller to open the bottle and using a bottle opener, he opened the bottle, taking its cap off.
11. On the 22nd September 2013, the premises declined to open a bottle of alcohol, telling the test purchaser that it was, "... not allowed...".
12. The Licensing Authority is of the view that the test purchase on 15th September 2013, shows that the premises is facilitating the immediate consumption of the

alcohol in the public areas in and around Brick Lane. The Public consumption of alcohol in the Brick Lane area in the early hours of a weekend increases the risk crime and disorder and public nuisance.

Public nuisance

Hostels nearby – homeless medical centre

13. The Licensing Authority has been advised by the **Public Health, Education, Social Care & Wellbeing Directorate** that the premises is in the proximity to the following three hostels:

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Booth House, 153-175 Whitechapel Road, London, E1 1DN

14. Also, the premises is also in the proximity of Health E1, 9-11 Brick Lane London E1 6PU, and a homeless medical centre.

15. It is the Licensing Authority's contention that the because of lack of management control of the business, there is a foreseeable risk that sales of alcohol will be made to vulnerable adults, leading to public nuisance.

Licensing authority concerns - management of premises in hot spot area

16. The Licensing Authority has serious concerns regarding the general management of the premises as a result of the above. In particular because of the nature of the area and concerns about crime and disorder, protection of children and public nuisance, the Licensing Authority needs to have confidence that licensed premises in the Brick Lane area are managed in way to ensure the Licensing objectives are met. The Licensing Authority does not have confidence that the management of the premises by the Premises Licence holder will ensure that the Licensing objectives are met.

17. This Service respectfully refers the Licensing sub-committee to the Guidance issued under Section 182 of the Licensing Act 2003 by the HOME OFFICE. In particular the Service requests that you consider paragraphs 11.24 to 11.28, *Reviews arising in connection with crime*, making reference to paragraph 11.25. Paragraph 11.27 states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of licensed premises for, amongst other things, the sale of smuggled tobacco and alcohol. In paragraph 11.28 the guidance advises that revocation of the licence should seriously be considered, even at first instance.

18. The Licensing Authority respectfully requests that the Licensing sub-committee; in order to improve the management of the premises in accordance with the Council's Licensing Policy and concerns about crime and disorder, and public

nuisance the applicant seeks changes the terminal hours and adds the conditions as follows to the premises licence.

Earlier terminal hour

19. The times the licence authorises the carrying out of licensable activities are changed as follows:-

"The sale by retail of alcohol ,Monday to Sunday 08 00 hrs to 23:00"

Conditions

20. Conditions:-

- 1) The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless 3 or more bottles/cans are purchased together;
- 2) During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups,
- 3) During a sale of alcohol, the premises will not open any container the alcohol is contained in;
- 4) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

5) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable
- V.

6) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

7) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

8) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately. "

John Patrick McCrohan

Trading Standards and Licensing Manager

London Borough of Tower Hamlets

**Trading Standards and
Environmental Health
(Commercial)**

Mr Shilu Chowdhury
T/A Cost Price
41 Brick Lane
London
E1 6PU

Head of Service **Colin Perrins**

**Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY**

Date: 17/09/2009

Tel [REDACTED]
Fax 020 7364 6901
Enquiries to **Alan Richards**
Email
[REDACTED]

Your reference
My reference: AER/PSU 2316

www.towerhamlets.gov.uk

Dear Mr Chowdhury,

Consumer Protection Act 1987

Following on from our recent communications regarding the offences of 3rd March 2009, relating to possession of non UK tobacco products, I am in receipt of your signed simple caution and voluntary surrender notice.

Due to time limits imposed by the legislation we have decided however not to accept the simple caution and are minded to issue a letter of warning only on this occasion. The simple caution will not therefore be registered with the Office of Fair Trading.

I think it would be fair to say that you have been fortunate to avoid prosecution for this offence and you should treat this as a warning. Should you be found in possession of similar tobacco products in the future then we will not hesitate to institute proceedings, with each offence carrying a maximum penalty of up to £5,000.

If you have any query with regards these matters please call me on the number above.

Yours sincerely

Alan Richards
Trading Standards Officer

*Corporate Director
Communities, Localities and Culture
Stephen Halsey*

Mr M. S. Chowdhury
82 Vaughan Gardens
Ilford
IG1 3PD

Date 18/1/2011

Your reference
My reference P3385

**Communities Localities & Culture
Trading Standards and
Environmental Health
(Commercial)**

Head of Service **Colin Perrins**

Mulberry Place (AH)

PO Box 55739

5 Clove Crescent

London, E14 1BY

Tel [REDACTED]

Fax **020 7364 6901**

Enquiries to **Ian Moseley**

Email
[REDACTED]

www.towerhamlets.gov.uk

Dear Sirs

**Licensing Act 2003, Section 146/147: sale of alcohol to person under the age of 18 years.
Cost Price 41 Brick Lane, London, E1 6PU**

I understand from our records that you are the licensee and designated premises supervisor for the above premises.

As you may be aware, on the 14th of December 2010 a volunteer under the age of 18 was able to buy alcohol at those premises from a Mr Mohammad Ambia. At the time the matter was dealt with by the issue of a Police Penalty Charge Notice.

Sale of alcohol to persons under 18 years of age is an offence under the provisions of Section 146 of the Licensing Act 2003.

I must point out that the Council takes a very serious view of breaches of this legislation and should any further such offences take place then this may lead to prosecution of the offender and or review of the licence. A review of the licence may result in additional conditions, suspension of the licence for a fixed period, or revocation.

A second underage sale within 3 months can result (currently) in suspension of the licence for up to 48 hours or prosecution with a fine of up to £10,000. There are proposals that will raise this to 14 days suspension or £20,000.

Test purchase exercises of this sort are being carried out throughout the year and you should ensure that you and your staff are fully aware of the legal requirements and take the necessary steps to ensure you comply.

We would recommend that you adopt the following policies if not already in place.

*Corporate Director
Communities, Localities & Culture
Stephen Halsey*

1] Introduce a strict 'Challenge 21' policy and 'No ID, No sale' policy which is supported by signage at all entrances and in the serving area.

2] Only documents which include a photograph of the purchaser are acceptable to prove that persons age, e.g. passport, new style driving licence and only PASS - approved age cards, e.g. Portman card, citizens card.

3] Maintain a 'Refusals book' which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The licensee or the Designated Premises Supervisor should monitor the Log on a regular basis and sign it to show it has been done.

Yours Faithfully

Ian Moseley
Trading Standards Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey

Prosecution reference number: 003857

PROSECUTION DETAILS

PROSECUTION NUMBER: 003857

LA REFERENCE:

UNIT: TS - Trading Standards
OFFICER: SJR - Sean Rovai
OPEN DATE: 12/05/2011
DATE CLOSED: 14/09/2011
ACTION: T06 - Investigation completed - nfa
FEE: 0.00
PAYMENT RECEIVED: No

DESCRIPTION OF OFFENCE

HMRC seizure of non-duty paid wine

DEFENDANT'S DETAILS

PREMISES REF: F179TH41BR/1

NAME: Cost Price
ADDRESS: 41 Brick Lane
London
E1 6PU

AREA: Tower Hamlets
WARD: Spitalfields and Banglatown

TEL NO: [REDACTED]
UPRN/USRN: 6001207
EASTING: 533892.0
NORTHING: 181727.0

ASSOCIATED NAMES AND ADDRESSES

OFFENCE DETAILS

<u>ST.</u>	<u>DESCRIPTION</u>	<u>SECTION</u>	<u>OFFENCES</u>	<u>RES</u>	<u>PEN</u>	<u>FINE</u>	<u>ADVOCATE</u>	<u>ANALYST</u>	<u>PROSECUTE</u>	<u>PURCHASE</u>	<u>WITNESS</u>
L23	Licensing Act 2003 (Smuggled 1		0			0.00	0.00	0.00	0.00	0.00	0.00

COURT DETAILS

OPEN DATE: 12/05/2011
DATE OF OFFENCE: 10/05/2011
DATE CLOSED: 14/09/2011

FURTHER ACTION

ITEM EVENT DESCRIPTION

SCH. DATE ACT. DATE OFF

ACTION TYPE: T06 - Investigation completed - nfa

Action record initiated under record number 238138

ITEM EVENT DESCRIPTION

SCH. DATE ACT. DATE OFF

1	108	Please note information	12/05/2011	01/09/2011	JMC
2	T18	TS Visit Other Bodies		10/05/2011	SJR

STATEMENT OF WITNESS

(C.J ACT 1967, S.9; M.C. ACT 1980 S102; M.C. Rules 1981 r 70)

Statement of: Shola Thompson

Age of Witness: **Over 18**

Occupation of Witness: Smokefree Technical Officer

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

Dated: 20th September 2013

Signed _____

I, Shola Thompson produced this witness statement. I am currently working for London Borough of Tower Hamlets Council as a Smokefree Technical Officer as part of the Environmental Health Smokefree Team. I am an authorised officer under the Health Act 2006.

On the early hours of Sunday 15th September 2013 at 12:45am, I visited, Cost Price off licence at 41 Brick Lane, London, as part of a planned licensing enforcement visit. I was accompanied by Rahel Zaman, Food Safety officer.

On arrival there were two in the store, one male by the door and another behind the counter, we went straight to the fridge and I retrieved a bottle of Pear Kopperberg and Rahel got a can on coke. We then approached the man behind the counter who later identified himself as Mr Shabbil Khan to pay for the drinks. After paying for the drinks I asked Mr Khan if he had a bottle opener to which he replied that he did, I then asked him if he could open the bottle of Pear Kopperberg for me, and he opened the bottle. At that moment we identified ourselves and he was then verbally advised on the conditions of the Licensing Act 2003.

I observed the license displayed on the wall, store was licensed to open until 1am. We left the store at 1am, on leaving I emptied the contents of the opened bottle of Kopperberg into the drain and disposed of the bottle in the bin.

Signature _____

Signature Witnessed by _____

Appendix 2

(Just Price)
41 Brick Lane
London
E1 6PU

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 2 October 2006

Licence amended following the licensing subcommittee hearing of 10th July 2008



Part A - Format of premises licence

Premises licence number

12661

Part 1 - Premises details

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

(Just Price)
41 Brick Lane

Post town
London

Post code
E1 6PU

Telephone number
[REDACTED]

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

The sale by retail of alcohol

- Sunday to Thursday, from 11:00 hours to midnight
- Friday and Saturday, from 11:00 hours to 01:00 hours

The opening hours of the premises

- Sunday to Thursday, from 11:00 hours to midnight
- Friday and Saturday, from 11:00 hours to 01:00 hours

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

Off sales only

Part 2

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

Mr Mohammed Shilu Chowdhury

[REDACTED]

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

Not applicable

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

Mr Mohammed Shilu Chowdhury

[REDACTED]

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

Licence Number : [REDACTED]

Issuing Authority : [REDACTED]

Annex 1 - Mandatory conditions

4.

- (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.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. Adult entertainment is not permitted.
2. CCTV shall be maintained and operational at all times.
3. Request photographic identification to anyone appearing to be underage and service shall be refused if this is not produced.
4. Outside areas of the premises to be kept clear and clean.

Annex 3 - Conditions attached after a hearing by the licensing authority Licensing subcommittee hearing of 10 July 2008

1. CCTV must be working at all times the premises are open for business. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month.
2. A refusal book shall be kept and maintained.

Annex 4 - Plans

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

15 April 2008



Part B - Premises licence summary

Premises licence number

12661

Premises details

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

(Just Price)
41 Brick Lane

Post town
London

Post code
E1 6PU


Telephone number

Where the licence is time limited the dates

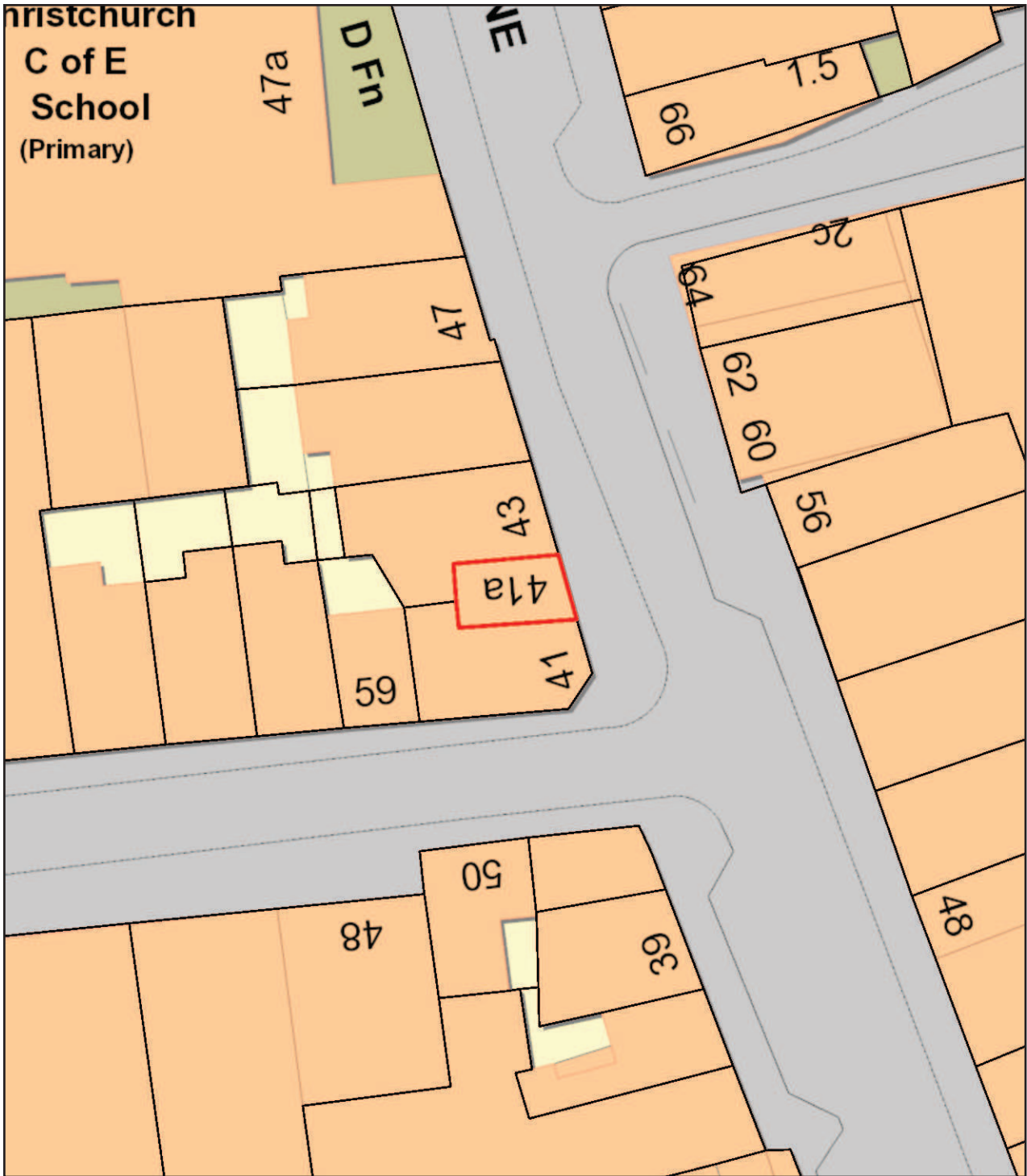
N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities	<p><u>The sale by retail of alcohol</u></p> <ul style="list-style-type: none"> • Sunday to Thursday, from 11:00 hours to midnight • Friday and Saturday, from 11:00 hours to 01:00 hours
The opening hours of the premises	<ul style="list-style-type: none"> • Sunday to Thursday, from 11:00 hours to midnight • Friday and Saturday, from 11:00 hours to 01:00 hours
Name, (registered) address of holder of premises licence	<p>Mr Mohammed Shilu Chowdhury</p> 
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Off sales only
Registered number of holder, for example company number, charity number (where applicable)	Not applicable
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Mr Mohammed Shilu Chowdhury
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 3

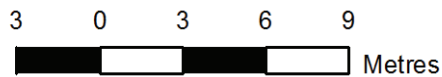


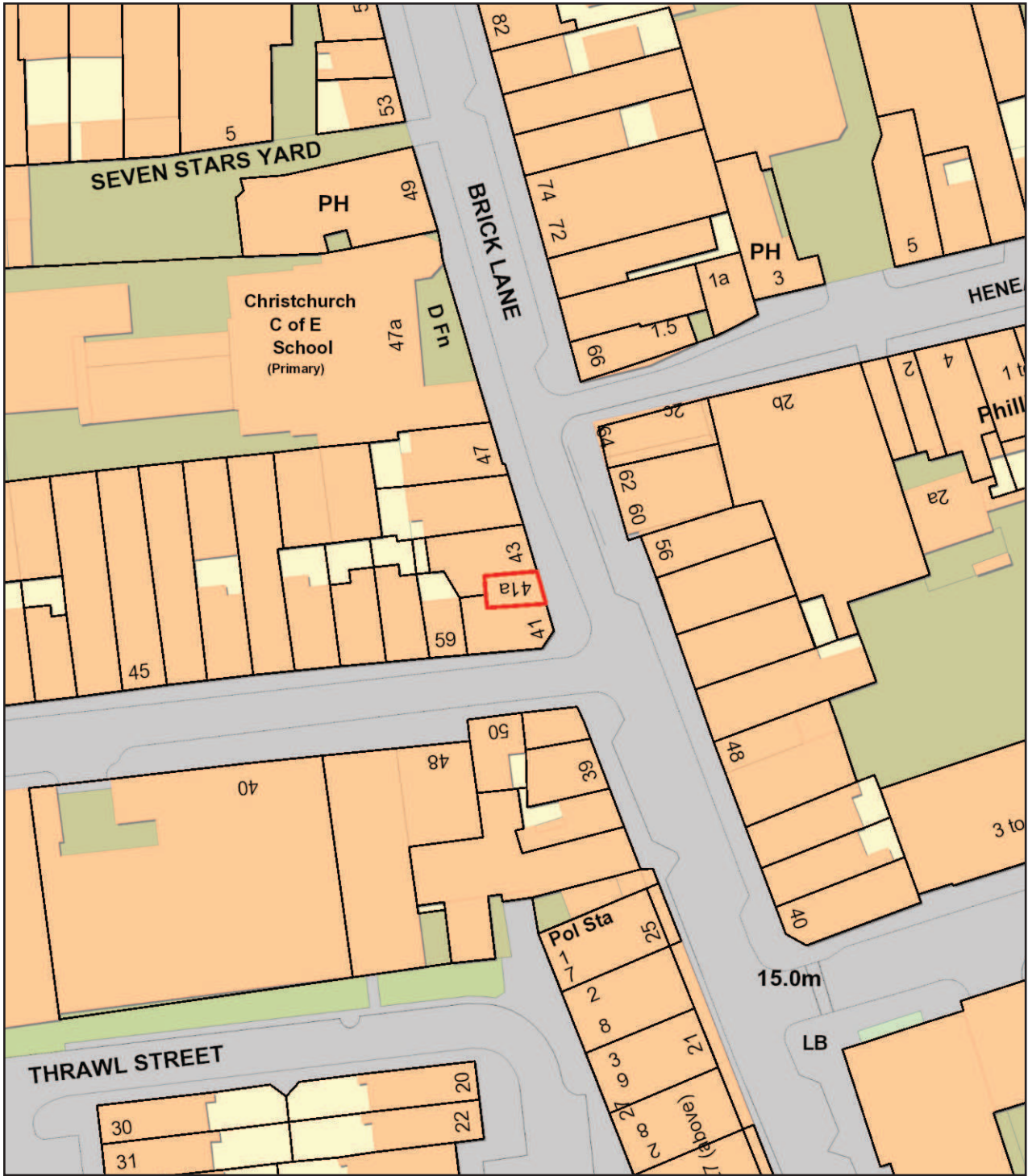
41 Brick Lane

Map 1



Scale 1:334





41 Brick Lane

Map 2



Scale 1:668



Appendix 4

Statement of Objection to Licence Application

41 Brick Lane

12th November 2013

Prof Karim Brohi


Re: 41 Brick Lane License Application

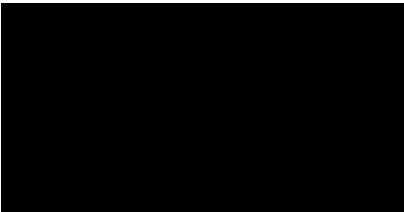
Dear Mr Heron, Licensing Team,

I wish to object to the license application for sale of alcohol at 41 Brick Lane on the grounds of public disorder, antisocial behaviour and threats to public safety. This off-licence, along with others along Brick Lane, fuels the antisocial behaviour experienced by business and residents along the whole length of the high street. This is especially true out of hours (after 11pm) where the off-licences become venues for street drinking parties, especially of students and tourists. These disturb businesses and residents with shouting, screaming and singing and then deteriorate into violence and antisocial behaviour including urination and vomiting in the street. They are also focuses for local gangs and drug dealers who use the crowds for their illegal activities and target vulnerable people.

As the council has identified, the Brick Lane area is saturated with premises that sell and deliver alcohol. Many of these off-licenses operate outside the bounds of their licence or actively breach the regulations of the licensing act on a regular basis. These premises must have their licenses revoked if Brick Lane is to become a safe and enjoyable place for businesses, residents and visitors.

Off-licences that operate beyond 11pm serve no useful purpose to the neighbourhood and only fuel crime, public disorder and antisocial behaviour. Those premises that have not broken the law or regulations should still have their hours limited to 11pm. Only in this way can some order be returned to a neighbourhood that is out of control.

Yours sincerely



Appendix 5

Andrew Heron

From: Joyce Fenton-Douglas [REDACTED]
Sent: 09 November 2013 16:02
To: Andrew Heron
Cc: Licensing
Subject: Review of Premises Licence for 41 Brick Lane, E1

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 41 Brick Lane, E1 I am writing to register my objection to the licence to sell alcohol already in operation at 41 Brick Lane, London E1.

I consider the operation of this licence very unlikely to satisfy the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance, in that the off-sales of alcohol made from these premises are likely to fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and nuisance and sometimes lead to fights and other forms of assault in the streets.

Off-sales of alcohol at this location actually constitute a danger to Public Safety, as the premises are close to a number of hostels for the homeless that house many highly vulnerable members of society. We believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to these people who are already having a very hard time in life and who could do without an inducement to drunkenness right on their doorstep.

Additionally these such off sales make a huge problem for pubs in the area such as The Pride of Spitalfields, which is opposite our building, because people buy cheaper off sales and then consume them while joining the crowds outside the pub, making a general noise and access nuisance for residents.

There are far too many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses.

Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Joyce Fenton Douglas

[REDACTED]
[REDACTED]

Appendix 6

Andrew Heron

From: Alex Gordon Shute [REDACTED]
Sent: 10 November 2013 20:46
To: Andrew Heron; Licensing
Subject: Alcohol Licence Review for 41 Brick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Andrew Heron and Licensing Officers,

My Partner (Dick Tyler) and I live at 36 Princelet Street, just off Brick Lane and we wanted to register our objection to the licence to sell alcohol already in operation at 41 Brick Lane, London E1.

The licence at 41 Brick Lane is fuelling acts of drunkenness and anti-social behaviour in the immediate vicinity and further up Brick Lane. It is also close to a group of hostels for the homeless which house those who, in a significant number of cases, have or have had problems with alcohol. It seems extraordinarily unsupportive of their recovery efforts to sell alcohol so close to them and where anti-social behaviour by others is likely to make their lives harder rather than easier.

There are already too many off-licences in Brick Lane – a lot more than are currently needed to provide wine and beer to customers of the curry houses. I would therefore ask the Licensing Sub-Committee to revoke this licence.

Best wishes,

Alex Gordon Shute



Appendix 7

Andrew Heron

From: Jane Curtis [REDACTED]
Sent: 09 November 2013 19:11
To: Andrew Heron; Licensing
Subject: Review of 41 Brick Lane

Dear Andrew Heron

Review of Premises Licence for 41 Brick Lane, E1

We would like to support the review of the premises licence for 41 Brick Lane, London E1. These premises are incapable of upholding the licensing objectives in particular:

- the prevention of crime and disorder
- the prevention of public nuisance

As a long term residents of Spitalfields we have seen the availability of alcohol from off licences, including 41 Brick Lane, lead to an intolerable increase in anti social behaviour and street drinking, which has made living in the area very challenging. The problem of alcohol abuse in Spitalfields is well documented. We ask the licensing department to revoke this licence and support all sections of this diverse community in feeling safe in their homes.

There are many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses. Licences should only be given to licence holders who have proved that they respect the licensing laws and who are willing to uphold the licensing objectives at all times.

Yours sincerely,

Jane Curtis

Keith Bowler

[REDACTED]

[REDACTED]

Appendix 8

Andrew Heron

From: Critchley [REDACTED]
Sent: 09 November 2013 11:25
To: Andrew Heron; Licensing
Cc: [REDACTED]
Subject: Premises Licence at 41 Brick Lane, E1

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 41 Brick Lane, E1

The Committee of the Spitalfields Society has asked me to register our objection to the licence to sell alcohol already in operation at 41 Brick Lane, London E1.

We consider the operation of this licence very unlikely to satisfy the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance, in that the off-sales of alcohol made from these premises are likely to fuel acts of drunken and unruly behaviour from their patrons, contributing significantly to the high levels of anti-social behaviour resulting from indiscriminate alcohol consumption in the locality that cause residents endless stress and nuisance and sometimes lead to fights and other forms of assault in the streets.

Off-sales of alcohol at this location actually constitute a danger to Public Safety, as the premises are close to a number of hostels for the homeless that house many highly vulnerable members of society. We believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to these people who are already having a very hard time in life and who could do without an inducement to drunkenness right on their doorstep.

There are far too many off-licences in Brick Lane, far more than are currently needed to provide wine and beer to customers of the curry houses. Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Appendix 9

Andrew Heron

From: Spitalfields Community Group [REDACTED]
Sent: 07 November 2013 20:56
To: Licensing
Cc: Alan Cruickshank
Subject: application to review the premises licence at 41 Brick Lane E1

Dear Sir/Madam,

Spitalfields Community Group supports the application to review the premises licence at 41 Brick Lane E1.

Spitalfields Community Group (SCG) was formed in September 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, exacerbating the negative impact on us of the night time economy. In accordance with this focus, SCG has recently supported the adoption of a cumulative impact zone for the Brick Lane area, within which the premises at 41 Brick Lane is situated.

The location of an off licence here is particularly inappropriate given its proximity to several hostels for the homeless, amongst whom a high rate of alcohol abuse is prevalent. It is close to the Dellow Centre in Wentworth Street, operated by the homeless charity Providence Row, and to the Hoptown Hostel in Old Montague Street, operated by the Salvation Army. An off-licence so close to is clearly morally irresponsible and can only prey on those most vulnerable in our community.

Street drinking, both by homeless people and by visitors to this area, already causes unwanted noise and nuisance, litter and ASB. Street urination as a result of street drinking is a growing and recognised problem. There is no provision of public lavatories in the area. Sales of alcohol here undoubtedly contribute to public nuisance with the resulting loss of amenity to surrounding residents.

ASB caused by excessive alcohol consumption in the Brick Lane area is well documented, with many recent reports by residents of problems caused by drunken patrons at night and throughout the weekend. These problems include noise nuisance (screaming, shouting, swearing, singing, playing music etc) litter and vandalism to cars and homes, street urination and defecation, vomiting, and aggressive and intimidating behaviour. Patrons leaving Brick Lane for surrounding transport hubs pass along residential streets causing unwanted mayhem and misery. The high crime incident rate in the Brick Lane is fuelled, at least in part, by off licences. The strain on police and public health resources is unacceptable.

For the reasons above Spitalfields Community Group supports the application to review the licence of 41 Brick Lane E1.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 10

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 08 November 2013 15:57
To: Licensing
Cc: David Tolley; John Mccrohan; [REDACTED]
Subject: Review of the Alcohol Licence of 41 Brick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

I believe that LBTH Licensing Department is carrying out a review of the licence to sell alcohol as an "off-licence" of 41 Brick Lane, Spitalfields.

I would like to take this opportunity to request any Licensing Hearing to completely revoke the alcohol licence for this retail establishment on the grounds of endangering Public Safety.

41 Brick Lane is located relatively close to Hopeton House and the Dellow Centre, both of which are Hostels for the homeless that house many highly vulnerable members of society. I believe it is wholly inappropriate for any retail outlet to be allowed to sell alcohol over the counter so close to so many vulnerable people.

On these grounds I urgently request that any alcohol licence should be wholly revoked.

I am raising this objection (if I may) in three capacities;

- As a resident of Spitalfields
- As Chair of the Spitalfields & Banglatown Police Ward Panel
- As Chair of SPIRE (the ASB Working Group) – an umbrella organisation representing over 600 households in the Brick Lane area who are members of the six major local community groups.

Please would you acknowledge receipt of this email.

Yours faithfully,
Jon Shapiro.

[REDACTED]

[REDACTED]

Appendix 11

**Public Health, Education, Social Care &
Wellbeing Directorate
Commissioning & Health**

London Borough of Tower Hamlets
5 Clove Crescent
Mulberry Place, 4th Floor
London, E14 2BG

Tel: [REDACTED]

Email: [REDACTED]

www.towerhamlets.gov.uk

12th November 2013

Dear Mr McCrohan,

Re: Representation from the Director of Public Health

As the responsible body for health the Director of Public Health would like to make a representation on the licensing review application for the premises at 41, Brick Lane.

Grounds for representation:

The location of the premises poses a high risk of public nuisance and public safety through the inappropriate and unregulated alcohol consumption among vulnerable adults.

The premises is in the proximity to the following two hostels and medical practice (within 5 minutes walking distance):

- Hopetown Hostel, 60 Old Montague Street, London, E1 5NG
- Dellow Centre, 82 Wentworth Street Dellow Centre London, E1 7SA
- Health E1, 9-11 Brick Lane London E1 6PU, a homeless medical centre

The majority of residents and patients of these services are considered to be vulnerable adults due to mental health problems and factors such as homelessness and substance misuse which can lead to them being unable to take care of themselves or protect themselves without help.

The misuse of alcohol – whether as chronically heavy drinking, binge-drinking or even moderate drinking among vulnerable people –poses a threat to the health and wellbeing of the drinker and also poses a risk to the community through problems such as noise nuisance, anti-social behaviour and street loitering.

Alcohol problems are more common among people with mental health problems and consumption can reveal or intensify underlying feelings of anger, anxiety or worthlessness, causing people to become aggressive when they become intoxicated. The impact of alcohol is heightened among vulnerable adults and therefore can increase the risk of public nuisance and potentially crime and disorder in the community. To reduce the risk of this wider social harm it is particularly important to regulate alcohol consumption among this target group.

Recommendations:

The location of this premises poses a higher risk of public nuisance and concerns for public safety due to inappropriate and unregulated alcohol supply among vulnerable adults.

In a motion to avoid the risk of public nuisance and address concerns for public safety, the DPH would recommend that due consideration is given to the following restrictions. The premises:

- Only supply alcohol between 12:00 until 22:00, Sunday to Saturday
- Given the offences outlined in the A&Y Wines application for the review of a premises licence (prepared by John P. McCrohan -Trading Standards and Licencing Manager) which includes selling alcohol to a drunken person, supply of cup with alcohol purchase and drinking from plastic cups outside the premises, the DPH is supportive of the other restrictions proposed such as the named licensee must be on premises at all times.

Yours sincerely,

Dr Somen Banerjee
Director of Public Health
Education, Social Care and Wellbeing Directorate
London Borough of Tower Hamlets

Appendix 12



**HT - Tower Hamlets Borough
HH - Limehouse Police Station**

Licensing Unit at Old Cad Room
Limehouse Police Station

████████████████████
████████████████████
Telephone:
██
████████████████████

19 October 2013

Tower Hamlets Police support the review by Tower Hamlets Council of Cost Price 41 Brick Lane, on the grounds of Crime and Disorder.

Brick Lane an Overview

Between 10pm on Friday night and 2:00am Monday morning Tower Hamlets is second only to the West End for ASB calls to Police in London, this is shown on Page 1 of the appendix. Brick Lane is a Hot Spot for alcohol related anti-social behaviour, noise, inconsiderate behaviour and overall anti-social behaviour, as shown in pages 2 - 6 of the appendix. This is due in large part to the number of licensed premises in and around Brick Lane.

While the larger licensed premises such as Café 1001, Vibe Bar, Big Chill and others attract people to the area and can be described as “destination venues”, the off licenses like Cost Price are places where people go to purchase alcohol to drink in the Brick Lane area before they enter the larger venues. Many of those people consuming alcohol in Brick lane having purchased them from the local off licenses are responsible for a large proportion of the anti-social behaviour reported to both the Police and Tower Hamlets Council. Many of these people have usually already consumed alcohol prior to entering Brick Lane.

They stand around the off licenses or in the immediate vicinity, usually in small groups and as they drink more alcohol their voices become louder and their behaviour more inconsiderate to people around them. As they are loitering in Brick Lane drinking the alcohol they have bought from the local off licenses they attract people who want to sell them Nitrous Oxide (laughing gas) from balloons, and also people who want to sell them drugs.

Many of the Off licenses are open after these larger venues close, and people then purchase more alcohol from them as they leave Brick Lane to go on to venues that are still open. This contributes to a “double hit” of alcohol related crime and antisocial behaviour caused by customers of the night time economy as they come into, and then leave the Brick lane area. As the table on page 7 of the appendix shows over 25% of all crime in Spitalfields and Banglatown ward is committed between 8:00pm to 2:00am Friday to Sunday. The table on page 8 of the appendix shows that 20% of all crime in Weavers ward is committed between 8:00pm to 2:00am Friday to Sunday

All the off licenses and indeed all the licensed premises in and around Brick Lane have been made aware by the Police that encouraging people to consume alcohol in the Brick Lane area only contributes to the level of anti-social behaviour and crime. They have been asked not to sell plastic or paper cups, not to open containers of alcohol for customers, all of which contribute to the alcohol related anti-social behaviour in the area.

The negative effects of the “Night Time Economy” are also demonstrated in the data provided by the Director of Public Health data which was provided to Full Licensing Committee in October 2013. The data in table 1 that Spitalfields and Banglatown ward and Weavers ward, both of which cover Brick Lane have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Cost Price

I have conducted numerous patrols in Brick Lane, and on many of those patrols I have seen people outside Cost Price consuming alcohol either standing directly outside the store, or a few meters away. These people are usually in groups of about 5 or 6 and sometimes many more. Their voices are loud and their behaviour is often anti-social due to their loud voices and drunken antics.

The fact that Cost Price has opened a bottle of alcohol during a LBTH test purchase is concerning as it raises the question of how many bottles of alcohol they have opened for customers. Brick Lane is part of the "Drinking Control Zone" so by opening drinks containers for customers, the shop is in my opinion encouraging and assisting its customers to breach Tower Hamlets own policy.

18th October 2013

On Friday 18th October at about 9:10 pm I was in plain clothes and conducted a test purchase. I purchased a 20cl bottle of Smirnoff Vodka, a can of Red Bull sugar free and 7 foam cups. I then identified myself as a Police Officer and was joined by LBTH licensing Officer Alex Lisowski and LBTH planning officer Gerard McCormack. Both Alex Lisowski and myself pointed out to the sales person that selling alcohol, mixers and foam cups contributed to alcohol related anti-social behaviour. The sales assistant, Mr Shabbir Khan said that he had not been working at the shop for long. Gerard McCormack then said that he had conducted a visit to the store about 6 months ago and that he (Mr Khan) had been serving customers then as well.

I then asked to see the Refusals book, which is a condition of the license. Mr Khan could not produce the book. I asked Mr Khan where he recorded any instances of refusing to sell alcohol or tobacco to customers, Mr Khan replied that he did not record them anywhere.

A short while later we were joined by Mohammed Choudhury the son of the owner. I explained to him what had happened. Mr Choudhury said he spoke to Mr Khan who said that initially he had offered me a bag of 25 foam cups. I replied that he did, but that there was an open bag of foam cups behind the counter and I had told Mr Khan that I only wanted a few cups, which he then sold me. I asked Mr Choudhury and Mr Khan why they had an open bag of 25 foam cups behind the counter, and only 7 cups left. They told me that they were for the use of staff in the shop but when they looked in the bin behind the counter they could not produce any of the cups the staff had allegedly used. I believe that the shop sells these cups to customers to use to consume alcohol in Brick Lane, and in the immediate vicinity of the shop.

I asked Mr Choudhury where the refusals book was, but he also was not able to produce it. I asked him how he could demonstrate that he was refusing to sell alcohol to those under the age of 18 or who were drunk, he replied that he could not. I then issued Mr Khan with a Section 19 Closure Notice for failing to have and maintain a refusals book, in accordance with the premises license.

I then asked him to download the CCTV coverage of my visit. Mr Choudhury told me that he could not as only his father had access to the system. I told him this was unacceptable, and that I would be back on Wednesday 23rd October to collect a copy. He should be able to contact his father and get the code to download the CCTV by then. I told him that if this was not done that I would consider that his CCTV was not working, which would be a breach of his license and I would issue a second Section 19 Closure Notice.

Given the evidence from Tower Hamlets Licensing and our own evidence Tower Hamlets Police fully support the review, which we believe will help reduce crime and disorder in the area. In addition to the conditions sought by Tower Hamlets Council, we also ask for the following condition to be added to the License:

1) A personal license holder to be at the venue while the shop was open to the public.

We also ask that the CCTV condition be amended to:

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

Yours sincerely,

PC Mark Perry
Tower Hamlets Police Licensing Officer

Appendix 13

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 14

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

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

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

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

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

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;

- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

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

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

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

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

CAPACITY LIMITS

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

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises). Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban

defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

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

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

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

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

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

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

Appendix 15

Appendix 15

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.

Appendix 16

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

PUBLIC NUISANCE

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns

raised in relevant representations and additional conditions may be appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Appendix 17

London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

8 Prevention of Nuisance

8.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

8.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.

8.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.