

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 A&Y WINES, 116 Brick Lane	
Post town	Post code (if known) E1 6RL

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

Number of premises licence or club premises certificate (if known) 14799
--

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) john.mccrohan@towerhamlets.gov.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 | <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

[Redacted Signature]

Date

8th 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

A&Y Wines, 116 Brick Lane, London, E1 6RL

Licence No **14799** (Licence Holder — Mr Abdul Wahid 106 Brick Lane London E1 6RL)

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 116 Brick Lane, a venue known as A&Y Wines, holds a Premises Licence under the Licensing Act 2003, numbered [REDACTED]
 3. The Premises Licence Holder and Designated Premises Supervisor at the premises is Mr Abdul Wahid 106 Brick Lane London E1 6RL following a transfer that was completed in April 2011.

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

Seizures of illicit alcohol

7. On 15th April 2011, 2 bottles of counterfeit Jacob's Creek wine were seized from the premises. A written warning was given for possible offences under Section 92 of the Trade Marks Act 1994.

Test purchase 23/8/13 at 23:28 - miniature bottle of brandy – cup

8. On 23rd August 2013, Consumer and Business staff, two Environmental Health Officers, entered the shop at about 23.28. A customer was seen buying a large bottle of spirits and a large bottle of Coca cola. The customer asked the man behind the counter if he could have some cups. The staff member asked: "How many?" The male shop keeper serving the customer with said cups and said "we want to keep everyone happy". The customer then paid and left the premises.
9. One of the EHOs purchased a bottle of mini Martel brandy, a can of ginger beer, which she had picked up from the . After she received the drinks from the seller she asked for a cup. The seller behind the counter gave her a white plastic cup. She paid £3.60.

Observations on the night of 5th October 2013 – members of the public drinking from plastic cups outside A&Y WINES LTD

10. On the night of Saturday 5th October 2013, Environmental Health Officers observed groups standing outside A&Y WINES LTD, with small bottles of alcohol drinking from plastic cups.
11. The Licensing Authority is of the view that the test purchase 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 in the early hours of a weekend increases the risk crime and disorder and public nuisance.

**Intelligence report from a Tower Hamlets Enforcement Officer –
selling to a drunken person**

12. A Tower Hamlets Enforcement Officer reported that on Saturday the 30th June 2012 at approximately 0100 hours whilst patrolling BRICK LANE E1 opposite the junction of FASHION STREET E1, he stopped a MALE for being very drunk unable to speak clearly and very unsteady on his feet. The male was also in possession of one can of Skolls alcohol which he stated that he had just bought. The THEO along with the drunken individual took the alcohol back to where he had bought it from: A&Y Off Licence 116 BRICK LANE E1.
13. The THEO saw Abdul QUDDUS a worker at the shop, who refunded £1.30 for the alcohol. QUDDUS was given a verbal warning for selling to a clearly drunk MALE.

Public nuisance

Hopetown Hostel nearby

14. The Licensing Authority wishes to draw the sub-committee's attention to proximity of the premises to the nearby Hopetown Hostel. A map is appended showing the proximity of the Hopetown Hostel to the premises. Local residents complain that Residents from Hopetown Lifehouse and their acquaintances often congregate between the junction of Osborne Street/Brick Lane and Old Montague Street/Wentworth Street. Hopetown Hostel is one of a number of

premises in and around the Brick Lane area that house vulnerable adults. It is the Licensing Authority's contention that 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.

Business links with off licence premises ROBI'S at 106 BRICK LANE

15. Abdul Wahid, the premises licence holder gives the address 106 BRICK LANE, across from 116 BRICK LANE. 106 BRICK LANE is the address of ROBI'S, an off-licence business that had a premises licence in the name of S&B WINES LTD, a limited company that was subject to voluntary dissolution in December 2010.

16. The voluntary dissolution of S&B WINES LTD came to the attention of the Licensing team whilst preparing a Licensing Review against S&B WINES LTD. Section 27 of the Licensing Act 2003 states that a premises licence held by a dissolved Limited company lapses. There is a procedure to apply for an "interim authority" but that has to be completed within 28 days of the dissolution. An application for an "interim authority" was out of time and hence the premises licence at 106 BRICK LANE has lapsed.

17. Abdul BASHIR is a director of S&B WINES LTD (106 BRICK LANE) and also a director of BRICK LANE WINES LTD, 116 BRICK LANE

18. The sole director of S&B WINES LTD was Abdul Bashir.

19. The sole director of BRICK LANE WINES LTD is one ABDUL BASHIR, a limited company showing its registered office as 116 BRICK LANE.
20. Licensing records show that the annual premises licence fee was paid in 2012 by Abdul QUADDUS.
21. Furthermore, Licensing records show that the annual premises licence fee was paid in 2011 by AK WINES LTD, a limited company which has its registered office at 116 BRICK LANE; Abdul QUADDUS is shown as a director.
22. A new premises licence application has been received for 106 BRICK LANE, and Abdul QUADDUS is named as the proposed DPS.
23. It is the Licensing service's view that the businesses at 106 Brick Lane and 116 BRICK LANE are controlled by the same individuals and as such can be viewed as one operation.
24. The Licensing Service was in the process of triggering a review arising from concerns about the management of 106 Brick Lane. It follows that the Licensing Service has to draw the sub-committee's attention to the issues it was raising about 106 BRICK LANE which were:-

- **Unlicensed sale of alcohol on 4th October 2013** by one Abdul Quaddus

- **Breach of condition** “.Alcohol shall not be sold in an open container or be consumed in the licensed premises
- **Three Seizures** of smuggled alcohol
- A **written warning** in 2009 for an under-age sale of alcohol to a test purchaser

Licensing authority concerns - management of premises in hot spot area

25. 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.

26. 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.

27. The Licensing Authority therefore respectfully submits that the Licensing Sub-Committee considers whether it should exercises its power under Section 52 of the Licensing Act 2003 and revoke the premises licence.

28. Should the Licensing sub-committee choose not to revoke the premises licence, the Licensing Authority respectfully requests that the Licensing sub-committee considers its power to impose a suspension of the premises licence for a period of time that the sub-committee thinks is appropriate; and 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 to have the terminal hours changed and the conditions below added to the premises licence.

29. 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"

30. Conditions:-

- 1) The premises will not sell any beer, larger 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

Welcome John McCrohan

Sunday 29th September 2013 16:12

Officer Details

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Page no. 1

Surname: WAHID

Forename: ABDUL

Postal Address: CO. DUBLIN STREET



Date of Birth:

Number of Current Appointments: 0

Number of Dissolved Appointments: 1

Number of Resigned Appointments: 1

Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
S & B WINES LIMITED					
04532796	Dissolved	SEC	13 Sep 2002		SERVICE
KW WINE LTD					
06837833	Dissolved	DIR	05 Mar 2009	20 Mar 2009	BUSINESSMAN

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Welcome John McCrohan

Friday 4th October 2013 09:42

Company Details

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Company Details

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Name & Registered Office:

BRICK LANE WINE LTD

116 BRICK LANE

LONDON

UNITED KINGDOM

E1 6RL

Company No. 08453672

Status: Active

Date of Incorporation: 20 Mar 2013

Country of Origin: United Kingdom

Company Type: Private Limited Company

Nature of Business (SIC(03)):

None Supplied

Accounting Reference Date: 31 Mar

Last Accounts Made Up To: (NO ACCOUNTS FILED)

Next Accounts Due: 20 Dec 2014

Last Return Made Up To:

Next Return Due: 17 Apr 2014

Previous Names:

No previous name information has been recorded over the last 20 years.

[View Company Appointed Officer List](#)

[View Company Filing History](#)

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Welcome John McCrohan

Friday 4th October 2013 09:41

Officer Details

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Page no. 1

Surname: BASHIR
Forename: ABDUL
Postal Address: 116 BRICK LANE
 LONDON
 UNITED KINGDOM
 E1 6RL
Date of Birth: 03 Dec 1989

Number of Current Appointments: 2
Number of Dissolved Appointments: 0
Number of Resigned Appointments: 0

Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
SHEBS WINE LTD 08094924	Active	DIR	06 Jun 2012		BUSINESSMAN
BRICK LANE WINE LTD 08453672	Active	DIR	20 Mar 2013		BUSINESSMAN

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Welcome John McCrohan

Friday 4th October 2013 09:41

Officer Details

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Page no. 1

Surname: BASHIR
Forename: ABDUL
Postal Address: 116 BRICK LANE
LONDON
UNITED KINGDOM
E1 6RL
Date of Birth: 03 Dec 1989

Number of Current Appointments: 2
Number of Dissolved Appointments: 0
Number of Resigned Appointments: 0

Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
SHEBS WINE LTD 08094924	Active	DIR	06 Jun 2012		BUSINESSMAN
BRICK LANE WINE LTD 08453672	Active	DIR	20 Mar 2013		BUSINESSMAN

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Welcome Ian Moseley

Friday 4th October 2013 10:15

Companies House Search

Company Details

<< Hid

Name & Registered Office:

AK WINE LTD

116 BRICK LANE

LONDON

ENGLAND

E1 6RL

Company No. 06597819

Status: Active

Date of Incorporation: 20 May 2008

Country of Origin: United Kingdom

Company Type: Private Limited Company

Nature of Business (SIC(03)):

47250 - Retail sale of beverages in specialised stores

47260 - Retail sale of tobacco products in specialised stores

Accounting Reference Date: 30 Jun

Last Accounts Made Up To: 30 Jun 2012 (TOTAL EXEMPTION SMALL)

Next Accounts Due: 31 Mar 2014

Last Return Made Up To: 20 May 2013

Next Return Due: 17 Jun 2014

Last Members List: 20 May 2013

Previous Names:

No previous name information has been recorded over the last 20 years.

View Company Appointed Officer List

View Company Filing History

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Welcome Ian Moseley

Friday 4th October 2013 10:16

Officer Details

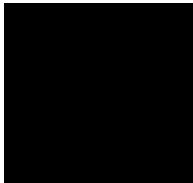
< < Back

Page no. 1

Surname: QUADDUS

Forename: ABDUL

Postal Address:



Date of Birth:

Number of Current Appointments: 2

Number of Dissolved Appointments: 0

Number of Resigned Appointments: 1

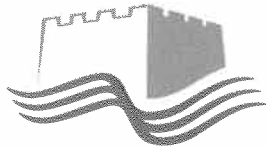
Company No.	Company Status	Appt. Type	Appt. Date	Appt. Resignation Date	Occupation
AK WINE LTD 06597819	Active	DIR	20 May 2008		BUSINESSMAN
SHISH MAHAL DINING CLUB LTD 07763624	Active	DIR	09 Sep 2011		BUSINESSMAN
ROBI`S (UK) LTD 06705304	Dissolved	DIR	23 Sep 2008	25 Nov 2010	BUSINESSMAN

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TOWER HAMLETS 5x5x5 INTELLIGENCE REPORT

Report	
Date of report:	30/06/2012
Officer reporting:	Barwell TH 5004
Directorate:	CLC
Department:	THEOs
Report subject:	1 x Intelligence Report
Flare number:	THEO/2012/0125

1x Intelligence Report

On Saturday the 30th of June 2012 at approximately 0100 hours whilst patrolling BRICK LANE E1 opposite the junction of FASHION STREET E1 I stopped a MALE who I now to be

XXXXXXXXXX
E1 7SA

CSAS OFFICER TH5004 BARWELL

The reason for stopping the xxxxx was due to him being very drunk unable to speed clearly and very unsteady on his feet. XXXX was also in possession of one can of Skolls alcohol which he stated that he had just bought. XXXX then took the alcohol back to where he had bought it.

A&Y Off Licence
116 BRICK LANE E1

I saw as Abdul QUDDUS a worker at the shop refunded him £1.30 for the alcohol.

I then issued QUDDUS with a verbal warning for selling to a clearly drunk MALE.

Source Evaluation (please indicate / highlight)

A	B	C	D	E
Always reliable	Mostly reliable	Sometimes reliable	Unreliable	Untested source

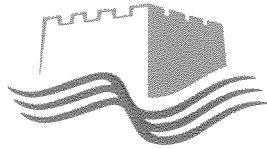
Intelligence Evaluation (please indicate / highlight)

1	2	3	4	5
Known to be true without reservation	Known personally to source but not to officer	Not personally known to source but corroborated	Cannot be judged	Suspected to be false or malicious

Handling Code (please indicate / highlight)

(to be completed at time of entry onto an intelligence system and reviewed on dissemination)

1	2	3	4	5
May be disseminated to other law enforcement and prosecuting agencies,	May be disseminated to UK non prosecuting parties (authorisation and	May be disseminated to non EEA law enforcement agencies (special conditions apply)	May be disseminated within the originating agency only	No further dissemination: refer to the originator. Special handling requirements

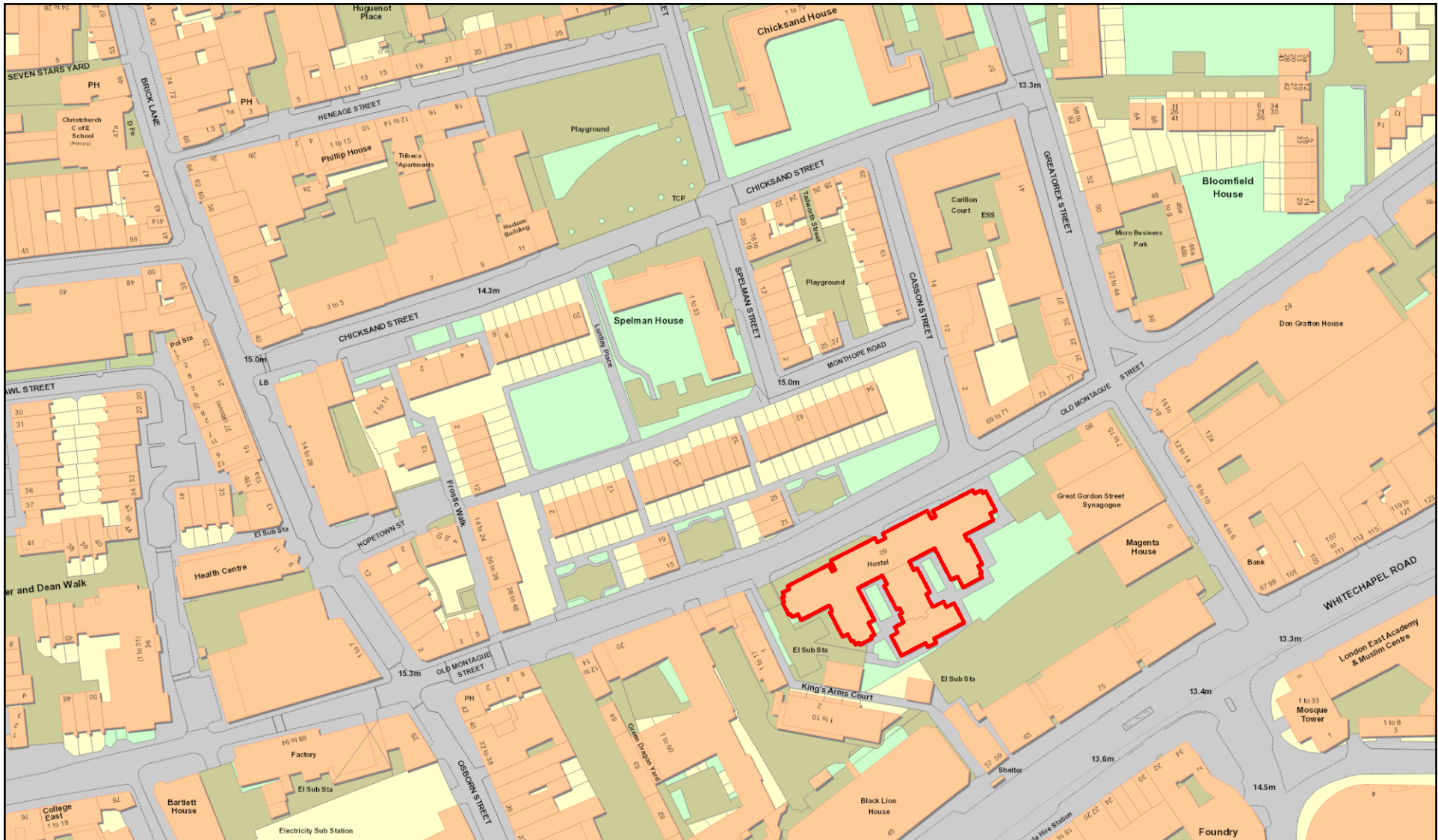


TOWER HAMLETS 5x5x5 INTELLIGENCE REPORT

including law enforcement agencies within the EEA, and EU compatible (no special conditions).	records needed)			imposed by the officer who authorised collection
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Please pass information by e mail to

**Philip Gospage
THEO Team Leader
Communities Localities and Culture
Community Safety Service
7th Floor Anchorage House**



Hopetown Hostel

proximity to Brick Lane



Scale 1:1750

10 0 10 20 30

 Metres



Appendix 2

**(A & Y Wines)
116 Brick Lane
London
E1 6RL**

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

**Jackie Randall _____
Licensing Services Manager**

**Date: 27/09/05
(Amended on the 9/10/08)
(Conditions added 17/11/2009 on Review)**



Part A - Format of premises licence

Premises licence number

14799

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(A & Y Wines)
116 Brick Lane
London

Post town
London

Post code
E1 6RL

Telephone number
[REDACTED]

[REDACTED] **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

Monday to Sunday

08 00 hrs to 02 30 hrs the following day

The opening hours of the premises

Monday to Sunday

08 00 hrs to 02 30 hrs the following day

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 Abdul Wahid

[REDACTED]

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

N/A

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

Abdul Awal

[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

Personal Licence Number:

[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

None

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

1. CCTV to be maintained in good working order with tapes to be kept for 31 days and to be made available upon request at 24 hours notice to the Metropolitan Police and officers from the London Borough of Tower Hamlets who are authorised under the Licensing Act 2003.

2. The Designated Premises Supervisor (DPS) or a Personal Licence Holder must be present on the premises when all alcohol sales are made

3. The introduction of the Challenge 21 policy and No ID No Sale policy which is supported with signage at all entrances and in the serving area and suitable signage to be prominently displayed inside and outside the premises stating that those aged 21 or over who do not look their age will be asked for proof of ID.

4. Only documentation which includes 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.

5. A Refusal book is maintained, 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.

Annex 4 - Plans

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

22 JUL 2005



Part B - Premises licence summary

Premises licence number

14799

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(A & Y Wines)
116 Brick Lane
London

Post town
London

Post code
E1 6RL

Telephone number

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
Monday to Sunday
08 00 hrs to 02 30 hrs the following day

The opening hours of the premises

Monday to Sunday
08 00 hrs to 02 30 hrs the following day

Name, (registered) address of holder of premises licence

Mr Abdul Wahid
[REDACTED]

[REDACTED]

[REDACTED]

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

N/A

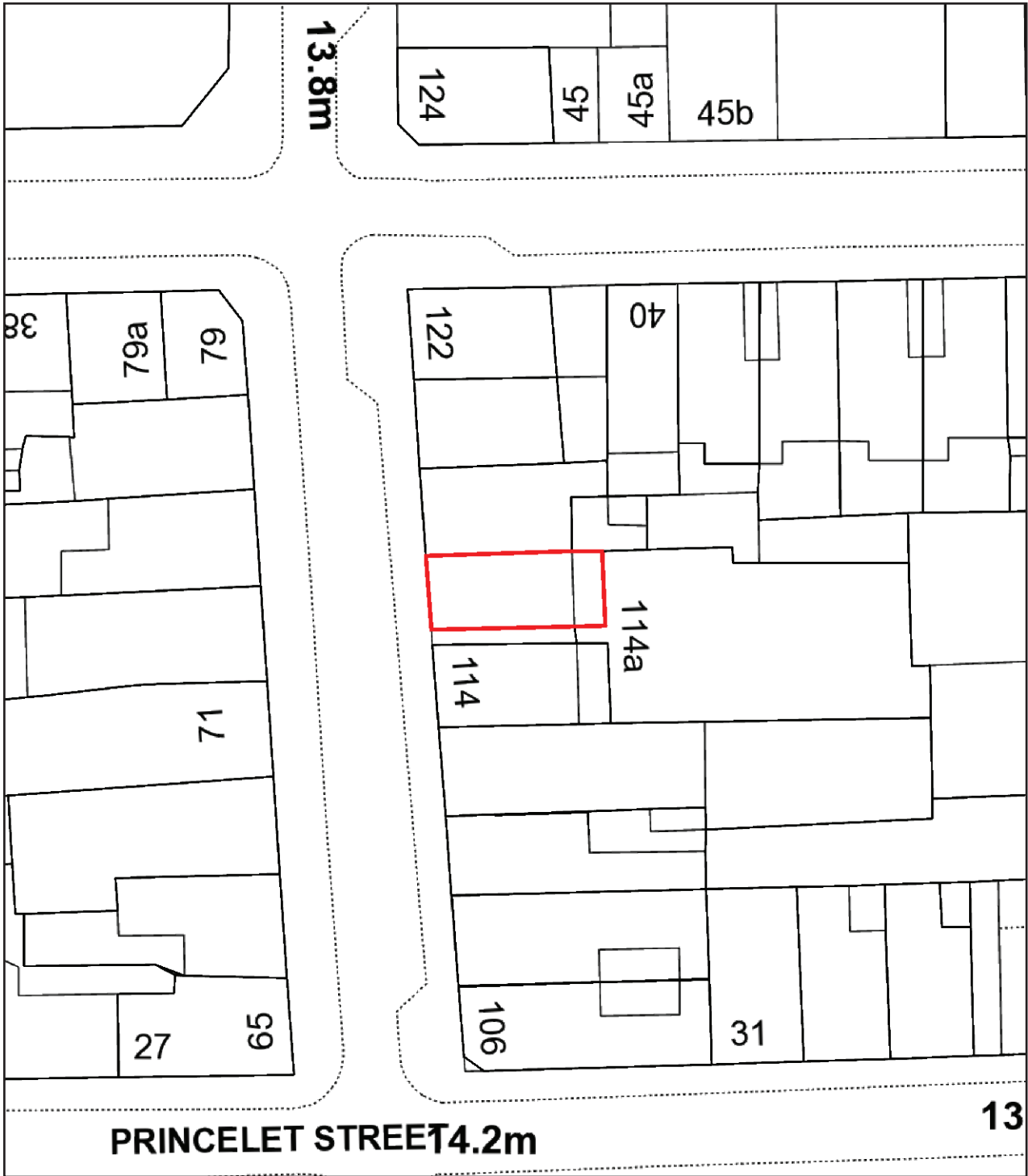
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Abdul Awal

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

No

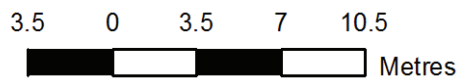
Appendix 3

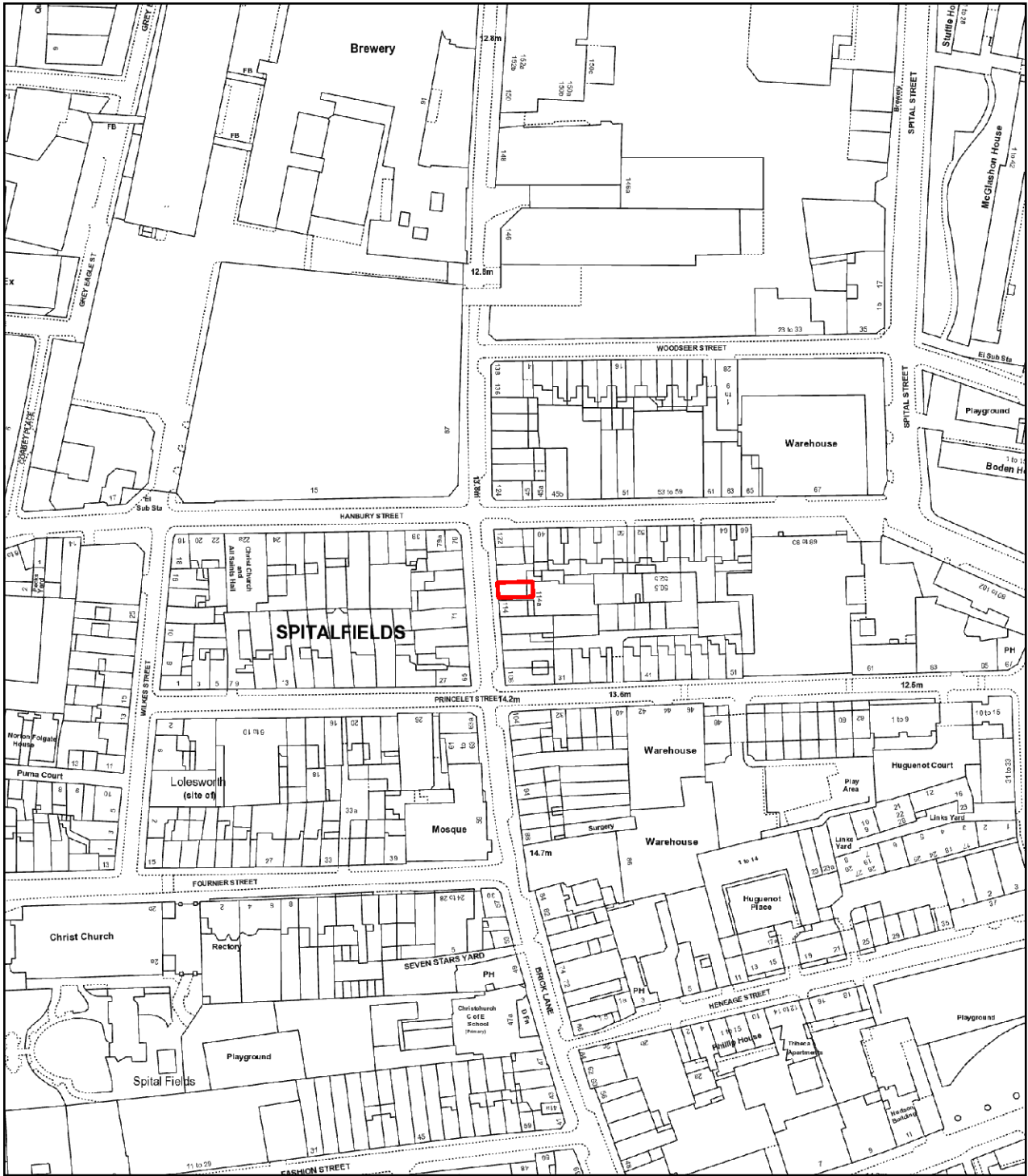


116 Brick Lane



Scale 1:384





116 Brick Lane



Scale 1:1922

10 0 10 20 30



Metres



Appendix 4

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

Licensing Unit at Old Cad Room
Limehouse Police Station
27 West India Dock Road
E14 8EZ

Telephone:
Email: Mark.Perry2@met.police.uk
www.met.police.uk

19 October 2013

Tower Hamlets Police support the review by Tower Hamlets Council of A & Y Wines 116 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 A & Y Wines 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

A & Y Wines

I have conducted numerous patrols in Brick Lane, and on many of those patrols I have seen people outside A & Y Wines 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.

Friday 18th October 2013

At about 10:05pm I entered the store and asked to see the refusals book. It was handed to me by the person in charge of the shop Abdul Bashir. The refusals book had not updated since November 2012. I warned Mr. Basher that this was contrary to Condition 5 of Annex 3 of the premises license and that I would be issuing the premises with a Section 19 Closure Notice. I asked Mr. Bashir for the book, but he refused, so I took pictures of it which I exhibit as MJP 1,2,3,4, and 5.

I then asked Mr. Bashir if he was a personal license holder. He replied that he was not. I asked if there was anybody in the shop who was a personal license holder, and Mr Bashir replied that there was not. I then informed him that this was contrary to contrary to Section 2 of Annex 3 of his License. Mr. Bashir said that the DPS would be here shortly. I told him that this was not good enough and the license required the DPS or personal license holder to be on site when alcohol was sold. Mr. Bashir said that this was unfair to have to have one (personal license holder) at the shop all the time.

The DPS Mr. Abdul Awal then arrived and I told him of the breaches of the conditions in premises license. I asked him for the CCTV from 6pm to close for every Friday and Saturday in October so I could check to see if either he or a personal license holder had been on site when alcohol was sold. I told Mr. Awal that I would return next week to collect the CCTV. Mr Awal became very agitated and said that it was unfair to target his shop and the off license next door was selling past its hours. I told him that we were checking other licensed premises on Brick Lane. I also told him that if he could not produce the CCTV then I would consider that a breach of Condition 1 of Annex 3 of his license and that I would issue another Section 19 Closure Notice.

Sunday 16th September 2012

At about 9:45pm Pc Cruickshank walked past A & Y Wines, there were a number of people drinking outside both off licenses. Pc Cruickshank saw that 3 or 4 of them were drinking from plastic cups. On turning right into Princelet Street he saw another 4 or 5 people drinking from plastic cups. At least two of them were young Italians. Pc Cruickshank asked these people where they got their cups from. An 18 year old Italian woman said they had got the cups from where they bought their alcohol. On asking which off license she had purchased them from, she walked to the end of the street and pointed to A&Y Wines and Brick Lane off license.

Friday the 24th August 2012

I visited A & Y Wines with officers from the Whitechapel Town Centre Team. No incident refusal book was on the premises, a breach of Condition 5 of Annex 3 of their licensing conditions.

The fact that A & Y Wines has been providing plastic cups to customers who purchase alcohol is concerning as encourages people to drink alcohol they have bought from the shop outside in Brick Lane and the surrounding side streets. This then attracts more people to the shop who purchase alcohol and then consume it outside, and contribute to the anti-social behaviour in the area. Brick Lane is part of the "Drinking Control Zone" so by giving customers plastic cups for customers, the shop is in my opinion encouraging and assisting its customers to breach Tower Hamlets own policy.

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. There is a long history of the owners and management of the shop failing to observe the conditions of their license. There is also a history of the shop supplying plastic cups to their customers, which results in their customers drinking in Brick Lane. We have no confidence in the management of this premises to abide by any conditions, and we therefore ask for their premises license to be revoked.

Should the Licensing Committee choose not to revoke their license we would like in addition to the conditions sought by Tower Hamlets Council, to ask for the following condition to be amended:

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 5

**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]

[REDACTED] towerhamlets.gov.uk

www.towerhamlets.gov.uk

14th October 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 A&Y Wines, 116 Brick Lane E1 6RL (premises licence number: 14799).

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 6

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 29 October 2013 12:43
To: Alex Lisowski
Subject: FW: Review of alcohol licence at 116 Brick Lane

[A&Y Review...](#)

From: Alex Gordon Shute [mailto:████████████████████]
Sent: 29 October 2013 12:42
To: Licensing; Andrew Heron
Cc: Dick Tyler (CMS)
Subject: Review of alcohol licence at 116 Brick Lane

Dear Licensing Officers and Andrew Heron

Review of Premises Licence for 116 Brick Lane, E1

As a near neighbour (at ████████████████████) I'm writing to express a formal objection to the licence to sell alcohol already in operation at 116 Brick Lane, London E1.

My partner (cc'd) and I have seen first-hand the unruly behaviour from the patrons of 116 Brick Lane. The nuisance which the patrons create is not conducive to calm, domestic life and there are a number of children who live in flats locally who are being impacted by loud and drunken behaviour into the night.

As well as the level of noise, nuisance and disturbance from the patrons of 116 Brick Lane, the establishment is currently allowed to stay open far too late.

There are more off-licences in Brick Lane than are required, either for the visitors to the curry houses or to local residents. I would therefore ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Alex Gordon Shute (and Dick Tyler)

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IthacaPartners[®]

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 22 October 2013 12:12
To: Alex Lisowski
Subject: FW: Objection to licence request for 116 Brick Lane

From: Conor McLernon [REDACTED]
To: Licensing
Subject: Objection to licence request for 116 Brick Lane

Dear Sir/ Madam,

I am the resident at [REDACTED] and I write to you to object to the application for the off-licence at 116 Brick Lane. As I understand it, a licence review is ongoing because the owner was found to be selling alcohol along with cups, to be directly used in the street!

I feel this off-licence stands out as one of the most problematic for the night time economy around Brick Lane, as exemplified by the manner in which the review has come up.

I have routinely seen the off-licence opened beyond its agreed closing time, playing loud music and with many drinking youth standing outside for hours, drinking from cups they have apparently been given by the owners. This severely damages the quality of local amenity for nearby residents.

The drunk youths who are encouraged to stand there and who essentially use the off-licence as a bar, stand in the middle of the road and are at risk from traffic. I've seen a number of fights break out here as well, and there is a general feeling of disorder.

I understand that the off-licence has been investigated many times by the Licensing team, particularly in terms of sticking to its licensed hours.

Given the planned saturation policy, and the views of the police, I feel there is a willingness to get Brick Lane's night time economy under control.

Accepting this license request would send a terrible message. Brick Lane really doesn't need any more off-licences open till 2am.

My concerns are as follows:

1. the proposed off-licence is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area
2. the proposed licence is likely to diminish the right of local residents to safe and pleasant enjoyment of the neighbourhood

The Management Guidelines for the Brick Lane and Fournier Street Conservation Area include the following:

- support for a small business focus including clusters of creative and cultural industries

- protection for "light industrial uses and other small businesses ... particularly the 'rag trade'"

The area is developing into an attractive upscale destination in accordance with these guidelines. On Hanbury Street opposite Ely's Yard, two exclusive shoe shops have recently opened, an upscale clothing boutique and a number of stylish coffee bars.

This upscaling is lucrative, and makes the area easier to Police and easier for LBTH to administer.

A cursory internet search shows 110 restaurants and bars in the area immediately surrounding Brick Lane.

What is needed is more of the upscale, boutique shops and cafes that are springing up on the streets surrounding the market and in Hanbury Street. YMC, MAC, Gresson, Keep Zero Gravity, Nude Espresso, Blitz, Love in a Cup. These are all desirable businesses that add both to the economy and the attractiveness of the area. What we don't need are more late night off-licences playing loud music.

Rights of local residents to quiet enjoyment

As a member of the Woodseer and Hanbury Residents Association, we are aware that existing alcohol licences in the area are not properly enforced (for example, the illegal shisha bar on Hanbury Street at number 47 remains open, and serving alcohol, even though it has no licence) and the "responsible drinking borough" isn't upheld (the pavement surrounding Ely's Yard is regularly used as a late night hangout for drinking)

What we need is more good business for the area; what we don't need are any more late night drinking dens. Can I ask you to please:

1. decline this application for an alcohol licence on the basis that it is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area;
2. properly enforce the conditions of current alcohol licences in the neighbourhood;
3. encourage the police to enforce the "responsible drinking borough".

Kind Regards,

Conor McLernon

Alex Lisowski

From: Andrew Heron on behalf of Licensing
Sent: 21 October 2013 14:36
To: Alex Lisowski
Subject: FW: Review of alcohol licence for 116 Brick Lane

From: Critchley [REDACTED]
Sent: 21 October 2013 14:25
To: Andrew Heron; Licensing
Subject: Review of alcohol licence for 116 Brick Lane

Dear Andrew Heron, Licensing Officers,

Review of Premises Licence for 116 Brick Lane, E1

The Committee of the Spitalfields Society has asked me to express our objection to the licence to sell alcohol already in operation at 116 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 premises are known 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.

The licensee encourages customers to loiter outside drinking and creating noise and severe disturbance to residents, as well as hectoring passers-by and committing other forms of anti-social behaviour. In addition, the establishment is currently allowed to stay open far too late.

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, and they are notorious for breaches of the licensing laws and for causing extreme anxiety and disturbance among those living nearby. Therefore we ask the Licensing Sub-Committee to revoke this licence.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Alex Lisowski

From: Alex Lisowski
Sent: 21 October 2013 13:40
To: Alex Lisowski
Subject: FW: review of off-licence at 116 Brick Lane

-----Original Message-----

From: Mark and Suzanne Lancaster [REDACTED]
Sent: 21 October 2013 10:30
To: Licensing
Cc: Alan Cruickshank
Subject: review of off-licence at 116 Brick Lane

Dear Sirs

We wish to support the review of off-licences at 116 Brick Lane currently being conducted by London Borough of Tower Hamlets.

We live on Brick Lane and witness constant street drinking encouraged by these premises. Members of the public buy alcohol (and in some cases plastic drinking cups) from these off-licences and congregate in groups on the pavement outside the shops and along the adjoining streets, including Hanbury St and Princelet St. Here they drink, sometimes all evening and certainly until some, at least, are totally drunk.

The residents of Brick Lane and the surrounding area suffer from high levels of noise and nuisance as those people then urinate, defecate and vomit on the street. The street drinkers play music, shout and swear and sometimes fight right outside our doors. There is frequently unpleasant and aggressive behaviour towards residents and the general public from these street drinkers. The high levels of crime on Brick Lane that are well documented are undoubtedly fuelled by this unsupervised street drinking. There cannot be any need for such a concentration of off licences within such a small area - especially as nowadays nearly all the restaurants on Brick Lane sell alcohol themselves.

We would ask that limits be put on the numbers of off licences available in this area, on the hours that they can stay open and on the people to whom alcohol is sold - especially preventing people who are already drunk or who clearly intend to drink on the street being prevented from buying alcohol.

Mark & Suzanne Lancaster
[REDACTED]
[REDACTED]

PS Please do not share my name and address with the owners and managers of these premises as I have already experienced repercussions from reporting the problems associated with the licences along Brick Lane.

Alex Lisowski

From: Alex Lisowski
Sent: 17 October 2013 17:00
To: Alex Lisowski
Subject: FW: revocation of the licence for off-sales of alcohol at 116 Brick Lane

From: Matt Piper [REDACTED]
Sent: 17 October 2013 14:29
To: Licensing
Cc: Alan Cruickshank
Subject: revocation of the licence for off-sales of alcohol at 116 Brick Lane

Dear Sir/Madam,

I wish to support the proposed revocation of the licence for off-sales of alcohol at 116 Brick Lane.

My family and I experience a wide range of anti-social behaviour, fueled by the nighttime economy in Brick Lane. One of the major causes of this is the current trend for visitors to buy alcohol from an off-licence and to drink it while sitting on a kerb, on a doorstep or on the pavement. They often do this on residential streets. This causes noise, litter, and invariably leads to urination in the street, vomiting on the pavements, and worse.

I have a diary of such incidents. I can supply more details if you wish but in the interests of brevity here are the incidents we have experienced since the start of September (please note, I only record the more notable such incidents, many others go unrecorded):

3rd September, 12.30pm *a woman urinated between parked cars, in full view of a walking tour*

14th September, 11.30pm *2-3 men rang our doorbell late and night and ran away screaming*

15th September, midnight *a group of drunk women slowly made their way along the street, shouting, screaming and causing a disturbance.*

19th September, 11.30pm *a group of drunk women were shouting, screaming, and generally causing a disturbance.*

20th September, 11pm *a group of German youths gathered with a hand-held stereo turned up to high volume. When asked to turn it down they only partially did so, reluctantly. They remained there for 15 minutes*

21st September, midnight *Someone has urinated against the house.*

21st September, 8.30pm *a group of youths gathered on our doorstep, drinking, smoking and shouting. When asked to move on they only went as far as the doorstep next door where they carried on as before, keeping our children awake. They were there for approx 1 hr.*

21st September, 9.30pm *two women urinated between parked cars opposite number 11, in full view of several passersby. They were 20-25 years old with dark hair and English accents.*

4th October, 1am *someone has vomited on the pavement alongside Christ Church*

5th October, 11.55pm *a car parked outside number 13 blaring loud bass music for approximately 10 minutes before moving on reluctantly when asked. The noise was enough to wake our youngest daughter. There were 4 occupants of the car, 2 men and 2 women. The women had Essex accents. The car was a Golf-type car, black with heavily tinted windows.*

6th October, 1am *someone has vomited in the street*

6th October, 9.50am *two men with Eastern European accents walked into the gardens. One proceeded to urinate against the wall in full view of any passerbys by. He was approximately 45 years old and dressed in pale denim.*

It is completely unreasonable that my family should have to experience such frequent incidents. Off licences on Brick Lane are the major source of the alcohol that drives such incidents. The revocation of this licence would undoubtedly lead to a decrease in public nuisance and disorder and I therefore urge you to approve it.

Many thanks for your help in this matter.

Matt

Matthew Piper

██████████ ██████
██████████████████
██████████
██████████

Alex Lisowski

From: Andrew Heron
Sent: 17 October 2013 14:25
To: Alex Lisowski
Subject: FW: application to review the premises licence at 116 Brick Lane

A&Y Rep

From: Spitalfields Community Group [mailto:]
Sent: 17 October 2013 14:19
To: Andrew Heron
Subject: Fw: application to review the premises licence at 116 Brick Lane

3rd and final message.

Many thanks!

From: [Spitalfields Community Group](#)
Sent: Thursday, October 17, 2013 1:41 PM
To: [Licensing](#)
Cc: [Alan Cruickshank](#)
Subject: application to review the premises licence at 116 Brick Lane

Dear Sir/Madam,

Spitalfields Community Group supports the application to review the premises licence at 116 Brick Lane (A&Y) on the grounds of prevention of crime and public disorder.

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 116 is situated.

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 transport hubs on Bishopsgate and Commercial Street pass along residential streets causing unwanted mayhem and misery.

Recently there has been a particular issue with large groups of revellers buying alcohol from off licences in Brick Lane and sitting outside through the night drinking and causing a disturbance. The premises at 116 Brick Lane has no doubt facilitated this. Residents in surrounding streets, including Hanbury Street, Princelet Street and Woodseer Street, have all reported an upsurge in noise nuisance and litter, as well as street urination, over the recent year. The high crime incident rate in the Brick Lane area is fuelled, at least in part, by off licences with late licences. The strain on police and public health resources is unacceptable.

For the reasons above Spitalfields Community Group supports the application for licence review of A&Y, at 116 Brick Lane, E1.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 7

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 8

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 9

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 10

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from public nuisance, including noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

HOURS

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of 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. The following conditions may be considered:

Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;

- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

NOXIOUS SMELLS

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

LIGHT POLLUTION

Flashing or particularly bright lights at the premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

OTHER MEASURES

Other measures previously mentioned in relation to the crime prevention objective may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

Appendix 11

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

Licensing Policy

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.34)

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

Other Legislation

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

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