

Appendix 1

Postal Address

**(Best Star One)
23 Whitechapel Road
London
E1 1DU**

Licensable Activities authorised by the licence

**Provision of Late Night Refreshment
Sale by Retail of Alcohol for Consumption Off the Premises**

See the attached licence for the licence conditions

Signed by

**John Cruse _____
Team Leader Licensing**

Date: 18th August 2005



Part A - Format of premises licence

Premises licence number

09129

Part 1 - Premises details

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

**(Best Star One)
23 Whitechapel Road**

Post town: **London**

Post code: **E1 1DU**

Telephone number: **020 7377 1037**

Where the licence is time limited the dates:

Licensable activities authorised by the licence:

**The sale by retail of alcohol
The provision of late night refreshment**

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On Monday to Saturday from 06:00 hours until 01:00hours the day following.
- b. On Sundays, 06:00hours until 2400 hours

Annex 1 Mandatory Conditions

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

This will be one of the following:

Off sales only

Part 2

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

Rajenthiran Pratheepan
Best Star One
23 Whitechapel Rd
London 1DU

[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

Rajenthiran Pratheepan

[REDACTED]

[REDACTED]

[REDACTED]

[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

[REDACTED]

Annex 1 - Mandatory conditions

1. 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
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
 - a). On weekdays, Monday to Saturday 06:00hours until 01:00 hours
 - b). On Sundays, 6:00hours until 24:00 hours

Annex 2 - Conditions consistent with the operating Schedule (None)

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

- 1) A CCTV system shall be maintained and operated correctly in accordance with the requirements of the Metropolitan Police Crime prevention officer.
- 2) That all CCTV recordings shall be retained for 30days and produced upon request to the Police and licensing Authority
- 3) That the CCTV should cover both the inside and the outside of the premises
- 4) That the Personal Licence holder will be on the premises:
from 6pm until 1am on Thursdays, Fridays and Saturdays
and
from 6pm to midnight on Sundays when the premises is open.
- 5) That a prominent, clear and legible notice be displayed in the premises asking customers to observe the terms of a no drinking zone which is in operation in the vicinity
- 6) That a prominent, clear and legible notice be displayed in the premises asking customers to dispose of their litter respectfully and appropriately.

Annex 4 - Plans

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

10th June 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

09129

Premises details

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

**Best Star One)
23 Whitechapel Road**

**Post town
London**

**Post code
E1 1DU**

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 provision of late night refreshment**

The times the licence authorises the carrying out of licensable activities	<p>On weekdays, Monday to Saturday 06:00hours until 01:00 hours</p> <p>On Sundays, 6:00hours until 24:00 hours</p>
The opening hours of the premises	<p>24 hours</p>
Name, (registered) address of holder of premises licence	<p>Rajenthiran Pratheepan Best Star One 23 Whitechapel Rd London 1DU</p> <p>[REDACTED]</p>
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	<p>Off supplies</p>
Registered number of holder, for example company number, charity number (where applicable)	<p>N/A</p>
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	<p>Rajenthiran Pratheepan</p>
State whether access to the premises by children is restricted or prohibited	<p>N/A</p>

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Rajenthiran & Janani Pratheepan

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 09129

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description BEST STAR ONE 23 WHITECHAPEL ROAD			
Post town	LONDON	Post code	E1 1DU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	c/o Licensing Services Agency 16 Bengoe Street		
Post Town	Hertford	Postcode	SG14 3ES

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)
INCREASE IN THE HOURS FOR THE SALE OF ALCOHOL AND LATE NIGHT
REFRESHMENT

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300	0500			
Tue	2300	0500			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	2300	0500			
Thur	2300	0500			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	2300	0500			
Sat	2300	0500			
Sun	2300	0500			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	00:00	24:00						
Tue	00:00	24:00						
Wed	00:00	24:00						
Thur	00:00	24:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	00:00	24:00						
Sat	00:00	24:00						
Sun	00:00	24:00						

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE EXCEPT FOR THE SALE OF ALCOHOL</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) None
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	00.00	24:00	
Tue	00.00	24:00	
Wed	00.00	24:00	
Thur	00.00	24:00	
Fri	00.00	24:00	
Sat	00.00	24:00	
Sun	00.00	24:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

RESTRICTION TO PERMITTED HOURS FOR THE SALE OF ALCOHOL AND LATE NIGHT REFRESHMENT

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

BEING FORWARDED FIRST CLASS POST

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL. REFRESHER TRAINING WILL BE GIVEN ON A REGULAR BASIS AND TRAINING RECORDS WILL BE KEPT AND MADE AVAILABLE TO POLICE OR COUNCIL OFFICIALS ON REQUEST

b) The prevention of crime and disorder

CCTV INSTALLED THAT MEETS THE STANDARDS REQUIRED BY THE POLICE, AND MAINTAINED SO FULLY OPERATIONAL AT ALL TIMES. RECORDINGS TO BE KEPT IN ACCORDANCE WITH POLICE GUIDELINES, FOR A MINIMUM OF 30 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED.
ALARM SYSTEM IN PLACE
SHUTTERS AT FRONT WINDOWS

c) Public safety

ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES
TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY

d) The prevention of public nuisance

ANYONE WHO IS DRUNK OR UNDER 18 OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK OR UNDER 18 WILL BE REFUSED THE SALE OF ALCOHOL. AFTER 10PM A MEMBER OF STAFF WILL ALWAYS BE PRESENT AT THE FRONT DOOR TO AUTHORISE THE ENTRY OF CUSTOMERS AND NO ONE UNDER THE AGE OF 18 OR DRUNK WILL BE ALLOWED ON THE PREMISES AFTER 10PM.

e) The protection of children from harm

CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ANYONE ATTEMPTING TO BUY ALCOHOL WHO APPEARS TO BE UNDER THE AGE OF 25 WILL HAVE TO PROVIDE PHOTO ID IN THE FORM OF AN INDUSTRY APPROVED PROOF OF AGE IDENTITY CARD, PASSPORT OR PHOTO DRIVING LICENCE TO PROVE THAT THEY ARE 18 OR OVER. SIGN TO BE DISPLAYED AT POINT OF SALE - 'NO PROOF OF AGE - NO SALE'. A REFUSALS/INCIDENT BOOK, DETAILING ALL INCIDENTS WHERE ALCOHOL AND OTHER AGE RELATED PRODUCTS ARE REFUSED, AND ANY OTHER RELEVANT INCIDENTS, IS TO BE KEPT AND MADE AVAILABLE TO AUTHORISED OFFICERS ON REQUEST.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

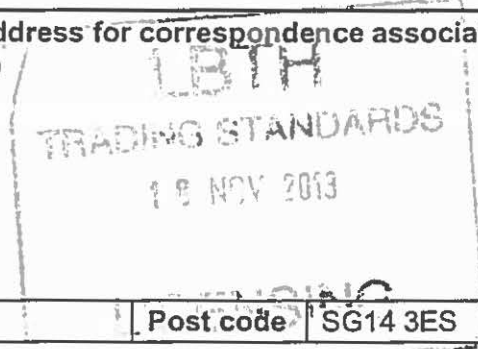
Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	[REDACTED]
Date	13.11.2013
Capacity	Agent

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	[REDACTED]
Date	13.11.2013
Capacity	Agent

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)
 Licensing Services Agency
 16 Bengeo Street



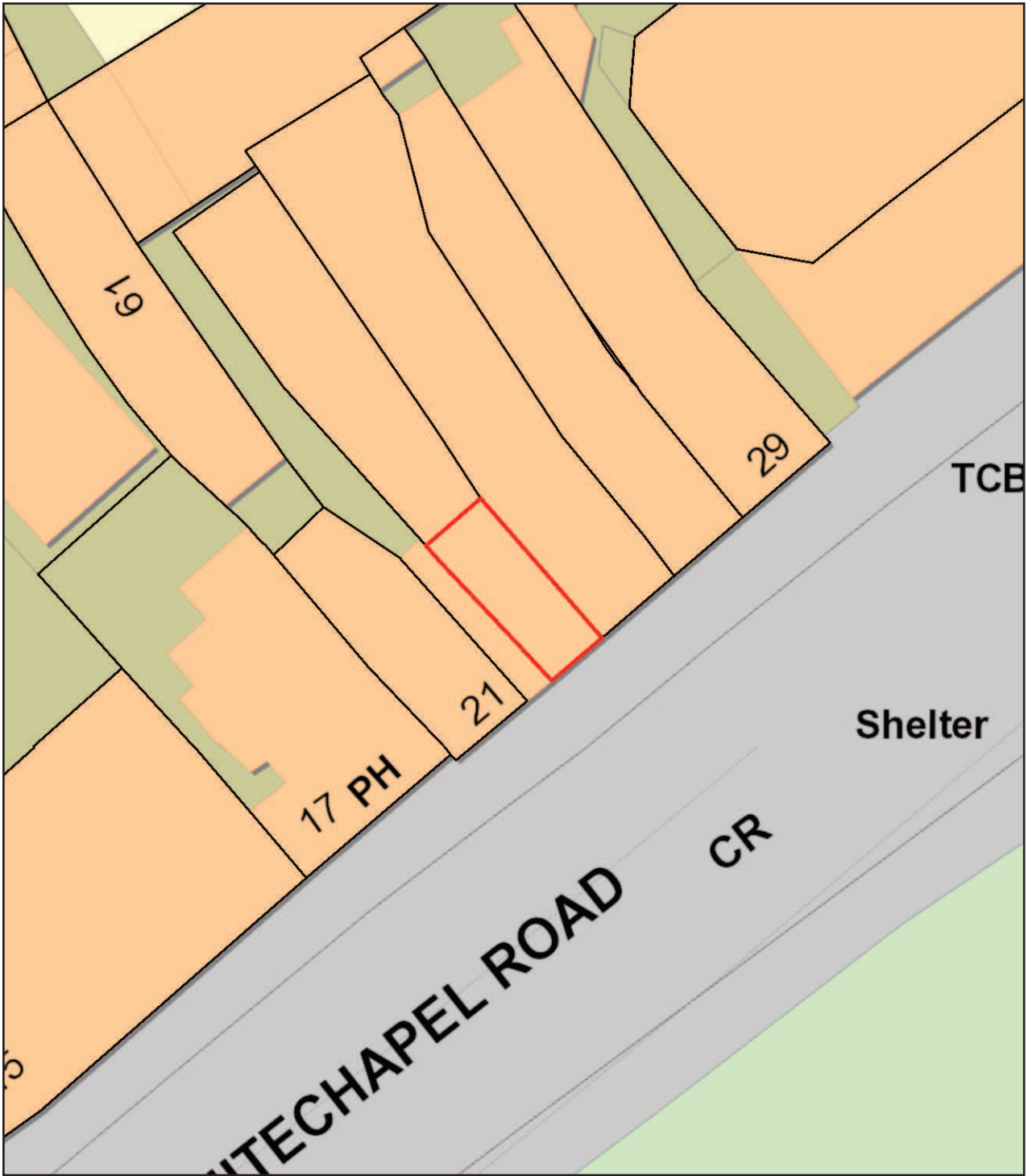
Post town Hertford Post code SG14 3ES

Telephone number (if any) [REDACTED]

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

[REDACTED]

Appendix 3

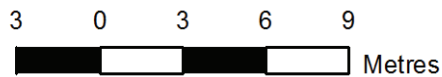


23 Whitechapel Road

Map 1



Scale 1:334



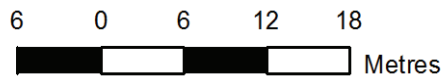


23 Whitechapel Road

Map 2



Scale 1:668



Appendix 4

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult

for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 5

Andrew Heron

From: Spitalfields Community Group [REDACTED]
Sent: 02 December 2013 20:39
To: Licensing; Andrew Heron
Cc: Alan Cruickshank
Subject: application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU. The application for 24 hour opening is excessive and inappropriate in an area already identified as being blighted by a culture of excessive alcohol consumption and the public nuisance and disturbance which this consumption entails.

Spitalfields Community Group 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.

Many people visiting the restaurants, bars and clubs of Commercial Street, Brick Lane, Spitalfields Market and the Old Truman Brewery may pass by or near the premises at 23 Whitechapel Road on their way to or from transport links at Aldgate. An off licence open 24 hours a day Mon – Sat, will encourage revellers to buy alcohol and consume it as they walk, a common phenomenon that creates antisocial behaviour, such as screaming, shouting and swearing, and urinating and vomiting in residents' light wells and on front doorsteps.

Street drinking in 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 a growing incidence of loss of residential amenity due to alcohol being made readily available to the rough sleeper community associated with the cluster of homeless hostels around the southern end of Brick Lane/Osborne Street near 23 Whitechapel Road. Round the clock sales of alcohol here will undoubtedly contribute to public nuisance.

For these reasons Spitalfields Community Group OBJECTS to the variation of the premises licence at 23 Whitechapel Road.

From and on behalf of the Spitalfields Community Group

c/o Selina Mifsud, [REDACTED]

Appendix 6

Andrew Heron

From: James Imrie Gmail [REDACTED]
Sent: 05 December 2013 17:25
To: Licensing
Cc: Andrew Heron; [REDACTED]
Subject: [REDACTED]
Off-Licence at 23 Whitechapel Road applying to sell alcohol 24 HOURS PER DAY
..... !!!!

Dear Sir/ Madam,

As a local resident of the Spitalfields area I would like to OBJECTS to the application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU. The application for 24 hour opening is excessive and inappropriate in an area already identified as being blighted by a culture of excessive alcohol consumption and the public nuisance and disturbance which this consumption entails.

Many people visiting the restaurants, bars and clubs of Commercial Street, Brick Lane, Spitalfields Market and the Old Truman Brewery may pass by or near the premises at 23 Whitechapel Road on their way to or from transport links at Aldgate. An off licence open 24 hours a day Mon – Sat, will encourage revellers to buy alcohol and consume it as they walk, a common phenomenon that creates antisocial behaviour, such as screaming, shouting and swearing, and urinating and vomiting in residents' light wells and on front doorsteps.

Street drinking in this area already causes unwanted noise and nuisance, litter and ASB. Street urination as a result of street drinking is a growing and is a recognised problem!

There are growing incidences of loss of residential amenities due to alcohol being made readily available to the rough sleeper community associated with the cluster of homeless hostels around the southern end of Brick Lane/Osborne Street near 23 Whitechapel Road. Round the clock sales of alcohol here will undoubtedly contribute to public nuisance.

For these reasons I would like to OBJECTS to the variation of the premises licence at 23 Whitechapel Road.

Kind Regards,

James Imrie
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This is non binding and Subject to Contract.

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please don't print this e-mail unless you really need to.

Appendix 7

Andrew Heron

From: Matt Piper [REDACTED]
Sent: 06 December 2013 13:39
To: Licensing; Andrew Heron
Cc: Alan Cruickshank
Subject: application to vary the licence at Best Star One, 23 Whitechapel Rd
Attachments: ASB diary.pdf

Dear Sir/Madam,

I wish to object to the above application.

Along with many others, my family suffers nightly from the behaviour of those who visit Spitalfields to participate in the night-time economy. Almost all of this is alcohol fueled. Incidents include shouting and screaming late into the night, urination, defecation and vomiting on the pavement and against residents' properties, vandalism, graffiti, littering etc. Only last night somebody urinated against and under our front door. For the last few months I have been keeping a diary of such incidents that I have witnessed in the immediate vicinity of our home. I have attached that to this email.

A 24-hour licence will only exacerbate this problem, extending it further into the night and reducing our quality of life.

In addition, the location of this off-licence is extremely unfortunate. It is close to several hostels that home vulnerable individuals, many of whom have alcohol problems. To make alcohol available 24 hours to these unfortunate people is irresponsible to say the least. It certainly raises a public health issue.

Spitalfields is already saturated with off-licences and other sources of alcohol. Please do not make this problem worse.

Many thanks for your help.

Matthew Piper
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date	Time	Type	Street	Location	Description
13-Jul-2013	23:00	noise	Brick Lane	Seven Stars pub	Drumming and other noise from party on roof terrace. Continued until 5am. Audible inside properties at west end of Fournier St.
14-Jul-2013	1:00	noise	Brick Lane	Seven Stars pub	Fireworks set off from cul-de-sac behind pub. Audible throughout area.
3-Aug-2013	18:00	urination	Wilkes St	at junction with Fournier St	A white male, approx 35 years old, urinated in broad daylight against no 1 Wilkes St. Several people could have or did witness it. When I pointed out that he was urinating against someone's house he just laughed and walked off, north along Wilkes Street.
10-Aug-2013	1:10	noise	Fournier Street	opposite no 11	2 men wandered along the street. Both were heavily intoxicated, staggering from side to side, and were shouting to each other as they attempted to walk along the pavement without falling over. They were drinking from cans. They were white and approximately 25 years old. The noise they caused was enough to wake my family.
10-Aug-2013	6:52	banging on doors	Fournier Street	no 11.5	We were woken at 6.52am when someone rang our doorbell. I went to the door and found someone slumped against our house, again heavily drunk. He admitted he had rung the doorbell but could not offer any explanation as to why. He was white, about 25-30 years old and wearing a blue and white striped top. He spoke with a European accent. The doorbell also woke my family.
10-Aug-2013	6:52	urination	Fournier Street	opposite no 9	A man, approximately 25 years old and wearing a white top, urinated against the wall of Christ Church, opposite number 9 Fournier Street.
10-Aug-2013	21:00	urination	Fournier Street	no 11.5	At approximately 9pm a white male, 30-35 years old, with possibly a South African accent, urinated against my house, into the light-well and against my kitchen window. He was wearing a white top. This is disgusting and a health-hazard. When I chased him off he finished by urinating against another house. He then left in the direction of Brick Lane.
10-Aug-2013	22:05	urination	Brushfield St	near Barclays	At 10.05pm a man urinated in public between parked cars on Brushfield Street, near the junction with Commercial Street, close to Barclays Bank. He was 20-25 years old, wearing a dark T-shirt and dark shorts.
10-Aug-2013	23:50	urination	Brushfield St	north end of street	At 11.50pm I witnessed a man urinating in public at the north end of Wilkes Street, near its junction with Hanbury St. He was black, about 20 years old, and wearing a dark T-shirt and jeans.

11-Aug-2013	12:00	banging on doors	Fournier Street	no 11.5	At approximately noon a couple of women, one clearly very drunk, sat on our doorstep. When our dog heard them and started barking, they banged on our front door, upsetting the dog further and also our 2 year old daughter. My wife asked them to move and one of them refused to do so, only eventually moving after further antagonising the dog and scaring our daughter further. They eventually moved off in the direction of Brick Lane.
12-Aug-2013	1:00	urination	Fournier Street	at junction with Wilkes St	At approximately 1am this morning a group of 7 people, all aged 20-25 and speaking with European accents, walked east along the street. There were 4 men and 3 women. One of the men turned to the women and said "Stop, we need to pee". The 4 men then all proceeded to urinate against properties in Fournier Street and at the end of Wilkes Street.
12-Aug-2013	9:00	urination	Commercial Street	Christ Church gardens	A cyclist rode into Christ Church gardens and urinated through the fence into the grounds of Christ Church school. He was 20-25 years old, white, and wearing cycling gear. This happened in full view of my 2 year old daughter.
13-Aug-2013	22:00	defecation	Fournier Street	opposite no 5	Someone has defecated between parked cars in the residents' parking bays.
16-Aug-2013	0:00	urination	Fournier Street	no 13	Someone has urinated against the house.
17-Aug-2013	17:30	urination	Fournier Street	opposite no 11.5	3 men (possibly drugs dealers) loitering on corner of Wilkes/Fournier St. One crossed the road and urinated against Christ Church. In broad daylight and in full view of many passersby, including our whole family.
17-Aug-2013	22:30	noise	Fournier Street	whole street	several groups of drunk people (mainly men) shouting and chanting aggressively as they left Brick Lane
18-Aug-2013	0:30	noise	Fournier Street	whole street	several groups of drunk people (mainly men) shouting and chanting aggressively as they left Brick Lane
23-Aug-2013	18:30	urination	Commercial Street	Christ Church gardens	a Spanish-speaking man urinated in the gardens. He was one of a group of approximately 10 people drinking in the gardens. The large tree in the south east corner of the gardens is a public toilet. There is always a urine splash and faeces are regularly there.
24-Aug-2013	0:00	vomiting	Fournier Street	no 19	someone has vomited against the door of no 19
25-Aug-2013	22:00	noise	Fournier Street	no 1	group of youths gathered outside number 1 drinking from cans. Screaming and shouting as they plays drinking games.
3-Sep-2013	12:30	urination	Fournier Street	opposite no 11	a woman urinated between parked cars, in full view of a walking tour
14-Sep-2013	23:30	banging on doors	Fournier Street	no 11.5	2-3 men rang our doorbell late and night and ran away screaming
15-Sep-2013	0:00	noise	Fournier Street	whole street	a group of drunk women slowly made their way along the street, shouting, screaming and causing a disturbance.

19-Sep-2013	23:30 noise	Fournier Street	whole street	a group of drunk women were shouting, screaming, and generally causing a disturbance.
20-Sep-2013	23:00 noise	Fournier Street	junction with Wilkes St	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
21-Sep-2013	0:00 urination	Fournier Street	no 14	Someone has urinated against the house.
21-Sep-2013	1:30 noise	Brick Lane	Seven Stars pub	extremely loud music being played from an open window at the back of the building. Audible from our bedroom at the west end of Fournier Street and therefore across the whole neighbourhood.
21-Sep-2013	20:30 noise	Fournier Street	no 11.5	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.
21-Sep-2013	21:30 urination	Fournier Street	opposite no 11	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.
4-Oct-2013	1:00 vomiting	Fournier Street	opposite no 11	someone has vomited on the pavement alongside Christ Church
5-Oct-2013	23:55 noise	Fournier Street	opposite no 13	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.
6-Oct-2013	1:00 vomiting	Fournier Street	outside no 11.5	someone has vomited in the street
6-Oct-2013	1:00 vomiting	Fournier Street	outside no 9	someone has vomited in the street(possibly the same person as above)
6-Oct-2013	9:50 urination	Commercial Street	Christ Church gardens	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.
19-Oct-2013	9:50 urination	Commercial Street	Christ Church gardens	a man of Asian descent, aged about 50 and with a heavy limp, urinated against the gravestones on the south wall of the gardens in full view of several people
20-Oct-2013	22:15 fireworks	Commercial Street	junction with Fournier St	someone threw a lit firework into the road. A car drove over it while it was exploding.
20-Oct-2013	22:20 urination	Fournier Street	number 9	a group of youths (4 female, 2 males) walked down the street shouting and drinking from cans. One of the males urinated against number 9.
23-Oct-2013	14:00 excrement	Wilkes St	opposite number 3	there are several piles of human faeces between the parked cars on the east side of Wilkes St

2-Nov-2013	23:00 noise	Fournier Street	junction with Wilkes St	a couple of young men were throwing and kicking a black bin-liner full of rubbish around. This caused a lot of noise and a trail of litter on the pavement and road.
2-Nov-2013	23:30 noise	Fournier Street	number 11.5	some youths were drinking on the street and generally causing a disturbance. They left a number of empty bottles and glasses on our doorstep.
5-Nov-2013	0:30 urination	Fournier Street	number 11.5	a man, roughly 30 years old and wearing blue trousers and a blue hoodie urinated against the house and into the lightwell outside the kitchen window. When challenged he walked off.
7-Nov-2013	21:00 urination	Fournier Street	opposite number 5	About half an hour ago I witnessed a woman, aged about 40 with short dark hair and wearing blue trousers and a blue jacket, urinating between two parked cars opposite number 5 Fournier Street. This was in full view of several passerby by and a visiting walking tour.
19-Nov-2013	0:00 graffiti	Fournier Street	number 11.5	somebody has written graffiti on our shutters. It doesn't properly scrub off and repainting is required.
29-Nov-2013	3:18 noise	Fournier Street	outside number 11	a white woman aged about 40 with long dark hair was lying on the pavement shoulding and screaming at an unseen man. This went on for several minutes and woke most of the residents of the west end of Fournier St.
1-Dec-2013	9:30 urination	Commercial Street	Christ Church gardens	a Veolia employee, wearing an LBTH high-visibility jacket, urinated in the gardens against some tombstones. My 2year old daughter was present at the time.
6-Dec-2013	0:00 urination	Fournier Street	number 11.5	somebody has urinated against our front door.

Appendix 8

Andrew Heron

From: StGeorgeResidents'Association [REDACTED]
Sent: 09 December 2013 14:02
To: Licensing; Andrew Heron
Cc: [REDACTED]
Subject: Premises Licence Application - 23 Whitechapel Road

From:
St George Residents' Association



Dear Mr Heron,

Re: Premises Licence Application at 23 Whitechapel Road, London

St George Residents' Association strongly object to this Application.

Our Association is for owners and residents of 193 flats facing onto Lamb Street, Folgate Street, Commercial Street and Spital Square. This off-licence is only about 8 minutes walk from where we live.

People walk through the streets with cans and bottles purchased in such outlets, then sit on the benches and walls near our flats. Residents living in the Spitalfields area suffer nightly from noise carrying through the locality, caused in the main by alcohol related antisocial behaviour, including shouting and singing.

There are enough outlets in this part of London for the sale of alcohol during the daytime and evening. Surely anyone who wants to buy alcohol can do so in any of the large number of licensed premises, including small supermarkets, before 11pm. Availability during the night will inevitably lead to an increase in the very worst forms of antisocial behaviour. To permit off-licence sales for 24 hours 6 days a week would be unforgivable given the fact that police are already stretched in time and resources.

We ask that the application be REFUSED on the ground of:

- prevention of noise nuisance in the surrounding streets, day and night, together with preventing more vomiting and urination in the streets.
- prevention of crime and disorder - inebriation leads to lack of inhibitions and personal control

We ask that the application be REFUSED

- to prevent the increase in licensed premises by applying the policy of LBTH Cumulative Impact of Licensed premises.

Yours sincerely

Mrs Margaret Gordon - Chairman, St George Residents' Association

Appendix 9

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 07 December 2013 07:16
To: Licensing
Cc: [REDACTED]
Subject: Alcohol Licence Application by 23 Whitechapel Road
Importance: High

Dear Sir or Madam,

I believe that 23 Whitechapel Road has applied for a licence to sell alcohol six days a week, 24 hours a day
I believe any such application is totally outrageous and should be rejected by the LBTH Licensing Committee.

I would strongly object to an off-licence anywhere in LBTH being granted such a licence, but must object even more strongly in the case of this particular off-licence which is so close to the Brick Lane area long-recognised by the Metropolitan Police as being the number one policing problem in Tower Hamlets. Indeed I understand that these premises are on the boundary of the CIZ (Cumulative Impact Zone) – yet another reason for rejecting the application.

I consider that this application would heavily impact:

- Crime and disorder
- Public nuisance
- Public safety

(three out of the four grounds for rejecting such applications) and on these grounds I would like to take this opportunity to request any Licensing Hearing to completely reject this application on the grounds of endangering crime and disorder, public nuisance and public safety.

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

- 1) As a resident of Spitalfields
- 2) As Chair of the Spitalfields & Banglatown Police Ward Panel
- 3) 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 10

Andrew Heron

From: Critchley [REDACTED]
Sent: 11 December 2013 10:21
To: Andrew Heron; Licensing
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Best Star One, 23 Whitechapel Road, E1 1DU

Dear Andrew Heron, Licensing Officers,

The committee of the Spitalfields Society has asked me to register the Society's objection to the application for a variation of a premises licence at Best Star One, 23 Whitechapel Road, E1 1DU to allow the sale of alcohol for 24 hours a day, Monday to Saturday, on the grounds that this application is likely to prove detrimental to the objectives of the Licensing Act 2003 in relation to Crime and Disorder and Public Nuisance. Off-sales of alcohol made from these premises already 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 aggravation and sometimes lead to fights and other forms of assault in the streets. Extending the hours to 24 a day would without doubt exacerbate this problem.

In addition, the premises are located in the immediate vicinity of 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 for 24 hours 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.

Granting this variation would undermine the hard work done by police, LBTH council and staff at the hostels trying to reduce this problem and help the people concerned get their lives back on track. Normal people do not need to be able to buy alcohol at every hour of the day and night, least of all the mainly Muslim community living nearby that already suffers the distressing effects of excessive alcohol consumption by other people.

On these grounds I urgently request the Licensing Sub-Committee refuse this application for a licence variation.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]
[REDACTED]

Appendix 11

Andrew Heron

From: Danielle John [REDACTED]
Sent: 12 December 2013 16:15
To: [REDACTED] Andrew Heron
Cc: [REDACTED]
Subject: 23 Whitechapel Road | 24 Hour application

Follow Up Flag: Follow up
Flag Status: Completed

Hello

I am a local resident and understand that Best Star One have made an application to extend their licence so that they are able to sell alcohol 24 hours a day.

Although 23 Whitechapel Road is a busy road, there are a large number of people residing within close proximity to the shop. There are also a high number of hostels nearby housing various vulnerable people including those affected by alcoholism. Providing 24 hour access to alcohol in this area is totally unacceptable and damaging for the local community.

Local residents already experience an unacceptably high amount of alcohol-related ASB incidents (including noise, violence, criminal damage and littering) and allowing alcohol to be sold 24 hours a day would only add to such incidents.

23 Whitechapel Road is also situated close to a bus stop which might mean that those waiting for night buses will purchase alcohol to consume onboard which would put other passengers and drivers at risk.

If anything, the licence of 23 Whitechapel Road should be reviewed in order to reduce the hours during which alcohol is sold as well as to limit the type of alcohol sold.

Please let me know if you would like further details as to why I object to this application being granted.

Kind regards
Danielle

Appendix 12

Communities, Localities & Culture Safer Communities

Andrew Heron
Licensing Authority
6th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

Head of Consumer and Business Regulations
Service **David Tolley**

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

9th December 2013

Tel **020 7364 5498**
Fax **020 7364 0863**
Enquiries to **Mohshin Ali**

Your reference
My reference: CLC/LIC/073143/MA

Email mohshin.ali@towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Premises: (Best Star One), 23 Whitechapel Road, London E1 1DU

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ).

The effect of this CIP is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ.

The Licensing Authority is therefore making a representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

Yours faithfully,



Mohshin Ali
Senior Licensing Officer
Licensing Authority Acting As a Responsible Authority

CC: licensingervicesagency@ntlworld.com

Appendix 13

**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

19th 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 Best Star One, 23 Whitechapel Road, E1 1DU

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

Yours sincerely,

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

Appendix 14



John McCrohan
LBTH Licensing

HT - Tower Hamlets Borough

Licensing Office
Limehouse Police Station
27 West India Dock Road
London E14

Telephone: [REDACTED]

Facsimile:

Email: [REDACTED]

www.met.police.uk

Your ref:

Our ref:

14th December 2013

Dear Mr McCrohan

Re: Application to vary a Premises Licence for
Best Star One - 27 Whitechapel Road

I write with reference to the above application.

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following licensing objective

The prevention of crime and disorder

The Police note that the application falls within the Special Cumulative Impact Police for the Brick Lane Area, adopted by Tower Hamlets Council on the 18th September 2013, and coming into force on the 1st November 2013. Whilst we the Police make our objection on the grounds of Crime and Disorder (evidenced below), we draw the Licensing Committee's attention to paragraph 8.4 of Tower Hamlets Council Licensing Policy set out below:

"...Where the premises are situated in the cumulative impact zone and a representation is received, the license will be refused. To rebut this presumption the applicant would be expected to show through operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced."

Police object to the application to vary the license to increase the licensable hours to 24 hours as we believe that it will lead to an increase in alcohol related anti-social behaviour. This area suffers from anti-social behaviour and allowing a premises to sell alcohol 24 hours will only increase this.

The premises is also on the exit route for people leaving Brick Lane at the weekend. It is our fear that giving the premises 24 hours license will attract these people to the premises to purchase more alcohol before heading off to other venues. Having people who have already consumed alcohol able to purchase more alcohol will in the Police's opinion lead to an increase in alcohol related crime and disorder as people queue to get in the shop, or loiter outside waiting for friends. Where you have drunk people congregating in a place there is an increased chance of violent disorder occurring.

There is a hostel in the area that house people who are alcoholics. Allowing a premises to sell alcohol 24 hours a day will lead them to residents of this hostel and others to congregate around the premises as they purchase alcohol from it. It is highly likely that they will consume the alcohol within the immediate vicinity of the premises so that they can go back and purchase more alcohol. This will invariably lead to people getting more and more intoxicated by alcohol and their behaviour will worsen causing anti-social behaviour to local residents at all times of the day and night.

I have contacted the Dellow Hostel, regarding this application as many of the residents they house are likely to be affected by this application. John Beswick who works at the hostel has set out the concerns of the staff and management of the Dellow Hostel below:

Dear Mark,

I have been asked to give the views of the Dellow Hostel on this matter. I really do not think it is of benefit to the community as a whole to have another off licence in the area , especially one that sells for 24 hours a day. Certainly the large muslim community would not use it and the other local residents I think are unlikely to do so.

The target group for their sales is likely to be hostel residents/street drinkers and those leaving Brick lane restaurants in the early hours.

There are great efforts being made to reduce ASB in the area and I fear that yet another source of round the clock alcohol will only add to the problem.

This is not just a personal opinion, I have discussed this matter with a number of people, staff here at the Dellow and local residents and they all have similar views,

john

PREVIOUS INCIDENTS

On Sunday 06th October 2013 at 01:25 hrs PC 291HT O'Rourke undertook a 'Test Purchase' of a single can of 'Tennent's Super' (alcohol content 9.0 % abv) and a bag of

crisps and paid £2.09 at Best Star One, 23 White Chapel Road. The server was Mr SIVAGNANASUNDARAM BALAMURALI. The DPS Mr Rajanthiran PRAITHEEPAN returned from home after the test purchase was made. The premises has a license to sell alcohol until 01:00.

The following Licensing Forms were issued 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'

Mr. PRAITHEEPAN was reported for process for the following offence:

UNDER THE LICENSING ACT 2003 - SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON',

Mr PRAITHEEPAN started to argue with Pc O'Rourke that he always closed for alcohol at 01:00 hours and that the fridge shutter was only up, due to it being re-stocked. Pc O'Rourke asked to replay the CCTV from Friday night after 01:00 hours as it would show and sales of alcohol. The shop worker declined. Pc O'Rourke was able to replay the footage from Saturday morning, 05/10/13 at 01:20 hrs, and saw a male purchase a can of what appeared to be Stella Artois. The fridge shutter was clearly up and it was obvious that sales were being conducted after hours.

On Thursday 17th October 2013 at 2:50pm PC 291HT O'Rourke attended the above premises to review CCTV footage in relation to potential offences committed in the previous 30 days.

At 14:50 hrs PC 291HT witnessed the sale of 4 cans of alcohol carried out by SIVAGNANASUNDARAM BALAMURALI. The DPS Rajanthiran PRAITHEEPAN was not on the premises:

PC 291HT O'Rourke then inspected the shops CCTV system and found that it held recordings for 7 days from 06:00 hrs on 10/06/13 in direct contravention to conditions on the Premises License - namely it be retained for 30 days.

The following Licensing Forms were issued 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'

At 15:25 hrs on 17/10/13 - Mr BALAMURALI was reported for process for the following offence:

UNDER THE LICENSING ACT 2003 - SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON',

PC 291HT O'Rourke reset the setting of the system to 30 days and a Prosecution file was sent to Tower Hamlets Council Legal for consideration for prosecution.

On the 10th October 2012 Tower Hamlets Police Licensing, Tower Hamlets Council Trading Standards and HM Customs and Excise carried out a visit on the premises. The shop had bottles of Smirnoff Vodka that appeared to not of paid there excise duty. The information on the back of the bottles was written in Italian and the customs stamps appeared in different locations on the bottles. There were also 50cl bottles of Smirnoff Vodka that had not been seen in the UK before. LBTH Trading standards decided to seize the bottles under their powers. The following items were seized by Trading Standards:

10 x 50cl bottles Smirnoff Vodka

36 x 20cl bottles of Smirnoff RED Vodka

11 x 35cl bottles Smirnoff RED Vodka

4 x 20cl bottles Smirnoff RED Vodka

While the bottles were being seized a Mr Rajaenthiran Prathweepan entered the store, he identified himself as the manager. Mr Prathweepan accused us of not being police officers. Pc Cruickshank 189HTand myself Pc Perry 748HT produces our warrant cards and explained that we were here with Trading Standards from Tower Hamlets Council. Mr Prathweepan did not believe us and called 999 despite us asking him to call 101 instead as the matter was not an emergency. I spoke to the police operator and identified myself as a police officer and gave my shoulder number and warrant number and the CAD (Police reference number) number of the visit, and the police operator linked the two CAD's together, Mr Prathweepan was advised not to call 999 about this matter again.

As the bottles were being seized by Trading Standards Mr Prathweepan became more and more aggressive, he refused to acknowledge that we were police officers or that Trading Standards had the power to seize the vodka. It was explained that the goods were being seized as they were believed to be smuggled goods, that they would be given to Customs & Excise to ascertain this. If they were not smuggles goods that they would be returned to him and that he would receive a receipt for the goods that were taken. Mr Prathweepan continued to be aggressive in both the tone and volume of his voice, he was shouting at police and trading standards and also in his behavior as he aggressively moved towards the Trading Standards officers and ordered his shop assistant not to open the door to allow

police to exit the shop. His shop assistant and Mr Prathweepan were threatened with arrest for obstructing police if they did not dissuade from their actions. Police had to raise their voices and shout at Mr Prathweepan to make him calm down and to keep control of the situation. Eventually Mr Prathweepan calmed down and was given the details of the officers who visited his store, their shoulder numbers and their department as well as the details for trading standards from LBTH and the CAD number. He was advised to contact the duty inspector if he wanted to make a complaint against Pc Perry or Pc Cruickshank. This was the most aggressive DPS and Premises License holder I have ever witnessed, he had no respect for the police or the local authority, he was very abusive and aggressive and did not display the attitude one would expect from a person in authority.

Given that the premises has been found to be breaching its conditions on its license and trading past its hours and the concerns of the Police, Local residents and the Dellow Hostel that allowing this increase in hours will lead to an increase in alcohol related anti-social behaviour I ask that this application be rejected.

Appendix 15

Appendix 15

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model 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):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.20).

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 16

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

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

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

Any conditions 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. (2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

Appendix 17

Appendix 17

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

Monday to Thursday	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to midnight
Sunday	06:00hrs to 22:30hrs

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

Appendix 18

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.

