

Appendix 1



LICENSING ACT

This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

**I Brendan O'ROURKE PC 291HT, on behalf of the Chief Officer of Police,
apply for the review of a premises licence under section 51 of the Licensing Act
2003 for the premises described in Part 1 below**

Part 1 – Premises or club premises details

Low Cost Food and Wine 34, White Church Lane Whitechapel	
Post town London	Post code (if known) E1 7QR

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

Mr Abdul LATIB

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

16774

Part 2 - Applicant details

Please tick yes

I am

- 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)

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

Surname

First names

Please tick yes

I am 18 years old or over

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

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
PC 291HT Brendan O'ROURKE Licensing Unit Limehouse Police Station 27 West India Dock Rd, LONDON E14 8EZ	
Telephone number (if any)	<input type="text"/>
E-mail (optional)	<input type="text"/>

This application to review relates to the following licensing objective(s)
Please tick one or more boxes

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

X

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

This review has been instigated with regards to the Crime and Disorder objective.

The premises had this licence granted after a Licensing Sub-Committee hearing on 16/05/13 and has broken the conditions of that premises licence on numerous occasions as detailed in the events below throughout October 2013.

Police have adopted a stepped approach to enforcement throughout October with the DPS Mr LATIB, who has quite frankly ignored that engagement and shown no regard to the conditions on his Premises Licence or the licensing process.

There has been a series of incidents and crime reports in relation to this venue prior to October 2013 and what was the premises earlier incarnation at 35 White Church Lane (same company and DPS, which moved to premises over the road to number 34 - subject of the 16/05/12 application/hearing) and these incidents and reports that taken as a whole has lead to this application.

The following police calls (CAD) / crime reports (CRIS) and/or engagement are in chronological order beginning on 02/04/12:

HM Revenue & Customs, Police and Council Visit - Wednesday, 02/04/12

@ 13:08 hours:

HM Customs and Revenue officers in partnership with LBTH Trading

Standards officers entered the premises, then at 35 White Church Lane. The staff member present was Hamaon ROSHID, DOB 01/01/1988. Mr. Abdul LATIB the DPS was not present.

SEIZED: 83 bottles of wine (shelving advertising "2 for £5") and 8 bottles of spirits (counterfeit labels).

Call to police - CAD 9773/14SEP12 (Friday) @ 21:27 hours (#35 White Church Lane):

Informant states that the shop window has been broken. The suspects have headed to Commercial Road. Description of the two males circulated by police operator over the airwaves (ages given as approximately 15 years old). CCTV confirm they are checking the area. Informant updates the police operator saying that the suspect broke the shop window as he wanted alcohol and did not have any ID, so was refused to be served. CCTV and a local police unit confirm 'area search, no trace'. Informant advises he does not wish to make any allegations as the damage is minor and he is not willing to attend court. Pocket note book signed to this effect by PC 987HT. Matter closed.

Call to police - CAD 9418/31AUG13 @ 20:17 hours (# 34 White Church Lane):

Informant states there is a dispute over payment in which the customer believes he has been overcharged. Informant advised this is a civil dispute. One of the customers spoken to and advised to contact Trading Standards if unsatisfied.

Matter resolved.

Police and Council Visit - Wednesday, 02/10/13 @ 15:42 hours:

Police attended the premises after a Council licensing officer undertook a successful test purchase of a single can of alcohol of 9% abv and is reported for prosecution.

(Supporting MG 11 attached from PC 291HT O'ROURKE)

Police and Council Visit - Saturday 05/10/13 @ 00:05 hours:

Police undertook a follow-up compliance visit and made a successful test purchase of a can of Guinness 4.2% abv (13.5% extra) at 00:05 hours.

(Supporting MG11 attached from PC 291HT O'ROURKE and Mr HERON LBTH and a copy of Form 'Book 694' Notification of alleged offences under the Licensing Act 2003)

Initially a Section 19 Closure Notice under Section 19 Criminal Justice and Police Act 2001 is issued, but this was later withdrawn by police on 30/10/13. However this notice did state 'actions' for the DPS to carry out, which at least as advice, police would have hoped he would have heeded - the advice was under the heading 'Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))' and was *"To comply with all licence conditions in particular mandatory conditions.*

Place a sign next to the beer above 5.6% abv stating 'Minimum sale 3 cans or more'. Close on time"

Police and Council Visit - Saturday 05/10/13 @ 00:15 hours:

Police return (having chosen the wrong can of alcohol for 'super strength', which was 13.5% 'extra', not 13.5% 'abv'!) and make a successful test purchase of a can of 'K' cider 8.4% abv. The visit was to test compliance of the 'super strength' licence condition, but police and the council officer quickly realise on inspection of the premises licence, that in fact the premises is open more than an hour after alcohol sales should cease.

PC O'ROURKE and Mr HERON return to the premises at 00:35 hours and they are still open, they remain on the premises completing paperwork until 01:25 hours.

During this time there was a customer banging on the door expecting to be let in every few minutes, some quiet angry the premises was closed. It was simply unbelievable. One potential customer, a female was dressed in her pyjama's and was clearly a local resident who had popped out from her flat to purchase something well beyond closing time.

It was obvious to police that the premises had been regularly opening in excess of there permitted hours and this was very well known locally, due to the shear volume of traffic trying to get into the shop.

(Supporting MG11 attached and is combined with the statement above).

Police Visit and Council - Saturday 26/10/13 @ 00:20 hours:

Police undertook a joint licensing visit with a licensing officer from LBTH to check that the premises was closed. It was not. At approximately 00:20 hours police saw two males banging on the door to be let in and the person inside let them in. Ms Driver from LBTH then went to the front door and was let in as well and undertook a successful test purchase of a 20cl bottle of Glens vodka. PC 291HT O'ROURKE also observed a sale of a bottle of Smirnoff vodka at 00:28 hours.

(Supporting MG11 from PC 291HT O'ROURKE attached and copy Form 'Book 694' Notification of alleged offences under the Licensing Act 2003)

It is understood that Mr. LATIB will appear before Magistrates at Thames Magistrates Court in relation to the offences committed under the Licensing Act 2003 on 05/12/13.

Signed,


PC 291HT Brendan O'ROURKE.

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

Please tick ? yes
no

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

The premises licence for the new venue at 34 White Church Lane (effectively a transfer from 35 White Church Lane) was granted by the Licensing Sub-Committee on 16/05/13 after representations from the police and Thames Reach in relation to 'super strength alcohol (above 5.6% abv).

The application was granted with conditions.

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature: 

PC JAI UK

Date: 01/11/13

Capacity: Police Constable behalf of the Chief Officer of Police of the Metropolis a Responsible Authority.

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Appendix 2

**(Off Licence)
34 White Church Lane
London
E1 7QR**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCroha
Trading Standards and Licensing Manager

Date: 16th May 2013



Part A - Format of premises licence

Premises licence number

16774

Part 1 - Premises details

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

34 White Church Lane

Post town

London

Post code

E1 7QR

Telephone number

020 7246 0141

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (off sales only)

- Monday to Saturday from 07:00hrs to 23:00hrs
- Sunday from 09:00hrs to 23:00hrs

The opening hours of the premises

- Monday to Saturday from 07:00hrs 23:30hrs
- Sunday from 08:00hrs to 23:30hrs

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

NFU London Ltd.
35 White Church Lane
London
E1 7QR

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

8248216

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

Abdul Latib



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

Licence Number: MVDC594
Issuing Authority: Mole Valley District Council

Annex 1 - Mandatory conditions

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

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

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

1.

- (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.

2. The responsible person shall ensure that;

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and

- (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

None Applicable

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

1. The premises will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together;
2. CCTV camera system covering both internal and external to the premises is to be installed;
3. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority;
4. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises;
5. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly;
6. No nudity or semi nudity permitted;
7. Alcohol shall only be sold in sealed containers;
8. 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;
9. 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
10. Legible copies of the documents referred to in 9) shall be retained on the premises and made available to officers on request;
11. The trader shall obtain and use a UV detection device to verify that duty stamps are valid;
12. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately;
13. Every incident of crime or disorder in the premises shall be reported to the Police by the Designated Premises Supervisor (DPS) or a nominated member

of staff. The DPS and all members of staff shall ensure that all lawful and reasonable instructions and/or directions given by the Police are complied with;

14. Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use;
15. Emergency light and smoke detector system shall be installed at the locations marked, "emergency light" and "smoke detector" on the plan of the premises;
16. Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook;
17. The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book;
18. All exits and escape routes to those exits (including external escape routes) from the premises shall be clearly marked, maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises;
19. Fire fighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers;
20. Fire fighting equipment shall be examined regularly by the manufacturer or other competent person and maintained and tested in accordance with BS 5306 Part 3, 2000;
21. All members of staff will be familiar with the operation of the fire fighting equipment;
22. All staff shall be instructed and trained to ensure that they understand the fire precaution measures in the premises and the procedure and action to be taken in the event of fire;
23. The electrical installation will be inspected annually;
24. Any gas boiler, calorifier or other gas appliance will be tested on a regular basis.
25. There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting the premises containing details of the trading hours under the premises licence;
26. All staff shall be instructed and trained to ensure customers are discouraged from congregating outside the premises;

27. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents;
28. The premises will only be open to the public between the hours as set in this application;
29. All staff shall be instructed and trained to ensure no deliveries of stock are made to the premises between 22:00hrs and 08:00hrs on any day;
30. All staff shall be instructed and trained to ensure that external illumination signs are switched off when the premises are closed for licensable activities;
31. All staff shall be instructed and trained to ensure the sale or supply of alcohol is prohibited to any person who is intoxicated;
32. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the Home Office, a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth;
33. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Annex 4 - Plans

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

14th January 2013 (Drawing Number: 2012 / 014/003)



Part B - Premises licence summary

Premises licence number

16774

Premises details

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

34 White Church Lane

Post town

London

Post code

E1 7QR

Telephone number

[REDACTED]

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (off sales only)

- Monday to Saturday from 07:00hrs to 23:00hrs
- Sunday from 09:00hrs to 23:00hrs

The opening hours of the premises

- Monday to Saturday from 07:00hrs to 23:30hrs
- Sunday from 08:00hrs to 23:30hrs

Name, (registered) address of holder of premises licence

NFU London Ltd.
35 White Church Lane
London
E1 7QR

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

Off sales only

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

8248216

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

Abdul Latib

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

No restrictions

Appendix 3

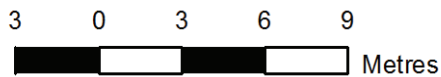


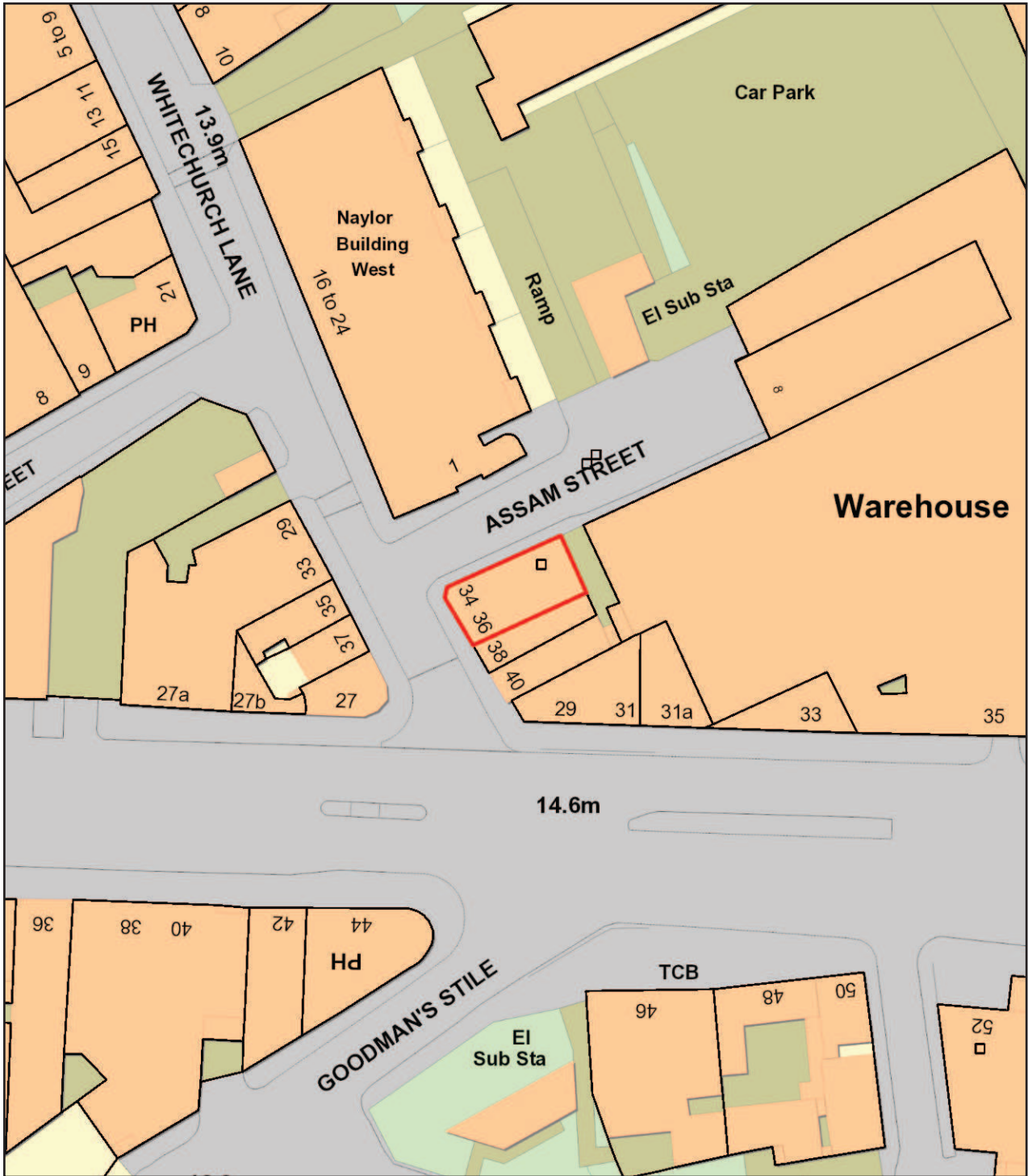
34 White Church Lane

Map 1



Scale 1:334



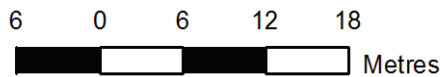


34 White Church Lane

Map 2



Scale 1:668



Appendix 4

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 5

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 6

Appendix 6

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 7



**METROPOLITAN
POLICE**

TOTAL POLICING

**Tower Hamlets Borough
Licensing Office**

Ms Kathy Driver,
Principal Licensing Officer,
London Borough of Tower Hamlets,
Licensing Section,
Mulberry Place,
5 Clove Crescent,
London,
E14 2BG

**Limehouse Police Station,
West India Dock Road,
London,
E14 8EZ**

Office: **020 7275 4950/4911**
Mobile: **07825 850 906**

Email: Brendan.O'Rourke@met.pnn.police.uk

Your ref:
Our ref: LIC/011113/13

11th December 2013

Dear Ms Driver,

Re: Supporting documents as outlined in the Review Application and additional evidence

In the matter of: Request under Sec 51 Licensing Act for a Review of Premises Licence Low Cost Food and Wine, 34, White Church Lane, LONDON E1 7QR.

Please find attached copies of the supporting documents as referred to in my original review application dated 01/11/13:

- Re: 02/10/13 - MG11 From PC 291HT O'ROURKE (dated 04/10/13).
- Re: 05/10/13 - MG11 From PC 291HT O'ROURKE (dated 06/10/13).
- Re: 05/10/13 - Closure Notice - Section 19 Criminal Justice and Police Act 2001.
- Re: 05/10/13 - Book 694 Notification of alleged offences under the Licensing Act 2003.
- Re: 26/10/13 - MG11 From PC 291HT O'ROURKE (dated 26/10/13).
- Re: 26/10/13 - MG11 From PC 291HT O'ROURKE (dated 30/10/13).
- Re: 26/10/13 - Book 694 Notification of alleged offences under the Licensing Act 2003.

Additionally, please find attached further supporting evidence as outlined below:

- Re: 02/10/13 - MG11 From Mr LISOWSKI, LBTH (dated 04/10/13).
- Re: 02/10/13 - MG11 From Mr. WAREING, LBTH.
- Re: 05/10/13 - MG11 From Mr HERON, LBTH (dated 11/10/13).
 - Further offences reported for Breach of Conditions:
 - Conditions 2 and 3, there was no active CCTV system at the premises
 - Condition 5 , no signage
 - Condition 11, no suitable UV light to check duty stamps
 - Condition 18, fire exits were not signposted
 - Condition 25, no signage
 - Condition 33, no notices
 - Mr LATIB personal licence has not been updated with his new address, nor had it been amended on the premises licence.
- Re: 26/10/13 - MG11 From Ms DRIVER, LBTH (dated 27/11/13).
- Letter to Mr LATIB (dated 30/10/13) - Surrey.
- Letter to Mr LATIB (dated 01/11/13) - Surrey.
- Letter to Mr LATIB (dated 05/11/13) - Surrey.
- Letter to Mr LATIB (dated 05/11/13) - London (with copies sent of above three letters (and attachments) originally sent to Surrey).
- Letter from Miramar Legal to Police (dated 27/11/13).
- Re: 07/12/13 - MG11 From PC 291HT O'ROURKE (dated 08/12/13).
- Re: 07/12/13 - Book 694 Notification of alleged offences under the Licensing Act 2003.Re: 07/12/13 - MG11 from PC 291HT O'ROURKE (dated 10/12/13).
- Photographs of the premises - numbered exhibit's 'BOR/1 - 5'.

I can further state that on 5th December 2013, I attended Thames Magistrates Court where Mr. McCabe, solicitor for the London Borough of Tower Hamlets prosecuted Mr Latib for breaches of his premises licence under the Licensing Act 2003. It is a matter already referred to in the above documentation. Mr Latib pleaded guilty to the one offence prosecuted (which was the offences committed on 26/10/13). He pleaded guilty and was sentenced to a fine of £385 (£165 fine; £200 costs; £20 victim surcharge). A 'Collection Order' was made and his Personal Licence was suspended for a period of one month - effective immediately. Part of the mitigation put forward by his defence in relation to the consideration of any suspension of the personal

licence by the Magistrates, was that if *'his personal licence was suspended he would lose his income or the ability to earn and pay any fine'*.

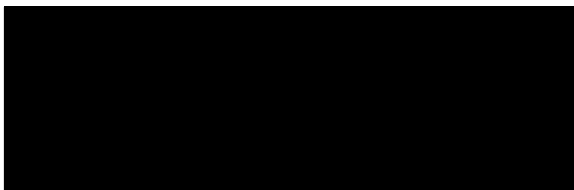
At the time of writing there are four outstanding prosecutions against Mr Latib and/or a staff member of Low Cost Food & Wines for breaches of the Licensing Act 2003 (as outlined in the documentation), but for clarity they are offences committed on 02/10/13; 05/10/13 x 2 and 07/12/13.

In addition to offences reported by the police on 05/10/13 - please see attached in the Annex witness the statement from LBTH Licensing Officer in relation to other offences Mr Heron found further breaches on 5th October 2013 (dated 11/10/13).

There are other complicated matters ongoing with Mr Latib that involves his immigration status in the UK. Mr. Latib currently has an ongoing claim for asylum with UKBA - this is relevant to the Licensing Committee in that as it is understood that Mr Latib is in receipt of benefits and he *cannot* work in the UK. Mr Latib is still the Designated Premises Supervisor for Low Cost Food & Wine and there has been no application to vary this over the last few months since his work status was known. It is anticipated that the full facts surrounding this matter will be made available to the Licensing Committee in due course.

If you have any further questions about the above, please don't hesitate to contact me.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Brendan O'Rourke

PC 291 HT

Appendix 8

1

WITNESS STATEMENT

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

Statement of **Brendan Paul O'ROURKE** URN:

01	HT		13
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222**

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

Signature:  Date: **04/10/2013**

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

This statement is in relation to a test purchase at 34 WHITECHURCH LANE, LONDON E1 7QR

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Wednesday, 2nd October 2013, I was on duty in plain clothes in the company of PC 189HT CRUICSHANK, Mr Alex LISOWSKI, a London Borough of Tower Hamlets Licensing Officer and Mr Ian WAREING, a London Borough of Tower Hamlets Environmental Health Officer on joint Licensing Patrols within Tower Hamlets.

At approximately 15:42 hours Mr WAREING entered the premises of 34, WHITECHURCH LANE and returned shortly afterwards with a single can of 'Skol Super' lager, 9% abv.


I then entered the premises and identified myself to staff as a police officer, saying "HELLO I AM PC 291HT O'ROURKE FROM TOWER HAMLETS LICENSING".

I said to the male who Mr WAREING had identified as the male who had served him "WHAT IS YOUR NAME AND DATE OF BIRTH PLEASE"?

He replied "MOMAON ROSHID, 01/01/1988".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "35A WHITECHURCH LANE LONDON E1 7QR".

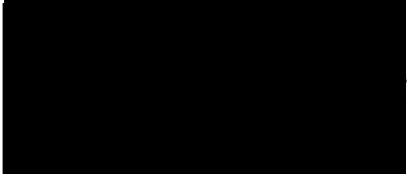
Signature:  Signature witnessed by: *PC J. H. W.* N/A

Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then conducted police checks on the male and heard Mr LISOWSKI report the male for summons for committing an offence under the Licensing Act 2003, being in breach of their premises licence.

I then left the premises.  *pc Lisowski*

Signature:



Signature witnessed by: N/A.....

Appendix 9

(2) + (3)

WITNESS STATEMENT


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

Statement of **Brendan Paul O'ROURKE** URN:

01	HT		13
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222**

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  *PC J. King* Date: **06/10/2013**

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

This statement is in relation to a test purchase at 34 WHITECHURCH LANE, LONDON E1 7QR

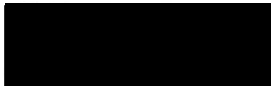
I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Saturday, 5th October 2013, I was on duty in plain clothes in the company of Mr Andrew HERON, a London Borough of Tower Hamlets Licensing Officer on joint Licensing Patrols within Tower Hamlets.

At approximately 00:05 hours I entered the premises of 34, WHITECHURCH LANE in plain clothes to undertake a 'Test Purchase'. The shop was busy with several people selecting and purchasing alcohol in front of me. There are several open fridges full of cans of lager or beer to the right as you enter and a wall full of shelves containing wine on the left, with spirits held behind the counter. I would say approximately 50% of the shop floor is dedicated to the sale of alcohol.

The fridge shelves containing beer is arranged in a confusing way, with different strength beers mixed and it is not easy to ascertain which is 'Super Strength' or over 5.6% abv (which is a special condition on the premises licence i.e. 'only 3 or more cans with a strength above 5.6% abv may be sold). Neither is there any sign advising customers of this condition. It would appear that the shop have had no regard to this condition whatsoever.

I selected from one of the fridges a single can of Guinness (alcohol content 4.2% abv) and paid £1.30 for it at the till. I produce this in evidence as exhibit BOR/1 - sealed in evidence bag LA035242.

Signature:  *P.C. J. King* Signature witnessed by: **N/A**

Continuation of Statement of **Brendan Paul O'ROURKE**

I then returned to the premises at 00:15 hrs and purchased a single can of 'K Cider' (alcohol content 8.4% abv) and a bag of crisps and paid £2.24 for it. I produce the can in evidence as exhibit BOR/2 - sealed in evidence bag LA035239.

I returned again shortly afterwards to the premises with Mr HERON who identified himself to the staff working as a Council Official and I produced my warrant card and badge identifying myself as a police officer, saying "HELLO I AM PC 291HT O'ROURKE FROM TOWER HAMLETS LICENSING".

I said to the male who had served me "WHAT IS YOUR NAME AND DATE OF BIRTH PLEASE"?
He replied "MOMAON ROSHID, 01/01/1988".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?
He replied "35A WHITECHURCH LANE LONDON E1 7QR".

Mr HERON had already asked him if he had a personal licence, which he did not. The Designated Premises Supervisor arrived at some point during our conversation, who verbally confirmed his details to me as Mr Abdul LATIB, DOB 18/09/1985. He gave his address as 35, WHITECHURCH LANE, LONDON E1 7QR, however that differed from the address given to LBTH and recorded on the premises licence (which I believe was in Surrey). I inspected Part A of the Premises Licence to confirm that the shop should cease the sale of alcohol at 23:00 hours and be completely closed by 23:30 hrs.

I then completed two Met Police Licensing Forms, one from 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and the other a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'.

At 01:20 hours, I said to Mr. LATIB "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCES:

- 'UNDER 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',

IN PLAIN ENGLISH THAT MEANS YOU HAVE SOLD ALCOHOL OUTSIDE YOUR

Signature:



Signature witnessed by:

N/A.....

[Handwritten signature]

Continuation of Statement of **Brendan Paul O'ROURKE**.....

PERMITTED HOURS”.

I then gave the 'now' caution and said “THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY OR MAY NOT BE PROSECUTED”, he made no reply. The above offences are recorded on the form from Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/3 - sealed in evidence bag C36680925.

I then gave MR LATIB a copy of the Section 19 Closure Notice I had completed, with specific steps to be taking in compliance of this. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/4 - sealed in evidence bag C36680926.

I would like to add, during my entire time on the premises, from approximately 00:35 hours until 01:25 hours, there was a customer banging on the door expecting to be let in every few minutes. It was simply unbelievable. One person, a female was in her pyjama's and was clearly a local resident who had popped out of her flat to purchase something well beyond closing time.

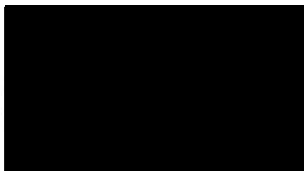
It appeared obvious to me, that the premises had been regularly opening in excess of there permitted hours and this was very well known locally

I then left the premises.



Pl Jell W

Signature:



Signature witnessed by:

N/A.....

W1

Appendix 10

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 05/10/13 Time Served: 0045

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC JAMIE O'NEILL

Signature: [Signature]

Name (if applicable) and address of the affected premises:

34 White Church Lane
London E1 7QR

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

At 00:15 hrs on 05/10/13 PC JAMIE attended the above premises in plain clothes and conducted a buy purchase of K Cider 8.40 abv. Earlier at 00:05 hrs, PC JAMIE also purchased a can of Guinness (4.2% abv)

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Premises licence clearly states sale of alcohol Monday to Saturday 07:00 hrs to 23:00 hrs, additionally under Annex 3 'will not sell any beer (etc.) over 5.6% abv or higher unless 3 or more are purchased together'

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

To comply with all licence conditions in particular mandatory conditions place a sign next to the beer above 5.6% abv stating 'minimum sale 3 cans or more' & close on time

Effect of section 20 - Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name: Abdul LATIB

Signature: [Redacted]

Date: 05/10/13

1. EXPLANATORY NOTES

A police officer has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premises has been operating either without a premises licence, or otherwise than in accordance with a premises licence. It also details the actions that may be taken by the owner or manager to end the unlicensed sale of alcohol to prevent it reoccurring. Please note that any such unauthorised activity may also constitute a criminal offence under section 136 Licensing Act 2003.

The purpose of this notice is to provide a warning to those responsible for the premises in order that swift remedial action can take place to rectify the unauthorised activity. If the problem continues, or appears likely to continue, the police may apply to the magistrate's court for an order to close the premises.

2. Section 19 of the 2001 Act- Closure Notices

Where a police officer, or an authorised officer from the local authority, is satisfied that any premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol, for consumption on, or in the vicinity of the premises, , he may serve a notice under section 19(3) in respect of the premises. An "unauthorised sale of alcohol" includes a premises with a valid premises licence, but that is operating in breach of its licence conditions.

3. Section 20 of the 2001 Act- Closure Orders

Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unlicensed sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future.

The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.

After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a court hearing. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.

In accordance with the Magistrates' Courts Act 1980, and the Human Rights Act 1998 you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

4. Appeals- Section 24 of the 2001 Act

An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

5. Enforcement Powers and Offences- Section 25 of the 2001 Act

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such

an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of this authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

Appendix 11



**METROPOLITAN
POLICE**

TOTAL POLICING

Book 694

Venue Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: _____ REF: (CAD/CRIS etc.) _____

Address: 34 White Church Lane
LONDON E1 7QR Date: 05/10/13 Time: 01:20

Details of person in charge at the relevant time: Abdul LATIB

(Licence mole valley S.C. #594 exp 24/02/21) DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- 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 activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:
Plain clothes police (PC JAHK) entered the premises at 00:05 hours and bought a can of Guinness, then at 00:15 hours bought a single can of K. Cider 8.4% abv. - in contravention of Licence conditions on 05/10/13.

Issuing officer: PC JAHK _____ Print: O'Connell

I acknowledge receipt of this form: (venue) _____

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

Appendix 12

4

WITNESS STATEMENT

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

Statement of **Brendan Paul O'ROURKE** URN:

01	HT		13
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222**

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  *P. J. O'Rourke* Date: **26/10/2013**.....

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


This statement is in relation to a test purchase at 34 WHITECHURCH LANE, LONDON E1 7QR on Saturday 26th October 2013 and the Breach of a Sec 19 Closure Notice - Criminal Justice and Police Act 2001 - issued at 00:45 hours on 5th October 2013

I am a police officer with the Licensing Unit of Tower Hamlets Borough Police.

On Saturday, 26th October 2013, I was on duty in plain clothes in the company of Ms Kathy Driver, the Principle Licensing Officer for The London Borough of Tower Hamlets, carrying out joint enforcement and compliance licensing visits.

At approximately 00:20 hours we drove past the above premises and saw that there was a member of staff inside and two males banging on the door to be let in. As we watched the member of staff opened the door and let the two males in. At that point Ms DRIVER went to the door and she was allowed in. At 00:25 hours she exited and showed me a can of alcohol that she had just purchased (having undertaken a 'test purchase'), I knew this to be in breach of their Premises Licence and additionally a breach of a Section 19 Closure Notice - Criminal Justice and Police Act 2001, issued by myself on Saturday, 5th October at 00:45 hours.

I then observed one of the two males inside select a bottle of Smirnoff Vodka, I saw he paid for it and started to exit the shop. I then entered the premises and produced my warrant card and badge to the males and the member of staff identifying myself as a police officer, saying "HELLO I AM PC

Signature:  *P. J. O'Rourke* Signature witnessed by: **N/A**

Continuation of Statement of **Brendan Paul O'ROURKE**.....

O'ROURKE FROM TOWER HAMLETS LICENSING, CAN I JUST HAVE A WORD PLEASE, DON'T WORRY YOU ARE NOT IN TROUBLE" (to the male buying the vodka).

I then explained to the males that the shop was open 'after hours' and that the alcohol had been sold in breach of their licence. I then asked the member of staff, who I recognised as the DPS Mr Abdul LATIB to refund the gentleman which he did. There was some small confusion as the male had paid £13.49, but was refunded £14.00. I said that was a matter for the both of you and the males left.


Mr LATIB started immediately started making excuses "I WAS CLOSED, THEY BEGGED ME FOR A DRINK BECAUSE THEY HAD A PIZZA I HAVE NOT SOLD ANYTHING ELSE TO ANYONE".

At that point Ms DRIVER introduced herself as a Council Official presenting her warrant card to him and I heard her say "THAT'S NOT TRUE I JUST BOUGHT A CAN OF LAGER FROM YOU AND YOU NOT TELL ME NO".

I then asked Mr LATIB to confirm his name, date of birth and address for me which he did stating Abdul LATIB; DOB 18/09/1985; 35, WHITECHURCH LANE, LONDON E1 7QR

I seized the bottle of Smirnoff Vodka (that he had just sold) from the counter and I produce this in evidence as exhibit BOR/1 - sealed in evidence bag C36675930.

I then inspected Part A of the Premises Licence to confirm that the shop should cease the sale of alcohol at 23:00 hours and be completely closed by 23:30 hrs. This is my fourth visit to the premises in as little as 21 days in which I have now recorded four separate licensing offences being committed. It simply appears that Mr LATIB has no regard for his Premises Licence, nor licensing legislation and is incapable of managing an off-licence. He has ignored my advice given to him in the Section 19 Notice of 5th October 2013 and again tonight (between 00:30 hours and 01:00 hours) there was a constant stream of customers banging on the door and actually getting quite vocal and aggressive when told by Ms DRIVER or myself that the shop was closed. This is almost 1 ½ hours after the whole premises should be closed and 2 hours after the sales of alcohol should cease.

Signature: .....

Signature witnessed by: N/A.....

Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then completed one Met Police Licensing Form from 'Book 694' "Notification of alleged offences under the Licensing Act 2003", ticking the following offences:

- o - 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'
- o 'UNDER SECTION 137 (1) EXPOSING ALCOHOL FOR RETAIL SALE WITHOUT AN AUTHORISATION',

He signed the Form 694 and I gave him a copy. I produce this in evidence as exhibit BOR/2 - sealed in evidence bag C36783330.

I then explained the form to him and further that the Police would be making an application to Thames Magistrates Court next week under Section 20 to seek a Closure Order for the premises. Ms DRIVER advised him to go to a solicitor for advice, stressing how serious the situation could be for his business. At that time, we were unsure about the need to further report for process in regards to the 'test purchase' and sale of the vodka as that caused the breach of the Section 19. However having returned to the police station, it appears to me that the guidance from the Home Office is quite clear and essentially as another (and separate) offence *has* occurred, I shall return tonight and formally 'report for process' Mr LATIB for this matter.

I then left the premises.  P (29/11/15)

Signature:



Signature witnessed by:

N/A.....

P (29/11/15)