

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

Preem,
118-124, Brick Lane,

Post town

London

Post code (if known)

E1 6RL

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

Azmal MERT HUSSAIN

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

15901

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 Metropolitan Police [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Telephone number (if any) | [REDACTED] |
| E-mail (optional) | [REDACTED] |

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

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

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

This review has been instigated with regards to primarily the Crime and Disorder and secondly Public Nuisance licensing objectives.

The premises licence was last updated after an amendment was made on 06/10/11 (after a licensing sub-committee review hearing). However at an earlier review hearing on 11/01/11, the licensing sub-committee added the following conditions (of note):

Annex 3. Conditions attached after a hearing by the licensing authority:

7. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.

8. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

Additionally, as recent as 04/03/14 – there was a new premises licence application for Preem made before this sub-committee - it was refused - but if I may quote from the minutes of that hearing (also attached):

“In response to questions, the Applicant [Mr HUSSAIN] stated he would not be touting anymore and would take positive steps to promote the licensing objectives, would employ additional staff to help customers leave quietly and have voice activated CCTV system and would not

allow drunk people to enter the premises". 'Staff' at Preem were caught by PC O'ROURKE only 2 ½ weeks later on 22/03/14 'touting'... Mr HUSSAIN was fined £6,845.00 at Thames Magistrates Court on 10/07/14 for those offences (as outlined below).

And therein lays the prime reason for the request of this review – the persistent (and continuing) breaches of the Licensing Act 2003 by the premises licence holder Mr HUSSAIN for allowing 'touting' or other licence matters. Whilst police suspect touting happens daily, Mr HUSSAIN he only been caught by police four times since the above promises were made to this sub-committee on 04/03/14. More seriously, Mr HUSSAIN has now breached a Section 19 Closure Notice (Criminal Justice and Police Act 2001) advising him to stop touting on three separate occasions...

Whilst Mr HUSSAIN may already be well known to most Members of the sub-committee, for clarity a short background is that Mr HUSSAIN is the premise licence holder for Preem at 118-122 Brick Lane and it's sister restaurant Prithi Bar and Restaurant adjacent at 124-126, Brick Lane – both restaurants employ 'touts' to engage potential customers passing by in Brick Lane – it would be equally fair to say, that the practice is rife and all too common in almost all similar restaurants in Brick Lane and unique to them alone.

It may be useful to point out too, whilst there is one Premises Licence for 118-122 BRICK LANE, the building is slightly unusual in that it is comprised of three buildings with two separate front doors, 118 is a single building, whilst 122-124 is two knocked together.

This sub-committee will be aware that many restaurants in Brick Lane have had 'no-touting' conditions attached to their premises licences. 'Touting' does not occur for example in other restaurants nearby such as the 'Chez Elles' (at 45 Brick Lane), 'Moo Cantina Argentina' (at 60, Brick Lane), nor 'Kinkao' (at 176, Brick Lane). But It has become a part of life in Brick Lane. For local residents (and indeed tourists), it is a different matter and there may well be strong representations made by local resident associations – who frequently complain to police about the continuing 'touting practice' and the perception that nothing is being (or can be) done about it... Generic feedback from other visitors (who may also be tourists to the UK), can be sought on the likes of websites, such as 'Trip Advisor' etc. But does not form part of my evidence.

Preem or the premises licence holder is *not* the only business that the police have action taken against it and our work is ongoing in this area. I should add however that it is very time and labour intensive and when there are other higher priorities or demands on policing in Brick Lane, or other licensing issues elsewhere on Borough - it is often a difficult balance to strike at the time.

It is public record that Mr HUSSAIN has been fined £12,325.00 to date for breaches of the Licensing Act 2003 and he still continues to do so with impunity and appears to view the fines as an 'operating cost', rather than a punishment or as a deterrent.

The last fine on 10/07/14 was £6,845.00, for offences that PC O'ROURKE discovered on 22/03/14 (as previously mentioned).

On 16/07/14, PC O'Rourke reported two touts for Tower Hamlets Byelaw offences, whilst Mr HUSSAIN was present. Mr HUSSAIN'S reply to his staff after they had been cautioned and 'reported for process' was "DON'T WORRY I WILL PAY YOUR FINES" – it was quite simply unbelievable and police have formed the view that Mr HUSSAIN has no intention whatsoever in upholding the Licensing Act 2003 (let alone Tower Hamlets Byelaws) and if anything he has a complete and utter disregard for the whole legislative and licensing sub-committee process in full...

Mr HUSSAIN is involved in local politics and this causes local tension amongst surrounding businesses (as below) - whilst any political issues have no bearing on this application whatsoever, other than this observation - when police attended at PRITHI (124-126 Brick Lane) on 02/08/14 Mr HUSSAIN asked PC CRUICKSHANK "HAS THE MAYOR ASKED YOU TO TARGET ME"?

'Touting' evidence:

Tuesday, 04/03/14 - Licensing Sub-Committee Hearing

(Already outlined above on page 15).

Saturday, 22/03/14 - 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) x3 and Section 19 Closure Notice Issued – Criminal Justice and Police Act 2001.

The first offence after the above Licensing Hearing.

PC O'ROURKE says: On Saturday, 22nd March 2014, I was on duty in plain clothes in Brick

Lane, walking north, as I made my way through the crowds a male stepped out onto the pavement just a few feet ahead of me from PREEM at 118 BRICK LANE and I heard him say to two passers by "25% DISCOUNT AND A FREE BOTTLE OF WINE". I looked straight at him and produced my warrant card and said "HELLO I'M PC O'ROURKE, TOWER HAMLETS LICENSING, LET'S GO INSIDE AND HAVE A WORD PLEASE".

The male looked horrified that he had been stopped and immediately said "I'M SORRY, I'M SORRY". He appeared to not want to move and I said, "COME ON LET'S GO INSIDE, I NEED TO TAKE YOUR DETAILS".

Again, he kept repeating non-stop, "I'M SORRY, I'M SORRY".

It is was also found that Mr HUSSAIN had not displayed a summary of his premises licence (Part B), nor did he have a copy of the full premises licence available for inspection.

Supporting documents to follow:

- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11 from PC 291HT O'ROURKE

Wednesday, 16/07/14 – 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) and Breach of Section 19 Closure Notice – Criminal Justice and Police Act 2001.

PC O'ROURKE says: Two males are seen on CCTV to tout outside the two doors working in a pincer movement touting people passing by. At one point Mr HUSSAIN himself is on the doorstep, but ambles off to Prithi at 124-126 Brick Lane.

Supporting documents to follow:

- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001

- MG11 from PC 291HT O'ROURKE

Wednesday, 30/07/14 - 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) and Breach of Section 19 Closure Notice – Criminal Justice and Police Act 2001.

PC O'ROURKE says: Two plain clothes police officers are touted at Preem, PC 990HT WARLOW and PC 106HT RODGERS.

Supporting documents to follow:

- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11's x 3 from PC 990HT WARLOW, PC 106HT RODGERS and PC 291HT O'ROURKE

Friday, 01/08/14 - 'Touting', Breach of Tower Hamlets Byelaws, Breach of Licensing Conditions (Licensing Act 2003) and Breach of Section 19 Closure Notice – Criminal Justice and Police Act 2001.

PC O'ROURKE says: Two plain clothes MSC police officers are touted outside Preem (and later Prithi).

Supporting documents to follow:

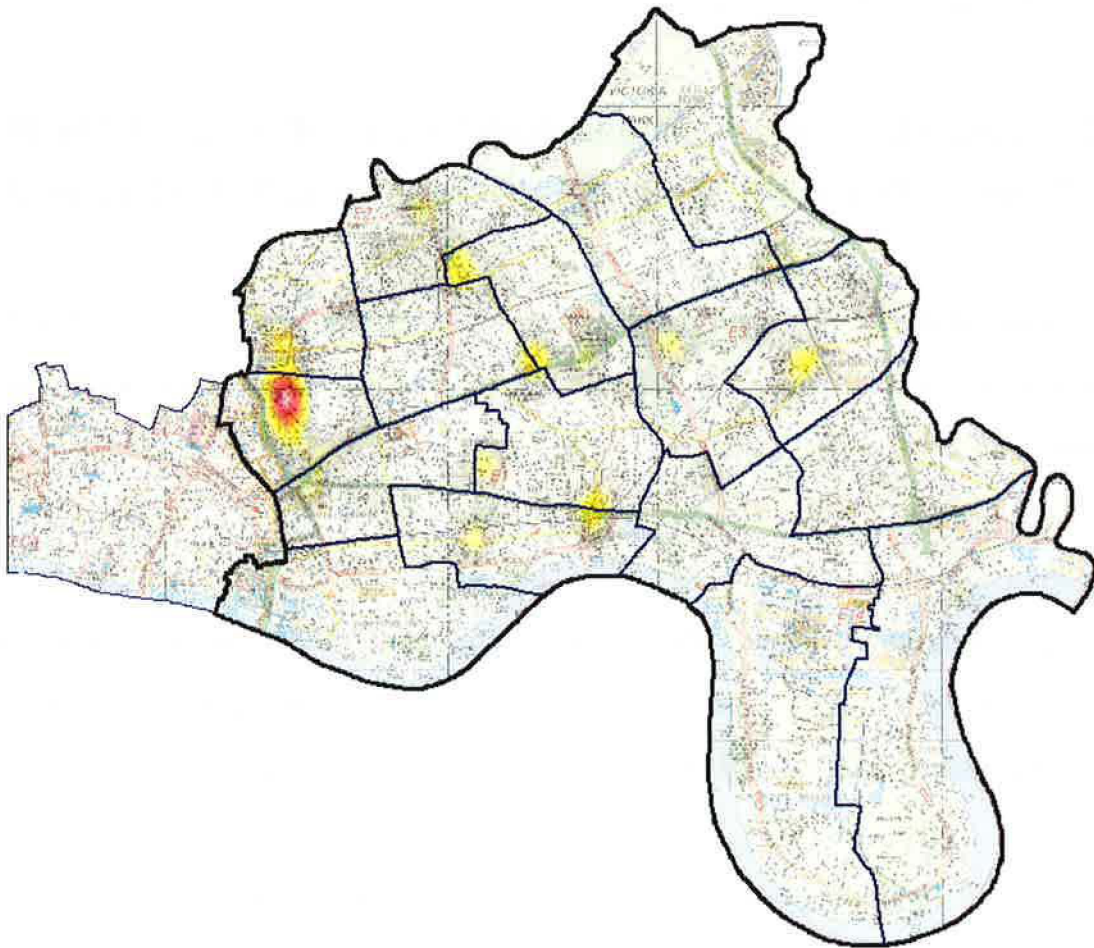
- Copy Book 694 - Notification of alleged offences
- Copy Section 19 Closure Notice - Criminal Justice and Police Act 2001
- MG11 x 2 from MSC SC 5312HT RIDOUT and PC 291HT O'ROURKE

Other evidence:

In addition to the breaches of the Licensing Act 2003, already outlined above - the sub-committee will see below a series of violent incidents that all appear to emanate from ‘touting’ jealousy and assaults amongst rival staff...

Also between 01/08/13 and 31/07/14, 56% of alcohol related crime in Tower Hamlets has also included violence against the person - the most affected ward is (no surprise) Spitalfields and Banglatown accounting for 12% of those offences - as can be seen on the hotspot (over:

HT Alcohol Related Crime:



Friday, 14/02/14 - Call to Police CAD 8804/14FEB14 @ 20:19 hrs - to Preem, 120 Brick Lane - (CRIS 4203758/14 also refers)

Informant states that he has been assaulted by being hit in the face by a male who works across the road in The Bengal Village. The suspect is arrested on suspicion of Common Assault and taken to Bethnal Green Police Station (**custody number HT/857/14** refers). The victim is actually punched once in the eye and once in the neck - after an argument originated over stealing each others customers... The suspect is later bailed with bail conditions not to contact the victim, nor enter Preem at 118-122 Brick Lane - this matter continues (*but 'flares' again up several times below*) and is still subject to ongoing criminal proceedings.

Friday, 14/03/14 - Police stopped in Brick Lane - CAD 10184/14MAR14 @ 21:47 hrs - to Preem, 118-122 Brick Lane (CRIS 4206201/14 also refers)

Informant states he has been assaulted having flagged down a passing officer in Brick Lane. The suspect has left the scene, but is said to have been a staff member (tout) at The Shampan, opposite (79, Brick Lane). The victim who says he works "*to encourage passing trade come into the restaurant*" is punched and sustains a small cut to his hand. His glasses also get broken during the incident. Police attend The Shampan to arrest the suspect and the manager is particularly unhelpful to police when given the suspects description (and nickname) advising "*I don't know of him, I have lots of people working for me*".

The following four CADS are linked to the above incident:

- **Saturday, 15/03/14 - CAD 5039/15MAR14 @ 13:26 hrs - to outside Bengal Village 75, Brick Lane (opposite Preem)**

Informant states he was a victim of an assault yesterday and the suspect is outside The Bengal Village where it is suspected 'he works' [contradicting the above]. Police attend at 14:54 hrs and report 'area search no trace'.

- **Saturday, 15/03/14 - CAD 5216/15MAR14 @ 13:43 hrs - to Preem, 118-124, Brick Lane**

Informant states that a suspect is trying to get him to drop the charges against him

- **Saturday, 15/03/14 - CAD 6043/15MAR14 @ 15:12 hrs - to outside Bengal Village**

Informant states, suspect has returned to the location

- **Sunday, 16/03/14 - CAD 7680/16MAR14 @ 18:36 hrs - to Preem 118-122 Brick Lane.**

The above suspect from 14/03/14 is arrested by police who is seen standing outside The Shampan and is conveyed to Bethnal Green Police Station. Custody number HT/1461/14. Final result, is that there was no prosecution after the matter was closed on 07/04/14.

Thursday, 10/07/14 - Telephone report of theft from outside Preem 118-124 Brick Lane - CRIS 4217245/14

Informant was delivering items to Preem, when a female suspect apparently known to staff stole items from the delivery vehicle (Sat Nav, watch, sunglasses, car key £470-£520 value), staff witness the theft but they are afraid to intervene as she is known as a drug user and to cause trouble they could not stop her. After the police operator make enquiries to Preem, police are told they had no CCTV cameras!

Friday, 11/07/14 - CAD8044/11JUL14 @ 11:00 hrs - Prithi 124, Brick Lane

Informant states that 800 copies of a newspaper he owns has been stolen from three East London Mosques.

Wednesday, 16/07/14 – Call to police – CAD 7645 @ 17:16 hrs - 118-122 Brick Lane

Informant states that someone has stolen a bottle of water from the restaurant. The Duty Sergeant gives advice to the controller, questioning the dispatching of officers to a £1 theft of water.. Police do attend at approx 17:50:13 hrs (PC 306HT) and reports that the incident was a dispute between an employer and former employee and CCTV are monitoring in case there are further issues.. Informant states that he just wanted police to tell his former employee he was no longer welcome at his restaurant.

Tuesday, 22/07/14 – Call to police – CAD 11245/22JUL14 @ 22:09 hrs - to Preem, 118-122, Brick Lane.

Informant states a male has crossed the road from The Bengal Village threatening him, apparently breaching his bail conditions. Police are extremely busy (albeit it on a Tuesday night) and have no free units to send. Informant to follow up and later attends a police station on 24/07/14 - **(CRIS 4203758/14 from 14/02/14 (as above refers).**

Thursday, 24/07/14 -Call to police - CAD 8461 @ 17:31 hrs - to : Preem, 118-122, Brick Lane.

Informant complains about the aggressive behaviour of staff at The Bengal Village and The Curry Bazaar who are said to be “*shouting from across the road to my customers saying my food is bad and theirs is good*”. Appears to originate from ‘touting’ jealousy and references to previous threats are noted. PC 890HT attends and records ‘No offences on this occasion’ and the matter is closed.

In summary there is an overwhelming body of evidence and substantial supporting documents in this matter. Put simply, the Police have no confidence whatsoever in Mr HUSSAIN as a manager or businessman and cannot see that ANY amendments to the operating schedule will improve, change or stop Mr HUSSAIN from breaking the law. He has had more than enough chances to engage with police, the Council, the Courts – but he chosen not to.

In previous mitigation to this sub-committee it has been suggested that Mr HUSSAIN ‘had assisted the Police on a number of occasions with CCTV

footage', as if this absolved him less - it is his duty to provide CCTV not only as part of conditions on his premises licence , but under a duty under the Crime and Disorder licensing objective and should not be given any extra weight.

He has made promises to previous sub-committees and broken those promises, he is not to be trusted and it is believed he will never change his ways or business practices...

My final submission to the sub-committee is that the police respectfully urge the sub-committee to consider revoking the premise licence in full.

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

Please tick yes
√

If yes please state the date of that application

| Day | | Month | | Year | | | |
|-----|---|-------|---|------|---|---|---|
| 0 | 6 | 1 | 0 | 2 | 0 | 1 | 1 |

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

PC CRUICKSHANK opposed a premise licence application on 04/03/14.

PC CRUIKSHANK made representations in a review of the premises licence on 11/01/11 and on 06/10/11 when 'No-Touting' conditions were attached to the premises licence (as briefly mentioned on page 15).

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 yes
√

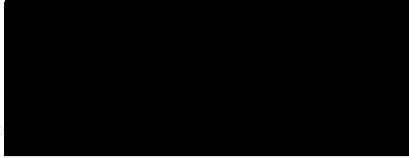
I understand that if I do not comply with the above requirements my application will be rejected yes
√

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:



PCJA111

.....
Date: 15/08/14

.....
Capacity: Police Constable on 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) | |

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 14

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

This statement (consisting of: 5..... 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: [Redacted] PC 2911W Date: 17/07/2014.....

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

This statement is in relation to a breach of Premises Licence Conditions and Section 19 Closure Notice at PREEM, 118 - 122, BRICK LANE LONDON E1 6RL

Officers original notes made at Brick Lane Police Station at 00:45 hours in my own company.

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

On Wednesday, 16th July 2014, I was on duty in plain clothes when I attended the CCTV Control Room operated by the London Borough of Tower Hamlets, for a variety of matters. After I had collected some CCTV for an unrelated matter at approximately 18:25 hours I asked one of the CCTV operators if anyone was 'touting' in Brick Lane. The operator looked at camera 203 which was at wide angle view, pointing north between the junction of PRINCLET STREET and HANBURY STREET - there appeared to be two males standing outside Preem, 118-122 Brick Lane E1. They appeared to be touting directly outside the premises.

I could see one male, described as Asian, medium to heavy build, bald head, aged 30-35, wearing a red/burgundy checked shirt, blue jeans and black trainers with a white 'N' Nike logo on the side. I don't know him to speak to or by name, but I know he is always there when I walk past on that junction. The second male was Asian, aged 30-35, slim to medium build, wearing a white shirt, dark trousers and shoes.

At approximately 18:25 hrs whilst male one was outside the door to 122, I saw on CCTV Mr

Signature: [Redacted] PC 2911W Signature witnessed by: N/A.....

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

HUSSAIN, the premises licence holder leave by the door at 122 and speak to male 1 whilst he was touting. Mr HUSSAIN ambles up the road to his adjacent premises of Prithi & Preem at 124 Brick Lane. He makes no effort to stop male 1 and appears to exchange pleasantries, in short Mr HUSSAIN has no respect whatsoever for the licensing process.

I was aware the premises licence holder of Preem - Mr HUSSAIN had just been fined £6,849.00 at Thames Magistrates Court on 10/07/14 for Licensing Act 2003 offences, some of which I had dealt with, committed on 22/03/14 - when I also issued a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 for breaches of their premises licence.


I have known Mr HUSSAIN for around four to five years, initially from when he used to attend the Ward Panel meetings when I was an officer based at Spitalfields & Banglatown SNT. He is by and large a very pleasant man who always says hello and shakes your hand when greeting you.

I am aware that their Premises Licence, which is number 15901, has a condition in Annex 1.4 which states "No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place."

I have to say - after the large fine last week - I was surprised to see the two males outside clearly touting and working in a 'pincer movement' together. The premises of 118-122 is slightly unusual in that it is comprised of three buildings, however only two are knocked through (118-120) and the other (122) has a separate entrance. It is at the junction of BRICK LANE and HANBURY STREET, on the eastern footway.

Whilst I will write a more detailed statement later from the CCTV when I receive a copy, I can say that between 18:25 hours and approximately 19:11 hours - both males constantly touted people in the streets. Rather annoyingly male 1 would approach people outside door at 122, they would decline and move on, only to be touted again by male two who largely remained outside the door at 118-120 - it was quite remarkable.

At 22:46 hours I attended at the premises and immediately saw male 1 who was still at the same

Signature: ..... Signature witnessed by: *PC JAIN'S* N/A.....

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

junction. I approached him and identified myself as a police officer by producing my warrant card and saying "HELLO, I'M PC O'ROURKE FROM TOWER HAMLETS LICENSING, YOU HJAVE BEEN SEEN TOUTING AND I'D LIKE TO TAKE YOUR DETAILS PLEASE".

He replied "I HAVE NOT BEEN TOUTING"

I said "I HAVE SEEN YOU MYSELF, CAN YOU TELL ME YOUR NAME PLEASE"?

He replied "MOHAMMED MIAH".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "6 BEVAN AVENUE BARKING IG11 9NW"

I said "AND WHAT IS YOUR DATE OF BIRTH PLEASE"?

He replied "11/04/1979".

He was still wearing the light red checked shirt, dark blue jeans and black trainers with the white 'N' logo on the side. I had previously been watching him for approximately 45 minutes on a CCTV camera, the lighting was excellent, occasionally people walked past obscuring my view and at times he went inside the premises, he has a bit of a hunch and I have seen him many times outside Preem - he was the same person, I had seen on CCTV.

I then approached the second male, who was stood outside the lower door I had seen him at earlier, it was the male with the pony-tail and he was very distinctive, he was still the same person, I identified myself as a police officer by producing my warrant card and saying "HELLO, I'M PC O'ROURKE FROM TOWER HAMLETS LICENSING, YOU HAVE BEEN SEEN TOUTING AND I'D LIKE TO TAKE YOUR DETAILS PLEASE"?

He replied "NOT ME I AM WAITER"

I said "I HAVE SEEN YOU MYSELF, CAN YOU TELL ME YOUR NAME PLEASE"?

He replied "MOHAMMED JALIL".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?


He replied "16 BARNARD HOUSE, TONYBEE STREET, LONDON E1 7NR".

I said "AND WHAT IS YOUR DATE OF BIRTH PLEASE"?

He replied "12/02/1965".

He was still wearing the white shirt and black trousers. He said to me "OFFICER, PLEASE DON'T GIVE ME ANYTHING, I AM WAITER".

Whilst I had been taking his details, Mr HUSSAIN arrived and listened to what I was saying, he then said to me "AM I BEING TARGETTED"?

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

PC JAH

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

I said "POLICE ARE LOOKING AT ALL PREMISES THAT ARE BREAKING THEIR PREMISES LICENCE CONDITIONS, BUT I CAN ONLY DO ONE AT A TIME, I'M SURPRISED YOU ARE TOUTING AGAIN AFTER THE BIG FINE YOU GOT LAST WEEK".

At 22:50 hours I said to both males "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE TOWER HAMLETS BYELAWS TO TOUT FOR CUSTOM". I then cautioned them, using the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED".


Mr HUSSAIN then said "DON'T WORRY I WILL PAY YOUR FINES".

I could not believe what Mr HUSSAIN had just said and had brushed it aside as if it was an operating cost, rather than a deterrent to stop. It was clear to me that he has no intention whatsoever to uphold the Licensing Act 2003 and if anything has a complete disregard for it.

An excerpt from the Byelaws reads: London Borough of Tower Hamlets BYELAWS FOR GOOD RULE AND GOVERNMENT - Byelaws made under section 235 of the Local Government Act 1972 by the Council of London Borough of Tower Hamlets for the good rule and government of the Borough of Tower Hamlets and for the prevention and suppression of nuisances. **TOUTING** 13. No person shall in any street or public place for the purpose of selling or advertising any article or obtaining custom tout or importune to the annoyance or obstruction of passengers.

I had already partially 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'.

I then said to Mr HUSSAIN at 22:53 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE '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 BREACHED YOUR PREMISES LICENCE BY ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14".

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

pc 22/11/14

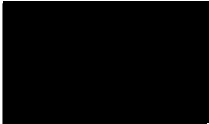
Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply. The above offences are recorded on the Form 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/1 (copy attached).

I then gave MR HUSSAIN a copy of the Section 19 Closure Notice I had completed. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/2 (copy attached).

Mr HUSSAIN then shook my hand and I then left the premises.

Notes completed 01:50 hrs.



P. J. O'Rourke

Signature .....

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



Notification of alleged offences under the Licensing Act 2003

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

Address: 118-122 Brick Lane London E1 6RL

Date: 16/7/14 Time: 2253

Details of person in charge at the relevant time: Mr Azmat Hussain

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: Two members of staff seen on CCTV to actively work in the street for business between 18:25 -> 19:15 hours on 16/7/14; this is also a breach of a Section 19 closure notice issued at 22:45 on 22/03/14

Issuing officer: [Redacted] Print: J ROURKE

I acknowledge receipt of this form: (venue [Redacted])

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 16/07/14 Time Served: x 2254

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 291 HT O'Rourke

Signature: [Redacted]

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

118-122 Brick Lane London E1 6RL

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:

Two members of staff seen to actively look for business in the street on CCTV between 18.25 - 19.15 hours

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

CCTV evidence is overwhelming - Breach of premises licence condition Annex 1.4

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))

This is a breach of a previous Sec 19 issued on 27/03/14 at 2225 hours

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) No

If yes they must be issued with a copy of this form

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 Mr Azmul Hussain

Signature [Redacted]

Date 16/07/14



Notification of alleged offences under the Licensing Act 2003

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

Address: 108 Brick Lane, London E1 6RL 22/03/14

118 seal Date: 2200 Time: 22:00

Details of person in charge at the relevant time: Mr A Hussain

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:

Breach of premises licence condition - member of staff Mr Mizan RAHMAN was seen and heard to solicit for business by offering a discount on the street - contrary to Annex 1.4 of the premises licence.

Issuing officer: [Redacted] Print: [Signature]

I acknowledge receipt of this form: (venue) [Redacted]

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 22/03/14 Time Served: 2225

Authority issuing Notice: Metropolitan Police Service

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

Signature 

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

118/108 Brick Lane London E1 6RL
5th fl.

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:

member of staff Mr MIZAN RAHMAN solicited for business in the street

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

Mr RAHMAN was heard to offer a 25% discount and a free bottle of wine

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))

not to allow staff to hawk or solicit for business on premises or in the vicinity of premises. Annex 4

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details): Yes

If yes they must be issued with a copy of this form

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: Mr A. Hussain

Signature: 

Date: 22/03/14

Appendix 2

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 **Anthony Newton SC 5178HT**..... URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 521958**

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: **Anthony Newton SC 5178HT** Date: **20/09/14**

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

On Friday 19th September 2014 I was on duty in plain clothes on foot patrol in Brick Lane with Special Constable 5312HT RIDOUT. We were ground assigned from 21.20hrs.

[REDACTED]

At 21.58hrs we were approached by a male on the opposite side of the road to Preem and Prith Balti House, 118 Brick Lane, E1. He was IC4 and aged about 40 years. He wore a black silk shirt, black trousers and smart black shoes. He had a shaved head and short beard and was about F510 tall. He said "I will give you a starter, main,

Signature: **Anthony Newton SC 5178HT** . Signature witnessed by:

Continuation of Statement of **Anthony Newton SC 5178HT**.....

rice and papadoms for £12 each plus one free beer each" if we ate in his restaurant. When we later returned to serve a Section 19 notice I learnt the male was Lahin KHAN, date of birth 12.08.1977 of 189 Mungo Park Road, Rainham, RM13 7PT.

[REDACTED]

At around 22.30hrs SC 5312HT RIDOUT and I went to Brick Lane Police Station where we reported our experiences to PC 748HT Mark PERRY. He the wrote out the Section 19 notices before heading out to issue them to the relevant restaurants.

3-15 [REDACTED] HH NEWTON SC 5178 HT ————— AN
3-16 [REDACTED] HH

Signature: **Anthony Newton SC 5178HT** . Signature witnessed by:

WITNESS STATEMENT

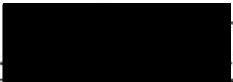
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **James Ridout**..... URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

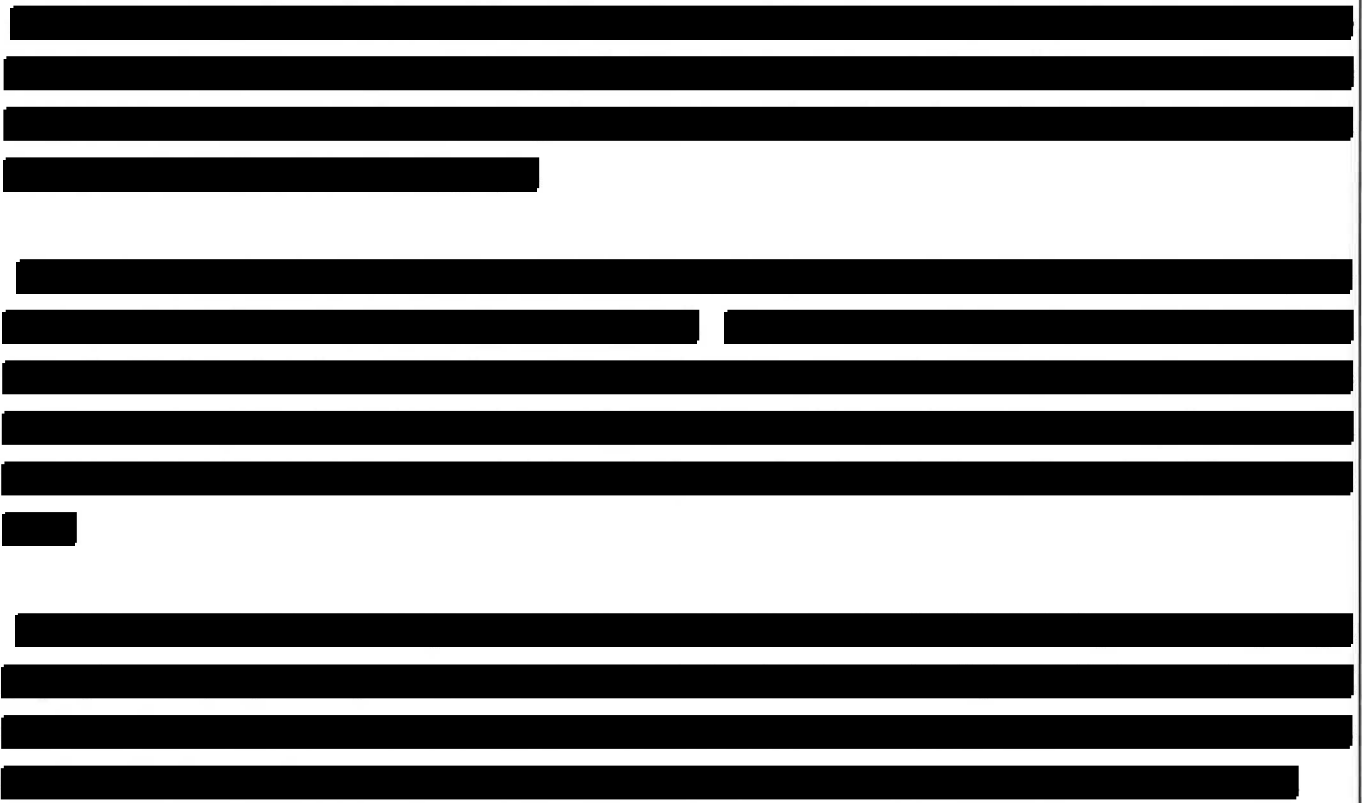
Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff s524573**

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:  S3124T..... Date: 20/9/14.....

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

On Friday the 19th of September 2014, I was on duty in Plain cloths with HT5178. We had started shift at 19.45 hours at Limehouse police station were we had a briefing by HT5020 were we went through how we are trying to stop the touts from outside the Indian restaurants from Brick Lane E1.



The next one was Preem Brick Lane E1. I would describe him as being IC4 wearing a Black silk like shirt with black trousers and shoes he also had a large silver bracelet on his left arm. He had a shaved head and a slight

Signature:  S3124T..... Signature witnessed by:

Continuation of Statement of **James Ridout**.....

stubble he was about 5`11" . He was stood out side the curry house and offered us £12 for a starter, main, rice, and popadoms and one drink each.

All this information was then passed on to HT748 PERRY we made our way back up Brick Lane at 23.30 hours were I pointed out the touts to him then he went on to deal with the licence holders.

I believe this all to be true and as accurate as possible to the true events.

3
3
[Redacted Signature] S312 HT

Signature: [Redacted Signature] S312 HT Signature witnessed by:

Appendix 3

(Preem)
118 -122 Brick Lane
London
E1 6RL

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 3rd August 2010

- Licence amended on 11th January 2011
- Licence varied following the licensing sub-committee hearing of 21st July 2011
- Licence amended following the licensing sub-committee review hearing of 6th October 2011



Part A - Format of premises licence

Premises licence number

15901

Part 1 - Premises details

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

(Preem)
118-122 Brick Lane

Post town
London

Post code
E1 6LR

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Monday to Saturday from 12:00 hours to 23:00 hours
- Sunday from 12:00 hours to 22:30 hours

The Provision of Regulated Entertainment - (Recorded music only)

- Monday to Saturday from 12:00 hours to 23:00 hours
- Sunday from 12:00 hours to 22:30 hours

The opening hours of the premises

- Monday to Saturday from 12:00 hours to 23:30 hours
- Sunday from 12:00 hours to 23:00 hours

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

On and off sales

Part 2

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

**Mr Azmal Hussain
124 Brick Lane
London
E1 6LR**

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

**Mr Azmal Hussain
124 Brick Lane
London
E1 6LR**

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 No: 9963
Issuing Authority: London Borough of Tower Hamlets**

Annex 1 - Mandatory conditions

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

at a time where there is no designated premises supervisor in respect of the premises licence, or

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 responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (iii) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. 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

1. No nudity or semi nudity permitted.
2. Any customers under the age of 18 years must be accompanied by a person over the age of 18 years.

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

1. No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service, and the agreed level be made available to the public on request.
2. To ensure, as far as reasonably practical, that patrons who enter and exit the premises especially late at night will act quietly and considerately at all times by ensuring prominent and clearly legible notices to be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
3. The premise is required to have CCTV cameras installed, covering the premises internally and externally.

4. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
5. No food or drink will be allowed to be consumed outside the premises.
6. There will be no early morning (before 08:00 hours) or late night (after 19:00 hours) deliveries of food and drink to the premises. No bottles or refuse will be placed outside the premises after 21:00 hours.

(Conditions added after Review Hearing on 11th January 2011)

7. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
8. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

(Condition added after Review Hearing on 6th October 2011)

9. A CCTV camera to be installed so that it captures images of persons entering the premise via the front entrance.

Annex 4 - Plans

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

22nd June 2010

[The licences area is the ground floor of 118 & 120-122 referred to in the plan marked: Job No. 210610/118~122 BL-E1. Drawing No. **A1(02)** 001 Rev. 01.

The basement area is NOT licensed, however, a plan of the basement is included in the file: Job No. 210610/118~122 BL-E1. Drawing No. **A1(01)** 001 Rev. 01 refers, in order to show the access between 118 & 120-122 via the basement which is relevant to the managerial control of the premises].



Part B - Premises licence summary

Premises licence number

15901

Premises details

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

(Preem)

118-122 Brick Lane

Post town

London

Post code

E1 6LR

Telephone number

020 7247 3469

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 regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The Provision of Regulated Entertainment
(Recorded music only)

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The opening hours of the premises

- Monday to Saturday from 12:00hrs to 23:30hrs
- Sunday from 12:00hrs to 23:00hrs

Name, (registered) address of holder of premises licence

Mr Azmal Hussain
124 Brick Lane
London
E1 6LR

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

On and off sales

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

N/A

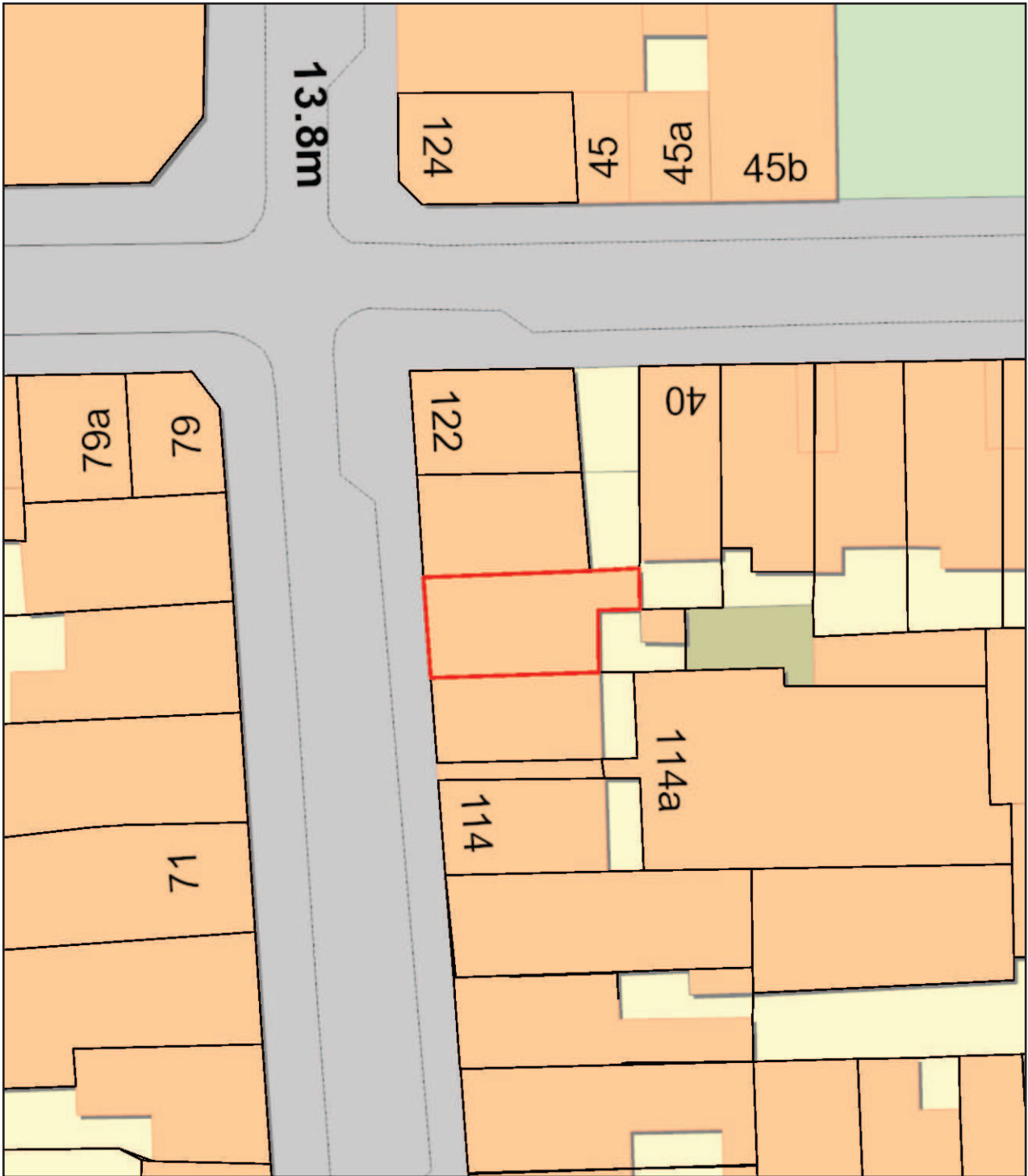
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Azmal Hussain

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

No restrictions

Appendix 4

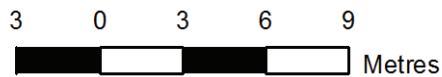


118-122 Brick Lane

Map 1



Scale 1:334



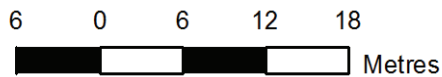


118-122 Brick Lane

Map 2



Scale 1:668



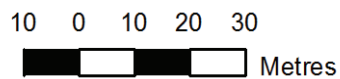


118-122 Brick Lane

Map 3



Scale 1:1669



Appendix 5

London Borough of Tower Hamlets

**Preem Restaurant
118-122 Brick Lane, London, E1 6RL**

Licence No.15901
licensee Mr Azmal Hussein

London Borough of Tower Hamlets – Trading Standards Service

**Statement in support of review requested by the Metropolitan Police under
Section 51 of the Licensing Act 2003**

1. The Trading Standards Service, as the Local Weights and Measures Authority is designated a 'responsible authority' for the purposes of the Act and it is supporting this Review in relation to the prevention of Crime and Disorder - licensing objective 1 and prevention of public nuisance - Licensing Objective 3.
2. Trading Standards have initiated reviews of these premises on 3 previous occasions. The first, heard on 25/1/2011, resulted in the imposition of standard conditions prohibiting touting. The second review, heard 6/10/2011 and relating to issues around touting, resulted in a 2 week suspension of licence. The third, heard on 13/11/2012, resulted in a 4 week suspension.
3. It is appears from the information provided by the Police in support of their review that Mr Hussain has continued to ignore the requirements of his licensing conditions and other legal restrictions. We are also aware of significant concerns with regard to his management of other businesses within his control. As such officers believe that Mr Hussein has an overly casual attitude towards the law and consequently that we can have no confidence in his management of these premises.

4. In view of these concerns and the fact that the previous suspensions appear not to have had any effect on management behaviour, the Trading Standards Service supports the Police in requesting that Members consider revocation of the licence.



Ian David Moseley

**Senior Trading Standards Officer
London Borough of Tower Hamlets**

Appendix 6



2008-2010
Positive engagement of older people
2009-2010
Preventing and tackling child poverty
2003-2009
Winner of 7 previous
Beacon Awards



Communities, Localities & Culture
Safer Communities

Head of Consumer and Business Regulations
David Tolley

LBTH Licensing Authority
Mulberry Place
5 Clove Crescent
London E14 2BG

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG



www.towerhamlets.gov.uk

15th September 2014

My reference: TSS/LIC/73686
Your reference:

Dear Sir / Madam,

Licensing Act 2003
Re: Review Application – Preem, Ground Floor and Basement, 118-122
Brick Lane, London, E1 6RL

This Licensing Authority as a Responsible Authority wishes to make representation in support of the application for review made by the Police, on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

Touting is a significant issue in the Brick Lane area and a common public nuisance. Officers have witnessed this at all premises owned by Mr Hussain. Mr Hussain was keen to sign up to the Tower Hamlets Anti-Touting Code of Practice, which included having an anti-touting condition placed on each premises licence. Despite this, touting has continued at all premises, which can only reflect Mr Hussain's disingenuous regard for the scheme.

Complaints in relation to 118-122 Brick Lane

| | |
|------------|--|
| 2/8/14 | Section 19 served by Police for breach of touting condition |
| 16/7/14 | Section 19 served by Police for breach of touting condition |
| 22/3/14 | Section 19 served by Police for breach of touting condition |
| 25/2/13 | Complaint of selling alcohol during suspension |
| 19.12.2013 | Complaint that cheap lager is being passed off as Cobra branded lager |
| 25.02.2013 | Complaint of the premises selling alcohol during its suspension period |
| 22.02.2013 | Complaint of the premises opening until 3am, serving hot food and drinks |
| 30.01.2013 | Complaint of touting |
| 30.01.2013 | Second complaint about touting |
| 01.11.2012 | PC Mark Taylor witness customers in the restaurant eating food and drinking glasses of beer at 01:25am |
| 02.08.2012 | Complaint of touting |
| 11.07.2012 | Complaint of touting |
| 14.06.2012 | Complaint of touting |
| 13.06.2012 | Complaint of touting |
| 12.06.2012 | Complaint of touting |
| 08.05.2012 | Complaint of touting |
| 05.04.2012 | Complaint of touting |
| 30.03.2012 | Complaint of touting |
| 22.03.2012 | Complaint of touting |
| 23.03.2012 | Complaint of touting |

In September 2012, Tower Hamlets Trading Standards reviewed the premises licence as a result of continued touting. The licence was suspended from 6th February 2013 to 5th March 2013. The premises was found to be serving alcohol during that period, for which a warning letter was issued by Trading Standards.

In January 2013 Mr Hussain pleaded guilty to 2 offences for breach of condition under Section 136 received a fine of £1000 including costs of £850 from Thames Magistrates Court as a result of touting offences at the premises.

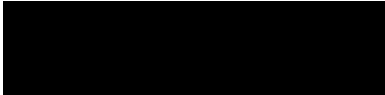
Mr Hussain applied to extend the hours of the licence, including the sale of alcohol in February 2013. This was refused by the Tower Hamlets Licensing Sub Committee due to evidence from the Licensing Authority, Police and Environmental Health of clear disregard to the laws and the licensing objectives.

On 10 July 2014 Mr. Hussain pleaded guilty to offences for breach of licence condition 7, failure to display the licence summary and failure to produce the premises licence. Court advised fine would have been £9,000 but gave him credit for his guilty plea so reduced this to £6,000 with Costs awarded of £729.


Mr Hussain also owns 124-126 Brick Lane (on the opposite side of the road from this application). Again, we have received complaints in relation to touting, who has also been issued with Section 19 Notice the most recent being 3/8/14. These other premises have also received a four week suspension from the Sub Committee in September 2012 as a result of Licensing Act breaches.

As a result of the above, I believe that Mr Hussain has total disregard of many of his legal obligations under the Licensing Act 2003. The licence has already been suspended and conditions added, I do not feel that conditions would have any affect considering that he has pleaded guilty on two occasions, and therefore ask Members to consider revocation.

Yours sincerely,


Kathy Driver
Principal Licensing Officer

c.c. Mr Azmal Hussain, 

Via Email: 

Appendix 7

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

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

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's

duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

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

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

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

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

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

Appendix 8

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;

- the activities being conducted there and the potential risk which these activities could pose to the local area;
- the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
- the anticipated clientele.

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

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.⁵ It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

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

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

such as international football matches, when there may be high states of excitement and emotion.

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply. Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

CAPACITY LIMITS

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

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

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

SIGNAGE

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

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

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

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

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

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

Appendix 9

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

HOURS

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

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

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

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

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

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

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

NOXIOUS SMELLS

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

LIGHT POLLUTION

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

OTHER MEASURES

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

Appendix 10

Appendix 10

Licensing Policy Adopted by the London Borough of Tower Hamlets in relation to the Prevention of Crime and Disorder

- 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 11

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

Licensing Policy

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

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

Licence conditions should not duplicate other legislation (1.17).

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

Other Legislation

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

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