

Our Ref: L.M/A.H/KC  
Your Ref: TSS/LIC/73686



# KC Solicitors

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01/10/2014

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

Dear Sirs

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

We write to confirm that we have been instructed to deal this above licensing matter. We would be grateful if you kindly forward all the future correspondences to our letter head address. We acknowledged that our client's license would be formally reviewed 07/10/2014 at the LBTH Mulberry Place. Please note that we will formally represent our client on the day and we would be obliged if you kindly assist our representative to deal this matter accordingly.

We hereby enclosed the following documents:

1. Mr Hussian's statement;
2. 4 x notices those were served by our client through by his counsel;
3. 3 x correspondences letters between my client and his counsel;

We would be grateful if you kindly consider the enclosed documents as well as written and oral evidences to review our client's license.

Should you require any more information please do not hesitate to contact us.

Yours faithfully

  
KC Solicitors

**Principal**  
Mohammed Abul Kalam Chowdhury

**ASSOCIATE SOLICITORS**  
Abu Elias  
Mohammed Rakibur Rahman

Your Ref: TSS/LIC/73686

01/10/2014

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

Dear Sirs

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

I write to confirm that I am the manger and DPS License holder of Preem Restaurant. The matter has been listed before the licensing sub committee to review my license. I personally believe that I became a victim and the matter has been deliberately listed since I already received conviction for the same offence where I have pleaded guilty. I believe that the committee should consider my following grounds to determine the review application:

1. I have already pleaded guilty and fined. Therefore, it would be unfair and unreasonable to review this matter again.
2. A group of people including the some brick lane restaurant owner are always against me. They have been campaigning against me and have been trying to put me in trouble.
3. I have already served official notices to the local businessmen those deliberately employ the touts and to do touting in my doorstep. After serving the notices I got numerous threats from the alleged group of individuals.
4. During September 2014 the licensing officers were attacked by the local restaurant touts and they took shelter in my premises. However, before leaving the premises they accused me for no justifiable reasons.
5. I would like to mention that there is a rumour around brick lane and in particular Bengali community that a group of people working tirelessly to remove me from brick lane. This group are well organised and they took instruction from the very high level of LBTH officials. As I always speak for the truth and against any sort of injustice. This group also aiding or facilitating another particular group to make the brick lane **“a Non Alcoholic Zone”**.
6. Finally I would like to confirm that despite my numerous efforts to comply with all the conditions attached to my license but this particular group always put me in trouble and always behind me. Therefore, I am requesting a fair justice from the licensing committee.

Yours faithfully

  
Azhar Hussain  
118Brick Lane  
London  
E1 6RL

[REDACTED]  
The Licencees,  
Curry Bazaar,  
77 Brick Lane,  
LONDON E1 6QL

Dear Sir,

## NOTICE BEFORE ACTION

### OPEN OFFER TO AGREE TO UNDERTAKINGS

**Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:**

#### **Introduction**

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

#### **Factual Background**

The facts of the matter, as alleged by Mr Hussain, are these.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussain UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

From the first three restaurants named above, Curry Bazaar, Bengal Village and Mohaib, the owners as well as the touts were coming over to my side of the road, enticing customers away and threatening members of my staff and me. It is alleged that you, Mr Mohammed, were one of those. From each of the above three, touts have stood directly on the pavement of the same side of Brick Lane as the Preem Restaurants, enticing customers away, saying that the restaurants are of bad quality and stating that their restaurants have better deals.

Over the period of almost two months since 12<sup>th</sup> June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12<sup>th</sup> June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff. They have said that they should not

work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

### **Your Liability**

It is an offence, pursuant to ss 1 of the Protection from Harassment Act 1996, to be responsible, directly or indirectly, for a course of conduct that causes another person harassment, alarm or distress.

As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

### **Undertakings**

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the

aforesaid;

- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
- (3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

#### **Legal Action**

If you do not inform Mr Hussain, by post to Mr Hussain, Preem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11<sup>th</sup> June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

You are strongly advised to seek independent legal advice.

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

**FRANCIS HOAR**

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited

[REDACTED]  
The Licencee,  
Bengal Village,  
75 Brick Lane,  
LONDON E1 6QL

Dear Sir,

**NOTICE BEFORE ACTION**  
**OPEN OFFER TO AGREE TO UNDERTAKINGS**

**Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:**

**Introduction**

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane. London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

**Factual Background**

The facts of the matter, as alleged by Mr Hussain, are these.

You are currently charged with assaulting a member of Mr Hussain's staff. Mr Hussain alleges that you are guilty of that offence and that that offence is a part of the course of conduct, constituting harassment, against him, his staff and his customers.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just



drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussaine UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

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Over the period of almost two months since 12<sup>th</sup> June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12th June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when in he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff. They have said that they should not work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

### **Your Liability**

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As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

### **Undertakings**

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
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**You are strongly advised to seek independent legal advice.**

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**FRANCIS HOAR**

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited

[REDACTED]  
The Licencee,  
Nazrul Restaurant,  
130 Brick Lane,  
LONDON E1 6RU

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**NOTICE BEFORE ACTION**  
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Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten his staff. They have said that they should not work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

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Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

### **Undertakings**

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;

(3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

#### **Legal Action**

If you do not inform Mr Hussain, by post to Mr Hussain, Prem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11<sup>th</sup> June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

**You are strongly advised to seek independent legal advice.**

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

**FRANCIS HOAR**

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited



[REDACTED]  
The Licencee,  
Muhib Restaurant,  
73 Brick Lane,  
LONDON E1 6QL

Dear Sir,

**NOTICE BEFORE ACTION**  
**OPEN OFFER TO AGREE TO UNDERTAKINGS**

**Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:**

**Introduction**

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

**Factual Background**

The facts of the matter, as alleged by Mr Hussain, are these.

You are currently charged with assaulting a member of Mr Hussain's staff. Mr Hussain alleges that you are guilty of that offence and that that offence is a part of the course of conduct, constituting harassment, against him, his staff and his customers.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just

drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussaine UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

From the first three restaurants named above, Curry Bazaar, Bengal Village and Mohaib, the owners as well as the touts were coming over to my side of the road, enticing customers away and threatening members of my staff and me. It is alleged that you, Mr Ahab, were one of those. From each of the above three, touts have stood directly on the pavement of the same side of Brick Lane as the Preem Restaurants, enticing customers away, saying that the restaurants are of bad quality and stating that their restaurants have better deals.

Over the period of almost two months since 12<sup>th</sup> June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12<sup>th</sup> June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when in he was in his office, from where he can hear what is said through his CCTV.

Throughout the above period, Mr Hussain has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff. They have said that they should not work for Mr Hussain because he is a betrayer of the community. They have also threatened physical harm to his staff.

All of the above threats have been said in Bengali, in front of customers, who are largely white people and non-Bengalis and who therefore would not understand that threats were being made. However, Mr Hussain asserts that the body language of the touts is very threatening and often leads to customers to leave his businesses.

Mr Hussain keeps a very good record of the CCTV in the Preem Restaurants going back for one year. He has CCTV in the following places. Outside the restaurants, there is one camera outside each restaurant which record sound as well as vision. Inside each of the Preem Restaurants there are three cameras. The CCTV is of very good quality and includes voice recordings. The screens for the CCTV are in Mr Hussain's office and he has often seen what has been going on outside the restaurants from there.

This behaviour has had a terrible effect on Mr Hussain's business and on his personal life. On some evenings one or sometimes even two restaurants have had no customers at all. On other evenings there have been very few customers. The takings in the Preem Restaurants have also considerably reduced, notwithstanding that it has been peak season since June this year.

### **Your Liability**

It is an offence, pursuant to ss 1 of the Protection from Harassment Act 1996, to be responsible, directly or indirectly, for a course of conduct that causes another person harassment, alarm or distress.

As a licensee, you are responsible for the following: ensuring that the terms of the licence are kept; ensuring that the licensed premises is kept in good order; taking steps to prevent violence and/or other disorder; and ensuring that no customers are intoxicated. You are also responsible for the behaviour of your staff while they are on duty.

Given the persistence of the behaviour of your staff towards Mr Hussain and the customers and staff at the Preem Restaurants over a lengthy period and, at times, your own involvement, Mr Hussain asserts that there is overwhelming evidence that the harassment for which your staff have been responsible has been at your direct instruction. Further and alternatively, you are alleged to be responsible for your staff's conduct given that you must be aware of their behaviour and you have taken no steps to prevent it.

### **Undertakings**

Given the above, Mr Hussain and Hussaine UK Limited request and require that you agree to give undertakings pursuant to proceedings to be issued in the Bow County Court. The undertakings sought are as follows:

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
- (3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

### **Legal Action**

If you do not inform Mr Hussain, by post to Mr Hussain, Preem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11<sup>th</sup> June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

**You are strongly advised to seek independent legal advice.**

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

**FRANCIS HOAR**

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited



## Harassment

1 message

Francis Hoar <Francis.Hoar@fieldcourt.co.uk>

Mon, Aug 11, 2014 at 5:39 PM

To: "azmalmer@gmail.com" <azmalmer@gmail.com>

Dear Azmal,

Firstly, I am replying to the email I usually use as you haven't used this email before and I am concerned about your security.

Secondly, this does give us grounds to ask for an injunction on an emergency basis.

What I suggest is that you come into Chambers tomorrow afternoon or on Wednesday. We can then update your statement. I can then put together the papers for an application for an injunction and we can go to court and make the application on Wednesday or Thursday. We would make the application without telling any of the owners.

If you want to take this course the total fee for updating your witness statement, drafting the court documents and applying to court for an emergency injunction will be £1500 plus VAT of £300. As before, I'd need payment up front and you can sign the client care letter in Chambers.

Let me know if this is ok and we can book you in.

All best wishes,

Francis

PS - Veronica King has completed her statements. She will send them on and will be in touch with you about her fee.

From: asimah rashid <[REDACTED]>  
Sent: 11 August 2014 17:22  
To: Francis Hoar  
Subject:

Dear Francis,

I write to you in concern of behaviour of staff from Aladeen Restaurant and Nazrul Restaurant since serving the notice they have become very aggressive towards me and my life has been made hell due to their behaviour which is taking place almost continuously from Friday.

Last weekend was disastrous, I had random people touting outside my restaurant and posing as my staff in an attempt to have my staff accused of touting overall undermining my restaurant

I called police and they visited my restaurant they came to believe both parties were in the wrong.

Another incident occurred as one of my staff Mr Raju approached me and told me he was threatened by other restaurant staff saying, if he was to continue his employment at Preem Restaurant he will be physically harmed. I have now moved Mr Raju to another branch.

Owners of Bazar Restaurant, Bengal Villlage, and Muhaib Restuarant

have had their staff severely harass and intimidate me. They are immensely aggressive and I am afraid they may harm my staff.

Can you give me a suggestion of what I can do to resolve this matter.

Thank you.

Best regards,

Azmal Hussain

Field Court Chambers  
5 Field Court Gray's Inn London WC1R 5EF  
Tel: 020 7405 6114  
Fax: 020 7831 6112  
DX: 457 Chancery Lane  
email: [clerks@fieldcourt.co.uk](mailto:clerks@fieldcourt.co.uk)  
[www.fieldcourt.co.uk](http://www.fieldcourt.co.uk)

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## Injunction - undertakings, names of licensees

@messages

Francis Hoar

Wed, Aug 6, 2014 at 3:11 PM

To: [REDACTED]

Dear Azmal,

The undertakings that I will draw up (included in the fee for the conference on Monday) will be ready tomorrow morning. I will also ask the clerks to find a process server who will be able to serve them on all the restaurants.

Can you please get me, as soon as possible, the names of the licensees of Currie Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane) Mohaib Restaurant (73 Brick Lane). Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). We will have to go against these individuals.

Many thanks,

Francis

Field Court Chambers  
5 Field Court Gray's Inn London WC1R 5EF  
Tel: 020 7405 6114  
Fax: 020 7831 6112  
DX: 457 Chancery Lane  
email: [clerks@fieldcourt.co.uk](mailto:clerks@fieldcourt.co.uk)  
[www.fieldcourt.co.uk](http://www.fieldcourt.co.uk)

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Azmal Hussain <[azmalmert@gmail.com](mailto:azmalmert@gmail.com)>  
To: Asimah Rashid <[asimahrashid@yahoo.com](mailto:asimahrashid@yahoo.com)>

Wed, Aug 6, 2014 at 5:36 PM

[Quoted text hidden]

---

Azmal Hussain <[azmalmert@gmail.com](mailto:azmalmert@gmail.com)>  
To: Francis Hoar <[Francis.Hoar@fieldcourt.co.uk](mailto:Francis.Hoar@fieldcourt.co.uk)>

Wed, Aug 6, 2014 at 7:03 PM



Dear Francis,

I have the following names of licence holders, unfortunately I am unable to find information on licence holders of Cafe Bangla & Aladeen Restaurant

Restaurant Name & Address:	Licence Holder Name:
1) Curry Bazaar, 77 Brick Lane	[REDACTED]
2) Bengal Village, 75 Brick Lane	[REDACTED]
3) Nazrul Restaurant, 130 Brick Lane	[REDACTED]
4) Muhib Restaurant, 73 Brick Lane	[REDACTED]

Iv had a thorough check on Tower Hamlets Council website and have failed to find details of premises licence holders of the two restaurants mentioned above.

Regards,

Azmal

[Quoted text hidden]

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Francis Hoar [REDACTED]  
To: [REDACTED]

Thu, Aug 7, 2014 at 6:48 PM

Dear Azmal,

Please find attached four letters to the below licensees. If you get me the names of the other two I can adapt them to those licensees as well.

I have got the name of a process server - [REDACTED] who will charge between £100 and £150 to serve the letters and make a statement stating that they were all served. They will be on Chambers headed paper and she can do this tomorrow afternoon.

Could you check through the letters - they are all the same save for the address and one or two very small details. Could you please let me know your fax number and the address of your office within the Preems and its number in Brick Lane and post code.

Once you approve all these, I will confirm with the process server. You will need to pay her directly.

Many thanks,

Francis

---

**From:** Azmal Hussain [azmalmert@gmail.com]  
**Sent:** 06 August 2014 19:03  
**To:** Francis Hoar  
**Subject:** Re: Injunction - undertakings, names of licensees

[Quoted text hidden]

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4 attachments

 Re Azmal Hussain - Letter re undertakings - Curry Bazaar.docx

20K



**Re Azmal Hussain - Letter re undertakings - Bengal Village.docx**

20K



**Re Azmal Hussain - Letter re undertakings - Nazrul.docx**

20K



**Re Azmal Hussain - Letter re undertakings - Muhib.docx**

20K



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**this hussain**

4 messages

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**Azmal Hussain** <azmalmer@gmail.com>  
To: Francis Hoar <fieldcourt.co.uk>

Tue, Jul 8, 2014 at 4:03 PM

---

**Francis Hoar** <[redacted]>  
To: [redacted]

Tue, Jul 8, 2014 at 4:35 PM

Dear Azmal,

Many thanks for your email and it was good to talk to you earlier.

I will get the client care letter out to you later on today or tomorrow morning.

In the meantime, I can confirm that I have booked out Thursday afternoon at 3 pm for a conference and Friday morning in order to apply for an interim injunction. There will be no need for you to attend the interim injunction application on Friday as the court will not hear spoken evidence but will consider the witness statement that I will draft with you on Thursday.

Let me know if you have any further queries.

Kind Regards,

Francis

---

**From:** Azmal Hussain <[redacted]>  
**Sent:** 08 July 2014 16:03  
**To:** Francis Hoar  
**Subject:** this hussain



DX: 457 Chancery Lane  
email: clerks@fieldcourt.co.uk  
www.fieldcourt.co.uk

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Azmal Hussain <azmalmert@gmail.com>  
To: Francis Hoar <Francis.Hoar@fieldcourt.co.uk>

Wed, Jul 9, 2014 at 8:26 PM

dr francis  
can you please cancel my apartment  
because tomorrow i have court hearing at 11.00. i don't know when it will be finish. i'll call you back later fixed  
a new time. i'm sorry. thanks hussain

[Quoted text hidden]

---

Francis Hoar <Francis.Hoar@fieldcourt.co.uk>  
To: Azmal Hussain <azmalmert@gmail.com>  
Cc: "Sandyerlam@gmail.com" <sandyerlam@gmail.com>

Thu, Jul 10, 2014 at 9:24 AM

Dear Azmal,

Thank you for letting me know.

If you were still free on Friday, we could do the conference, I could get together the drafting necessary and we could go to court in the afternoon to make an emergency application.

I would be able to do all tomorrow.

Please let me know urgently, so that I can put it in my diary. I won't be able to hold Friday for you until you confirm that it is suitable.

Otherwise, I am available on Tuesday, Wednesday and Thursday next week. However, please note that the longer you leave it, the less inclined the court will be to see it as an emergency. When you are applying for an injunction, the court expects you to apply for it as soon as possible. Delay can lead the injunction not being granted.

I look forward to hearing from you as soon as possible.

Kind Regards,

Francis

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**From:** Azmal Hussain [mailto:azmal.hussain@gmail.com]  
**Sent:** 09 July 2014 20:26  
**To:** Francis Hoar  
**Subject:** RE: this hussain

[Quoted text hidden]