

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Ian David Moseley

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 2 Old Montague Street	
Post town London	Post code (if known) E1 5NG

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

Number of premises licence or club premises certificate (if known) 17601
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ian David Moseley Mulberry Place 5 Clove Crescent London, E14 2BG
Telephone number (if any) [REDACTED]
E-mail address (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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)
Prevention of Crime and Disorder

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

Please see attached report

Please tick yes

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

If yes please state the date of that application

Day Month Year

2	0	0	9	2	0	1	3
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If you have made representations before relating to this premises please state what they were and when you made them

Previous representations made in respect of the application dated 20/09/2013 relating to the discovery of contraband goods on the premises, sale of age restricted goods to underage persons and the observed sale of alcohol to an intoxicated person.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

29/8/14

Capacity

PER TRADING STANDARDS AUTHORITY

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

London Borough of Tower Hamlets

**Sweet Point
2 Old Montague Street
E1 5NG**

Licence No. 17601

Mr Azizur Rahman (Licensee and Designated Premises Supervisor)

**Application for the Review of the Premises Licence under Section 51 of the
Licensing Act 2003**

London Borough of Tower Hamlets – Trading Standards Service

REPRESENTATIONS

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 raising this Review in relation to the prevention of Crime and Disorder - licensing objective 1.
2. This application relates to premises of Sweet Point Ltd t/a Sweet Point at 2 Old Montague Street London E1 5NG. Mr. Azizur Rahman is the licensee and Designated Premises Supervisor as well the director of Sweet Point Ltd.
3. The premises were the subject of a previous review applied for on 20/09/2013 by the Trading Standards Service and relating to instances of contraband goods being found on the premises, sales of age-restricted goods to underage persons and an observed sale of alcohol to an intoxicated person. As a result of that review the licence was suspended for 3 weeks and additional conditions were placed on the licence, in particular relating to purchasing goods from legitimate sources.
4. On the 23rd and the 24th of May 2014 the premises were visited and Mr RAHMAN was found to be in possession of a small amount of contraband

tobacco on each occasion. Please see attached statements of Officers Alex LISOWSKI and Kevin MAPLE AL01 and KM01.

5. On Tuesday the 19th of August 2014 officers from the Trading Standards Service, Police and HMRC went to these premises as part of joint operation covering premises in the Osborn Street/Brick Lane area. A search by these officers assisted by a tobacco detection dog resulted in the discovery of 6720 cigarettes, 600g of hand rolling tobacco and 3 Kg of Shisha tobacco all contraband and consequently not carrying the legal required warning statements and pictures contrary to the provisions of the Consumer Protection Act 1987 and Regulations 4 and 7 of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, as amended. These items were concealed in various locations in the premises. Please see the attached statement of Officer Kevin MAPLE, KM02.
6. Although on this occasion no contraband alcohol was found, it is clear that Mr Rahman continues to purchase and deal in contraband goods. .
7. As a result the Trading Standards Service can have no confidence in the management of the premises and are concerned that Mr Rahman may continue to act in defiance of the law and may continue to obtain contraband goods, including both alcohol and tobacco. Guidance issued under Section 182 of the Licensing Act 2003 on the application of the Licensing Act 2003, in paragraphs 11.24 to 11.28, states that the possession of such items is of very serious concern and may merit revocation even on a first instance.
8. The Trading Standards Service therefore respectfully requests that Members revoke the premises license.

Ian David Moseley

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

LA 01

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Alexander Lisowski.....

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

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

Signature:  Date 2nd June, 2014.....



I am a licensing officer for The London Borough of Tower Hamlets. I am also authorised as a trading standards enforcement officer.

On Friday, 23rd May, 2014, I was working with Police officers visiting licensed premises in the Borough. At 23.55pm I went into SWEET POINT, 2 OLD MONTAGUE STREET, LONDON, E1 5NG. This venue is a general store which also sells alcohol and tobacco. At the time I went in it was open for customers. In charge of the shop at the time was a man who gave his name as Mr AZIZUR RAHMAN. The premises licence for the shop shows him as both the premises licence holder and the designated premises supervisor.

As you walk into the shop there is a sales counter on the left hand side. As part of my inspection of the shop I went behind the counter. There were shelves underneath the counter. On one of these shelves I saw a cigarette tin (Exhibit AL/1). The lid of the tin was marked Benson & Hedges (a brand of cigarettes) and there was a printed warning on the lid: "Smoking seriously harms you and others around you." This is an old health warning. It isn't the current one for the United Kingdom. Because of this I looked inside the tin.

Inside the tin were nine (9) packets of "AL FAKHER" shisha tobacco. On the side of each of them was the wording "Components: Tobacco". Other ingredients were listed as well. On the front of three (3) of the packets was the wording: "Shisha smoking is as harmful as other types of tobacco." On the side of all nine (9) packets was the wording: "Health Warning: Smoking is a main cause of lung cancer, lung diseases and of heart and arteries diseases." Because of the way the packets are sealed, the health warning on the side of the packets

Signature: 

Signature witnessed by:

CONTINUATION OF STATEMENT OF WITNESS
(Criminal Procedure Rules r27.1(1): Criminal Justice Act 1967,
S.9; Magistrates Courts Act 1980 5B)

isn't fully readable. None of these health warnings is the current one for the United Kingdom.

Mr RAHMAN signed a disclaimer in my notebook agreeing to me to taking these packets and others to check to see if they were legal. These others have subsequently proved to be legal.

On Saturday, 24th May, 2014, at 23.42pm, I returned to the store with the Police and Mr KEVIN MAPLE for a further inspection. As part of the inspection, Mr AZIZUR RAHMAN, Mr MAPLE and myself went down into the basement to check the stock there. In the stock room there was a three-draw cabinet. Mr RAHMAN opened the draws for me. In the top one there was a carton for 200 "Lucky Strike" cigarettes (Exhibit KVM/2). Inside this carton there were three(3) packets of 20 "Lucky Strike" cigarettes. On the front of each packet was the phrase: "Smoking Kills". On the rear of each packet was the phrase: "Smokers Die Younger". This is not the current health warning for the United Kingdom. I passed these cigarettes to Mr MAPLE. [REDACTED]



Witness contact details

Home address:

Postcode:

Home telephone No:

Work telephone No:

KM01

LONDON BOROUGH OF TOWER HAMLETS TRADING STANDARDS **RESTRICTED (When complete)**

MG11

Witness Statement

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

URN:

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Statement of: **Kevin Vincent Maple**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **Consumer Services Officer**

This statement (consisting of **2** Pages(s) 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 in it, anything which I know to be false, or do not believe to be true.

Name / Signature: Date: **30th July 2014**

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

Background

I am a Consumer Services Officer employed by the London Borough of Tower Hamlets. On 24th May 2014 I took part in a joint operation involving officers from the Metropolitan Police, and London Borough of Tower Hamlets Trading Standards.

Visit to Sweetpoint, 2 Montague Street, London, E1 5NG

I entered Sweetpoint, 2 Montague Street, London, E1 5NG with at 23.45 hours with Tower Hamlets Licensing Officer Alex LISOWSKI. On entering I observed there was a shop counter immediately on the left hand side of the entrance. I also observed that the premises had displays of confectionary and grocery products throughout the store with alcohol and cigarettes displayed on shelving behind the counter. I introduced myself and explained the purpose of the visit to an IC4 male located behind the counter. His name gave his details as Mr Azizur RAHMAN and he stated that he was the owner of the premises. I then went behind the counter and on a shelf under the counter I found one (1) packet of twenty (20) non-UK Benson & Hedges Special Filter Gold cigarettes. I then proceeded with officer LISOWSKI to the basement area. Mr RAHMAN accompanied us to the basement. In the basement area we carried out a search of a storeroom at the back of the premises. In this room there was a three drawer office cabinet. I observed Mr RAHMAN open the drawers for Officer LISOWSKI and I then saw Officer LISOWSKI find a carton of two hundred (200) Lucky Strike cigarettes and inside this carton he found three (3) packets of twenty (20) Lucky Strike cigarettes. I could see that the packets did not contain the health

Name / Signature: Signature Witnessed by:

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

warnings as required by Regulation 7 of The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. Officer LISOWSKI passed the cigarettes to me and I placed these together with the pack of twenty (20) Benson & Hedges Special Filter Gold cigarettes that I had previously found into an evidence bag. I informed Mr RAHMAN that we would be seizing the tobacco as it was non-compliant. The seal number of this bag is P00407949. We all then returned to the shop floor area upstairs where I issued Mr RAHMAN a receipt (ref: 00B1210) for the seized goods, I exhibit this as KVM/01. We all left the premises at around 00.05 hours on 25th May 2014. The seized goods were placed into our van and later they were placed into secure storage at our offices. I exhibit the seized goods as KVM/02.

Name / Signature:  Signature Witnessed by:

K-102

Witness Statement

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

URN:

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Statement of: **Kevin Vincent Maple**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **Consumer Services Officer**

This statement (consisting of **3** Pages(s) 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 in it, anything which I know to be false, or do not believe to be true.

Name / Signature:  Date: **28th August 2014**

Tick if witness evidence is visually recorded: (Supply witness details on last page)

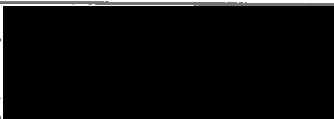
Statement

I am a Consumer Services Officer employed by the London Borough of Tower Hamlets. I am authorised to enforce various pieces of legislation including the Consumer Protection Act 1987 and the Trade Marks Act 1994

On **19th August 2014** I took part in Operation Henry involving officers from the Metropolitan Police, the London Borough of Tower Hamlets Trading Standards and an officer from Her Majesty's Customs and Excise (HMRC). Also in attendance was a dog handler and dog from Operation Wagtail. The purpose of the operation was to visit identified premises suspected of supplying illicit tobacco i.e. products that are either counterfeit, non-duty paid or do not display the correct health warnings and labelling for the UK market.

Visit to Sweetpoint, 2 Montague Street, London, E1 5NG

I arrived at Sweetpoint, 2 Montague Street, London, E1 5NG at 12.27 hours with HMRC enforcement officer Ben COOPER and PC Andy HILLER (HT226). On arrival there was an IC4 male, who was later known to me as Mr Mohammed Babrul HUSSAIN, standing immediately in the doorway of the entrance to the premises. I would describe Mr HUSSAIN as being aged about early 30s, of medium height, with black hair and of slim to medium build. He was wearing a blue two tone long sleeved blue top. At the same time as showing Mr HUSSAIN my credentials he moved back into the premises allowing us to enter. I then introduced us and explained the purpose of the visit. I asked this man if there were any other persons on the premises and after looking at the CCTV monitors he replied that there wasn't anyone else on site. However, PC HILLER

Name / Signature:  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

proceeded to secure the premises and following this he was able to confirm to me that there were no other persons on site. Mr **HUSSAIN** agreed that the front entrance door could remain closed for the duration of the search. I then asked if Mr **HUSSAIN** if he could produce any identification and he handed to me his provisional driving licence. His details were Mr Mohammed Babrul **HUSSAIN**, **DOB: 01/06/79, Address: 12 Altham House, 4 Copehagen Place, London, E14 7EU**. The reference number of driving licence the **HUSSA706019MB9NR08**. I made a note of these details in my Incident Report Book. PC **HILLER** conducted a check on the Police Computer Network (PCN) and was able to confirm that his details were correct. Mr **HUSSAIN** informed me that he is the brother of the owner Mr Azizur **RAHMAN** who would not be attending the premises until later that evening.

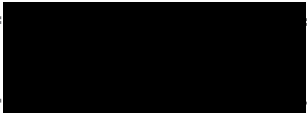
Layout of the premises

The layout of the premises includes a shop area on the ground floor with stairs leading to a basement area. The shop area consists of a shop counter immediately on the left hand side of the entrance with displays of confectionary and grocery products throughout the store including alcohol and cigarettes displayed on shelving behind the counter. In the basement area there were three rooms. In one room was an office area containing a large desk / counter area with two computers and adjacent to it there were a number of workstations. I was aware that on two previous visits to the premises that this room was being used as an internet café and although the configuration of the room had changed from my previous visits it appeared that this room was still being used as an internet café. To the right of this room there is a room containing kitchen units, chairs, kitchen appliances, office drawer units and shelving containing stocks of confectionary. It appeared that this room was being used a combined kitchen, restroom, office and storeroom. Finally, the third room was a small store room containing shelving with stocks of confectionary and drinks.

Search of the premises and details of tobacco seized.

Whilst I was taking Mr **HUSSAIN**'s details, HMRC Officer Benjamin **COOPER** started to search the shop area. When I finished speaking to Mr **HUSSAIN** I proceeded to search the basement area. During this search I found two packets of non-UK cigarettes located at the side of a computer unit on the desk / counter area. I could see that the packs were foreign and did not display the required UK health warnings. I took some photographs, removed the cigarettes from situ and returned upstairs to the shop area. Shortly after returning to the shop floor I could see

Name / Signature: ..



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

HMRC Officer COOPER finding quantities of illicit cigarettes at a number of locations around the shop. He then proceeded to search the basement area and he informed me that he had found further quantities of illicit cigarettes and tobacco. I took photographs of each find of illicit cigarettes in situ. HMRC Officer COOPER then removed the tobacco from their location and I then counted them and placed them into evidence bags. At 14.20 hours the Dog handler and his dog arrived at the premises. The dog handler conducted a search of the premises using dog trained to sniff out tobacco. During this search the dog and handler found quantities of illicit non-UK cigarettes at various locations throughout the premises. I again took photographs of each find of tobacco which was removed from situ and then counted and placed into evidence bags. The dog handler and dog left the premises at 14.45 hours. I recorded details in a premises search book of all the tobacco seized. I provide a summary of all the tobacco seized as follows:

Quantity	Description
61 packs	Al-Fakher tobacco (non-compliant labelling or non-UK)
6,500 cigarettes	B&H silver & gold (non-UK)
20 cigarettes	Palace (non-UK)
300 cigarettes	Marlboro Gold & Reds (non-UK)
20 cigarettes	King (non-UK)
80 cigarettes	President (non-UK)
8 x 50g	Amber Leaf hand rolling tobacco (non-UK)
4 x 50g	Golden Virginia hand rolling tobacco (non UK)
61 Packs 6,920 cigarettes 12 x 50 hand rolling tobacco	TOTALS

I also exhibit photographs SP/KVM/01 to SP/KVM/05 of a few of the locations where the tobacco was concealed. I issued Mr HUSSAIN with receipt (ref no: 00B1302) for the seized goods and a PACE Code B notice (ref no: 01243). We all left the premises at around 15.15 hours. The seized goods were placed into our van and later they were placed into secure storage.

Name / Signature:

Signature Witnessed by:



Exhibit Number SP/KVM/01
Signed
Date 28/8/14
I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number SP/KUM/02

Signed

Date 28/8/14

I identify the exhibit above as that referred to in the statement signed by me

Exhibit Number *SP/KVM/03*

Signed [Redacted]

Date *28/8/14*

I identify the exhibit above as that referred to in the statement signed by me





Exhibit Number SP/KVM/04
Signed
Date 28/8/14
I identify the exhibit above as that
referred to in the statement signed by me



Exhibit Number SP/KM/05

Signed [Signature]

Date 28/8/14

I identify the exhibit above as that referred to in the statement signed by me

Appendix 2


**(Sweet Point)
2 Old Montague Street
London
E1 5NG**

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 05/10/2005

Licence Amended by Review: 26/11/2013



Part A - Format of premises licence

Premises licence number

17601

Part 1 - Premises details

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

(Sweet Point)
2 Old Montague Street
London

Post town

London

Post code

E1 5NG

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

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

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

See Mandatory conditions for drinking up time

The opening hours of the premises

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

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

Off sales only

Part 2

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

Azizur Rahman

[Redacted address]

[Redacted telephone number]

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

Not Applicable

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

Azizur Rahman

[Redacted address]

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

Personal licence number:

Issuing authority:

[Redacted licence number and issuing authority]

Annex 1 - Mandatory conditions

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

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

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

Alcohol shall not be sold in an open container or be consumed in the licensed premises
Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

None

Annex 3 - Conditions attached after a hearing by the licensing authority at Hearing held on 26th November 2013

- 1) The Designated Premises Supervisor or a Personal Licence Holder must be present on the premises when all alcohol sales are made.
- 2) The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless four or more bottles/cans are purchased together.
- 3) The Premises Licence Holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
- 4) The Premises Licence Holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration details, if applicable
- 5) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 6) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 7) Where the trader becomes aware that any alcohol may not be duty paid they shall inform the Police immediately.
- 8) The introduction of the 'Challenge 21' policy and 'No ID No Sale' policy which is supported with signage at all entrances and in the serving areas.
- 9) Only documents which include a photograph of the purchaser are acceptable to prove that person's age, e.g. passport, new style driving licence and only PASS-approved age cards, e.g. Portman card, citizen's card.
- 10) A 'Refusals Book' is maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Licensee or the Designated Premises Supervisor should monitor the Log on a regular basis and sign it to show it has been done.
- 11) CCTV to be maintained in good working order with tapes to be kept for 21 days and to be made available upon request at 24 hours' notice to the Metropolitan Police and officers from the London Borough of Tower Hamlets who are authorised under the Licensing Act 2003.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
04 AUG 2005



Part B - Premises licence summary

Premises licence number

17601

Premises details

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

(Sweet Point)
2 Old Montague Street
London

Post town

London

Post code

E1 5NG

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
d. On Good Friday, 8 a.m. to 10.30 p.m.
The above restrictions do not prohibit:
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Azizur Rahman



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

Off sales supplies only

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

Not applicable

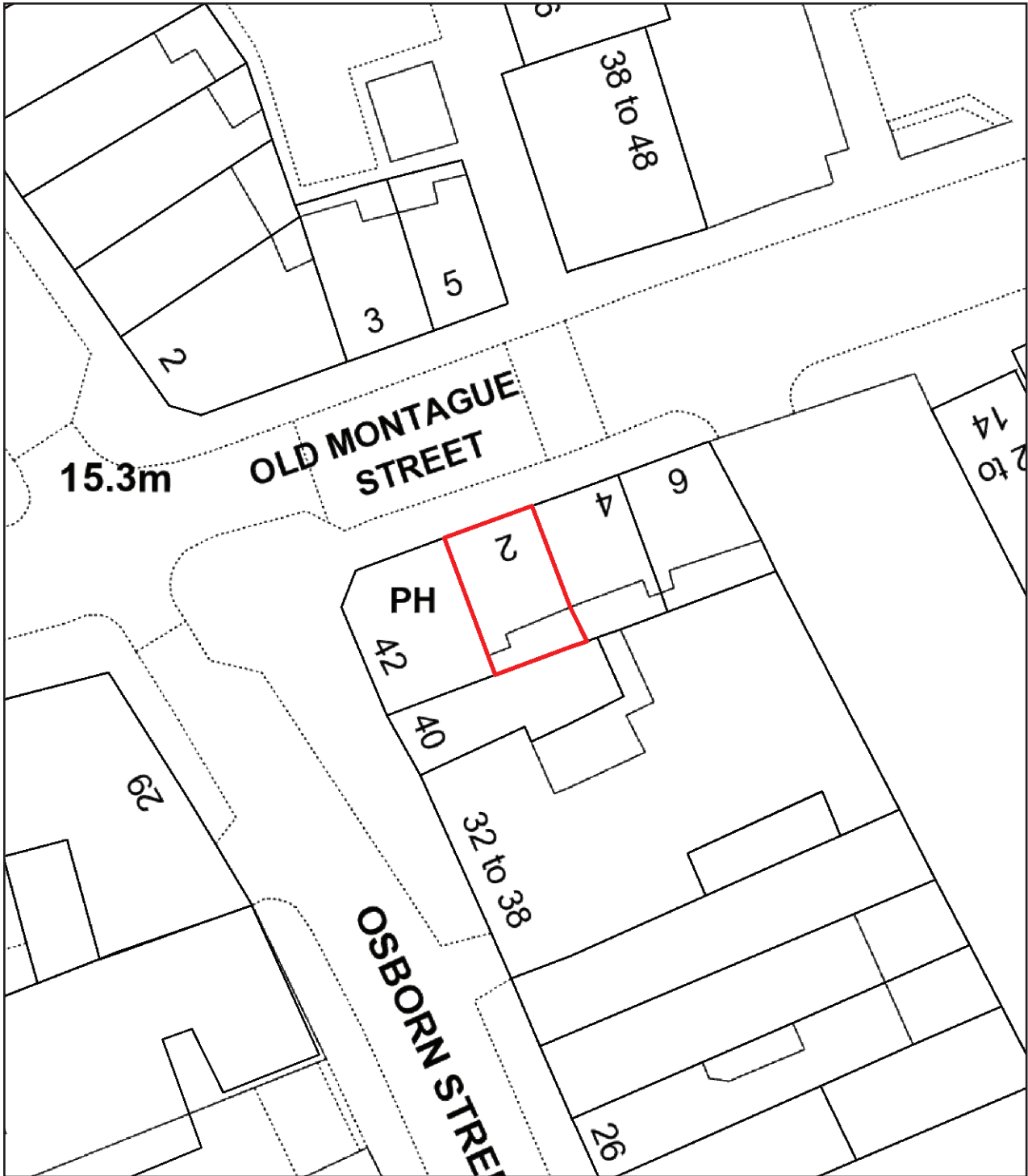
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Azizur Rahman

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

No

Appendix 3

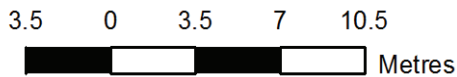


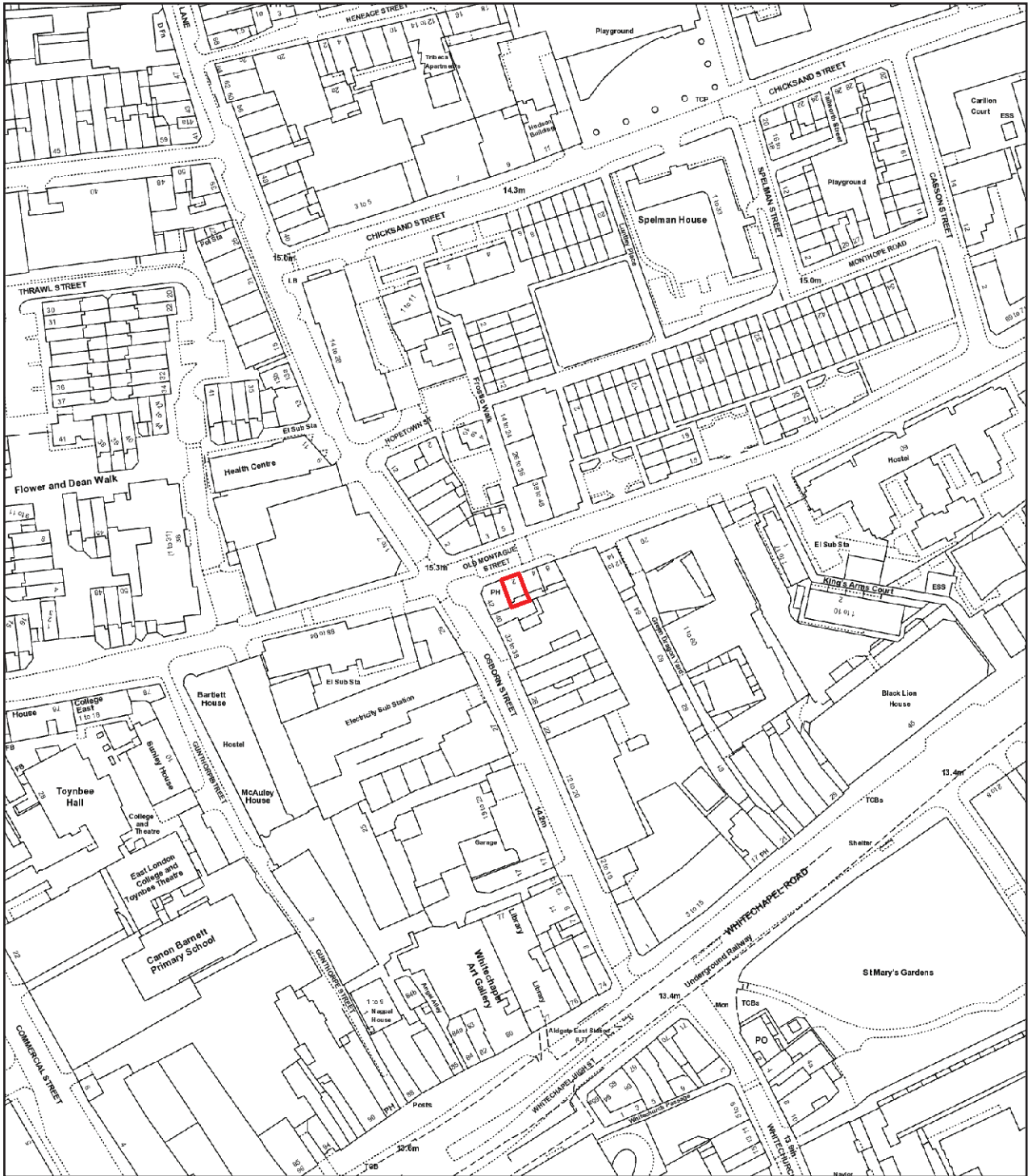
Sweetpoint

2 Old Montague Street



Scale 1:383





Sweetpoint

2 Old Montague Street



Scale 1:1914

10 0 10 20 30



Metres



Appendix 4

Kathy Driver

From: John Beswick [REDACTED]
Sent: 24 September 2014 13:56
To: Licensing
Subject: FW: Sweetpoint 2 old Montague Street Licence Renewal

Follow Up Flag: Follow up
Flag Status: Completed

Further to my email below, I am submitting this representation as manager of the Dellow Centre Hostel, 82 Wentworth Street, E1 7SA
John Beswick

From: John Beswick
Sent: 24 September 2014 13:19
To: 'licensing@towerhamlets.gov.uk'
Cc: [REDACTED]
Subject: Sweetpoint 2 old Montague Street Licence Renewal

Dear Sir,

As a member of the Spitalfield Police Ward Panel I have been apprised of the application for the renewal of the licence for Sweetpoint, 2 old Montagu Street.

It is my considered opinion that granting them a licence is not in the best interest of the local community and the points below support my view.

1. They have a history of continual breaches of licensing regulations
2. They are within yards of the Hopetown Hostel, the Dellow Centre and Booth House and are known to have supplied alcohol to vulnerable hostel dwellers
3. The licence holder was found in possession of contraband tobacco which raises concerns for the prevention of crime and disorder.

I trust you will give my view some consideration,

Many thanks,

John Beswick

This e-mail is from Providence Row Housing Association, a Charitable Housing Association providing housing and related support services to people in East London. We can be contacted at 458 Bethnal Green Road, London E2 0EA. Tel: [REDACTED] message is confidential and intended for the addressee(s) only. If you are not the addressee(s) please notify the sender immediately and delete the message. This message and any attachments received cannot be guaranteed free of viruses and it is the recipient's responsibility to check them. The views expressed in this communication are not necessarily those of Providence Row Housing Association. HCA No. L0695 Industrial and Provident Society No. 19322R
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Appendix 5



Booth House Lifeshouse

Michael Dredge
Service Manager

Tel: [REDACTED]
Email: [REDACTED]

Date: 26 September 2014
Ref:

London Borough of Tower Hamlets
Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Dear Licensing Section

Premises Licence - Sweet Point, 2 Old Montague Street, London, E1 5NG

I am writing to object to the renewal of the alcohol licence for the above premises.

Booth House, Whitechapel Road, provides accommodation for 150 men many of whom have been rough sleeping in Tower Hamlets and street drinking in the borough. We are very mindful of having a high number of residents in this area and our support to individual residents should have the net result of decreasing the overall incidence of street drinking in the area.

It is my understanding that this premises makes alcohol available on credit to some of our residents. Our residents use this premises as it is close to Booth House and other homeless services.

Making alcohol available on credit simply undermines our work with individual residents but also mitigates against any reduction in street drinking. It is our experience that street drinking contributes to low-level criminal activity and anti-social behaviour in the immediate vicinity (Whitechapel Road - Old Montague Street - Brick Lane).

I understand that the Licensing Act 2003 makes provision for objections to be made. In this instance I would like to object on the grounds that:

- **public nuisance** will not be prevented only sustained;
- access to alcohol on a credit basis facilitates an increase in availability and increases the likelihood that those trying to move away from street drinking and will be continue to be involved in **crime/disorder**.

Many thanks for your consideration of this objection and your understanding of the commitment we have both to both Booth House and our immediate community.

Yours sincerely

[REDACTED]

Michael Dredge
Service Manager

Appendix 6

Alex Lisowski

From: StGeorgeResidents'Association [REDACTED]
Sent: 24 September 2014 15:06
To: Alex Lisowski; Licensing
Subject: "Sweet Point" Premises Licence, 2 Old Montague Street,

Follow Up Flag: Follow up
Flag Status: Completed

From:
St George Residents' Association,
[REDACTED]
[REDACTED]
[REDACTED]

To:
Licensing Section
Town Hall
5 Clove Crescent,
London
E14 2BG

Dear Mr Lisowski,

Re: Premises Licence Review - Sweet Point, Old Montague St.

We understand that after several years of trading during which there have been breaches of Trading Standards laws regarding sale of alcohol and tobacco, Sweet Point are still operating - and repeating the type of offences for which they have been fined in the past.

Will they never learn? Clearly, the management of Sweet Point is ineffective in monitoring retail sales, and of avoiding risk of further prosecution. The owner demonstrates that he is not a responsible person to run such an outlet. That in itself is reason enough to ask that the Premises Licence be revoked immediately, with no further warnings.

Alcohol related anti-social behaviour is a nightly problem in this area of Spitalfields. Even though our residents' flats are about four minutes walk from Sweet Point, the overall effect of inebriated males (usually) can be heard throughout the streets each evening and evidence is on pavements the next day. Whilst Sweet Point is probably not the only outlet selling alcohol and tobacco irresponsibly, anything local residents' groups can do to reduce evening disturbance should be encouraged.

The premises is very close to hostels for troubled individuals and that alone should be reason not to have alcohol sold irresponsibly nearby.

St George Residents' Association, along with other representative residents' groups has worked for a number of years to support the Police in reducing alcohol-related antisocial behaviour. We ask that the Premises Licence at Sweet Point be revoked without delay to prevent further crime, to protect children from harm and to prevent nuisance to local residents.

Yours sincerely,

Margaret Gordon - Chairman St George Residents' Association.

Appendix 7

Alex Lisowski

From: Jon Shapiro [REDACTED]
Sent: 24 September 2014 14:48
To: Licensing
Cc: Alex Lisowski; John Mccrohan
Subject: "Sweet Point" off-Licence, Old Montague Street

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

I have just been told that the alcohol licence for "Sweet Point" in Old Montague Street is being reviewed (yet again!) and I wish to request most strongly that their licence should be wholly and permanently revoked on the grounds of "Public Safety".

As you are well aware these premises were reviewed less than a year ago, and at that time your own LBTH Licensing Department requested total revocation of the licence. In hindsight that is most certainly what should have happened at the time of that review.

"Sweet Point" is a wholly undesirable Off-Licence in a wholly undesirable location:

- The premises has a long history of breaches of rules and regulations
- It is in the Brick Lane "Cumulative Impact Zone" (CIZ)
- It is within yards of the Hopetown Hostel, the Dellow Centre and Booth House all of which house vulnerable residents who are known to obtain alcohol at "Sweet Point"
- "Sweet Point" is known to have provided alcohol on credit to vulnerable ladies resident in Hopetown Hostel.

For all the above reasons I believe it is essential that the licence should be wholly and permanently revoked.

As Chair of the Spitalfields & Banglatown Police Ward Panel, I am aware of the issues that arise from the undesirable activities of "Sweet Point", and I wish to request revocation of the licence both as Chair of the Ward Panel, and as a resident of Spitalfields.

I request the total and permanent revocation of "Sweet Point's" alcohol licence.

Yours faithfully,
Jon Shapiro.
(Chair of the Spitalfields & Banglatown Police Ward Panel)

And resident at:

[REDACTED]
[REDACTED]

Appendix 8

Alex Lisowski

From: Wild, Jessica <[REDACTED]>
Sent: 26 September 2014 09:06
To: 'licensing@towerhamlets.gov.uk'
Subject: 'Sweet Point', Old Montague Street - alcohol licence

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

RE: 'Sweet Point' off-licence alcohol licence

I understand that the alcohol licence for 'Sweet Point' off-licence on Old Montague Street is due to be reviewed therefore I am writing to request that the alcohol licence for fully revoked on the grounds of 'prevention of public nuisance' and 'prevention of crime and disorder.'

I am requesting that the licence at these premises is revoked as I strongly believe that it contributes significantly to the problems of anti-social behaviour and public disorder in the immediate vicinity of the off-licence. As the new manager of the women's hostel on Old Montague street, I am aware that these premises regularly sell alcohol to vulnerable individuals living not only in the women's hostel, but also to vulnerable individuals living in the other neighbouring hostels; Booth house and more notably the Dellow Centre Hostel. Furthermore, they are known to provide alcohol 'on credit' which I believe further contributes to the problems of anti-social behaviour in the area – particularly the problematic street drinking that takes place which is worsened by the fact that many extremely vulnerable individuals who would not normally have the means to purchase this alcohol, are enabled to do so.

My colleagues and I are working hard to try and combat the problems with anti-social behaviour and public disorder in the area, of which street drinking is a big part, in order to increase the safety both of our residents and of the members of the public, and the revocation of this licence would contribute significantly to improving this area. I also believe that limiting the access to alcohol on this street which contribute to a reduction in the low level crime and anti-social behaviour which takes place in the area.

I feel that the permanent and full revocation of the licence at these premises would contribute not only to reducing the problems of crime, disorder and public nuisance in the Old Montague Street area, but also that it would increase the safety of members of the general public as well as of the vulnerable women and men living in Hopetown and the other neighbouring hostels.

Yours sincerely,

Jessica

Jessica Wild

Contract Manager

Hopetown Hostel

Look Ahead Care & Support

60 Old Montague Street, London, E1 2[REDACTED]
[REDACTED]
[REDACTED]

We have moved ! Look Ahead Care and Support's new head office address is;

Look Ahead Care and Support, Kings Buildings, 16 Smith Square, London, SW1P 3HQ. All other contact details remain the same.



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Appendix 9

LBTH Licensing

Toby Club
Vawdrey Place
E1 4AUHT - Tower Hamlets Borough
HH - Limehouse Police StationLicensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]
www.met.police.uk

Your ref:

Our ref:

25 September 2014

Dear Mr McCrohan

Application for the review of a premises licence
Sweetpoint, 2 Old Montague St, E1 5NG

The Metropolitan Police Licensing Unit, as a responsible authority wish to support the review instigated by LBTH Trading Standards, that the premises licence holder is seriously undermining the crime and disorder objective.

I was made aware that on the 19th August 2014, Trading Standards, HMRC and one of my police colleagues, PC 226HT HILLER, attended Sweetpoint at around 1227. A search of the premise, with assistance of a tobacco detection dog, resulted in the seizure a large quantity of cigarettes, tobacco and sisha tobacco.

Not only was this tobacco illegal but the length that someone has gone to conceal these items clearly indicates that they understood the illegal nature of these items and did their best to hide them throughout the premises.

Although this is not a breach of the Licensing Act it does indicate criminal intent.

Further to this, there has been further joint initiatives.

ON the 23rd and 24th May 2014 further visits were made to Sweetpoint and has been outlined in statements by Alex Lisowski of LBTH Licensing and Kevin Maple of LBTH Trading Standards.

On the 31st December 2013, PC Cruickshank and Inspector Weeden, both of the Licensing Unit attended Sweetpoint, as they were aware of the licence having been suspended. Just prior to entry, a man was seen to leave the off licence with a bottle of spirits. He did say he had bought it inside but as it was NYE he didn't want to stop. The premises licence holder / DPS, Mr Azizur RAHMAN did admit to selling the alcohol. There was confusion over the date of the suspension. He was later warned over this.

At the time there was no CCTV working, no refusal book or Challenge 21 signs. He was initially reported but as the licence was suspended, the conditions could not be upheld.

A further visit was made by PC Cruickshank on the 15th January 2014. The CCTV was working but Mr RAHMAN couldn't download the images. Unfortunately an immediate download is not part of their CCTV conditions.

Sweetpoint was initially reviewed on the 26th November 2013 by Trading Standards. My colleague PC O'Rourke supported the review. I include his representation.

On Sunday, 13th October 2013, I checked police computer systems, in particular police crime report recording (CRIS); computer aided dispatch (CAD) and police intelligence (CRIMINT) systems in relation to the above premises and have found the following nine incidents from the last 10 months or so of interest (they are in summary and 'redacted' to withhold confidential information of witnesses such as home addresses and telephone numbers):

Re: 19/07/13 (Friday):

- CAD 6297/19JUL13 @ 15:02 hours - Informant - 999 call
- + linked CAD 6350/19JUL13 @ 15:04 hours (witness) - additional 999 call
- + linked CAD 6352/19JUL13 @ 15:06 hours (witness) - additional 999 call
- CAD 6297 - (Main working CAD) - Telephone call to police @ 15:02 hours from Sweet Point regarding an incident of three males fighting outside the premises and causing damage to his shop window. Police are advised that the male with a Bull Mastiff is apparently carrying a knife - this escalates the risk assessment and police response. A PCSO; Immediate Response Vehicle (IRV) and Territorial Support Group (TSG) police carrier units respond and the TSG subsequently make three arrests. One of the males was wanted for theft; and two it appears were arrested for being drunk & disorderly. The male arrested with the dog, additionally requires a caged van to attend to safely transfer the dog to police kennels. At the time of this statement, I do not have the full details of the arrests or outcomes and will endeavour to have that information in time for the review hearing.

Re: 22/06/13 (Saturday):

- CAD 7265/22JUN13 - Telephone call to police from a customer at Sweet Point @ 17:36 hours - The informant (who the police operator describes on the CAD as "sounds intoxicated"), complained that he went into the shop to top up his mobile phone with £10 credit and it does not work. The informant demands his money back, which is refused. The informant was advised that this was a civil dispute by the police operator and police do not attend the shop. No further police action and the resolution

not known.

Re: 07/06/13 (Friday):

- CRIMINT - HTRT00385187 - *“At a meeting of the Hopetown hostel liaison group there was concerns expressed about Sweetpoint off licence and their relations to the hostel users. It has been observed that Sweet point sell Super strength cider for 17p a can and is also offering credit facilities to service users”.*

Re: 22/05/13 (Wednesday):

- CAD 8650/22MAY13 - Telephone call to police @ 18:44 hours from the informant at Sweet Point regarding criminal damage to the shops till. This generated a police response of two police officers in a marked vehicle, who created the following crime report 4212849/13.
- CRIS 4212849/13 - Crime report for Criminal Damage - The damage amounted to a grey & black Casio cash register being damaged by being thrown on the floor by a customer known as ‘John’. The damage caused to rear LCD display panel and also mechanism for opening the till - estimated damage was a nominal £50.00.

The suspect ‘John’ is known by staff as a street drinker and regularly buys cans of alcohol there. During an argument over 40 pence, in which ‘John’ tried to pay £1.09 for a can of strong beer costing £1.49. The suspect then apparently borrowed the difference from another street drinker outside the shop. The suspect then became angry believing he was owed 10 pence in change and pushed the till off the counter onto the floor. Officers conducted an ‘area search’ for the suspect and attended what was suspected to be his home address, but there was no reply. The matter was ‘NFA’D’ due to lack of contact from the victim. Investigation closed.

Re: 05/05/13 (Sunday):

- CAD 9710/05MAY13 - Telephone call to police @ 23:15 hours from the informant at Sweet Point regarding a suspect who has smashed their shop window. This generated a police response of a marked vehicle with two police officers, who subsequently created the following crime report 4211296/13.
- CRIS 4211296/13 - Crime report for Criminal Damage - Estimated cost £300 - The suspect in this matter had a verbal disagreement with the shop owner and left the shop, returning shortly afterwards with an unknown object and hit the shop window causing it to crack. The suspect left prior to police arrival and the shop were unable to provide a statement due to being too busy. (Investigation closed).

Re: 02/04/13 (Tuesday):

- CAD 4963/02APR13 - Telephone call to police @ 14:55 hours - Informant stated that there was a male outside who has been there the last ¾'s of an hour believed to be dealing drugs. One officer attended on foot and conducted an 'area search' - which resulted in no trace of the male.

Re: 24/02/13 (Sunday):

- CAD 4927/24FEB13 - Telephone call to police @ 14:54 hours - Staff from Sweet Point complained of two drug males who had been coming in and out of the shop since 10:00 hours and are being a nuisance and harassing customers. Police unable to attend until 15:52 hours, when a marked vehicle attended and conducted an 'area search' - which resulted in a no trace of the two suspects. Advice given to staff to liaise with the local Safer Neighbourhood Team in Brick Lane.

Re: 15/02/13 (Friday):

- CAD 3878/15FEB13 - Telephone call to police @ 12:25 hours - Informant from Sweet Point advised that a drunk male had just head butted the front window of his shop and was refusing to leave the store. Two marked police vehicles attended the scene and the suspect was arrested and due to his behaviour a caged van had to be requested on "the hurry up" to convey him to the police station. The following crime report was created 4204218/13.
- CRIS 4204218/13 - Criminal Damage - Estimated damage £500 - On police arrival the suspect was seen sitting in a doorway next to Sweet Point very drunk. The informant told police the male had come into the shop already drunk and had been falling over and knocking things off the shelves and was asked to leave. The suspect refused and was then ejected, at which point the suspect decided to head butt the front window causing it to smash. Suspect admitted in interview causing the damage and was bailed pending CCTV enquiries and a 'loser's statement' to enable charge. It appears that this matter was NFA'D due to the victim unwilling to provide a quote for the damage. Investigation closed.

Re: 13/01/13 (Sunday):

- CAD 660/13JAN13 - Telephone call to police @ 01:30 hours from Sweet Point - The informant complained to police that the shops electricity had gone off. Informant was given “words of advice” by the police operator for the correct usage of the ‘999’ number.

It is clear from PC O’Rourke’s representation that Sweetpoint has been an ongoing problem for responsible authorities.

I would highlight the concern that they were offering free credit to vulnerable street drinkers.

Even without their past history, the present application to review the licence is of such concern that I cannot see that any further conditions would be adhered to and I would have no faith in the present management to abide by such conditions.

I support the request that the licensing committee consider revoking the licence.

Alan Cruickshank PC 189HT

Appendix 10

Communities, Localities & Culture Safer Communities

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

Licensing@towerhamlets.gov.uk

23rd September 2014

Your reference: L1U - 77976
My reference CLC/LIC/77976/MA

Dear Sir/Madam,

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

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

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

Email [REDACTED]

Licensing Act 2003

Application for a review of a premises licence: (Sweet Point), 2 Old Montague
Street, London E1 5NG

The Licensing Authority as a Responsible Authority wishes to support the application for a review triggered by Trading Standards as the licence holder has failed to meet the licensing objective of the prevention of crime and disorder.

The premises licence for (Sweet Point), 2 Old Montague Street, London E1 5NG has been in place since 5th October 2005. Mr Azizur Rahman became the Designated Premises Supervisor on the 29th March 2007 and the licence holder on the 4th June 2007.

This licence was first reviewed on 20 September 2013 by Trading Standards. Following the licensing subcommittee hearing of 26th November 2013, Members made the following decision:

- the Premises Licence be SUSPENDED for a period of three weeks
- Conditions added to the licence. (Annex 3 Conditions 1-11 on current licence).
- The decision of the Members at the hearing is as follows:

“In that the following matters were discussed:

The Evidence

At the request of the Chair, John McCrohan, Trading Standards and Licensing Manager, addressed the meeting with regard to his statement as contained in the previously circulated agenda pack, adding that the premises had a

chequered history and had been subject to action by Her Majesty's Revenue and Customs on a number of occasions, when non-duty paid cigarettes and alcohol had been seized. Test purchases had also resulted in an underage sale of a tobacco product to an underage person. Sale of alcohol to an already intoxicated person had also been witnessed. The premises was also within the Cumulative Impact Policy Zone (saturation policy) and was in the vicinity of Hopetown Hostel which housed vulnerable persons with alcohol problems. Mr McCrohan commented that the Licensing Authority had no confidence that the premises were being managed in a way that supported the Licensing Objectives. He requested that the Premises Licence be revoked. If the Sub-Committee chose not to do so, there should be a period of suspension plus the addition of conditions as set out in his report.

PC Mark Perry of the Metropolitan Police stated that the premises was in a key position in the Brick Lane area, which had the second highest level of anti-social behaviour (ASB) and associated offences in the metropolitan area. The Hopetown Hostel liaison group had also expressed concerns that hostel users were being sold super strength lagers at cheap prices. Street drinkers were also able to obtain credit at the shop and this contributed to ASB. The Police also had no confidence that the premises was being managed appropriately and supported revocation of the licence, or the application of the conditions proposed by Mr McCrohan.

Ms Sandy Critchley indicated that she was speaking as a local resident and Chair of the Spitalfields Society and confirmed that the area was subject to high levels of ASB, which the Police were trying to reduce. She supported the review of the licence and felt that the efforts of the Police should be supported by revoking it. She agreed that the location of the premises comprised the main grounds for review, along with the sale of alcohol to vulnerable people from the hostel who were trying to get their lives back together. The premises had a very poor record for addressing the Licensing Objectives and had an adverse effect on ASB levels. She expressed the opinion that the licence should be revoked for these reasons.

Mr Miah, Solicitor for the Premises Licence Holder, agreed that the premises were located near a hostel with vulnerable clients but added that there were also many people walking around the area and this could not be attributed to the shop. He commented that revoking the Premises Licence would not help fulfil the Licensing Objectives as hostel clients would still create problems for local residents. The Sub-Committee should consider conditions so the Licence Holder could promote the objectives and he would agree to the conditions proposed, with some amendments. Suspension of the licence would simply transfer the existing problems to another location and move people closer to other premises nearby that also sold alcohol.

Mr Miah referred to the visits by H.M. Customs and the Licensing Service and stated that the Licence Holder had tried to fulfil his obligations and had refused to sell alcohol on other occasions when test purchases had been attempted. The establishment accepted that there had been other inappropriate alcohol sales, however, the person responsible had been dismissed and a fine had been paid. Revocation of the licence would not help with observing the Licensing Objectives and the Premises Licence Holder or Designated Premises Supervisor would always be in the premises and ensure that sales staff were properly trained. The conditions would be accepted but the CCTV records should be kept for 21, not 31 days. He concluded by saying that suspending the licence would only remove the issue for a short time.

The Chair then invited questions from Members and the following points emerged:

- *PC Perry stated that the fact the Police were called out by the shop showed that it was attracting problems. Offering high strength lager at low prices would attract drunken people and ASB would ensue. This was an inevitable result of the shop's actions and there had been no request for support in observing the Licensing Objectives until the licence was under threat. Other local shops did not require such a level of Police call-outs.*
- *Mr Miah stated that CCTV cameras had been installed but had not been working. This was the first request for a review and it was time for the Premises Licence Holder and the Licensing Authority to work hand-in-hand. If alcohol sales were refused to anyone suspected of being a hostel user, there would be many complaints. There had been refusals of sales to rough sleepers and it had been necessary to phone the Police as a result, as it was very difficult to manage such customers and it was not possible to move drunks away.*
- *Mr Miah stated that a period of 21 days for CCTV record retention was requested because the premises was small and storage would be a problem. He felt that maintaining a refusals book with CCTV records was also a duplication of effort, although this would be accepted.*

“Each application must be considered on its own merits and the Chair stated that after careful consideration of all verbal and written evidence, the Sub-Committee had concerns regarding the licensing objectives of “protection of children from harm”; “crime and public disorder” and “public nuisance”. This was due to the incidence of ASB arising from activities at the shop, sales to minors and non-compliance with the law in selling non-duty paid cigarettes and alcohol.”


The following records are registered on the Council's system since the last review was triggered on the 20th September 2014

- **23/05/2014** - Licensing and Police Licensing visited the premises and tobacco products that were incorrectly marked. Further details are in the Trading Standards review.
- **24/05/2014** - Licensing, Police Licensing and Trading Standards visited the premises and found cigarettes with incorrect health markings. Further details are in the Trading Standards review.

Conclusion

Due to the past operation of the premises, the Licensing Authority supports the Trading Standards review and their request to revoke the premises licence.

Yours faithfully,



Mohshin Ali

Senior Licensing Officer

Licensing Authority Acting As a Responsible Authority

CC:



Appendix 11

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 12

Appendix x

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.

Appendix 13

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.