

Appendix 1



This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ...Pc Mark Perry 748HT Borough Licensing Officer apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 club premises, or if none, ordnance survey map reference or description (Brar Wines Store) 2 Spey Street,	
Post town London	Post code (if known) E14 2PZ

Name of premises licence holder or club holding club premises certificate (if known)	Gurnaib Brar
Number of premises licence or club premises certificate (if known)	14793

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) Y
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Pc Mark Perry 748HT Licensing Officer Tower Hamlets Police Toby Club Vawdry Close E1 4UA
Telephone number (if any) 0207 275 4911
E-mail (optional) mark.j.perry@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|--------------------------|
| 1) the prevention of crime and disorder | Y |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | Y |

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

Tower Hamlets Police have received many complaints from residents in and around the Spey Street area regarding anti-social behaviour caused by large groups of youths who congregate around the shops in Spey Street, these youths regularly congregate around and outside Brar Wines Store at no 2 Spey Street. Details of the anti-social behaviour will be outlined in a statement from Pc Brown of the Poplar Harca Police Team who regularly patrol the area.

Police believe that the anti-social behaviour is linked to the off license at 2 Spey Street. Many residents have complained to Police that the shop sells alcohol to those people responsible for the crime and disorder in the area. Police believe that this shop acts as a magnet for those causing the problems.

Poplar Harca housing association have also received complaints from local residents that Brar Wines Store has been selling alcohol to young people and those responsible for causing the anti-social behaviour and disorder. A statement from Poplar Harca has been included.

Police have spoken to the manager of Brar Wines Mr Somesh Dhaka on several occasions about the concerns that his shop is the centre of the anti-social behaviour and the allegations by local residents that his shop is selling alcohol to those responsible for causing the anti-social behaviour, including people under 18. Every time Mr Dhaka has assured Police that his shop does not sell alcohol to those causing problems, and does not sell alcohol to anyone aged under 18.

Due to ongoing complaints from residents, and Police concerns about the premises a test purchase operation was undertaken by Tower Hamlets Police Cadets on the 23rd May 2014 at Brar Wines Store, 2 Spey Street. A 15 year old female cadet entered the store and purchased a can of Stella beer from the shop, despite not being able to provide any ID when asked by the assistant. The sale was witnessed by PC Pc Cooper. The person who sold her the beer Mr Milan Singh, was confronted by Police and when it was pointed out to him that the girl was 15 Mr Singh replied "It's a mistake". Mr Singh was issued with a fixed

penalty notice for selling alcohol to a person under 18. to which he made no reply.

This sale appears to confirm the complaints of residents that the shop sells alcohol to anyone, even a 15 year old girl with no ID.

On the 20th June 2014 Police Licensing Officer Pc Mark Perry 748HT attended Brar Wines Store at 2 Spey Street to discuss the sale of alcohol to a person under 18 with the shop management. Present at the store was the shop manager Mr Somesh Dhaka. Pc Perry introduced himself as a Police Licensing officer and asked Mr Dhaka why his shop had sold alcohol to a 15 year old girl. Mr Dhaka replied that the person was new and that it was a mistake.

While at the store discussing the seriousness of selling alcohol to a person under 18, Pc Perry witnessed a drunk male entered the store and be sold 2 cans of Special Brew alcohol by Mr Dhaka. When challenged about selling alcohol to a drunk person Mr Dhaka replied that this particular person was always under the influence of alcohol. This sale of alcohol to a person who the manager Mr Dhaka knows is regularly drunk leads to the conclusion that the shop regularly sells alcohol to people who are drunk, and offers them credit to do so.

Pc Perry asked for the incident to be downloaded from the shops CCTV system, Mr Dhaka replied that the CCTV was not working. This is despite Police asking for the CCTV to be fixed several months ago. Pc Perry then asked for a copy of the receipt of the cans that had been sold. Mr Dhaka said that the till was not working. Pc Perry then inspected the till and found that there was no paper in the till. Mr Dhaka was asked him how he was recording his sales? Mr Dhaka said he was writing it down in a book. Pc Perry looked in the book but could not see where the sales were recorded. Mr Dhaka was told that this would reported to HM Inland Revenue.

While Pc Perry was walking away from the store he saw that there were three young Asian males, aged about 16 hanging around outside the store. He then saw a male aged in his 30s leave the store and give a pack of cigarettes to the youths outside before leaving the area. Pc Perry went back to the store and informed Mr Dhaka of what he had seen. Mr Dhaka replied "what was he supposed to do?" Pc Perry replied that he should start by being able to see what was going on outside his shop, and that he should ban the person who

bought the cigarettes for the youths outside. Mr Dhaka replied that he would.

The above is covered in more detail in a statement by PC Perry which is included in this application.

It is clear to Police that this shop is acting as the focal point for the disorder and criminality being suffered by local residents. It is also clear from the sale of alcohol to a 15 year old girl and the sale of alcohol to a drunk person that the premises are not upholding the licensing objectives.

Tower Hamlets Police therefore ask for the premises license to be revoked. If the committee does not feel that a revocation is suitable Tower Hamlets Police ask for the following conditions to be added to the license.

1) The following CCTV condition:

1. A CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority.

2) No sale of alcohol (Beer & Cider excluding craft beer) above 6.5%

3) No single sale of cans / bottles of beer or cider, the minimum purchase is 4 cans / bottles.

4) Operate the "Challenge 25" scheme and must always request valid photographic ID from anyone appearing to look under the age of 25 years.

5) Refusals book to be kept and updated regularly and made available on request to Police or any person from a relevant authority.

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

Please tick ? yes
N

If yes please state the date of that application

Day		Month		Year			

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

No

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 **Y**

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature
.....
Date
.....
Capacity
.....

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

Notes for Guidance

- 1 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.

Appendix 2

WITNESS STATEMENT

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

Statement of **Pc Mark Perry 748 HT**..... URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 205619**.....

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

Signature: Date:

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

I am Pc Mark Perry 748HT a Police Licensing Officer working in the London borough of Tower Hamlets, this statement refers to the events of Friday 20th June 2014 at Spey Street News when Mr Somesh Dhaka sold alcohol to a person who was drunk, an offence under sec 141 of the Licensing Act 2003.

On Friday 23rd May, as part of "Operation Condor" Police cadets in Tower Hamlets undertook test purchase operations in licensed premises across the borough. One of the premises tested was Spey Street News as there have been reports from local residents that the shop was selling alcohol to underage young people, and was attracting anti social behaviour to the area due to youths congregating by the shop. The test purchase was failed and a 15 year old female Police Cadet was sold alcohol at Spay Street News. A PND was issued to the person who sold her alcohol.

Following up this failed test purchase on Friday 20th June 2014 at about 12:00 I was on duty in plain clothes at Spay Street E14. I was going to visit Spey Street News to talk to them about the concerns police had about the shop selling alcohol to children. The shop initially was closed, so I went to a shop next door and asked when the shop usually opened. The shop keeper replied that Spey Street News usually opened around midday.

I waited outside the shop and at about 12:10 I saw a car pull up and Mr Somesh Dhaka get out. I identified myself as a Police Licensing Officer and told Mr Dhaka I needed to talk to him about the shop selling alcohol to underage people. Mr Dhaka said that it was a mistake and it was a new person who didn't know the law. I replied that I was concerned as there had been complaints from residents about the shop selling alcohol to underage people and this had been borne out to some extent by the failed test purchase. Mr Dhaka said that his shop did not sell alcohol to children. I replied that it had sold alcohol to a 15 year old girl.

Signature: Signature witnessed by:

Continuation of Statement of **Pc Mark Perry 748 HT**

Before Mr Dhaka could reply a man entered the shop, this male was 5'10 about 60 years old of slim build, he was very dishevelled and unkempt in appearance. He smelled strongly of intoxicating alcohol, and he was very unsteady on his feet, nearly banging into the shelves. This man went straight to the beer fridge in the shop, and said in a slurred voice "I owe money for a couple of cans I had before but I got some now I want a couple of cans of special" Mr Dhaka said "Ok" and got 2 cans of special brew from the fridge and handed them to the man. The man then went to the till where he gave Mr Dhaka £5, who then sold him the 2 cans of special brew.

I then identified myself as a Police Officer to this man and said that I believed him to be drunk and have just seen him purchase alcohol. I asked the man for his details and he produced a travel pass which identified him as Michael Mchale date of birth [REDACTED]. Mr Mchale said he was not drunk. I said that his breath smelt strongly of alcohol, that his speech was slurred and he was very unsteady on his feet. I asked Mr Mchale if he had consumed any alcohol today. He replied that he had had several cans of beer. Mr Mchale then left the shop.

I then went up to Mr Dhaka and said to him "You have just sold 2 cans of alcohol to a man who was clearly under the influence of alcohol, who was clearly drunk, which is an offence under the licensing act 2003. I must warn you that you will be reported for consideration to be prosecuted for selling alcohol to a person who is drunk". I then fully cautioned Mr Dhaka at about 12:22, to which he replied "But he is always under the influence of alcohol". I then wrote this down in my pocket book and asked Mr Dhaka to sign, which he did.

I then asked Mr Dhaka for a copy of the CCTV of this incident. Mr Dhaka said that the CCTV was not working. I told him this was not acceptable as I had asked him several months ago to fix the CCTV. I then asked for a copy of the receipt of the cans that had been sold. Mr Dhaka said that the till was not working. I inspected the till and found that there was no paper in the till. I asked him how he was recording his sales? Mr Dhaka said he was writing it down in a book. I looked in the book but could not see where the sales were recorded. I said to Mr Dhaka that I would report this to HM Inland Revenue.

I then told Mr Dhaka that I wanted to see him and the owner of the shop for a meeting with the local Neighbourhood Team on the 26th June at Limehouse Police Station to discuss the matter. Mr Dhaka said he would be there. I then left the store.

As I was walking away from the store I turned back and saw that there were three young Asian males, aged about 16 hanging around outside the store. I then saw a male aged in his 30s leave the store and give a pack of cigarettes to the youths outside before leaving the area. I went back to the store and informed Mr Dhaka of what I had seen.

Signature: Signature witnessed by:

Continuation of Statement of **Pc Mark Perry 748 HT**

Mr Dhaka asked what was he supposed to do? I replied that he should start by being able to see what was going on outside his shop, and that he should ban the person who bought the cigarettes for the youths outside. He replied that he would.

I then left the store, the youths had left the area, but were clearly basing themselves outside the shop, and purchasing cigarettes from there.

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

Statement of **Keith Billinge 138HT**..... URN:

01			
----	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 186810**

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

Signature:

Date: **3RD SEPTEMBER '14**

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

I am PC 138HT Keith BILLINGE and I work on a small team of officers dealing with crime and ASB on Poplar HARCA estates. We work closely with Poplar HARCA ASB Team.

This statement concerns some of the problems we have been having with Youth Disorder and ASB by youths gathering outside the shops in SPEY STREET E14 and specifically youths gathering and using the Off License at 2 SPEY STREET E14.

Because of the problems with youths in this location I have tried to speak to the shop owner at 2 SPEY STREET and request that he helps us by ringing the ASB line and reporting any incidents in the area. He has also been asked by Poplar HARCA to limit his opening times to 2200hrs.

On 29/03/2014 I was called to the shop by the shop owner Mr Mr Somesh DHAKA after a group of youths set fire to a poster on the front of the shop. I investigated the matter and made a crime report on CRIS 4207592/14. I asked him on that occasion about his CCTV in the shop and he stated that it was not functioning. I have regularly been called to the shop to investigate matters only to find that the CCTV is broken.

After the initial report I visited the shop subsequently on 3/04/2014 and suggested that Mr DHAKA spend some time fixing the CCTV and moving the posters and racks that obscure the front windows of the shop so that people can see into the shop and he can see out. I explained the benefits of this move would be good for preventing crime & ASB in the locality of the shop but Mr DHAKA was very reluctant to spend any money on smartening up the business or even fixing the CCTV. I have visited the address probably 2-3 times per week on our regular patrols of the area, but there have been no changes in the shop. As far as I am aware the CCTV still does not function

Signature: **138HT**..... Signature witnessed by:

WITNESS STATEMENT

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

Statement of Rebecca BROWN PC 543 HT..... URN: [] [] [] []

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

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

Signature: Rebecca BROWN PC 543 HT..... Date: 03rd Sept 14.....

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

I am Rebecca Brown PC 543 HT an am attached to the Poplar Harca Police Team. I work with the police and ASB team to tackle ASB on all Poplar Harca Estates and have been in this role for approx. 16 months.

In order to make this statement I have consulted with other officers in the metropolitan police and i have also consulted with the following police indices:- Computer Aided Despatch (CAD), Criminal Intelligence System (CRIMINT), Crime Reporting Information System (CRIS) and The Police National Computer (PNC) These entries are recorded by unique reference numbers (URN). I make this statement on behalf of a number of police officers and in order to deal with the matter expediently I have not produced the original logs. These are available if so required.

This statement refers to the anti-social behaviour in the Spey Street area, that police believe is linked to the off license at 2 Spey Street. Many residents have complained to Police that the shop sells alcohol to those people responsible for the crime and disorder in the area. Police believe that this shop acts as a magnet for those causing the problems. While Police are not saying that all the anti-social behaviour can be linked to the shop, if it were not selling alcohol it would be easier to control the problem.

The following incidents have occurred in and around 2 Spey Street from January to July 2014.

On Saturday 04th January 2014 at about 8:30pm Poplar Harca Police Team conducted a visit to the sweet shop at 2 Spey Street E14. On speaking with staff it was asked if the police team had been off. Apparently over the Christmas period youths had been gathering again at the location causing ASB by littering, spitting and making excessive noise. At about 8:45pm Poplar Harca Police Team was on patrol in Spey Street E14. A group of about

Signature: [Redacted] PC 543 HT..... Signature witnessed by:

Continuation of Statement of Rebecca BROWN PC543UT

On Thursday 13th March 2014 at about 5:45pm we received a call via the Poplar Harca ASB line to a group of youths causing problems outside his shop at 2 Spey Street E14. He said they were play fighting inside the shop and knocking into the shelves etc. He also complained that they were loitering right outside the door, obstructing the entrance. They left the shop area on sight of police but were standing in sight. They were shouting and swearing telling officers to "F*ck Off"


Later on Thursday 13th March 2014 Poplar Harca Police Team responded to a call via the radio and a call was received from a different informant to the Poplar Harca ASB Line. It was reported that there was a large group of youths at the location. They were said to be noisy and intimidating. One informant described hearing the males saying that they had machetes and that it was going to kick off with the Somali boys. On Police arrival we could see a group of approx 6 youths sitting at the back of 2 Spey St on chairs. They did not want to speak with police and made off.

It transpired the shop had disposed of these chairs and left them outside the back door. Words of advice were given to the shop keepers with regards to the disposal of the chairs and the crime prevention aspect. From the front of the shop a large group of males made off. This group ran off towards the A12 by Brion Place E14.

In the walk way by 2 there were empty glass drink bottles, one with part of a carrier bag tied around the neck of the bottle. Lined up next to these bottles were bricks. It was thought that they could be there to be used as weapons so they were disposed of by officers. The resident that called stated that they are gathering most nights again and was complaining of the noise and the spitting of the youths

On 14th March 2014 at about 8:35pm officers attended 13th March 2014 E14 with other officers from HARCA Neighborhood Policing Team. This was as a result of a call reporting youths being loud and abusive outside the shop. On route officers saw a group of 6-8 Asian youths walking along ST Leonards Road E14.

Officers parked at the rear of the shops and began to walk through the alleyway at the side of the shop. The group described above was just arriving in Spey Street. They were clearly indicating to a group that were at the front of the shop but who couldn't be seen as yet, that police were walking through. This group began running off east into the estate as I exited the alleyway. The group were about 4-5 in number. The last member of the group turned and looked back at me as they ran off. The group was shouting back as they ran away "Pig C*nts" repeatedly. The informant was spoken with, who stated that the group who were the problem were the ones who had just made off.

Signature:  PC543UT Signature witnessed by:

Continuation of Statement of

Rebecca BROWN PCS434T

On Saturday 05th April 2014 at 1530 Hours, Poplar Harca Police Team were on patrol in the Spey Street area due to recent complaints from residents about youths hanging out at the location making excessive noise, smoking cannabis, dealing cannabis, leaving litter and acting in an intimidating manner; blocking the pathways around the shops on Spey Street E14.

As officers have entered Brion Place E14 a large group of males could be seen at the back of 2 Spey Street E14. A resident states that they live adjacent to Spey Street E14 . At all hours of the day, into the late evening, youths are using the alleyway to smoke cannabis. They make lots of noise causing a nuisance to the resident. Resident states they also graffiti the fence in the alley and on some occasions some of the youths use the alley way to have sex in. The youths leave litter in the alleyway and also throw cans and rubbish at the location.

On Thursday 10th April 2014 at about 1:00pm Poplar Harca Police Team attended Spey Street E14. Outside number two Spey Street several youths were gathered, blocking the entrance to the shop. They were asked to leave the entrance of the shop which they did, albeit, reluctantly.

On 17th April 2014 Police were called by the owners of the Off License at 2 Spey Street E14. Officers from Poplar HARCA Neighborhood Policing Team attended at 7:26pm. The owners of the shop complained of a large group of youths outside the shop spitting, smoking and generally causing a nuisance. In total there were about 14 youths all of whom regularly gather at the location causing ASB to which the Poplar HARCA Police Team are called to on a very regular basis.

On 1st May 2014, the several males were outside 2 Spey Street E14 at approximately 5:20pm. Residents complain that groups loiter and cause a nuisance to the local community.

On Wednesday 13th May 2014 at about 8:00pm Poplar Harca Police Team received a call via the ASB line to youths causing problems in Spey Street. It was stated that the youths were offering drugs to the customers of the shops, especially the customers going to 2 Spey Street E14. On arrival males made off on sight of police.

The area outside the shop was full of litter that this group had left behind as stated by the shop keeper of 2 Spey Street E14. Found in one of the drink cartons was a self seal bag of herbal cannabis. This was booked in for destruction at Limehouse Police Station.

Whilst police were present a resident came down to speak with officers. He stated that this was an ongoing problem that was affecting him most nights. He said they shout, are abusive to people, himself included. They

Signature:

PCS434T

Signature witnessed by:

.....

WITNESS STATEMENT

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

Statement of Paula Cooper PC 121HT URN:



01			
----	--	--	--


Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 199395.....

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 24/04/2013.....

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

On Friday the 23/05/2014 I was on duty in plain clothes engaged in Operation Condor with SPC Jim Wallis. At 1530hrs I was present when Cadet A was briefed. Cadet A is 15. Her date of birth is  She was informed that she was taking part in a test purchase operation and that she must always tell the truth during the operation. At 1815 I followed Cadet A into SD Retail Spey Street E14. I watched her pick up a single can of Stella Artois and go to the till to pay. Behind the counter was a middle aged Indian male wearing a turban. I now know this male to be MILAN SINGH The male asked her if she had any ID. Cadet A said she had left it at home. Mr Then proceeded to serve her the stella artois. She paid with a £5 note. She left the store and handed the can to me. I sealed this in bag MPSC36017651. I handed this to SPC Wallis and attended the store with him to speak to the seller and Licencee. The offence was pointed out to Mr SINGH and the Licencee Mr SOMESH DHAKA spoken to. The matter was dealt with by issuing of a PND by SPC Wallis. 

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

Statement of JAMES WALLIS 5083HT

--	--	--	--

Age if under 18 Over18 (if over 18 insert 'over 18') Occupation: Police Constable.....

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: 23.06.14

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

On Friday 23rd May I was on duty at Isle of Dogs Police Station in full uniform.

At 11:00 AM PC Steve Austin briefed 2 Police Cadets who I shall refer to as Cadets A and B.

I instructed them that they were to attend shops in Tower Hamlets and attempt to purchase alcohol.

If challenged he informed them that they must tell the truth and must not try to persuade the shop keepers to sell them alcohol.

At shortly before 18:20 I was parked in Spey Street close to the SD RETAIL off licence.

Cadet A returned to the van with a can of Stella Lager . I placed it into an exhibit bag MPSC36017651

I then returned to the store. At the location I spoke to an Indian male who I now know to be as Mr Milan SINGH. I said "I understand that you have just sold a can of Lager to a 15 year old Girl". He replied " It was a mistake I then showed him a photo of Cadet A and informed him that she was 15 . He replied "Ok" I pointed out to him that it was an offence and he made no reply. I told him that I intended to issue him with a PND for the offence and he made no reply.

At 18:20 hrs I issued him with a PND for selling alcohol anywhere to a person under 18 years of age contrary To Sec 146(1) of the licensing act 2003.

Mr SINGH was not carrying any form of identification but I was able to confirm his details with Mr Somesh DHAKA who is the licence holder

I then left the venue.

I would describe the cashier as male, Indian, f5,09slim build aged approx 40 years years old . He was wearing a Grey polo shirt, dark Grey trousers.

Signature: Signature witnessed by:

Appendix 3

**(Brar Wines Store)
2 Spey Street,
London
E14 2PZ**

Licensable Activities authorised by the licence

Retail sale of alcohol

See the attached licence for the licence conditions

Signed by

Jackie Randall _____
Licensing Services Manager

Date: 28th September 2005



Part A - Format of premises licence

Premises licence number

14793

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Brar Wines Store)
2 Spey Street,
London

Post town
London

Post code
E14 2PZ

Telephone number
[REDACTED]

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The 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

Mr Gurnaib Brar



07779093341

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

N/A

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

Baltej Singh



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 No: P00142

Issuing Authority: London Borough of Redbridge

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

None

Annex 4 - Plans

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

05 JUL 2005



Part B - Premises licence summary

Premises licence number

14793

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Brar Wines Store)
2 Spey Street,
London

Post town
London

Post code
E14 2PZ

Telephone number
0207 538 0203

Where the licence is time limited the dates

N/A

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

Mr Gurnaib Brar



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

Off sales supplies

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

N/A

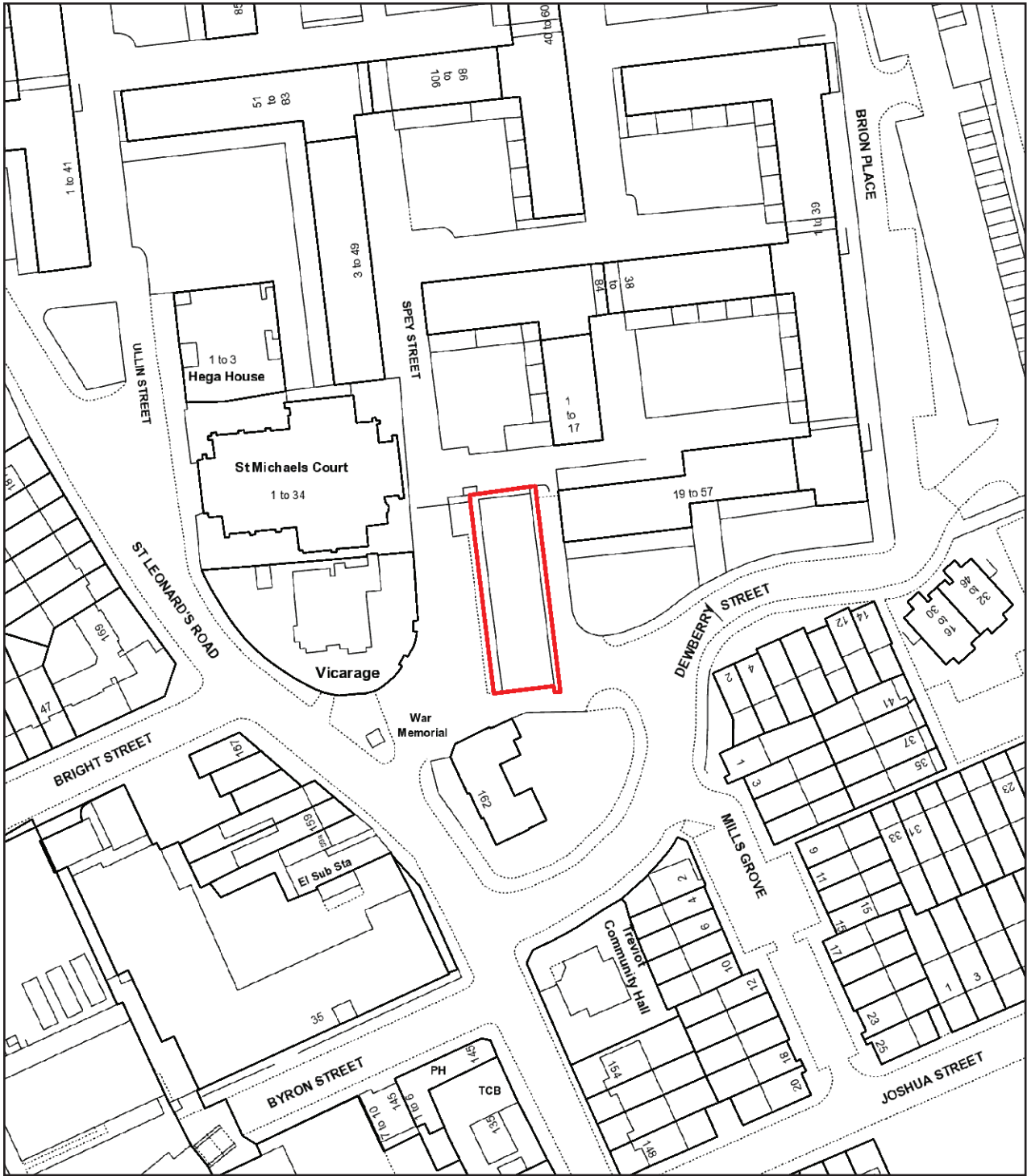
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Baltej Singh

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

No

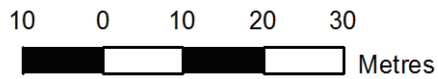
Appendix 4

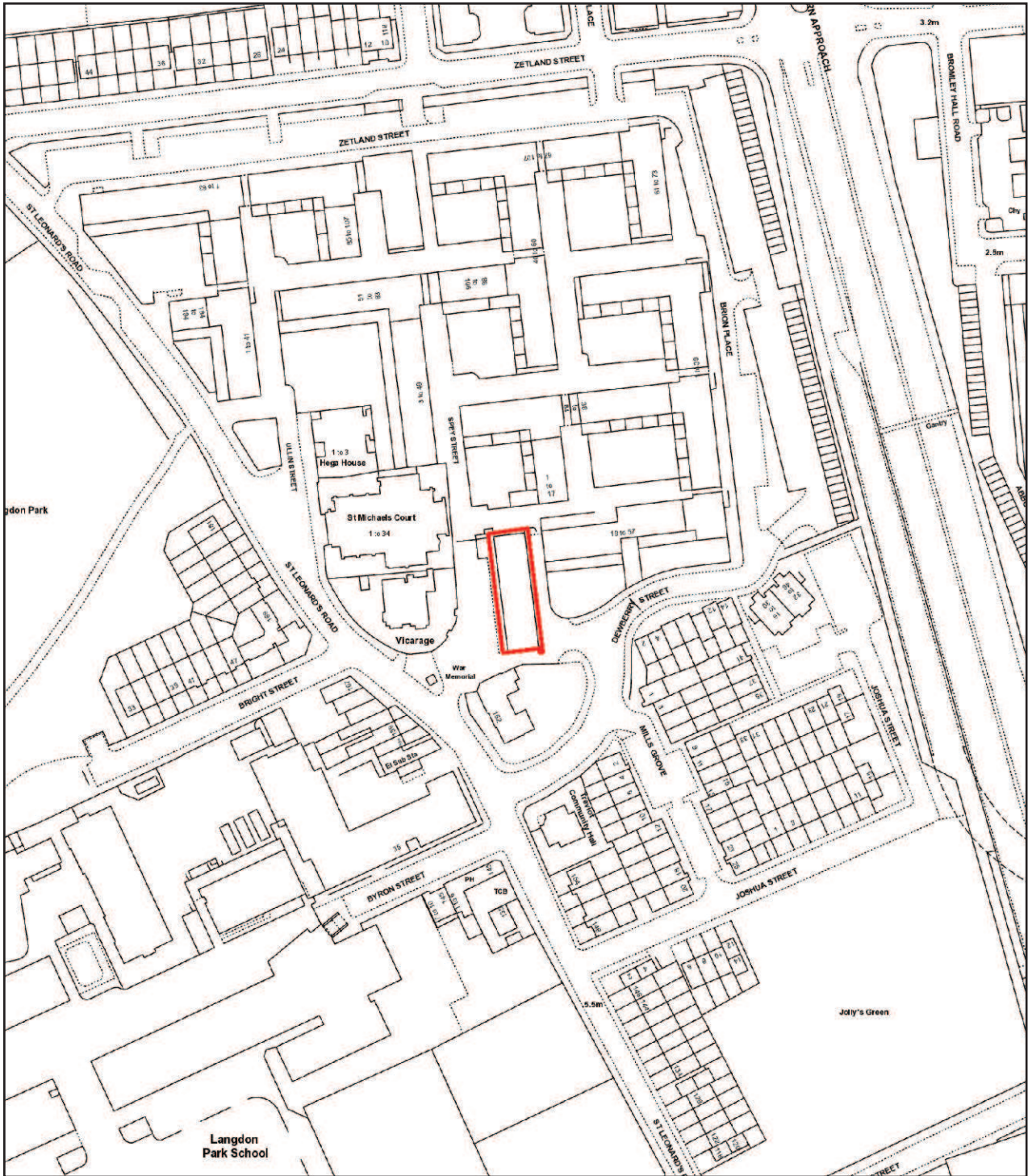


2 Spey Street



Scale 1:1153





2 Spey Street



Scale 1:1922

10 0 10 20 30

 Metres



Appendix 5

Communities, Localities & Culture Safer Communities

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

Licensing@towerhamlets.gov.uk

24th September 2014

Your reference: L1U - 78051
My reference CLC/LIC/78051/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 mohshin.ali@towerhamlets.gov.uk

Licensing Act 2003

Application for a review of a premises licence: (Brar Wines Store), 2 Spey
Street, London E14 2PZ

The Licensing Authority as a Responsible Authority wishes to support the application for a review triggered by the Met Police on the 1st September 2014. The licence holder has failed to meet the licensing objectives of the prevention of crime and disorder and the protection of children from harm

The premises licence for (Brar Wines Store) 2 Spey Street, London E14 2PZ has been in place since 28th September 2005. Mr Gurnaib Brar became the licence holder on the 16th March 2011. The following are registered on the Council's system since:

- **23/04/2012 (CMU)** - Licensing sent a warning letter (dated 24/05/2012) to Mr Brar to advise on 19th April 2012 PC Mark Perry visited the premises and they failed to produce the premises licence and/or display a summary of the licence, the Designated Premises Supervisor (DPS) is rarely at the premises (No letter of authorisation), and refusal book not kept/maintained.
- **12/07/2013 (CMU)** – Freedom of Information request from a local resident requesting the details of the licence holder and the licence conditions.

- **31/07/2013** - Licensing sent a warning letter (dated 01/08/2013) to Mr Brar. To advise on Friday, 26th July, 2013, at 8.25pm, one of the Council's enforcement officers saw a customer who bought a bottle of Bacardi Breezer and the staff opened the bottle for him. This is a breach of the licence.
- **4/09/2013** - Council Officers visited the premises at on 16th August 2014 at 22:10 hours. They bought bottled beer and asked the staff if they could open it. The staff replied, *"I don't normally open drinks, I'm not allowed to."* Then opened the bottle with a bottle opener kept behind the counter. Man who served and opened the bottle was called "Amid Sangwan". A warning letter was sent to Mr Brar on the 15th April 2014 for breach of licence condition.
- **26/06/2014 (EVU)** – Licensing Officers visited the premises and the premises was closed at the time of visit.
- **16/07/2014** - Inspector Andrew Wilks registered a complaint that residents are alleging underage alcohol and cigarettes being sold at the premises and youths hanging around.
- **01/09/2014** - Review of premises licence triggered by Met Police.

Conclusion

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

Yours faithfully,



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

CC: Mr Gurnaib Brar, 

Appendix 6

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 which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- 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;
 - 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);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 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.

- 11.22 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 that impact upon the licensing objectives.
- 11.23 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.24 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; money laundering by criminal gangs, the sale of contraband or stolen goods, 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. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate 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 licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 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 illegal 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 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.

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 7

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.

2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
 - the anticipated clientele.

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

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

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

- the equipment is kept in working order (when licensable activities are taking place);

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

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

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

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

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

Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

CAPACITY LIMITS

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

PROOF OF AGE CARDS

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

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

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The

mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

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

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

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

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

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

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

Appendix 8

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

HOURS

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

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

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

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

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

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

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

NOXIOUS SMELLS

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

LIGHT POLLUTION

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

OTHER MEASURES

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

Appendix 9

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

- 6.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

Appendix 10

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Section 10 of the Licensing Policy)**.

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 15.5)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 10.2 of the Licensing Policy)**.

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.19)

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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