

WITNESS STATEMENT

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

Statement of Brendan Paul O'ROURKE URN: 01 HT 14

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

This statement (consisting of: 5..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] PC O'Rourke Date: 23/03/2014

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

This statement is in relation to a breach of Premises Licence Conditions at

PREEM, 118, BRICK LANE E1 6RL

Officers original notes made at Limehouse Police Station at 10:45 hours in my own company.

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

I was previously attached to the former Whitechapel Town Centre Team and I had worked on that team since it's inception in January 2010. Prior to that I was a Police Constable attached to Spitalfields & Banglatown Safer Neighbourhood Team, based in Brick Lane Police Station which I joined in March 2009, when I transferred to Tower Hamlets.

All my previous teams covered the areas in the Tower Hamlets Wards' of Whitechapel, Spitalfields & Banglatown and Weavers - I have worked in this area for 5 years now and very familiar with this part of Brick Lane. One of my first ever tasks was to set up anti-touting operations to tackle the curry touts and I can honestly say, hardly anything has ever changed - day in and day out it still continues and can be hugely time consuming for police, when there are more pressing matters locally.

It may be the norm for most restaurants on Brick Lane to employ unofficial 'curry touts', but it has to be remembered the reason why The London Borough of Tower Hamlets Council introduced this Bye Law in the first place and that was the common place violence that erupted between rival staff, jealous over who touted customers into their restaurants or the inducements that were simply not honoured once the

Signature: [Redacted] Signature witnessed by: N/A

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

customer came to pay leading to confrontations or violence, though less and less - they do still occur. I have known Mr HUSSAIN (as below) since I first joined the Brick Lane team, as he used to attend as Chair of the Brick Lane Business Association, the Spitalfields & Banglatown Safer Ward Panel meetings.

On Saturday, 22nd March 2014, I was on duty in plain clothes in Brick Lane, walking north, as I made my way through the crowds a male stepped out onto the pavement just a few feet ahead of me from PREEM at 118 BRICK LANE and I heard him say to two passersby "25% DISCOUNT AND A FREE BOTTLE OF WINE". I looked straight at him and produced my warrant card and said "HELLO I'M PC O'ROURKE, TOWER HAMLETS LICENSING, LET'S GO INSIDE AND HAVE A WORD PLEASE".

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

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

We went inside and the restaurant was packed, but we found a small table at the back to sit down at. As I passed the bar, I spoke to a male who said he was the manager, but not the Designated Premises Supervisor (DPS). The Premises Licence Holder and DPS is Mr Azmal HUSSAIN who was next door.

I said "I NEED TO SEE YOUR FULL LICENCE PLEASE"?


He said "IT'S NEXT DOOR".

I said "YOU NEED TO HAVE A COPY ON THE PREMISES".

He pointed to Part B high on a wall and impossible to read, he offered to retrieve it and I declined saying "THAT'S OK AS LONG AS PART B IS ON DISPLAY THERE IS NO PROBLEM, BUT I NEED TO SEE PART A PLEASE, IT SHOULD BE EIGHT TO TEN PAGES LONG".

Mr HUSSAIN arrived and I explained I would like to see Part A of the Premises Licence?

He said "WHY DO YOU WANT TO SEE IT"?

Signature: 

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

PC29145

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

I said "WELL THE POLICE OR COUNCIL OR LONDON FIRE BRIGADE COULD REQUEST TO SEE IT AT ANY TIME AND IT SHOULD BE ON THE PREMISES, IT IS AN OFFENCE IF YOU DON'T. I HAVE JUST SEEN THIS MAN HERE TOUT OUTSIDE AND I'D LIKE TO CHECK YOUR CONDITIONS".

He left to go next door, but there is a slight anomaly with these premises in that the Premises Licence covers the premises 118 - 122 BRICK LANE, but they are in fact two separate buildings. 118 is stand alone and 120-122 is the adjoining premises.

Whilst I waited for Mr HUSSAIN to return, the male who I had seen 'tout' sat down with me and I asked him for his name, date & place of birth and home address, which he gave as Mizanur RAHMAN, DOB [REDACTED], POB BANGALDESH, [REDACTED], [REDACTED].

At 22:15 hours, I said to Mr RAHMAN "I SHOULD POINT OUT THAT IS AN OFFENCE UNDER THE TOWER HAMLETS BYELAWS TO SOLICIT FOR CUSTOM, WHICH MEANS TOUTING". I then gave the 'now' caution and he made no reply. I then said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED".

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

Mr HUSSAIN then returned with a Committee Paper from a previous hearing, stating he was too busy to find the Premises Licence. A member of staff then produced the laminated copy from the wall, which I saw related to Preem FC at 108 BRICK LANE. I said to Mr HUSSAIN, "IT IS GOOD THAT YOU HAVE PART B ON THE WALL, BUT IS THIS 108 BRICK LANE"?

He replied "NO, 108 HAS CLOSED".

Signature:

[REDACTED SIGNATURE]

Signature witnessed by:

N/A.....

PC JAW

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

I said "YOU NEED TO ENSURE THAT YOU HAVE THE CORRECT PART B ON THE WALL, A COPY OF THE FULL PREMISES LICENCE IN THE PREMISES BEHIND THE BAR, THIS BOOKLET IF FROM A HEARING AND IS NOT THE CORRECT LICENCE".

I then however inspected the Premises Licence in that booklet, which was number 15901. There was a condition in Annex 1.4 which stated "No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place."

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

I reminded Mr HUSSAIN that his premises had a 'no touting' condition on its licence. At 22:25 hours I said to him "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE 'UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON', IN PLAIN ENGLISH THAT MEANS YOU HAVE BREACHED YOUR PREMISES LICENCE BY ALLOWING A MEMBER OF STAFF TO TOUT".

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply. The above offences are recorded on the Form Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/1 (copy attached).

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

Later at Limehouse Police Station I accessed the Council computer system and printed off a copy of the


Signature:


Signature witnessed by:

N/A.....

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

proper premises licence, which on page 8, states in Annex 3.7 No person shall be employed to solicit for custom or be permitted to solicit for custom for business in any public place within a 500 metres radius of the premises.

 *PC 29/1/14*
Notes completed 11:50 hrs.

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

PC 29/1/14

Witness contact details

Home address: Limehouse Police Station, 27, West India Dock Road, LONDON.....

Postcode: E14 8EZ

Home telephone number Work telephone number 020 7275 4950

Mobile/pager number Email address: Brendan.O'Rourke@met.pnn.police.uk....

Preferred means of contact: Work

Male / Female (delete as applicable) Date and place of birth: Over 18 - SHEFFIELD, UK

Former name: N/A Ethnicity Code (16+1): W1 Religion/belief: Christian.....

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name: O'Rourke

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): PC 291 HT 230222 Brendan O'ROURKE.... Station: Bethnal Green - HT

Time and place statement taken: 10:45 hours - Limehouse Licensing Office

WITNESS STATEMENT

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

Statement of James Ridout..... URN: 001 10 3 01034227 60

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

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: [Redacted] SC5312HT Date: 2/8/14

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

On Friday the 1st of August 2014, I was on duty in Plain cloths with HT5020. we had started shift at 19.45 hours at Limehouse police station were we had a briefing by HT5020 were we went through how we are trying to stop the touts from outside the Indian restaurants from Brick Lane E1.

At 20.40 hours Myself HT5312 RIDOUT and HT5020 BARNA made our way along Osborn Street then on to Brick Lane on foot. We were approached by a Male IC4 Black shirt, black trousers and black shoes form Saffron 53 Brick lane E1 6PU at 20.58 Hours when he offered us a starter, main, rice, poppadoms and a drink for £10 pounds each for four(4) people. The next one was Preem were we had two people from 124-126 and one from 118-122 E1 6RL. At 124-126 we were offered two beers and 25% off of all on the menu, this was offered at 21.08 hours. We then walked away, then came back and were offered two offers by the 118-122 were we were offered two beers, starter, main, rice and nan for £12pounds, this was made at 21.48 hours. This was made by an IC3 and an IC4 both male. We then moved on to the City Spice 138 Brick Lane E1 6RU. They offered one pint with 25% of all the menu at 21.10 hours.

All this information was then passed on to HT291 O'ROURKE we made our way back up Brick Lane at 23.10 hours were I pointed out the touts to him then he went on to deal with the licence holders.

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

Signature: [Redacted] SC5312HT Signature witnessed by: [Redacted] SPS BARNA 5020HT

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **MSC 5312 HT s524573 Ridout**..... Station: **Limehouse**

Time and place statement taken:

WITNESS STATEMENT

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

Statement of Brendan Paul O'ROURKE URN: 01 HT 14

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

This statement (consisting of: ... 5..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] PC Jai W Date: 30/07/2014.....

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

This statement is in relation to a breach of Premises Licence Conditions at Preem, 118-122, BRICK LANE LONDON E1 6RL on 30/07/14

Officers original notes made at Brick Lane Police Station at 22:00 hours in my own company.

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

On Wednesday, 30th July 2014, I was on duty in plain clothes when at approximately 20:40 hours, I gave a briefing to officers regarding the Byelaws surrounding 'touting', an overview of the Licensing Act 2003 in reference to Premises Licences and in particular to Section 19 Closure Notices issued to three restaurants in BRICK LANE, some of whom had already breached those Section 19's multiple times.

I identified to the four officers present those three venues and also the key players in each restaurant, namely the Premises Licence Holders, Designated Premises Supervisors and known touts. I briefed them with names, dates of birth and photographs - where known.

The officers then left the briefing and made their way up BRICK LANE. At approximately 21:25 hours I received a phone call from PC 990HT WARLOW advising me he had been touted and was sat inside Preem at 118-122 Brick Lane. I made my way and entered, proceeding to where PC WARLOW and PC 106HT RODGERS were sat. I could see that the staff looked startled and had already recognised me. PC RODGERS told me it was the large male in the red checked shirt, whom I had briefed them on earlier

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

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

and I know to be Mohammed MIAH, (DOB [REDACTED]). PC RODGERS went to look for him, but it appeared he had run out of the side door and disappeared.

I then formally identified myself to the two staff present by producing my warrant card and saying "HELLO I THINK YOU HAVE ALREADY RECOGNISED ME, I'M PC O'ROURKE FROM LICENSING".

I said "WHERE DID MR MIAH RUN OFF TO"? He replied "WHO"? I said "MOHAMMED MIAH, THE LARGE GUY IN THE RED CHECKED SHIRT, HE'S CALLED MOHAMMED MIAH". The male replied "OH WE KNOW HIM AS TYSON". A reference I took to mean in relation to the boxer 'Mike Tyson' as Mr MIAH is well built and strong looking.

I asked the male who was doing all the talking his name, but he declined, I asked him to call Mr HUSSAIN down from his office as it was him I needed to speak to. He did.

I have known Mr HUSSAIN for many years and around May 2012 he showed me his new powerful CCTV camera system that he installed at 118-122 BRICK LANE. It has very powerful cameras known as 'PTZ', which means 'point, tilt and zoom' - they are also capable of recording sound. He showed me their capability and his ability to zoom around BRICK LANE and 'take a look' as what is going on.... I have seen recently, after an increase in police action in BRICK LANE, he has also installed two new PTZ cameras at Prithi at 124-126, BRICK LANE. I think that it is more than a coincidence that his waiters who tout outside both his restaurants disappear inside when I walk up or down BRICK LANE, before they have even spotted me. The usual greeting is "MAMU", which in Bengali means 'Uncle' and it is a local reference to '*the police are coming*' in BRICK LANE.

Whilst I was waiting for Mr HUSSAIN I took a look around 122 BRICK LANE and next door in 118 BRICK LANE to see if Part B of the Premises Licence was on display and to see if any staff could produce a full copy of the Premises Licence.

I should add that whilst there is one Premises Licence for 118-122 BRICK LANE, the building is slightly unusual in that it is comprised of three buildings with two separate front doors, 118 is a single building, whilst 122-124 is two knocked together (I have made an error in an earlier statement of

Signature: [REDACTED]..... Signature witnessed by: N/A.....

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

17/07/14, where I have erroneously described this the other way around). You cannot walk from one to the other on the ground floor (I am unsure about the basement, where the kitchens are).

In 120-122, I spoke to Mr Oliur RAHMAN, a waiter - this perplexed the other male, who I assumed was the duty manager, but as he was being awkward when spoken to (refusing to give his name and getting angry when I spoke to two customers, advising and reassuring them not to be alarmed it was a straightforward licensing visit etc). The other male had already spoken to them and at that point they were instantly anti-police themselves. I suspected they had been touted in, but they said they had not. They were the only two customers inside, well apart from the other two police officers.

Neither Mr RAHMAN, nor the other male was unable to produce a full copy of the Premises Licence and I saw on the wall a copy of pages 2 & 3 of Part A - but in reference to 108 BRICK LANE and not these premises. On 22/03/14, I reported Mr HUSSAIN for three offences of breaches of the Licensing Act 2003 (in fact the same identical ones as will follow below). On that day too, the same copy licence for PREEM FC, 108 BRICK LANE was on the wall and Mr HUSSAIN despite having had 4 months to rectify the matter had done nothing whatsoever to put the correct one on the wall. It is a further example of his utter contempt for The Licensing Act 2003, his Premises Licence conditions and general ambivalence towards any earlier police advice and action. On 10/07/14 Mr HUSSAIN was fined £6,849.00, for those offences committed on 22/03/14.

I then visited next door at 118, where there was neither a copy of Part B on the wall, nor a full copy of the Premises Licence for inspection (there was a copy of page 2 & 3 of Part A only available however). I recall similar to the above, this was the same on 22/03/14 and again Mr HUSSAIN had done nothing to correct the situation.

This time I spent some time with the male in 118 and explained in great detail to him what steps Mr HUSSAIN must take and I asked him to help him and ensure that he does it. The male appeared genuinely concerned and he wrote down what I said - I checked it and it was correct - my advice being to ensure Mr HUSSAIN has to have a fully copy of the Premises Licence available behind the counter in either 118 or 120-122 and to have a copy of Part B on display preferably in both - but most certainly in one of the two sides. He said he would and help Mr HUSSAIN not get in any more trouble.

Signature: 

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

PC JGH

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

I have to say, that despite my view of his utter contempt and indifference as described above Mr HUSSAIN is still in the circumstances taken together - a Gentleman to deal with.

About 15 minutes later, after I had returned to 120-122, Mr HUSSAIN arrived and as usual he shook my hand and I asked him to sit down. I had already partially completed two Met Police Licensing Forms, one from 'Book 694' "Notification of alleged offences under the Licensing Act 2003" and the other a Section 19 'Closure Notice under Section 19 Criminal Justice and Police Act 2001'. He was particularly perplexed today and kept saying to me "I AM TIRED, I HAVE HAD ENOUGH, I CAN'T COMPETE WITH THE OTHER BUSINESSES I AM SELLING, I HAVE HAD ENOUGH, CAN YOU JUST LET ME SIGN THE FORMS AND I WANT TO GO".

I said "MR HUSSAIN, I CAN'T LET YOU SIGN ANY BLANK FORMS, BARE WITH ME I WILL BE AS QUICK AS I CAN IF YOU ARE NOT FEELING WELL, BUT I DON'T KNOW HOW MANY TIMES I NEED TO WARN YOU, YOU ARE SERIOUSLY PUTTING YOUR BUSINESS AT RISK NOW AND POTENTIALLY YOU MAY LOOSE YOUR PREMISES LICENCE AND IF YOU DO WHO WOULD WANT TO BUY IT, YOU MUST STOP YOUR STAFF FROM TOUTING".

I then said to Mr HUSSAIN "THERE IS NO COPY B ON THE WALL, YOU STILL HAVE PREEM FC AT 108 BRICK LANE ON THIS WALL, DO YOU NOW HAVE A COPY OF THE FULL PREMISES LICENCE"?

He replied "NO, I'M TRYING TO FIND".

I then said to Mr HUSSAIN "THESE TWO OFFICERS HAVE BEEN TOUTED BY MR MIAH OR TYSON AS I NOW KNOW HE IS CALLED, WHO HAS RAN OFF THROUGH YOUR SIDE DOOR, BUT HE OFFERED THEM TWO FREE DRINKS EACH PER PERSON AND 20% OFF THE BILL OUT IN THE STREET".

At 22:00 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE UNDER SECTION 57 (4) - FAIL TO PROMINENTLY DISPLAY A SUMMARY OF THE LICENCE, UNDER SECTION 57 (7) - FAIL TO PRODUCE A PREMISES LICENCE OR CERTIFIED COPY AND UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY

Signature:

[Redacted signature] *pc jain wj*

Signature witnessed by:

N/A.....

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

ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON', IN PLAIN ENGLISH THAT MEANS YOU HAVE BREACHED YOUR PREMISES LICENCE BY NOT HAVING A COPY OF PART B ON DISPLAY OR A FULL COPY OF YOUR PREMISES LICENCE FOR INSPECTION AND ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14 AND 16/07/14".

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply. The above offences are recorded on the Form Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/1 (copy attached). I then gave MR HUSSAIN a copy of the Section 19 Closure Notice I had completed. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/2 (copy attached).

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

Notes completed 23:30 hrs.  *PC JAH*

Signature 
PC JAH

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

Witness contact details

Home address: Limehouse Police Station, 27, West India Dock Road, LONDON.....
Postcode: E14 8EZ
Home telephone number Work telephone number 020 7275 4950
Mobile/pager number Email address: Brendan.O'Rourke@met.pnn.police.uk.....
Preferred means of contact: Work
Male / Female (delete as applicable) Date and place of birth: Over 18 - SHEFFIELD, UK
Former name: N/A Ethnicity Code (16+1): W1 Religion/belief: Christian.....

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, . language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
d) I consent to police having access to my medical record(s) in relation to this matter: <small>(obtained in accordance with local practice)</small>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you tick this box to decline their services:				<input checked="" type="checkbox"/>		

Signature of witness: [Redacted] Print name: *Brendan O'Rourke*
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): PC 291 HT 230222 Brendan O'ROURKE.... Station: Bethnal Green - HT

Time and place statement taken: 22:00 hours - Brick Lane Police Station

WITNESS STATEMENT

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

Statement of Brendan Paul O'ROURKE URN: 01 HT 14

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

This statement (consisting of: 5..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] PC 2911W Date: 17/07/2014.....

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature:

pcjain's

Signature witnessed by:

N/A.....

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

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

He replied "I HAVE NOT BEEN TOUTING"

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

He replied "MOHAMMED MIAH".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "[REDACTED]"

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

He replied "[REDACTED]".

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

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

He replied "NOT ME I AM WAITER"

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

He replied "MOHAMMED JALIL".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "[REDACTED]".

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

He replied "[REDACTED]".

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

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

Signature: [REDACTED]

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

PC JAH

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

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

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


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

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

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

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

I then said to Mr HUSSAIN at 22:53 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE 'UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON', IN PLAIN ENGLISH THAT MEANS YOU HAVE BREACHED YOUR PREMISES LICENCE BY ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14".

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

pc 291115

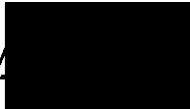
Continuation of Statement of **Brendan Paul O'ROURKE**.....

I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply. The above offences are recorded on the Form Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/1 (copy attached).

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

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

Notes completed 01:50 hrs. A



P. J. O'Rourke

Signature:



P. J. O'Rourke

Signature witnessed by:

N/A.....

Witness contact details

Home address: **Limehouse Police Station, 27, West India Dock Road, LONDON**.....
 Postcode: **E14 8EZ**
 Home telephone number Work telephone number **020 7275 4950**
 Mobile/pager number Email address: **Brendan.O'Rourke@met.pnn.police.uk**.....
 Preferred means of contact: **Work**

Male / Female (delete as applicable) Date and place of birth: **Over 18 - SHEFFIELD, UK**

Former name: **N/A**..... Ethnicity Code (16+1): **W1**..... Religion/belief: **Christian**.....

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: **[Redacted]** Print name: **O'Rourke**.....
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC 291 HT 230222 Brendan O'ROURKE**.... Station: **Bethnal Green - HT**.....

Time and place statement taken: **00:45 hours - Brick Lane Police Station**



**METROPOLITAN
POLICE**

TOTAL POLICING

**Tower Hamlets Borough
Licensing Office**

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

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

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

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

Your ref:
Our ref: LIC/PREEM/0814R/14

15th August 2104

Dear Ms Driver,

Re: CCTV Stills re Preem 118-122, Brick Lane, LONDON E1 6RL

Please find attached four CCTV stills in relation to offences on 16/07/14, that I have attached to the original bundle of documents submitted with the Sec 51 Review of Premises Licence. I have taken them from exhibit DS/01 and they are all from camera 203 in Brick Lane. The time format is hours:minutes:seconds(with 1/10th ignored). The names below, match my evidence in my statement dated 17/07/14.

Preem -1 18:26:58: hrs - Shows Mr HUSSAIN and Mr MIAH
Preem -2 18:27:02 hrs - Shows Mr MIAH touting in front of Mr HUSSAIN
Preem -3 18:28:00 hrs - Shows Mr MIAH with Mr JALIL, with Mr HUSSAIN
 walking towards Prithi
Preem -4 22:52:05 hrs - Shows PC 291HT O'ROURKE with Mr HUSSAIN, Mr
 JALIL and Mr MIAH

Yours sincerely,
Brendan O'Rourke

Brendan O'Rourke
PC 291 HT

WITNESS STATEMENT

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

Statement of Brendan Paul O'ROURKE URN: 01 HT 14

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

This statement (consisting of: 5..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] PC JAHT Date: 02/08/2014.....

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

This statement is in relation to a breach of Premises Licence Conditions at Preem, 118-122, BRICK LANE LONDON E1 6RL on 01/08/14

Officers original notes made at Brick Lane Police Station at 21:00 hours in my own company.

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

On Friday, 1st August 2014, I was on duty in plain clothes when at approximately 19:00 hours, I gave a briefing to T/Sgt MSC 5020HT BARNA at Bethnal Green Police Station, regarding the Tower Hamlet Byelaw surrounding 'touting', a brief overview of the Licensing Act 2003 in reference to Premises Licences and in particular to Section 19 Closure Notices under The Criminal Justice and Police Act 2001. I advised him that three restaurants in BRICK LANE had already been issued with Section 19 Closure Notices and we were concentrating on evidence with these three, however, any evidence in relation to any other restaurants would be welcome. There was also a formal slide on the Tower Hamlets briefing system in relation to this too. However as police resources are scarce and stretched over the weekend, particularly in the Whitechapel area, only a couple of officers were assigned to this matter undertaking a local initiative operation.

During the evening I was kept appraised of their progress and was advised that they had been 'touted' quite a few times. Around 22:00 hrs I met up with SC 5312HT RIDOUT and he gave me a verbal overview of the premises he had been touted at whilst with T/Sgt BARNA. We then attended various premises as and when SC RIDOUT saw the 'tout' who made the offer - I then I went into the premises

Signature: [Handwritten Signature] Signature witnessed by: N/A

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

with him and after he repeated the allegations, I then dealt with the matter.

At 23:55 hours I was in the company of PC 189HT CRUICKSHANK and SC RIDOUT, when we attended at Prithi Restaurant and Bar at 124-126 BRICK LANE, E1 6RL - I immediately saw at the door Mr Azmal HUSSAIN and said to him "HELLO MR HUSSAIN, CAN WE SIT DOWN SOMEWHERE QUIET PLEASE"? Mr HUSSAIN knows me extremely well and I had no need to formally identify myself, as didn't PC CRUICKSHANK who has been the Licensing Officer for this area for many years.

I had just reported a male who works at ALADIN for 'touting and Obstructing the Highway', but he and his colleague had followed us and were causing a disturbance outside. I had to call over my police radio for a uniformed unit's to assist as I could now hear a lot of obscenities being shouted at us through the windows. One male who I have know since my first few weeks on Borough as Shah MIAH (who was the other 'tout' at ALADIN - was the main instigator and I believed he was intoxicated. He was using his mobile phone to film police and I had already given him a warning for swearing in public and he was warned that if he swore again, he would be arrested for a Public Order offence. Mr HUSSAIN had been at his door ushering the crowd away, but Mr MIAH entered the restaurant and sat down shouting at staff "I WANT A CURRY, CAN I HAVE A MENU"? It was comical as much as very childish, but this insensed Mr HUSSAIN, who instructed staff "GET HIM OUT OF MY RESTAURANT, I DON'T WANT HIM IN HERE". He remained in the street at the window pointing me out to people he was with as if warning them who to 'look out' for (or avoid). He was then moved away by uniformed police who arrived.


PC RIDOUT then brought over the male who had touted him at Prithi (124-126 BRICK LANE) and said in the males presence and hearing to Mr HUSSAIN "THIS MAN TOUTED ME OUTSIDE AT 21:08 HOURS I WAS OFFERED TWO PINTS AND 25% OFF ALL FOOD".

The male said "WHAT EVIDENCE DO YOU HAVE I DON'T TOUT"?

I then said to that male "HE JUST TOLD YOU WHAT YOU SAID, IF YOU DISAGREE AND THIS MATTER GOERS TO COURT, YOU WILL HAVE YOUR CHANCE TO TELL THE COURT YOURSELF"

He said "I DON'T BELIEVE HIM".

I then said to him "CAN YOU TELL ME YOUR NAME AND DATE OF BIRTH PLACE"?

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

PC 291117

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

He replied "MOHAMMED RAHMAN, 11/04/1968".

I said "AND WHAT'S YOUR OCCUPATION"?

He replied "WAITER".

I said "AND WHAT IS YOUR ADDRESS PLEASE"?

He replied "25 ELTON HOUSE, CANDY STREET, LONDON E3 2LJ".

I said "AND ARE YOU REGISTERED TO VOTE THERE"?

He replied "YES 11 YEARS".

PC CRUICKSHANK then reported him for touting under the Tower Hamlets Byelaws and I thanked him and said he could go now.

I said to Mr HUSSAIN "DO YOU HAVE YOUR FULL PREMISES LICENCE FOR HERE 124-126 PLEASE"?

He replied "NO I FORGOT TO PICK IT UP".

I had attended these premises (124-126) on 06/07/14 at 02:15 hours, some 15 minutes after the premises should have closed and 45 minutes after all licensable activities should have ceased (as per my MG11 dated 06/07/14). On that occasion Mr HUSSAIN had neither Part B on display (telling me it 'had fallen off the wall') and neither did he have a full copy of the premises licence available for inspection. I have to say, I gave Mr HUSSAIN a 'warning' on that occasion for not having his Premises Licence available, advising him to have a copy available as soon as possible as the Fire Brigade, Trading Standards, Council Licensing or Food Hygiene may visit and ask to see it. I also Reported him for Process (Summons) for breaches of Section 136 Licesning Act 2003, but on reflection I felt I had insufficient evidence of hot food or alcohol being served after time and approximately 3-4 days later I met Mr HUSSAIN and gave him 'words of guidance' and advised there would be no prosecution (I had given him Met Police Form 694 - 'Notification of Alleged Offences' and said it was now cancelled).

This again simply shows, Mr HUSSAIN'S disregard for any advice he has been given. He has had three weeks to ensure that a copy of the Premises Licence was available and still has done nothing about it - it simply appears he has no intention of upholding the Licensing Act 2003, no matter how insignificant whatsoever. The Police have no confidence in him as a Premises Licence Holder and will now be seeking a Review of his Premises Licence before a Tower Hamlets Licensing Committee and seeking

Signature: 

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

2003(1)

PC Jany

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

legal advice over his breaches of the various Section 19 Closure Notices.

I am aware that that PC CRUICKHANK then reported Mr HUSSAIN for that offence and the touting offence - both breaches of his Premises Licence. He then dealt with the paperwork and issued a Section 19 Closure Notice under The Criminal Justice and Police Act 2001.

I then said Mr HUSSAIN, "THIS OFFICER WAS ALSO TOUTED BY TYSON OUTSIDE PREEM NEXT DOOR".

SC RIDOUT then said "I WAS APPROACHED BY THREE OF YOUR STAFF WITH OFFERS, BUT AT 21:48 HOURS I WAS OFFERED TWO BEERS, STARTER, MAIN, RICE AND NAN FOR £12 POUNDS EACH".

I had indentified one of the three touts as Mohammed MIAH (known as 'Tyson' to staff - he was covered in my briefing earlier) - he is always outside the north door of Preem and that is 'his corner'. It is the third time he has been caught touting by police recently and he touts constantly and he does so with impunity.

At 00:00 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON', IN PLAIN ENGLISH THAT MEANS ALLOWING MEMBERS OF STAFF TO TOUT AND YOU HAVE ALSO BREACHED THE SECTION 19 CLOSURE NOTICE I ISSUED TO YOU ON 22/03/14, 16/07/14 and 30/07/14". I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he replied "I UNDERSTAND".

The above offences are recorded on the Form Book 694, of which I gave him a copy of and which he signed in receipt. I produce a copy in evidence as exhibit BOR/1 (copy attached). I then gave MR HUSSAIN a copy of the Section 19 Closure Notice I had completed. Again he signed the document and I produce a copy of this Notice in evidence as exhibit BOR/2 (copy attached).

Signature:  Signature witnessed by: N/A.....
2003(1) 

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

Mr HUSSAIN then shook my hand and I then left the premises and we continued to the next venue.

Notes completed 22:20 hrs.



PCJA141

Signature:



Signature witnessed by:

PCJA141

N/A.....

Witness contact details

Home address: **Limehouse Police Station, 27, West India Dock Road, LONDON**.....
 Postcode: **E14 8EZ**
 Home telephone number Work telephone number **020 7275 4950**
 Mobile/pager number Email address: **Brendan.O'Rourke@met.pnn.police.uk**.....
 Preferred means of contact: **Work**

Male / Female-(delete as applicable) Date and place of birth: **Over 18 - SHEFFIELD, UK**

Former name: **N/A**..... Ethnicity Code (16+1): **W1** Religion/belief: **Christian**.....

Dates of witness non-availability

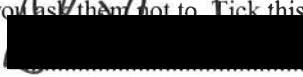
.....

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:				<input checked="" type="checkbox"/>		

Signature of witness:  Print name: **O'Rourke**

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 291 HT 230222 Brendan O'ROURKE**.... Station: **Bethnal Green - HT**.....

Time and place statement taken: **21:00 hours - Brick Lane Police Station**

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 **Stephen RODGERS PC106HT**..... URN:

01	HT		14
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 217001**

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:  **PC106HT** Date: **04/08/2014**.....


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

On Wednesday the 30th of July 2014 I was on duty in plain clothes in company with PC99HT Dave WARLOW, PCSO 7117HT Karl BLAIR, PC776HT Reece BUCKLEY at Brick Lane Police Station, a briefing was provided by PC 291HT O'ROURKE who is from the Tower Hamlets Licensing Team, PC291 O'ROURKE provided the briefing that related to the ongoing issues in relation to touting outside the restaurants in Brick Lane.

At approximately 21:25hours myself and PC990HT WARLOW were walking EAST along HANBURY STREET towards the junction with BRICK LANE, as we entered BRICK LANE we were approached by a male who I know to be Mr Mohammed MIAH DOB:  of , MIAH was wearing a distinctive RED chequered shirt, PC990HT WARLOW was using his mobile phone in order to communicate with PC 291HT O'ROURKE.

MIAH approached me and I clearly heard him say to that he would give me a 20% discount off my food bill and 2 free alcoholic or soft drinks, I informed MIAH that myself and my friend were meeting 2 more friends therefore there would be 4 of us in total, MIAH again stated that 20% off the bill and 2 free drinks would be provided to all 4 people if we entered and eat in the restaurant that was behind him which was the PREEM RESTAURANT at 118-122 BRICK LANE E1 6RL, MIAH said 'Come inside and wait for your man', MAIH then turned around and beckoned both myself and PC990HT WARLOW into the restaurant.

MIAH showed us to a table in the far corner of the restaurant and another IC4 appeared and began to speak to MIAH in BENGALI, this second IC4 waiter was wearing a BEIGE SHIRT and had a side parting in his hair, the IC4 Male waiter then placed 2 extra menus on the table. A few moments passed then I was aware that PC291HT O'ROURKE had joined us in the restaurant and he sat down opposite me next to PC990HT WARLOW, at this point I looked over my LEFT shoulder and saw MIAH exiting out the rear of the restaurant, I left the restaurant and looked EAST along HANBURY STREET to see if MIAH could be seen, I did not see MIAH, I then want

Signature:  Signature witnessed by:

Continuation of Statement of **Stephen RODGERS PC106HT**

back into the restaurant. When I went back into the restaurant I saw the IC4 male that had provided us with the 2 extra menus who clearly appeared to be working as a waiter, I said "Why didn't Mr Mohammed MIAH want to stay?", the IC4 male denied knowing anyone by this name and stated that he knew someone by the nickname of 'TYSON' who sometimes hangs around outside the restaurant, this IC4 male waiter refused to give his details.

I was aware that PC291HT O'ROUKE was completing the relevant paperwork required to report the owner of the premises and the licence holder, A male who I now know to be Mr Azmul MIAH then appeared, as he appeared elderly and out of breath I stood up and offered him my seat, Mr Azmul MIAH then sat down and PC291HT O'ROURKE completed the paperwork that was issued

We then all exited the restaurant, I would like to make it known that I have been a police officer for over 10 years and I have worked in different areas some of which have been extremely threatening and hostile, I can confidently state that whilst in the restaurant I was constantly aware of the movement of the staff and a number of other IC4 males who were not wearing uniform but clearly knew the staff, I felt that at point the situation could turn hostile and my experience on this occasion would form my future risk assessment in that I would never enter the restaurant on my own, I detected a tangible animosity towards PC291HT O'ROURKE coming from the IC4 waiter and Mr Azmul MIAH.

When we left the restaurant and made our way SOUTH along BRICK LANE I was aware that we were being followed and observed by the same IC4 Male waiter from the PREEM Restaurant, this male was speaking to other IC4 males who were loitering outside other restaurants and gesturing towards myself and PC990HT WARLOW and he appeared to be warning other touts that we were police officers.

Signature:  *PC106HT* Signature witnessed by:

Witness contact details

Home address: **c/o Bow Police Station**
 Postcode: **E3**
 Home telephone number **N/A** Work telephone number **0207 275 3968**
 Mobile/pager number **N/A** Email address: **stephen.rodger@met.pnn.police.uk**
 Preferred means of contact: **email**
Male / Female (delete as applicable) Date and place of birth: **over 18**
 Former name: **n/a** Ethnicity Code (16+1): **NS** Religion/belief: **n/a**
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A
(obtained in accordance with local practice)
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC 217001 S.RODGERS** Station: **Bow**

Time and place statement taken: **20:00 - Bow Police Station**

WITNESS STATEMENT

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

Statement of Anthony Newton SC 5178HT..... URN: [] [] [] []

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

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

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

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

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

At 21.42hrs we were walking past Papadoms, 84 Brick Lane, E1. A male crossed the road to speak to us. I would describe him as being IC4 and about F505 tall and aged around 30 years. He wore a purple shirt, black trousers and smart black shoes. He had short black hair and a neatly trimmed beard. He encouraged us to cross the road to look at the menu in the Papadoms window and explained his was the best restaurant. He then said "I will give you 20% off the menu prices and both of you a free drink". We said we had to go and meet friends up the road and left.

Further up the road at 21.50hrs a male approached us outside The Standard Balti House, 71 Brick Lane, E1. I would describe him as being IC4 wearing a dark t-shirt and a black body warmer jacket. He wore a name badge which said 'Jay' and had distinctive black Prada trainers. He had a small beard, black hair and was about F505 tall and aged around 27 years. He encouraged and escorted us to cross the road and look at his menu. He then said "you can have 20% off these prices and 2 free drinks each". After later returning to the restaurant to serve a Section 19 notice I discovered the male to be Ahmad HOSSAIN, D.O.B [REDACTED]

At 21.51hrs a male stopped us outside The Famous Curry Bazaar, 77 Brick Lane, E1. He was IC4 and wore a light grey Lyle and Scott branded sweatshirt and blue jeans. He was aged around 25 years and was about F505 tall with short, dark hair. He said "I will give you 20% off the menu, two free drinks and no service charge". I later came to know him as Mohammud AHMED, D.O.B. [REDACTED] of [REDACTED] when his restaurant was issued with a Section 19 notice.

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

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

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

rice and papadoms for £12 each plus one free beer each" if we ate in his restaurant. When we later returned to serve a Section 19 notice I learnt the male was Lahin KHAN, date of birth [REDACTED] of [REDACTED]
[REDACTED]

At 22.17hrs we were walking past Curry Capital, 202 Brick Lane, E1. An IC4 male aged around 50 years stopped us. He was about F510 tall and of a large build. He had black hair with some greys and a bushy moustache which was also going a bit grey. He wore a black shirt, black blazer, black trousers and brown shoes with a buckle. He said "I will give you the first round of drinks for free. Look, I have curry starting from just £5.95".

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

3-15 [REDACTED] ANTHONY SC 5178 HT _____ AN
3-16 [REDACTED]

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

WITNESS STATEMENT

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

Statement of James Ridout..... URN: [] [] [] []

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

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

Signature: [Redacted] S3124T Date: 20/9/14

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

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

At 21.30 hours Myself HT5312 RIDOUT and HT5178 NEWTON made our way along Osborn Street then on to Brick Lane on foot. We were approached by a Male IC4 black short hair and full beard. He was wearing a purple shirt, black trousers and black shoes form Popadoms Brick lane E1 at 21.42 Hours when he offered us 20% of all the menu and a drink each for four(4) people.

The next one was the standard Balti house 71 Brick Lane at 21.50 hours . I would describe him as being IC4 wearing a dark t-shirt and a black body warmer jacket. He wore a name badge which said 'Jay' and had distinctive black Prada trainers. He had a small beard, black hair and was about F505 tall. I now know him to be Ahmad HOSSAIN, date of birth [Redacted] of [Redacted]. He encouraged and escorted us to cross the road and look at his menu. He then said "you can have 20% off these prices and two(2) free drinks each".

The next one was the famous curry bazaar Brick Lane E1. I would describe him as being IC4 wearing a light grey Lyleo scott jumper blue jeans and dark shoes. He had a short hair and a slight stubble he was about 5'4" I now know him to be Mohammod AHMED D.O.B [Redacted] Address: [Redacted]. He was stood out side the curry house and offered us two(2) Free drinks and 20% off the menu and no service charge.

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

Signature: [Redacted] S3124T Signature witnessed by:

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

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

The Last one was Curry Capital Brick Lane E1. I would describe him as being IC4 wearing a black suite with a black shirt. And black smart shoes. He had a short hair and a thick black moustache was about 5`4". He was stood out side the curry house and offered us our first round of drinks free.

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

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

3:20 SA 20 SEP'14 HH
[Redacted] S312 HT
3:20 SA 20 SEP'14 HH

Signature: [Redacted] S312 HT

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 **Francesca Adams** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 521432**

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:  **5280HT** Date: 20/09/2014

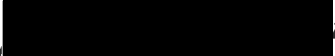
Tick if witness evidence is visually recorded (supply witness details on rear)

On Friday 19th September 2014 I was on patrol on Brick Lane E1 with my colleague 5280HT-JD. We were on a preplanned plain clothes licensing operation to observe the breaking of Section 19 Licensing Law relating to curry restaurants. We were also targeting illegal balloon sellers on Brick Lane.

At 21:40 hours we were walking past 53 Brick Lane when an employee of the Saffron restaurant approached us and touted a deal to eat his establishment. He offered us a free pint of beer and a large glass of wine plus a discount of 20% he then increased this to 25% which he quoted would give us a quarter of the bill. He was an IC4 male, aged between 25-30 years; he was a small build with facial hair shaped into a goatee with a thin beard line to his sideburns. He had a small gap on his right upper canine tooth. He was wearing a white polo t-shirt, blue denim jeans and tan coloured walking boots branded Timberlands or very similar. We thanked him but told him that we would have to meet our friends but may come back later. Before we left he handed us a business card of the restaurant.

At 22:15 hours we walking past the Curry and Tandoori restaurant; address 118 Brick Lane E1, when we were approached by two men who began touting us to enter their restaurant. The offer was 25% reduction and the first round of drinks free. The first male was IC4 aged between 40 to 45 years. He was wearing grey Nike trainers with navy blue jeans and a navy blue jumper with a collared grey shirt underneath. He had black hair which was receding. The second male was an IC4 he had a bald head and he had a distinct mono-brow. He was wearing a light pale blue shirt dark trousers and black shoes. We declined the offer and moved on.

At 22:33 hours we walked past the Moon Light restaurant; address 8 Brick Lane E1, when an IC4 male approximately 5ft 3ins in height with dark hair, he also had a chin beard with no moustache. He was wearing a blue & white small squared checkered shirt, dark trousers and dark coloured shoes. The IC4 male crossed the road and stopped us to make an offer to dine at his restaurant. His offer was: any starter, any rice, any main along with a naan bread for £10 each plus a free drink. He asked how many of us there were, we said "four of us" to which he replied "you will not spend more than forty pounds I guarantee it". We said "we will find our friends and come back" we then moved on. At 23:15 hours we returned to the Moon Light restaurant with Licensing officer PC Mark Perry 748 who issued a section

Signature:  **5280HT** Signature witnessed by:

Continuation of Statement of **Francesca Adams**.....

19 to the man we described touting us for business, who I now know to be Mr Sala Uddin of [REDACTED]. I explained to Mr Uddin what had taken place when we walked past earlier and PC Perry then cautioned Mr Uddin at 23:20 hours to which he replied "okay".
END OF WITNESS STATEMENT. [REDACTED] *5158HT.*

Signature: [REDACTED] *5158HT* Signature witnessed by:

WITNESS STATEMENT

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

URN ____:____:____:____

Statement of: Despina Soteriou

Age if under 18 over 18 (if over 18 'over 18') Occupation CCTV Operator

This statement (consisting of: 1 page, 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 willfully stated in it anything which I know to be false or do not believe to be true.

Signature: [REDACTED] Date Thursday, July 17, 2014

This statement is to document the release of CCTV evidence from the London Borough of Tower Hamlets CCTV Control Room at the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG. The system provides on-street video images that are transmitted from cameras positioned in various locations throughout the London Borough of Tower Hamlets and are overt in operation. The transmissions are received at a purpose built control room in the Town Hall, Mulberry Place, 5, Clove Crescent, London E14 2BG. Camera signals are continuously and automatically recorded by way of time lapse onto a digital storage system. Images are presented on DVD for evidential purposes. The system uses a time stamp from the atomic clock to ensure accuracy of time across the CCTV system and is checked daily. I can confirm that the cameras concerned with this request are in full working order and the system is operating correctly. As a result of a request from 291HT of the Metropolitan Police I have produced DVD(s) numbered LBTH 6458 , I have sealed the DVD(s) in evidence bag number MPSA19839876. I produce this/these DVD(s) as Exhibit DS/01 [REDACTED]

Signature: [REDACTED]

Signature Witnessed by:



EVIDENCE & ACTIONS BOOK

SUSPECT/PERSON(S) CONCERNED/ARRESTED.....

ARREST/PROCESS /INCIDENT.....

WEDNES day the 30TH JULY 20.14
at 2135 time at PREEM + PRITHI^{DO} PRITHI
RESTAURANT + BALTI HOUSE, 120 -
124 BRICK LANE

Post Code E1 6RL

OFFICER REPORTING WARLOW
Warrant No. 218856 Rank PC No. 990HT
OCU Code HT Station O1HW
Email david.warlow@met.pnn.police.uk

Book of

Name of Accused

Custody No./ Unique Ref. No.

Stop/Search 5090 completed Yes No

CRIS No.

Other Ref. No.

TIME NOTES STARTED:

2138

TIME NOTES COMPLETED:

2200

LOCATION NOTES MADE:

PREEM + PRITHI

PERSONS PRESENT:

PC 106HT, PC 291HT

Notes not made/completed at scene must be recorded on page 33.

- Record first descriptions on page 14.
- Include questions and answers before and after caution. Keep an open mind. You are duty bound to gather all evidence. **You should include hearsay.**
- Do not be afraid to ask questions without cautioning. An officer is entitled to question any person from whom he or she thinks useful information can be obtained.
- Interviews of suspects must comply with PACE Codes of Practice.
- Offer notes of conversation for signature.
- ATR this page as soon as you arrive at the police station.

ON WEDNESDAY 30TH JULY 2014
I was on duty in plain clothes
in the company of PC RODGERS 106H
We had arrived at BRICK LANE
POLICE STATION at approx 2040hrs
where we were met by PC
291HT O'ROURKE. PC O'ROURKE
provided us with a briefing ~~regarding~~
regarding the Local By Law and
conditions on the premises

Continued: licence regarding restaurants on BRICK LANE, TOKYO. At approx 2120hrs PC RODGERS 106HT and I exited the TRUMAN BREWERY on to HANBURY STREET. We turned LEFT and walked towards the junction with BRICK LANE. I was stood next to a bin on BRICK LANE, directly outside PREEN AND PRITHI speaking on my mobile phone. I was approached by a LARGE BUILD ASIAN MALE wearing a RED CHECKED SHIRT. This male said to me "Who are you looking for?" I said "I'm on the phone to my friend". He said "When you get off the phone, come into my Restaurant. I'll give you a good deal, I'll give you and your friends TWENTY PERCENT OFF THE BILL and TWO FREE PINTS OF LAGER PER PERSON". I said to the male "I'm on the phone". The male then said to

PC RODGERS words to the effect of "Come inside". I got off the phone and rejoined PC RODGERS and ~~the~~ the male. I recognised the male in the checked shirt from the briefing notes PC O'ROURKE 291HT showed me. I recognised the male as, Mohammad MIAH dob [REDACTED]. The male ushered PC RODGERS 106HT and myself into PREEN AND PRITHI. I called PC O'ROURKE and informed him that we were inside PREEN + PRITHI. I was joined by PC O'ROURKE at approx 2125hrs. We identified ourselves as police officers. Mr MIAH was seen to enter the rear of the premises and did not return. There was a member of staff who refused to provide his name, I would describe him as ASIAN MALE, approx 5'6 tall, approx 35 years of Age, Clean Shaven, COLLAR LENGTH HAIR, wearing a CREAM SHIRT, BLACK TROUSERS and

	Ambulance Service	Fire Brigade
Called at		
By		
Time arrived		
Time left		
Details		
CAD Ref. No.		

1st Aid given (full details in Notes).....

CONVEYED TO..... HOSPITAL
 DETAINED.....
 NOT DETAINED.....
 NOT KNOWN.....



NOTES OF ARREST/REPORT OF INCIDENT

TIME NOTES STARTED:

TIME NOTES COMPLETED:

LOCATION NOTES MADE: **CONTINUATION OF**
NOTES AT SCENE

PERSONS PRESENT.....

It is essential that you record a complete account of events. It is intended to protect you from needless civil action or complaint investigation. You MUST follow the following guidance. Your notes will be subject to close scrutiny. You may confer with other officers who were present for an overview, but these notes are to assist YOUR recollection.

Background

- Set the scene: As fully as possible "on day, date, time, place, etc."
- State the information you had before attending the scene, this will help explain your actions.
- If notes were not made at scene, explain fully.
- Do not mention sensitive sources/techniques.

Action

- State what happened when you arrived.
- Record all questions asked/answers given both before and after caution. **Keep an open mind.** You are duty bound to gather all evidence and entitled to question any person from whom useful information can be obtained. **You should include hearsay.**
- Fully record your actions and the options considered **up to the point of arrest.**
- Show what factors influenced your decision, include reasons for *not* taking action.

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, ss 5A(3)(a) and 5B; MC Rules 1981, r70

Statement of

Age if under 18

(if over 18 inset 'over 18')

Occupation

This statement (consisting of _____ 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 in it anything which I know to be false or do not believe to be true.

Date: 30/07/2014

Time:

Signature:

[Redacted Signature]

PC 9904

BLACK SHOES. Once this male understood that PC RODGERS and I were Police Officers, he said words to the effect of "Just give us our fine and go. We'll keep doing what we're doing and you do what you have to do. I'll say no more about it than that." PC O'ROURKE asked the male who made the above comment to get the premises licence holder, Armal HUSSAIN, to the restaurant. At approx 2130 Hrs, a male who I knew as

Signature:

[Redacted Signature]

PC 9904

Continued: Mr Azmal MERT entered the premises. PC O'ROURKE 291HT informed me that Azmal MERT is Azmal Hussain. PC O'ROURKE pointed out that Mr Hussain was being reported for DW under the licensing Act (Section 136(1) of the Licensing Act.
 [redacted] PC 9906D

[Large redacted area]

Signature [redacted] PC 9906D



Notification of alleged offences under the Licensing Act 2003

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

Address: 118-122 Brick Lane London E1 6RL

Date: 16/7/14 Time: 2253
Details of person in charge at the relevant time: Mr Azmat Hussain

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details: Two members of staff seen on CCTV to actively look in the street for business between 18:25 -> 19:15 hours on 16/7/14; this is also a breach of a Section 19 closure notice issued at 22:45 on 22/03/14

Issuing officer:  Print: J ROURKE

I acknowledge receipt of this form: (venue) _____

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

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

Authority issuing Notice: Metropolitan Police Service

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

Signature: [Redacted]

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

Preem
118-122 Brick Lane London E1 6RL

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

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

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

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

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

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

This is a breach of a previous Sec 19 issued on 22/03/14 at 2225 hours

Third party consideration (section 19.4)

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

Yes/No (details) No

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

Effect of section 20, Application for closure order.

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

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

Name Mr Azmul Hussain

Signature [Redacted]

Date 16/07/14



Notification of alleged offences under the Licensing Act 2003

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

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

118 seal Date: 22/03 Time: 22:00

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

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

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

Issuing officer: [Redacted] Print: [Signature]

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

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

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

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC JONNY WATSON

Signature: 

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

118/108 Brick Lane London E1 6RL
from street

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

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

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

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

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

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

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

Third party consideration (section 19.4)

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

Yes/No (details): No

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

Effect of section 20, Application for closure order.

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

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

Name: Mr A. Hussain

Signature: 

Date: 22/03/14



Notification of alleged offences under the Licensing Act 2003

Venue Name: Free m REF: (CAD/CRIS etc.)

Address: 118-122, Brick Lane London E1 6RL

Date: 20/7/14 Time: 2125

Details of person in charge at the relevant time: Azmat HUSSAIN

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details: At 21:25 hours PC WARRICK & PC RODGERS were ranked by a male known to be mohammed MIAM with an offer of two free drinks + 20% discount; Part B notice display in 118 or 122; neither was a copy of the full premises licence further is a breach of section 193 issued at 21/03/14 and 16/07/14

Issuing officer: [Redacted] Print: AZMAT HUSSAIN

I acknowledge receipt of this form: (venue)

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 30/7/14 Time Served: 2130 BPM

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 2914T O'Rourke

Signature: 

Name (if applicable) and address of the affected premises:
118-122, Brick Lane London E1 6RL

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

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

Two police officers were banked in the street and no part B on display nor full premises licence available for inspection

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


Two PCs banked, no part B on display nor full licence available for inspection - 2914T inspected both 118 + 122

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

To stop staff from banking - display part B correctly and have available full licence for inspection

Third party consideration (section 19.4)

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

Yes/No (details) 

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

Effect of section 20, Application for closure order.

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

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

Name 

Signature 

Date 30/7/14

To be handed to the venue with S19 Notice

1. EXPLANATORY NOTES

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

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

2. Section 19 of the 2001 Act- Closure Notices

Where a police officer, or an authorised officer from the local authority, is satisfied that any premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol, for consumption on, or in the vicinity of the premises, he may serve a notice under section 19(3) in respect of the premises. An "unauthorised sale of alcohol" includes a premises with a valid premises licence, but that is operating in breach of its licence conditions. Any person occupying another part of any building or other structure of which the premises forms part whom may have their access adversely affected by the application to the magistrate for a section 20, resulting in a possible issuing of a full closure (Sec 21) by the court must also be issued with a copy of this form.

3. Section 20 of the 2001 Act- Closure Orders

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

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

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

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

4. Appeals- Section 24 of the 2001 Act

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

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

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

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

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

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

Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.



Notification of alleged offences under the Licensing Act 2003

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

Address: 118-122 Brick Lane London

Date: 21/8/14 Time: 0005

Details of person in charge at the relevant time:

Azmat Hussain

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
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- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

At 21:48 2 plain clothes officers were located outside 118-122 Brick Lane contrary to premises licence conditions and previous provisions of Sec 19(1).

Issuing officer:  Print: J. Rowlett

I acknowledge receipt of this form: (venue) X Hussain


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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 2/8/14 Time Served: 0005

Authority issuing Notice: Metropolitan Police Service

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

Signature:  PC JAMES

Name (if applicable) and address of the affected premises: Prem 118-122 Brick Lane (CONDON)
E1 6RL

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

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

Plain clothes officers were booked 3 times o/s
Prem at 21:48 hrs on 1/8/14

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

Two boys + shopkeeper + man for 712 offer in the street
(Tyson) then offer repeated

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

Multiple breaches of previous Sec 19's - It is
very important to adhere to your premises licence
conditions.

Third party consideration (section 19.4)

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

Yes/No (details) Yes

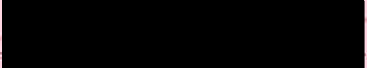
If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

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

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

Name Azmal Hussain

Signature 

Date 2/8/14

1. EXPLANATORY NOTES

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

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

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

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

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

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

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

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Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 4 MARCH 2014

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ann Jackson (Chair)

Councillor Marc Francis

Councillor Md. Maium Miah

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meeting held on 28th January 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a Variation of a Premises Licence for the Coborn Arms,
6-8 Coborn Road, London, E3 2DA**

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application. Members' had carefully listened to representation made by the Applicant's Representative and noted and considered the written

objections contained in the agenda and the verbal objections made at the meeting by Cllr Joshua Peck and local residents. However Members' believed that there was insufficient evidence to refuse the application as there were no reported complaints of public nuisance or crime and disorder. It was noted that there was what had been referred to as a low level of noise concerns that had not been reported to the appropriate authorities. As it was low level concerns, Members did not consider that that was sufficient to refuse in this case. Had these concerns been reported then they would have been investigated by responsible authorities. Further Members considered that the representations made were more appropriately Planning considerations and should therefore be considered by that regime.

The Chair advised that even though a Premises Licence had been granted, the applicant was still required to get planning consent. Member's also suggested a number of informatives to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of a Premises Licence for, Coborn Arms, 6-8 Coborn Road, London E3 2DA be **GRANTED**.

To vary the layout of the premises in accordance with the amended plans supplied by the applicant. All licensable activities, permitted hours and opening hours to remain as existing.

In-formatives

- Alcohol to be served with food in the dining area
- Restrict the number of smokers outside to 5 people after 11pm
- To have a designated bay for taxi's to park when picking or dropping off patrons.

4.2 Application for a Premises Licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the Applicant's Representative and submissions from the Police,

Trading Standards and local residents. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder.

In making the decision Members noted that the premises was within the area of the Special Cumulative Impact Zone but did not consider whether the applicant had addressed the rebuttable presumption as Members had noted that there had been a number of Licensing breaches including touting; serving alcohol during a period of suspension; and opening outside terminal hours. Members were also concerned that the applicant considered that the retail sale of alcohol was a supply of refreshment and therefore covered by the hours applied for the provision of late night refreshment. Such are different licensable activities however. Therefore Members' decided to refuse the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Preem, Ground Floor and Basement, 118-122 Brick Lane, London E1 6RLbe **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee