

Appendix 4



**METROPOLITAN
POLICE**

TOTAL POLICING

Tower Hamlets Borough
Licensing Unit

Mr. John McCrohan
Trading Standards and Licensing Manager
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London
E14 2BG

The Toby Club,
Vawdry Close,
Whitechapel,
LONDON
E1 4UA

Cc:
Daras Miah
(Premises Licence Holder - Café Bangla)

[REDACTED]
Email: HT-LicensingOffice@met.pnn.police.uk

Your ref:
Our ref:

28th October 2014

Dear Mr McCrohan,

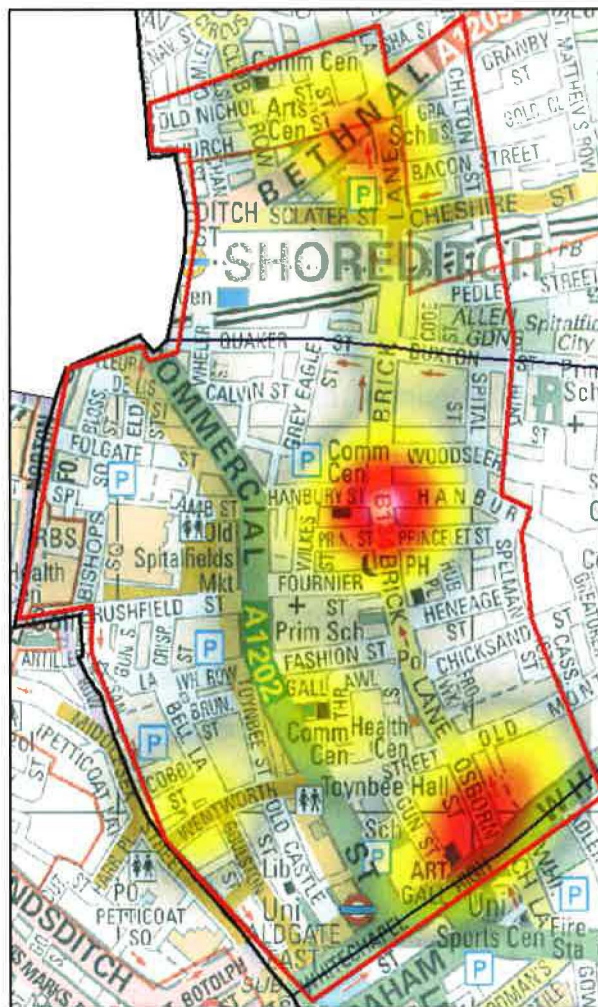
Re: Café Bangla, 128, Brick Lane, London E1 6RU

I write in reference to the Licensing Authorities application for a review of the above Premises Licence under Section 51 of the Licensing Act 2003, dated 06/10/14.

Please find enclosed on behalf of the Chief Officer of Police, supporting evidence in the Licensing Authorities review application which we submitted on the grounds of the following Licensing Objectives: **The Prevention of Crime and Disorder (Criminal Offences - Licensing Act 2003 etc), Public Safety (CCTV) and Public Nuisance (Touting)** as defined in **The Licensing Act 2003** and will make the following representations:

Whilst I appreciate the Licensing Authority's application is based primarily on strengthening the premises CCTV condition, it refers in paragraph's 10 and 11 to Brick Lane/Shoreditch being an ASB/crime hot spot. In support of that I would like to offer some updated data in this regard as below.

I can advise the Licensing Sub-Committee (LSC) that in the last 12 months¹, there has been 129 offences involving 'violence with injury' (VWI) comprising of 64 ABH'S; 49 GBH'S, 14 GBH with Intent, 1 attempted murder and 1 incident involving a dangerous dog. **Temporal Analysis:** Peak days: Saturdays and Sundays are the most affected days accounting for 17% and 23% of offences respectively. The peaks on these are in the early hours of the morning. Peak hours: Extended peak in offences between 1800 to 0200 hours during which 60% of activity occurs. However there is a very defined peak within this timeframe from 0000 and 0200 hours when 22% of offences occur.



Brick Lane Cumulative Impact Zone (VWI)

¹ The data utilised for this report was taken from DOI mapped crime and CRIS FBOC 01/09/2013 to 31/08/2014. Data obtained relates to the saturation zone in the Brick Lane area.

It can be seen that there are three main hot spot areas (for VWI) within the Cumulative Impact Zone (as above) - one being the area where these premises are situated.

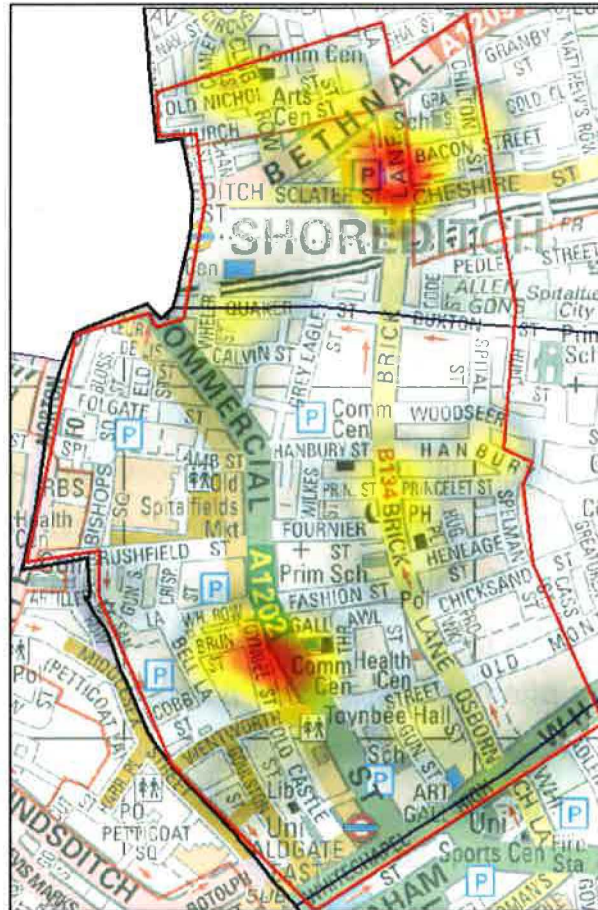
Whilst the author is very much aware that the LSC requires direct evidence linking specific premises to ASB, disorder or violence etc. It can be demonstrated below that these premises does generate such.

It should be noted however that 69% of the offences quoted above occurred in the street. This is due to incidents either being just that - 'incidents in the street' or more often crime reports or CADS that state the incident address as being 'outside' a particular venue - so Brick Lane is shown as the location and not the venue itself - even though incidents often originate inside a venue, where the victims have been eating or drinking - but the incident technically occurs outside and therefore there is no direct link to the venue as such.

CCTV is crucial in these incidents as it links victims and suspects from a venue to the external Council CCTV and may collaborate (or not) their involvement and whether they were inside the venue or not?

The map below is taken from the same data² and shows Anti-social Behaviour (ASB) for the CIZ. There have been 842 ASB CAD calls to the saturation zone within the last 12 month period, accounting for 5.5% of Tower Hamlets ASB CADs. Since November 2013 the number of CAD calls as been consistently lower than those seen in the previous year. **Temporal Analysis** - Peak days: Saturdays and Sundays are the most affected days accounting for 18% and 22% of offences respectively. Peak hours: Peak in calls between 2100 to 0100 hours during which 34% of activity occurs:

² The data utilised for this report was taken from DOI mapped crime and CRIS FBOC 01/09/2013 to 31/08/2014. Data obtained relates to the saturation zone in the Brick Lane area.



Brick Lane Cumulative Impact Zone (ASB)

It will become apparent to the LSC, that what started out as research into a supporting document from the police regarding the CCTV condition, there has been much more uncovered - that on a day to day basis the Licensing Unit does not have the time to analyse in such detail, but I am mindful of not misrepresenting Café Bangla or Mr MIAH in any way and therefore there are positive incidents listed as well as those that are not so. I trust this strikes a balance from the research I have undertaken.

The police note that a statement dated **20/07/14** from **PC 291HT O'Rourke** has already been submitted with the Licensing Authorities application and it would appear that three pages did not scan. I therefore re-submit that statement for clarity in Annex B of this letter. The police would however ask that both copies of the statement be

RESTRICTED as criminal proceedings are ongoing in Thames Magistrates Court and a trial will take place on 15/01/15 (for the incident referred to on 20/07/14).

In fact due to the majority of the contents of this letter being sensitive, statistics, incidents and previous (relevant) conviction details of Mr MIAH - I would ask that this whole document is RESTRICTED please.

In supporting the Licensing Authorities review, I have interrogated police systems in the research of the premises using these two fields: '**Café Bangla**' and '**128 Brick Lane**':

- **Re: 25/01/13 (Friday) - HTRT00377418 - Licensing Update:**

Premises Licence transferred from Mr Gulab (Gadu) MIAH to Mr Daras MIAH. Mr MIAH is understood to have a business interest in Cinnamon and describes 'Gadu' as a 'relative'.

- **Re: 15/02/13 (Friday) @ 19:45 hrs (approx) - CRIS 4204248/13**

Section 4 Public Order Act 1986 - Victim states that she was on a night out and as they were stood at the junction of Hanbury Street and Brick Lane discussing their plans, the suspect approached the group trying to entice them into a 'curry house'. The girls waved the suspect away, to which he reacted 'adversely' and 'immediately started to shout and swear' saying "I WILL FUCKING STAB YOU", before spitting on her. However the saliva did not hit, as her friends pulled her away. At the same time local businessmen shooed the suspect away. Territorial Support Group (TSG) officers were flagged down 30 minutes later, who took a 'first description' and undertook an 'area search' for the suspect with one of the witnesses. One of the witnesses learned that the suspect may be called 'Shafiq' and may work at Curry Bazaar. The manager Mr Mohammed AHMED was spoken to and denied that anyone matching that description or name worked at his restaurant. Officers also

spoke to Mr Daras MIAH at Café Bangla, who said he 'ran the marketers that encourage punters into the restaurants'. He said he had been made aware of the incident and knew who the suspect was, but was not in possession of any particulars at the time. He stated he would endeavour to ascertain the details of the suspect by Monday and would have those details available. On 22/02/14 PC 3542U WEBB makes contact with Mr MIAH, who is said to have proved very elusive. Mr MIAH was unable to give PC WEBB any further details than of those he gave on the night. Regrettably the victim is advised of no further leads and the investigation is closed.

This is not the behaviour of a Premises Licence Holder and he is clearly unable to uphold or assist police with his obligations under the Licensing Objectives.

Sadly this type of behaviour from 'touts' is all too common in Brick Lane and I would suggest, akin to 'Hate Crime', these incidents are 'under-reported' - though I have two such similar matters passed on to me from LBTH ASB/Hate Crime third-party reporting website from September alone (not Café Bangla).

- **Re: 26/05/13 (Saturday) CAD 9519/26MAY13 @ 22:35 hrs** - Call to police regarding ASB outside 128 Brick Lane - Both 'CAD Lite' and 'DARIS' systems are unable to retrieve this incident and no details can be verified.

- **Re 24/06/13 (Monday): 4216029/13 (GBH) & 4216030/13 (Common Assault) o/s Nazrul, 128 Brick Lane:**

Mr MIAH is arrested on suspicion of Common Assault after allegedly head-butting a member of staff from Nazrul (next door), a mass brawl had broken out in which sticks and belts are used as weapons it mainly occurs outside Nazrul and Aladin (the same family run both Aladin and Nazrul), but spills as far north as Woodseer Street. It is understood that an argument ensued between Mr MIAH and a staff member of Nazrul as a result of staff at Aladin and Nazrul allegedly spreading 'bad words' about Café Bangla and Cinnamon (134 Brick Lane) in that they 'had cockroaches and that

the food is poor' etc. Five males in total from surrounding restaurants are arrested. Mr MIAH pleads guilty to Common Assault on 29/05/14 at East London (Stratford) Magistrates Court (a charge of Section 4 POA 1986 being dropped at court, with no evidence offered) and received a Community Order and a nightly Curfew Requirement, no fine, but an order for costs and victim surcharge totalling £160.00.

- **Re: 25/06/13 (Tuesday) - CAD 9759/25JUN13 @ 20:45 hrs (linked to CAD #9416 & CAD #9996 @ 21:17 hrs) - CRIS 4216144/13 -**

As above both 'CAD Lite' and 'DARIS' systems are unable to retrieve these three CAD incident records and no CAD details can be verified. However, the above CRIS shows the following: The venue address is shown as junction of Brick Lane and Hanbury Street. The victim is a former member of staff from Café Bangla and the suspects are staff from Aladin/Nazrul. The matter is an ongoing dispute over business rivalry between them. This incident is a follow on from last nights Affray, GBH and Common Assault. At approximately 20:30 hrs the victim was walking towards Café Bangla (where he worked) and was approached by staff from Aladin who asked to 'speak to him about the fight last night'. Another member of staff from Aladin joined and accused the victim of punching someone last night, which he denied. A third Aladin staff member joined the group and ultimately one of them grabbed the victims hands instructing another to punch him in the face - which he allegedly did several times, another then joined in and the victim is punched about the face and head. The group then tell the victim not to go to Café Bangla to work and that if he did 'bad things would happen to him or his family'. The victims injuries are described as extremely minor and it was questioned whether it was an old injury.. The ultimate result is that, this victim was charged with offences from the previous night and no longer wishes to be involved in this second (related matter) and the investigation is closed.

- **Re: 04/07/13 (Thursday) - East London Magistrates Court:**

Mr MIAH pleaded guilty to two of three offences laid before Magistrates (one was withdrawn). They relate to offences occurring at Cinnamon (134 Brick Lane) on 19/12/12 when he was found to have failed to produce his premises licence (Sec 57) and knowingly allowed 'touting' (Sec 136). Mr MIAH was fined £100 for each offence, with £250 costs and a £20 victim surcharge (£470 total). Similar matters to which he will later deny knowledge of on 20/07/14.

- **Re: 28/09/13 (Thursday) - CAD 0764/28SEP13 @ 01:13 hrs:**

Call to police regarding ASB outside 128 Brick Lane. The caller reports that there is a car outside the location 'blaring music out'. 'She has asked the driver to turn the music down and the driver was sexually abusive to her'. 'Seems the car belongs to somebody who works in the restaurants nearby'. Vehicle registration is passed on (not disclosed here) - I have undertaken police checks on the vehicle and it would appear the wrong registration was given, as the first address was in Bristol. There appears to be no link whatsoever to Café Bangla.

- **Re: 28/09/13 (Thursday) - CAD 10545/28SEP13 @ 22:57 hrs - o/s 120, Brick Lane - (Linked to CAD 10552/28SEP13 @ 22:59 hrs - Café Bangla):**

Report of 'fighting going on'. Police attend, PC 345HT updates 'no parties substantiating any allegations, moved on from area'. Linked **CAD #10552**, caller states that two males and one female are fighting at location. LAS declined, no weapons seen. No further action.

- **Re: 08/11/13 (Friday) - Breach of Premises Licence - Sec 136 LA 2003:**

LBTH Licensing Officer Andrew Heron was touted by staff from Café Bangla. PC 748HT PERRY issued a Section 19 Closure Notice (**Copy in Annex A**). Outcome

unknown.

Re: 07/12/13 (Saturday) - CAD 418/07DEC13 @ 00:42 hrs:

Call to police - Stating location as '128 Brick Lane near the bridge'. Police operator states caller 'does not speak very good English and sounds drunk'. Caller has stated that 'some people have tried to beat him up'. Operator hears 'a male in the background asking if he is OK and needs LAS', caller stops answering operator's questions and at 00:47 a police vehicle, call sign 74HT attends and reports that the male is 'bleeding from the lip area'. At 00:52 hrs PC 252HT requests LAS, who attend and initially see the male, but he declines any further assistance from the paramedics or police and after alleging no offences leaves on his own accord. There appears to be no link to Café Bangla, other than a reference point?

- **Re: 23/02/14 - (Sunday) CRIS 4204449/14 - o/s Café Bangla:**

Former DPS Mr Abdul QUYUM, had parked his car outside. He was a driving instructor at the time and his vehicle had a sign on top, indicating he was a 'Driving Instructor' 'L' plates etc. Between 01:00 hrs when he parked the vehicle and 03:30 hrs when he returned the sign had been stolen. No damage to the vehicle. LBTH CCTV not viewed due to the excessive time span.

- **Re: 20/07/14 (Sunday): Breach of Licensing Act 2003**

This is the incident already referred to and I will not repeat what is contained in the statement, save: The premises licence holder Mr MIAH was present and the member of staff who claimed he 'not to work there' was Mr Shah KAMALI.

Mr MIAH also claimed that Mr KAMALI did not work there. The premises are one large room, the front patio doors were wide open, it would be impossible for him not to have seen anyone walking in and out of his restaurant, and he had full

unobstructed view of the comings and goings of the front door area. He had no customers and they were the only three people present. This shows a lack of accountability and poor judgement on Mr MIAH'S behalf. Suffice to say too, it is totally unacceptable for a premises licence holder to claim he does not know how to work his own CCTV. Full statement attached in **Annex B**.

Copy Book 694 'Notification of alleged offences under the Licensing Act 2003 - attached in **Annex C**.

- **Re: 26/07/14 (Saturday) @ 20:00 hrs - CAD 9523/26JUL14 @ 20:06:23 hrs. Police also 'flagged down' in the street. Custody HT/3907/14; CRIS 4218832/14**

Initial comments on the CAD are 'Att Lochn :O/S BRICK LANE,E1:CAFE BANGLA' - "CALLER STATES 20 PEOPLE PUSHED HIM AND SPAT AT HIM BECAUSE HE PARKED OUTSIDE THEIR RESTAURANT" and "CALLER STATES THERE IS A UNIT THERE SO HE WILL SPEAK TO THEM". There are no further updates on the CAD.

The incident starts outside Café Bangla with an apparent parking dispute. The victim parks his motorbike immediately outside Café Bangla and is told 'he cannot park it there as it's a busy time for the restaurant' (this is a public parking bay in Brick Lane!).

As the victim returns to his motorbike and attempts to leave, the matter escalates and the victim is eventually spat in the face by a tout (suspect 1) from the Sheba Restaurant - he actually jumps off his feet high into the air and purposefully spits in the victims face. He is subsequently arrested for Common Assault, during which time police were surrounded by waiters and touts who are reported to be shouting "TERRORISTS" at the two police officers. One officer draws and racks his baton as the situation turned very anti-police, there is some pushing and shoving and the officer had to call for 'back-up'. There is a scuffle, Mr Daras MIAH is there, but not involved and to his credit, try's to separate the touts and waiters from shoving the

officer who has arrested 'suspect 1' around. The suspect is bailed and the victim later withdraws his allegation saying he had no time to go to court, due to family commitments and work.

Whilst the Licensing Unit was reviewing the LBTH CCTV it was seen that one of the touts from Café Bangla (who I will refer to as 'suspect 2') initially engages in conversation with the victim when he returns to his motorbike. An argument ensues and the two start to push and shove each other. A crowd gathers (including Mr Daras MIAH and Mr Shah KAMALI who exit Café Bangla). Again to his credit Mr MIAH is seen to push away 'suspect 2' back inside the restaurant, but he is having none of it. Mr MIAH intervenes again trying to break them away from each other, but another group get involved from the road side and a mini fight breaks out - during which time 'suspect 2' throws a punch at the victim (he actually looks up at the CCTV camera to see if it is pointing towards him). He is then seen to return inside Café Bangla with Mr MIAH. The victim remains outside until police arrive at 20:08 hrs, when 'suspect 1' is arrested. Due to the crime eventually being closed, 'suspect 2' (as subsequently identified) is not arrested, nor does he feature in the CRIS as a suspect. Nor are his details known.

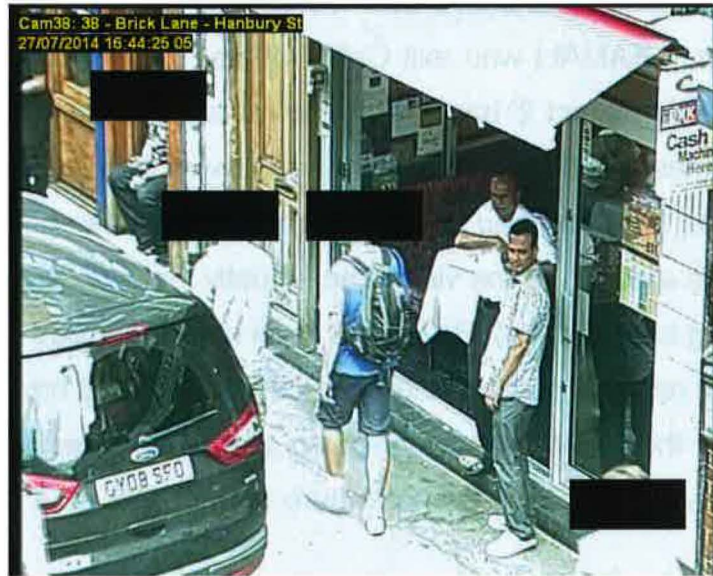
This is a perfect example of one of the incidents 'outside' [a venue] or 'in the street'.



'Suspect 2', bottom right, checked shirt (26/07/14)

- **Re: 27/07/14 (Sunday) - Touting:**

Following the parking incident above, on the day after - 'suspect 2' can be seen actively touting in and outside of Café Bangla between 16:52 hrs and 16:50 hrs. He clearly works there. Again the patio doors are wide open and whilst it is not known if Mr MIAH is present - it probably can be assumed he was? Of note, but of no surprise Mr KAMALI is seen to work side by side with 'suspect 2'.



Shah KAMALI and 'suspect 2' (27/07/14)



Shah KAMALI (27/07/14)



'Suspect 2' Touting (27/07/14)

• **Re: 01/08/14 (Friday) - Touting:**

LBTH CCTV camera #38 is seen pointing north up Brick Lane between Hanbury Street to Woodseer Street. To the right is Café Bangla, Nazrul, Aladin, Cinnamon and City Spice - there are very active touts outside all of those restaurants. Most are seen to cross the road (if not already standing across the road) and tout passerby's. The footage runs from 21:15 hrs to 22:00 hrs.

Of note at 21:15:56 hrs a fully uniformed PC walks north on the eastern footway and the touts don't bat an eyelid. They continue to tout seconds after he has passed them and to the unsuspecting public it is relentless, with the same people stopped every few feet by different touts from different restaurants, literally being 'pounced on'.

At 21:18:42 hrs Mr Daras MIAH is seen to exit Café Bangla and cross the road to a group of two males and two females. The same group is simultaneously approached by a tout from Nazrul.



Mr MIAH seen to gesture and shout from across the road (01/08/14)



Mr MIAH finally crosses the road and eventually the group accompany him into the restaurant (01/08/14)

At 21:27:29 hrs 'Suspect 2' also exits the restaurant and crosses the road to tout

- **Re: 31/08/14 (Sunday) - CAD 6449/31AUG14 @ 15:54 hrs - Car Theft**

Call originating from Café Bangla reporting a theft of a vehicle. It transpires that the vehicle was clamped and removed, after it was parked on a yellow line and the caller

did not think it mattered on a Sunday. No further police action.

- **Re: 07/10/14 (Tuesday) - LBTH Town Hall - Licensing Sub-Committee - 18:30 hrs - Cross Reference Preem - 118-122 Brick Lane.**

In an unrelated application to review the premises licence of Preem 118-124 Brick Lane, the premises licence holder Mr. HUSSAIN submitted publically available documents to the LSC in which he says "*he, his staff have been the subject of harassment by six surrounding restaurant*" (including Café Bangla). Though the document clearly states later "*throughout the above period Mr. HUSSAIN has also seen and heard touts from all five of the above businesses, except Café Bangla, threaten my staff*".

- **Re: 07/10/14 (Tuesday) - CAD 9836/07OCT14 - 999 call to police @ 22:26:39 - 'Violence Against The Person:**

Informant states that "HE IS BEING THREATENED BY THE RESTAURANT STAFF". The CAD also states "I WILL CALL THE BOYS FROM THE AREA". The CAD also states however "NO VIOLENCE HAS BEEN USED" and that "THE CALLER IS WITH A FRIEND". CAD states "CALLER HAS HAD A COUPLE OF BEERS" and "THE CALLER AGREED TO £24 ALL IN, FOR 2 SET MENUS. THE RESTAURANT ARE TRYING TO OWE £30 ODD". Police operator states "CALLER SOUNDS INTOXICATED" and "HE CALLER IS NOW SAYING THAT HE IS GOING TO MOVE HIS CAR AS HE DOESNT WANT IT TO GET SMASHED UP... SHE SOUNDS INTOXICATED. I TOLD HIM HE SHOUDLNT BE DRIVIGN AND HIS RESPONSE WAS 'I KNOW'". Two police vehicles are dispatched on an 'I' grade call ('H1N' - the area car and 'HT80N' - a response car'. PC 814HT results the CAD stating "Male left prior to police arrival, his friend is inside sorting out the bill, the incident was over the price of the bill. No offences.

I have checked LBTH CCTV and the camera is pointing the other way. I have also

spoken to the informant, who advises me that he was approached in the street by a 'tout' and offered a deal for two for £24.00, but this rose to £38.00, which led to the dispute. An itemised bill was apparently presented, but did not 'add up'. During the argument over payment a person inside was said to make a mobile phone call in the informant's presence attempting to intimidate him. By threatening to "call the boys from the area"...

I should add, that there has been a modification to the Met Polices standard model licensing conditions and in regards to CCTV and it is this:

MC01 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer (or Police Licensing Officer). All entry and exit points will be covered enabling frontal identification with a 'head and shoulder' image of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations and comply with all legislation, including clearly displayed warning signs.

MC02 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

As Crime Prevention Officers, don't exist as they used to, that wording could be modified to Police Licensing Officer, or I would refer the LSC and the respondent to the attached Home Office Guidance which is extremely useful (**Annex D**)

I am mindful too, that colour photographs do not copy well in the LSC bundle and I shall therefore; bring suitable colour copies for all parties at the hearing.

Finally the police would suggest given the substantial representations made that in addition to the more robust CCTV condition sought, that the Licensing Sub-Committee consider a suspension of the Premises Licence.

If I can assist any further or provide further documentation, please let me know?

Yours sincerely,



Brendan O'Rourke
PC 291 HT

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 8/11/13 Time Served: 21-30

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: Pc Mark Perry 708 HT Licensing Officer

Signature: Pc Mark Perry 708 HT

Name (if applicable) and address of the affected premises:
Cafe Bangla 128 Brick Lane 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:

Breach of soliciting for custom condition on license.
No DPS or delegated authority to sell alcohol.

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

Noted by worker for custom. No DPS present, manager
not given delegated authority to sell on his behalf.

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))

Stop trading (soliciting for custom). Have DPS on premises
or delegated authority to sell alcohol on his behalf.

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 Mr. Akhad Miah

Signature X

Date 8/11/13