

Appendix 1



This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ...Pc Mark Perry 748HT Borough Licensing Officer apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Westferry Arms, 43 West India Dock Road	
Post town London	Post code (if known) E14 8EZ

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

Punch Taverns

Number of premises licence or club premises certificate (if known)

18145

Part 2 - Applicant details

Please tick yes

I am

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

- 2) a responsible authority (please complete (C) below) Y

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

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over Please tick yes

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

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

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

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Pc Mark Perry 748HT Licensing Officer Tower Hamlets Police Toby Club Vawdry Close E1 4UA
Telephone number (if any) <input type="text"/>
E-mail (optional) <input type="text"/>

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

Please tick one or more boxes

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

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

Tower Hamlets Police have concerns about the Westferry Arms pub, despite several interventions by the Police, and conditions added to the license the premises continues to come to notice for both violence and drugs.

This has been exacerbated by poor management, and a lack of control of a sizable element of the premises customers. As is detailed below and in statements provided the pub has attracted a number of customers who use the pub to take class A and class B drugs, and also use the premises for selling stolen property.

As a result of these customers being allowed to in effect take over the pub, previous managers, staff and local residents now are frightened to go near it. Tower Hamlets Police have been approached by people who have worked at the pub and local residents who have given statements about their concerns about the pub. These have been backed up by Police Licensing visits which has found evidence of Class A drugs use, and a number of assaults that have taken place in and around the venue, these are listed below.

Perhaps what is most concerning are the words of two previous managers who have quit the pub due to the violence, the criminality, and the fact that as one manager put it "I cant trust the customers not to kick off, they don't care if they get arrested".

On Tuesday the 18th June 2013 at 1:15pm whilst in the yard Limehouse Police Station Police officers smelt a strong smell of cannabis in the air coming from the direction of the Westferry Arms public house, West India Dock Road which backs onto the rear yard at Limehouse Police Station.

Police drove out of the station and around outside the Westferry Arms where they saw two males and a female smoking outside the pub.

Police drove into Birchfield Street where they witnessed the group of three go back into the West Ferry Arms pub. On the floor outside the pub were a lot of cigarette dog ends as well as spent cannabis joints. There was still a strong smell of cannabis in the air.

Around 29th June 2013 a call came out over the radio between 11:30pm - 00:00am stating that there was a fight at location, team officers and CID ran out the station and headed

towards the Westferry Arms public house. There were about 15 people outside and most of the benches by the pub were full. It was clear once uniform officers were outside that no one was going to make themselves known, all of the public drinkers outside the location ignored officers and nothing was said. Bar staff and the landlord did not approach police or enquire as to why Police were there. Alcohol was still being consumed inside and outside the bar.

Later on at about 01:00am there were still members of the public outside the pub drinking as police drove past, some of these customers thought it would be a good idea to stand in the middle of the road in front of vehicles just before the set traffic lights. They were clearly drunk, staggering around and shouting at passers by. As Police went around on to Burchfield Street heading north driving past the main front door, there was a silver vehicle parked with the drivers side window open directly in front of the entrance and it was clear that drinkers from the public house were leaning into the window and exchange money for packages. Police were unable to deal at the time due to being on route to a serious assault call which was linked to the early fight at the pub. Two victims were found at the Texaco on Burdett Road J/W St. Pauls. One of which had suspected broken ribs and the other had facial injuries including a black swollen eye which was impairing his vision. One of the victims stated he had never been to the venue before and had no idea why he was attacked.

On the 5th July 2013 Police carried out a licensing visit at the West Ferry Arms public house. Drug swipes were taken from the toilets of the pub, testing for the presence of cocaine. In the presence of the then DPS Mr. Husted positive traces were found in the male toilets and in the disabled toilets.

On the 13th 2013 during a Police licensing visit a section 19 closure notice was issued to the DPS Mr Husted as the CCTV was not working, a breach of the conditions of the license.

On the 14th August 2013 at approximately 22:30pm a plain clothes Police Officer was walking past the Westferry Arms pub when he noticed a group of people drinking on the raised area outside and in front of the pub.

A number of these people, mostly males aged between 25yrs - 35yrs were clearly drunk and were still consuming alcohol outside the venue.

As the officer walked past, a number of the males became abusive and started shouting abuse in his direction. A number of the comments included "Hey, Pig", "Fucking wanker", "Police cunt" and a number of other comments. It is believed that these males had seen the officer exit Limehouse Police Station via the rear yard.

As a result the officer entered the pub and spoke with a male standing behind the bar. The officer then asked him if he was in charge and he confirmed that he was. The officer then identified himself as a Police Officer and showed his Warrant Card. The officer firmly pointed out to him that he was responsible for the peaceful running of the establishment and that he should exert more control over the conduct of his patrons. The officer then left the venue to a chorus of further jeering and abuse.

On Saturday, 16th November 2013, officers were called to the location due to calls to a fight at the pub. The victim was the new manager of the pub. He explained that a male entered the premises at about 00:10am and went straight to the bar asking to be served a brandy and coke. The member of bar staff refused because the pub is only licensed to serve alcohol until midnight. The male then got upset and demanded to be served the drink. When the bar staff refused the male proceeded to shout calling her 'bitch', 'slag' and said she was racist.

Foyer

The member of the bar staff looked at the manager for assistance. The male then approached manager and demanded to be served the drink. The manager refused, and the male began to shout at him, and threatened to 'do him'. The male then left the pub via the side door. After 5 minutes another male entered the pub and spoke to manager about the altercation, this male stated that they should 'sort it out'. The first male again entered the pub and started shouting at the member of the bar staff and the manager. The manager then told the males to leave the premise. One of the males then responded, 'Are you going to make me?' The manager then took out his mobile to call police but one of the men snatched it from his hand. The manager shouted at the man to give the phone back. The

member of bar staff then went behind male and snatched the mobile phone from his hand and gave it back to manager. At this point, the male punched member of bar staff in the face. The other male then punched manager and both ran through the side exit of the pub.

On the 16th March 2014 Police carried out a licensing visit on the Westferry Arms public house. Drug swipe tests carried out on both the male and female toilets, on pretty much every flat surface showed strong traces of cocaine. The manager Mr LEES was told that he will be asked to attend Limehouse Police station regarding our concerns about his management of the pub, and that we would draw up a security plan for him to agree to.

On the 13th April 2014 Police were called to outside the Police station on West India Dock Road E14, Officers turned left onto West India Dock Road and could see a large group of people outside the West Ferry Arms public house. There appeared to be allot of shouting but officers could not see any fighting or scuffles. As officers drove past slowly they saw two females who appeared to be squaring up to each other. Police Officers separated both females. One of the females had blood all over her face. She was holding a denim jacket to her head and Officers could see that she had blood over her face, and could see that she had a small open cut about 20 mm x 5mm on her left eye brow.

Police asked the inured female who had caused the injury and she stated that it had started by her asking another female if she had taken her friends bag. She went on to say that the girl's dad had hit her in the face. As she was saying this a Bald headed male walked into the Westferry Arms Public House. Officers asked her "Is that him" and she replied "Yes". I was having difficulty relaying this to any other officer as the crowd was large and the victim did not wish to pursue the allegation.

One witness told Police, that she was outside the West Ferry Arms smoking a cigarette when a female in a stripy top kicked a female in an orange top in the face, she has then thrown a bottle at her. Both females were separated by other people outside the pub. She then goes on to say that a male who she had seen in the pub earlier Said "Whose been fighting my daughter?" he then went inside the pub to look for that person. Female in the orange top is believed to be male's daughter, she has approached another

female the victim and a female in the stripy top. Words were exchanged and victim and stripy top female squared up to each other. At that point male has exited the pub and has had words with victim he has then struck her twice in the face by punching her. The witness stated she was no more than 2 meters away. She stated that there was a tree in the way but this did not obscure the punches.

On the 26th April 2014 police carried out a licensing visit on the West Ferry Arms. There were about 20 people inside the pub. Drug swipes taken in both male and female toilets; Staff had just finished cleaning them on Police entry. Traces of cocaine found in both toilets. I told manager that IU would be calling him, and the area manager in from Enterprise Inns to discuss changes to the license and give advice on how to prevent drug use.

On the 7th May 2014 at Limehouse Police Station, Police met with Leroy Lees the DPS of the Westferry Arms and Andre Quibel the representative of Punch Taverns who own the pub. Oliver Sheridan the lease holder of the pub failed to turn up.

It was pointed out to both that this was a challenging pub to run, with a series of assaults and disorder in the last year. There were also allegations of drug dealing at the premises and the premises were being attended by known criminals.

It was pointed out that last year when Carl Husted was the manager there effectively was no DPS, and that this was the fault the brewery. Mr Quibell admitted that his company was at fault. Mr Lees stated that the previous DPS was allowing drug use to take place in the pub.

It was pointed out to both that there had been several assaults in the pub in the last 6 months and that Mr Lees had also been assaulted, that some of the customers from the local estate are known criminals and that they would drink on the street, and use the pub as a location to associate.

It was also pointed out that that the customers could become violent and abusive. Mr Lees stated that the atmosphere could change, and that some of the customers did not care if they were arrested and that they would resort to violence very quickly. He stated that he had worked hard to stop the smoking of cannabis outside.

Police said they were concerned that with the summer approaching and the good weather that the problems faced on the Marathon Day would replicated weekends. Mr Lees was also concerned, and said that he had been in Birmingham recently and that the atmosphere there was much better.

Police then showed Mr Lees and Mr Quibell pictures of Hippy Crack canisters outside the pub which I had seen being used last weekend. Mr Lees said he would try to deal with this.

Police said they would offer as much support as they could and would conduct overt licensing visits when on duty at weekends and that I had spoken to the local NPT and arranged for them to help. Police also asked for the below conditions to be added to the license to help the pub run better and this would help us help them remove the problem customers.

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification 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.
2. 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 is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested.
3. In addition to the requirements under condition (2) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been captured on CCTV as they enter the premises.
4. The CCTV Camera system and coverage thereof must cover both internal and external to the premises.

5. No drinks to be taken outside the pub, except for the seated area facing West India Dock Road.

6. A Incident Reporting and Refusals book to be kept and maintained, this will record all incidents at the premises including, people refused service, customers ejected, property reported lost or stolen, property found, any incidents of violence or disorder.

7. The DPS will work with Police to identify those customers causing crime, disorder and anti-social behaviour and take appropriate action to deal with them.

On Friday 9th May 2014 Police received the following e-mail from the Premises License Holder of the pub Oliver Sheridan:

Dear Andre, Pc Mark Perry,

I regret to inform you both that Leroy Lees, manager of the Westferry Arms, has tendered his resignation today. I realise that in recent months, Leroy has been working closely with us all in order to combat any anti-social behaviour in the pub and has indeed been instrumental in improving the pubs standing in the community.

Leroy has expressed his desire to seek employment elsewhere and has stated that The Westferry Arms is just not for him. I respect his decision and can understand his reasoning even though his leaving will obviously have a notable effect on the business and our goals going forward.

I intend to nominate Richard Thompson as his replacement and will be submitting the DPS consent forms shortly. I have worked with Richard briefly in the past and have found him to be honest and direct in his dealings with customers and peers alike. I am sure that he will be as co-operative with you both as Leroy has been and that he will continue to keep a close check on the running of the pub.

He is going to work alongside Leroy for a few days so as to get accustomed to what's

expected of him and will then take over fully after that.

Regards

Oliver Sheridan.

Police have replied to both Oliver Sheridan and Andre Quibell saying they are very concerned that Leroy has quit.

On the 16th May 2014. Police were called about the venue regarding a noise complaint. Police attended about 10:30pm and the premises was closed, Police spoke to Richard Thompson the proposed DPS, he stated that he had closed early due to the customers actions, being aggressive and out of dangerous. He said that about 1/3 of the customers smelt of cannabis, that customers were smoking it outside the pub. He also said that, people had come in to the pub offering to sell stolen goods. And that customers were drinking on the street, and that they didn't care about breaking rules of the pub. He also said that he feared that the customers of the pub would kick off and that he could not trust them. He also stated that he would not be working there much longer.

On the 29th August 2014 Police conducted a premises license visit, Pub was closing and only 3 customers inside. One customer was very anti-police but left shortly after Police arrival. Police asked one of the security to accompany them while drug swabs were taken from the toilets. There were large positive hits found in both the male and female toilets, and on 2 of the tables in the pub, and on the bar. DPS not present, the manager was informed of the drugs traces found but made no comment. One of the SIA security said that he was not surprised about the drugs traces in the toilets as "There were lots of people going in and out of the toilets all night" and that he thought they were "Well at it", when I asked him what he meant by that he said "Taking drugs".

Despite Tower Hamlets Police working with the Westferry Arms it has become clear that the pub still attracts a problem crowd and that criminality is taking place inside the premises. Local residents and those working at the Westferry arms have said how drug taking is place in the premises, backed up by the drugs found by police when using drug swipes. Previous

managers, staff and members of public have also stated that a sizable section of the pubs customers have no regard for the law, and that they do not care if they are arrested, or if there are security in the pub. Indeed Previous managers have been assaulted, and security have been threatened.

It appears that the recent conditions that have been added have made little difference to the actions of some of the pubs customers. There still remains a risk of disorder and violence if the pub is allowed to remain open. Tower Hamlets Police therefore ask for the license to be revoked.

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

Please tick ? yes
N

If yes please state the date of that application

Day		Month		Year			

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

No

Please tick yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Y

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity

.....

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

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 **PETER FURNESS**..... URN:


--	--	--	--



Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **POLICE CONSTABLE**.....

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

Signature:  Date: 17/08/2013.....

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

On Friday 21st June 2013 shortly after 2200 hours I was on duty in full uniform posted to a marked Police van in the company of PC728HT Taylor. We were dealing with a road traffic collision outside Limehouse Police Station on West India Dock Road near the junction with Westferry Road, E14 when I was called over to the Westferry Arms Public House by an unknown male. There were several males outside the pub and there was a lot of noise coming from the pub. He told me that inside the pub there was a member of the bar staff having a seizure. The pub was quite full and there was a male who I was made aware was on the phone to the ambulance service. The male was very drunk, was slurring his words and was not listening to me. I immediately entered the pub and I could see a female lying on the floor near the end of the bar but behind the bar. Her head was in the bar area and her body was over the threshold where the bar door stops members of the public getting behind the bar. I was followed into the pub by PC Taylor. The female on the ground was identified to me as a member of the bar staff. She was being tended to by two males. I was told that the seizures are a regular occurrence and are getting more frequent. At one point I was asked to hold a camera to film one of the seizures to show to the female's doctor. A member of the public held the camera and I created an incident message and requested an ambulance via my personal radio. There appeared to be a second female working behind the bar. The bar was very full and there were a lot of drunk people in the bar area which made it difficult for me to get near to the female on the floor. I confirmed the males tending to her were doing the right thing and moved back outside to wait for the ambulance. Other officers entered the pub and returned to dealing with the road traffic collision. 

Signature:  Signature witness: 

I write with some concerns I have with regards to the Westferry Arms, Limehouse (next to Limehouse Police Station).

From reading about the pub, it seems to have had a disproportional amount of trouble previously, and new ownership has turned the pub around somewhat. There are clear signs up about the consequences of drug use with CCTV etc, which is all positive.

However, what is actually happening is somewhat different. Others have also shared my concerns. I have been constantly told by those who frequent the pub that the new security are not needed, and that even if anything happened the security wouldn't be needed or "stand a chance" - a real quote. You could of course attribute this just to types of people the pub attracts, and it may just be friendly banter.

However, even with this considered, the wider picture you can't simply ignore or attributed to banter. Maybe it's the attitude people live with but we have witnessed some things really the police and council should know about, which are plainly unacceptable and unlawful - especially on licensed premises. These are listed in no particular order.

On each Friday (and sometimes Saturday), an Oriental man will enter the pub carrying two bags. He will then put the bags on a table in the pub, and then sell DVDs. People will come by and look at what he has to offer. These DVDs are in single plastic wallets, consistent with what those selling counterfeit copies would sell. This is all cash in hand. This is tolerated by the management who also look at what is on offer and talk with customers about the films.

On both Friday and Saturday nights, at various times, X2 Asian males approach the pub. One carrying two bags, one without. The one without will enter the pub and speak to various people inside. A few minutes later, the male returns outside followed by a few people. They go to the side of the pub and the bag the second male is carrying is opened. Goods such as t-shirts and fragrances are looked at. Some items are bought. For example, one customer told me he bought 3 GAP t-shirts for £7. Now, I guess there may not be anything wrong per se with this other than street trading, but the secretive nature raises suspicions. This was confirmed when the £7 t-shirts were only discounted because they had their security tags on!! I would imagine these are stolen items. What is of more concern is that the management participate in this, for example, the two males did not have any cream the landlady wanted, so the comment was made "get some for next week, that cream was nice last week". Again, to me, with the previous evidence, this suggest at goods stolen to order. I may be cynical but it may well be true. We are talking about normally expensive goods, although I don't know what make the cream was. When marked police vehicles left the adjacent police station the two males turned their backs and people buying goods hid their purchases. The purchases until this weekend happened to the side of the pub, but this weekend some were made on the outside wooden patio part. CCTV pretty much captures this.

Drugs is an issue I think the pub has had before, but attempts have been made to stop this, however, drugs is an ongoing issue, as people are quite blatant in their use and dealing.

For example, Friday night, the pub stank of cannabis through those with it on them and smoking it across the road. The toilets have been made uninviting places for people to take cocaine etc yet it still happens. When I went to the toilet, a man there offered me drugs, and asked if I wanted to have some of the coke he had. He was sniffing as I went in, probably having done a line of coke. You can't say anything, as the other customers will simply turn on you, and they have made it clear, as mentioned already, people won't stand a chance. Dealing happens inside and outside the pub. For example, an approach will be made inside. People then leave the pub, exchange on the street and back I they go. Cannabis is dealt inside, with a person called Jacob selling. He gets on well with the management.

I am left frustrated. I am powerless to stop people doing the above simply as it will end one way for us. The management don't seem bothered at all I guess are complicit in the above things. Blatant drugs use really annoys me, I have raised this before, but nothing gets done.

WITNESS STATEMENT

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

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

Signature:



Date:

22/8/14

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

I am a local resident and I live in the Birchfield estate, and have lived in the area for several years. This statement refers to problems I and others in the community have had with the Westferry Arms Public House, West India Dock Road. I do not wish my details to be made public as I fear that if they are known to the people who drink in the pub, I and more importantly my family will be at risk of retribution.

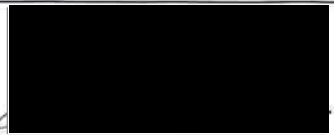
In January 2014 I was a member of the local residents association, there was an application to extend the hours of the Westferry Arms public House until the early hours of the morning. As a result I contacted the other members of the residents association asking for their thoughts on this proposed application.

I got many e-mails back from members of the association saying they were horrified at this application from the Westferry Arms. The responses were from all types of people of varying ages, and cultural backgrounds, but all stated that they were concerned that if the hours of the pub were extended then the antisocial and criminal behaviour of the pub would get worse.

Some members said that when they had been in the pub they had been offered Class A drugs such as cocaine. Others stated that they felt intimidated by the customers of the pub, that their drunken behaviour shouting, swearing and arguing amongst themselves made local residents uneasy, even going past the pub. Recently when my partner was walking past the pub one evening with our children there were a group of people standing outside the pub smoking cannabis.

Residents believe the pub acts as a magnet for local trouble makers, there is a group who go the pub who seem to continually move between drinking in the pub and smoking cannabis in and around the local estate. It just seems to be a pub that attracts criminals and this is not what we in the community want.

Signature:



Signature witnessed by:

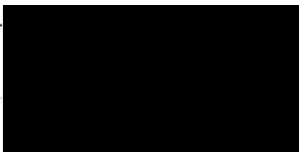


Continuation of Statement of **Joseph**.....

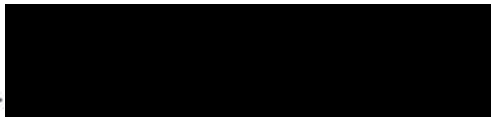
The customers don't seem to care about what they do or the impact it has on peoples lives, and the management of the pub don't seem willing or able to do anything about it, regardless of who is the landlord at the time.

We had wanted a nice local pub but now we just have problem pub that affects the whole community.

Signature:



Signature witnessed by:



Appendix 2

Postal Address

(Westferry Arms)
43 West India Dock Road
London
E14 8EZ

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

John McCrohan
Trading Standards and Licensing Manager

Date: 9th August 2005
Amended by minor Variation (Conds.) 15th July 2014



Part A - Format of premises licence

Premises licence number

18145

Part 1 - Premises details

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

43 West India Dock Road

Post town

London

Post code

E14 8EZ

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

- a. On Monday to Wednesday, 10:00hrs to 23:00hrs
 - b. On Thursday to Saturday, 10:00hrs to 00.00hrs (midnight)
 - c. On Sunday, 12:0hrs (midday) to 22:30hrs
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend
 - A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend
 - A further additional hour every Christmas Eve
 - A further additional hour every Boxing Day
 - To reflect existing New Years' Eve / Day hours

The opening hours of the premises

- a. On Monday to Wednesday, 10:00hrs to 23:30hrs
 - b. On Thursday to Saturday, 10:00hrs to 00.30hrs (the following day)
 - c. On Sunday, 12:00hrs (midday) to 23:00hrs
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend
 - A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
 - A further additional hour every Christmas Eve.
 - A further additional hour every Boxing Day.
 - To reflect existing New Years' Eve / Day hours.

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

On and off sales

Part 2

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

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

Tel: 01283 501 600

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

Company Registered Number: 03752645

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

Sandra Duncan

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation

of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that;

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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

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

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

Times

- a. On Monday to Wednesday, 10:00hrs to 23:00hrs
- b. On Thursday to Saturday, 10:00hrs to 00.00hrs (midnight)
- c. On Sunday, 12:00hrs to 22:30hrs

- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend
- A further additional hours into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend
- A further additional hour every Christmas Eve
- A further additional hour every Boxing Day
- To reflect existing New Years' Eve / Day hours

Regulated Entertainment

Amplified and/ or unamplified live music with two live performers in the bar.
Amplified recorded music ancillary to the sale of alcohol.
Karaoke in the bar

Private Entertainment

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

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

Annex 2 - Conditions consistent with the operating Schedule (as amended by minor variation 15th July 2014)

1. There are always a minimum of two staff on duty at any one time;
2. Unaccompanied children are not permitted on the premises and all children are not permitted on the premises after 21:00hrs;
3. No nudity;
4. No striptease;
5. No restricted film exhibition;
6. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification 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 request of Police or authorised officer through the preceding 31 day period;
7. 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 is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested;
8. In addition to the requirements under condition (7) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been captured on CCTV as they enter the premises;
9. The CCTV Camera system and coverage thereof must cover both internal and external to the premises;
10. No drinks to be taken outside the pub, except for the seated area facing West India Dock Road;

11. An Incident Reporting and Refusals Book to be kept and maintained; this will record all incidents at the premises including, people refused service, customers ejected, property reported lost or stolen, property found, and incidents of violence or disorder;
12. Two SIA staff are to be employed at the premises on Friday and Saturday evenings from 20:00hrs until the close of the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

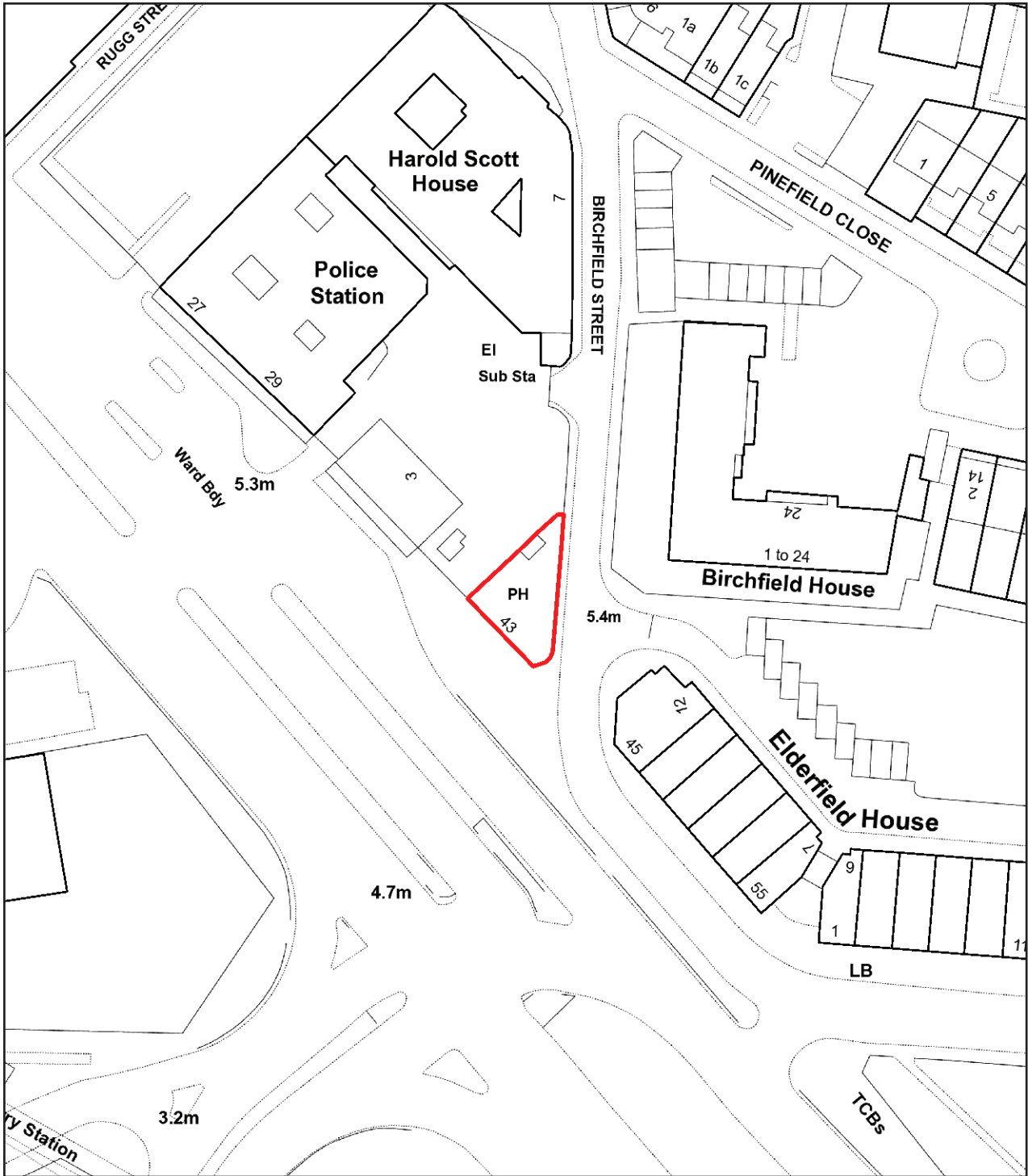
Not applicable

Annex 4 - Plans

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

27 June 2005

Appendix 3

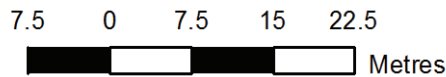


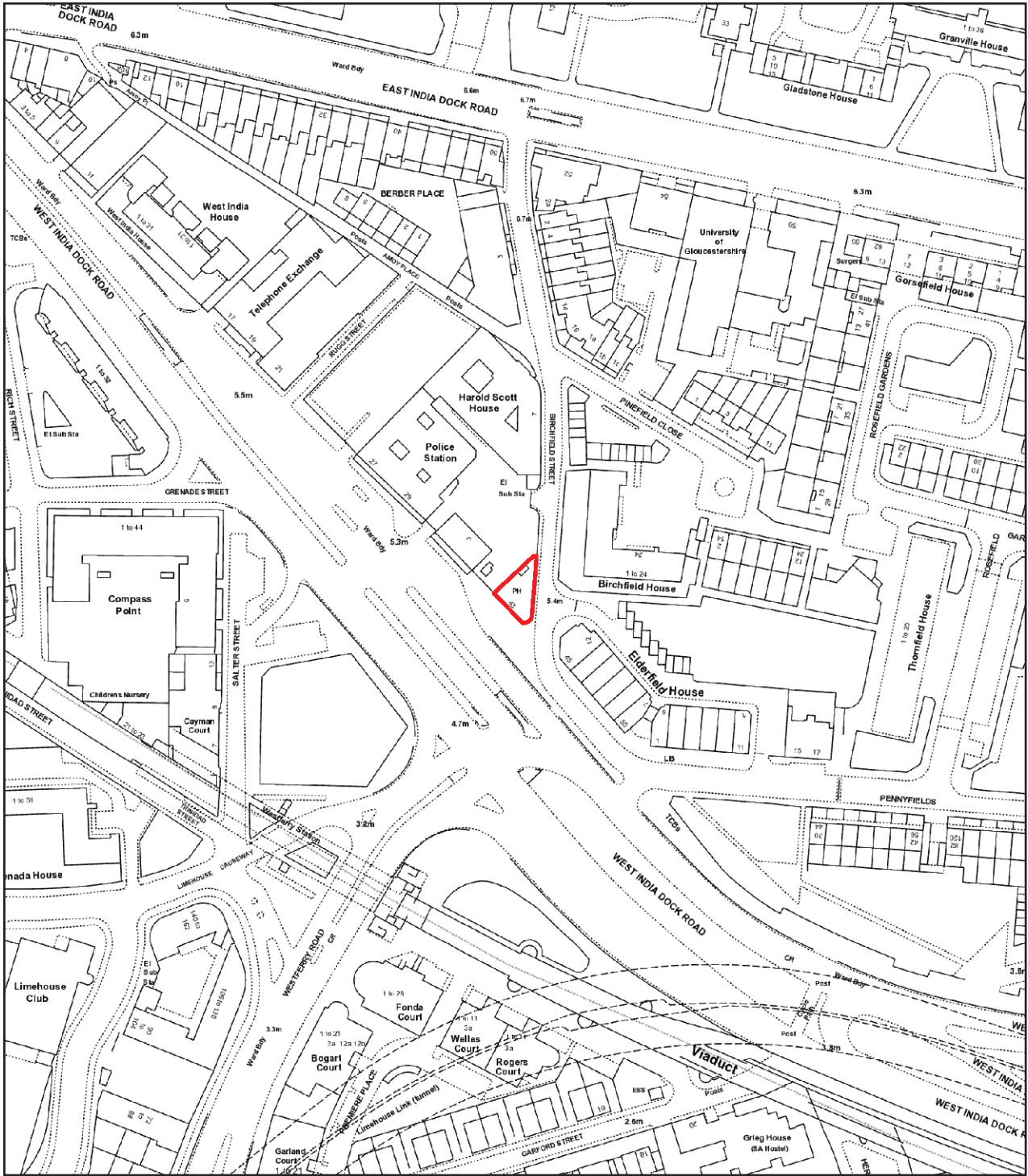
Westferry Arms

43 West India Dock Road



Scale 1:850





Westferry Arms

43 West India Dock Road



Scale 1:1906

10 0 10 20 30



Metres



Appendix 4

INDEX OF REPRESENTATIONS

REPRESENTATIONS IN FAVOUR OF THE REVIEW

APPENDIX 5 ENVIRONMENTAL HEALTH

REPRESENTATIONS OPPOSED TO THE REVIEW

APPENDIX 6 LEONARD DEERING

APPENDIX 7 SANDRA DUNCAN

APPENDIX 8 LINDA MORRIS

APPENDIX 9 KERRY MURPHY

APPENDIX 10 OLIVER SHERIDAN

APPENDIX 11 ISAAC SOLARIN

Appendix 5

LBTH Licensing,
Toby Club,
Vawdrey Close,
London

Communities, Localities & Culture

Safer Communities

Environmental Health, Environmental Protection
Mulberry Place (AH)
5 Clove Crescent
London E14 1BY

Date: 29th October 2014

Enquiries: Ian Wareing
Tel: 020 7364 5008
Fax: 020 7364 6831

Dear Sir/Madam,

Email: environmentalhealth@towerhamlets.gov.uk

The Westferry Arms, 43 West India Dock Road, London, E14 8EZ

We have been notified by the Metropolitan Police that they have submitted a review of the premises licence for the above address.

Environmental Protection would like to support the Police by submitting a representation.

We have worked closely with Licensing, Police, Local residents and the pub owners to try and end the noise, nuisance and anti-social behaviour that this pub regularly inflicts on the area.

I have detailed complaints our department has received since July 2013 of Loud Music and ASB. I can also corroborate some of the points covered by PC Perry in his statement that included the use of cannabis, nitrous oxide, drug dealing and possible handling of stolen goods.

5/7/2013

Complaint received 21.43 – Loud music, screaming and shouting.

TOA 22.15 – Witnessed very loud music from street (opposite end to the pub). The Public House had the entrance door wide open, people were standing outside shouting and screaming. The music was really loud. Attended the pub and spoke to the manager. He complained about the high temperature and customers leaving the door open. Advised him to keep doors shut, to speak with his customers and ask them to keep the volume down. Written warning was issued. TOD 22.40

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

2/8/2013

Complaint received 21.59 – Loud music & loud customers.

TC 22.35 – Client stated that the pub has now shut the doors and the music noise level has now been reduced.

Re-call 23.33 – Visit agreed.

TOA 00.04 Music now off and doors closed – verbal warning issued.

13/4/2014

Complaint received 20.26 – Loud music, screaming and shouting.

TC 21.00 Music has now stopped, but lots of noise from patrons outside. Complainant described a 'pitched battle' outside of the pub. I advised to call Police. We drove by at 21.20, Police were on scene, lots of broken glass in the road, people milling around, looked like there had been a major disturbance.

16/5/2014

Complaint received 21.29 – Loud music and voices.

On site at 22.03, 20+ people outside with glasses containing liquid, very strong smell of cannabis in the air, doors to pub wide open, customers walking away with glasses containing drink, signs of dealing/handling stolen goods. There was a male and two females with glasses of drink behind the off licence in a huddle, with one of the females smoking cannabis. 2 males walked away from pub with glasses and towards Birchfield House. Karaoke was playing at high volume. Spoke to Ritchie Thompson – temporary DPS, advised him to close doors and lower volume. We waited for 10 minutes for these actions to take place, yet still people remained outside the front door with glasses. I rang PC Mark Perry and advised him of the situation. 22.18 – Rang complainant and advised of actions. They stated that the smoking of cannabis near their property from patrons of the bar is a regular occurrence.

25/7/2014

Complaint received 21.19 – Loud music, shouting and screaming from a group of people outside the pub.

TC 21.38, tonight music is not the problem; it is customers coming into the alleyway and smoking skunk under their window. Advice given to report to Licensing Department and to call Police.

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

1/8/2014

Complaint received 21.16 – Loud bass music from pub, lots of people milling about outside making noise and shouting.

On site 21.49 – door to pub propped open. Security were asked to find manager. Spoke to Sandra Duncan, advised to close door and reduce volume.

10/10/2014

Complaint received 22.47 – Loud music from pub.

TOA 23.15, heard a man on microphone singing and people cheering. At 23.16 recorded music came on “Caribbean Queen”, several people outside the pub smoking, did not feel too happy about approaching because they looked ‘unsavoury’. Also witnessed two men smoking cannabis across the road outside Birchfield House, then go into pub.

24/10/2014 – 22.30

Whilst patrolling the area as part of my out of hour’s duties I went past the pub and found the pub’s main door propped open, music blasting out. SIA were inside at the western side of the bar. White male, shaved head was dancing behind the bar after taking a bottle of wine. He then spotted me and approached door. He was confrontational and declared that he was nothing to do with the management of the pub. I asked to speak to the manager or the SIA staff. He stated that the manager was not around and that he would get the SIA staff.

I spoke with SIA staff with regards the doors being open and the level of music. A white female then joined us and said she was just a barmaid and the manageress was not around.

Doors were closed and music was lowered.

The male is allegedly well known to Police. Another male who joined in shouted out ‘hope you catch some real criminals’ as we departed.

TC – Telephone call

TOA – Time of arrival

TOD – Time of departure

I believe that the Responsible Authorities involved have done everything in their power to bring an end to the issues described, unfortunately a hostile customer base has formed and the only resolution to the public nuisance, crime and disorder is revocation.

Kind regards,

**Ian Wareing
Technical Officer**

*Corporate Director
Communities, Localities & Culture*
Stephen Halsey

Appendix 6

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter. I intend to state my position as a regular customer of the premises and share my personal experiences of this matter.

The current management have done a great job in improving the standards of the pub and this hard work should not go un-noticed as the pub now has a safe and comfortable environment which we all enjoy regularly

Yours

Leonard Deering,

████████████████████

██ ██

Appendix 7

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I wish to attend the hearing and give my side of the story to the committee on this matter. I am currently the Designated Premises Supervisor for this premises and I have first-hand experience on a daily basis, of what's going on.

Whatever the past history of the premises, I can prove to the committee that the clientele and standards of the premises are now very different to those proposed in the review application. I only ask for a chance to state my side of the story.

Yours

Sandra Duncan

████████████████████
██████████████
████████

Appendix 8

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter.

As a regular customer of the premises I feel the closure of the pub would be unfair and a loss to the community.

The current management have done a great job in improving the standards of the pub and this hard work should not go un-noticed as the pub now has a safe and comfortable environment which we all enjoy regularly

Yours

Linda Morris,

[REDACTED]

[REDACTED]

Appendix 9

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I wish to attend the hearing and make a statement to the committee on this matter. I am currently employed as a bar-maid at the premises and would like to share my experiences and opinions of the pub and how it is currently operated

Yours

Kerry Murphy

████████████████████
██████████
██████

Appendix 10

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter. I intend to state my position as the current lease-holder of the pub.

Even if the pub has had a chequered past as stated by the police, I will bring evidence and witnesses to prove that the current management of the premises is capable and has eliminated any of the criminal activity suggested by the police review application.

Yours

Oliver Sheridan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 11

Dear Sir/ Madam,

With reference to the review hearing scheduled to take place on 16 December 2014 at 6:30 concerning The Westferry Arms public house.

I would like to attend the hearing and make representation to the committee on this matter. I intend to state my position as the SIA certified Doorstaff of the premises and share my views on the pub.

Whatever the past history of the premises, I can vouch for, and have evidence of, the huge improvement in standards and of the change in clientele over the past few months. This should be taken into consideration in any decisions made by the committee.

Yours

Isaac Solarin

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 12

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 13



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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
 - the anticipated clientele.

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

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

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

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

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or

- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

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

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

CAPACITY LIMITS

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

PROOF OF AGE CARDS

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

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details

of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

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

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

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

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

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

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

Appendix 14

Licensing Policy Adopted by the London Borough of Tower Hamlets

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

Appendix 15

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

HOURS

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

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

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

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

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

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

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;

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

NOXIOUS SMELLS

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

LIGHT POLLUTION

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

OTHER MEASURES

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

Appendix 16

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy).**

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.11).**

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 8.2 of the Licensing Policy).**

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).** In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.34)

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

Other Legislation

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

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