

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	
Shiraz Food and Wine 178 Hackney Road	
Post town London	Post code (if known) E2 7QL

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

Mr Sheraz Ahmed and Mr Mohammed Akbar

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

16688

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

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(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)

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)

Shiraz Food and Wine has come to notice to the Police on several occasions over the last year. Most recently in December 2014 when a joint visit by Tower Hamlets Police, LBTH Trading Standards Officials and HM Customs and Excise conducted a visit on the premises and seized a large amount of counterfeit and smuggled goods.

A detailed account of the visit is as follows:

On Wednesday 10th December 2014 as part of Operation Equinox, which is Metropolitan Police initiative to reduce violence with injury. Tower Hamlets Police, LBTH Trading Standards and an officer from HM Customs and Excise conducted a series of inspections on several off-licenses in Tower Hamlets.

The purpose of the visits was to make sure that premises were abiding by the conditions of their license, that there were no smuggled or counterfeit goods in the premises, and to remind both staff and management of their responsibilities under the Licensing Act 2003, in particular with regard to Operation Equinox not to sell alcohol to people who are drunk.

We entered Shiraz Food and Wine at about 12:00pm and identified ourselves to the staff in the shop and conducted our inspection. In the shop we found 70cl bottles of the following Italian wine Lancini, Casa Del Vino and Don Vino wines on sale in the shop. The bottles were marked up for sale as "2 for £5", which immediately raised our suspicions, as it is almost impossible to make money from selling imported wine at that price. This is due to the fact that the cost of the wine plus the import duty means that selling anything below £3 per bottle will result almost certainly result in a loss being made on each sale.

Upon inspection the bottles of wine had no individual prices on them. Invoices for the wine were asked for to prove they were purchased legitimately, but no invoices have been provided. Upon further inspection of the premises we found a large

quantity of this Italian wine in the store room. In total 137 bottles were seized as they were believed to be smuggled goods.

Also on sale on shelving behind and under the shop counter were bottles of spirits, which upon inspection by HM Customs and Excise officer Benjamine Cooper appeared to be counterfeit. The rear labels were fake. A large quantity of these spirits were found in the stock room hidden behind a curtain, in what Police believe was a deliberate attempt to hide them. The box's of the various types of spirits had there bar codes blocked out with marker pen, and the box's they were in were cellotaped up.

The following bottles of spirits were found with counterfeit rear labels and seized:

25 x 70cl bottles High Commissioner Whisky

66 x 35cl bottles High Commissioner Whisky

23 x 70cl bottles Famous Grouse Whisky

4 x 35cl bottles Famous Grouse Whisky

9 x 70cl bottles Teachers Whisky

27 x 1L bottles Smirnoff Vodka

7 x 70cl bottles Smirnoff Vodka

18 x 70cl bottles Glens Vodka

21 x 1L bottles Bacardi Rum

1 x 70cl bottle Bacardi Rum

13 x 70cl bottles Wray & Nephews Rum

The amount of counterfeit and smuggled goods seized is the largest seizure in Tower Hamlets for many years, and what is believed to be the largest ever seizure of counterfeit goods from an off license.

At the time of the visit the manager of the shop a Mr Sheraz Ahmad, who said he was the son of the owner was on the premises at the time of the visit. He was

asleep on a sofa in the storeroom, a second male was also sleeping in that room on a separate sofa. The room had a shower installed, a wardrobe, fire and 3 suitcases. This information was passed on to the London Fire Brigade for them to investigate any breaches of fire regulations.

There have also been complaints from local residents that the premises is selling alcohol to street drinkers, who are then causing anti-social behavior to local residents who live in close proximity to the Shiraz Food and Wine.

Tower Hamlets Police would like to draw the committees attention to the latest Section 182 Guidance under the Licensing Act 2003 released in October 2014 This states that there is certain criminal activity that may arise In connection with licensed premises which should be treated particularly seriously. This includes the use licensed premises for the sale or storage of smuggled alcohol.

The guidance goes on to state that envisages that Licensing Authorities, the Police and other law enforcement agencies will use the review procedures to act as a deterrent to such activities and crime, and that once a review is triggered it is expected that revocation of the license, even in the first instance, should be considered.

Given the serious nature of the criminal activity, that is the smuggled and counterfeit and the large quantities involved Tower Hamlets Police ask that the premises license is revoked.

If the committee does not feel that a revocation is warranted Tower Hamlets Police ask for the following:

1) That the hours be reduced to the following:

Sale of Alcohol:

Monday to Sunday 11:00 to 23:00.

2) That the following condition be added to the license:

The receipts of all alcohol purchased for the previous 12 months are kept at the premises and made available for inspection by officers from any responsible authority and any officer from HM Customs and Excise officers.

3) That the license is suspended for a period of time set by the committee to allow the management to put new procedures and training, and to act as a deterrent to future criminality.

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

URN:

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Statement of: **Bridget Rushmoor**

Age if under 18 (if over insert "over 18"): **"Over 18"**

Occupation: **Trading Standards Officer**

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

Name / Signature:



Date:

15 / 1 / 15

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

I am employed by the London Borough of Tower Hamlets and am authorised to enforce various pieces of Trading legislation including the Consumer Protection from Unfair Trading Regulations 2008 and the Trade Marks Act 1994.

On 10th December Trading Standards was working with Tower Hamlets Licensing Police and an Officer from Her Majesty's Revenue and Customs Service. The purpose was to visit various off-licences in the area to ensure they were complying with Licensing, Trading Standards and Customs legislation.

At about 11.40am PC Mark Perry, Customs Officer Ben Cooper and I entered Shiraz Food and Wine, 178 Hackney Road, London E2 7QL. The man behind the counter said that his name was Mohammed and it was his Dad's business. Mr Cooper examined the bottles of spirits that were behind the counter to the right of the door when entering. He found several of the brands High Commissioner, Famous Grouse and Teacher's whisky, Smirnoff and Glen's vodka, and Wray and Nephew and Bacardi rum with counterfeit Duty Paid labels. PC Mark Perry and Customs Officer Ben Cooper then went to the storeroom downstairs and carried up boxes of similar products.

Name / Signature:



Signature Witnessed by:

Witness Statement

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

There was shelving opposite the door in about the middle of the shop that contained various bottles of inexpensive Italian Wine. Mr Cooper believed this was duty unpaid as the price was so low. He and PC Mark Perry brought several boxes of the same type of wine up from the downstairs storeroom.

While the other officers were downstairs I remained in the shop. I witnessed the same man come into the shop three or four times and each time he bought a miniature whisky which I clearly saw on one occasion was Jack Daniels. I suspected this man was a street drinker. He was wearing dark glasses and had a very gruff voice. He asked me what my name was name was and told me what his was. He asked what we were doing and teased the man behind the counter that he would be arrested, He engaged in random conversation by asking me if I understood the Off Side Rule and talking to the shopkeeper about cricket. On the final occasion I saw him come in he had another man with him and he bought a can of lager for each of them and another miniature whisky for himself. He opened the whisky and was about to drink it when the man behind the counter told him not to, I believe because I was in the shop.

PC Mark Perry made a record of all the alcohol that had been identified as being non-duty paid and which was being taken by Customs. He gave a copy of this to the person in charge of the shop. We left the premises at 1.40pm.

Name / Signature: _____

Signature Witnessed by: _____

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Benjamine Cooper

Age if under 18:Over 18 (if over 18 insert 'over 18')

Occupation:Officer H.M. Revenue & Customs

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

Signature:

Date: 19th December 2014

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

On 10th December 2014, I was on duty in the Shoreditch, London area.

At 12:00 hours, Tower Hamlets Trading Standards, Police Licencing and I entered Shiraz Food & Wine, 178 Hackney Road, London, E2 7QL.

We all identified ourselves accordingly, and it was explained to a man I now know to be Mr Sheraz Ahmad (D.o.B:14/10/1988), the reason for the visit (checks on UK Duty Paid stamps/labels on tobacco and alcohol products).

I conducted a search under CEMA 1979, s.112.

I found on shop shelving a quantity of Italian wine bottles being sold for 2 bottles for £5. These bottles had no individual price labels as did all the other bottles of wine. No Invoices were made available upon request.

Also found in the rear stockroom were a quantity of wine cases.

A total of 137 bottles (102.75 litres) of Italian wine were seized.

Also found on shelving behind/under the shop counter, was a quantity of spirit bottles which had counterfeit rear labels. A further quantity of bottled spirits were found in boxes hidden behind a curtain in the rear stockroom. The spirit boxes were cellotaped up and had the bar codes blacked out with marker pen.

The following bottles of spirits were found with counterfeit rear labels:

25 x 70cl bottles High Commissioner Whisky

66 x 35cl bottles High Commissioner Whisky

23 x 70cl bottles Famous Grouse Whisky

Date:

Signature:
(signature of witness)

Signature:
(signature witnessed by)

Continuation of Statement of: Benjamine Cooper

4 x 35cl bottles Famous Grouse Whisky

9 x 70cl bottles Teachers Whisky

27 x 1L bottles Smirnoff Vodka

7 x 70cl bottles Smirnoff Vodka

18 x 70cl bottles Glens Vodka

21 x 1L bottles Bacardi Rum

1 x 70cl bottle Bacardi Rum

13 x 70cl bottles Wray & Nephews Rum

At 12:40 hours, all the above goods were seized.

I issued forms ENF156, ENF3174 and N12a to Mr S. Ahmad, which he signed.

At 13:35 hours, all Officers left the premises.

Date:

Signature:

(signature of witness)

Signature:

(signature witnessed by)

Appendix 2

**(Shiraz Food and Wine)
178 Hackney Road
London
E2 7QL**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 1st August 2007



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

16688

Part 1 - Premises details

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

(Shiraz Food and Wine)
178 Hackney Road

Post town

London

Post code

E2 7QL

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday
24 Hours a day

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 24 hours a day

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

Off sales only

Part 2

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

Mr. Sheraz Ahmed

[Redacted]

Mr Mohammad Akbar

[Redacted]

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

Not applicable

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

Mr Muhammad Shabaz

[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

Issuing Authority: [Redacted]

Personal Licence [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

Annex 2 - Conditions consistent with the operating Schedule

1. A digital CCTV system with time and date recording facility will be installed and maintained with cameras covering the inside and immediately outside the premises. Recording media to be retained for at least 30 days and to be readily available for inspection by the Police or other statutory authority. At least one person will be trained to operate the recording equipment and be competent in its operation.
2. A personal licence holder will be on the premises at all times when open and trading.
3. Proof of age to be requested of any person who appears to be under the age of 21.
4. Refusal Book to be kept and maintained at all times
5. "No proof of age – No sale" sign to be displayed at point of sale area.

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

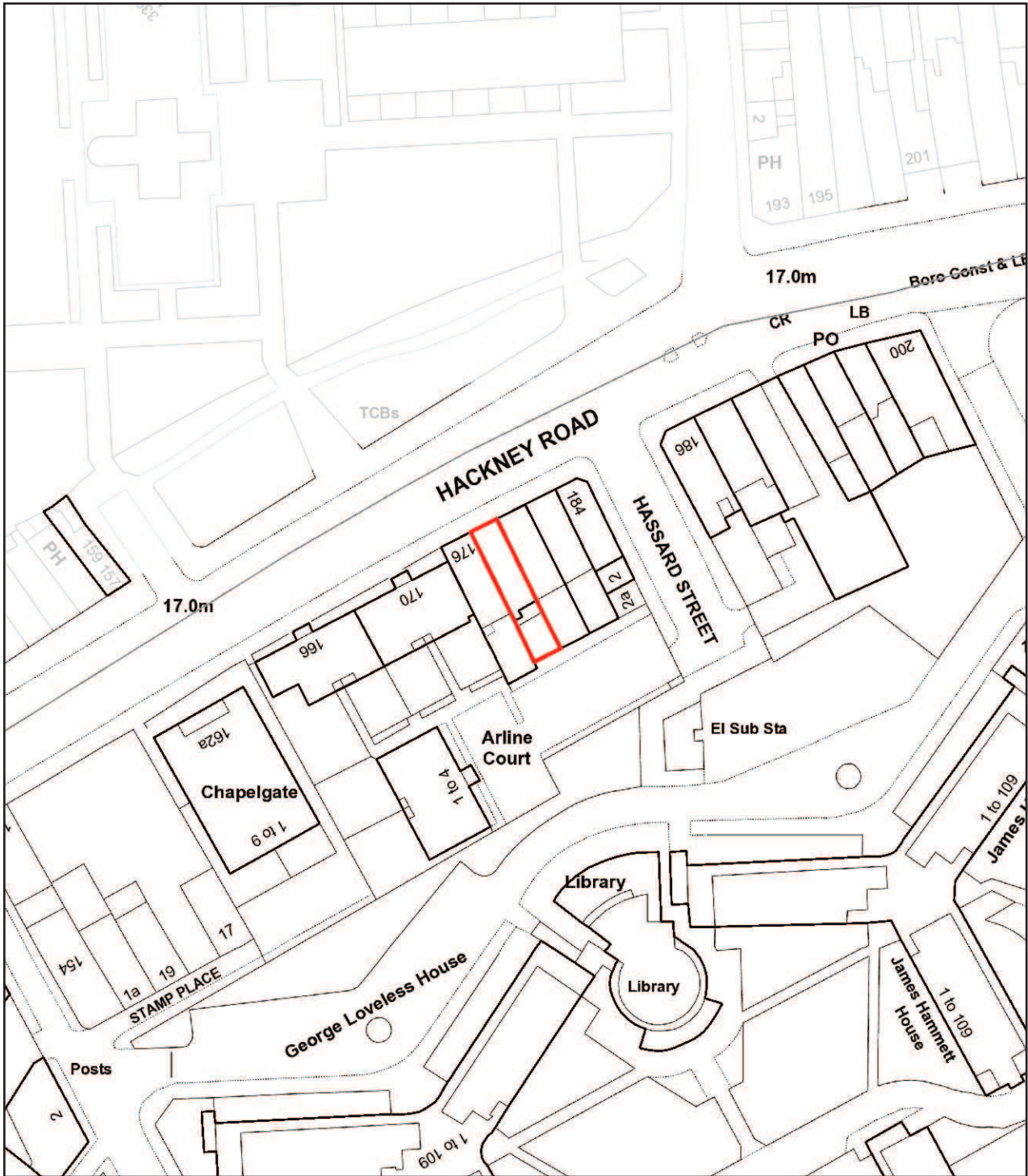
Not applicable

Annex 4 - Plans

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

12th July 2007

Appendix 3

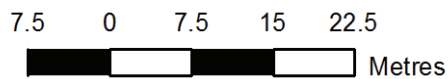


Shiraz, 178 Hackney Road

Green areas in photos are opposite shop.



Scale 1:850



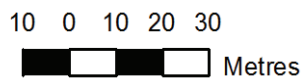


Shiraz, 178 Hackney Road

Green areas in photos are opposite shop.



Scale 1:1983



Appendix 4

Re: Review of license for Shiraz Food and Wine in 178 Hackney Road

To whom it may concern

For the past two years the presence of a 24 hour off license in 178 Hackney Road has made life miserable for the nearby residents. I am therefore very grateful for the review that has just been initiated.

This document reflects my personal experience of the situation by way of a compiling most of the emails I have sent to the Police, Licensing Authorities and others in the past two years. I apologise in advance for the amount of reading this requires of the recipient, but I feel this best reflects how persistent the problem has been. I am also including photographic documentation and a few written observations.

To me personally, the worst part of having Shiraz Food and Wine as a neighbour is how their customers loiter in our doorway in between visits to their shop – buying one can of drink at a time. Their blocking our entrance means that confrontation with them is unavoidable at times. It is deeply tragic that I can go anywhere in London and feel relatively safe, but still have to worry about my safety as I approach my own home. The worst of these incidents, where I had to run down the street to avoid an attack, has been reported to the police with the reference number CAD 3337/07APR14. But as the emails below shows, there have many other incidents of threats and harassment as well, as well as street drinkers trespassing inside our building on a couple of occasions.

I am aware that there is the need to prove a link between these incidents and the off license in question. My emails below mention numerous instances where I have personally witnessed the sale of alcohol to these overly intoxicated street drinkers who then proceed to loiter in the area and behave anti socially. I am also including a number of photographs and reports where the presence of street drinking at times when other premises cannot sell alcohol in my opinion serves to prove that the troublesome street drinkers must have purchased their alcohol from Shiraz Food and Wine.

In summary I will list the negative impact of Shiraz Food and Wine with the following list of keywords:

- Threats of violence
- Verbal harassment of residents in 170 Hackney Road
- Drinking openly in public
- Urinating in public
- Littering
- Trespassing inside 170 Hackney Road
- Sexual harassment of women
- Harassment of the public in general
- Fights, loud arguments and general public disorder
- Blocking/disturbing traffic

Lastly, I kindly ask that my contribution to your review remains anonymous. As mentioned, threats and harassment is a very real concern to me.

Regards,
Magnus Jorde

████████████████████



Magnus Jorde [REDACTED]

Off license in 178 Hackney Road serving overly intoxicated customer

Magnus Jorde [REDACTED]

1 March 2013 at 03:25

To: licensing@towerhamlets.gov.uk

Dear Tower Hamlets Licensing Team,

I am now reporting for the second time that the 24 hour off license in 178 Hackney Road is serving overly intoxicated customers. This does not mean it has happened on only two occasions, rather this is a regular feature of their trade. As their immediate neighbour I suffer from how the area outside our two buildings have become the 'home' of several homeless alcoholics. This is especially noticeable and bothersome in the hours past midnight and towards the early morning as they keep the residents of nearby buildings awake. Many of these are in a state of far advanced intoxication yet I see them pop in to the shop again and again picking up one can of strong alcoholic drink each time.

I feel this establishment has a great negative impact on its neighbours and as such have not shown themselves worthy of a 24 hour license. I consider starting a campaign for them to loose this license. In the meantime I hope you will communicate my complaint and give them a stark warning.

Sincerely,
Magnus Jorde



Magnus Jorde [REDACTED]

RE: Homeless and drunks gather outside 24 hour off licence in 178 Hacney Road

Magnus Jorde [REDACTED]
To: SNTHT-Weavers@met.police.uk

1 March 2013 at 13:50

Dear PC Matt Musson,

Thank you for your swift response.

Although the premises in question are popular with drunks all hours of the day, I have the impression that they choose to remain in the immediate vicinity of the shop mostly after the closing times for other venues. As such I feel police attention would be most effective between the hours of, say, 23:30 and 4am - 5am.

Also these are the hours a police presence would benefit nearby residents the most as it would allow us to sleep uninterrupted. Finally, people seem more likely to urinate and litter outside our house at night time (judging by what I see when I leave the house in the morning), presumably because this is when there are less people around. There has been a marked increase in the latter after the premises in question were given a 24 hour license.

Gratefully,
Magnus Jorde

[REDACTED]
[Quoted text hidden]

Observation:
10/4/13 - 23:10 - Street drinkers havin loud argument outside 170 Hackney Road. No photo taken.



Magnus Jorde [redacted]

Off license in 178 Hackney Road serving overly intoxicated customer

Magnus Jorde [redacted]
To: licensing@towerhamlets.gov.uk

16 March 2013 at 07:18

Dear Tower Hamlets Licensing Team,

I am now writing to you a second time in two weeks. The 24 hour off license in 178 Hackney Road is making life in the immediate vicinity at times unbearable. Groups of drunks/alcoholics spend the entire night outside the shop and/or outside our building in 174 Hackney Road. They seem to purchase only one can of drink at a time then remain outside the shop for quick access to their next can. Given the state of these people I cannot see how this is not violation of the rule against serving overly intoxicated customers.

The reason for writing this soon after my previous email is that their noise and general anti social behaviour is making my life miserable where I live in 174 Hackney Road. They keep us awake all hours of the night. This problem did not exist before the 24 hour license was given, the homeless seem to go elsewhere in daytime.

I would appreciate your thoughts on the matter.

Sincerely,
Magnus Jorde
[redacted]

[Quoted text hidden]



Magnus Jorde [redacted]

Homeless - now inside our building!

Magnus Jorde [redacted]

11 July 2014 at 11:06

To: [redacted]

Dear Rosemary, Stephen and Estelita,

I live [redacted] and this morning there was a man sleeping on the first floor landing between ca. 8am to 11am.

I was worried about leaving my flat, but in the end I had to go to leave, although an hour late. I called the police once outside the building, but before the police had time to show up he also left by the front door and was soon gone. The entire stairway does stink of urine however and I expect [redacted] staff will come and deal with this as a matter of priority. Today, not after the week end.

As I have highlighted in earlier emails this problem has seen a slow but steady increase in the last ca 2 years. Finding one of them on the first floor is a new turn of events.

There is no point in each of the residents having a dialogue with the police independently, we need to form a group of residents ASAP. I find it regrettable that Gateway has remained quiet on this issue for so long. We need to look at policing of the area, we need to look at security and the layout of the building, we need urgently to consider whether the availability of 24 hour alcohol next door is a factor in why we have some many street drinkers on our door step.

Rosemary, I would be grateful if you could send someone around for cleaning purposes. I will call you shortly.

Thanks,
Magnus Jorde

[redacted]
[redacted]



Magnus Jorde [REDACTED]

Homeless - now inside our building!

[REDACTED] 11 July 2014 at 17:11

[REDACTED]
[REDACTED]
[REDACTED],
[REDACTED]
[REDACTED]

Dear Estelita, Magnus and Rosemary

I have already made a call and email into "Weavers Safer Neighborhoods team" and awaiting contact. This morning 07:30 I found two drunken polish guys outside sheltering under 170 porch, they stunk to high heaven. I have lived in these flats since 1990 and over years there has been one or two incidents but that's all part and parcel of living in the center of a great metropolitan city. However since the newsagent started selling alcohol things have decidedly taken a turn for the worse, and in particular since they started trading 24 hours. I have been threaten with violence on more than one occasion when I've taken issue with someone urinating on my doorstep.

Estelita and Magnus I am up for tackling this issue, and I agree we need to start a residents group. We established one back in the 90's but its attendance fell away due to a number of factors, but believe with the advent of email it would be more successful this time around!

I think we need to where possible gather all the residents email addresses. I will post a note to all residents outlining the pressing issues of the day and request them to pass on if willing their email address to me, I will then relay them on to each and everyone.

Regards

Steve

[REDACTED]

Enquiry details

Enquiry: Dear Weavers Safer Neighbourhoods team,
On the morning of Sunday the 6th of July I called and left a message on your machine. A street drinker was having a particularly unruly moment and had walked into Hackney Road stopping traffic, shouting at cars etc. This lasted for a good few minutes and lead to all sorts of chaos and noise. In addition his lady friend was lying collapsed and unconcious straight out on the sidewalk.

As said, I called and left a message on your machine, but i have not been contacted since so I do not know what you may have done with this information.

What I forgot to mention however was that since this lasted for so long I went outside and filmed the event. It is only a brief and not very clear recording of the man who stopped traffic, but I think it should be enough for you to make a record it formally as an event that actually happened, rather than as one man's words against another.

The crucial element of this incident is that despite all the above chaos the man was still served alcohol by the off licence in 178 Hackney Road, who had no doubt witnessed the whole incident. Not only did the street drinker get alchohol for himself but he also got a can of beer for his collapsed lady friend who later woke up.

I would like to report this if you are interested show you my mobile phone recording, my number is [REDACTED]
Thanks,

[REDACTED]

Contact details: Magnus Jorde - t [REDACTED]
Team: 618
Team name: Weavers



It seems to intensify

Magnus Jorde [REDACTED]

18 July 2014 at 10:44

Dear Graham and Weavers Fields team,

As discussed on the phone just now, I don't feel safe in the area outside of our home. I therefore usually walk with the video camera on my mobile phone switched on whilst holding the phone in my hand. This does not give very good quality images, but at least I've got a running camera if something was to kick off.

Mind you, lately I have seen/captured enough to make me feel the situation is getting rapidly more intense.

I am attaching four images:

Sunday morning 6.7.14:

Delirious man, stopping traffic, shouting etc. I have poor quality video recording of this event and sending you a key image; the man had at this point been blocking the bus for a few minutes, but another street drinker eventually drags him away. A minor scuffle ensues between the two street drinkers on the side walk immediately outside the off license.

Being witness to the delirious behaviour as well as the scuffle did not stop the off license selling the man two cans of Holstein lager.

Friday morning 11.7.14:

A man entered our building, 170 Hackney Road. He was sleeping on the landing of the first floor. Apologies for the poor quality of the image, but it should clearly indicate that it is the distinct paint colour of our stairwell and that the person photographed is lying flat out. He is a white man in his mid 30s. He's a regular among the street drinker crowd and regular customer of the off license in 178 Hackney Rd. I believe he is Polish.

Wednesday early evening 16.07.14:

A street drinker is collapsed on the pavement of Hassard Street. I am not familiar with this person and cannot say for sure if he had purchased alcohol from the off license in question. It does however show how saturated our area has become with this sort of thing.

Thursday evening 17.07.14:

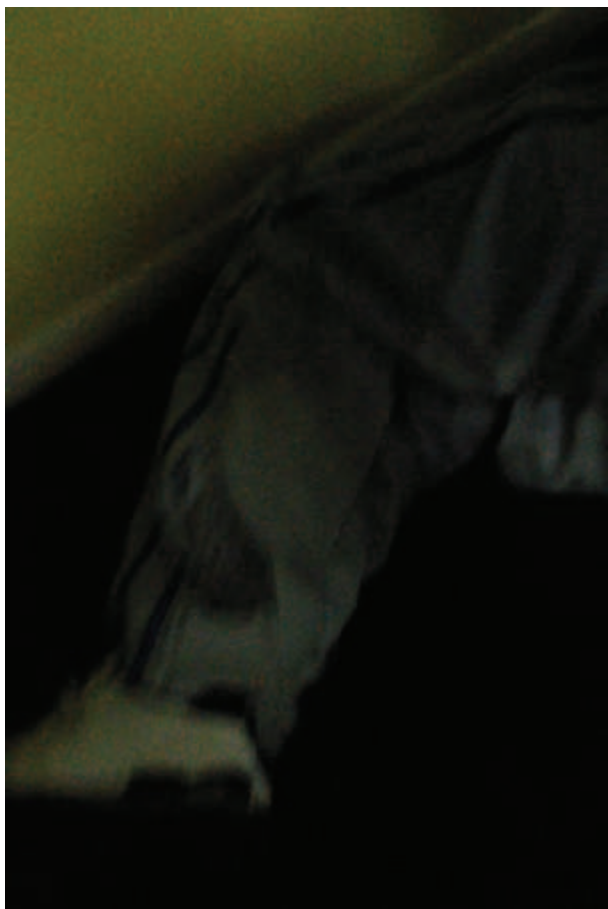
A young lady has been collapsed on the sidewalk immediately outside the off license on three occasions this week alone. She was awake however when I captured her on camera. She was not aggressive but rather incredibly distraught as she asked me for money. She was sipping from an alcoholic drink which I have all reason to believe comes from the off license.

In conclusion, I feel we here in the immediate vicinity of the off license is taking an unfair share of the burden of London's social problems because of the availability of 24 hour alcohol coupled with the careless way in which the staff at this off license choose to serve people.

I am sending you these images to show you how it has been intensifying



06.07.2014, 8.15am - delirious street drinker stopping traffic



11.07.2014, 10.45am - street drinker asleep inside stairwell of 170 Hackney Road



16.07.2014 - 6.45pm - street drinker collapsed in Hassard Street



17.07.2014 - 8pm - street drinker begging outside 178 Hackey Road. Distressed, crying. Bag full of alcohol not visible in picture.



Magnus Jorde [REDACTED]

Alcohol related disorder

Magnus Jorde [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2 August 2014 at 09:07

Dear all,

I am attaching a picture I took with my phone just prior to calling PC Jaspal Chadha. It only shows about 4 street drinkers, but then again it is only half eight in the morning.

I hope it illustrates the degree to which the 24 hour availability of alcohol has changed this area in the last two years. I cannot see any other reason why these people would be here so early in the morning other than the fact that the off license can serve them all hours of the night.

Best regards,
Magnus Jorde
[REDACTED]



02.08.2014, 8.30am - 4 street drinkers



04.08.2014, 12.30pm - 9 street drinkers.



Magnus Jorde <[REDACTED]>

Today's picture

Magnus Jorde <[REDACTED]>

7 August 2014 at 09:59

[REDACTED]
[REDACTED]
[REDACTED]

Dear Jaspal and colleagues,

I second my neighbour Mr. Camillieri's observations about the street drinkers harrassing women. This morning a group of street drinkers had been hard at it since the small hours of the morning (they first woke me up about 2am). So at 9am today they were understandably heavily intoxicated. They remained on the grassy area opposite 1 [REDACTED] Hackney Road, but kept nipping over to the off license in 178 Hackney Road for replenishment.

Their modus operandi this morning was to single out female passers by in the morning rush then approach as a group. Typically young women dressed in light summery clothes. This woman would then have 1 - 3 heavily intoxicated men surround her trying to engage her in 'conversation', they would follow her down the road for approx 5 - 10 meters before giving up and returning to their spot.

As mentioned in previous emails I cannot see any other reason for them being this area other than the proximity to the off licence. Had this off license not had 24 hour alcohol sales I do not think we would have these regular instances of early morning disorder. A regular sweep of the area between, say, 7am and 10am, could help reduce this problem.

Best regards,
Magnus Jorde

Observation:

10 August 2014, 7.50pm

I am walking home, I am near entrance of 178 Hackney Road when I notice commotion by entrance to off licence. Regular street drinker exits off license with can of Holstein lager in his hand, loudly shouting at passers by. Cannot see if they respond, but I don't think so. Street drinker shouting at more than one group of people. Some gestures/body language, but I cannot if see if they are rude gestures or not. Staggering, unsteady, but manages not to fall over. Walks towards me, but does not address me as he passes me. Staff at off license witness entire event as this happens in their doorway, but do not intervene. This event would most likely have been captured on their CCTV

Did not take a photo.



25.08.14, 6pm - Streetdrinkers loitering in doorway of 170 Hackney Road. Can of drink visible in the hand of woman to the left. On such occasions it is impossible to exit building without risking confrontation and harassment.



31.08.14, 12 pm - 7 street drinkers gathering outside Fellows Court.

Photos from Hackney Road 03.09.14

Magnus Jorde [REDACTED]

4 September 2014 at 14:49

Dear Gabriela Dlugosz,

Thank you for our telephone conversation yesterday. As per your request I am sending a couple of mobile phone pictures I took from my window yesterday.

At 9.15 yesterday there were already 7 street drinkers outside Fellows Court, their cans of alcohol clearly visible. I believe the time of day this photo was taken is crucial to understanding the situation. Drinkers seem to drift to this area in the early hours of the morning as the off licence in 178 Hackney Rd is able to sell them alcohol before 10am. This morning crowd is particularly rowdy.

If this morning crowd is left to itself it will grow steadily throughout the day. As evidenced by the second photograph which shows a crowd of 15 street drinkers at half past one yesterday. To my understanding, members of the same crowd spot acquaintances, stop for a chat, head over to 178 Hackney Rd to purchase a drink, then stay for hours.

I am writing this in response to your concern that street drinkers can evade your wardens by simply moving to the Tower Hamlet side of the road. Although this leaves your officers without actual statistics in terms of arrests made or fines given they are still doing an important job. It is my belief that clearing away the street drinkers at regular intervals will prevent the crowd from growing.

In response to your question about which offences are being committed I would list the following:

- Drinking openly in public
- Urinating in public (especially in the phone box)
- Littering
- Threats of violence
- Verbal harassment of residents in 170 Hackney Road
- Trespassing inside 170 Hackney Road
- Verbal sexual harassment of women
- Harassing the public in general
- Fights, loud arguments and general public disorder
- Blocking/hindering traffic

Best regards,
Magnus Jorde



03.09.14 - 7 streetdrinkers at 9.15am



03.09.14 - 15 streetdrinkers at 1.30pm



Magnus [REDACTED]

Today's picture

Magnus Jorde [REDACTED]

21 September 2014 at 03:14

To: Licensing@towerhamlets.gov.uk
[REDACTED]

Dear Andrew Heron and the Tower Hamlets Licensing team,

I am writing this at 3am Sunday morning. In brief the situation can be described as follows; when licensed premises elsewhere in the area close for the night certain drinkers will find their way to the 24 hour off license in 178 Hackney Road. So from approximately 2am and onwards there will be a consistent presence of street drinkers remaining in close vicinity of the shop for hours on end. In particular they tend to gather in the doorway of 170 Hackney Road.

Here they pose a threat to residents and several incidents have occurred in the past year.

I do not feel safe either entering or leaving my house during these hours. To do so means walking into a crowd of typically 3 to 5 street drinkers blocking the entrance. If you had seen these people I doubt you would feel comfortable doing so either. Essentially, this building is besieged pretty much every night, and it has a direct impact on our freedom of movement.

I cannot really see the point in 178 Hackney Road being an off license if the alcohol is consistently consumed only meters away from the premises. It would be better if they were a fully licensed operation so that they could look after their own customers, as well as provide seating and toilets for them. As it stands *our doorway* is currently serving as their toilet and seating area. It is also my impression that if I had been raising concerns about the noise from the patrons of a pub my complaint would have been taken much more seriously.

I welcome your thoughts on the matter and would welcome an opportunity to meet you in person to discuss how we can take this matter further. This situation has been going on for too long. I believe both my neighbours as well as the housing association in charge of this building would be interested in such a meeting as well.

Regards,
Magnus Jorde
[REDACTED]



Magnus Jorde [REDACTED]

Re: 178 Hackney Road

[REDACTED]

Dear Mr Lisowski

I would like to confirm Mr Jorde's description and characterisation of the problems that stem from the 24 hour off licence immediately adjacent to 170/166 Hackney Road. My family on a number of occasion have either been subject to abuses and or threatening behaviour. I would like to point out that I have lived next to the off licence premises for twenty four years and its only in the last couple of years or so since it has gone 24 x 7 that the issues pointed out by Mr Jorde have had an impact on my family's lives daily lives. We do experience issue during the day but its the night time that it is particularly intimidating and cause for concern!

Regards

Mr Stephen Camilleri
[REDACTED]



Magnus Jorde <[REDACTED]>

Street drinkers gathering in the doorway of 170 Hackney Road

Magnus Jorde <[REDACTED]>

8 October 2014 at 09:09

[REDACTED]

Dear Weavers Safer Neighbourhoods team and Tower Hamlets Licensing Team,

It is 9 am and I must soon leave my house to get to work. To do so I must brave a group of 4-5 street drinkers who are blocking our doorway.

From experience there is a good chance that this will lead to verbal harassment, possibly threats. You can perhaps imagine how uncomfortable I feel as I write this.

I think the reason for them being in our particular doorway is pretty clear; the nearby off license is the only place they can purchase alcohol before 10am, our doorway is the closest place to that shop where they can drink it out of the rain. I am removing empty cans of strong cider from our doorway every day.

This problem did not exist when I moved here three years ago, but is now a daily occurrence. I can keep writing emails endlessly, but something more substantial must happen to curb this repeated problem.

Thanks,
Magnus Jorde
[REDACTED]



Magnus Jorde [REDACTED]

Re: Street drinkers gathering in the doorway of 170 Hackney Road E27QL

8 October 2014 at 14:34

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

All, yes I can confirm this episode this morning, and if weavers safer neighbourhood team listen to the phone message I left voicing my concern and anger that my wife had to run the gauntlet of these street drinkers!!!!

Regards

Steve

[REDACTED]
[REDACTED]
[REDACTED]

Sent: Wednesday, October 8, 2014 9:09 AM

Subject: Street drinkers gathering in the doorway of 170 Hackney Road



Magnus Jorde [REDACTED]

Identity of individual

Magnus Jorde [REDACTED]

22 October 2014 at 15:03

To: [REDACTED]

Dear Kathy Driver,

As agreed I am sending you a second email regarding specific trouble makers. I would be grateful if you could have a look at the following police case:

CAD 3337/07APR14

This police report identifies an individual who have threatened and harassed me on several occasions. He has also threatened my neighbour Mr. Stephen Camillieri. I do not know his name or address, but I can verify that the police did speak to the correct individual when I made my report. (He was outside and I watched the police talk to him from my window.)

Sadly, despite my neighbours' and my frequent reports to the police and licensing team this individual remains in front of our house daily. He is not homeless, the only reason he is here is to have access to alcohol from 178 Hackney Road.

Regards,
Magnus



Magnus Jorde [REDACTED]

Today's morning drinkers

Magnus Jorde [REDACTED]

23 October 2014 at 09:46

Dear Kathy Driver,

Further to our communication yesterday I will from now on report ASB on a more regular basis. I just took a picture out of my window, and if you have a look you will see 5 street drinkers. I would say this is an average number of street drinkers at this time of the day. They are sat outside Fellows Court just opposite my home in [REDACTED]

Where they sit is weather dependent, if it starts to rain, they will shift over to the doorway where I live. I will then have to walk *through* that crowd as I leave the house. Being harassed as I do so is very likely. This is a daily concern for us.

As I mentioned yesterday, I feel their presence before 10am is in itself proof enough. It is of course possible that they bought these cans of cider and strong lager yesterday and then had the self discipline not to drink them before this morning, but I think we can agree that this is a very unlikely scenario. They are here because the 24 hour off license is here.

Best regards,
Magnus Jorde
[REDACTED]



23.10.14, 9.30am - 5 street drinkers gathering outside Fellows Court.



26.10.14, 5.40am - Street drinkers gathered around car, picture shows man with can of beer and man with bottle of beer. Man with orange wig is a regular night time street drinker.



Magnus Jorde [redacted]

22:10pm yesterday: Ambulance helps intoxicated street drinker

Magnus Jorde [redacted]

29 October 2014 at 12:40

To Kathy Driver of the Tower Hamlets Licensing unit and Gabriela Dlugozs of the Hackney Police,

I hope you are well. I am attaching an image I took 22:10pm last night which, although grainy, shows an ambulance worker attending to a street drinker with an injured foot. I did not see him getting injured, but from what I overheard in the ensuing commotion it is my understanding that he was injured by a car as he crossed from the off license to the area in front of Fellows Court. In the photograph the blue light of the ambulance parked outside the off license in 178 Hackney Rd can be seen reflected on the white van. The ambulance worker is sitting down on the ledge and can just about be identified by his white gloves.

I am of course pleased to see the ambulance services assist a man in need, but the reason I am writing to you about this is that I hope you both have access to the Paramedic's report from this event. The paramedic's report should give a professional independent verdict as to how intoxicated these street drinkers really are. He should be able to verify that they were buying drink from the off license both before and after the event. If he can't tell you where they purchased it, the CCTV of the off license should show it. And in any case I can testify to this myself.

I would argue that this is a clear case of the off license selling alcohol to overly intoxicated people, and I would argue that they have a moral responsibility for this man's injury.

Thanks,
Magnus

[redacted]



28.10.2014, 22.10pm - Injured street drinker tended to by ambulance services



13.11.14 12.30am - 5 street drinkers gathering on ledge outside 170 Hackney Road after closure of nearby bars. The drinks they are holding are very clearly purchased from off license, not the sort of drinks one would buy at a bar.

----- Forwarded message -----

[REDACTED]
Date: 16 November 2014 at 11:12
Subject: 4th incident

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Hi all,

Please see email below :

From: Curtis [REDACTED]
Date: 16 November 2014 00:26:50 GMT
To: [REDACTED]
Subject: urination and defecation on the stair

12 AM Saturday night confronted a guy outside outdoors in the stairwell, after getting him to leave I took a picture of he's activities on the stairs also I was able to take a picture when you was in the chip shop, he took a cab to Stoke Newington and apparently used to work in the birdcage pub in Columbia Road market, clearly the new lock does not work he was able to get in once again I would like an immediate and robust response to our security on the stairwell bearing in mind we had a mother and child downstairs got the protection of my wife and the other people upstairs

Contacted Police:

21.11.14 - Leave a voicemail message with Haggerston Safer Neighbourhoods team as two street drinkers are harassing female passers by. Regular street drinker as well as another man with olive hooded jacket. Long hair/dreads. Age 40 + and haggard looking. Several instances of harassing women, very loud.



Magnus Jorde <[REDACTED]>

After hours drinking outside 178 Hackney Road

Magnus Jorde <[REDACTED]>
[REDACTED]
[REDACTED]

6 December 2014 at 11:16

Dear Kathy Driver and the Tower Hamlets Licensing Team,

I hope this email finds you well. Firstly, I am attaching a couple of photographs taken on 2am on 05.12.14. You can see two gentlemen who linger with a beer can in their hand outside our entrance, not going anywhere. As I have written to you before, this is common practice. Buying one drink at a time from 178 Hackney Road, drink it immediately outside our house and keep going back for each individual drink - as if the off license was a pub and our fence is their bar counter. I believe a picture that was sent to your recently should be sufficient evidence of my earlier claims that our building also functions as their toilet. One of the gentlemen in the attached pictures have threatened and harassed several residents in our building. Had I come home at 2am that night then I would have not been able to get inside the building without crossing his path. I would have genuinely feared for my safety.
This state of affairs cannot go on.

Firstly, please give me and my neighbours an update on the process (if any) in limiting the negative impact this 24 hour off license has on the neighbourhood. In particular I would like a summary of your recent meetings with the police and your visit to the premises on Saturday the 15th of November. What conclusions did you arrive at? What actions will be taken? When can the residents expect to see a return to normalcy?

Secondly, could you please advise us on the possibility of the off license being allowed to keep their round the clock license in exchange for denying custom to a select number of individuals. I feel certain that if the 2 to 5 worst repeat offenders were denied alcohol entirely, then we would see a great improvement. The slightly woolly definition of serving 'an overly intoxicated customer' seems a moot point when someone is buying their 10th can of beer on the same day. Your plain clothes officers does not seem to have caught onto this.

In anticipation thanks,
Magnus Jorde
[REDACTED]



5.12.14, 2am - Drinking outside 170 Hackney Road after purchasing alcohol from 178 Hackney Road.



Magnus Jorde [redacted]

After hours drinking outside 178 Hackney Road

[redacted]
[redacted]
[redacted]
[redacted]

6 December 2014 at 15:09

Dear Kathy Driver,

Just to reiterate Magnus's experience. I too experienced these guys consuming alcohol outside my flat. I don't see why publicans bear responsibility for their clients conduct and consumption of alcohol, where off licenses can "sell and forget"

In short, since the shop started selling alcohol 24x7 the behaviour of some of their clientele has been uncouth, bad mouthed and disgusting, particularly when they relieve themselves in and around our estate.

Regards

Steve

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

Appendix 5

London Borough of Tower Hamlets

**Shiraz Food and Wine
178 Hackney Road
E2 7QL**

Licencees - Mr Sheraz Ahmed and Mr Mohammed Akbar

Licence No. 16688

Statement in support of application for review of the Premises Licence under
Section 51 of the Licensing Act 2003

London Borough of Tower Hamlets – Trading Standards Service

REPRESENTATIONS

The Trading Standards Service, as the Local Weights and Measures Authority is designated a 'responsible authority' for the purposes of the Act and it is supporting the Police request for review in relation to the prevention of Crime and Disorder - licensing objective 1

Specifically the service has received a statement from Mr Benjamin Cooper of the HMRC regarding the visit on 10/12/2014 detailing the wines and spirits seized from the premises. The statement is attached as IDM/01.

In addition Ms Bridget Rushmoor, a Trading Standards officer attending the premises on the occasion of the seizure observed a person she believed to be a street drinker enter the premises several times, each time purchasing a miniature bottle of spirits. On one occasion he opened the bottle on the premises and was only prevented from drinking it by the intervention of staff on the premises. Ms Rushmoor's statement is attached as IDM/02.

Council records indicate that there was a sale of alcohol to an underage test purchase volunteer in February 2014 for which the licensee received a written caution. They also show that since August 2014 there have been 3 complaints alleging that the shop is selling to street drinkers.

Given scale and nature of the problems at these premises, the Trading Standards Service supports the Police request that Members consider revocation of the licence. In the alternative, given what appear to be significant failures of management at the premises, we would ask that Members consider removal of the current Designated Premises Supervisor in addition to the conditions requested by the Police.

The addition of conditions:-

The Premises will not sell any beer, lager, or cider that exceeds the strength of 5.6% ABV or above unless 3 or more bottles/cans are purchased together.

The premises licence holder shall ensure that all receipts for alcohol bought include the following details:-

- i Seller's name and address*
- ii Sellers company details, if applicable*
- iii Seller's VAT details, if applicable*
- iv Vehicle registration details, if applicable*

Ian David Moseley

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

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN []

Statement of: Benjamine Cooper

Age if under 18:Over 18 (if over 18 insert 'over 18')

Occupation:Officer H.M. Revenue & Customs

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

Signature:

Date: 19th December 2014

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

On 10th December 2014, I was on duty in the Shoreditch, London area. At 12:00 hours, Tower Hamlets Trading Standards, Police Licencing and I entered Shiraz Food & Wine, 178 Hackney Road, London, E2 7QL. We all identified ourselves accordingly, and it was explained to a man I now know to be Mr Sheraz Ahmad (D.o.B:14/10/1988), the reason for the visit (checks on UK Duty Paid stamps/labels on tobacco and alcohol products). I conducted a search under CEMA 1979, s.112. I found on shop shelving a quantity of Italian wine bottles being sold for 2 bottles for £5. These bottles had no individual price labels as did all the other bottles of wine. No Invoices were made available upon request. Also found in the rear stockroom were a quantity of wine cases. A total of 137 bottles (102.75 litres) of Italian wine were seized. Also found on shelving behind/under the shop counter, was a quantity of spirit bottles which had counterfeit rear labels. A further quantity of bottled spirits were found in boxes hidden behind a curtain in the rear stockroom. The spirit boxes were cellotaped up and had the bar codes blacked out with marker pen. The following bottles of spirits were found with counterfeit rear labels: 25 x 70cl bottles High Commissioner Whisky 66 x 35cl bottles High Commissioner Whisky 23 x 70cl bottles Famous Grouse Whisky

Date: Signature: (signature of witness)

Signature: (signature witnessed by)

Continuation of Statement of: Benjamine Cooper

4 x 35cl bottles Famous Grouse Whisky

9 x 70cl bottles Teachers Whisky

27 x 1L bottles Smirnoff Vodka

7 x 70cl bottles Smirnoff Vodka

18 x 70cl bottles Glens Vodka

21 x 1L bottles Bacardi Rum

1 x 70cl bottle Bacardi Rum

13 x 70cl bottles Wray & Nephews Rum

At 12:40 hours, all the above goods were seized.

I issued forms ENF156, ENF3174 and N12a to Mr S. Ahmad, which he signed.

At 13:35 hours, all Officers left the premises.

Date:

Signature:

(signature of witness)

Signature:

(signature witnessed by)

Witness Statement

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

URN:

Statement of: **Bridget Rushmoor**

Age if under 18 (if over insert "over 18"): **"Over 18"**

Occupation: **Trading Standards Officer**

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

Name / Signature: 

Date: **15 / 1 / 15**

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

Statement

I am employed by the London Borough of Tower Hamlets and am authorised to enforce various pieces of Trading legislation including the Consumer Protection from Unfair Trading Regulations 2008 and the Trade Marks Act 1994.

On 10th December Trading Standards was working with Tower Hamlets Licensing Police and an Officer from Her Majesty's Revenue and Customs Service. The purpose was to visit various off-licences in the area to ensure they were complying with Licensing, Trading Standards and Customs legislation.

At about 11.40am PC Mark Perry, Customs Officer Ben Cooper and I entered Shiraz Food and Wine, 178 Hackney Road, London E2 7QL. The man behind the counter said that his name was Mohammed and it was his Dad's business. Mr Cooper examined the bottles of spirits that were behind the counter to the right of the door when entering. He found several of the brands High Commissioner, Famous Grouse and Teacher's whisky, Smirnoff and Glen's vodka, and Wray and Nephew and Bacardi rum with counterfeit Duty Paid labels. PC Mark Perry and Customs Officer Ben Cooper then went to the storeroom downstairs and carried up boxes of similar products.

Name / Signature: 

Signature Witnessed by: _____

Witness Statement

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

There was shelving opposite the door in about the middle of the shop that contained various bottles of inexpensive Italian Wine. Mr Cooper believed this was duty unpaid as the price was so low. He and PC Mark Perry brought several boxes of the same type of wine up from the downstairs storeroom.

While the other officers were downstairs I remained in the shop. I witnessed the same man come into the shop three or four times and each time he bought a miniature whisky which I clearly saw on one occasion was Jack Daniels. I suspected this man was a street drinker. He was wearing dark glasses and had a very gruff voice. He asked me what my name was name was and told me what his was. He asked what we were doing and teased the man behind the counter that he would be arrested, He engaged in random conversation by asking me if I understood the Off Side Rule and talking to the shopkeeper about cricket. On the final occasion I saw him come in he had another man with him and he bought a can of lager for each of them and another miniature whisky for himself. He opened the whisky and was about to drink it when the man behind the counter told him not to, I believe because I was in the shop.

PC Mark Perry made a record of all the alcohol that had been identified as being non-duty paid and which was being taken by Customs. He gave a copy of this to the person in charge of the shop. We left the premises at 1.40pm.

Name / Signature: _____

Signature Witnessed by: _____

Appendix 6

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

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local

authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those

concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders),

it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

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

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;

- revoke the licence.

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

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

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

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

- for the sale and distribution of 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 illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

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

- 11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the

licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

Appendix 7

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

Crime and Disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the

management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Appendix 8

Licensing Policy Adopted by the London Borough of Tower Hamlets

6 Crime and Disorder

6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.

6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.

6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)

6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)

2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.

6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them

Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.

6.11 Illicit Goods: Alcohol and Tobacco - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled

6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.

6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

I. Seller's name and address

II. Seller's company details, if applicable

III. Seller's VAT details, if applicable

IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Appendix 9

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 10

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See 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.