

Appendix 1



**METROPOLITAN
POLICE**

TOTAL POLICING

**Tower Hamlets Borough
Licensing Office**

Mr Elias MIAH, Director, Curry Choice Ltd
Muhib Indian Cuisine
73 Brick Lane
LONDON
E1 6QL

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

Office: **020 8721 2324**
Mobile: **07825 850 906**

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

Your ref:
Our ref: LIC/MUHIB/15

15th January 2015

Cc: London Borough of Tower Hamlets,
Licensing Section,
Mulberry Place,
5 Clove Crescent,
London,
E14 2BG

Ccc: Responsible Authorities

To The Directors, Curry Choice Ltd,

**Re: Application for a review of a premises licence under section 51 of the
Licensing Act 2003**

Please find attached a copy of the application to review your premises licence.

Yours sincerely,

Brendan O'Rourke

PC 291 HT



LICENSING ACT

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 Brendan O'ROURKE PC 291HT, on behalf of the Chief Officer of Police,
apply for the review of a premises licence under section 51 of the Licensing Act
2003 for the premises described in Part 1 below**

Part 1 – Premises or club premises details

Mr Elias MIAH,
(Director, Curry Choice Ltd)
MUHIB,
73, Brick Lane,

Post town

London

Post code (if known)

E1 6QL

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

Curry Choice Ltd

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

15934

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)
- 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 291HT Brendan O'ROURKE
Licensing Unit
Metropolitan Police
Limehouse Police Station
27 West India Dock Rd,
LONDON
E14 8EZ

Telephone number (if any) 020 8721 2324

E-mail (optional) Brendan.P.O'Rourke@met.pnn.police.uk

This application to review relates to the following licensing objective(s)
Please tick one or more boxes

1) the prevention of crime and disorder

✓

2) public safety

✓

3) the prevention of public nuisance

4) the protection of children from harm

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

This review has been instigated with regards to the Crime and Disorder and Public Safety licensing objectives.

The premises licence was last updated after a review hearing on 08/04/14, when CCTV conditions were added.

The prime reason for the request of this review is that on 13/12/14 at approximately 23:00 hrs (**CAD 10143/13DEC14 & CRIS 4232205/14 refers**), there was an incident in which seven staff from Muhib are said to have assaulted five customers with such violence two of those customers had to attend hospital.

The brief circumstances are that a group of friends, including visiting tourists from Malta were dining in Muhib. The group paid their bill and were finishing off their drinks, but it appears that staff were trying to hurry them out and this led to an argument over drinking up time. During this time a member of staff throws a punch at one of the customers and the waiters join in picking up glasses from surrounding tables and start assaulting the other customers. One received a 1" cut to the head and another ½" cut to the head. One of those two also had his finger broken. The other three received punches and hits about their bodies, but they did not attend a hospital. Medical updates to follow.

The CAD record shows when the informant called 999 (both for police and an ambulance) and the following is recorded:

23:06:29 - "INFT STATES HE WAS ATTACKED BY STAFF AT A

RESTAURANT, HE IS BLEEDING FROM HIS HEAD, LAS BEING CALLED”

23:07:52 - “INFT BLEEDING FROM HIS HEAD, POL AWARE”

23:08:10 - “INFT STATES HE [IT?] WAS WITH BOTTLES”

23:08:38 - “INFT STATES HE PAID HIS BILL, AS HE WAS LEAVING HE AND FRIENDS WERE ATTACKED”

23:12:13 - “INFT STATES THE RESTAURANT HAS QUICKLY PUT THEIR SHUTTERS DOWN, THEY HAVE CLOSED IN A HURRY”

23:12:38 - “INFT STATES CUSTOMERS HAVE BEEN REMOVED, THEY HAVE BELONGINGS STILL INSIDE”

23:23:56 - Police arrive “547HT WE HAVE TWO PEOPLE ONE WITH A HEAD INJURY, THERE ARE A FEW PEOPLE WITH CUTS TO THE HEAD”.

Police then run on the address to ascertain who is the key holder and the duty CID Detective Sergeant is asked to attend to supervise. This incident necessitated 4 police vehicles with 8 police officers attending the scene, due to the numbers involved. Statements are not taken from the victims due to them either requiring medical attention, being deemed intoxicated or needing a Maltese interpreter.

Mr Abdul AHAD (who I reported for a breach of the Licensing Act 2003 on 01/08/14 whilst claiming to be the ‘designated DPS’ at City Spice 138, Brick Lane E1 6RU [still ongoing] appears at the scene) - I will include my statement for that matter in this bundle later, as I would suggest he is unreliable and an irresponsible manager or ‘DPS’. He do appear in any capacity on the Premises

Licence for City Spice or Muhib.

He told police at the scene that he “WAS A COMPANY DIRECTOR OF THE COMPANY WHICH OWNED THE VENUE [MUHIB] AND HE HAD BEEN AT ANOTHER RESTAURANT ON BRICK LANE AND HE’D HEARD THERE HAD BEEN A PROBLEM AT THE VENUE AND HE HAD THE KEYS”. He admitted to police ‘he had no sign of injury or disturbance to his person’.

Police entered with him and the restaurant was indeed empty, with no suspects present. The CCTV hard-drive was seized and taken away and currently at the time of writing is awaiting forensic analysis (so I cannot provide any CCTV footage or CCTV stills yet).

Mr AHAD, is not a Company Director; and the Premises Licence Holder for Muhib is ‘Curry Choice Ltd’ and their only director is Elias MIAH. The Company Secretary Ressaour RAHMAN’s appointment was terminated on 04/09/14 and has not been replaced. Why Mr AHAD would claim to be a company director is unknown? He also told police that “MOST OF THE STAFF ARE TEMPORARY”, but said Surk MIAH was the manager and ‘Ali’ was the accountant (Mr ALI?) and may know who was working that night?

The Designated Premises Supervisor for Muhib is Mohammed Tonjob ALI, who also happens to be PLH and DPS of City Spice at 138 Brick Lane.

When police carried out a Section 8 PACE warrant at Muhib on 13/11/13 -

Elias MIAH was on the premises and said he was the manager, whilst when Mohammed Tonjob ALI was spoken to, he claimed to be a chef. In January 2014, police found Mr AHAD elusive and unhelpful when discussing the earlier matters of CCTV in the premises - I will hope the importance of those new CCTV conditions being added to the Premises Licence, will come to fruition (for either party).

It seems that people say to police one thing and then expect the Licensing Sub Committee to believe that the officer misheard the person - despite that evidence falling under Magistrates Court Act 1980 and Criminal Procedure Rules 2005 and being put in a formal MG11 statement.

I have further undertaken additional research from 08/09/13 until 14/01/15 and there are 53 hits for 'Muhib' or 'Brick Lane' (some may be duplicated. I regrettably do not have time to sieve through them all today (and I am away until 09/02/15). But will ensure that they are duly scrutinised and presented in further evidence, until then below are the two matters previously used in the last review.

- **08/09/13 - Call to police - CAD 6201/08SEP13 (Sunday) @ 16:06 hours (Brick Lane):** CRIS 4223750/13 and Custody numbers HT/4439 / 4440 / 4441 / 4442/13 refer.

Informant calls police on 999 and states to the police operator "7-8 group fighting... holding hammers...." Whilst the informant remains on the phone during the incident, police arrive. At 16:12 hours, PC 1012 CW' advises that

there are "three arrested so far". At 16:14 hours, a van "on the hurry up" is requested. At 16:17 hours PC 1012 CW advises that "we have four adult males detained for affray". At 12:22 hours A CCTV operator advises that "part of it was captured on CCTV". The last entry on the CAD at 16:28 hours from PC 372HT states "no further vans required". It is confirmed all prisoners are to go to 'HT', which is Bethnal Green Police Station.

PC O'ROURKE has viewed CCTV as follows: Exhibit BK/01 - Is footage from a witness who was a bystander and filmed it on his mobile phone - this lasts 50 seconds and it is very explicit coverage as it contains sound and I should warn, the very loud sound of a tandoor iron skewer being whacked on a victims head twice is very distressing. A few bystanders including the person who is filming are heard to 'wince in sympathy or shock' and one shouts an obscenity as if he could not believe what he just saw. It shows staff running out of Muhib into the street persuing three or four males who are subsequently beaten up.

How someone did not die that day, due to the severity and viciousness of the attack is beyond me and is not an exaggeration. It is my honest opinion, it is only a matter of time before this sadly occurs, such is the violence - it would seem with the 'BRICK LANE BOYS', as the touts and waiters are now known to refer to themselves collectively. It had never crossed my mind before, that we may actually have a 'gangs issue' in Brick Lane.

In relation to that incident, four males were arrested (on 08/09/13), but later 'no further action' (NFA) was taken by police, after it was determined the wrong suspects had been arrested. I will note, that despite the latter, those arrested

certainly were not exactly completely innocent and it appears they had goaded or upset their attackers by attempting to use the restaurants toilet or as one witness states one of the males had 'exposed his penis', however the violent response is quite extraordinary.....

- **13/11/13 - Section 8 Warrant - Muhibs:** CRIS 4223750/13 and custody number HT/2797/13 refers.

On 13/11/13 police executed a Section 8 PACE warrant at Muhib. But it was found that the weapons mentioned above, are items commonly found in a restaurant kitchen and Muhib alone had some 15-20 tandoor iron skewers and therefore nothing thought to be of forensic value was seized.

One further arrested of a staff member in an adjacent premises (on 13/11/13), which was also NFA'd for Assault and Possession of an Offensive Weapon (cosh found under the counter of A&Y Wines).

I therefore ask the Committee to consider reviewing the premises licence with a view to revocation of the premises licence:

Signed,


Brendan O'ROURKE.

PC 291HT

Signature: 

P.L. JAIN

Date: 15/01/2015

Capacity: Police Constable behalf of the Chief Officer of Police of the Metropolis a Responsible Authority.

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)	

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

Please tick yes
√

If yes please state the date of that application

Day		Month		Year			
0	6	0	2	2	0	1	4

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

On 06/02/14, to add CCTV conditions as part of the Premises Licence

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

Please tick yes

√

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

√

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.**

Appendix 2

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 10 February 2015 11:44
To: Mohshin Ali
Subject: FW: MUHIB - Additional Evidence
Attachments: p230222_090220150526_001.pdf.pdf; p230222_090220150526_032.pdf.pdf

-----Original Message-----

From: Brendan.P.O'Rourke@met.pnn.police.uk [mailto:Brendan.P.O'Rourke@met.pnn.police.uk]
Sent: 10 February 2015 11:33
To: Licensing
Cc: HT-LicensingOffice@met.police.uk; alison.fagan@met.pnn.police.uk
Subject: MUHIB - Additional Evidence

Dear Licensing,

Please find attached the scanned additional evidence in the Sec 51 Review of MUHIB, I understand the consultation ends on 12/02/15.

It is in two files, due to the size, but is one continuous document.

I have for clarity sent copies to the current PLH and proposed PLH, both in any event at 73, Brick Lane....

I await the forensic submission of the CCTV (and have to take the hard-drive to Newlands Park to view) - then have it downloaded. I propose to play the main footage at the LSC, (should the LSC accept the invitation to view it).

Just as I am about to send this, I had created an intelligence report with the documents attached and noticed I had not checked out Elias MIAH on PNC - whom I now see has a conviction for LA 2003 offence in 2012 (at 138 Brick Lane) - I will introduce this as further evidence nearer to the review hearing, along with any further incidents that may occur. Fined at TMC on 12/11/12 total of £575 (offences committed on 06/07/12).

I must say, I have overlooked checks on City Spice at 138 Brick Lane to see what, if any incidents may be relevant to the pair of them! Stand by!

Regards,

Brendan O'Rourke|PC 291 HT

Licensing Team|London Borough of Tower Hamlets The Toby Club, Vawdry Close, Whitechapel, LONDON E1 4UA Office (awaits) |Licensing Mobile 020 8721 2324 or 07825 850 906 HT-LicensingOffice@met.pnn.police.uk

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.



**METROPOLITAN
POLICE**

TOTAL POLICING

**Tower Hamlets Borough
Licensing Office**

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

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

Office: 020 8721 2324
Mobile: 07825 850 906

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

Your ref:
Our ref: LIC/MUHIB-01/15

10th February 2015

Cc x 2 - The Director/s,
Curry Choice Ltd / The Copper Chimney
Muhib Indian Cuisine
73 Brick Lane
LONDON
E1 6QL

Dear Ms Driver,

**Re: Further Evidence in the Sec 51 Licensing Act Review Application of
Mubib, 73, Brick Lane, LONDON E1 6QL**

Further to the application made by police on 06/02/14 and in particular to the references made of the '53' hits for '73 Brick Lane' (20) and 'Muhib' (33) on police indices, I have now had an opportunity to review them all and herein enclose further supporting evidence prior to the end of the consultation period. I apologise that I was unable to include these in the original submission. I may add that of the 33 search returns for 'Muhib', some were duplications and the majority referred to the forename or surname and had no links to the restaurant as such.

I firstly note that an application has been made to transfer the premises licence on 23/01/15 from 'Curry Choice Limited' (director Elias MIAH), to 'Copper Chimney Limited' (director Abdul AHAD), a company incorporated on 02/10/14.

The Committee will note, that whilst police have not objected to the transfer - Mr AHAD is already mentioned several times in the original review application. He has come to police attention several times through incidents at City Spice (138, Brick Lane) or Muhib. The police are unable to comment on his role as a company director as there is nothing barring him from being such. I would however suggest, he has already demonstrated on more than one occasion his inability to carry out the function of a Premises Licence Holder (PLH). Whatever the purpose of the transfer after these proceedings were instigated is unclear (evade a review?). If anything, one would have expected a different PLH and not Mr AHAD in any event; I cannot see how it helps his cause? It is hardly a 'fresh start' or a proper change of management for the venue.

- **Sunday - 08/09/13 - CAD 6201/08SEP13** - This matter has already been covered in the original application and discussed at the earlier Committee hearing 06/02/14 (when the Committee declined to view the CCTV). But I would wish to present to the Committee six CCTV stills. The levels of violence emanating out of Muhib that afternoon was nothing short of horrendous. I will bring colour copies to the Committee hearing, as I am conscious photocopying does no justice to the quality.

Photo 1 - (16:06:14 11) - Shows a mixture of waiters and chefs who have exited directly out of Muhib chasing 4 males south down Brick Lane. The waiter in the middle of the street has a tandoor skewer in his right hand and is arched back, about to hit a victim.

Photo 2 - (16:06:16 02) - Shows one waiter/chef in a high flying kick, whilst five suspects attack two victims at once. One victim has fallen to the floor.

Photo 3 - (16:06:22 06) - Shows one victim trying to cover his face whilst (this corresponds to one of the loud skull cracks on the mobile phone footage), whilst another suspect has a raised bottle in his hands and another a food ladle.

Photo 4 - (16:06:25: 00) - Shows one victim on the floor trapped against a car and it can be clearly seen that the suspect with the tandoor skewer has raised it as high as he can for maximum pain/damage (and indeed proceeds to hit him).

Photo 5 - (16:06:26 04) - The victim on the floor against the car is still being beaten, whilst another on the left pavements falls (receiving a kick from the 'tout'). Another suspect is still running south with a bottle raised above his head.

Photo 6 - (16:06:30 04) - The victim trapped against the car is still being beaten by a waiter and a male believed to be a chef.

ANNEX 1, 2, 3, 4, 5, & 6.

- **Friday - 22/11/13 - East London Magistrates Court** - Mr AHAD is convicted of a breach of the Licensing Act 2003 - Fined £50, £300 costs and £15 victim surcharge.
- **Friday - 13/12/13 - Section 4 Public Order - outside 69, Brick Lane - CAD 11091/13DEC13; CRIS 4232938/13** - Mr Elias MIAH is a witness to the verbal abuse of staff working in a nearby restaurant and offers to make a statement to police. CID was unable to contact him throughout the following morning as he does not answer his phone. Suspect was cautioned the following day, having being held in custody overnight. I believe a statement was not ultimately needed as further evidence, due to a caution being accepted.
- **Tuesday - 04/02/14 @ between 17:15 - 18:30 hrs - Re: "Christian Patrols" on 31/01/14 - Brick Lane' - CRIMINT HTRT00396883** - PC 459HT PRINGLE and PCSO 7256HT DAVIES visited various Brick Lane restaurants after a report of males dressed in khaki camouflaged clothing were seen handing out leaflets against 'Sharia law'. Both officers, amongst others, speak to Mr ALI at MUHIB (no comments recorded) and Mr Abdul AHAD at City Spice, 138 Brick

Lane, who told them "I AM NOT A POLITICAL PERSON AND DON'T CARE AS LONG AS I GET ME FIVE HOLIDAYS A YEAR".

- **Wednesday - 21/05/14 @ 19:13 hrs - CAD 4812/21MAY14** - 'Malicious Communication' at Muhib - Mr Elias MIAH states that he has been receiving prank phone calls to the restaurants landline in which the caller threatens to 'go to the restaurant and burn it and kill all the staff'. It started the previous evening and number approximately 20. The Duty Officer is advised of the seriousness of 'threats to kill', but there are no units free to attend the location. Matter closed at 01:56 hrs when Mr MIAH was last spoken to with no further incidents.
- **Wednesday - 30/07/14 @ 22:21 hrs - CAD 10847 - Disturbance at 73 Brick Lane** - three plain clothed police officers, PC 990HT WARLOW, PC 814HT RODGERS and PC 291HT O'ROURKE (undertaking 'touting' patrols in Brick Lane) are drawn to a disturbance at Muhib, but it appears to be 'handbags at dawn' and no allegations are made, the matter was resolved with no offences disclosed.
- **Friday - 01/08/14 @ 21:10 hours - Breach of Licensing Act 2003 (at City Spice, 138 Brick Lane)**, where Mr Abdul AHAD claims to be 'designated DPS' - He treats the police with contempt and the whole incident is nothing short of a pantomime. A file has been submitted for prosecution and is currently with the LBTH Legal Department awaiting the consideration of a summons being issued. I enclose supporting statements from PC 291HT O'ROURKE and MSC 5312HT RIDOUT and copies of police forms 'Notification of alleged offences under the Licensing Act 2003' and a 'Closure Notice - Section 19 Criminal Justice and Police Act 2001'.

In ANNEX 7, 8 & 9

- **Monday - 06/10/14 - Allegations of Harassment by Muhib towards Preem, 118-124 Brick Lane CRIMINT HTRT00407984** - Muhib are named in legal documents already presented to this Committee on 07/10/14 to give

undertaking or action would be taken in Bow County Court or the High Court. The allegations are broad and general - but it is alleged by Mr Azmal HUSSAIN that Mr AHAD was involved in an incident on 11/06/14 involving 'touting rivalry' and that he and his staff was threatened. The document is quite extraordinary and astounded Metropolitan Police counsel, not least for the admissions that Mr HUSSAIN himself makes. **ANNEX 10**

- **13/12/14** - Incident already covered in the main review application - however I attach a supporting statement from PC 700HT PANDHAL. **ANNEX 11**

The footage from the incident still awaits forensic analysis at great cost and time (numerous visits) at a specialist CCTV unit south of the river. As this is the footage that has ultimately instigated I would strongly urge the Committee to view the footage during the hearing. Either way I will produce some CCTV stills too.

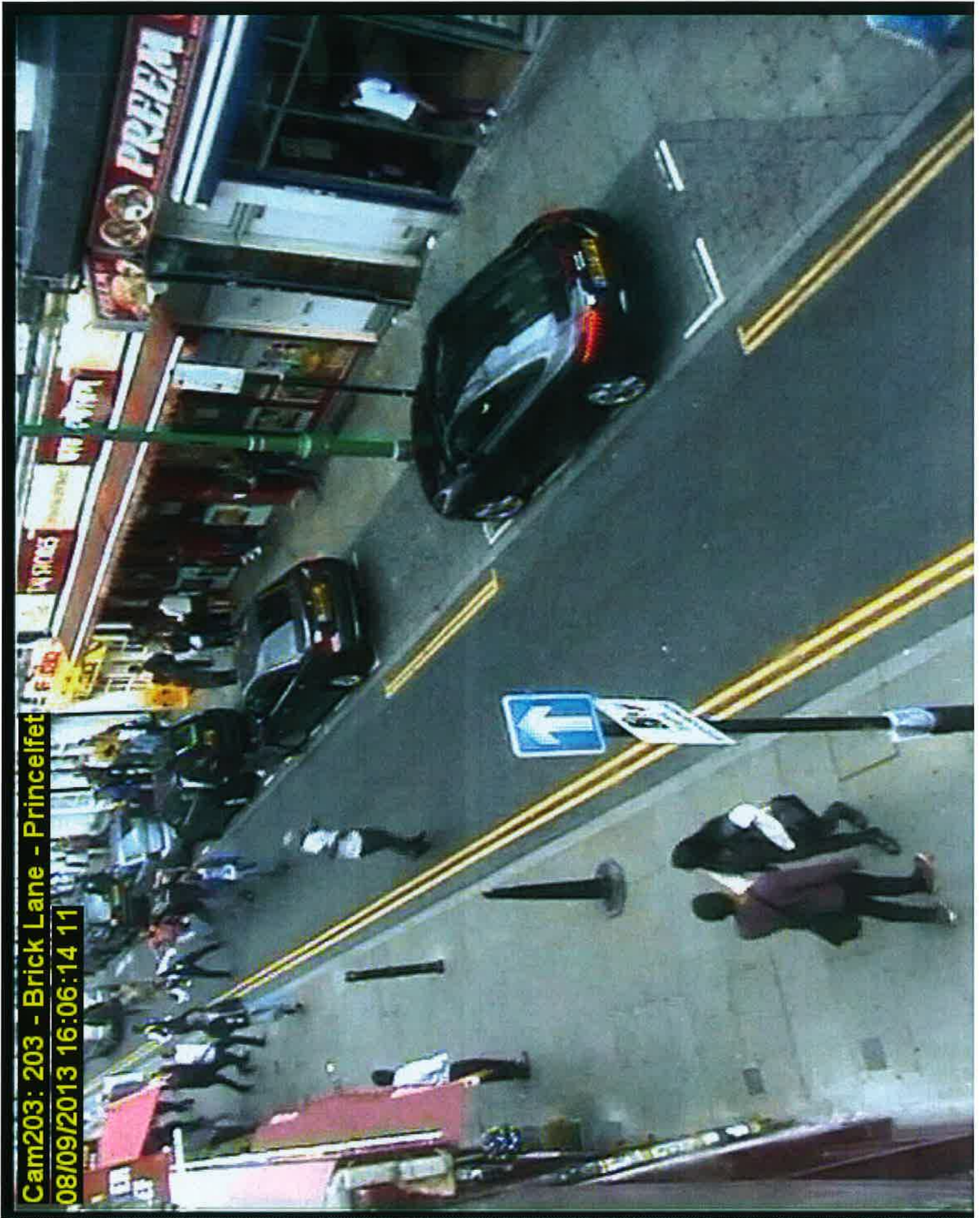
The police would further repeat the request that the Committee consider revoking the premises licence. Whichever company or director runs it, whether Mr MIAH or Mr AHAD, neither can be trusted to run a business professionally, nor uphold the Licensing Objectives.

If you have any further questions about the above, please don't hesitate to contact me.

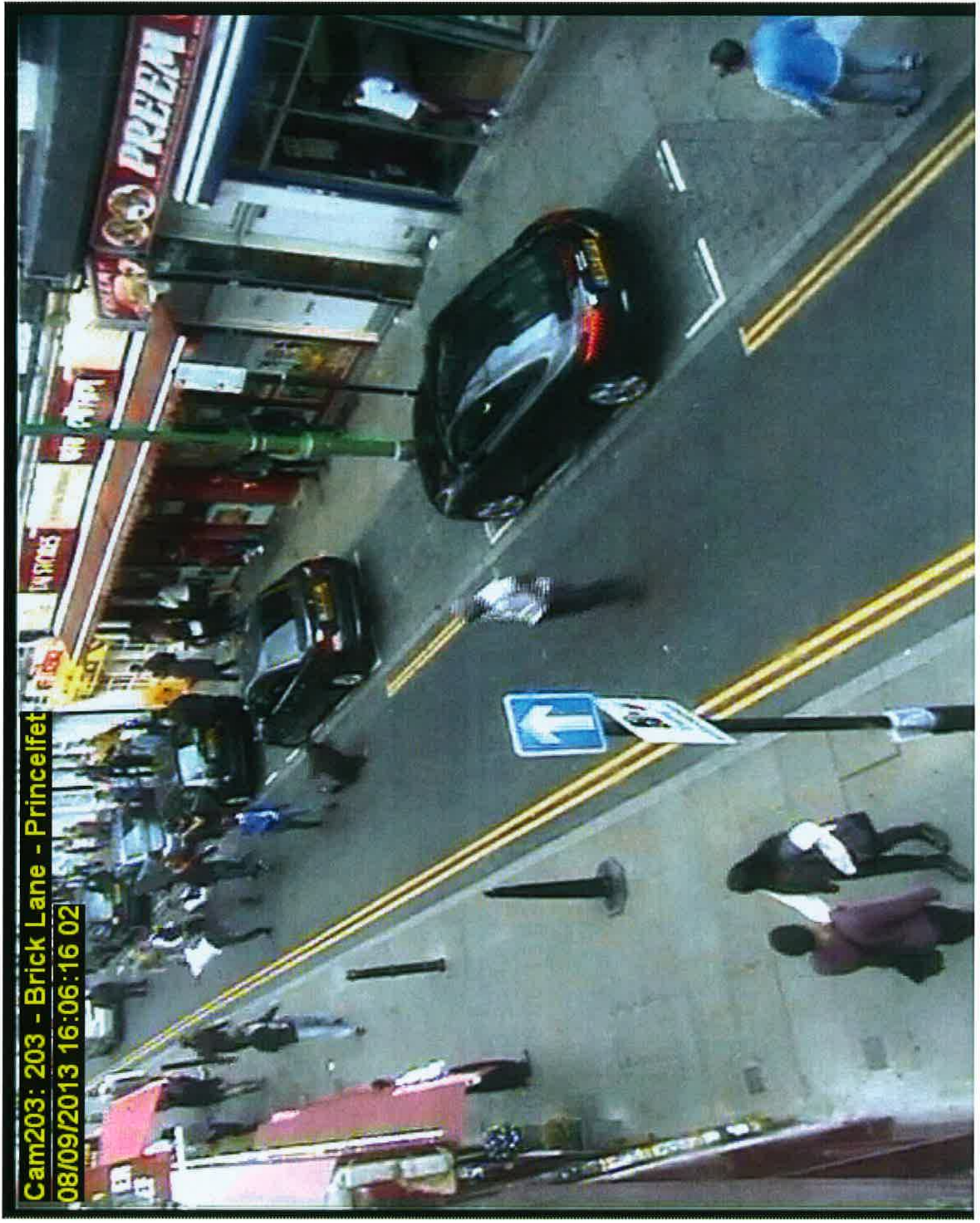
Yours sincerely,

A large black rectangular redaction box covering the signature area.

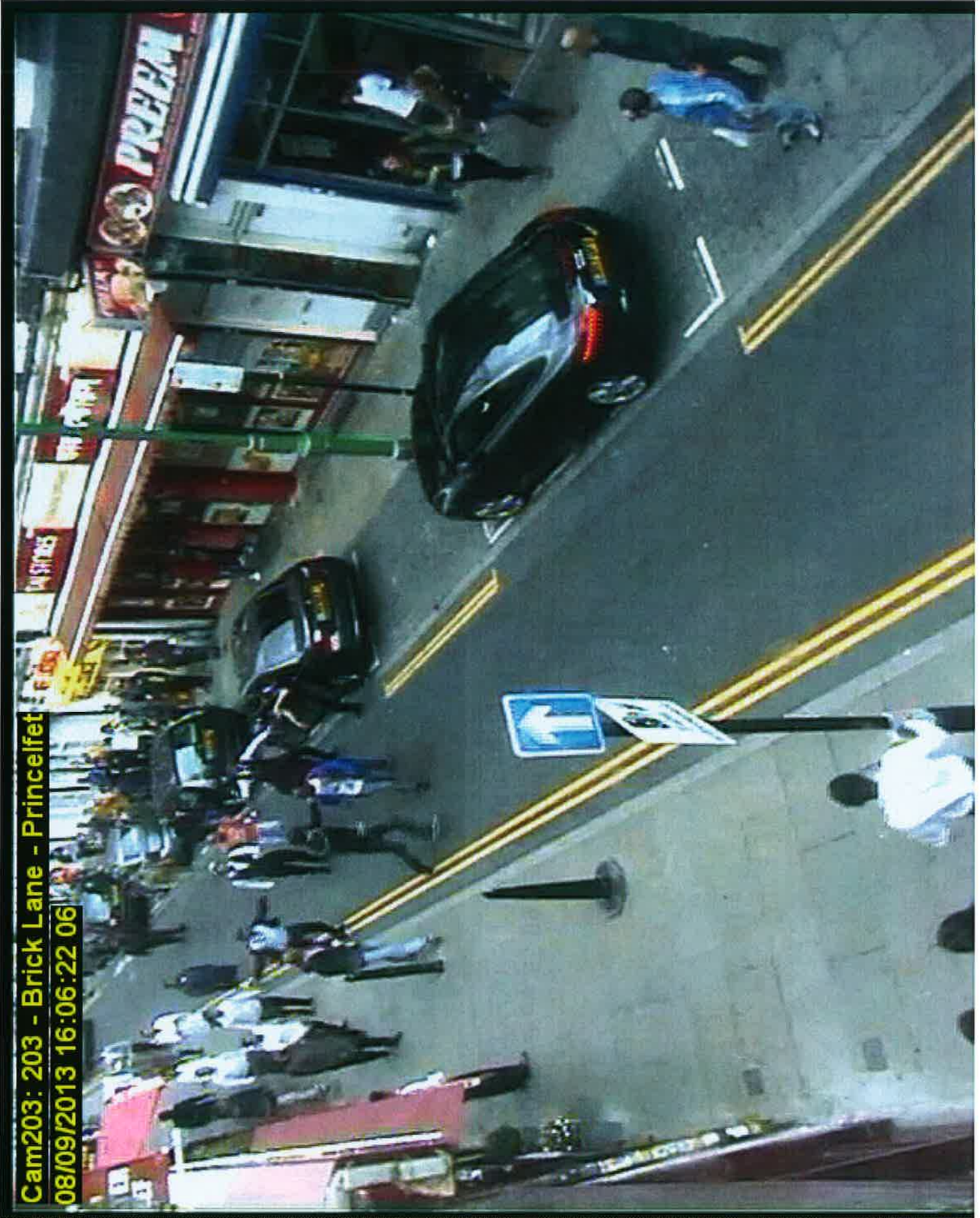
Brendan O'Rourke
PC 291 HT



Cam203: 203 - Brick Lane - Princelfet
08/09/2013 16:06:14 11

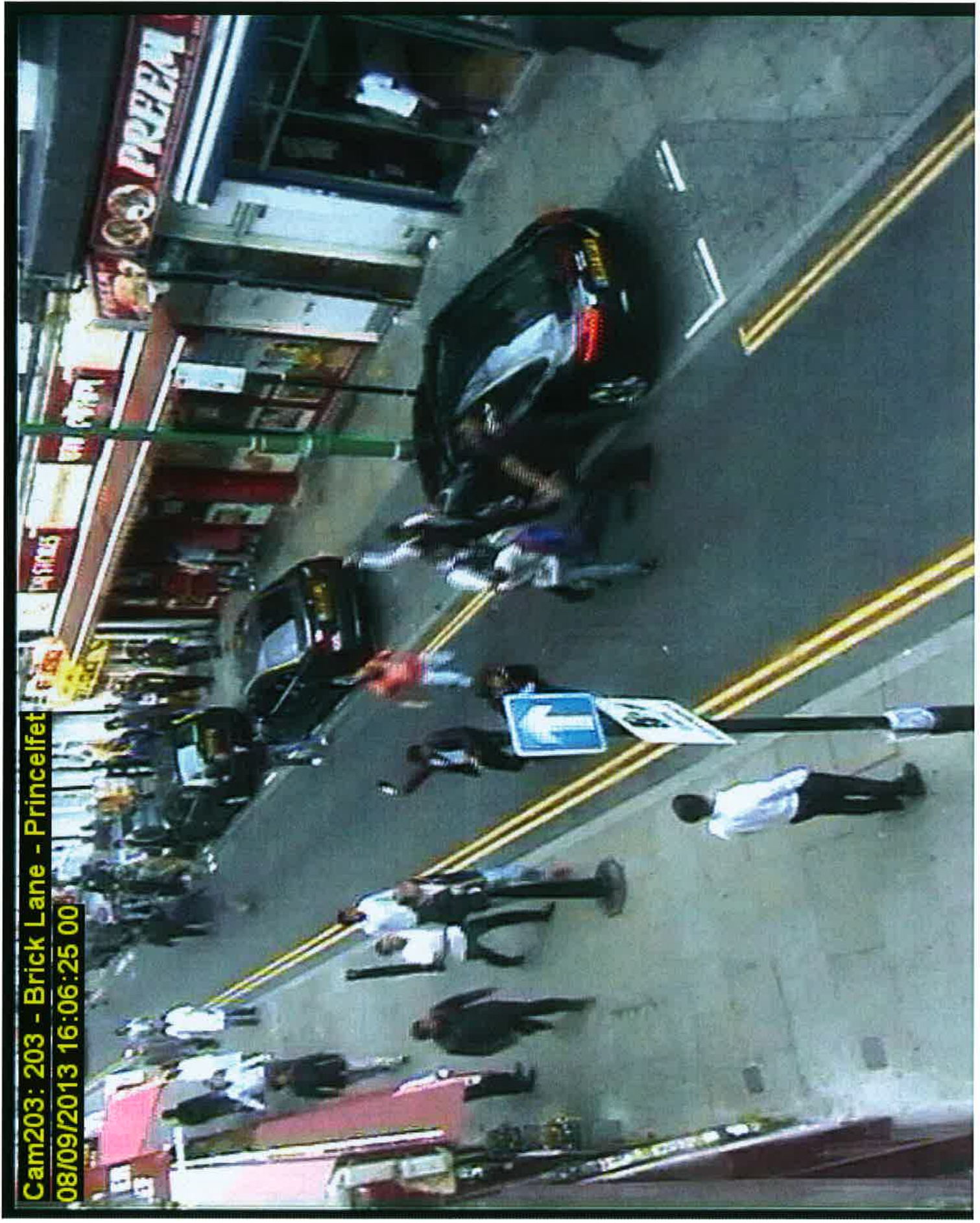


Cam203: 203 - Brick Lane - Princelfet
08/09/2013 16:06:16 02



Cam203: 203 - Brick Lane - Princelfet
08/09/2013 16:06:22 06

Cam203: 203 - Brick Lane - Princelfet
08/09/2013 16:06:25 00



Cam203: 203 - Brick Lane - Princelfet
08/09/2013 16:06:26 04



Anna 6

Cam203: 203 - Brick Lane - Princelfet
08/09/2013 16:06:30 04



WITNESS STATEMENT

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

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

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

This statement (consisting of: 4..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

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

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

This statement is in relation to a breach of Premises Licence Conditions at City Spice, 138, BRICK LANE LONDON E1 6RU on 01/08/14

Officers original notes made at Brick Lane Police Station at 22:30 hours in my own company.

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

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

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

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

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

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

At 22:15 hours I was in the company of SC RIDOUT, when I attended at City Spice Restaurant at 138, BRICK LANE, E1 6RU. PC 189HT CRUICKSHANK joined us at approximately 22:20 hours. I identified myself to staff as I entered as a police officer by producing my warrant card and saying "HELLO PC O'ROURKE FROM LICENSING CAN I SPEAK TO THE PREMISES LICENCE HOLDER OR MANAGER PLEASE".

A male came forward and as he did SC RIDOUT pointed out to me the male who had 'touted' him earlier. But the male ran into the kitchen, I followed but the male was not there, there was just kitchen staff or cooks in their kitchen clothing, no-one dressed as a waiter... I said to the staff "WHERE HAS THAT MAN GONE WHO JUST RAN IN HERE"?

A cook replied "WHAT MAN"?

I saw that there was a door in the corner and said "HAS HE RAN OUT OF THERE"?

The cook replied "NO IT'S LOCKED".

As I went over to try the door, the male who had come forward as manager, tried to stop me. I went over to the door and it was open and I exited onto WOODSEER STREET - the male had clearly 'ran off'. We all then went downstairs which was empty, so we could talk in quiet.

SC RIDOUT then said "AT 21:10, I WAS OFFERED A 25% DISCOUNT AND A FREE PINT BY THE BALD HEADED MALE WHO JUST RAN THROUGH THE KITCHEN".

I then said to the male who said he was manager "LET ME JUST TAKE YOUR DETAILS, WHAT'S YOUR NAME AND DATE OF BIRTH PLEASE"?

He replied "ABDUL AHAD, [REDACTED]"

I said "AND WHAT IS YOUR ADDRESS AND WHERE WAS YOU BORN PLEASE"?

He replied "[REDACTED], BANGLADESH".

I said "AND HOW LONG HAVE YOU LIVED THERE"?

He replied "THIRTEEN YEARS".

I would describe him as an IC4 male, 5'07" tall, wearing a white shirt, black striped tie, black trousers and black shoes.

I then said to him "AND ARE YOU THE PREMISES LICENCE HOLDER"?

Signature: [REDACTED]

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

PC 201115

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

He replied "DESIGNATED DPS".

He then said "IF WE DON'T HAVE PEOPLE OUTSIDE, WE DON'T SURVIVE".

I then checked the full premises licence and to see if Part B was on display, which it was.

I saw on the premises licence that the premises licence holder and designated premises supervisor was a Mr Mohammed Tonjob ALI, I said to Mr AHAD "I KNOW MR ALI'S NAME, ISN'T HE A PREMISES LICENCE HOLDER ELSEWHERE"?

He replied "HE MIGHT BE".

I said "ISN'T HE AT MUHIBS"?

He replied "YES".

I then said "WHAT IS THE NAME OF THE MAN WHO RAN OUT THE BACK DOOR"?

He replied "TOM SMITH".

PC CRUICKSHANK said "MR ABDUL YOU NEED TO TAKE THIS SERIOUSLY".

He replied "OK IT'S NOT, IT'S BALAR, HE'S ONLY BEEN HERE TWO DAYS, YOU CAN CROSS THAT OUT NOW".

I said "I HAVE WRITTEN DOWN WHAT YOU SAID".

I then completed Met Police form Book 694 'Notification of alleged offences' and a Section 19 Closure Notice under The Criminal Justice and Police Act 2001.

At 23:30 hours "I SHOULD POINT OUT IT IS AN OFFENCE UNDER THE LICENSING ACT 2003 TO COMMIT THE FOLLOWING OFFENCE UNDER SECTION 136 (1) CARRYING ON OR ATTEMPTING TO CARRY ON A LICENSABLE ACTIVITY ON OR FROM ANY PREMISES OTHERWISE AND IN ACCORDANCE WITH AN AUTHORISATION OR KNOWINGLY ALLOWING A LICENSABLE ACITIVITY TO BE CARRIED ON', IN PLAIN ENGLISH THAT MEANS ALLOWING MEMBERS OF STAFF TO TOUT". I then gave the 'now' caution and said "THE FACTS OF THE MATTER WILL BE REPORTED AND YOU MAY BE PROSECUTED", he made no reply.

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

Signature: Signature witnessed by: 

N/A.....

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

produce a copy of this Notice in evidence as exhibit BOR/2 (copy attached). I then explained to him he need to speak with Mr ALI, the premises licence holder too. I then left the premises and we continued to the next venue. [REDACTED]

pc jg1111 Notes completed 23:40 hrs.

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

WITNESS STATEMENT

COPY

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

Statement of James Ridout URN: 001 10 3 01034227 60

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

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

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

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

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

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

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

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

Signature: [Redacted] SC 5312 HT Signature witnessed by: [Redacted] SPS BARNNA 5020 HT



Notification of alleged offences under the Licensing Act 2003

Venue Name: City Spice REF: (CAD/CRIS etc.)

Address: 138 Brick Lane LONDON, E1 6RU

Date: 1/8/14 Time: 2.15

Details of person in charge at the relevant time: Mr Ahmad

DPS Personal Licence Holder

Summary of alleged offences identified

Issue TH PL

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

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

Member of staff heard to talk for business in the street offering a 25% discount and a free beer contrary to Annex 2 of premises licence.

Issuing officer: [Redacted] Print: [Redacted]

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

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 11/8/14 Time Served: 2330

Authority issuing Notice: Metropolitan Police Service

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

Signature:  PC JAHUHT

Name (if applicable) and address of the affected premises:
138, Spice Brick Lane London E1 6RY

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


The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:
Member of staff heard to talk and offer a 25% discount and free beer in the street

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:
Contrary to Annex 2 of Premises Licence

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))
Comply with conditions of Annex 2 - not to talk for business

Third party consideration (section 19.4)
Are there any other persons occupying the premises who need to be informed of this notice?
Yes/No (details) 0
If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.
A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:
Name Mr Abdul AWAD
Signature 
Date 11/8/14

1. EXPLANATORY NOTES

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

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

2. Section 19 of the 2001 Act- Closure Notices

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

3. Section 20 of the 2001 Act- Closure Orders

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

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

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

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

4. Appeals- Section 24 of the 2001 Act

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

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

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

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

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

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

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



KC Solicitors

2nd Floor, 291 Whitechapel Road
London E1 1BY
Tel : 020 7375 3761
Fax : 020 7377 1113
info@kcsolicitors.co.uk
www.kcsolicitors.co.uk

Our Ref: L.M/A.H/KC
Your Ref: TSS/LIC/73686

01/10/2014

LBTH Licensing Authority
Mulberry Place
5 Clove Crescent
London
E14 2BG

Dear Sirs

Re: Review Application - Freem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL

We write to confirm that we have been instructed to deal this above licensing matter. We would be grateful if you kindly forward all the future correspondences to our letter head address. We acknowledged that our client's license would be formally reviewed 07/10/2014 at the LBTH Mulberry Place. Please note that we will formally represent our client on the day and we would be obliged if you kindly assist our representative to deal this matter accordingly.

We hereby enclosed the following documents:

1. Mr Hussian's statement;
2. 4 x notices those were served by our client through by his counsel;
3. 3 x correspondences letters between my client and his counsel;

We would be grateful if you kindly consider the enclosed documents as well as written and oral evidences to review our client's license.

Should you require any more information please do not hesitate to contact us.

Yours faithfully



KC Solicitors

Principal
Mohammed Abul Kalam Chowdhury

ASSOCIATE SOLICITORS
Abu Elias
Mohammed Rakibur Rahman

Your Ref: TSS/LIC/73686

01/10/2014

The Chairman
Licensing committee
LBTH Licensing Authority
Mulberry Place
5 Clove Crescent
London
E14 2BG

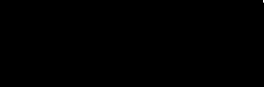
Dear Sirs

Re: Review Application – Preem, Ground Floor and Basement, 118 – 122 Brick Lane, London E1 6RL

I write to confirm that I am the manger and DPS License holder of Preem Restaurant. The matter has been listed before the licensing sub committee to review my license. I personally believe that I became a victim and the matter has been deliberately listed since I already received conviction for the same offence where I have pleaded guilty. I believe that the committee should consider my following grounds to determine the review application:

1. I have already pleaded guilty and fined. Therefore, it would be unfair and unreasonable to review this matter again.
2. A group of people including the some brick lane restaurant owner are always against me. They have been campaigning against me and have been trying to put me in trouble.
3. I have already served official notices to the local businessmen those deliberately employ the touts and to do touting in my doorstep. After serving the notices I got numerous threats from the alleged group of individuals.
4. During September 2014 the licensing officers were attacked by the local restaurant touts and they took shelter in my premises. However, before leaving the premises they accused me for no justifiable reasons.
5. I would like to mention that there is a rumour around brick lane and in particular Bengali community that a group of people working tirelessly to remove me from brick lane. This group are well organised and they took instruction from the very high level of LBTH officials. As I always speak for the truth and against any sort of injustice. This group also aiding or facilitating another particular group to make the brick lane "a Non Alcoholic Zone".
6. Finally I would like to confirm that despite my numerous efforts to comply with all the conditions attached to my license but this particular group always put me in trouble and always behind me. Therefore, I am requesting a fair justice from the licensing committee.

Yours faithfully


118Brick Lane
London
E1 6RL

[REDACTED]
The Licencee,
Muhib Restaurant,
73 Brick Lane,
LONDON E1 6QL

Dear Sir,

NOTICE BEFORE ACTION

OPEN OFFER TO AGREE TO UNDERTAKINGS

Re: Harrasment of Azmal Mert Hussain, his employees, agents and customers:

Introduction

I am a barrister instructed by Mr Azmal Hussain and Hussaine UK Limited, on a direct access basis, in relation to an impending claim of harassment against you, your employees and agents. Mr Hussain is the licensee of four restaurants on Brick Lane, London E1: Preem 1, Preem 2, Preem 3, Preem 4 (together 'the Preem Restaurants'), located between 108 and 126 Brick Lane. The restaurants are owned by Hussaine UK Limited, which company also holds the leasehold of all the premises at which the Preem Restaurants are located. The allegations set out below are the allegations of Mr Hussain.

Since Wednesday, 12.6.2014, Mr Hussain and the staff and customers of the Preem Restaurants have been the subject of harassment by staff employed by six other restaurants in Brick Lane: Curry Bazaar (77 Brick Lane); Bengal Village (75 Brick Lane), Mohaib Restaurant (73 Brick Lane), Café Bangla (128 Brick Lane), Aladeen (132 Brick Lane) and Nazrul (130 Brick Lane). These restaurants are located as follows. On the opposite side of the road to the Preem Restaurants are Curry Bazaar, Bengal Village and Mohaib Restaurant. On the same side of Brick Lane as the Preem Restaurants are Café Bangla, Aladeen and Nazrul.

Factual Background

The facts of the matter, as alleged by Mr Hussain, are these.

You are currently charged with assaulting a member of Mr Hussain's staff. Mr Hussain alleges that you are guilty of that offence and that that offence is a part of the course of conduct, constituting harassment, against him, his staff and his customers.

On Monday, 10.6.2014, Mr Hussain hosted, at the Preem Restaurants, a press conference at which it was announced that an Election Petition had been presented challenging the election of Mr Lutfur Rahman as Mayor of Tower Hamlets.

At 3 am the next day, Mr Hussain discovered his van, that was parked in the back yard of the Preem Restaurants, was covered with white paint over both windscreens and on the side windows, making the car un-drivable. He washed his car to the extent that it was just

drivable and drove home, fearing for his personal safety if he did not.

At 1 pm the following afternoon, 11.6.2014, Mr Hussain went into his restaurant at 122 Brick Lane and discovered that the side window had been smashed. This had been discovered by his staff. He called the police, who later attended and investigated the incident.

That same day, in the evening, touts that promote each of the above restaurants went in front of the door to one of the Preem Restaurants. There were over ten of them. They all went up to people who were thinking about coming into the restaurants and said to them that the Preem Restaurant outside which they were standing was a bad restaurant. They also threatened Mr Hussain's staff by saying that they should not work for me as I was against Bengali culture and the Muslim culture. All of this was said in Bengali.

At this point it should be noted that touting for business in Brick Lane is illegal, pursuant to a bylaw of the London Borough of Tower Hamlets ('the Borough') of 2005. However, each of the above restaurants engages in touting on a daily basis. It is also admitted that the Preem Restaurants has engaged in touting, although Hussaine UK Limited and Mr Hussain are prepared to undertake not to do so in exchange for cross undertakings, as set out below.

The touts outside the Preem Restaurants, on 11.6.2014, targeted individual customers and stayed outside them for as long as the customer was there, attempting to entice them away to the restaurant for whom they worked. Before this point, although there are a large number of touts on Brick Lane, they would not do any more than promote their own restaurants and tell customers about deals. There was also an informal rule – which all the touts respected – that they would never cross the road. On this occasion and subsequently, touts from all the restaurants would break this agreement and target customers of the Preem Restaurants, wherever they came from.

From the first three restaurants named above, Curry Bazaar, Bengal Village and Mohaib, the owners as well as the touts were coming over to my side of the road, enticing customers away and threatening members of my staff and me. It is alleged that you, Mr Ahab, were one of those. From each of the above three, touts have stood directly on the pavement of the same side of Brick Lane as the Preem Restaurants, enticing customers away, saying that the restaurants are of bad quality and stating that their restaurants have better deals.

Over the period of almost two months since 12th June, 2014, the behaviour of the touts and owners of the above restaurants, including your own, outside the Preem Restaurants has continued to cause Mr Hussain's staff and customers harassment alarm and distress and has damaged his businesses. Through the whole of the peak period of business – ie 7 pm to 11 pm – every day, seven days a week there are a number of touts from one or more of these restaurants outside his restaurants who are, he asserts, deliberately damaging his businesses.

Mr Hussain is aware that the touts come from all of the above restaurants as he has heard each of the names of those competitors said by the touts on many occasions. For example, he has heard touts say or shout 'this is a bad business, come to Aladeen and I will give you a good deal'. Every day since 12th June he has heard touts mention the names of each of the above restaurants while putting down his businesses. This has been heard both when Mr Hussain and others were standing or sitting inside one of the Preem Restaurants and when in he was in his office, from where he can hear what is said through his CCTV.

- (1) That you, your employees or agents, will not, directly or indirectly, cause Mr Hussain and/or the employees and/or customers of any of the Preem Restaurants harassment, alarm or distress; and that, in particular, you will not threaten or abuse any of the aforesaid;
- (2) That you, your employees or agents, will not in any way damage the reputation of Preem Restaurants, including by attempting to persuade any persons and, in particular, those on Brick Lane E1 for any reason whatsoever, not to visit any one of the Preem Restaurants or by making any representations whatsoever about any one of the Preem Restaurants;
- (3) That you, your employees or agents, will not tout for business, in contravention of the local by-law or at all, in any part of Brick Lane;

Mr Hussain is prepared to give cross-undertakings that he and/or his employees and agents will not do any of the aforesaid towards you and/or your restaurants.

In addition, Mr Hussain requests and requires that you agree to his issuing an application for an injunction, pursuant to the 1997 Act, in the Bow County Court on the strict understanding that you and he will agree to the above undertakings.

This offer is made without prejudice to Mr Hussain's contention that you are liable to him for substantial damages for the loss of profits caused and/or contributed by the aforesaid actions of yourself and your staff.

Legal Action

If you do not inform Mr Hussain, by post to Mr Hussain, Preem 1, 108 Brick Lane, London E1 [POST CODE] or by fax to [FAX NUMBER], that you do not agree to make the above undertakings and to the above course of action by 4 pm on Monday, 11th June, 2014, Mr Hussain will make a claim for an injunction and for damages in the Bow County Court or the Queen's Bench Division of the High Court at his discretion. This will involve substantial costs, for which you will be liable in the event the claim is successful.

You are strongly advised to seek independent legal advice.

Please do not respond to this letter directly but indicate whether or not you agree to the aforesaid injunctions by contacting Mr Hussain at the above address or fax number.

Yours Sincerely,

FRANCIS HOAR

Counsel (direct public access) to Mr Hussain and Hussaine (UK) Limited

Amet 11

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

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

Statement of **PC Ishpal-Jamie Pandhal 700HT** URN:

--	--	--	--

Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 235140**

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

Signature:

--

700HT Date: **14/12/2014**

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

I am the named person above this statement is in relation to an incident where I seized several exhibits following an incident of grievous bodily harm on Saturday the 13th of December 2014.

I am a serving full time police officer in the Metropolitan Police Service since 16th May 2013. I am attached to response team 2 based out of Limehouse police station. My duties involve me responding to emergency and non emergency calls made to the police within the London Borough of Tower Hamlets.

On Saturday the 13h of December 2014, I was on patrol in my full uniform I was in the company of PC MATTHEWS 547HT we were in a marked police vehicle call sign HT26-N. Whilst conducting our patrols we had been sent to CAD 10143/13DEC14 this was to a report of an assault outside of Muhib, 73 Brick Lane E1 6QL.

Whilst dealing with the incident I seized the following exhibits.

IJP/01- One (1) T-shirt sealed in bag no MPSH00119856 booked in front office HT 66/5586 105/6712. This was taken from the victim of the assault.

IJP/02-One (1) CCTV box sealed in bag no MPSS00488083 booked in front office HT 66/5586 105/6713 This had been seized from Muhib - 73 BRICK LANE E1 6QL.

Signature:

--

 Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Mohshin Ali

From: Brendan.P.O'Rourke@met.pnn.police.uk
Sent: 27 March 2015 16:14
To: Licensing
Cc: HT-LicensingOffice@met.police.uk
Subject: Additional Further Evidence re : Sec 51 review - MUHIB
Attachments: MUHIB Additional Further Evidence 27 03 15.pdf; p230222_160220150527_001-MUHIB Newlands Park CCTV.pdf.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached further evidence in this matter (copies have been sent to the PLH):

Regards,
Brendan O'Rourke|PC 291 HT
Licensing Team|London Borough of Tower Hamlets
The Toby Club, Vawdry Close, Whitechapel, LONDON E1 4UA
Office (awaits) |Licensing Mobile 020 8721 2324 or 07825 850 906
HT-LicensingOffice@met.pnn.police.uk

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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**METROPOLITAN
POLICE**

TOTAL POLICING

**Tower Hamlets Borough
Licensing Office**

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

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

Office: 020 8721 2324
Mobile: 07825 850 906

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

Your ref:
Our ref: LIC/MUHIB-01/15

27th March 2015

Cc: The Directors,
Muhib Indian Cuisine
73 Brick Lane
LONDON
E1 6QL

Dear Ms Driver,

**Re: Additional Further Evidence in the Sec 51 Licensing Act Review
Application of Mubib, 73, Brick Lane, LONDON E1 6QL**

Please find attached three statements exhibiting the three items of CCTV in relation to the two incidents police have referred to in September 2013 and December 2014.


The police have served through our Department of Legal Services numerous items of redacted CAD'S, the IIP search results and CRIS reports requested by the respondents solicitor Dadds LLP. I do not propose to submit hundreds of extra pages to the Licensing Sub-Committee, however, should the Committee wish sight of them on the day, I shall have copies available for their perusal.

The police have also submitted to date two items of CCTV to the respondent solicitors in relation to LBTH footage from September 2013 and the venues own internal CCTV footage from December 2014. One remains un-served, as it is

currently in the video laboratory being processed. This one in particular is only 45 seconds long or so, but of great interest due to it having sound (in which the two skull cracks I refer to can be heard).

If you have any further questions about the above, please don't hesitate to contact me.

Yours sincerely,

A black rectangular redaction box covers the signature of Brendan O'Rourke. A thin, curved line extends from the right side of the box.

Brendan O'Rourke

PC 291 HT

WITNESS STATEMENT


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

URN _____


Statement of: Peter Allnutt

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

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

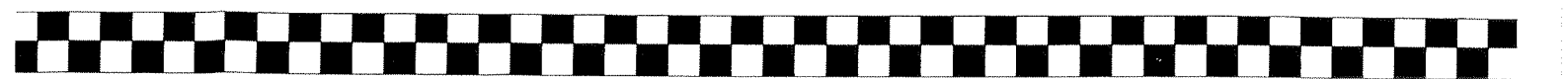
Signature 

Date Wednesday, September 11, 2013

This statement is to document the release of CCTV evidence from the London Borough of Tower Hamlets CCTV Control Room at the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG. The system provides on-street video images that are transmitted from cameras positioned in various locations throughout the London Borough of Tower Hamlets and are overt in operation. The transmissions are received at a purpose built control room in the Town Hall, Mulberry Place, 5, Clove Crescent, London E14 2BG. Camera signals are continuously and automatically recorded by way of time lapse onto a digital storage system. Images are presented on DVD for evidential purposes. The system uses a time stamp from the atomic clock to ensure accuracy of time across the CCTV system and is checked daily. I can confirm that the cameras concerned with this request are in full working order and the system is operating correctly. As a result of a request from PC DOLE of the Metropolitan Police I have produced DVD(s) numbered LBTH 4558 , I have sealed the DVD(s) in evidence bag number MPSA13063992. I produce this/these DVD(s) as Exhibit PA/01 

Signature: 

Signature Witnessed by: 



WITNESS STATEMENT

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

Statement of **Stephen Motarski**..... URN:

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

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

Signature: Date: 23rd March 2015

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

I am a serving officer with the Metropolitan Police Service and I have received instruction in the use of the videtrac video recording system. I have also been trained as an Intelligence officer and have been instructed in the use of video recording equipment used by the Metropolitan Police Service. On 19/03/2015 Police Constable 291 HT O'ROURKE deposited a DVD to the Visual Images Identifications Detections Office at Bethnal Green Police Station. This DVD was marked as exhibit PA/1 and was sealed in Metropolitan Police Service evidence bag seal number MPSA13063992. The footage copied to this DVD relates to an investigation by Police into an offence of affray crime reporting information system number 4223750/13 refers. Using a Metropolitan Police Service approved computer serial number T0181121 located in the Visual Images Identifications Detections Office; I produced a part copy of the footage from exhibit PA/1 to DVD, this was produced in a format compatible with being played in a standard DVD player for court purposes. I copied the following footage from 08.09.2013.

Camera 203 - 16.05.32.03 - 16.07.10.00.

This DVD I exhibit as DVD/SAM/1.I produced three working copies of DVD/SAM/1 before sealing exhibit DVD/SAM/1 in Metropolitan Police Service evidence bag seal number MPSA20701267.A working copy of exhibit PA/1 was produced before exhibit PA/1 was resealed in Metropolitan Police

Signature: Signature witnessed by:

Continuation of Statement of **Stephen Motarski**


Service evidence bag seal number MPSA20701270. All discs concerned were handed to Police Constable O'ROURKE .

.Warning of technical limitations

The copy recording made by the equipment I used may not contain all of the picture updates, i.e. changes that may have been recorded on the original tape. This is due to technical limitations of the system used to produce the copy tapes and it is outside my field of competence to categorically state whether there are any missing images. Should it be considered necessary by the court, the Metropolitan Police Video Laboratory has both the equipment and the technical expertise to overcome any problems that may have been caused by the copying process that I used

If the court considers that identification problems may arise as a result of the quality of the copy of the tape submitted then I would advise that the Metropolitan Police Video Laboratory can, if requested produce a further copy that would be of superior quality.

Should the services of the Metropolitan Police Video Laboratory be required it should be noted that re-processing the original tape could take approximately ten working days from receipt of request.

Signature:  Signature witnessed by:

WITNESS STATEMENT

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

Statement of Brendan Paul O'ROURKE URN: 01 HT

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

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

Signature: [Redacted] PC [Signature] Date: 25/03/2015.....

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

This statement is in relation to mobile phone footage from a witness to an incident at MUHIB, 73, BRICK LANE LONDON E1 on 08/09/13.

This footage has been previously been referred to on CRIS 4223750/13 as exhibit BK/01. It is not and no statement has been made exhibiting is as such.

On 17/10/13, I spoke to a witness to the above incident, Mr Blake KINGSTON and he told me words to the effect of "I WAS OUTSIDE AN OFF LICENCE ON BRICK LANE THAT SUNDAY AFTERNOON WHEN IT KICKED OFF, I FILMED IT ON MY IPHONE, BUT I DON'T KNOW HOW TO DOWNLOAD IT AND GET IT TO YOU". He told me he had uploaded it onto his social media site and perhaps I could view it there and he would send me the access details.

On 21/10/13, I received an email from a witness Blake KINGSTON to the above incident, he gave me a log-in and password and permission to access a social media website where the footage he had uploaded was. I accessed the footage and then advised him I had done so and that he should change his password. This footage is therefore my exhibit as I downloaded it and not BK/01 as I initially thought.

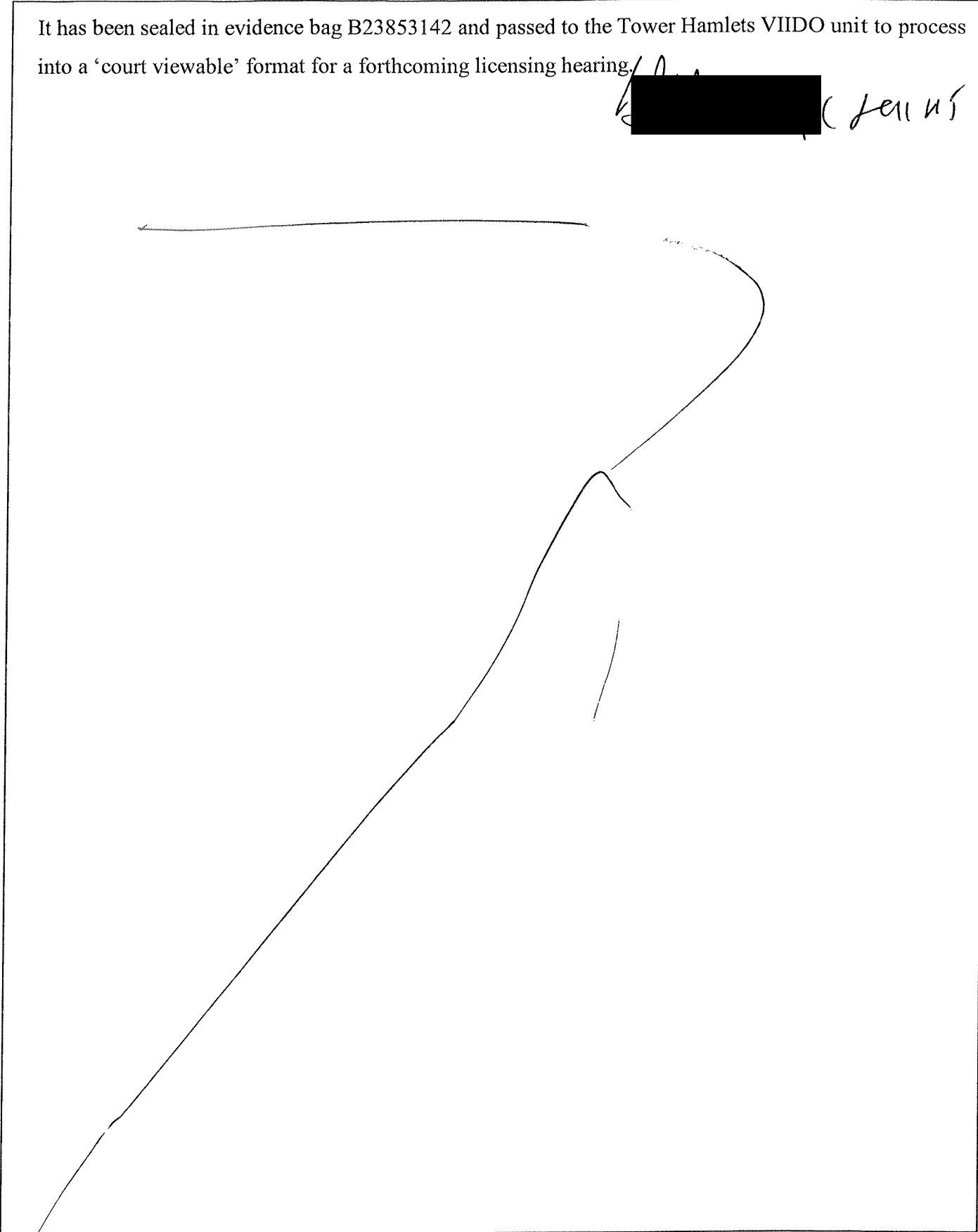
On 13/11/13, I attended the CCTV control room of Tower Hamlets Council and with the assistant of CCTV technician Mark GELFS of London Borough of Tower Hamlets, the footage was copied onto a DVD and I produce this in evidence as BOR/01.

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

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

It has been sealed in evidence bag B23853142 and passed to the Tower Hamlets VIIDO unit to process into a 'court viewable' format for a forthcoming licensing hearing/

[Redacted] (Jain)



Signature:

[Redacted Signature]

Signature witnessed by:

N/A.....

PC Jain

WITNESS STATEMENT


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

Statement of **Brendan Paul O'ROURKE** URN:

01	HT		14
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230222**

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

Signature:  *PC JEN W* Date: 16/02/2015.....

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

This statement is in relation to CCTV from an incident at MUHIB, 73 BRICK LANE E1 on 13/12/14


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

Between Thursday, 12th February 2015 and Friday, 13th February 2015, I attended at the Digital and Electronics Forensic Service (DEFS) video laboratory at 'Newlands Park', where I viewed the CCTV footage from exhibit IJP/02 (a Digital Video Recorder X Vision machine x 8 DVR v.131).

A time check of the machine showed that it was ahead of real time by 1 minute and 14 seconds. It contained 8 channels, but only appeared to have six working cameras as follows:

- Ch 1 - covers the entrance from outside and part of the pavement on Brick Lane.
- Ch 2 & Ch 3 - covers inside.
- Ch 4 - is blank.
- Ch 5 - Partially covers the bar.
- Ch 6 - covers inside.
- Ch 7 - appears to be a storeroom.
- Ch 8 - is blank.

On Friday 13/02/15 I made a self-copy DVD of the footage from 13/12/14 20:43:00 hrs to the video end at 00:25:04 hrs - I produce it in evidence as exhibit BOR/1, it was sealed in evidence bag A18491924. I also produced two working copies of the footage on two memory sticks, which are

Signature:  *JEN W* Signature witnessed by: N/A

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

produced as exhibits BOR/2 and BOR/3.

Exhibit IJP/02, which was sealed in an evidence bag, with a plastic tag seal MPSS00488083, was resealed with tag MPSS01451699 and later re-deposited at the Bethnal Green Police Station's property store.

A short summary of what I viewed is as follows:

20:43:40 - (Ch 1) A tout is seen to bring a group of males towards the door.

20:44:05 - (Ch 3) The group of 4 males are seated underneath camera 3 (Ch 3) with a table for 4 left empty adjoining them.

21:28:10 - (Ch 3) The second party of 4 males is seated next to the above. The tables are now pushed together and they are clearly friends, shaking hands and chatting to each other.

22:58:38 - (Ch 3) - Waiter appears to take a plate, with the payment on it off the table.


Invariably they eat and drink, without any incident all the way through until 22:59:35, when something happens off camera; two females (seen on Ch 2) start to stare at something in front of them and 'our' group of males also look in the same direction (seen on Ch 3).

23:00:30 - Whatever has happened off camera, now kicks off and a mass brawl spills into Ch 6, Ch 2 and Ch3.

The victims then leave and are seen to loiter outside the front door (Ch 1) - one clearly holding his head in pain; the staff are seen to scurry into the basement (Ch 7) and by 23:05 the lights are turned out and the restaurant appears to have closed!

00:00:40 - Police are seen to enter and the lights are turned on, whilst police search the premises.

 /c 29/11/11

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

Appendix 3

**(Muhib Indian Cuisine)
73 Brick Lane
London
E1 6QL**

Licensable Activities authorised by the licence

The sale by retail of alcohol
Late Night Refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 6th October 2005
(Amended: 12th March 2009)
(Amended 15th November 2011)
**(Amended 8th April, 2014, as result
of review of licence)**



Part A - Format of premises licence

Premises licence number

17279

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Muhib Indian Cuisine)
73 Brick Lane

Post town

London

Post code

E1 6QL

Telephone number

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Hours for the Sale of Alcohol.

Sunday from 11:00 hours to 23:30 hours

Monday to Wednesday from 11:00 hours to 24:00 hours (midnight)

Thursday to Saturday from 11:00 hours to 01:30 hours the next day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Provision of Late Night Refreshment

Sunday from 11:00 hours to 23:30 hours

Monday to Wednesday from 11:00 hours to 24:00 hours (midnight)

Thursday to Saturday from 11:00 hours to 01:30 hours the next day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The opening hours of the premises

Hours premises are open to the public

Sunday from 11:00 hours to 24:00 hours (midnight)

Monday to Wednesday from 11:00 hours to 00:30 hours the next day

Thursday to Saturday from 11:00 hours to 02:00 hours the next day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

On sales only

Part 2

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

Copper Chimney (London) Ltd
73 Brick Lane
London
E1 6QL

[REDACTED]

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

9247000

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

Mr Mohammed Tonjob Ali

[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

[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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

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

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

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

3) The licence is granted for premises structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises and

the licence is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Annex 2 - Conditions consistent with the operating Schedule

1. Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

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

1. Waste materials shall not be placed in the external bins during the night hours (23:00 hours to 07:00 hours the following day).
2. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public within a 500 meter radius of the premises.
3. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

Conditions attached after a hearing by the licensing authority on 8th April, 2014.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering in any light condition. The CCTV system shall continually record whilst the premise is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to Police recommendations and comply with all legislation, including clearly displayed warning signs.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
11 Jul 2005

Part B - Premises licence summary

Premises licence number

17279

Premises details

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

(Muhib Indian Cuisine)
73 Brick Lane

Post town

London

Post code

E1 6QL

Telephone number

0207 247 7122

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
Late Night Refresh

The times the licence authorises the carrying out of licensable activities

Hours for the Sale of Alcohol.
Sunday from 11:00 hours to 23:30 hours
Monday to Wednesday from 11:00 hours to 24:00 hours (midnight)
Thursday to Saturday from 11:00 hours to 01:30 hours the next day.
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Provision of Late Night Refreshment

The opening hours of the premises

Sunday from 11:00 hours to 23:30 hours
Monday to Wednesday from 11:00 hours to 24:00 hours (midnight)
Thursday to Saturday from 11:00 hours to 01:30 hours the next day.
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Sunday from 11:00 hours to 24:00 hours (midnight)
Monday to Wednesday from 11:00 hours to 00:30 hours the next day
Thursday to Saturday from 11:00 hours to 02:00 hours the next day.
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Name, (registered) address of holder of premises licence

Copper Chimney
(London) Ltd
73 Brick Lane
London
E1 6Q

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

On sales only

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

9247000

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

Mr Mohammed Tonjob Ali

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

No

Appendix 4

Application to transfer premises licence to be granted 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/We Copper Chimney (London) Limited
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

18194

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Muhib Restaurant 73 Brick Lane London	
Post town London	Post code E1 6QL
Telephone number at premises (if any) [REDACTED]	

Please give a brief description of the premises Indian Restaurant	LBTH TRADING STANDARDS 23 JAN 2015
Name of current premises licence holder Curry Choice Limited	LICENSING

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- | | |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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 Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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

Post code

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Copper Chimney (London) Limited
Address 73 Brick Lane London E1 6QL
Registered number (where applicable) 9247000
Description of applicant (for example partnership, company, unincorporated association etc) company
Telephone number (if any) [REDACTED]
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

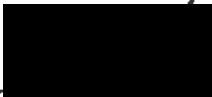
If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

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 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature  ABDUL AHAD

Date 20/01/15

Capacity Director

For joint applicants signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

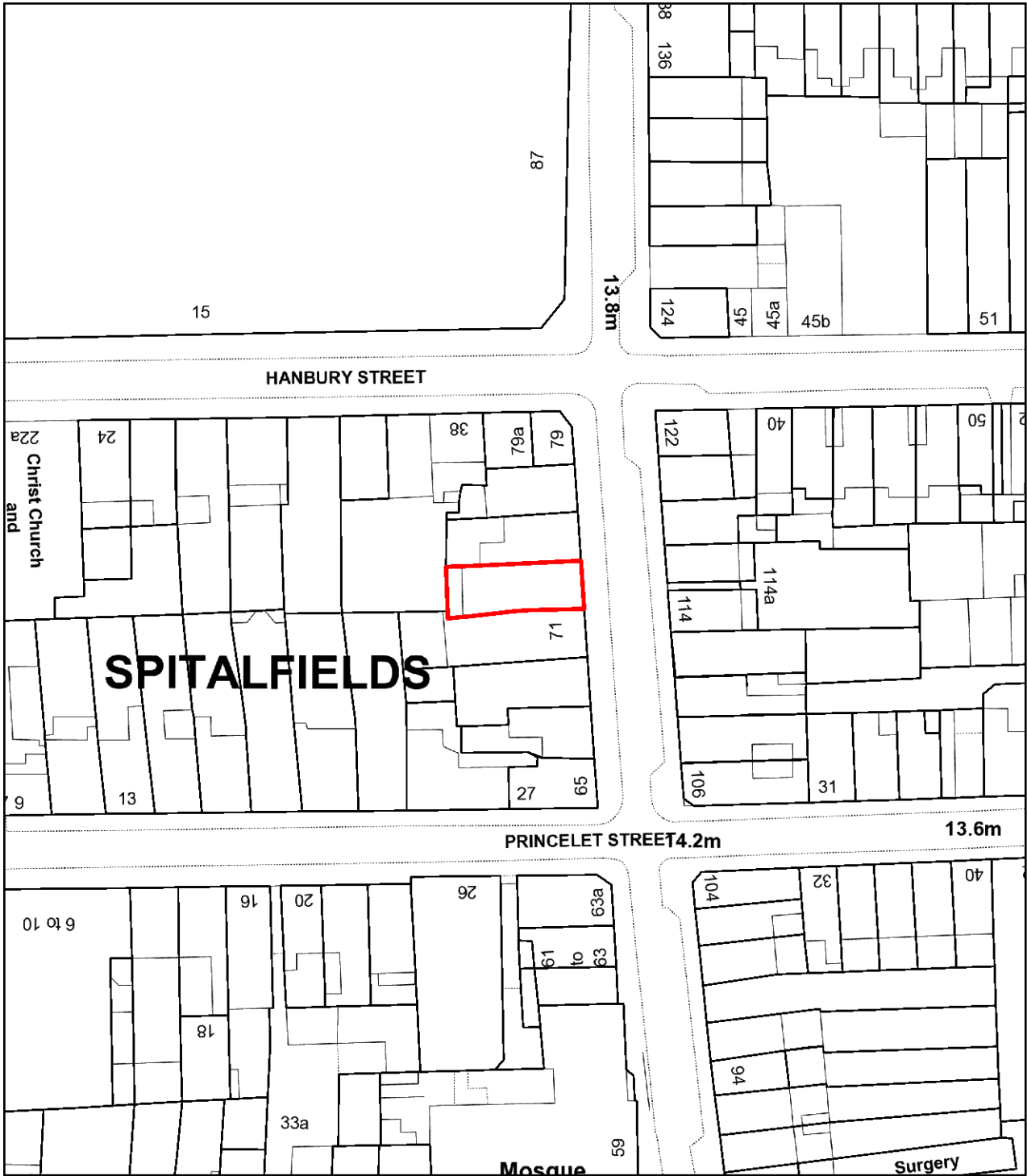
Capacity

Contact name (where not previously given) and postal 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 by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

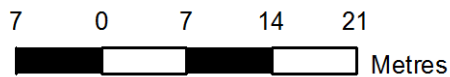
Appendix 5

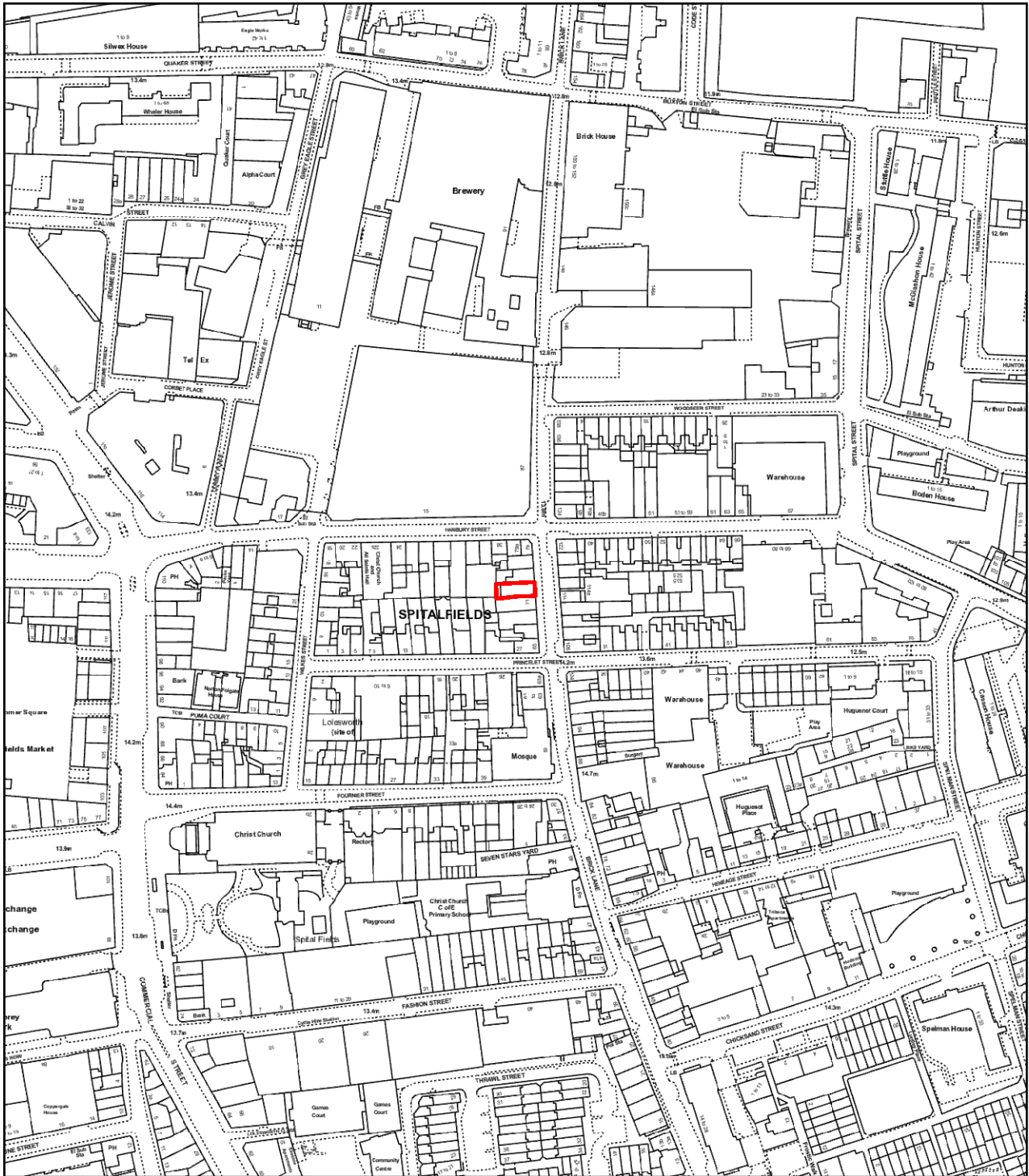


73 Brick Lane



Scale 1:759

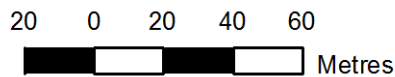




73 Brick Lane



Scale 1:2657



Appendix 6

Mohshin Ali

From: Conor McLernon [REDACTED]
Sent: 02 March 2015 18:22
To: Licensing
Subject: Fwd: Muhib, 73 Brick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

I understand there was a procedural issue with the original review.

Please find the Spitalfield Society's resubmission.

----- Forwarded Message -----

Subject: Muhib, 73 Brick Lane
Date: Thu, 12 Feb 2015 23:45:58 +0000
From: Conor McLernon [REDACTED]
To: licensing@towerhamlets.gov.uk

Dear Sir/Madam

I represent the Spitalfields Society and wish to enter an opinion on the current license review of Muhib at 73 Brick Lane.

Having heard directly about the attack that occurred at the restaurant from some of our members, and having now read through the details of PC O'Rourke's report within the license review documentation – it is clear that what occurred was a very frightening and brutal attack.

The Society cannot see how it is tenable for this establishment to retain its license given what has happened. Brick Lane has enjoyed renewed popularity of late. There is a responsibility to send a message that the area is safe. Assaults on customers cannot be tolerated.

At our recent Society discussion about this restaurant, a number of us had been personally touted when walking past the restaurant. Given this, and the testimony by PC O'Rourke, along with earlier transgressions it seems this establishment is not playing by the rules.

Brick Lane should be a safe and inviting environment – what has occurred here is intolerable. We would ask that the Licensing Committee take a proportionate judgement in light of what has occurred.

Yours faithfully,

Conor McLernon

Appendix 7

Mohshin Ali

From: Jon Shapiro [REDACTED] >
Sent: 07 March 2015 02:20
To: Licensing; Mohshin Ali
Cc: Alan.D.Cruickshank@met.pnn.police.uk; 'Mark Perry';
Brendan.P.O'Rourke@met.pnn.police.uk
Subject: RE: License Review for the "Muhib" Restaurant at 73 Brick Lane, London E1 6QL
Importance: High

Re-Submission

Dear Sir or Madam,

I would like to request that this Licence Review should wholly revoke the current alcohol License on the grounds of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

as the most recent incident that occurred on Saturday 13th December 2014 demonstrates in my opinion that the current management of the premises is totally irresponsible and unacceptable.

For many years our Borough Police Commanders have stated that the Brick Lane area is the “number one policing problem” in Tower Hamlets, and I believe it is the duty of the LBTH Licensing Committee to provide every possible assistance to the police in bringing this problem under control.

The Brick Lane area is plagued by ASB and the resulting statistics hospital admissions to A&E are horrific. I believe that the Licensing Committee should be assisting the Police and other authorities in reducing the over-supply of alcohol in the area which is the driving force behind these problems.

For far too long such ASB and breaches of regulations have apparently been tolerated, and particularly within the CIZ I believe that such behaviour should be treated with “zero tolerance”. Whether the Licensing Committee does, or does not, agree to “zero tolerance” I believe that the incident on 13th December was so serious that the premises Licence should clearly be wholly revoked.

For all the reasons quoted above I request **most strongly** that the Licensing Review should **wholly revoke** the current License, and I would like to make this request as:

- 1) A resident of Spitalfields
- 2) Chair of the Police Ward Panel, and on behalf of the Ward Panel
- 3) Chair of SPIRE which now speaks on ASB matters for local resident and community groups representing over 700 local residents in the Brick Lane area, and on behalf of those 700+ local residents.

Yours faithfully,
Jon Shapiro.

Resident at:

[REDACTED]
[REDACTED]

Appendix 8

Mohshin Ali

From: StGeorgeResidents'Association [REDACTED]
Sent: 26 February 2015 13:32
To: Mohshin Ali; Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk; Brendan O'Rourke; Ashley Rose
Subject: "Muhib", 73 Brick Lane, Premises Licence, Police request for Licence Review

From
Margaret Gordon - Chairman, St George Residents' Association
c/o The concierge office
31 Lamb St,
London
E1 6ED

To Licensing Team,
Trading Standards,
LBTH.

26 February 2015

Dear Licensing Team,

Re: Police request for Licence Review of "Muhib", 73 Brick Lane, London

SGRA is for residents in 192 flats situated between Folgate Street and Lamb Street. We are a few minutes walk from Brick Lane and regularly put up with alcohol related antisocial behaviour from any of the local licensed premises, including those on Brick Lane. We are pleased that LBTH introduced the policy of the Cumulative Impact Zone, centred on Brick Lane.

The financial and social costs of antisocial behaviour will only stop increasing if the LBTH Licensing Committee puts this policy into practice at every opportunity - either when new licences are applied for or when a review of a licence is requested. In this instance the Police have requested a review following serious incidents at 73 Brick Lane.

SGRA asks that the licence to sell alcohol at the premises be REVOKED FULLY in order to prevent future danger to the customers and public. May I also suggest that the restaurant be CLOSED in order that Muhib cannot offer customers to 'bring your own alcohol'. The management is clearly irresponsible and unfit to operate any sort of services to the public, whether that includes serving alcohol or not.

Yours sincerely,
Margaret Gordon.

Appendix 9

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

Updated March 2015

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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. 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 or the sexual exploitation of children. 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 hard copy, unless the licensing authority waives this requirement.
- 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 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)¹⁰;
 - 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 to address the causes of concern that instigated the review.
- 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, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises

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

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

for the sale and distribution of illegal firearms;

for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

for prostitution or the sale of unlawful pornography;

by organised groups of paedophiles to groom children;

as the base for the organisation of criminal activity, particularly by gangs;

for the organisation of racist activity or the promotion of racist attacks;

for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

for unlawful gambling; and

for the sale or storage of smuggled tobacco and alcohol.

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

Review of a premises licence following 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;

notice of the hearing must be given no later than five working days before the first hearing 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 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 10

Crime and disorder - S182 Updated March 2015

- 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 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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. 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.

Appendix 11

Crime and Disorder – Licensing Policy, updated March 2015

- 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 2000. (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 12

Crime and Disorder – Licensing Policy, updated March 2015

- 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 2000. (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:-
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- 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 13

Prevention of Nuisance – Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 14

Public safety - S182 Updated March 2015

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33- 8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 15

Public safety – Licensing Policy182 Updated March 2015

- 9.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 9.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire and Emergency Planning Authority before preparing their plans and Schedules.
- 9.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 9.4 The Licensing Authority, where its discretion is engaged, will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a Model Pool of Conditions as proportionate and appropriate are contained in Appendix 2.
- 9.5 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.