

Appendix 1



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 PC 189HT Alan Cruickshank, 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

ALADIN
132, Brick Lane,

Post town
London

Post code (if known)
E1 6RU

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

Aladin Brick Lane Restaurant Ltd

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

18213

Part 2 - Applicant details

- I am
- Please tick yes
- 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

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)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 189HT Cruickshank 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) Alan.Cruickshank@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 licensing objective.

This venue has been at the forefront of many incidents in Brick Lane. So much so the Tower Hamlets Borough Commander authorised a 48 hour Closure Notice under Part 4, Chapter 3, Section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014 on Sunday 22nd March 2015. Police applied for a Closure Order on Tuesday 24th March 2015, but the Court did not grant one.

This related to the following two incidents.

- On **Saturday, 21st March 2015** at approximately 18:30 hours there was a dispute involving touts between The Bengal Village and Aladin restaurants. The manager of The Bengal Village stated that "*Aladin is the cause of all the trouble in the area*". The incident escalates into a large scale disturbance (which I would describe more accurately as an 'Affray') outside Aladin, where at approximately 18:36:45 hrs (on Cam 38), a male believed to be the manager from Bengal Village is seen to walk up BRICK LANE from a premises obscured on CCTV (but pretty much it being the location of Bengal Village) towards ALADIN, where an altercation takes place in which ten males are seen to push and shove etc. This escalates into a much larger group with up to 15 other males seen to run from the south of the venues to join in (or watch?), it spills into BRICK LANE and then into the residential area of WOODSEER STREET at 18:35 hours. A male known to PC O'Rourke can be clearly seen in the middle of it all tussling with a male and this is only a few hours after he is released from police custody. Police are not called, nor attend and there is no CAD, but it was captured on CCTV.

This incident is part of a long ongoing dispute between the two restaurants. It

escalates again later in the evening and directly is linked to the next incident at 22:00 hrs.

- **Saturday, 21st March 2015** at approximately 22:00 hrs - CAD 8784/21MAR15 and CRIS 4207433/15. It was also captured on CCTV. The above matter flares up again outside Aladin, after the manager from The Bengal Village attends outside 132, Brick Lane (Aladin), where a further Affray in the middle of the road at 22:01 hours, causing traffic to stop. A male who has an interest in Aladin is later arrested for a Section 4 Public Order Act 1986 offence (C/N 01HT/1533/15 refers) and one suspect (believed to be a waiter from Aladin) is outstanding. He is seen to walk off down HANBURY STREET. There are multiple conflicting accounts by management or staff at Aladin about who he the suspect is in what appears to be an effort to conceal his identity. The arrested male in his interview with police stated that the incidents occurred over a 'touting dispute'. He received a Penalty Notice for Disorder for a Section 5 Public Order Act 1986 offence.

However , since that time it is now clear that the staff and management has paid no heed to the serious nature of the closure notice application and continue to have a predisposition for violence and see it is a legitimate tool to solve their disputes.

I would also like to refer to the letter sent to Aladin by John McCrohan of LBTH Licensing, dated the 23rd April 2015. (please see attached letter)

In it he states" The purpose of this letter is to remind you of your responsibilities as a premises licence holder. In addition, I am going to invite you to apply for a minor variation to your premises licence to add CCTV conditions." He continues " Licence premises will always have an impact on the area they trade in. The promotion of the licensing objectives seeks to ensure that the impact for example does not lead to crime and disorder"

Further, in relation to the closure order application made by the Metropolitan Police " I have concerns about the management of the premises and the impact it is having in relation to crime and disorder in light of the evidence adduced by the police. Should there be further instances of crime and disorder at your premises, in the opinion of this office, there will be clear grounds to seek a licensing review....."

At the time of writing this report, there has been no application to add a CCTV condition to their licence.

This review has been instigated after the following two incidents and the accumulation of past incidents. Over the Bank Holiday weekend of the 22nd-25th May 2015 there was two GBH's either occurring in Aladin or involving staff from Aladin. It included a victim who was stabbed twice. It is unfortunate, that the timeframe for an 'Expedited Review' passed.

- **Monday - 25th May 2015 - GBH with Intent, CAD 00245/25MAY15 @ 00:28 hrs; CRIS 4213508/15**

Two staff members from Aladin were arrested after a disturbance at A&Y Wines Off Licence at 119, Brick Lane in which a male was stabbed twice (at the time of writing this review on 04/06/15), the victim remains in hospital. One staff member was charged by the Crown Prosecution Service and was remanded overnight to Thames Magistrates Court on 26/05/15. The Magistrates further remanded him in custody to Snaresbrook Crown Court appearing first on 09/06/15. Enquiries are ongoing and due to that I will not expand further at this point. Suffice to say these are serious allegations. CCTV evidence to be provided to the committee if this does not conflict with the criminal investigation.

Sunday - 24th May 2015 - GBH, CAD 8792/24MAY15 @ 22:10 hrs; CRIS 4213507/15

The victim was touted outside the restaurant and entered with his partner and

two friends. They found what looked like a hair in the mango chutney and the staff refused to change it. At this, they decided to leave the restaurant and asked for the bill, as they had eaten some papadums. On being told it was £9.00, the victim queried this, but paid it, when he got up to leave he was told to "shut up", at which point he was set upon and assaulted and spilled from the premises into Brick Lane. The assault escalated with 15-20 males joining in punching and kicking him repeatedly, Two more in the party received injuries one a 1" cut to the knee and the other was punched.

CCTV to be provided if it does not conflict with the criminal investigation.

- **On Saturday, 7th February 2015 @ 23:15 hrs - Allegations of Racial Abuse (CRIS 4203403/15; C/N HT/0756/15)** - There was a dispute over a bill in which started with an unexpected charge of £4.00 for bringing out a birthday cake and an outstanding amount of 0.85 pence on a £200 bill. Subsequent allegations of racial abuse were made by staff against the customer, who was arrested, but later released with no further action after conflicting accounts from staff and no independent witnesses.
- **On Friday, 6th February 2015 @ approximately 22:25 hrs - Common Assault (CAD 9770/06FEB15 @ 22:29 hrs; CAD 9965/06FEB15 @ 22:54 hrs; CRIS 4203302/15; HTRT00413556)** - It is alleged by the victim in this matter (who is a waiter/tout at a rival restaurant) that he was assaulted by a male known to him who has a controlling interest in Aladin. This began after an argument over touting for each others customers. The victim eventually declines to substantiate the allegation or make a statement as he feels intimidated. The matter is however still being investigated, but the victim has so far not returned a number of phone calls or replied to emails sent to him.
- **On Sunday, 4th January 2015 @ 23:40 hrs (4200343/15; HTRT00411832; CAD 7738/04JAN15 @ 23:43 hrs; CAD 7789/04JAN15 @ 22:53 hrs)** - Section 4 POA / Affray - the footage shows a quite nasty affray unfolding

spilling out from Nazrul/Aladin and up towards Dray Walk - multiple weapons used by waiters, which appear to be baseball bats and belts... Once again a male known to have an interest in Aladin via his brothers, is present, but appears 'to run' with the mob, rather than be directly involved. Either way, he makes no effort to interject, nor call the police? There are several other waiters joining in from surrounding premises (one is recognised from Sheba). This is linked to the incident on Friday 2nd January 2015 (below). A member of the management advises the investigating officer that he *has* CCTV of the incident, but despite the officer trying to contact him on seven separate occasions by telephone or letter, he does not respond or engage with police and the CCTV is never handed over.

- **Friday, 2nd January 2015 @ 17:15 hrs - GBH (4200173/15)** - On the face of it, this matter is alleged to have started when the victim says he tried to open a bottle of cider on the metal shutter of an Indian restaurant and staff attacked him and his friends for this. Their original destination was Aladin. Paramedics arrive and take the victim to hospital with a suspected fractured right shoulder and cut lip. Friends of the victim arrive at the hospital and give a candid account of meeting up in Shoreditch High Street and walking to a curry restaurant in Brick Lane, where an altercation with a 'tout' took place.
- **Thursday 18th December 2014** - Our partners at London Borough of Tower Hamlets CCTV also mentioned another incident at Aladin on 18/12/14 (**CAD 9968/18DEC; CRIS 4232682/14**); It seems to be a Christmas party gone wrong, (possibly due to heavy drinking inside the venue)... Maln victim apparently received 18 stitches, with a very visible and painful looking split down one side of his head on the CCTV. C/N HT/6455/14 refers.
- **17/12/14 - Distressed customer verbally abused** - (CAD 7379/17DEC14 @ 18:03 hrs " Civil dispute") - Original caller to police states her friend has just called her to say she has been abused near Brick Lane, operator asks that

the victim call police direct quoting this CAD reference. She does and is crying, she tells the operator that a male waved her into his restaurant (Aladin) and ordered food which she did not like and refused to pay the bill of £18. She spoke to the manager who knocked off £10, but then a worker started to verbally abuse her and for her to get out of the restaurant. No threats of violence made, police do not attend.

- **26/07/14 - 23:15hrs - Balloon Sellers (laughing gas) Fight - Staff member seen on CCTV to intentionally bump into a balloon seller walking past Aladin which erupts into a brawl in Brick Lane.**
- **14/06/14 - Common Assault (CAD 10379/14JUN14 @ 22:18 hrs; CAD 10427/14JUN14 @ 22:22 hrs); CRIS 4214662/14) - Dispute over the bill.** Victim calls 999 and states a male has hit her round the face and has threatened to come back and stab her. Male said to have taken a knife from the kitchen and then ran round the corner. Suspect is described as an Aslan male, 20-22 years old, 5'03" tall and wearing a black uniform from the restaurant.
- **01/06/14 - CAD 00387/01JUN14 @ 00:40 hrs - Allegations of assault.** I attended the scene with response officers. The victim alleges she was assaulted by staff and also that they hit her brother-in-law on the head with a bottle - after a dispute over their bill (which they are said to have torn up). Staff deny any assault and claim the customers had refused to pay. Advised that their CCTV was not working....
- **Friday, 11/10/2013 GBH - 4226920/13; CAD 00191/11OCT13 - Whilst this is a historic GBH, it is particularly very nasty and another example of how this business is poorly run, as the management removed the CCTV hard-drive overnight.** The victim and around 10 friends visit Aladin from university, he is a music student. There is a dispute over the bill and as he is one of the older

students he steps in to sort it out - but remembers receiving a blow to the back of his head. He leaves the venue, but for unknown reasons later returns and again he appears to be led away on CCTV down a side street. CCTV alert police and he is later found by a dog unit down a side street, he is assaulted so violently he has had to have wires put in his hand. CID are advised to contact 'Raj' the manager, but he does not engage police and the Investigating officer describes him as *"not very helpful and very flippant to my [CCTV] request"*. It later transpires that the CCTV hard-drive has been removed from Aladin. There is some CCTV from Nazrul, but the quality is too poor to be of any use.

The Metropolitan Police Licensing Unit has no confidence whatsoever in the management of this venue and do not believe any further conditions could lead to the premises licence holder upholding the Licensing Objectives

I ask the committee to revoke the premises licence:

Alan Cruickshank PC 189HT

Please tick ? yes

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

If yes please state the date of that application

Day	Month	Year

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

On 23/07/13 - The premises licence was last updated after a review hearing on 23/07/13, when CCTV and 'anti-touting' conditions were added. The benefits of the 'stronger' CCTV conditions prove invaluable in this matter.

On 30/04/13 - Trading Standards instigated a review, supported by police - the LSC revoked the premises licence after it was found that they had operated during a period of suspension.

On 06/12/13 - Trading Standards instigated a review, supported by police - The LSC suspended the premises licence for a period of 4 weeks after they were found to have touted.

And 30/04/13 - Review instigated by Trading Standards and supported by police (PC Cruickshank)

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.

Signature:



1894TT

Date: 17/06/2015

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)	

Notes for Guidance

- 1** 1. The ground(s) for review must be based on one of the licensing objectives.
- 2** 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3** 3 The application form must be signed.
- 4** 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5** 5 This is the address which we shall use to correspond with you about this application.

Appendix 2

**Aladin Brick Lane Limited
132 Brick Lane
London
E1 6RU**

**Licensable Activities authorised by the licence
Late Night Refreshment
Regulated Entertainment (recorded music only)**

See the attached licence for the licence conditions

Signed by **John McCrohan** 
Trading Standards and Licensing Manager

Date: 24 February 2006



Part A - Format of premises licence

Premises licence number

18213

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
Aladin Brick Lane Limited
132 Brick Lane

Post town
London

Post code
E1 6RU

Telephone number
[REDACTED]

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence

Late Night Refreshment
Regulated Entertainment (recorded music only)

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday to Thursday from 23 00 hrs until midnight

Friday and Saturday from 23 00 hrs until 01 00 hrs the following morning

Regulated Entertainment

Sunday to Thursday from 12 noon hrs until midnight

Friday and Saturday from 12 noon until 01 00 hrs the following morning

The opening hours of the premises

Sunday to Thursday from 12 noon until 00 30 hrs the next day

Friday and Saturday from 12 noon until 01 30 hrs the following morning

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

Not applicable

Part 2

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

Aladin Brick Lane Limited.
132 Brick Lane
London
E1 6RU



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

Company No.8590574

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

Not applicable

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

Not applicable

Annex 1 - Mandatory conditions

Annex 2 - Conditions consistent with the operating Schedule

The ground floor only is to be used for regulated activities

Regulated Entertainment is consist of recorded music only (cassette and CD) low volume

No gaming machine, film or cabaret performance

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

No person will knowingly be permitted, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions.

Customers may not bring in alcohol after 23 00 hrs

Notices to be erected and maintained asking customers to leave quietly

Annex 4 - Plans

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

17 November 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

18213

Premises details

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

Aladin Brick Lane Limited
132 Brick Lane
E1 6RU

Post town
London

Post code
E1 6RU

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment
Regulated Entertainment (recorded music only)

The times the licence authorises the carrying out of licensable activities	<p>Late Night Refreshment Sunday to Thursday from 23 00 hrs until midnight Friday and Saturday from 23 00 hrs until 01 00 hrs the following morning</p> <p>Regulated Entertainment Sunday to Thursday from 12 noon hrs until midnight Friday and Saturday from 12 noon until 01 00 hrs the following morning</p>
The opening hours of the premises	<p>Sunday to Thursday from 12 noon until 00 30 hrs the next day Friday and Saturday from 12 noon until 01 30 hrs the following morning</p>
Name, (registered) address of holder of premises licence	<p>Aladin Brick Lane Limited. 132 Brick Lane London E1 6RU</p>
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	<p>Not applicable</p>
Registered number of holder, for example company number, charity number (where applicable)	<p>Company No. 8590574</p>
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	<p>Not applicable</p>
State whether access to the premises by children is restricted or prohibited	<p>No</p>

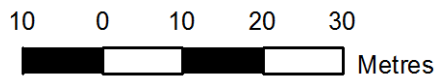
Appendix 3

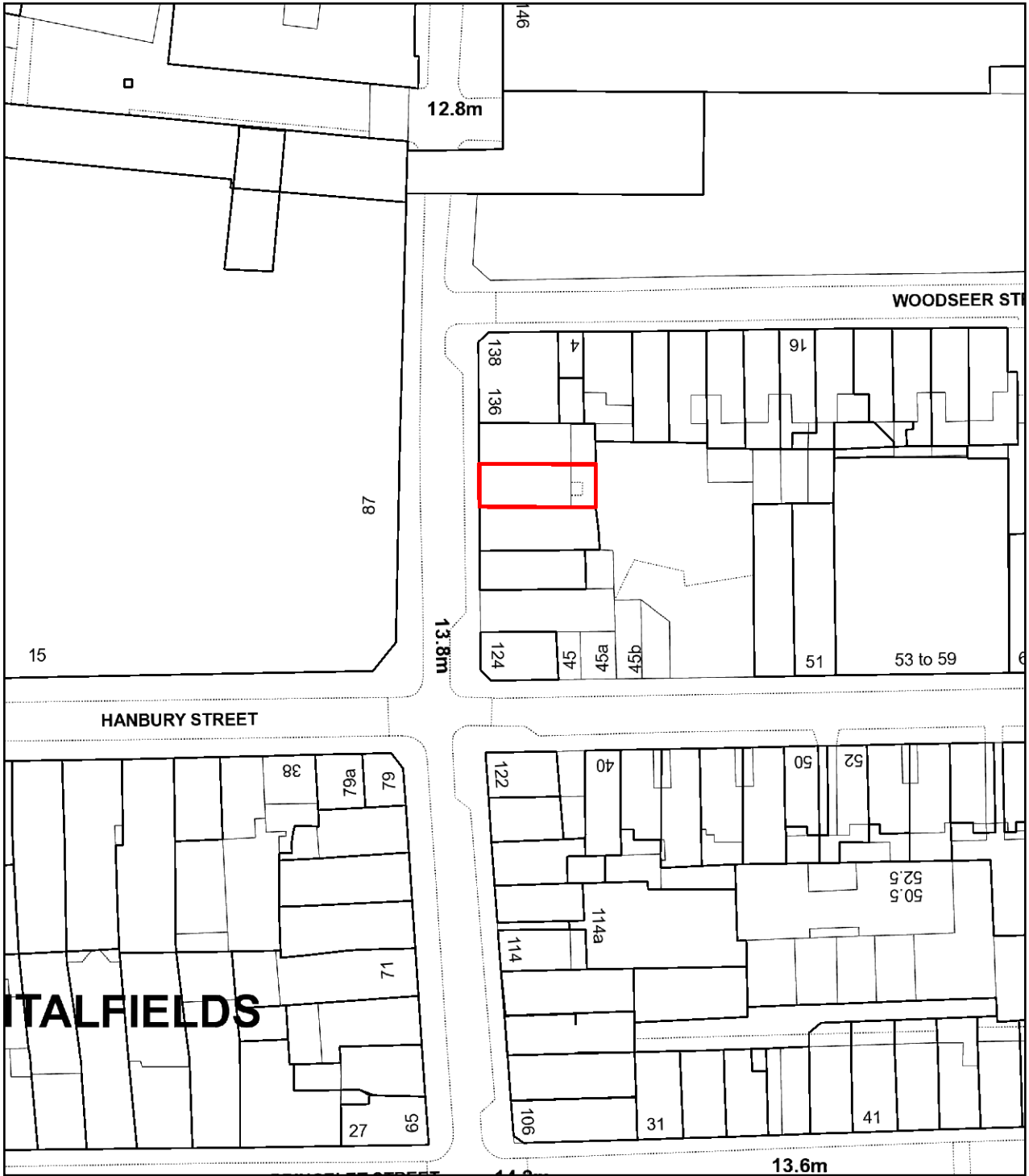


132 Brick Lane



Scale 1:1153

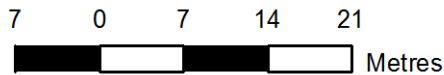




132 Brick Lane



Scale 1:769



Appendix 4



2009-2010
Investment opportunities for business
2009-2010
Preventing and tackling child poverty
2003-2009
A year of 2 projects
Beacon Awards



Communities, Localities and Culture

Safer Communities

Head of Consumer and Business Regulation
Service: David Tolley
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY
Tel 020 7364 5008
Email
john.mccrohan@towerhamlets.gov.uk
www.towerhamlets.gov.uk

(Aladin Brick Lane Limited)

**Licence No. 18213 (Premises Licence holder - Aladin Brick Lane Limited)
132 Brick Lane
London
E1 6RU**

Representation in support of application for the Review of the Premises Licence under Section 51 of the
Licensing Act 2003

London Borough of Tower Hamlets – Local Weights and Measures Authority

REPRESENTATIONS

1. The Local Weights and Measures Authority is designated as a 'responsible authority' for the purposes of the Licensing Act 2003 and is supporting the Review raised by the Police of the premises licence for the premises at 132 Brick Lane, a business known as Aladin Brick Lane Ltd.
2. I produce as exhibit **JMCC/1**, a graphic of the links of the directors of the limited companies associated with 132 Brick Lane.
3. The restaurant premises is a family business operated by a number of brothers bearing the surname Ahmed.
4. The Ahmed brothers also operate the next door restaurant Nazrul at 130 Brick Lane.
5. The Ahmed brothers have been operating the restaurant at 132 Brick Lane since at least 2011

Health and Safety warning to consumer and business regulation staff

6. The premises has a health and safety warning to Consumer and Business Regulation staff marked on the council's APP database that holds the records of Regulatory interactions with the premises. This follows concerns about the aggressive behaviour of the members of staff at the premises
7. I produce as exhibit **JMCC/2** a list of complaints recorded against the premises by Trading Standards.

Advice about business names and restaurant testimonials - Trading Standards visit – letter of advice - Trading Standards staff verbally abused.

8. On 10th December 2011 Trading Standards staff visited the premises and hand delivered a letter of advice under the Consumer Protection from Unfair Trading Regulations 2008, a copy of which I produce as exhibit **JMCC/3**. The Trading Standards staff were abused by the restaurant staff and Nazir Ali, Senior trading Standards officer's note on the Civic APP record for the visit states:-

10/12/2011 23:59 NA

With NW & KM - hand-delivered advice letter to Mr Raju Miah - Mr Miah was saying that I was bullying him and his staff. He has already made formal complaint about me to Colin Perrins using his barrister. 3-4 of his brothers and staff surrounded us -

he was abusive and said any issues between BBC and Evening Standards was his personal problems and nothing to do with Trading Standards. He said he was authorised to use BBC and Evening Standards logos. He said he had this in writing. Then went and removed two small posters from the window saying theres nothing on the window. He threw the letter on the floor and said that we should only communicate with him via his barrister. We left at this stage.

Consumer complaint C75928 consumers assaulted and physically removed from the premises when challenged bill unfair commercial practices – aggressive behaviour, misleading actions and omissions

9. On 3rd June 2014 Trading Standards received a complaint from a consumer about being physically being removed from the premises after having challenging the bill presented at the end of the meal as it felt that there was overcharging.
10. Sean Rovai Principal Consumer Services Officer spoke to the complainant on 27th June 2014 and his record of the conversation is as follows:-

Apologised for delay in responding.

C states that at the end of the meal they were given a hand-written bill with just a total sum of £108.00. C thought that this was excessive and so challenged the manager who was adamant that it was correct. C then insisted that he write down everything that they ate, which he did but refused to write down the price for each item. C then went through the menu and checked the prices against what was listed, from which she calculated that they had been overcharged by approx £40.00. T still would not accept this and an argument broke out which lead to some of her party being assaulted and the police called. C feels that T were deliberately taking advantage and were gambling on the fact her party may have had too much to drink to notice. C has not kept the bill that was issued to her.

However C has since been on trip advsisor and says that a number of customers of T have reported simillar problems.

Advice about unfair commercial practices-aggressive behaviour and requirement to produce itemised bills

11. Trading Standards staff held a meeting with Suhail AHMED and one Shams UDDIN of Hempstead Law Practice.

12. Verbal advice was given to Mr Ahmed about unfair commercial practices and an advice letter was sent to Mr UDDIN, a copy of which I produce as exhibit **JMCC/4**.

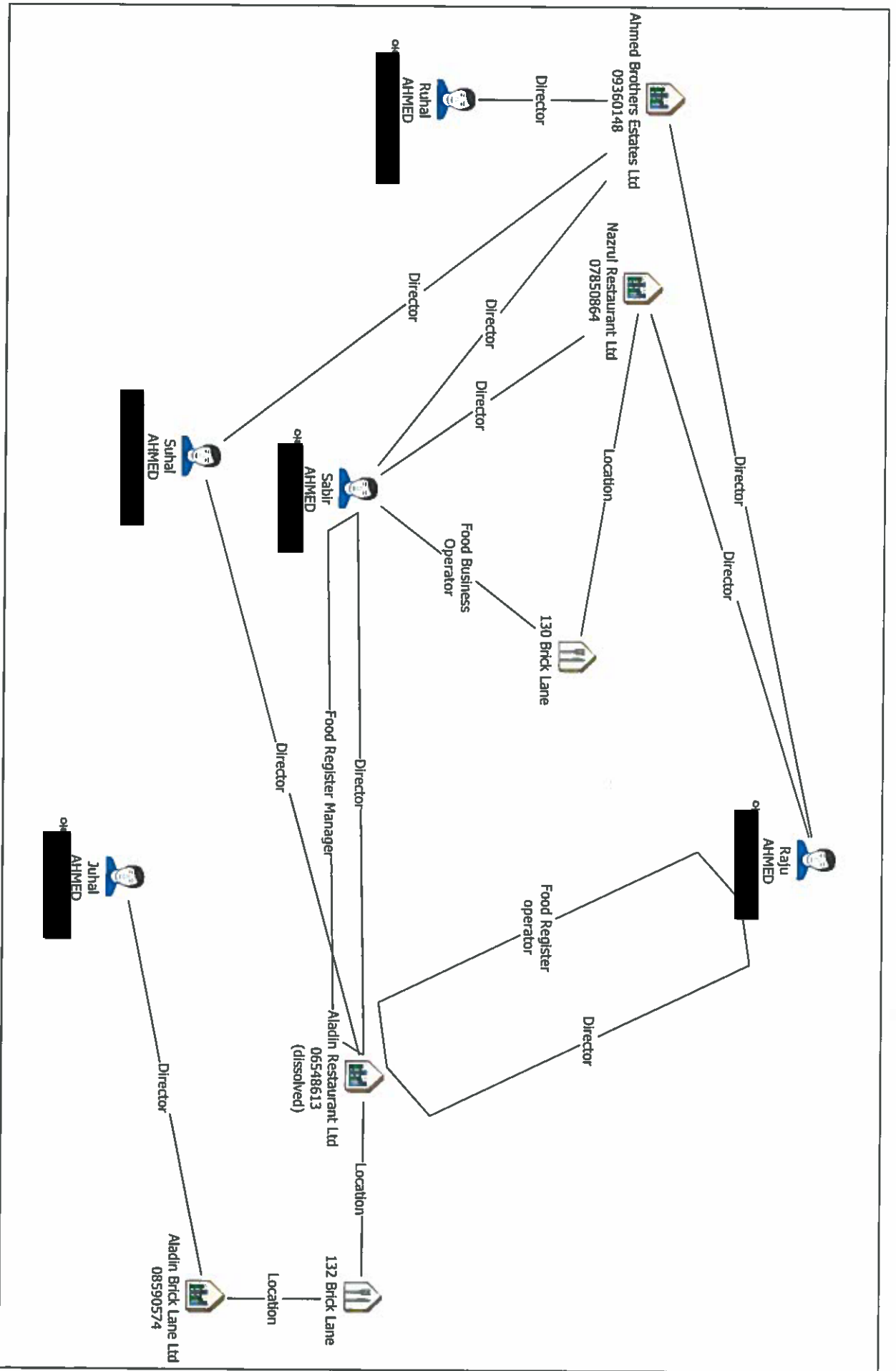
Advice about removing the claim of “Declared Winner for Best European Curry Awards” from your website

13. Trading Standards received a complaint about claims made on a website operated by the business. The complaint was that the accolade “ Declared Winner for the Best European Curry Awards” was false.
14. Following an approach by Trading Standards, the claim was removed from the web site. I produce as exhibits **JMCC/5** and **JMCC/6** letters sent to the business about the accolade complaint.
15. False claims are possible offences under Regulation 9 of the Consumer Protection from Unfair Trading Regulations.
16. Members may want to note that the allegations around the assault relates to a dispute over a bill.
17. There is evidence of unfair commercial practice and aggressive behaviour at the premises, which are possible criminal offences under the Consumer Protection from Unfair Trading Regulations 2008. In addition, there is evidence of the business making false claims, matters that again are possible criminal offences under the aforementioned Consumer Protection from Unfair Trading Regulations 2008
18. There is clear evidence that the business: makes false claims, acts aggressively and its staff are involved in violence. The Local Weights and Measures Authority has no confidence in the premises licence holder acting in a way to promote the Licensing Objectives and it therefore, supports the Police’s application for the revocation of the premises licence.


John McCrohan

Trading Standard and Licensing Manager

Jmcc/1



JMCC/2

refno	pname	paddress2	rdate	detail
58549	Aladin Restaurant Ltd	132 Brick Lane	28/04/2011	Put on their website that Price Charles ate chicken tikka masala ther
61953	Aladin Restaurant Ltd	132 Brick Lane	05/10/2011	ENO/12/052- Aladin Restaurant - response due 18/10/11
79324	Aladin Restaurant Ltd	132 Brick Lane	06/03/2015	Consultation for closure power
80518	Aladin Restaurant Ltd	132 Brick Lane	16/06/2015	consumers attacked after complaining over charged
55133	Aladin Restaurant Ltd	132 Brick Lane	26/10/2010	T is making misleading statements re:BBC approval
57329	Aladin Restaurant Ltd	132 Brick Lane	21/02/2011	Displays claim about BBC award of best restaurant in world
62632	Aladin Restaurant Ltd	132 Brick Lane	09/11/2011	using BBC and other logos and making claims
75928	Aladin Restaurant Ltd	132 Brick Lane	03/06/2014	Was overcharged and when complained was physically removed
76687	Aladin Restaurant Ltd	132 Brick Lane	25/07/2014	C believes T misleading their restaurant won award.

JMC43



TOWER HAMLETS

Communities, Localities and Culture

Safer Communities

Head of Commercial Service: **Colin Perrins**

**Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London, E14 1BY**

Tel **020 7364 5008**
Fax **020 7364 6901**
Enquiries to: Nazir Ali
Email : nazir.ali@towerhamlets.gov.uk
www.towerhamlets.gov.uk

Date: 10-12-2011

Dear Mr Ahmed,

Companies Act 2006, Section 1200 – disclosure of business ownership details.
The Companies (Trading Disclosures) Regulations 2008 – disclosure of company details
Consumer Protection from Unfair Trading Regulations 2008 – “World’s Best Curry House”

Further to my ongoing efforts to improve the trading practices in the Brick Lane area, it has been brought to my attention that many restaurants fail to display the business ownership details on their premises. It is a legal requirement under the Companies Act 2006 to display the details of the ownership for customers and interested parties to know who they are dealing with. Please find enclosed a form which you must fill in and display in a prominent place for customers and interested parties to see. We will visit your premises within the next 14 days to ensure that you have complied with these requirements. Any non-compliance may result in further action being taken against you and your business.

Consumer Protection from Unfair Trading Regulations 2008 - False claims as to approval, endorsement and authorisation.

Furthermore, some restaurants are displaying false awards and recommendation banners on their premises as well as on their websites. This practice is prohibited by the Consumer Protection from Unfair Trading Regulations 2008.

Regulation 3(1) of the Consumer Protection from Unfair Trading Regulations 2008 prohibits unfair commercial practices. Regulation 3(4) (d) says a practice is unfair if it is listed in Schedule 1. Schedule 1(4) states “Claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorised by a public or private body when the trader, the commercial practices or the product have not or making such a claim without complying with the terms of the approval, endorsement or authorisation.” This is an offence by virtue of Regulation 12. The penalty for an offence under Regulation 12 is on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Recently, colleagues in Westminster City Council have successfully prosecuted a restaurateur for use of fake logos and recommendations: -



2009-2010
Positive engagement of older people
2009-2010
Preventing and tackling child poverty
2003-2009
Winner of 7 previous
Beacon Awards



**Corporate Director
Communities, Localities & Culture
Stephen Halsey**

<http://www.caterersearch.com/Articles/2010/12/13/336300/London-curry-house-fined-for-fake-reviews.htm>

Therefore, if you cannot prove that you have received recommendations and awards from newspapers and or recognised curry/restaurant guides, you must remove it from your premises and any advertising materials including websites. We will be prosecuting traders that continue to mislead customers. Enclosed is a leaflet which further explains the legal requirements.

Consumer Protection from Unfair Trading Regulations 2008 - Courses

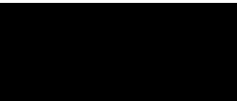
Many restaurants advertise special lunches, often of 3 Courses. Some of these say that rice or naan bread or tea or coffee is a course. It is this Service's opinion that neither tea or coffee nor bread or rice are courses. This opinion is based on the Oxford English Dictionary Online definition of a course as "*a dish, or a set of dishes served together, forming one of the successive parts of a meal*". The definition of a dish is "*the food contained or served in a dish*" or "*a particular variety or preparation of food served as part of a meal*".

If one of the courses was tea or coffee or bread or rice, this would be giving misleading information to consumers which is prohibited by the above Regulations. It is a criminal offence to breach this legislation, punishable, in the Magistrates' Court, by a maximum fine of £5,000. The Crown Court can impose an unlimited fine or imprisonment for up to two years or both.

We suggest that you seek advice and assistance from an independent legal advisor regarding these matters.

Should you require further information, please do not hesitate to contact this department.

Yours sincerely,



Nazir Ali
Senior Trading Standards Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey

LISTED ON BBC H2G2 AS ONE OF THE
WORLD'S BEST CURRY HOUSES
<http://www.bbc.co.uk/dna/h2g2/A123823>

JMCC/4



PRIVATE AND CONFIDENTIAL

Mr Juhal Ahmed
Director
Aladin Brick Lane Ltd
132 Brick Lane
London E1 6RU

Date: 9th September 2014

Your reference
My reference: C075928

**Communities, Localities & Culture
Trading Standards and
Environmental Health
(Commercial)**

Head of Service **David Tolley**

Mulberry Place
6th Floor – Support Services
5 Clove Crescent
London, E14 2BG

Tel **020 7364 5008**

Fax **020 7364 6901**

Enquiries to **Nazir Ali**

Email

nazir.ali@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Mr Ahmed,

FORMAL ADVICE –

**Re: Consumer Protection from Unfair Trading Regulations 2008 –
Regulation 3(3) – Requirements of professional diligence
Regulation 5 - Misleading Action – total prices and itemised billing
Regulation 6 – Misleading Omission – total prices and itemised billing**

I write with reference to our meeting of 8th August 2014, where you were legally represented by Mr Sham Uddin of Hampstead Law Practice.

I am writing to you with the formal advice that you must provide itemised billing to customers. In the opinion of this Office, this is a legal requirement under The Consumer Protection from Unfair Trading Regulations 2008. These regulations prohibit unfair commercial practices.

Failing to provide an itemised bill to consumers is in the opinion of this office is an "unfair commercial practice".

Unfair commercial practice- Misleading action – criminal offence

A commercial practice is a misleading action (Regulation 5), if it contains false information or its overall presentation in any way deceives or is likely to deceive the average consumer and it causes or is likely to cause the average consumer to take a transactional decision he would not have taken otherwise. This is an offence under Regulations 9.

*Corporate Director
Communities, Localities & Culture
Stephen Halsey*

Unfair commercial practice - Misleading omission – criminal offence

A commercial practice is a misleading omission (Regulation 6) if, in its factual context, it omits material information, hides material information, or provides material information in a manner which is unclear, unintelligible, ambiguous or untimely and as a result it causes or is likely to cause the average consumer to take a transactional decision he would not have taken otherwise. This is an offence under Regulation 10.

Unfair commercial practice – breach of professional diligence – criminal offence

In the opinion of this office, it is a requirement of professional diligence (by virtue of Regulation 3) to provide itemised pricing and billing. Failing to provide an itemised bill, materially distorts, or is likely to materially distort, the economic behaviour of the average consumer with regards to the price of the products. This is an offence by virtue of Regulation 8.

Commercial practice

Under the Regulations, a “commercial practice” means any act, omission, course of conduct, representation or commercial communication (including advertising and marketing) by a trader, which is directly connected with the promotion, sale or supply of a product to or from consumers, whether occurring before, during or after a commercial transaction (if any) in relation to a product;

Itemised bills - Transactional decision

For businesses to avoid contravening these Regulations, customers must be given itemised pricing before they make transactional decisions. A “transactional decision” means any decision taken by a consumer, whether it is to act or to refrain from acting, concerning—
(a) whether, how and on what terms to purchase, make payment in whole or in part for, retain or dispose of a product; or
(b) whether, how and on what terms to exercise a contractual right in relation to a product.

Itemised billing must be inclusive of all charges such as VAT and any service charges applied must also be clearly stated.

Responsibility of directors and managers

Regulation 15 of the regulations holds that directors and managers of a limited company can be prosecuted for offences committed by the Limited Company.

Penalty for offences

A person convicted of an offence under these Regulations would be liable on summary conviction to a fine not to exceeding £5000 and on conviction on indictment to an unlimited fine for a term not to exceed two years or to both.

If you have any queries with regard to the content of this letter then please do not hesitate to contact this Office. Alternatively, you may wish to seek advice and assistance from an independent legal adviser. We will be writing to all the restaurants in the Brick Lane and surrounding areas in relation to these Regulations and the need for itemised pricing. I enclose an advice leaflet on the Consumer Protection from Unfair Trading Regulations 2008.

Yours sincerely,

Nazir Ali
Senior Trading Standards Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey

Jmcc/S

JYK/MP



PRIVATE AND CONFIDENTIAL

Mr Juhal Ahmed
Director
Aladin Brick Lane Ltd
132 Brick Lane
London E1 6RU

Date: 9th September 2014

Your reference
My reference: C076687

**Communities, Localities & Culture
Trading Standards and
Environmental Health
(Commercial)**

Head of Service **David Tolley**

Mulberry Place
6th Floor – Support Services
5 Clove Crescent
London, E14 2BG

Tel **020 7364 5008**

Fax **020 7364 6901**

Enquiries to **Nazir Ali**

Email

nazir.ali@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Mr Ahmed,

FOR YOUR ACTION –

Consumer Protection from Unfair Trading Regulations 2008
Regulations 21(1)(b) - Request to produce documents

<http://aladinbricklane.net/>

<http://www.aladinbricklane.co.uk/awards.html> - Website - 'Declared Winner for Best European Curry Awards'

Claims as to approval, endorsement and authorisation.

This department has received a complaint which alleges that you are falsely claiming on your website that you are the 'winner of European Curry Awards' and that the awards does not exist.

Request to produce documents

Therefore, I have reasonable cause to suspect a contravention of the above legislation and require you to produce documents as evidence of you receiving the awards. This is a request under Regulations 21 of the Consumer Protection from Unfair Trading Regulations 2008.

*Corporate Director
Communities, Localities & Culture
Stephen Halsey*

Prohibition of unfair commercial practices

Regulation 3(1) of the Consumer Protection from Unfair Trading Regulations 2008 prohibits unfair commercial practices. Regulation 3(4) (d) says a practice is unfair if it is listed in Schedule 1. Schedule 1(4) states "Claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorised by a public or private body when the trader, the commercial practices or the product have not or making such a claim without complying with the terms of the approval, endorsement or authorisation." This is an offence by virtue of Regulation 12.

Unfair commercial practice- Misleading action – criminal offence

A commercial practice is a misleading action (Regulation 5), if it contains false information or its overall presentation in any way deceives or is likely to deceive the average consumer and it causes or is likely to cause the average consumer to take a transactional decision he would not have taken otherwise. This is an offence under Regulations 9.

Responsibility of directors and managers

Regulation 15 of the regulations holds that directors and managers of a limited company can be prosecuted for offences committed by the Limited Company.

Penalty for offences

A person convicted of an offence under these Regulations would be liable on summary conviction to a fine not to exceeding £5000 and on conviction on indictment to an unlimited fine for a term not to exceed two years or to both.

Recently, colleagues in Westminster City Council have successfully prosecuted a restaurateur for use of fake logos and recommendations: -

<http://www.caterersearch.com/Articles/2010/12/13/336300/London-curry-house-fined-for-fake-reviews.htm>

Therefore, if you cannot prove that you have received recommendations and awards from recognised curry/restaurant guides, you must remove them from your premises and websites. We will be prosecuting traders that continue to mislead customers.

We suggest that you seek advice and assistance from an independent legal advisor regarding these matters.

Should you require further information, please do not hesitate to contact this department.

Yours sincerely,

Nazir Ali
Senior Trading Standards Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey



PRIVATE AND CONFIDENTIAL

Mr Juhal Ahmed
 Director
 Aladin Brick Lane Ltd
 132 Brick Lane
 London E1 6RU

Date: 13th November 2014

Your reference
 My reference: C076687

**Communities, Localities & Culture
 Trading Standards and
 Environmental Health
 (Commercial)**

Head of Service **David Tolley**

Mulberry Place
 6th Floor – Support Services
 5 Clove Crescent
 London, E14 2BG

Tel **020 7364 5008**

Fax **020 7364 6901**

Enquiries to **Nazir Ali**

Email

nazir.ali@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Mr Ahmed,

<http://aladinbricklane.net/>

<http://www.aladinbricklane.co.uk/awards.html> -

Consumer Protection from Unfair Trading Regulations 2008

Further to my letter of 9th September 2014, thank you for removing the claim of "Declared Winner for Best European Curry Awards" from your website.

We are working with other companies you have listed on your website to ensure you are complying with the abovementioned legislation.

I also acknowledge the letters from your Solicitors; Hamstead Law Practice dated 20th September and 10th November 2014.

Unfortunately, we do not agree with your claims of harassment. The issues of touting, customer intimidation and misleading trading practices in the Brick Lane area is a major issue for Trading Standards, Licensing and the police. We are working in partnership to resolve these matters.

Yours sincerely,

Nazir Ali
Senior Trading Standards Officer

Cc – Mr Sham Uddin – Hamstead Law Practice, 48 Old Walsall Road, Birmingham, B42 1NP

Appendix 5

Communities, Localities & Culture
Safer Communities

Tower Hamlets
Licensing Authority

Head of Consumer and Business Regulations
David Tolley

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel **020 7364 2665**

Fax **020 7364 0863**

Enquiries to **Andrew Heron**

Email **andrew.heron@towerhamlets.gov.uk**

3rd July 2015

My reference: TSS/LIC/85449

Your reference:

www.towerhamlets.gov.uk

Dear Mr Sir/Madam,

Section 51, Licensing Act 2003
Re: Aladin Restaurant, 132 Brick Lane, London, E1 6RU

I am writing in my capacity as the Licensing Authority in relation to the review under Section 51 of the Licensing Act 2003 initiated by the Metropolitan Police to the above premises.

Brick Lane is a busy, vibrant part of London, but the increased numbers of restaurants competing for the same clientele has led to increased incidents of touting and fighting between touts themselves. Aladin, as a premises is well known to the Authority as one of the premises most associated with causing anti-social behaviour in the area.

The following is a synopsis of complaints on the Council's database in relation to the premises over the past two years. I have omitted complaints registered by the Police so as not to duplicate information provided in the original application made by PC Cruickshank.

16th June 2015 – A complaint from a member of the public that they were overcharged by the restaurant and then physically attacked once they attempted to raise the issue. The matter is being dealt with by the Police.

24th May 2015 – A lodged on behalf of a member of the public whom were customers that had been physically attacked after complaining due to a hair found in food. The Police are dealing with this as an ongoing matter.

23rd March 2015 – Complaint from a member of the public that the premises is regularly touting and associated with violence in the area and that the Authority should consider closing the restaurant down. The complainant was advised that the premises is being investigated.

25th July 2014 – Complaint from a member of the public that the premises is claiming online to have won an award for their curry, but that no such award exists. The matter was investigated by Trading Standards and the restaurant removed the claim from their website.

3rd June 2014 – Complaint from a member of the public that they were overcharged in the restaurant and were then physically removed from the premises once they tried to complain. The matter was referred to the Police and Trading Standards provided advice to the trader in relation to unfair business practices and the necessity to itemise bills.

It may also be noted that in the 2 years prior to the complaints listed above, the Licensing Authority received 15 separate complaints of the premises touting from members of the public.

In addition the Council's data recording system highlights the premises with a 'Premises Alarm Note' which warns Council employees visiting the premises that there has been a history of violence at the premises and not to visit alone.

Members of Council staff, including myself, regularly continue to witness Aladin staff touting for business on the steps of the restaurant. We conduct regular test purchases in the area, but financial limitations means that we cannot test every restaurant on a regular basis; however, test purchasers will be carried out. The premises licence already has the following condition added:

Conditions attached after a hearing by the licensing authority
No person will knowingly be permitted, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions.

Despite this condition, the premises is well known for touting. In addition to other concerns, the premises was written to by the Licensing Authority in April 2015 to advise that they should make a minor variation application in relation to its conditions. A copy of that letter is attached to this representation. Again, no response was received from the licence holder.

The Licensing Authority therefore fully supports the Metropolitan Police in their review application to revoke the premises licence at 132 Brick Lane, E1.

Yours sincerely,



Andrew Heron
Licensing Officer

Cc: Aladin Brick Lane Limited. - 132 Brick Lane, London, E1 6RU

Enc: Correspondence to the premises licence holder dated 23rd April 2015.



2009 2010
Positive engagement of all people
2009 2010
Preventing and reducing crime every
2007 2009
Supporting 27,000 kids
More of 4,400



Aladin Brick Lane Limited
132 Brick Lane,
London,
E1 6RU

23rd April 2015

Dear Sirs

Communities, Localities and Culture
Safer Communities
Head of Consumer and Business Regulation
Service: David Tolley
5 Clove Crescent
London, E14 1BY
Tel 020 7364 5008
Email
john.mccrohan@towerhamlets.gov.uk
www.towerhamlets.gov.uk

Aladin Brick Lane Limited, 132 Brick Lane, London, E1 6RU, Premises licence number 18213

I am writing to you as you are the licence holder of the premises licence for 132 Brick Lane, E1 6RU. A copy of the premises licence is attached.

The purpose of this letter is to remind of your responsibilities as a premises licence holder. In addition, I am going to invite you to apply for a minor variation to your premises licence, to add CCTV conditions.

Licensing Objectives: Licensing Act 2003

This Council by virtue of Section 4(1) of the Licensing Act 2003 must carry out its licensing functions with a view to promoting the licensing objectives.

The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

As a premises Licence holder you must operate your business in a way that seeks to promote these four licensing objective.

Licensed premises will always have an impact on the area they trade in. The promotion of the licensing objectives seeks to ensure that that impact for example does not lead to crime and disorder. The Licensing Act 2003 regime plays great store in protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible

licensed premises;

I have seen the application made by Metropolitan Police for a closure order in relation to your premises 132 Brick Lane, and it is a matter of record that this office supported the application.

Licensing review – crime and disorder

I have concerns about the management of the premises and the impact it is having in relation to crime and disorder in the light of the evidence adduced by the Police. Should there be further instances of crime and disorder at your premises, in the opinion of this office, there will be clear grounds to seek a licensing review of your premises licence under Section 51 of the Licensing Act 2003. At a licensing review, the Licensing sub-committee may:-

- 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;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

You need to address the management of the premises to ensure that there are no further instances of crime and disorder.

Minor variation – additional CCTV conditions – Licensing review if no minor variation

I note that your premises licence does not include a condition to have CCTV. The guidance issued under Section 182 of the Licensing Act 2003 by the HOME OFFICE under the heading CRIME AND DISORDER at paragraphs 2.3, reads:-

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.

In the opinion of this Office there is good reason to suppose that disorder may take place at your premises. The Metropolitan Police have a "model condition" in relation to the provision of CCTV at Licensed premises. It states:-

1. *CCTV shall be installed at the premises. One camera shall be placed outside the entrance and on entry.*

2. *The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.*

3. *CCTV shall be maintained in good working order;*

I am inviting you to apply for a minor variation to add the Metropolitan Police's model condition. The process of applying for a minor variation is set out on the Council's website at: [http://www.towerhamlets.gov.uk/lgn/business/licences/alcohol and entertainment/minor variations.aspx](http://www.towerhamlets.gov.uk/lgn/business/licences/alcohol%20and%20entertainment/minor%20variations.aspx)

Should you choose not to apply for a minor variation, this Office will trigger a licensing review with a view to adding the CCTV condition to your licence. The deadline for the application for the minor variation is 5pm on 21st May 2015.

I look forward to hearing from you.

Yours faithfully



John McCrohan
Trading Standards and Licensing Manager

Appendix 6

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 04 July 2015 17:46
To: Licensing
Cc: Brendan.P.O'Rourke@met.pnn.police.uk; Mohshin Ali;
Helen.Lewis@met.pnn.police.uk
Subject: License Review of "Aladin" Restaurant at 132 Brick Lane, London E1 6RU
Follow Up Flag: Follow up
Flag Status: Completed

To: LBTH Licensing Department:

Dear Sir or Madam,

I understand that the Police have requested that the Alcohol Licence for the Aladin Restaurant in Brick lane should be wholly revoked, and **on behalf of the 700+ residents of Spitalfields** represented by SPIRE I most strongly request the Licensing Sub-Committee to fully implement this request by the Police.

I make this request to wholly revoke the current Alcohol License on the grounds of:

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

as there have been far too many incidents of violence and touting that demonstrate in my opinion that the current management of the premises is totally irresponsible and unacceptable. I believe that violence by touts employed by the Aladin restaurant is totally unacceptable, and that the current Licence should be wholly revoked.

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 all relevant authorities 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 of hospital admissions to A&E are horrific. I believe it is the duty of the LBTH Licensing Committee to assist the Police and other authorities both in:

- Closing down establishments that resort to violence and affray
- Reducing the over-supply of alcohol in the Brick Lane 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 (Cumulative Impact Zone) I believe that such behaviour should be treated with "zero tolerance". Whether the LBTH Licensing Committee does, or does not, agree to "zero tolerance" I believe the regularity of grievous bodily harm is so serious that these premises should be closed down, and/or at minimum the Alcohol Licence should be wholly revoked.

For all the reasons quoted above I request **most strongly** that the LBTH Licensing Committee should take action to ensure that these premises cannot continue to operate as they do today. I request this 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:

Appendix 7

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that

individual.

- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale 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 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.

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.

2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
 - the anticipated clientele.

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

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

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

- the equipment is kept in working order (when licensable activities are taking place);

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

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

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

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

CAPACITY LIMITS

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

PROOF OF AGE CARDS

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

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The

mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as ‘irresponsible promotions’.

SIGNAGE

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

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

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

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

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

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

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

HOURS

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

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

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

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

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

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

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

NOXIOUS SMELLS

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

LIGHT POLLUTION

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

OTHER MEASURES

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

Licensing Policy Adopted by the London Borough of Tower Hamlets in relation to the Prevention of Crime and Disorder

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.19)

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 8

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 9

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 Councils 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.