

Appendix 1



**METROPOLITAN
POLICE**

TOTAL POLICING

**Tower Hamlets Borough
Licensing Office**

Premises Licence Holder,
Nazrul Restaurant Ltd.
130, Brick Lane
LONDON
E1 6RU

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

Email: [REDACTED]

Your ref:
Our ref: LIC/NAZRUL/06-15

24th June 2015

CC Responsible Authorities

The Premises Licence Holder,

**Re: Sec 51 Licensing Act Review Application of Nazrul, 130, Brick Lane,
LONDON E1 6RU**

Please find attached on behalf of the Chief Officer of Police, a copy of the above application.

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

Yours sincerely,

[REDACTED]
Alan Cruickshank
PC 189 HT



LICENSING ACT

This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I 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

NAZRUL 130, Brick Lane,	
Post town LONDON	Post code (if known) E1 6RU

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

Nazrul Restaurant Ltd

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

16076

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname	First names
<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) <input type="text"/>
E-mail (optional) <input type="text"/>

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

1) the prevention of crime and disorder

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.

The extensive investigation into these matters has been conducted by my colleague PC O'Rourke who has viewed CCTV of incidents and can identify individuals involved. A further statement will be submitted by him regarding his enquiries.

For reasons that will become apparent it is necessary to point out that Nazrul is linked to Aladin, 132, Brick Lane and both are effectively run as joint family businesses by the AHMED brothers, Raju, Sabir, Suhal & Juhal, despite being operated by different premises licence holders. Both have been at the forefront of many incidents in Brick Lane. There is therefore some cross-over with the section 51 review application recently submitted for Aladin.

The premises licence holder of Nazrul is 'Nazrul Restaurant Ltd'; its directors are brothers Raju and Sabir AHMED.

Aladin Restaurant Limited was the previous premises licence holder of Aladin, the company was dissolved on 22/07/14. The directors were Raju, Sabir and Suhal AHMED.

Juhal AHMED became director of Aladin Brick Lane Ltd (company 08590574) on 01/07/13, when the company was incorporated.

An application to transfer the premises licence was only made on 14/08/14, after LBTH wrote to the premises licence holder to remind them of the dissolution. Their premises licence would otherwise have become null and void on 19/08/14.

In the incidents that are referred to be below, all four brothers would have been the

premises licence holder at one time or another.

It is common to see staff and management freely walk in and out the adjoining doors. Or to see touts tout customers into either venue. This is further confirmed with the interaction with Sabir and Raju AHMED, who dealt with police at ALADIN on Sunday 22/03/15 (when a Closure Notice was issued), whilst his brother Juhul AHMED was absent. There is also anecdotal evidence from reviews on the Trip Advisor website of customers making bookings for one and being placed in the other.

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 involving staff from Nazrul (and Aladin - subject to a section 51 review itself). 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 which originated at A&Y Wines Off Licence at 116, BRICK LANE (who supply alcohol to Nazrul & Aladin), in which a male was stabbed twice and beaten about the head with a large wooden pole. At the time of researching this review (on 22/06/15) the victim remains in hospital with a punctured lung. One staff member was charged by the Crown Prosecution Service and has already made a first appearance at Snaresbrook Crown Court on 09/06/15.

Enquiries are ongoing and other members of staff surrounding restaurants are yet to be identified.

CCTV evidence to be provided to the committee if this does not conflict with the criminal investigation. This incident I should point out is only 2 hours after

the one below.

- **Sunday - 24th May 2015 - GBH, CAD 8792/24MAY15 @ 22:10 hrs; CRIS 4213507/15.** The victim was touted outside the Aladin restaurant and entered with his partner and two friends after an offer of £12.95 each for a starter and main dish. A dispute arose over a hair in their food and the party decided to leave (after questioning a £9.00 charge for the four papadums consumed so far), whilst the bill was paid on attempting to leave the victim was told "SHUT UP", at which point he was then assaulted. The assault spills outside into BRICK LANE and around the corner into HANBURY STREET - at one point six waiters from Aladin/Nazrul are seen to beat up one man.

PC 291HT O'ROURKE has viewed the footage extensively and can identify that 'Raju AHMED is on the periphery but he makes no effort to intervene. Sabir and Juhai AHMED are part of the six men who take part in the assault on one victim', the level of violence is extraordinary, and passers-by become involved to try and separate the group, but are assaulted themselves (and remain unknown victims).

There is excellent CCTV footage available. However, the matter is still being investigated by CID and will provide more detailed viewing statement later.

- **Thursday, 2nd April 2015 - Common Assault - CAD 010686/02APR15 @ 23:43 hrs; CRIS 4208567/15.** BTP officers were flagged down in Brick Lane and initially dealt with the matter. There is a fight between customers in Nazrul who are said to be highly intoxicated. One male is arrested for a Common Assault and conveyed to Bethnal Green Police Station. He says in interview that he had been out with eight friends and they had quite a lot to drink, an argument with another group who he says were rowdy and swearing turned sour very quickly over a comment over a beard and turns into a fight amongst themselves, however later staff also become involved. PC 291HT

O'Rourke viewed the LBTH CCTV in the control room and confirms that 'two waiters from Nazrul started to attack a male, one stamping on the males head. Both waiters then make off down Woodseer Street'. Whilst it was thought the CCTV was 'saved' (to enable it to be downloaded), it wasn't and the LBTH is no longer available (as of 23/06/15). There is however internal footage from Nazrul with the original case papers, but that will not shown the external incident.

- On **Saturday, 21st March 2015** at approximately 18:30 hours there was a dispute involving touts between The Bengal Village and Nazrul/Aladin restaurants. The incident starts outside Nazrul and escalates into a large scale disturbance spilling into Woodseer Street at 18:35 hours. PC 291HT O'ROURKE has viewed the LBTH CCTV and at 18:40:29 hrs, sees Raju AHMED rushing back to the corner of Woodseer Street towards an unknown male and starts pushing him around. There are approximately 20 people involved pushing and shoving each other outside City Spice at 138 Brick Lane, one waiter appears to be taking his belt off, which is a very common weapon in this area. 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 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.** PC 291HT O'ROURKE has viewed the LBTH CCTV and confirms the following "at 22:02:47 hrs (on camera 38), Raju AHMED is seen to start a fight outside the Bengal Village, he is joined by his brother Sabir and it escalates into a melee stopping traffic in Brick Lane, Suhal is also present". Raju is arrested is later arrested for a Section 4 Public Order Act 1986 offence (C/N HT/1533/15 refers) and one suspect

(believed to be a waiter from Aladin) is outstanding, who is seen to walk off down Woodseer Street. Raju in interview states that the incidents occurred over a 'touting dispute'. He received a Penalty Notice for Disorder for a Section 5 Public Order Act 1986 offence.

- **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 Nazrul. 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)** - This incident is linked to a matter at Aladin on Friday 2nd January 2015 at 17:15 hrs, in which a male suffered a fractured shoulder and was taken to the RLH and appears to be a revenge attack by the victim group of that incident (4203302/15 - which remains a mystery as to why it *really* started), against staff at Nazrul and Aladin. An unknown member of staff from Nazrul calls 999 for police saying "A BLACK MALE PUNCHED A MEMBER OF STAFF THIS AFTERNOON, NOW THE MALE HAS TURNED UP IN FRONT OF THE RESTAURANT WITH 7-8 OTHER BLACK MALES WITH STICKS". A second 999 call is made to police by a witness in the street advising "LARGE GROUP OF MALES FIGHTING AT LOCATION, MALES HAVE BATS AND KNIVES, ASIAN AND BLACK". The LBTH CCTV footage shows a quite nasty affray unfolding starting from outside Nazrul/Aladin. A waiter from Nazrul can be clearly seen to exit with a baseball bat/large stick at 23:42:26. There then appears to be somewhat of a standoff as the group all huddle until 23:44:49

(Cam 38) when it kicks off into Brick Lane, junction with Woodseer Street/Dray Walk. On camera 50 at 23:50:27 Sabir AHMED walks north with the attacking group in which two baseball bats and several belts are being used.

Sabir makes no effort to interject, nor call the police. There are several other waiters joining in from surrounding premises (one is recognised from Sheba). 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 21:45 hrs - GBH - CAD 9968/18DEC14 @ 21:50:38 hrs; CRIS 4232682/14.** Informant calls 999 from Aladin stating "3-4 MALES INVOLVED IN A FIGHT" (advising 'outside Aladin'). The victim had been at a staff party at Nazrul. After heated discussions over the victims Christmas bonus in the basement, the matter is taken outside where fighting erupts, the victim suffers a fractured skull and it is understood required 18 stitches. CPS have now authorised two suspects (not staff) to be charged with GBH with Intent (who should attend Freshwharf custody suite on 23/06/15). The officer who wrote the CRIS report stated " the victim, suspects and witnesses were all part of a large and mostly intoxicated group"

- **Saturday, 26th July 2014 - 23:15hrs - Common Assault - CAD 11836/26JUL14 @ 23:17 hrs;** Call to police for a fight near 'Brick Lane and Hanbury Lane [Street]). 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. The balloon sellers are surrounded by staff from Nazrul and Aladin and two are punched several times. Raju and Sabir AHMED are in the middle of it (one of them pushes a balloon seller into the path of an oncoming car). A marked police mini-bus is flagged down by the victims at 23:19:21 at which point Sabir AHMED is seen to walk away south down Brick Lane (and goes off camera). He leaves Raju outside to speak with police. A marked police carrier then arrives and some 8 officers are seen to deal with the matter. The CAD is not updated and the outcome is not clear, though no arrests are made.
- **Saturday 7th June 2014 - Violence against the person - CAD 0013/07JUN14 @ 00:00 hrs.** The informant states that he has been assaulted for no reason and has been punched on the chin and cheek by the owner/manager of Nazrul. A crime report search shows that the matter was not reported beyond the CAD call.
- **Sunday 14th April 2014 - Suspected breach of Section 136 (1) Licensing Act 2003 - PLH Raju AHMED** is reported for summons for knowingly allowing touting. Files is not prosecuted, as the touting occurred prior to their late night refreshment licence commenced at 23:00 hrs.

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

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

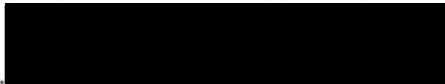
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick yes
I understand that if I do not comply with the above requirements my application will be rejected

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:



Date: 24/06/2015

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

Appendix 2

**(Nazrul Restaurant)
130 Brick Lane
London
E1 6RU**

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 27th March 2006

Amended at review 10/2/11



Part A - Format of premises licence

Premises licence number

16076

Part 1 - Premises details

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

(Nazrul Restaurant)
130 Brick Lane

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

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Sunday, Monday, Tuesday, Wednesday and Thursday until midnight
Friday and Saturday until 01:00 hours the following day.

The opening hours of the premises

Sunday, Monday, Tuesday, Wednesday and Thursday from 12 noon to 00:30 hours
the following day
Friday and Saturday 12 noon to 01:30 hours the following day

**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

Nazrul Restaurant Ltd
130 Brick Lane
London
E1 6RU



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

Not applicable

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

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

None applicable

Annex 2 - Conditions consistent with the operating Schedule

1. Main door and Fire exits to be kept clear.

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

2. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
3. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

Annex 4 - Plans

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

29th November 2005



Part B - Premises licence summary

Premises licence number

16076

Premises details

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

(Nazrul Restaurant)
130 Brick Lane

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

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities	Sunday, Monday, Tuesday, Wednesday and Thursday until midnight Friday and Saturday until 01:00 hours the following day.
The opening hours of the premises	Sunday, Monday, Tuesday, Wednesday and Thursday from 12 noon to 00:30 hours the following day Friday and Saturday 12 noon to 01:30 hours the following day
Name, (registered) address of holder of premises licence	Nazrul Restaurant Ltd 130 Brick Lane London E1 6RU
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Not applicable
Registered number of holder, for example company number, charity number (where applicable)	Not applicable
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Not applicable
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 3

Name & Registered Office:
NAZRUL RESTAURANT LTD
130 BRICK LANE
LONDON
E1 6RU
Company No. 07850864

Status: Active
Date of Incorporation: 17 Nov 2011

Country of Origin: United Kingdom

Company Type: Private Limited Company
Nature of Business (SIC(03)):
56102 - Unlicensed restaurants and cafes

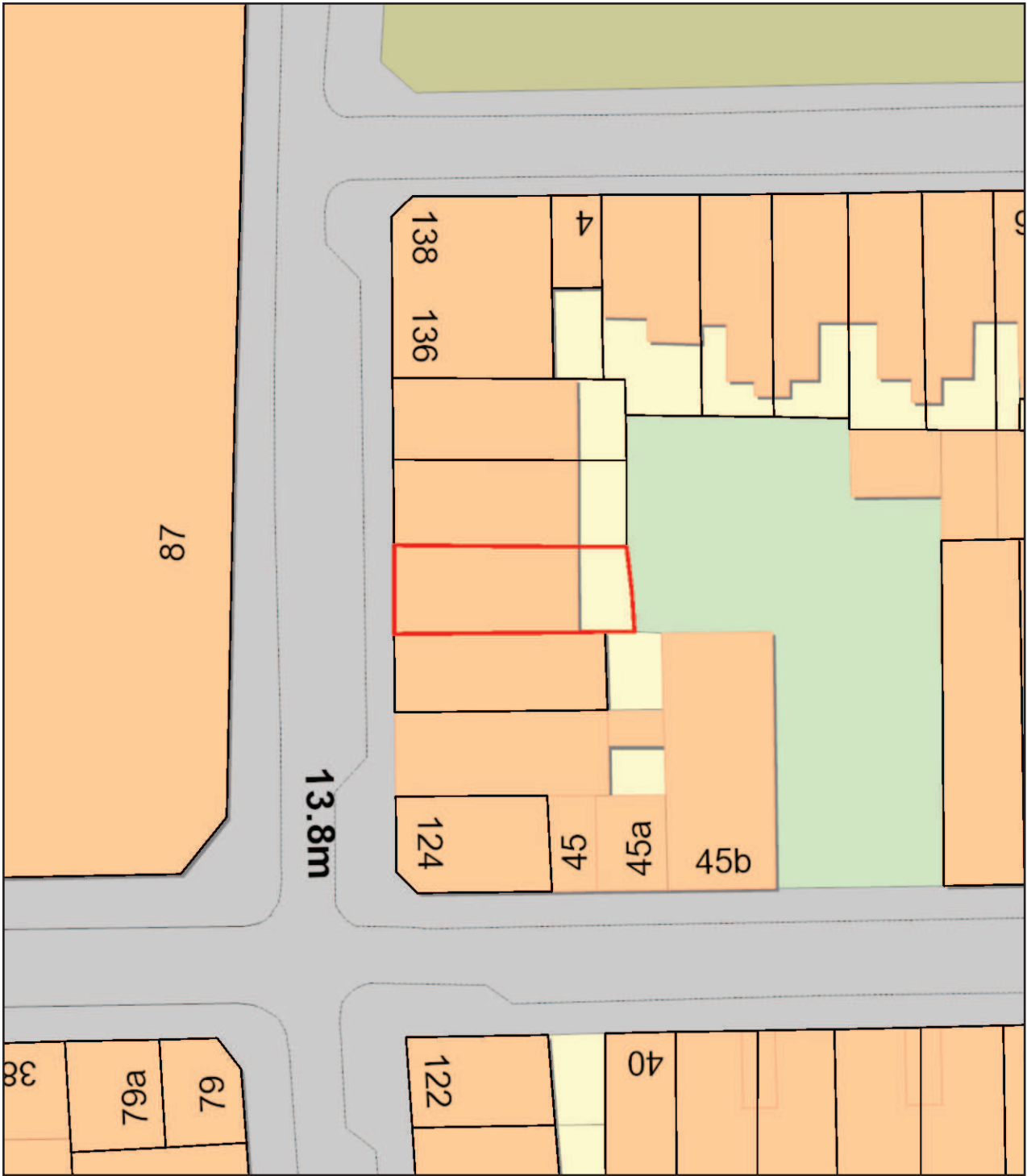
Accounting Reference Date: 31 Oct
Last Accounts Made Up To: 31 Oct 2013 (TOTAL EXEMPTION SMALL)
Next Accounts Due: 31 Jul 2015
Last Return Made Up To: 14 Apr 2015
Next Return Due: 12 May 2016

Last Members List: 14 Apr 2015

Previous Names:
No previous name information has been recorded over the last 20 years.

Date-of-birth	Post town	Post code	Appt. type	Appt. date	No. of appts.
AHMED, RAJU					
18 Mar 1980	LONDON	E1 6RU	DIR	17 Nov 2011	4
AHMED, SABIR					
	LONDON	E1 6RU	SEC	17 Nov 2011	1
AHMED, SABIR					
28 Jul 1983	LONDON	E1 6RU	DIR	17 Nov 2011	

Appendix 4

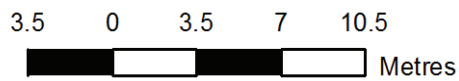


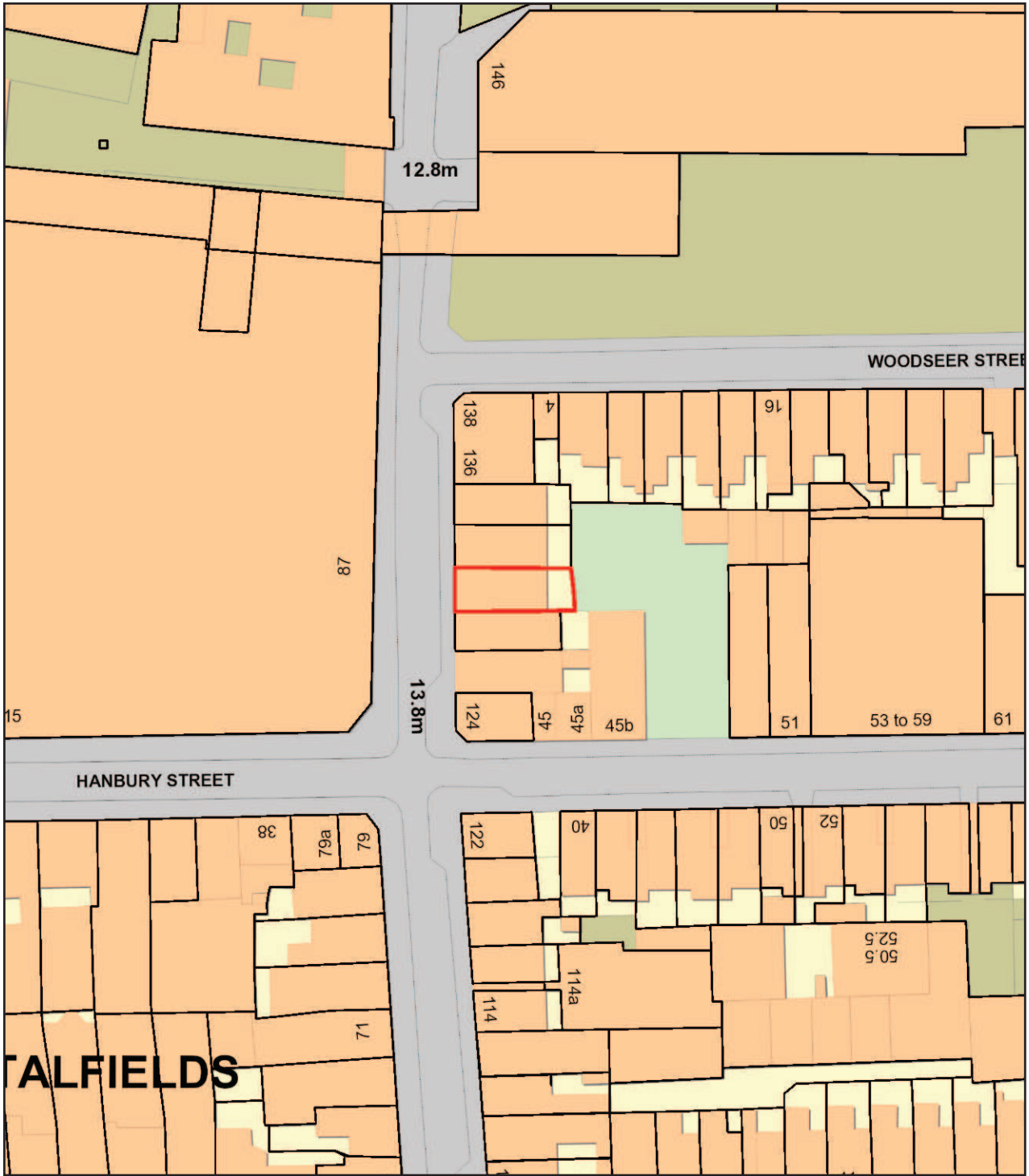
130 Brick Lane

Map 1



Scale 1:384



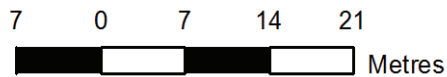


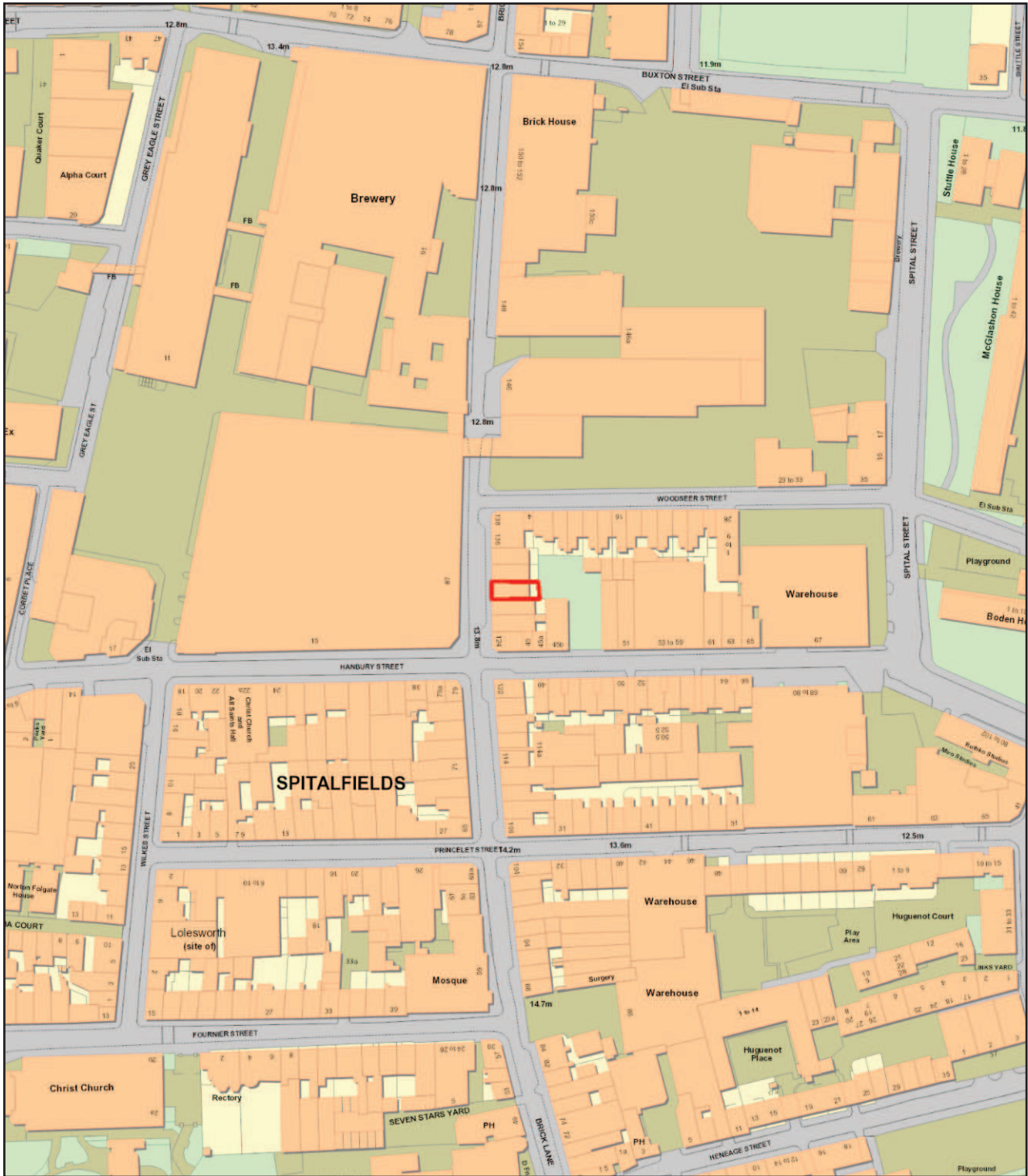
130 Brick Lane

Map 2



Scale 1:769





130 Brick Lane

Map 3



Scale 1:1922

10 0 10 20 30

Metres



Appendix 5



2009 2010
North's Employer of Choice
2009 2010
Employer of Choice
2009 2009
Employer of Choice
Association 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 [REDACTED]

Email [REDACTED]

www.towerhamlets.gov.uk

(Nazrul Restaurant Ltd

Licence No. 16076 (Premises Licence holder - Nazrul Restaurant Ltd)

130 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

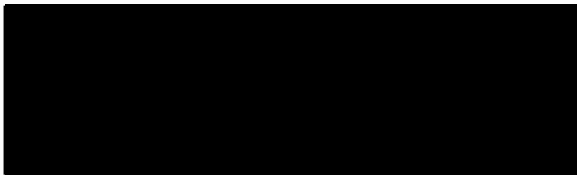
of the premises licence for the premises at 132 Brick Lane, a business known as Aladin Brick Lane Ltd.

2. I produce as exhibit **JMCC/Nazrul/1**, a graphic of the links of the directors of the limited companies associated with 130 and 132 Brick Lane.
3. The restaurant premises at 130 and 132 are a family business operated by a number of brothers bearing the surname Ahmed.
4. The premises at 130 and 132 can be viewed as joint premises and for all intents and purposes can be considered as the same enterprise
5. The premises at 132 Brick Lane is subject to a licensing review triggered by the Police
6. To reiterate:
 - Health and Safety warning to consumer and business regulation staff against 132 Brick Lane
 - Advice about business names and restaurant testimonials - Trading Standards visit 132 Brick Lane– letter of advice - Trading Standards staff verbally abused.
 - Consumer complaint C75928 about 132 Brick Lane consumers assaulted and physically removed from the premises when challenged bill unfair commercial practices – aggressive behaviour, misleading actions and omissions
7. Nazrul Ltd has received Advice about unfair commercial practices-aggressive behaviour and requirement to produce itemised bills
8. In my role as Trading Standards and Licensing Manager I wrote a prescient letter to the business at 132 Brick Lane expressing my concerns that the premises was associated with crime and disorder, inviting the premises licence holder to apply for a minor variation, adding the Metropolitan Police's standard CCTV condition. A copy of the letter is attached as **JMCC/Nazrul/2**.

9. The premises licence holder chose not to apply for the minor variation.

10. Trading Standards has no confidence in the management of Aladin Brick Lane Ltd 132 Brick Lane being able to promote the licensing objectives.

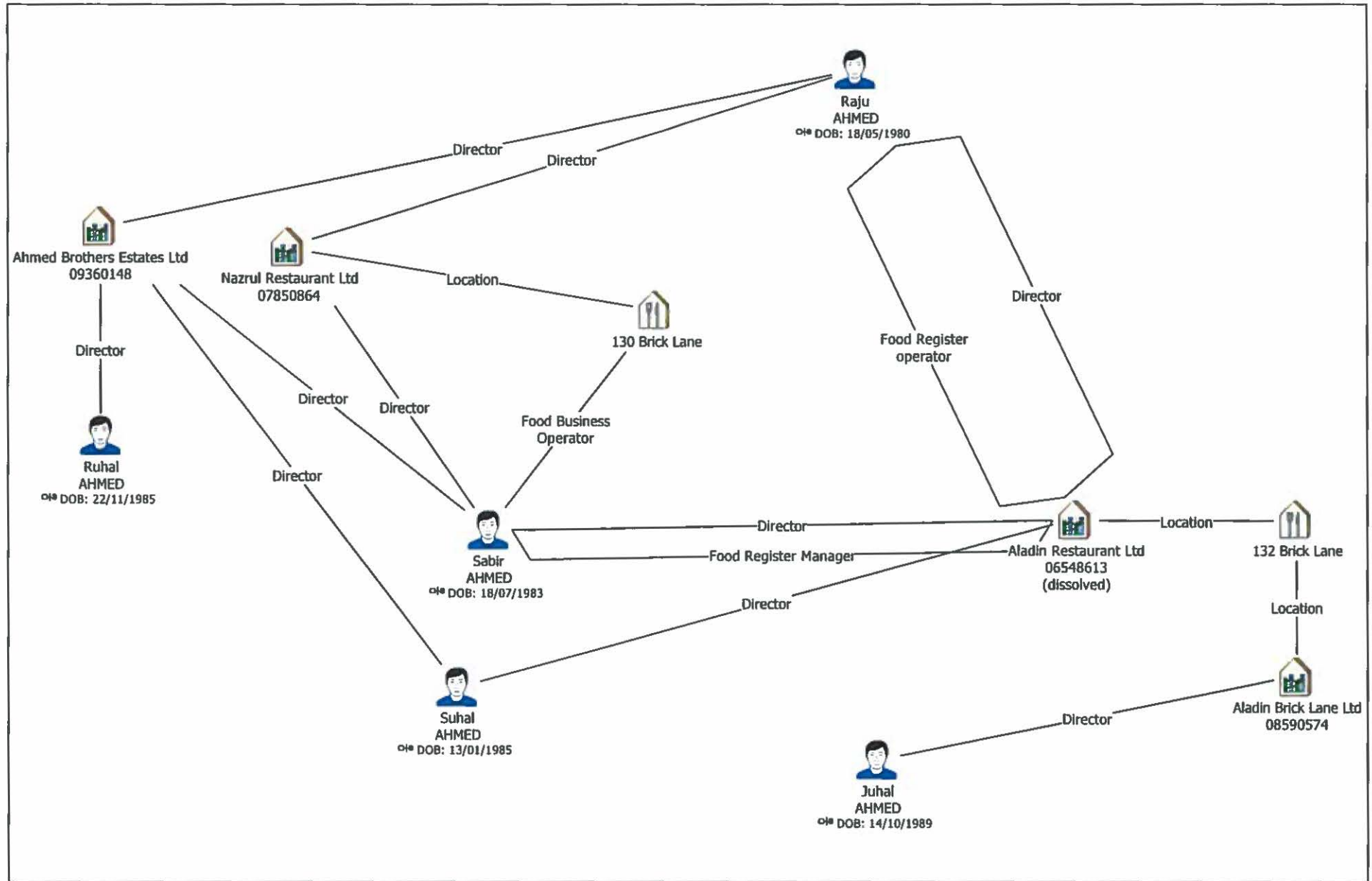
11. It follows that as Nazrul Ltd, 130 Brick Lane has identical management, then Trading Standards has no confidence in the management of the premises and it supports the Police's application to revoke the premises licence.



John McCrohan

Trading Standard and Licensing Manager

Jmcc / Nazrul / 1



Jmcc/Nazrul/2



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

23rd April 2015

Dear Sirs

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

Communities, Localities and Culture
Safer Communities
Head of Consumer and Business Regulation
Service: David Tolley
5 Clove Crescent
London, E14 1BY
Tel [REDACTED]
Email [REDACTED]
www.towerhamlets.gov.uk

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/ignl/business/licences/alcohol and entertainment/minor variations.aspx](http://www.towerhamlets.gov.uk/ignl/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 17:50
To: Licensing
Cc: [REDACTED]
Subject: License Review of "Nazrul" Restaurant at 130 Brick Lane, London E1 6RU
Importance: High
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 Nazrul 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 Nazrul 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.

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 on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

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

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

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

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

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

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

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's

duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application¹ for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

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

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

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

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

Appendix 8

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

Crime and Disorder Act 1998

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

Pool Conditions

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;

- the activities being conducted there and the potential risk which these activities could pose to the local area;
- the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
- the anticipated clientele.

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

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

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

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

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

DOOR SUPERVISORS

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

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

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

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

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

RESTRICTING ACCESS TO GLASSWARE

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

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

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

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

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

ALTERNATIVES TO TRADITIONAL GLASSWARE

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

such as international football matches, when there may be high states of excitement and emotion.

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

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

CCTV

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

RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply. Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

CAPACITY LIMITS

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

PROOF OF AGE CARDS

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

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

CRIME PREVENTION NOTICES

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

DRINKS PROMOTIONS

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

SIGNAGE

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

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

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

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

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

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

Appendix 9

Appendix 9

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

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

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