

Appendix 1



This form should be completed and forwarded to:

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ...Pc Mark Perry 1748CE Borough Licensing Officer apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Beefy and Birds 76 Brick Lane	
Post town Tower Hamlets	Post code (if known) E1 6RL

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

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

Part 2 - Applicant details

Please tick yes

I am

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

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

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
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Post Town	<input type="text"/>	Postcode	<input type="text"/>
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Daytime contact telephone number	<input type="text"/>
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E-mail address (optional)	<input type="text"/>
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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Pc Mark Perry 1748HT Licensing Officer Central East Licensing 2 nd Floor Shoreditch Police Station London
Telephone number (if any)
E-mail (optional) <input type="text"/>

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

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | Y |
| 2) public safety | Y |
| 3) the prevention of public nuisance | N |
| 4) the protection of children from harm | N |

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

Central East Police Licensing seek the review and revocation the premises license of Beefy and Birds at 76 Brick Lane E1 6RL. The premises has recently been used by "Kyice's Kitchen" run by a Mr Abraham Mahmood. During this time the premises has operated in breach of Government Covid Laws, which have resulted in fines being issued against Mr Mahmood and customers at the venue over a period from November 2020 to January 2021. The details of the breaches can be seen in attachment 1 a statement Covid Breach Summary. Statements have also been included from Police Officers who witnessed the breaches.

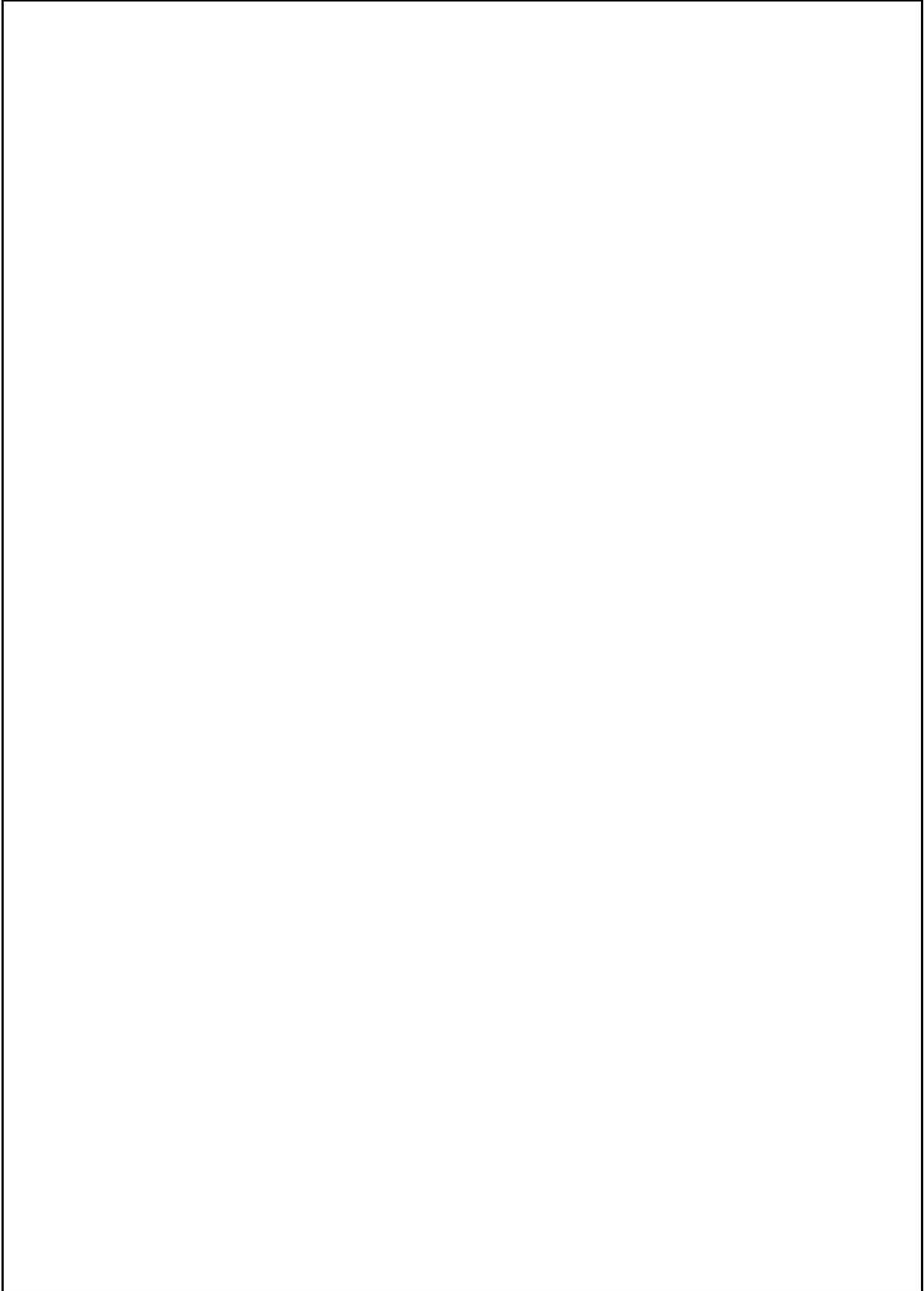
The actions of Mr Mahmood and his customers have not only breached the law, but they have also increased the risk of Covid virus being spread. They have will fully and recklessly put peoples lives at risk with their actions.

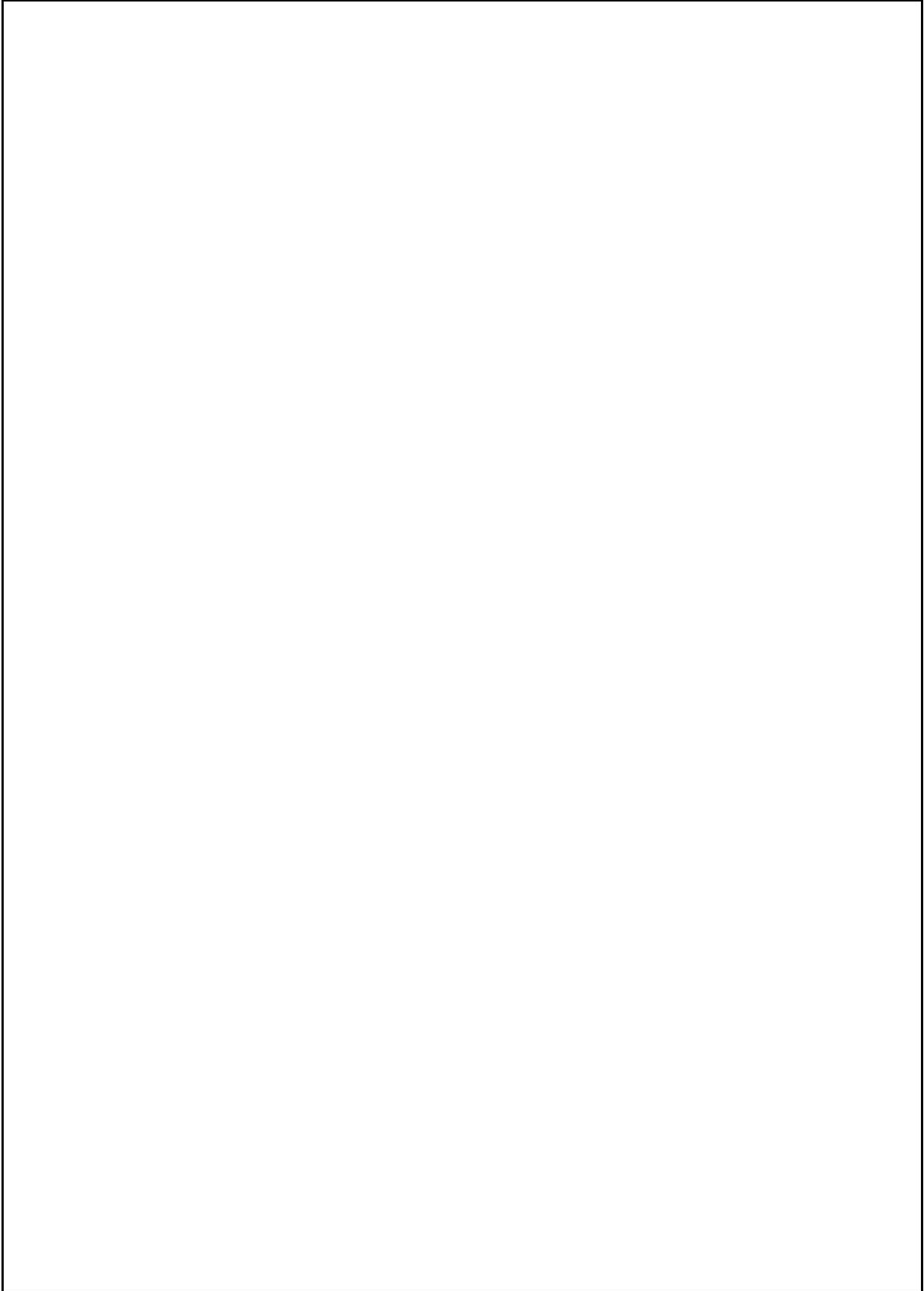
The premises license holder Mr Miah Sultan and DPS Mr Akthar Miah have failed to uphold the licensing objectives of preventing crime and disorder public safety by allowing their premises to be used by Kyice's Kitchen while it was breaking the law. They both had a responsibility to ensure that while their premises license was being used, and that the sale of alcohol was being authorized, that it was being done so in accordance with the laws and legislation applicable to it. They have failed to do this.

Both Mr Sultan and Mr Miah had been contacted by Tower Hamlets Council regarding the breaches occurring at Kyice's Kitchen and failed to take any action against Mr Mahmood. They did not stop the premises license being used or seek to remove him as a tenant. It was only when a Closure Order for 76 Brick Lane was sought through the courts by Tower Hamlets Council did Mr Mahmood surrender his tenancy.

Mr Sultan is the premises license holder and as such is responsible for ensuring the premises is upholding the licensing objectives and complying with relevant legislation. His failure to do so, even after being warned by the Licensing Authority represent a breach of the licensing objectives.

We do not believe that there are conditions that can be added to the license to remedy our concerns, nor is a reduction in hours going to resolve the issue, which is the failure by the premises license holder and the DPS to ensure that the premises license was being used in accordance with the law and the licensing objective upheld. We therefore seek the revocation of the license.





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

Please tick ? yes
N

If yes please state the date of that application

Day		Month		Year			

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

No

Please tick yes

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

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature PC Mark Perry 1748HT.....Police Licensing Officer
.....
Date: 2 March 2020
.....
Capacity Police Licensing Officer
.....

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

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

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Statement of: Constable Yusuf Akdeniz

Age if under 18: Over 18

Occupation: Police officer

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

Signature: 

Date: 12 Nov 2020

On THURSDAY 12TH NOVEMBER 2020 at approx. 1700hrs I was on mobile patrol in a marked minibus for autumn nights and had the call sign CE901L along with fellow officers, 255CE PS WILDE, 1903CE PC MARSHALL, 3784CE PC RYCERZ, 2150CE PC BASHIR, 2176CE PC NORTEYE and 2237CE PC MAHMOOD.

We had been tasked with CAD 3995/09NOV20 which was for a restaurant that was in breach of COVID-19 regulations.

This restaurant was KYICES KITCHEN on BRICK LANE E1 6RL

We already knew that officers had attended previously and the owner was very anti-police, so we knew what we was expecting from the start.

PS WILDE attended the restaurant with PC MARSHALL to have a look if the restaurant was obeying to the rules and the rest of us remained in the minibus as at the time it didn't require all of us.

I then noticed PC MARSHALL waving to us signalling for us to assist.

The rest of us exited the minibus and rushed to the restaurant. When I entered, it was loud and there was one (1) male in particular who was shouting at officers to get out and telling us that we were trespassing.

At the time of the incident the male refused to give us his details, but at the time of writing this statement I now know this male to be Abraham MAHMOOD date of birth:  of .

I also noticed two (2) males who were customers, seated eating their food.

PS WILDE, had asked the two (2) males to pack up their food and leave but MAHMOOD became aggressive saying nobody is leaving and that they were his witnesses.

MAHMOOD was very verbal the whole time shouting over everyone, attempting to make a scene out of it.

This worked for him as he had a crowd building up outside who were also becoming hostile and were howling abuse at officers. We were seriously outnumbered with approx. one hundred (100) people gathered outside so PS WILDE had requested more officers to assist us.

MAHMOOD was not complying and wasn't allowing officers to speak to him and was adamant he wanted officers out of his restaurant.

MAHMOOD was very aggressive and kept pointing his fingers in officers faces, which officers had warned him to stop doing numerous times.

PS WILDE then asked me to assist officers who were protecting the door from people entering the restaurant. More and more people were turning up and the majority of them were anti police.

PC NORTEYE told MAHMOOD he was going to arrest him and MAHMOOD replied "you're not arresting me"

I assisted PC NORTEYE by holding MAHMOOD'S arm allowing PC NORTEYE to place him in cuffs in a rear stack position.

PC NORTEYE called out the caution whilst MAHMOOD was screaming.

A van unit arrived and we escorted MAHMOOD to the van.

Signature: 

Signature Witnessed by:

Continuation of Statement of: Constable Yusuf Akdeniz

MAHMOOD was taken to WALWORTH POLICE STATION CUSTODY.

We then decided to leave the area.

Witness Signature:



Signature Witnessed by:

WITNESS STATEMENT**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9**

URN

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Statement of: Melody MARSHALL

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

Occupation: PC

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

Signature [REDACTED] (witness)

Date: 12/11/2020

This statement concerns the arrest of Abraham MAHMOOD [REDACTED] on THURSDAY 12TH NOVEMBER 2020.

In this statement I will refer to [INSERT NAME]. I will also refer to two individuals whose names I do not know as MALE 1 and MALE 2. I will make reference to my colleagues PS WILDE 255CE and PC NORTEYE 2176CE.

This occurred at a restaurant called KYCIES KITCHEN located at 76 BRICK LANE E1.

At 14:00 ON THURSDAY 12TH OF NOVEMBER 2020 I commenced my duty in full uniform at ST GEORGES TOWN HALL E1. I was assigned to an aid bus call sign 901 LATES for the purpose of anti-social behaviour related autumn nights aid. I was in the company of PS WILDE 255CE, PC BASHIR 2150CE, PC MAHMUD 2237CE, PC AKDENIZ 1509 CE, PC RYCERZ 3784CE and PC NORTEYE 2176CE.

At around 17:00 we attended KYCIES KITCHEN, CAD 3995/09NOV2020 REFERS. We attended as information had been given to police that the restaurant were advertising on instagram that they were planning to host a live DJ event on FRIDAY 13TH NOVEMBER 2020, which would be a violation of COVID-19 regulations. Officers had attended the day before and spoken to the owner, who had confirmed he was planning to have a DJ. He was advised that he would be breaking COVID regulations and he had insisted that COVID regulations were not legal. Therefore, we were tasked to reattend and reiterate the COVID-19 regulations to him.

Upon our arrival, myself and PS WILDE went into the restaurant while our colleagues remained in the van. We walked unobstructed through the unlocked door onto the premises. When we entered the restaurant, we saw that MALE 1 and MALE 2 were dining in the restaurant. They were at the far end of the restaurant, around 10 METRES away from us, next to the food counter along with a male who I did not know at the time, but I now know to be MAHMOOD. As soon as MAHMOOD saw us he stood up and immediately began walking towards us, raising his voice and telling us to leave. He was loud and un-cooperative immediately, and continuously talked over PS WILDE who was attempting to explain the COVID-19 regulation violation that he was causing by allowing customers to eat in at his restaurant that should only be serving meals to take-away. It was clear that the food was not to take away as the two males were sat at a table with a half-eaten meal on a ceramic plate that they were in the process of eating, in addition to two drinks in glasses that they were drinking. When they were advised that eating in at restaurants is not allowed, MAHMOOD talked over officers and told MALE 1 and MALE 2 that they were allowed to eat there and should not leave. MAHMOODs body language was aggressive and he kept getting very close to PS WILDE despite being asked to stand back. He had a pen in his hand and kept making a jabbing motion with it while he spoke, and had to be told several times to put it away. At this point in time I went back to the front door of the restaurant to call my colleagues from the van over as the situation seemed to be escalating and a crowd was beginning to form. My colleagues joined us in the restaurant and talked to those inside, trying to explain the regulations to those inside and encourage MALE 1 and MALE 2 to leave. MALE 1 and MALE 2 refused to give their details and eventually left the restaurant. MAHMOOD was insistent that he believed the COVID-19 regulations were not legal and that under common law and the Magna Carta he did not have to comply with them, as well as continuously insisting that officers

RESTRICTED (when complete)

MG11

were trespassing and telling them to leave. After spending a while trying to engage and explain with MAHMOOD, it became clear that he was not going to close the restaurant to eat in customers and was not going to provide his details, so at around 17:20 he was arrested by PC NORTEYE for breach of COVID regulations and conveyed to WALWORTH CUSTODY, where his details were ascertained through bank cards found in his bag and Police National Computer checks.

MAHMOOD was an IC4 male who appeared to be in his thirties. He had a dark beard and was around 5'10 tall. He was wearing a black hoody with the hood pulled up. MALE 1 was an IC4 male who I would estimate to be in his late twenties. MALE 2 was an IC4 male in his late twenties with long hair tied back in a bushy ponytail. I could see them both very well as the restaurant was very well lit and they frequently came very close to us. MAHOOD, MALE 1 and MALE 2 were not wearing masks so their faces were clearly visible to us.

Signature 

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Shobi GRINSTED

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

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

Witness Signature: [REDACTED] Date: 05/01/2021

I am the above named person. I make this statement in clarifying who I have established as concerned parties for the establishment of 76 Brick Lane, E1. There is a large degree of confusion over who is the formal owner, manager, and current occupier of the property.

When officers have attended for Covid19 breaches the following individual has presented himself as owner and director of the Kyices Restaurant:

Mr Abraham MAHMOOD, [REDACTED]

However this is not supported by what is stated on official documents. I have requested information regarding 76 Brick Lane from Tower Hamlets Licensing Team and Tower Hamlets Council. I have also obtained documents from Land Registry and Companies House. The following has been established and is supported by the attached documentation:

Companies House:

- KYICES KITCHEN LIMITED, Company number 12756190, 76 Brick Lane, London, United Kingdom, E1 6RL. Nature of business: 56101 - Licensed restaurants. Incorporated on 20 July 2020. Director: Miss Esmhan Joume MAHMOOD, [REDACTED]
- Police indices possible match: Esmhan MAHMOOD, [REDACTED]

Licence:

- Premises license from 2017 for 'Beefy and Birds' 76 Brick Lane, London, E16RL. Registered as Blue Tiger Limited. 76 Brick Lane, London, E16RL'.
- The company director and licence holder is Sultan MIAH of [REDACTED]
- The designated premises supervisor is Akthar MIAH of [REDACTED] with a mobile no of [REDACTED] from his personal licence.
- LBTH licensing have contacted Mr Sultan Miah due to the Covid19 breaches occurring at this venue. Mr MIAH has stated the venue is no longer trading Blue Tiger Limited, 76 Brick Lane, London, E1 6RL and a new business holder is currently trading. The new business holders have not transferred the premises licence from 'Beefy and Birds' company as Mr MIAH has not given consent for the transfer. Mr MIAH has stated to LBTH licensing he wants to surrender the premises licence, LBTH have informed Mr MIAH how to do this in December 2020. To date, he has not done this; and a formal warning letter has been sent by LBTH licensing regarding the continued breaches.
- At present the Premises License for the venue has been suspended due to payment arrears, since 13th December 2018. Tower Hamlets Licensing have received an annual fee online payment of £295 from email address: [REDACTED], however the licence is still suspended as another fee is owed of £295 from 2019. The licence holder Mr. Sultan Miah has stated he did not make the payment, which may suggest the suspension letter sent to the premises has been opened and paid by the current occupant of the address.

Witness Signature: [REDACTED]

Signature Witnessed by Signature:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Shobi GRINSTED

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

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: [REDACTED] Date: 05/01/2021

I am the above named person and work as a dedicated ward officer for Spitalfields and Banglatown Safer Neighbourhood Team in the London Borough of Tower Hamlets.

I write this statement outlining the incidents where the establishment of **Kyices Restaurant, 76 Brick Lane, E1** has come to police notice for breaches of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

It has been established from multiple visits to the location that the following male is the current manager of the establishment Kyices Restaurant, 76 Brick Lane, E1:

Name: **Abraham MAHMOOD**

Date of Birth: [REDACTED]

Address: [REDACTED]

The below incident summaries have been obtained from police indices and date back in reverse chronology. I have not been present at any incident. The date range for these incidents are from the initial commencement of the Coronavirus restriction in March 2020 up until the 04/01/2021.

CAD4938 – Saturday 02/01/2021 at 18:41:

- Member of the public has contacted police to state that immediately after officers have left to venue, new people had shown up and gone inside the venue – this included someone carrying a birthday/wedding cake and at least 6 more people, including children.
- Officers have re-attended the venue and found further people inside breaching the restrictions. The host, Mr MAHMOOD has been reminded of the fact that not 60 minutes prior he was given a £10,000 fixed penalty notice for breaching the Coronavirus restrictions. The laws, rules and guidelines were re-explained to him, and then officers have removed everyone else from the venue.
- There is officers Body Worn Video of this.

CAD4259 – Saturday 02/01/2021 at 17:37:

- Member of the public has contacted police to state that there were 4 tables full of customers eating dinner.
- Officers have attended the location and at the front entrance were met by Mr MAHMOOD. Mr MAHMOOD has initially refused to allow officers entry to inspect for any breaches and accused them of trespassing, he was incredibly obstructive and rude towards officers. Officers explained about the alleged breaches taking place, and that they could see individuals sitting inside the venue, not wearing facemasks or abiding by social distancing. Mr MAHMOOD tried to claim that they were waiting to collect food, however officers on scene deemed this to be false. Consequently Mr MAHMOOD was fined £10,000 by PC Walker for committing an offence of Organisation or facilitation of gatherings contrary to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, Schedule 3A (Tier 4), section 5.

Witness Signature: [REDACTED]

Signature Witnessed by Signature:

Continuation of Statement of: Shobi GRINSTED

- Furthermore, a total of 7 Fixed Penalty Notices for £100 were issued for various breaches of coronavirus restriction, to those that were inside the establishment. Two (2) people were required to be arrested during this incident due to not cooperating with police and providing their details; however they have subsequently been de-arrested, with detention not authorised by a custody sergeant.
- There is officers Body Worn Video of this.

CAD1841 – Sunday 01/01/2021 at 03:04:

- A member of the public has contacted police to state that Kyices’s Kitchen has had numerous parties behind their locked and covered doors over the weekends of Tier 3 and Tier 4 restrictions; but tonight’s (New Year’s Eve’s) is blatant with the music so loud people walking by are stopping to see what is going on. The witness saw at least a dozen people enter over the handful of occasions. Multiple cars parked on double yellow lines outside the venue.
- Unfortunately on this occasion there were no available units to deploy to the venue to inspect and investigate the allegations.

CAD559 – Sunday 01/01/2021 at 00:54:

- A member of the public has contacted police to state there is a fight of pushing, shoving and shouting outside of 76 Brick Lane, they stated they had exited from the restaurant.
- Police officers attended and spoke to members of the public on scene, and it was alleged a heated verbal argument had taken place, but no fight. All asked to leave the area.

CAD4242 – Thursday 24/12/2020 at 15:54:

- A member of the public has reported that over 6 people were inside the restaurant eating food; whilst the restaurant should be closed.
- Officers attended and no one was in the restaurant when police were on scene, consequently no evidence at that time of an offence.

CAD7617 – Saturday 19/12/2020 at 23:07:

- A tower hamlets council enforcement officer called police to report a large party happening inside the restaurant. They stated approximately 25 people were inside, breaching the coronavirus legislation.
- Officers attended and removed all those inside, words of advice were given as per the 4 E’s of engage, explain, encourage and enforce, and no fines were given.

CAD5044 – Monday 14/12/2020 at 16:28:

- A member of the public has contacted police to state that 76 Brick Lane was completely disregarding the Covid restrictions and laws in place. The premise was full up with people Saturday night for a boxing match. From the informants point of view there were no Covid19 restrictions in place. People inside were touching distance and no one was wearing masks. Once food stopped being served no one left they all stayed inside drinking large quantities of alcohol with no food. There was lots of singing and cheering for the boxing. The restaurant encouraged drinking without a substantial meal. The informant also thought there was cannabis being smoked inside as well.
- Unfortunately on this occasion there were no available units to deploy to the venue to inspect and investigate the allegations.

CAD4130 – Sunday 13/11/2020 at 16:19:

- Police officers attended a pre-planned visit between the local authority and police, in order to issue a £1000 fine to Mr MAHMOOD for previous repeated Covid-19 restriction breaches. Mr MAHMOOD had the front door of the venue locked and refused to engage with officers and did not open the door to speak to them. Officers could see approximately 4 people inside, however it could not be determined whether these were customers or employees as the door was locked. MAHMOOD said that he was holding a "BUSINESS MEETING". Therefore officers issued the Fixed Penalty Notice through a window. The FPN was issued for contravening the requirement to cease carrying on a restricted business, or providing a restricted service.
- There is officers Body Worn Video of this.

Witness Signature: [Redacted]

Signature Witnessed by Signature:

Continuation of Statement of: Shobi GRINSTED

CAD3995 (continued from 09/11/2020) – Saturday 12/11/2020 at 19:00:

- Officers attended and two people were sat within the restaurant eating food and drinking. The two people were informed that they could not eat inside as they were breaching the Covid-19 regulations. Mr MAHMOOD shouted over officers and said that the diners could remain inside, telling officers he is above the law and they were misinformed.
- After 30 minutes of talking to Mr MAHMOOD and asking him to provide his details, MAHMOOD refused to do so and was consequently arrested. Custody number for this arrest is 01MS/5193/20. In custody upon being searched, Mr MAHMOOD's bank cards were found to establish his identity. He was subsequently bailed, and this has now been answered as a result of the issued FPN.
- There is officers Body Worn Video of this.

CAD1542 – Thursday 10/11/2020 at 09:21:

- Officers attended the location to carry out a spot check of the venue. One male was inside the restaurant, he came to the front door but refused to engage with police or open the door. It was unknown if the male was Mr MAHMOOD. Advice given, no formal action taken.

CAD3995 – Wednesday 09/11/2020 at 14:39:

- Officers attended the location following the report that KYCIES KITCHEN had advertised on INSTAGRAM that they would be serving food as usual, despite the current Coronavirus restrictions preventing food from being eaten inside. When officers arrived on scene they spoke to the owner who said that he did not believe in COVID 19. He was asked if he was to have a DJ on Friday which he confirmed, he said that he would have a DJ but it was for family and friends only. He was advised that he should look at regulations 6, 7 and 8 and that if he held the DJ then he would be breaking COVID 19 Regulations. His response was that common law over-ruled the regulations and the regulations were not legal, he was advised to the contrary.

I attended the venue on **04/01/2020** and noted that the entirety of the front window is blacked out, making the inside of the restaurant completely hidden to the outside. There are also posters being displayed on the front window, photos have been taken of these and are exhibited below:

- SSG/1 – ‘Do not consent’ notice, detailing reasons why the establishment are refusing to comply with Covid-19 restrictions.
- SSG/2 – ‘Do not trespass’ notice, detailing the establishment governs itself under common law.
- SSG/3 – ‘Notice to law enforcement’, detailing reasons why law enforcement should not enforce Covid-19 legislation.
- SSG/4 – Picture of front of property, including blacked out windows.
- SSG/5 – Sign hanging on the door claiming establishment is ‘Open’

On repeated occasions this establishment and the manager Mr MAHMOOD have demonstrated a consistent pattern of behaviour that disregards the Coronavirus restrictions, thus putting the health of the community at risk. He has consistently stated the rules do not apply to him or his business, even in the face of a large financial sanction MR MAHMOOD as chosen to continue to break the law and open his restaurant for dine-in customers. Whenever officers have tried to engage with him he has been antagonistic and confrontational. He has been given multiple verbal warnings before being escalated to the final stage of enforcement. Since then he has subsequently been issued a £1000 and £10,000 fine. It has been shown Mr MAHMOOD is fully aware of the laws and guidance in place but continues to break it.

The Metropolitan Police Service is seeking a Closure Order in order to help stop the spread of the Coronavirus by shutting this establishment for a period of 3 months. As explained above, Mr MAHMOOD has engaged, or (if the order is not made) is likely to engage in, disorderly, offensive or criminal behaviour on the premises.

Furthermore, the Closure Order will allow time for licensing officers to carry out a full review of the licence at the property with the view to remove the license which allows the service of alcohol and provide entertainment thus helping stop the spread of the Coronavirus long term at this location.

Witness Signature: [Redacted Signature]

Signature Witnessed by Signature:.....

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates’ Courts Act 1980, s.5B

URN

Statement of: PC Andrew Walker

Age if under 18: Over 18 Occupation: Police Constable

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

Witness Signature: Date: 03/01/2021

On Friday 2nd of January 2021 at 2pm I was in full uniform and on duty in serial 903 late being tasked as part of the winter nights’ aid. I was the driver in a marked police van that was carrying a team with the following officers; PC HOGWOOD 1506CE, PC HURST 1453CE, PC QUINN 2121CE, PC COLQUHOUN 2499CE, PC SHARP 1746CE, PC HILL 2256CE and Sergeant FRASER 995CE. We had responsibility of any ASB calls that are taking place in the TOWER HAMLETS area. In addition to this we would also take any call that we felt was feasible, such as calls relating to COVID compliance. We were aware that there was current coronavirus legislations due to the area being placed into tier 4, this included hospitality venues only being allowed to open for takeaway purposes.

At approximately 17:05, met control informed us of a call that had come through with regards to a restaurant at 76 BRICK LANE that was breaching current COVID legislation. The informant who reported the venue stated ‘There are four filled tables full of customers eating dinner’. PC HOGWOOD assigned the call to 903L and we made our way to the offence location. Prior to arriving the venue, we had a report from BOW ROAD SNT that the manager of KYICE S KITCHEN is very anti police and has been given a COVID warning recently for breaching the coronavirus legislation.

We arrived to the offence location at approximately 17:28 and I immediately noticed the manager of the venue who I now know to be Abraham MAHMOOD standing by the entrance of the venue refusing to allow police into the premises, he had a sign on his door that said no trespassing and repeatedly pointed it towards us. He was filming us on his phone and was clearly very frustrated at our presence and wanted us to go away. It was also very clear to see that behind Mr MAHMOOD was approximately 10 people in KYICE S KITCHEN that were not complying with Coronavirus legislation, the majority of them were not wearing masks and there was a party of 4 people sitting at a table. Another female who we presumed to work there was also very rude to police and swore at us several times by showing us her middle finger. Mr MAHMOOD insisted that people were there to collect takeaways, which we believed to be false as it was clear to see that people were using the venue to sit in. I was in no doubt that Mr MAHMOOD was breaching coronavirus legislation.

Due to the location being very busy and members of the public began to challenge police on what we were doing, extra police resources was requested to control the situation. Mr MAHMOOD unlocked the door to let the people out that were in KYICE S KITCHEN, these

Witness Signature:

Signature Witnessed by Signature:.....

Continuation of Statement of:

people were issued with fines for breaching Coronavirus legislation and 2 decided to not give their details which resulted in them being arrested.

Sergeant RAHMAN 3589CE was at the location and informed me that Mr MAHMOOD was viable for a £10,000 fine which has been authorised by SUPERINTENDENT LOUIS SMITH. I was given the details of what the fine was for and cautioned him at 17:55, the caution I said to him was 'You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you may rely later on in court, anything you do say may be given in evidence'. I then proceeded to tell him 'holding or being involved in holding a gathering offence, the offence is liable to a 10 grand penalty, contravene requirement to cease providing food and drink for consumption on premises.' Mr MAHMOOD said 'I do not consent' prior to me reading out the offence and caution and refused to listen to what I was saying and later walked away as I was reading it out to him.

We left the venue at approximately 18:12 and made our way back to BETHNAL GREEN police station to begin the process of the fixed penalty notice. When I began the FPN it came to my attention that a key statement was missed when reading out the caution and offence to Mr MAHMOOD which meant I was unable to issue the fine, this statement being 'I am reporting you for the consideration of the question of prosecuting you for the offence of...' Therefore to rectify this mistake I made my way back to 76 BRICK LANE, however, it came to our attention that a call was made over the radio that Mr MAHMOOD had made a further Coronavirus breach and Sergeant RAHMAN informed the team attending that Mr MAHMOOD was viable for a £10,000 fine and they issued this correctly which meant we could then complete the fixed penalty notice.

The incident was recorded on my BWV which I have exhibited as AWW/1. This shows the people inside KYCIE S KITCHEN breaching coronavirus legislation and myself reading out the caution and offence details to Mr Abraham MAHMOOD.

Witness Signature:

Signature Witnessed by Signature:.....



**Attention ALL Law enforcement Personnel
Throughout the Commonwealth
The People Are Counting on You !**



Most People get into Law Enforcement for the Right Reasons. You want to Catch the Criminals and Protect the People, Making the Streets Safe.

Over the past decade we have seen a steady increase in the number of reported cases of PTSD within Law Enforcement.

We have also seen a steady increase in the Suicide Rate of Law Enforcement Officers.

You Know, In your Heart that the System is Broken You See the Revolving Door Justice System Today

You Swore an Oath to the Queen to UPHOLD the Law, Our Common Law Justice System Where ALL are Equal under the Law. Where Justice can be Seen to be done.

What we see today is Not the Common Law Justice System You Swore to uphold.

We are only Governed By Consent and the People do NOT Consent to being Governed by Criminals. Criminals that have trained YOU to Do THEIR Bidding.

We NEED YOU to Fulfill YOUR Oath and Protect the People from the Criminals. For a real look at how our System is designed to work please check out YouTube video [The British Constitution: Re-Exposing it's Secrets](#)

by William Keyte



76



Caribbean Soul Food

Seafood Boils





NOTICE

I DONOT CONSENT

THIS BUSINESS STANDS UNDER THE JURISDICTION OF COMMON LAW

AS THE BUSINESS OWNERS, WE ARE EXERCISING OUR RIGHTS TO EARN A LIVING

Under article 61 of Magna Carta 1215, we have a right to enter into lawful dissent if we feel we are being governed unjustly. Contrary to common belief, our sovereign and her government are only there to govern us and not rule us. This must be done within the constraint of our common law and the freedoms asserted to us by such law. Nothing can become law in this country if it falls outside of this simple constraint.

I am not under any obligation, nor will I, answer any questions or give you any details.

I am a living persons and statutory regulations only apply with my consent.

I will conditionally accept your demands on proof of the following:

- 1 - Proof that SARS-CoV-2 has been isolated and proven to exist. This MUST be SARS-CoV-2, not any other Coronavirus.**
- 2 - Proof that the PCR testing procedure for SARS-CoV-2 is 100% accurate and can not give any false positives.**
- 3 - The date, proof of Royal Assent from the Queen and signature of parliamentary approval that the Law was passed which makes it illegal for my business to operate.**
- 4 - Proof of contract where I agree to participate in these guidelines.**
- 5 - Proof that keeping my business open, constitutes a 'Public Health Threat'.**
- 6 - The evidence proving that the Members of Parliament were given true informed consent when making this decision to close businesses. I would also like to see the data they were given and how they came to this conclusion.**
- 7 - Please show me the nationwide risk assessment that has been taken when the decision to close businesses was derived.**
- 8 - That you will personally take full financial, medical and legal liability for any issues that will be brought on by my business closing. This includes any loss of earnings on my part and my staff.**

You have 7 days from receiving this notice to provide proof of the above. All proof must be sent by recorded mail and must be supported by an affidavit with a full legible title, wet signature, name, address, signed and sworn.

If I do not receive the evidence as requested, I will thereby take your silence as your assent and agreement.

Signed

[Redacted Signature]

13.11.20.

Appendix 3

(Beefy and Birds)
76 Brick Lane
London
E1 6RL

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 29th November 2017



Part A - Format of premises licence

Premises licence number

26598

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Beefy and Birds)
76 Brick Lane

Post town

London

Post code

E1 6RL

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Late Night Refreshments – On and Off sales

Friday to Saturday from 23:00 hours to 00:00 midnight

Supply of Alcohol – On sales only

Monday to Thursday from 12:00 hours to 23:00 hours

Friday and Saturday from 12:00 hours to 00:00 hours midnight

Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Thursday from 12:00 hours to 23:30 hours

Friday and Saturday from 12:00 hours to 00:30 hours the next day

Sunday from 12:00 hours to 23:30 hours

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

On sales only

Part 2

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

Blue Tiger Limited
76 Brick Lane
London
E1 6RL

Telephone no. [REDACTED]
Email address [REDACTED]

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

10600462

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

Akthar Miah
[REDACTED]

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

Personal licence no. [REDACTED]
Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

1.

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

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

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

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

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.
 - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. Notices shall be prominently displayed throughout the premises stating CCTV is in operation.
4. Training shall be given to all staff to ensure compliance with the four licensing objectives, records will be kept on the premises and will show the date of training also will be signed by the staff member and countersigned by the Designated Premises Supervisor (DPS).
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
7. The supply of alcohol shall be by waiter or waitress service only
8. 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
9. Clear Signage shall be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy

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

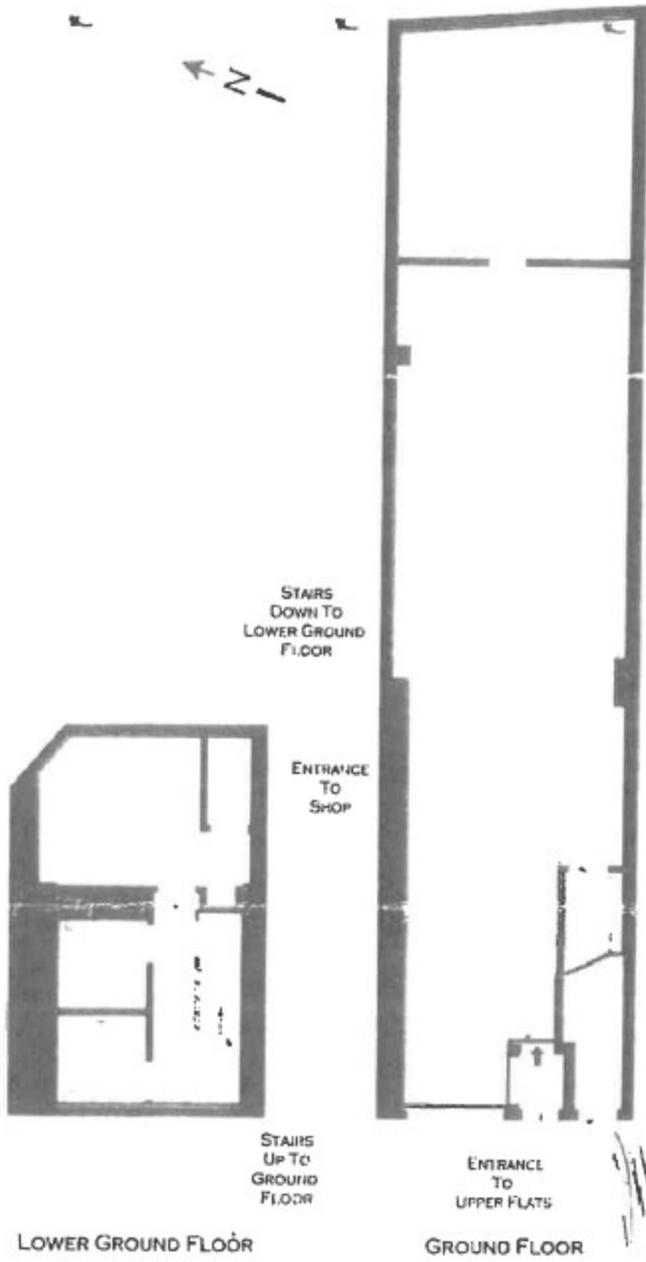
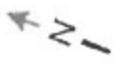
Not applicable

Annex 4 - Plans

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

27th October 2017 ground floor and basement

76 BRICK LANE, E1



SCALE 1:100

C BKR FLOORPLANS
Tel 020 7787 5544



Part B - Premises licence summary

Premises licence number

26598

Premises details

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

**(Beefy and Birds)
76 Brick Lane**

Post town

London

Post code

E1 6RL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Late Night Refreshments – On and Off sales

Friday to Saturday from 23:00 hours to 00:00 midnight

Supply of Alcohol – On sales only

Monday to Thursday from 12:00 hours to 23:00 hours

Friday and Saturday from 12:00 hours to 00:00 hours midnight

Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Thursday from 12:00 hours to 23:30 hours

Friday to Saturday 12:00 hours to 00:30 hours the next day

Sunday from 12:00 hours to 23:30 hours

Name, (registered) address of holder of premises licence

Blue Tiger Limited

76 Brick Lane

London

E1 6RL

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

On sales only

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

10600462

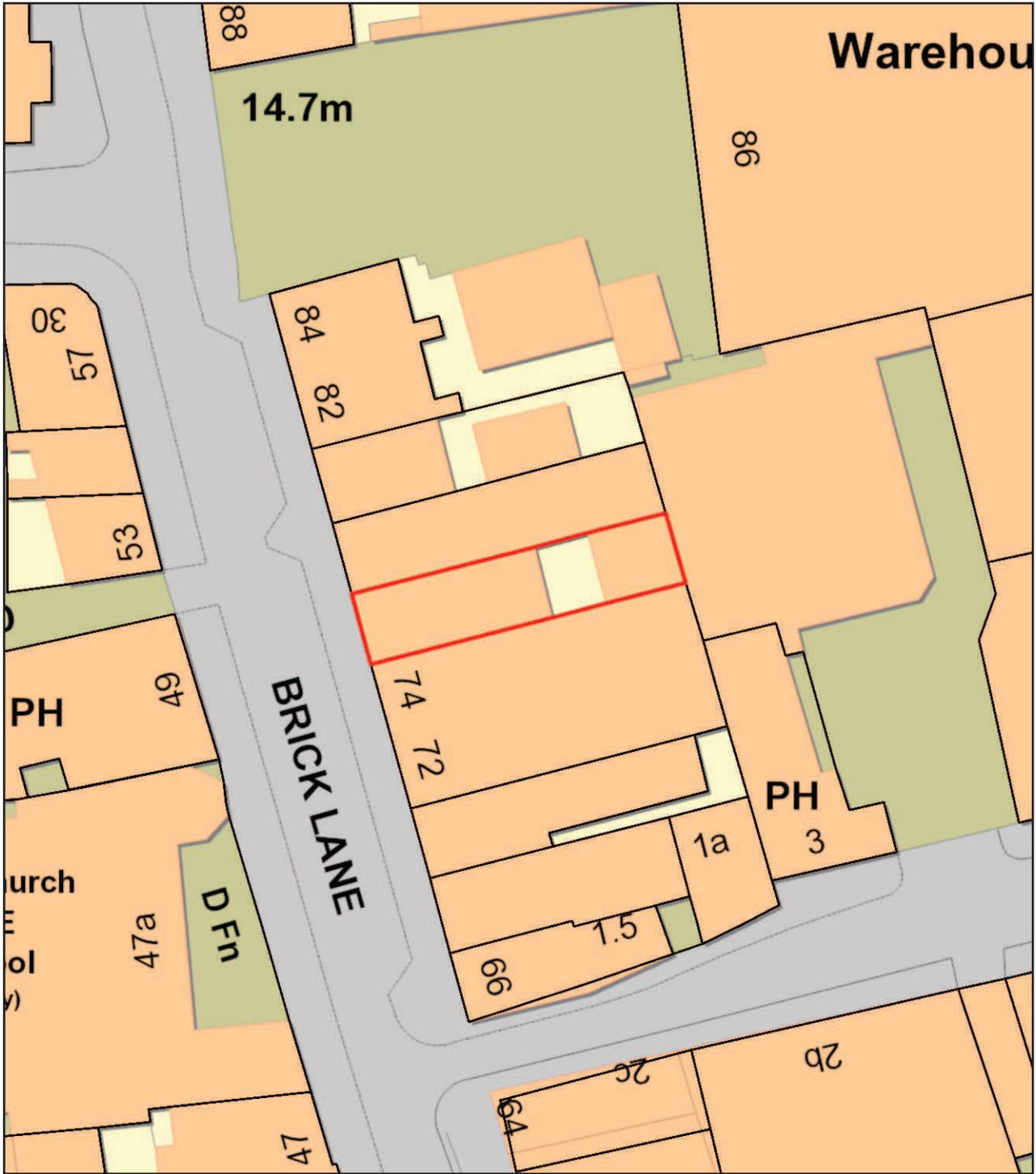
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Akthar Miah

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

Not restricted

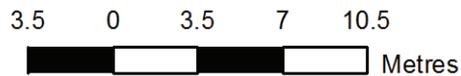
Appendix 4



76 Brick Lane Map 1



Scale 1:384

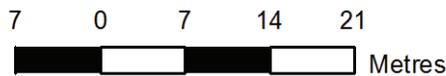




76 Brick Lane Map 2



Scale 1:769



Appendix 5

Environmental Health and Trading Standards
David Tolley

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

London Borough Tower Hamlets
Licensing Authority

Tel [REDACTED]
Fax **020 7364 0863**
Enquiries to **Kath Driver**
Email [REDACTED]

www.towerhamlets.gov.uk

9th March 2021

My reference: P/PR/EHTS/LIC/135947

Dear Sir/Madam,

Licensing Act 2003
Re: 76 Brick Lane, London E1 6RL

I am acting in my capacity as Responsible Authority on behalf of the Licensing Authority to support the review triggered by the Metropolitan Police.

The premises licence was issued to a premises named Beefy and Birds on 29th November 2017 the licence holder being a company Blue Tiger Ltd, company registration no, 10600462. The Director of this company is Sultan MIAH. The annual fee is due each year on the anniversary of grant, a reminder for the fee was sent and no payment was received, on 13th December 2018 a letter was sent suspending the licence until such time that the fee was paid. The letter was sent to the premises address, where the company is registered. (Copy attached)

Further letters were sent to the premises with no response and now had accrued 2 owed payments of £295 from 2018/2019. On 9th January 2019 the solicitors for the licence holders was emailed a copy of the suspension notice. (copy attached). A further reminder would have been triggered for the 2020 fee, and with no further payment a further suspension letter was sent on 16th December 2020. A payment was received on 16th December 2020 via an online payment from payee: [REDACTED], this email address was not linked to any previous communications was had received.

On 9th November 2020 it was brought to our attention via Community Safety Team and the Police that the premises at 76 Brick Lane was breaching Covid Regulations and advertising DJ's on an Instagram page and was now called Kyices Kitchen. On 12th November 2020 I wrote to the various contacts

including the Premises licence holder, the Designated Premises Supervisor including the company director of Kyices Kitchen Ltd, Mr. Esmhan Joume MAHMOOD, advising of the requirements of the Covid Regulations including the lack of authorisation for licensable activities. (Letters attached).

My colleague communicated with Mr. Sultan Miah followed up by an email on 23rd December 2020, attached, stating that the fee of December was not paid by him. We advised Mr. Miah that if the business has been transferred to new ownership a formal process of transfer is required for the licence. He stated that his business is in process of being struck off and a licence is no longer required, we therefore advised him to surrender the licence. The forms for surrender have not been received to date. The company, Blue Tiger Ltd, has been registered to be struck off but is currently suspended due to an objection.

Despite various communications to the licence holder, there has been little response to effectively deal with a premises running unauthorised and illegal activities with no responsibility being taken by the premises licence holder. As the licence holder has failed to either transfer the licence or surrender, this Licensing Authority has no alternative to add to this review to request the licence be revoked.

Yours sincerely,



Kathy Driver
Principal Licensing Officer



Blue Tiger Ltd
76 Brick Lane
London
E1 6RL

13 December 2018

Dear Sir/Madam,

**Licensing Act 2003 Section 55A / 92A
Police and Social Responsibility Act 2011 229(6)**

**Place Directorate
Public Realm**

Environmental Health and Trading Standards
Head of Service: David Tolley

Licensing Section
6th floor

John Onslow House
1 Ewart Place
London E3 5EQ

Tel **020 7364 5008 option 3**

Fax **020 7364 0863**

Enquiries to **Licensing**

Email licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

NOTICE OF SUSPENSION OF PREMISES LICENCE/CLUB CERTIFICATE

The below annual fee and, where applicable, the Late Night Levy Fee remains outstanding, the 21day period in which to pay has now expired. I therefore have to advise you that your premises licence detailed below is now suspended until such time that the fee(s) below and any other annual fees (including Late Night Levy fees where appropriate, see Note 1 below table) owed for previous years are paid. The licence cannot be reinstated until all outstanding fees are paid in full.

Legislation allows 2 working days to arrange payment before the suspending – therefore your Licence will be suspended 2 working days from the date of the postmark on this letter.

Licensing Act 2003 - Annual Fee for Premises Licence			
Reference no	104238/2018	Premises ref:	F229TH76BR/2
Your Licence was issued on 29 November 2017	Fee Due date November 2018	The Annual Fee is due every year on the Premises Licence issue date	
Premises Beefy & Birds 76 Brick Lane London E1 6RL	Annual Licence Fee		
	Cost	Total	
	£295.00	£295.00	
	Late Night Levy Charge, where applicable		
	£	£	
	Total Amount Due	£295.00	
	Best Bar None premise reduced fee Best Bar None accredited premises are entitled to a 30% reduction of the Late Night Levy charge		
Total amount due £			

Note 1: As of 1st January 2018, Licences that permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day will be liable to pay the levy charge shown under box 2 above.

There are 4 ways to pay the annual fee:

- On line payments can be made at http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx (www.towerhamlets.gov.uk 'Online Services' / 'Pay it' / **Licences/Registrations**)
- Cheques should be made payable to the London Borough of Tower Hamlets and sent to the above address. Please write the reference number and premises address on the back of the cheque.
- The fee can be paid in person at the address above.
- Card payment can be taken by phone (020 7364 5008)

PLEASE NOTE: We prefer not to accept payment by BACS, as monies go into a generic Council fund where notification of payment is not received and it may be untraceable. This may result in another fee being liable. If there is no alternative, please ensure you quote the above reference number on the invoice and confirm your receipt of payment details by emailing licensing@towerhamlets.gov.uk.

Please note: The licence will be suspended if payment is not made on or before the due date, this includes the levy fee. The licence will remain suspended until such time that full payment owed is made. If you have any dispute regarding the payment of the fee(s) you MUST notify Licensing Authority on or before the due date.

Yours faithfully,

A black rectangular redaction box covering the signature of Kathy Driver.

Kathy Driver
Principal Licensing Officer



Place Directorate

Public Realm

Environmental Health and Trading Standards
Head of Service: David Tolley

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel **020 7364 5008 option 3**
Fax **020 7364 0863**
Enquiries to **Licensing**
Email **licensing@towerhamlets.gov.uk**

www.towerhamlets.gov.uk

The Licence Holder/Manager
Beefy & Birds
76 Brick Lane
London
E1 6RL

16 December 2019

Dear Licence Holder,

Licensing Act 2003 Section 55A / 92A

NOTICE OF SUSPENSION OF PREMISES LICENCE/CLUB CERTIFICATE

The below annual fee remains outstanding, the 21day period in which to pay has now expired. I therefore have to advise you that your premises licence detailed below is now suspended until such time that the fee below and any other annual fees owed for previous years is paid. The licence cannot be reinstated until all outstanding fees are paid.

Legislation allows 2 working days to arrange payment before the suspending – therefore your Licence will be suspended 2 working days from the date of the postmark on this letter.

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Your Licence was issued on 29 November 2017	Fee Due date November 2018	The Annual Fee is due every year on the Premises Licence issue date		
Premises Beefy & Birds 76 Brick Lane London E1 6RL	Annual Licence Fee			
	Cost	Total		
	£295.00	£295.00		
	Late Night Levy Charge, where applicable			
	£	£		
	Total Amount Due		£295.00	
	Best Bar None premise reduced fee Best Bar None accredited premises are entitled to a 30% reduction of the Late Night Levy charge			
Total amount due £				

Note 1: As of 1st January 2018, Licences that permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day will be liable to pay the levy charge shown under box 2 above.

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- Cheques should be made payable to the London Borough of Tower Hamlets and sent to the above

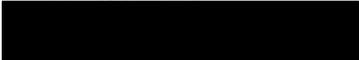
address. Please write the reference number and premises address on the back of the cheque.

- The fee can be paid in person at the address above.
- Card payment can be taken by phone (020 7364 5008)

PLEASE NOTE: We prefer not to accept payment by BACS, as monies go into a generic Council fund where notification of payment is not received and it may be untraceable. This may result in another fee being liable. If there is no alternative, please ensure you quote the above reference number on the invoice and confirm your receipt of payment details by emailing licensing@towerhamlets.gov.uk.

Please note: The licence will be suspended if payment is not made on or before the due date, this includes the levy fee. The licence will remain suspended until such time that full payment owed is made. If you have any dispute regarding the payment of the fee(s) you MUST notify Licensing Authority on or before the due date.

Yours faithfully,



Kathy Driver
Principal

Licensing

Officer

Kathy Driver

From: Damian Doherty on behalf of Licensing
Sent: 09 January 2019 11:47
To: 'miahsultan [REDACTED]'
Cc: HT-LicensingOffice [REDACTED]; 'winston.brown [REDACTED]'
Subject: Suspended Licence 76 Brick Lane E1
Attachments: 76 Brick lane 13.12.18.pdf

Importance: High

FAO Sultan Miah

Please find attached a Suspension Notice for **(Beefy and Birds) 76 Brick Lane London E1 6RL** in relation to the 2018 annual fee due on/before 29th November 2018 (£295).

The following activities have been suspended since 15th December 2018:

The times the licence authorises the carrying out of licensable activities

Late Night Refreshments – On and Off sales

Friday to Saturday from 23:00 hours to 00:00 midnight

Supply of Alcohol – On sales only

Monday to Thursday from 12:00 hours to 23:00 hours

Friday and Saturday from 12:00 hours to 00:00 hours midnight

Sunday 12:00 hours to 23:00 hours

Please send proof of payment through to licensing@towerhamlets.gov.uk or make contact with our admin team (Ref: **104238/2018**) on 0207 364 5008 (9am to 5pm Mon to Fri) to lift Licence suspension.

Otherwise please could you arrange payment ASAP? Enforcement action is planned

Many thanks

Damian Doherty
c/o Licensing Section

John Onslow House
1 Ewart Place
London E3 5EQ

Tel: 020 7364 5008

Kathy Driver

From: Ibrahim Hussain
Sent: 23 December 2020 14:56
To: miahsultan [REDACTED]
Subject: Licence Surrender -Blue Tiger Limited, 76 Brick Lane, London, E1 6RL
Attachments: NewPREM 115A.pdf

Dear Mr Sultan Miah

Beefy and Birds

Blue Tiger Limited, 76 Brick Lane, London, E1 6RL
Premises licence number: 26598

As telephone conversation earlier today you mentioned you are no longer trading Blue Tiger Limited, 76 Brick Lane, London, E1 6RL for many months and a new business holder currently trading and the new business holder have not transferred premises licence from your company as you have not given consent to transferred. You have also mentioned that you want to surrender the premises licence because you are no longer require a licence and have stop trading but you did not know that you have to surrender the licence to the licensing authority until I have informed you today by telephone.

You can surrender your premises licence at any time if you no longer want to use the premises for any of the licensable activities authorised. Only the premises licence holder or an agent of the licence holder can surrender the licence.

Please find attached the Notice of surrender of premises licence form. Once completed please email licensing general email: licensing@towerhamlets.gov.uk

Please ensure it is signed by all licence holders or a Director of the company.

Kind regards

Ibrahim Hussain
Licensing Officer
Licensing and Safety Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ

[REDACTED]
Licensing Hotline **020 7364 5008**
Licensing General Email: licensing@towerhamlets.gov.uk
Please visit our web page for application forms and guidance
at www.towerhamlets.gov.uk/licensing

Follow us on:
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Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>),

BLUE TIGER LTD

Company number **10600462**

- [Officers](#)
- [Persons with significant control](https://beta.companieshouse.gov.uk/company/10600462/persons-with-significant-control) (<https://beta.companieshouse.gov.uk/company/10600462/persons-with-significant-control>)

Filter officers

<input type="checkbox"/> Current officers
--

Apply filter

1 officer / 0 resignations

MIAH, Sultan

Correspondence address **19 Burslem Street, London, England, E1 2LL**

Role Active **Director**

Date of birth **May 1979**

Appointed on **3 February 2017**

Nationality **British**

Country of residence **England**

Occupation **Director**

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Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>),

BLUE TIGER LTD

Company number **10600462**

Date	Type	Description	View / Download
14 Mar 2020	DISS16(SOAS)	Compulsory strike-off action has been suspended	(1 page)
11 Feb 2020	GAZ1	First Gazette notice for compulsory strike-off	(1 page)
21 Mar 2019	CS01	Confirmation statement made on 2 February 2019 with no updates	(3 pages)
09 Mar 2019	DISS40	Compulsory strike-off action has been discontinued	(1 page)
06 Mar 2019	AA	Micro company accounts made up to 28 February 2018	(2 pages) Download iXBRL (https://beta.companieshouse.gov.uk/company/10600462/filing-history/MzJyODcwMTU4N2FkaXF6a2N4/document?format=xhtml&download=1),
13 Feb 2019	DISS16(SOAS)	Compulsory strike-off action has been suspended	(1 page)
22 Jan 2019	GAZ1	First Gazette notice for compulsory strike-off	(1 page)
26 Feb 2018	CS01	Confirmation statement made on 2 February 2018 with no updates	(3 pages)
03 Feb 2017	NEWINC	Incorporation Statement of capital on 2017-02-03	(27 pages)

- GBP 1

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PLACE Directorate

Environmental Health and Trading Standards

Head of Service David Tolley

Tel: **020 7364 5008**
Fax: **020 7364 6901**
Enquiries to: **Kath Driver**
Email: [REDACTED]

Sultan MIAH
[REDACTED]

12th November 2020

Reference: P/PR/EHTS/LIC/102108

www.towerhamlets.gov.uk

Dear Sir/Madam,

RE: Kyices Kitchen, 76 Brick Lane, London E1 6RL
The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020
Licensing Act 2003

An Officer from the Metropolitan Police has witnessed that the above business appears to be open in contradiction to the above regulations and government guidance.

As you may be aware, from the 5th November 2020 to reduce social contact, the government has ordered certain businesses and venues to close. Your business is one of these businesses. As a result, it must cease to provide food or drink for consumption on the premises. To clarify consumption on the premises includes areas adjacent to the premises where seating is made available for customer of the business (whether by the businesses or not) or which the business customers habitually use for the consumption of the food or drink.

The above regulations do permit you to open for customers to purchase food or drink, but not alcohol, for consumption off the premises (i.e. for takeaway or delivery) between 05:00 and 22:00 hours. Food and drink between 22:00 and 05:00 hours, for consumption off the premises is permitted provided this in response an order made in advance via by telephone, text, via website/online communication or by post for collection only (i.e. customer does not enter the premises) or delivery. Drive through orders are also permitted provided order is taken from and delivered to a person who remains in the vehicle.

Please note any supply of hot food or hot drink between the hours of 23:00 hours and 05:00 hours requires a premises licence under the Licensing Act 2003.



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1 Ewart Place
London
E3 5EQ

Failure to comply with Restriction Regulations may result in a substantial fine by way of a Fixed Penalty Notice being issued against you.

The Authority will be undertaking monitoring to ensure compliance with these regulations as part of its actions to reduce the spread of Covid-19. Should your premises be found open in breach of these regulations formal action may be taken to ensure compliance.

In addition to the above, it is noted the premises are advertising DJ's and must advise that any regulated entertainment requires a Premises Licence under the Licensing Act 2003. Our records show the premises is currently under suspension with a number of annual fees outstanding and therefore there is no authorisation to undertake any licensable activities including sale of alcohol; late night refreshment or regulated entertainment. Any unauthorised activities is an offence under Section 136 of the Licensing Act 2003 and is subject to an unlimited fine and/or six months imprisonment.

If you no longer have any involvement in the above business, please contact us as a matter of urgency and would advise you seek legal advice regarding the licence that you currently hold. If you would like to discuss the above or wish to make any comments, please do not hesitate to contact me.

If you are experiencing financial difficulties as a result of Covid-19 please visit the Council's "Coronavirus – support for businesses" webpage where you can find out what the support the Council is able to provide. This page also links directly to the Government Guidance pages that have further information relating to business support that might be available.

https://www.towerhamlets.gov.uk/lgn/business/Coronavirus_business.aspx

Yours sincerely



Kathy Driver
Principal Licensing Officer



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Tower Hamlets Council
John Onslow House
1 Ewart Place
London
E3 5EQ

PLACE Directorate

Environmental Health and Trading Standards

Head of Service David Tolley

Tel: **020 7364 5008**
Fax: **020 7364 6901**
Enquiries to: **Kath Driver**
Email: [REDACTED]

Akthar MIAH
[REDACTED]

12th November 2020

Reference: P/PR/EHTS/LIC/102108

www.towerhamlets.gov.uk

Dear Sir/Madam,

RE: 76 Brick Lane, London E1 6RL
The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020
Licensing Act 2003

I write to you as the you remain recorded as the Designated Premises Supervisor of the above premises licence which is currently suspended. An Officer from the Metropolitan Police has witnessed that the above business appears to be open in contradiction to the above regulations and government guidance.

As you may be aware, from the 5th November 2020 to reduce social contact, the government has ordered certain businesses and venues to close. Your business is one of these businesses. As a result, it must cease to provide food or drink for consumption on the premises. To clarify consumption on the premises includes areas adjacent to the premises where seating is made available for customer of the business (whether by the businesses or not) or which the business customers habitually use for the consumption of the food or drink.

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The Authority will be undertaking monitoring to ensure compliance with these regulations as part of its actions to reduce the spread of Covid-19. Should your premises be found open in breach of these regulations formal action may be taken to ensure compliance.

In addition to the above, it is noted the premises are advertising DJ's and must advise that any regulated entertainment requires a Premises Licence under the Licensing Act 2003. Our records show the premises is currently under suspension with a number of annual fees outstanding and therefore there is no authorisation to undertake any licensable activities including sale of alcohol; late night refreshment or regulated entertainment. Any unauthorised activities is an offence under Section 136 of the Licensing Act 2003 and is subject to an unlimited fine and/or six months imprisonment.

If you no longer have any involvement in the above business, I would advise you remove yourself from the premises licence by completing a Section 41 form, this can be found on our webpages www.towerhamlets.gov.uk/licensing . If you would like to discuss the above or wish to make any comments, please do not hesitate to contact me.

If you are experiencing financial difficulties as a result of Covid-19 please visit the Council's "Coronavirus – support for businesses" webpage where you can find out what the support the Council is able to provide. This page also links directly to the Government Guidance pages that have further information relating to business support that might be available.

https://www.towerhamlets.gov.uk/lqn/business/Coronavirus_business.aspx

Yours sincerely



Kathy Driver
Principal Licensing Officer



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Tower Hamlets Council
John Onslow House
1 Ewart Place
London
E3 5EQ

PLACE Directorate

Environmental Health and Trading Standards

The Director
Kyices Kitchen Ltd
76 Brick Lane
London
E1 6RL

Head of Service David Tolley

Tel: **020 7364 5008**
Fax: **020 7364 6901**
Enquiries to: **Kath Driver**
Email: [REDACTED]

12th November 2020

www.towerhamlets.gov.uk

Reference: P/PR/EHTS/LIC/102108

Dear Sir/Madam,

RE: Kyices Kitchen, 76 Brick Lane, London E1 6RL
The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020
Licensing Act 2003

An Officer from the Metropolitan Police has witnessed that your business appears to be open in contradiction to the above regulations and government guidance.

As you may be aware, from the 5th November 2020 to reduce social contact, the government has ordered certain businesses and venues to close. Your business is one of these businesses. As a result, it must cease to provide food or drink for consumption on the premises. To clarify consumption on the premises includes areas adjacent to the premises where seating is made available for customer of the business (whether by the businesses or not) or which the business customers habitually use for the consumption of the food or drink.

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Failure to comply with Restriction Regulations may result in a substantial fine by way of a Fixed Penalty Notice being issued against you.

The Authority will be undertaking monitoring to ensure compliance with these regulations as part of its actions to reduce the spread of Covid-19. Should your premises be found open in breach of these regulations formal action may be taken to ensure compliance.

In addition to the above, it is noted you are advertising DJ's and must advise that any regulated entertainment requires a Premises Licence under the Licensing Act 2003. Our records show the premises is not authorised to undertake any licensable activities including sale of alcohol; late night refreshment or regulated entertainment. Any activities of this nature is an offence under Section 136 of the Licensing Act 2003 and is subject to an unlimited fine and/or six months imprisonment.

If you have any questions or enquiries in relation to any of the above, or wish to make any comments, please do not hesitate to contact me.

If you are experiencing financial difficulties as a result of Covid-19 please visit the Council's "Coronavirus – support for businesses" webpage where you can find out what the support the Council is able to provide. This page also links directly to the Government Guidance pages that have further information relating to business support that might be available.

https://www.towerhamlets.gov.uk/lgn/business/Coronavirus_business.aspx

Yours sincerely



Kathy Driver
Principal Licensing Officer



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John Onslow House
1 Ewart Place
London
E3 5EQ

Appendix 6



London Borough Tower Hamlets
Licensing Authority

2nd March 2021

**Place Directorate
Public Realm**

Head of Environmental Health and Trading Standards:
David Tolley

Licensing and Safety Team
John Onslow House
1 Ewart Place
London E3 5EQ

Tel: [REDACTED]
Fax: 020 7364 6901
Enquiries to:

Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003
Health and Safety at Work etc. Act 1974 – Section 2, 4
Environmental Protection Act 1990 – Section 79 (1)(a)
Re: Kyice's Kitchen 76 Brick Lane E1 6RL – Review Application (APP Ref: 135947)

I write in relation to the application submitted by the Police to review the premises licence for Kyice's Kitchen 76 Brick Lane E1 6RL. As a Health and Safety Inspector I am writing in the capacity of a Responsible Authority for Health and Safety within the London Borough of Tower Hamlets.

I support the Police in this application, because in my view the premises has undermined the following licensing objectives:

- Prevention of crime and disorder
- Public safety

The reasons for this are as follow. On Saturday 19th December 2020, Officer Nazir ALI and I were visiting the premises as part of our Business Restriction visits. We noted a gathering of approximately twenty to twenty-five people inside the premises partying with food and drinks, whilst music was playing, in contravention of the Business Restriction Regulations under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. This incident was reported to the police via 101 and the call reference number was CAD7617 19/12/2020.

In light of this offence a Fixed Penalty Notice (Number 6622) was served by Officer Nazir ALI on the premises on 24th December 2020. The notice required the payment of £2000 as



this was the second Fixed Penalty Notice they had received, with an initial one being served by the Police for a similar offence in November 2020.

The premises was fully aware of the Businesses Restrictions that were in place both in November and December 2020 and yet chose to blatantly ignore them. This put their customers and staff at a higher risk of transmission of Coronavirus at a time when infection rates were high, and London had been declared a major incident by the London Mayor. Furthermore, London had been moved from Tier 3 to the then new Tier 4 in response to the increasing infection rates. However, this premises felt that the restrictions didn't apply to them and appeared to act as if there was no pandemic.

Based on the aforementioned, I fully support the police and believe the licence should be revoked. This is because I can see no conditions that could be added to the licence that would address the undermining of the licensing objections mentioned above.

Yours sincerely ,



Lekan Olomo
Health and Safety Officer
Environmental Health and Trading Standard - Health and Safety Team

Appendix 7

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 09 March 2021 14:39
To: Mohshin Ali; Kathy Driver
Subject: FW: 135947 MAU REPRESENTATION Kyices Kitchen 76 Brick Lane, London

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Nicola Cadzow [REDACTED]
Sent: 09 March 2021 14:00
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: [REDACTED]
Subject: 135947 MAU REPRESENTATION Kyices Kitchen 76 Brick Lane, London

Dear Licensing,

I am a Noise Officer within Environmental Protection and as a responsible authority under the Licensing Act 2003 it is my responsibility to give due regard to the licence review initiated by the Police in respect to Kyices Kitchen, 76 Brick Lane, London and consider the impact of the four licensing objectives, including the prevention of crime and disorder and the prevention of public nuisance, and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

Our records show we received a noise complaint on the 19th December 2020 alleging disregard for the covid restrictions and laws in place at kyices kitchen. The report alleges and I quote *“that the premise was full up with people Saturday night for the boxing, and that there were no covid restrictions in place, with people inside were touching distance and no one was wearing masks. Once food stopped being served no one left they all stayed inside drinking large quantities of alcohol with no food”*.

It was also alleged that there was lots of singing and cheering for the boxing causing a noise nuisance.

CONCLUSION

Environmental Protection has no evidence to support a statutory noise nuisance, however the noise complaint indicates the premises breached covid restrictions. There is an apparent failure by the License Holder & Designated Premises Supervisor in promoting the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. I therefore support the Police in seeking revocation of the license.

Kind regards

Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ

[REDACTED]
www.towerhamlets.gov.uk

Follow us on:

A new strain of Covid-19 is spreading fast

 **Stay home** ▶  **Protect the NHS** ▶  **Save lives**

Stay updated with local coronavirus information at www.towerhamlets.gov.uk/coronavirus

Appendix 8

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

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

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

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

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

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

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 9

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

Updated April 2018

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). 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.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Appendix 10

Licensing Policy, updated November 2018

Crime and Disorder

- 7.1 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 and to store prescribed information.
- 7.2 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 licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 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.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 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 the Secretary of State's Guidance.
- 7.6 **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.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, 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.

7.8 **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 Code of Practice. 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 in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 this 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.

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

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

- 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 to provide traceability.
- 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.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 11

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

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

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.