

# Appendix 1



**LICENSING ACT 2003**

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**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Cabby's Rum Bar Railway Arch 411 St Pauls Way London	
<b>Post town</b> <b>Tower Hamlets</b>	<b>Post code (if known)</b> E3 4AG

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

**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**

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)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address:

Pc Mark Perry 1748HT  
Licensing Officer  
Central East Licensing  
2<sup>nd</sup> Stoke Newington Police Station  
London

Telephone number (if any)

E-mail (optional) [REDACTED]

**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    | Y |
| 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 formally seek the review and revocation of the premises license for Cabby's Rum Bar at Railway Arch 411, St Pauls Way London E3 4AG. This review is sought on the grounds of preventing Crime and Disorder, Public Nuisance and Public Safety. The premises only had its licence granted in September 2020, stating in the application that it was going to be a bar with no amplified music, yet we have received complaints from residents about the premises being operated as a night club. Police attending the venue have been met with hostility and a refusal to allow them on the premises. The Premises License Holder and Designated Premises Supervisor has shown a contempt for local residents, his obligations under both the premises license and the licensing act, Tower Hamlets Council and the Police. This is all detailed in the evidence included in this application.

On the 4<sup>th</sup> of April 2020, at 11:43pm, Police received a call from a member of the public about Cabby's, complaining about the venue. The details of the call to Police are below and CAD refers to it as follows:

*There is a unit in a railway arch that is opposite the autos garage, at the moment there is a party that has been going on for several hours & there are lots of people coming. During the lockdown this premises had had several similar parties. Loud music also heard. Concern regarding breach of covid 19 guidelines. People going in and out to smoke and several more going in. The gate that leads into the arch is on St Pauls way. People have also come into the private carpark and left vehicles there.*

At the time, the Covid regulations meant that the premises should have been closed to customers inside the venue.

On the 23<sup>rd</sup> May 2021, at 11:17, Police were again called to Cabby's by a member of the public complaining about an illegal party at the venue, stating that there were 100 people at this event, that there was loud music, and people were turning up drunk. Police arrived at the venue a short while later and reported that *There are an awful lot of people in these premises.*



PC Warrell 1262CE and PC Burgess 2322CE were two of the officers who attended the venue and their statements are included as evidence for this review. PC Warrell states that on arrival, the music from the venue was so loud that it could be heard across the street. Several vehicles were parked outside and police could not gain entry as the entrance gate was padlocked. When police called out, the music and lights were turned off, in what we believe was a deliberate attempt to hide what was going on at the venue. Locking the gates is extremely concerning as this traps those inside the venue, which is dangerous if people needed to evacuate the building in an emergency say a fire.

PC Burgess spoke to the manager, Mr Moses Odong, who said it was a private party with 50 people and refused them entry, even though they were in full uniform and had provided their names and shoulder numbers. Mr Odong called the Police on his telephone, who confirmed that the Police Officers at the venue were genuine. Mr Odong still refused to let officers inside. Throughout the visit, Mr Odong was un co-operative and failed to engage with Police or uphold his responsibilities under the licensing act by allowing Police entrance to his venue. We believe this is because the venue was failing to comply with the Covid regulations as it was acting as a nightclub.

At the time of the above visit, the Covid regulations meant that the premises should not have customers inside the venue.

On the 13<sup>th</sup> June, at 8:28pm, Tower Hamlets Council received a complaint from a local resident via e-mail, complaining that the venue had been breaching covid regulations and acting as a night club, which was causing nuisance to them. See email below:

**Sent:** 13 June 2021 20:28

**To:** Licensing <Licensing@towerhamlets.gov.uk>

**Subject:** Complaint Cabbie's Jerk

*Hi there,*

*There's very loud music coming from Cabbie's Jerk restaurant. It is on all afternoon and still now.*

*Even with windows closed you can hear it loud!*

*I passed by and could see lots of people, looks like a rave party, they have big speakers outdoors and all dancing. Not to say that it is not Covid compliant at all.*

*The music is really loud, was on for the all day.*

*What does the council can do about it?*

Additional evidence of the venue operating as a nightclub and breaching covid regulations is provided by another resident who has contacted Tower Hamlets Council Licensing. Their complaint is below:

**From:**

**Sent:** 26 May 2021 10:43

**To:**

**Cc:** Licensing <Licensing@towerhamlets.gov.uk>; Environmental Protection

<Environmental.Protection@towerhamlets.gov.uk>

**Subject:** Fwd: URGENT - ILLEGAL NIGHT CLUB

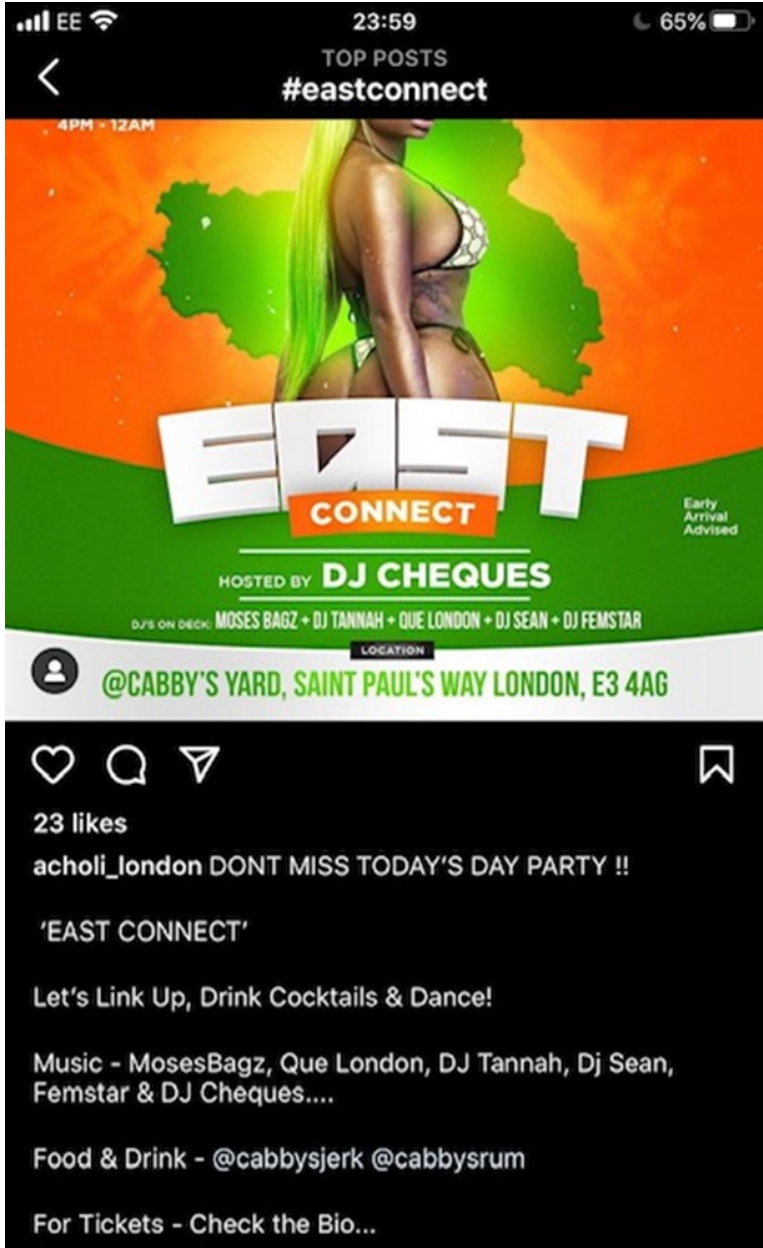
*Since December 2020 a night club has opened CABBYS JERK ADDRESS IS: Arches 411 St PAULS WAYS LONDON E3 4AG. They have advertised themselves as selling FOOD upto 10 or 11pm. However after 11pm they turn it into a NIGHT CLUB. They have been playing EXTREMELY loud music! and the people coming in and out of that place are all drunk, disorderly, shouting and creating noise nuisance. They are misusing our private car park, they are also playing loud music inside their cars early hours in the morning and urinating next to my car and other residents. Celebrities such as Anthony Joshua Boxing Champion are attending this night club as he tried to misuse my car park. I called the police on Sunday 23.05.21 as it become unbearable of so much noise when my children are trying to sleep to go to school in the morning and I have work. They are not even supposed to be having a night club open due to covid restrictions. I have the police CAD no. CAD8477 originally reported on 4/12/2020 . When the police arrived they quickly locked the gates and turned the music down and didn't let the police in. I don't think they even have a licence to have a night club open especially in a residential area. If they do have a license why as residents haven't we been consulted*

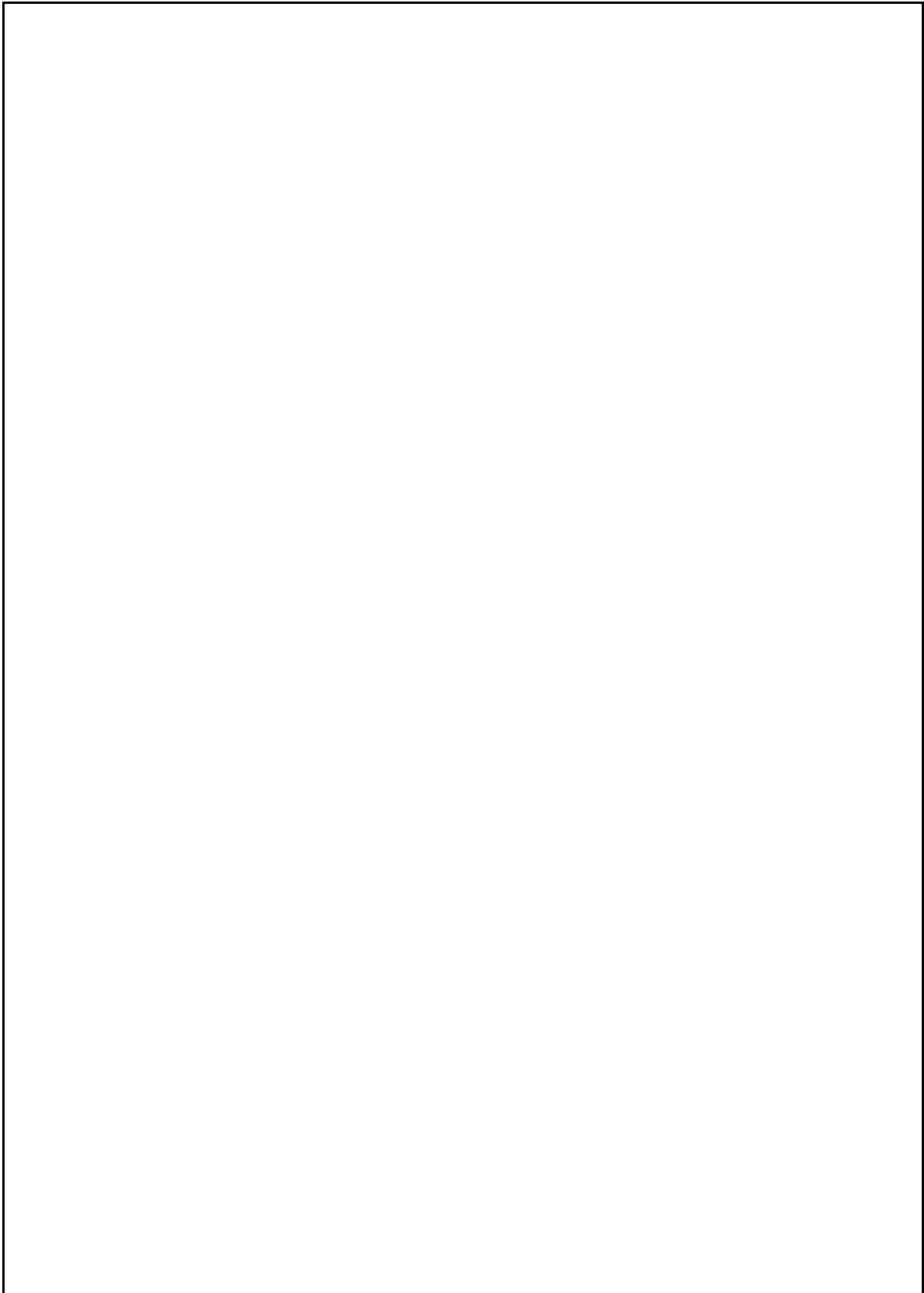
*of such night club venues being open in our neighbourhood. This isn't Leicester Square! this is our residential area. I have lived here for over 10 years and this is such a peaceful and quiet neighbourhood. Please put a stop to this as a matter of urgency as it's only going to get worse now that summer is coming up.*

Police have tried to work with Mr Adong, on Monday the 24<sup>th</sup> May 2021 PC Leban 1485CE from Police Licensing phoned Mr Adong to ask him what was going on at the venue and explain to him why Police attended his venue and his responsibilities under the Licensing Act. However Mr Adong refused to explain what was going on at the venue, he said that the Police Officers who attended were trespassing it was the Police's fault, and refused to engage with PC Leban by constantly talking over him. PC Leban warned Mr Adong that if he failed to listen to Police then this could end up in a premises license review. Mr Adong had no regard for this replied along the lines of so what.

Clearly on the basis of the above evidence from residents, what Police have observed from their visits and the refusal of the venue management to allow Police into the premises, this is operating as a nightclub. Adverts for the venue (shown below, with others attached) also show it operating it as a nightclub, advertising dancing running from the afternoon to midnight. The venue has failed to uphold the licensing objectives of preventing crime and disorder and public safety by breaching covid regulations and has caused public nuisance to local residents.

The Premises License Holder has wilfully breached regulations and refused the Police entrance to his venue, which is a breach of the Licensing Act, in what we believe is an attempt to cover up the illegal events going on inside. Given the license has only been in operation for a few months and the lack of respect shown towards both local residents and the licensing authorities, we do not believe any conditions can be imposed that he would respect or follow. We therefore ask for this venue's premises license to be revoked.





**Please tick ? yes**

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

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: 01/07/ 2021

.....

Capacity Police Licensing Officer

.....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	



# Appendix 2

**WITNESS STATEMENT**

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

**Statement of**      **PC L WARRELL 1262CE** .....      **URN:**     

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

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

**Signature:**       .....      **Date:**      27 May 2021

Tick if witness evidence is visually recorded

At 1700hrs on 23rd May 2021 I paraded in full uniform at SHOREDITCH POLICE STATION alongside PC's D BURGESS, 2322CE, PARMENTER 1410CE, DURBIN 2345CE, LIVINGSTONE 1219CE and MARTINS 1925CE, assigned Call sign Serial 950C and tasked with COVID/UME Patrols locally on the Central East BOCU.

Around 2317hrs on Sunday 23<sup>rd</sup> May 2021 a potential UME was reported to Police. CAD 7535/23MAY21 refers. The CAD identified underneath the Railway Arches on ST PAULS WAY, E3 as the location for the event. Shortly after the call came out Serial 950C arrived in scene. On arrival officers were approached by a male we believe to be the informant. The male directed us to the location and reported that there were large groups of people, drinking going to a party and that they have parked on all the side roads causing congestion.

Serial 950C approached a set of metal gates which were locked by a chain and padlock. The music initially was very loud and heard from across the street, it appeared that at the point officers came in to sight of the location the music was then turned down. As officers come up to the gates there were clear signs of an event. There were several high range vehicles locked behind the gate with no occupants and large signs stating 'CABBY'S JERK CHICKEN'. Officers were approached by an IC3 Male, stocky build wearing a light baseball cap and dark hoody. The male was on the other side of the locked fence and remained there throughout our interaction. The male identified himself as either the organiser or owner of the venue. I cannot recall what exactly. The male was uncooperative from the start. Myself and PC BURGESS identified ourselves as Police Officers and told the male of our names and shoulder numbers to which the male talked over us and continue to demand our names. It was explained to the male that we have had reports of an unlicensed music event and are there to investigate. We

**Signature:**       .....      **Signature witnessed by:**      .....

Continuation of Statement of Lucy WARRELL .....

appraised the male that we heard the loud music on arrival and were concerned over the amount of people inside the premises.

The male reported around 50 people for a private party. The male ensured that all the relevant paperwork was complete and we should contact the council if we had any issues. It was highlighted to the male that contacting the council will not be necessary and we wished to view said licensing agreements and that under the licensing act we can enter the premises if we believe illegal activity was taking place to which the locking of the fence and uncooperative behaviour suggested may be the case. The fence was secured shut and locked in place and very close to a parked vehicle inside the premises. Myself and PC DURBIN conducted a perimeter check and found no other exit or entrance open therefore in the event of a fire the occupants would struggle to escape. The courtyard outside the premises was packed with vehicles so it appeared that there was no outdoor areas to congregate in the event of an emergency.

The male continued to be uncooperative and failed to provide his name or any information regarding the event. He added that he had been kidnapped before and didn't believe we were police officers despite all officers being in full beat uniform including name badges and shoulder numbers. At one point the male contacted 999 to report that he didn't believe who we were. PC BURGESS gave full names and shoulder number to the controller who reported back to the male that he was a real police officer and should listen. The male continued to be obstinate and refused entry at which point A/INS PROUD arrived on scene and spoke with the male. Our guidance from there on was to monitor the situation as the male reported the party was due to finish at 0000hrs.

We remained on scene for a while after 0000hrs and there was a steady flow of individuals leaving but an equal amount if not more re-entering the premises. [REDACTED]

Signature: [REDACTED] ..... Signature witnessed by: .....

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

URN


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Statement of: Constable Darren Burgess

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: 27 May 2021

On SUNDAY 23RD MAY 2021 at 23:30 hours, I was working in full police uniform, call sign 950A, in a marked minibus together with PC PARMENTER 1410CE, PC WARRELL 1262CE, PC DURBIN 2345CE, PC LIVINGSTONE 1219CE and PC MARTINS 1925CE, tasked with carrying out UME and covid patrols in the boroughs of Hackney and Tower Hamlets. At 23:30 hours I attended CAD 7535/23MAY2021, which stated that a UME was taking place at ST PAULS WAY j/w TURNERS ROAD. I attended the location and could very loud music coming from inside a building, which could clearly be heard from the street, as well as flashing lights inside the building. I went over to where it was coming from and could see a large gate, which was padlocked with a number of cars parked behind it. I shouted across to see if anyone was there and the music quickly turned off, as did the lights. An IC3 male, with a grey beard, wearing a cap then came to the other side of the gate. I then asked the male what was going on, to which he replied "I HAVE A LICENCE TO HAVE A PARTY". He then stated that there were 50 people inside the venue and that he couldn't open the gate to let us check inside. I then asked him a number of times if we could check inside and that we could check inside the venue under the Licensing Act. The male then continued to be obstructive and uncooperative and asked me for my name and number, to which I said my name was PC BURGESS and my shoulder number was 2322CE. He then continued asking around my colleagues asking for their names and numbers, before restating that there were 50 people inside and that they were a bar. The male continued to be obstructive and said that I was trespassing, when I was standing on the pavement outside the gate. He then asked again and again for my name and number, to which I replied that I had already given it to him.

The male then moved away for a few minutes before returning and asking myself and my colleagues to move away, stating that he thought we were burglars. The male then repeated what he had done before and carried on asking officers to identify themselves, asking "WHAT'S YOUR NAME, WHATS YOUR BADGE NUMBER?". The male then moved away, however another IC3 male dressed in an orange t-shirt, wearing a cap and glasses came to the gate and said they had a licence. I then stated that we would need to look inside to which he replied "ITS A PRIVATE PARTY." The male with the grey beard then took his phone out and ran 999 and put the operator on loudspeaker, where the operator spoke to me and I confirmed the CAD number I was at and my shoulder number. Shortly after A/Inspector PROUD arrived, and the male continued to be uncooperative. A/Inspector spoke to the male, who again said that there were 50 people inside the venue, however he still refused to let us in and check. The decision was then made by A/Inspector PROUD to let the gathering continue, provide the music remained turned off. I then moved away and sat parked in a minibus, near to the gate where I continued to observe more and more people going in through the gates until 01:00 when we left the scene.

Signature: 

Signature Witnessed by:



JUL  
02

### Good Vibez (Lets Party)

by DJ Cheques [Follow](#)

£5.98 - £11.37



[Tickets](#)

Once you come to Cabby's Yard, you will always come back.... Once your in the yard, we are all one family.... The Key to are Success!!

#### About this event

"GOOD VIBEZ"

Get ready for an unforgettable event Join us on FRIDAY 2nd July,  
As "GOOD VIBEZ" brings you BBQ, SHISHA, COCKTAILS, RUM&GIN, AFROBEATS, BASHMENT & MORE.....

The FOOD is Amazing!!!

The RUM&GIN is Crazy!!

Your HOST is Unforgettably!!!

ID/Passport: Mandatory

#### Date and time

Fri, 2 Jul 2021, 18:00 BST  
[Add to calendar](#)

#### Location

E3 4AG  
Saint Paul's Way  
London  
E3 4AG  
[View Map](#)

#### Refund policy

No Refunds

party-tickets-160962648615?aff=ebdssbdestsearch

om Cabb...  Good Vibez (Lets Party) Tickets, ...  Good Vibez (Lets Party) Tickets

From £5.00

Sponsored by:

Cabby's Rum

Cabby's Jerk

DJ Cheques

Eloite Classics



**CHEQUES** Presents

FRIDAY  
**2ND JULY**  
2021

6PM  
TILL LATE

# GOOD VIBEZ

DJ'S ON DECK  
**DJ FEMSTAR + DJ CHEQUES**

**@CABBY'S YARD** SAINT PAUL'S WAY, LONDON, E3 4AG

**Ladies Free On Guestlist Before 11pm**

EARLY ARRIVAL ADVISED

**Free Cocktails For Ladies Before 9pm**

ENTRY £10 | TICKETS AVAILABLE ONLINE



From £5.98

Tickets

Tags

- United Kingdom Events
- City of Westminster Events
- Things to do in London
- London Parties
- London Food & Drink Parties
- #dance
- #networking
- #party
- #love
- #bbq
- #afrobeats
- #soca
- #friday
- #london
- #bashment

Share with friends

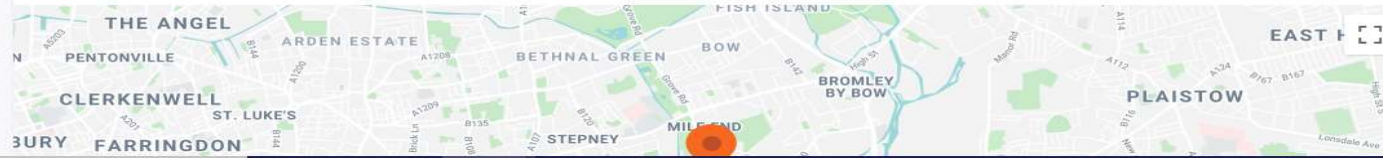


DJ Cheques

Organiser of Good Vibez (Lets Party)

Follow

Contact



## Mohshin Ali

---

**From:** [REDACTED]  
**Sent:** 19 July 2021 14:13  
**To:** Simmi Yesmin; Kathy Driver; Licensing  
**Subject:** Review Cabbys  
**Attachments:** p234277\_190720213590\_001.pdf

Please see additional statement in support of the review for Cabbys.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [REDACTED]  
A: Licensing Office, 2nd Floor Shoreditch Police Station



---

**From:** Atkins Dave J - CE-CU [REDACTED] >  
**Sent:** 19 July 2021 14:09  
**To:** Perry Mark J - CE-CU [REDACTED] >  
**Subject:** FW: Attached Image

**From:** "Atkins Dave J - CE-CU" <[REDACTED]>  
**Sent:** 19 July 2021 14:06  
**To:** Atkins Dave J - CE-CU <[REDACTED]>  
**Subject:** Attached Image

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.



### WITNESS STATEMENT

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

URN

[Empty boxes for URN]

Statement of: David Atkins

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

This statement (consisting of 1 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: 19/07/2021

On Saturday 19th June 2021 I was on duty in the company of PC Giles 1810CE conducting licensing compliance and engagement visits.

At approximately 2315hours we PC Giles received a call requesting our assistance at Cabbys Rum Bar, regarding a licensed premises that was not allowing them access to the venue.

Whilst en route we were updated that the venue had now had a padlock placed on the gate to prevent access being gained. We arrived at 2338hours where we spoke with PC Bowser before masking our way to the venue. I tried to enter the venue but as the gate was padlocked shut was unable to gain access but could see that there were a number of people inside the yard. I asked to speak with the licensee and explained that we had a power to enter the premises under section 179 of the licensing act 2003 but did not wish to exercise that power and requested to be let inside. I spoke with the licensee who I now know to be Moses ODONG and continued to explain why we were there and why we wished to enter the premises but he remained non compliant throughout the encounter refusing to grant us access stating that we could complete a licensing check from outside the gate as he had given a copy of the licence to Police colleagues and that his licence allowed him to open until 0000hours.

His stance remained that he would discuss the premises licence at meeting the following Monday morning. In order to diffuse the situation I requested that the licensee grant access to myself only stating that Police colleagues would remain outside. I remained on scene for approximately 45 in attempt to resolve situation without success. Prior to leaving the venue it was agreed that they would disperse customers from the venue. To my knowledge the locked gate is the only access to the premises and should there have been a serious incident inside such as a fire or injury to person this would have caused a serious public safety issue.

Due to the number of persons inside the venue the decision was made not to enter the premises under the licensing act I believe that do so could would have exacerbated the situation.

Witness Signature: [Redacted]

Signature Witnessed by Signature: .....

## Mohshin Ali

---

**From:** [REDACTED]  
**Sent:** 20 July 2021 08:12  
**To:** Licensing; CEMailbox-.TowerHamletsLicensing@met.police.uk; Kathy Driver; Tom Lewis  
**Cc:** Simmi Yesmin  
**Subject:** RE: Review Cabbys

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi,

Please can the below be added to the Police evidence for Cabbys Rum Bar.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [REDACTED]  
A: Licensing Office, 2nd Floor Shoreditch Police Station



---

**From:** Licensing <Licensing@towerhamlets.gov.uk>  
**Sent:** 19 July 2021 15:40  
**To:** Perry Mark J - CE-CU <[REDACTED]>; CE Mailbox - Tower Hamlets Licensing <CEMailbox-.TowerHamletsLicensing@met.police.uk>; Kathy Driver <[REDACTED]>; Tom Lewis <[REDACTED]>  
**Cc:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** FW: Review Cabbys

Hi Mark/Kathy

Please find additional information attached on MS Word from the LNL police report dated 17.07.2021.

“**Cabby's rum bar** checked at 00:15 Phillip Puczka [REDACTED] Bar tender Spoke initially with a male who was hesitant to speak to police and refused all details. Had said that all persons at

location are staff having a gathering after work. It was apparent to officers that there were around 25-30 people on tables at location. Fire was alight and no music could be heard. This unknown male eventually went to get the manager after a short debate whether they were in breach of license of not.

Phillip came to speak to police. He had then stated that all persons at location were friends of them. When asked if they were colleagues he said it was a mixture. Phillip said that they already closed and padlock was in fact on the gate of the venue on police arrival. He had said that no alcohol sales were taking place and that the bar was closed. Phillip allowed police into the premises to check but only one officer. There was music playing inside but at a very low volume, advised to turn off immediately. No patrons within the venue, only outside. Some patrons had cups in their hands and clearly drinks which were still half filled or full were on the tables. It appeared to officers that drinks must have been still served or that the people drinking them were very slow.

Advised to close but Phillip was adamant that they were not in the wrong and said that he would like to speak to Tower Hamlets licensing direct about this. It was apparent that venue was padlocked up, but still a lot of people within the premises. This was captured on Body worn video.”

Kind regards

**Ibrahim Hussain**

Licensing Officer  
Licensing and Safety Team  
Environmental Health and Trading Standards  
Place Directorate  
London Borough of Tower Hamlets  
2nd Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG



Licensing Hotline 020 7364 5008  
Licensing General Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)  
Please visit our web page for application forms and guidance  
at [www.towerhamlets.gov.uk/licensing](http://www.towerhamlets.gov.uk/licensing)  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)  
Follow us on:  
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From: [Redacted] >  
Sent: 19 July 2021 14:13

To: Simmi Yesmin [REDACTED]; Kathy Driver [REDACTED];

Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>

Subject: Review Cabbys

Please see additional statement in support of the review for Cabbys.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [REDACTED]

A: Licensing Office, 2nd Floor Shoreditch Police Station



---

**From:** Atkins Dave J - CE-CU [REDACTED]

**Sent:** 19 July 2021 14:09

**To:** Perry Mark J - CE-CU <[REDACTED]>

**Subject:** FW: Attached Image

**From:** "Atkins Dave J - CE-CU" [REDACTED] >

**Sent:** 19 July 2021 14:06

**To:** Atkins Dave J - CE-CU <[REDACTED]>

**Subject:** Attached Image

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# Appendix 3



**Lic No:**  
**131323**

**(Cabby's Rum Bar)**  
**Railway Arch 411**  
**St Pauls Way**  
**London**  
**E3 4AG**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshments  
The provision of regulated entertainment (Recorded music)

**See the attached licence for the licence conditions**

**Signed by**

**David Tolley**   
**Head of Trading Standards & Environmental Health**

**Date: 20<sup>th</sup> October 2020**

OFFICE USE	Receipt No: 183-22161	Paid:190.00	Date:18/08/20
------------	-----------------------	-------------	---------------



**Part A - Format of premises licence**

Premises licence number

131323

**Part 1 - Premises details**

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

**(Cabby's Rum Bar)  
Railway Arch 411  
St Pauls Way**

**Post town**

**London**

**Post code**

**E3 4AG**

**Telephone number**

██████████

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
Provision of late night refreshment  
Provision of regulated entertainment (recorded music)

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

**Sale of Alcohol** (on & off sales)

Monday – Sunday 09:00 hours – 23:30 hours

**Late Night Refreshments** (indoors & outdoors):

Monday – Sunday 23:00 hours – 23:30 hours

**Provision of Regulated Entertainment** (Recorded Music- indoors):

Monday – Sunday 12:00 hours – 23:30 hours

**The opening hours of the premises**

Monday – Sunday 09:00 hours – 00:00 hours (midnight)

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

On and off sales



**Part 2**

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

The Taxi Spirit Company Limited  
16 Beaufort Court  
Admirals Way  
Canary Wharf  
London  
E14 9XL

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

Company Number: 08903282

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

Moses Odon

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[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 Number: [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

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

1.

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  
3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$\mathbf{P = D + (D \times V)}$$
 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. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31day 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. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
4. 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.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. Staff training shall be provided at regular intervals on, the sales of alcohol, underage sales and Health & Safety regulations.

7. There shall be no consumption of alcohol outside the premises.
8. Off sales shall be in sealed containers only.
9. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".
10. Alcohol shall only be delivered to a residential or business address and not to a public place.
11. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
12. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
13. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

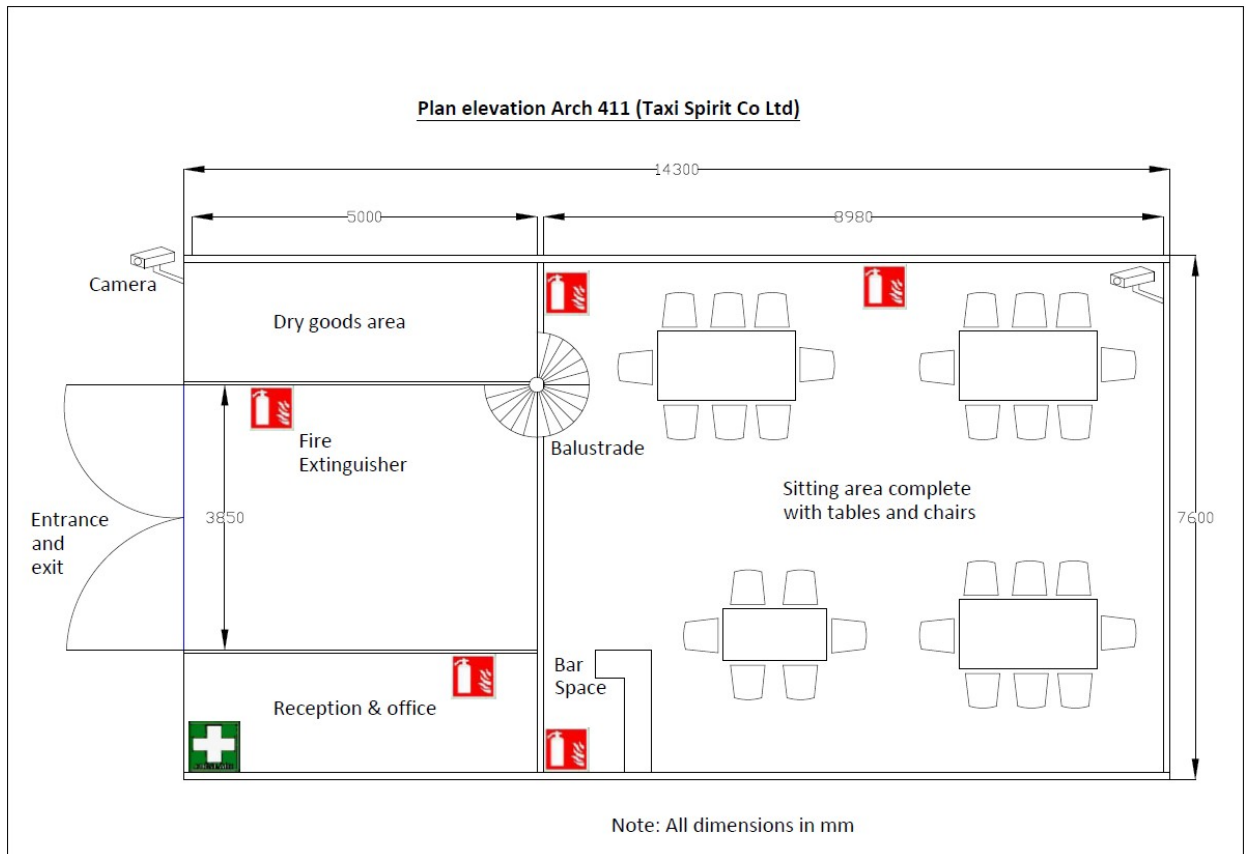
### **Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

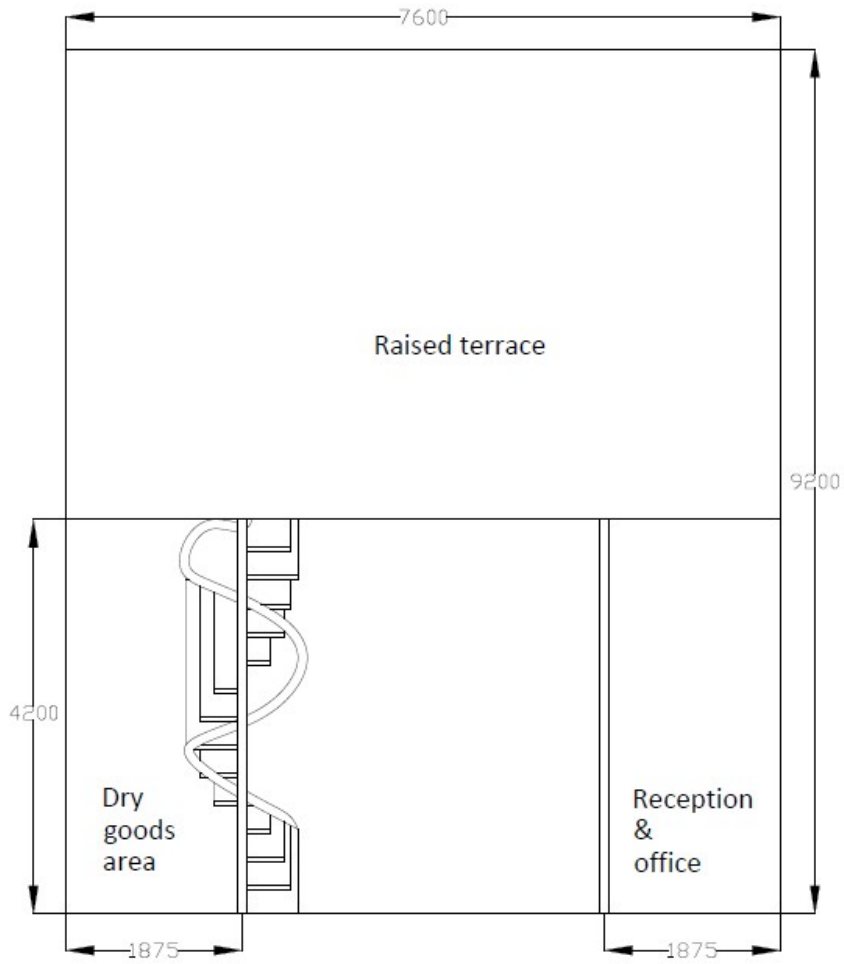
## Annex 4 - Plans

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

16/09/20



**Front section Arch 411 (Taxi Spirit Co Ltd)**



Note: All dimensions in mm





**Part B - Premises licence summary**

**Premises licence number**

131323

**Premises details**

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

(Cabby's Rum Bar)  
Railway Arch 411  
St Pauls Way

**Post town**

London

**Post code**

E3 4AG

**Telephone number**

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
Provision of late night refreshment  
Provision of regulated entertainment (recorded music)

The times the licence authorises the carrying out of licensable activities

**Sale of Alcohol** (on & off sales)  
Monday – Sunday 09:00 hours – 23:30 hours

**Late Night Refreshments** (indoors & outdoors):  
Monday – Sunday 23:00 hours – 23:30 hours

**Provision of Regulated Entertainment** (Recorded Music- indoors):  
Monday – Sunday 12:00 hours – 23:30 hours

The opening hours of the premises

Monday – Sunday 09:00 – 00:00 hours (midnight)

Name, (registered) address of holder of premises licence

The Taxi Spirit Company Limited  
16 Beaufort Court  
Admirals Way  
Canary Wharf  
London  
E14 9XL

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

On and off sales

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

08903282

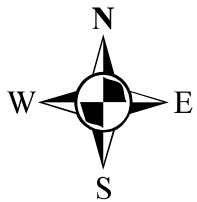
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Moses Odong

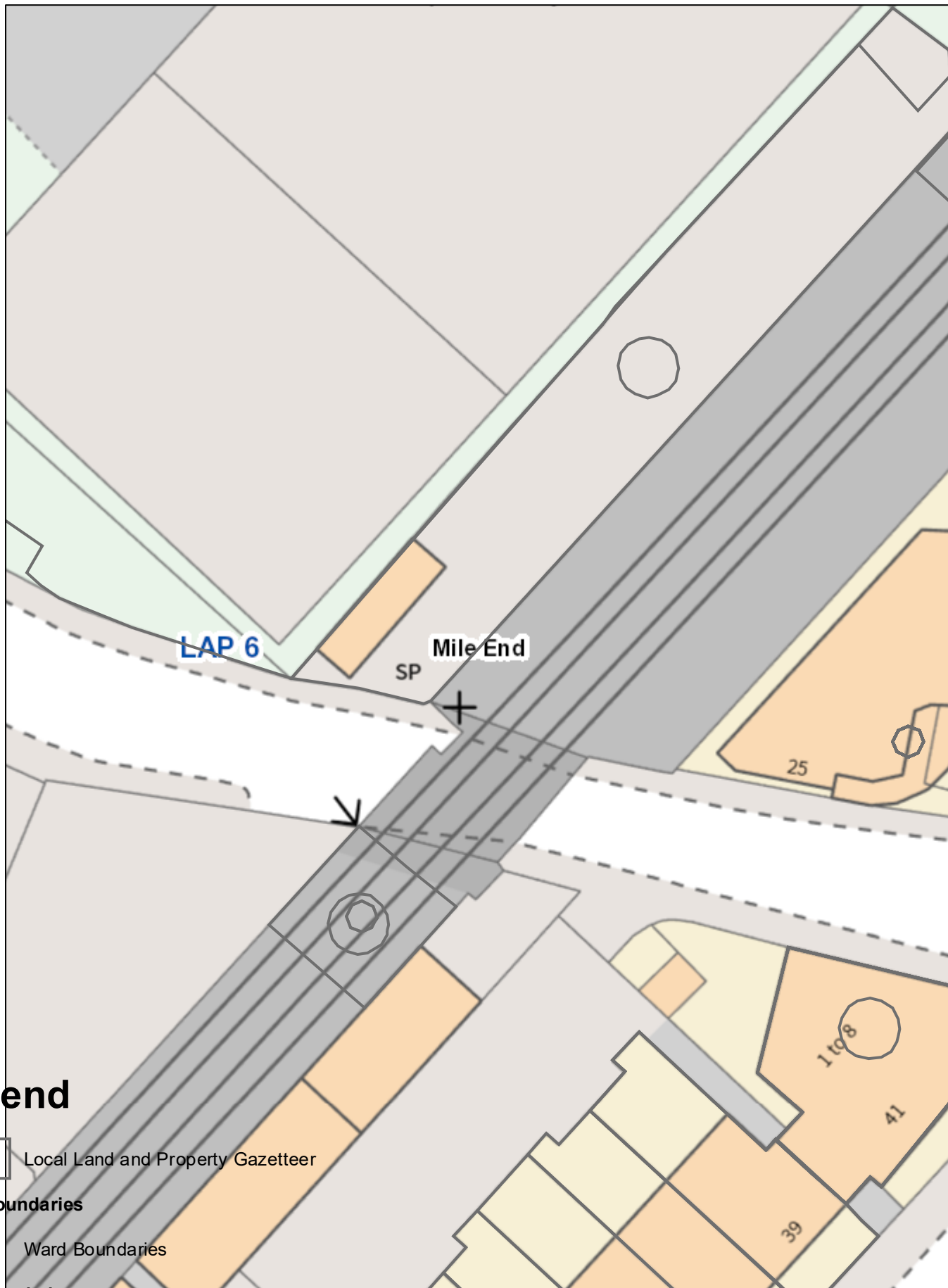
State whether access to the premises by children is restricted or prohibited

No restrictions


# Appendix 4




# ArcGIS Web Map



## Legend

 Local Land and Property Gazetteer


### Ward Boundaries

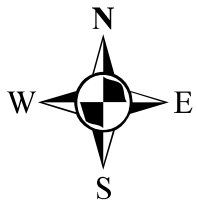
 Ward Boundaries

### LAP Boundaries

 LAP Boundaries

0.00375 0.0075 0.015 0.0225 0.03 km









# ArcGIS Web Map




## Legend

-  Local Land and Property Gazetteer
-  Ward Boundaries
-  Ward Boundaries
-  LAP Boundaries

 LAP Boundaries

0 0.015 0.03 0.06 0.09 0.12 km



# Appendix 5

London Borough Tower Hamlets  
Licensing Authority  
Mulberry Place  
5 clove Crescent  
London  
E14 2BG

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

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

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

29<sup>th</sup> July 2021

My reference: P/PR/EHTS/LIC/130238

Dear Sir/Madam,

**Licensing Act 2003**  
**Re:Cabbys Rum Bar, Arch 411 St Pauls Way, London E3 4AG**

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 came to our attention when this Authority received a complaint from one of our local Councillor's on 25<sup>th</sup> May 2021, advising that a night club had opened and was causing noise disturbance to local residents in the area and were using residents car park. This complaint detailed the following:

"Since December 2020 a night club has opened behind my flat called CABBYS JERK ADDRESS IS: Arches 411 St PAULS WAYS LONDON E3 4AG. They have advertised themselves as selling FOOD up to 10 or 11pm. However after 11pm they turn it into a NIGHT CLUB. They have been playing EXTREMELY loud music! and the people coming in and out of that place are all drunk, disorderly, shouting and creating noise nuisance. They are misusing our private car park, they are also playing loud music inside their cars early hours in the morning and urinating next to my car and other residents....I called the police on Sunday 23.05.21 as it become unbearable of so much noise when my children are trying to sleep to go to school in the morning and I have work. They are not even supposed to be having a night club open due to covid restrictions. I have the police CAD no. CAD8477 originally reported on 4/12/2020 . When the police arrived they quickly locked the gates and turned the music down and didn't let the police in. I don't think they even have a licence to have a night club open especially in a residential area. If they do have a license why as residents haven't we been consulted of such night club venues being open in our neighbourhood. This isn't Leicester Square! this is our residential area. I have lived here for over 10 years and this is

such a peaceful and quiet neighbourhood. Please put a stop to this as a matter of urgency as it's only going to get worse now that summer is coming up."

The complaint adds : They are clearly in breach of their licence as the people were coming in after 12Am and leaving around 3am all of them drunk and disorderly. The police was turning people away who were coming in after 12. The videos I have sent have been recorded around 3am and is evidence of people leaving. Also they are having big gatherings and breaking covid restrictions.

Adverts were found on the internet advertising cocktails and DJ nights including dance which at the time was restricted by the covid regulations. I attach some examples.

On 13<sup>th</sup> June 2021 the following complaint was received:

There's very loud music coming from Cabbie's Jerk restaurant. It is on all afternoon and still now. Even with windows closed you can hear it loud!

I passed by and could see lots of people, looks like a rave party, they have big speakers outdoors and all dancing. Not to say that it is not Covid compliant at all. The music is really loud, was on for the all day.

We also received a further complaint from local resident on 13<sup>th</sup> June 2021:

Cabby's Jerk has a party every Sunday from early afternoon until gone 10pm. The music is so loud and extremely invasive. If it was a one off, not a problem, but every single Sunday is too much. It is far too loud and is driving everyone in our block mad. Please do something about it.

27<sup>th</sup> June 2021 a further resident complaint:

I would like to ask you to investigate Cabby's Jerk in Mile End (link to their business for excessive noise at anti social hours of the day. I do not know what their licensing permissions are but they have recently started hosting partys particularly late on a Sunday even going on a few weeks ago until 0100 am. They have an outdoor sound system which means we can hear music, a man on a microphone and crowds of cheering people late at night. .. we are kept awake on a Sunday night. This is a residential area and we should not have licensed venues playing loud music.

On 1<sup>st</sup> July 2021 a local resident reports to us:

This place plays music so loud that even from 0.3 miles away, other side other canal, we can hear it as if it would be next door. We cannot keep windows open as the bass and music is so loud, also we can hear the music inside when windows closed.

How can this place have a licence to have these parties everyday until 11pm or later?? I cannot sleep until they stop their party :(

Please can you do something about this?

On 2<sup>nd</sup> July 2021 the Late Night Levy Police Officers Attended the venue and reported the following:

Friday 2nd July 2021 -

Patrol Officers PC JONES 2532CE PC REID 2125CE



Officers attended CABBIES RUM BAR at 0000hrs and the venue was open with customers seated inside the venue and outside in the seating areas with no indication that customers leaving any time soon. When officers approached security, they would not let officers in the venue and called for the owner/manager. Officers were presented with Moses ODONS, who identified to be the person in charge. Officers then engaged with ODONS who was obstructive and hostile with officers who asked politely to enter the venue to conduct licensing checks by getting security staff to film officer and making references such as your only trying to come in to intimidate my customers. Officers then proceeded to enter and walk around the venue to which it became apparent that services to customers were being served to customers.

Customers were in the indoor and outdoor seating areas eating and drinking,. The kitchen was still cooking and serving food and alcohol appeared to be still being consumed by customers. ODONS continued to be obstructive whilst officer conducted checks by branding officers as being racist and telling customers what officers were doing, resulting in customers becoming hostile with officers. Security continued to film officers throughout the visit. ODONS appeared to be drinking an alcoholic drink whilst being in charge of the venue.

Officers informed ODONS that all customers are to leave the venue as it's open and within breach its licensing conditions. ODONS was told that officers will stay on scene until they witnessed the customers leave, to which they did and customers were hostile with officers when leaving.

**Summary:**

Officers arrived at the venue at 0000hrs and the venue was still open with customers inside. Venue was still serving alcohol and food. Venue was still playing music. Manager, Staff and security acted very unprofessional and hostile with officers.

On Saturday 3<sup>rd</sup> July 2021 the noise officer reported the following:

“We attended the location at 23:00 03/7/21 as we approached the location on foot it was noted that the traffic noise from the highway was louder than any other audible music volume however during short period times between traffic flow music could be heard from the adjacent skate board park on the opposite side of the railway arch. As we approached the subject location no loud music could be heard however there were around 30 people in the alleyway which runs parallel with the railway line. Music could be heard but was not considered at a nuisance level for a premises of this type at this time. Whilst writing this report an IC3 male who introduced himself as Masedon the DPS for the premises beckoned us to the gate seen in the picture and enquired to the reason for us being at the location, we answered as best we could that we were writing a report on behalf of Tower Hamlets Council and remained on the public footpath outside the gate at all times.

The male accused us of harassment and became agitated and annoyed and so officers explained that we were not present for any purpose other than to complete our report. We then retired to the other side of the highway once again and continued to monitor until 23:20 when we departed with no further issues to report.”

Saturday 10<sup>th</sup> July 2021 a further complaint:

People are still coming out of the place early hours of the morning and making a lot of Noise. By you allowing a bar to be open till 12am in a residential area has invited people shouting and being drunk disorderly early hours in the morning. They continue loitering around our block drinking alcohol, shouting, playing loud music from their cars, smoking drugs and urinating next to our buildings and cars. How can the council allow this to happen? You have ruined a good neighbourhood by giving them a licence to open a bar. This is a disgrace. Police have been coming Sometimes at 12am to make sure they close. But the party continues outside our block. My children have trouble sleeping Every weekend from Friday night to Monday morning. This is so unfair.. You just gave them a licence to open a bar being inconsiderate about residents and how this would effect us. If this is not resolved I will take this matter further by reporting this to the media and tell them that this what the council have bought to our neighbourhood. I will also be starting up a petition.

In light of the above the premises has undertaken activities which were at the time restricted by the Coronavirus restrictions, the licence holder has not complied by the conditions and hours of the premises licence and restricted access by authorised officers. The licence holder has failed in its part to uphold the licensing objectives and therefore feel that adding conditions to the licence are not appropriate in this case and request revocation of the licence.

Yours sincerely,



**Kathy Driver**  
**Principal Licensing Officer**



eventbrite

This event has ended.

**East Connect**

**Date and time**  
Sat, 22 May 2021, 04:00 -  
Mon, 24 May 2021, 00:00 BST

**Location**  
E3 4AG

Sales Ended

Details

TOP POSTS  
#eastconnect

**23 likes**  
achol\_london DONT MISS TODAY'S DAY PARTY !!

'EAST CONNECT'

Let's Link Up, Drink Cocktails & Dance!

Music - MosesBagz, Que London, DJ Tannah, DJ Sean, Femstar & DJ Cheques....

Food & Drink - @cabbysjerk @cabbysrum

For Tickets - Check the Bio...

# WE OUTSIDE

We've got 20 outdoor packages...  
wanna join us outside?

3 MYSTERY PREMIUM RUMS | COCKTAIL INGREDIENTS | CARNIVAL CONCIERGE UK CUP

WIN A RUM BOTTLE OF YOUR CHOICE FROM OUR CLUB MENU

GO HEAD-TO-HEAD WITH OTHER GUESTS ON RUM & SOCA KNOWLEDGE!

**FRI 30 APRIL**  
**6-10 PM**



**PRICE: £25**  
**VENUE: CABBY'S JERK,**  
**ARCH 411, ST PAUL'S WAY,**  
**BOW, E3 4AG**

MUSIC BY CREDABLE & DJ TATE

TICKETS:  
[WWW.CARNIVALCONCIERGEUK.COM](http://WWW.CARNIVALCONCIERGEUK.COM)

**SATURDAY 29<sup>TH</sup> MAY**  
5PM TO MIDNIGHT

**THE Summer EDITION**

LET'S MAKE SOME DRINKS TO GET READY FOR BBQS,  
PARK LIMES AND BACKYARD JAMS  
RUM TASTING STARTS @ 7PM

<p><b>WE OUTSIDE</b></p> <p>DOORS OPEN 5PM COMPLIMENTARY COCKTAIL ON ARRIVAL 5 X 50ML PREMIUM RUMS COCKTAIL INGREDIENTS CARNIVAL CONCIERGE UK CUP SUMMER EDITION GOODIES 10% OFF FOOD ORDERED FROM CABBY'S JERK MENU BETWEEN 5PM - 6.30PM EARLY BIRD: £45   STANDARD £50 CABBY'S JERK, ARCH 411, ST PAUL'S WAY, E3 4AG</p>	<p><b>WE INSIDE</b></p> <p>VIRTUAL DOORS OPEN 6.30PM 5 X 50ML PREMIUM RUMS COCKTAIL INGREDIENTS CARNIVAL CONCIERGE UK CUP SUMMER EDITION GOODIES EARLY BIRD: £35 STANDARD £40</p>
--	---

TICKETS: [WWW.CARNIVALCONCIERGEUK.COM](http://WWW.CARNIVALCONCIERGEUK.COM) | EMAIL: [ADMIN@CARNIVALCONCIERGEUK.COM](mailto:ADMIN@CARNIVALCONCIERGEUK.COM)

zoom

**EVERY SUNDAY**  
30<sup>th</sup> May - 05<sup>th</sup> Sep  
3pm - 10pm

*£5 Online*  
MORE AT THE DOOR



# Backyard Jam

*THE WEEKLY SOCA LIME*  
**CABBY'S JERK**  
ARCH 411, ST. PAUL'S WAY, BOW, LONDON, E3 4AG



# Appendix 6

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 29 July 2021 11:56  
**To:** Licensin Kath Driver  
**Cc:** [REDACTED]  
**Subject:** 139272 - Review of Cabby's Rum Bar 411 ST Paul's Way

Dear Licensing,

As an Environmental Health Officer in the noise team I have given due regard to the license review initiated by the Police with respect to Cabby's Rum Bar 411 ST Paul's Way and I consider the impact of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

**Since 26<sup>th</sup> May 2021 there have been three noise complaints from three individual residents relating to Cabby's Rum Bar which includes:-**

**Two email received:-**

**(1) 26/5/21** An email was received on the 26/5/21 advising and I quote from complainant *"that since December 2002 a night club has opened in close proximity to their flat called Cabby's Rum bar and that whilst they had been advertising themselves as selling food till 23:00 hours and after 23:00 hours they turn it into a nightclub"* Complaint raises issues include playing extremely loud music, people accessing and egressing the premises drunk and disorderly shouting and general noise nuisance, patrons playing loud music in their cars in the early hours of the morning, and urinating close to residential cars in car park. An email was sent to the premise 2/6/21 advising of complaint of loud music and people shouting causing a noise nuisance

**(2) 5/7/21** An email was received from complainant advising unreasonable loud music that comes from Cabby's Jerk restaurant, alleging and I quote from the email received *"place plays music so loud that even from 0.3 miles away, other side other canal, we can hear it as it would be next door. We cannot keep windows open as the bass and music is so loud, also we can hear the music inside when windows closed. How can this place have a licence to have these parties everyday until 11pm or later?? I cannot sleep until they stop their party. Please can you do something about this?"*

**Two visits by the out of hours noise service (OOHNS)**

**(1) 13/6/21** The OOHNS received a report of a loud party occurring outside premises, with a marquee set up. When officers arrived in the vicinity of the subject location at 23:17 hours they heard loud "AfroBeat" music being played through amplified speakers. Officers engaged with the owner "Moses" and he accepted the complaint made against him and ordered the music to be turned off immediately. The music was then ceased instantly. Officers remained and monitored for a period of time and observed that the majority of patrons had departed into waiting taxis. All was in order on departure.

**(2) 3/7/21** The OOHNS were called following a report of loud music. At 23:00 hours during short periods of time between traffic music could be heard on the other side of the railway arch. Officers approached the location and noted approximately 30 people in the alleyway parallel with the railway station, but music and I quote the officers *"was not considered to be a nuisance level"*

Due to the recent recorded history of noise complaints received, I do not believe that the licensing objective for the prevention of public nuisance or the prevention of crime and disorder is being adhered to, as evidence indicates that the premises known as Cabby's Rum Bar is playing loud bass music and patrons are causing antisocial behaviour which is being heard after 23:00 hours, causing a noise nuisance to local residents.

In my opinion the Current License, as it stands, fails to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents.  
Access and egress to and from the venue, by patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation.

## **CONCLUSION**

Environmental Protection supports the Police review of the license for Cabby's Rum Bar 411 ST Paul's Way due:- (1) Recent history of noise complaints (2) Premise does not appear to be promoting the licensing objectives for the prevention of public nuisance, and the prevention of crime and disorder.

Kind regards

### **Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG

  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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# Appendix 7

CABBY'S RUM BAR, RAILWAY ARCH 411, ST PAUL'S WAY

I have been approached as one of the ward councillors by residents about the operation of Cabby's Rum Bar and would like to make a representation on their behalf.

The bar is described by residents as operating as a night club with very loud music, people parking in a nearby car park for local residents, urinating in the area, noisily leaving the premises in the early hours of the morning and generally behaving in a way which does not reflect the premises' licence or respect local residents.

The police have made an application for a review of the licence and this contains more detail about the behaviour associated with the premises.

I believe that the following licensing objectives are relevant for the review:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance.

I would be grateful for an opportunity to speak on behalf of local residents when the Licensing Sub Committee considers the application from the police for a review. I understand that this is currently scheduled to be on 28 September 2021.

Councillor David Edgar  
Mile End Ward  
29 July 2021

# 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](http://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)<sup>10</sup>;
- 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.

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<sup>10</sup> 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 Act<sup>1</sup>, 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

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<sup>1</sup> 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.

# Appendix 12

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

Updated April 2018

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.



# Appendix 13

## Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.