

# Appendix 1



**LICENSING ACT 2003**

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,  
Licensing Service, 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, Alex Brander, 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>	
Old Ford Mini Market 389 Old Ford Road	
<b>Post town:</b> London	<b>Post code (if known)</b> E3 2LU

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

Mr Raj Singh Jani

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

132148

## Part 2 - Applicant details

Please tick  yes

I am

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

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

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

**Surname**

**First names**

Please tick  yes

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

(B) DETAILS OF OTHER APPLICANT

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

**Surname**

**First names**

I am 18 years old or over

Please tick  yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Alex Brander London Borough of Tower Hamlets Mulberry Place 5 Clove Crescent London E14 2BG	
Telephone number (if any)	<input type="text"/>
E-mail (optional)	<input type="text"/>

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note<sup>1</sup>)

The Trading Standards Service, as the Local Weights and Measures Authority, is designated a 'responsible authority' for the purposes of the Act and is making representations in relation to the prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for the review concern the storage of illegal tobacco products on the premises, contrary to the licensing objective of the prevention of crime and disorder, as well as the supply of alcohol after licensable hours, contrary to the licensing objective of the prevention of public nuisance.

On the 19<sup>th</sup> October 2021 Trading Standards Officer James Grier carried out a routine inspection for tobacco products at the premises known as Old Ford Supermarket<sup>1</sup>, 389 Old Ford Road, London, E2 2LU. The inspection occurred at around 15:00 hours. During the course of the inspection TSO Grier found a box under the shop's counter that contained 260 packets of Benson & Hedges Gold cigarettes and 80 packets of Marlboro Gold cigarettes. The Benson & Hedges cigarettes were suspected to be counterfeit. The supply of (including being in possession for supply) of counterfeit cigarettes constitutes criminal offences under the **Trade Marks Act 1994** (penalties for which can include custodial sentences and substantial fines). The Marlboro cigarettes were suspected to be illicit in their nature as they did not comply with the health warning labelling requirements of the **Tobacco & Related Products Regulations 2016**, nor were they in Pantone 448c colour (plain packaging) as required by the **Standardised Packaging of Tobacco Products Regulations 2015**. – see **Appendix I: statement of James Grier and Appendix II: photographs of cigarettes**. Both these sets of Regulations are intended to reduce the prevalence of smoking by the population, particularly with regard to young people. The supply of cigarettes that do not comply with these Regulations can seriously undermine that intention.

The person in charge of the business at the time of inspection was Mr Raj Singh Jani. Mr Jani is the premises licence holder and holds the position of the Designated Premises Supervisor. Mr Jani is also the sole director of the company that owns the business; Harjani & Son Ltd. Under caution Mr Jani admitted that he knew the cigarettes were counterfeit.

During the inspection the Trading Standards Officer was accosted by a member of the public as he was going about his duty. The member of the public appeared to the Trading Standards Officer to be under the influence of alcohol. The Trading Standards Officer also observed Mr Jani take a can of beer from display and hand this to another member of the public who was waiting outside.

<sup>1</sup> Please note: the premises is called Old Ford Mini Market on the premises licence

As the cigarettes are counterfeit and illicit it is highly unlikely that any duty would have been paid on them. This deprives the UK Treasury of tax revenue which can then be used to fund vital health and smoking cessation services. It is an offence under section 144 of the **Licensing Act 2003** for a person to knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. In the case of licensed premises, persons include the holder of the premises licence and the designated premises supervisor.

LB Tower Hamlets Trading Standards is currently progressing an investigation into these suspected criminal offences.

Home Office guidance issued under s.182 of the Licensing Act 2003 mentions certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously<sup>2</sup>. This includes the use of licensed premises for the sale and storage of smuggled tobacco and alcohol. The guidance goes on to state “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.”

LB Tower Hamlets carries out a programme of activity to ascertain if licensed premises are selling alcohol outside of their permitted hours. Part of this activity is to test purchase alcohol from premises. The premises licence for 389 Old Ford Road, E3 2LU (Old Ford Mini Market) permits the premises to sell alcohol between the hours of 08:00 and 23:00, Monday to Sunday. On 29/10/2021 at approximately 23:12 hours an officer from LB Tower Hamlets was sold a can of Carlsberg lager at Old Ford Mini Market. This sale was made outside of permitted licensing hours – see **Appendix III – statement of Amran Ali** and **Appendix IV – statement of Ibrahim Hussain with exhibits**. Not only is the sale of alcohol outside of permitted hours a breach of the licence, therefore constituting a crime, it can also contribute to individuals causing a public nuisance through excess noise and litter, especially where a premises is situated in a predominantly residential area (such as Old Ford Mini Market).

This Responsible Authority is aware that following the sale of alcohol outside of permitted hours the premises licence holder was sent a warning letter by the council’s Licensing team. This is standard practice for a first-time known offence of this nature. The premise licence holder had responded to indicate that he would like to have his licensing hours extended to 23:30 but as of 17/11/2021 this has not been done via the submission of a minor variation application. In any case, this Responsible Authority would be concerned that if an extension was granted the premises would still sell alcohol beyond that point too.

It seems clear to this Responsible Authority that the premises licence holder has a blatant disregard for complying with the law or the conditions of his licence. As he is failing to uphold the licensing objectives of the prevention of crime and disorder as well as the prevention of public nuisance, this Responsible Authority is seeking a revocation of the premises licence.

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<sup>2</sup> Paragraph 11.27 in Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

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

**Please tick ? yes**

If yes please state the date of that application

Day	Month	Year

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

. N/A

**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

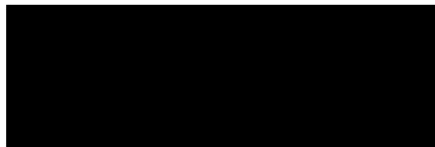


I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures** (please read guidance note 3)

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



Signature .....  
.....  
Date: 17/11/2021  
.....  
Capacity: .....Senior Trading Standards 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>	

## **Notes for Guidance**

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

# Appendix 2

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN: [ ] [ ] [ ] [ ]

Statement of:  
James Grier

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

Occupation:  
Trading  
Standards  
Officer

This statement (consisting of 3 Pages(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.

Name / Signature:

Date: 2nd Nov 2021

Tick if witness evidence is visually recorded:  (Supply witness details on last page)

Statement

I James Grier am a Trading Standards Tobacco Control Officer contracted by the London Borough of Tower Hamlets Environmental Health and Trading Standards Service. I am authorised and qualified on all aspects of Consumer Law including investigations and enforcements. I am authorised to enforce various legislation including the Consumer protection Act 2015, the Tobacco & Related Products Regulations 2016, Standardised Packaging of Tobacco Products Regulations 2015, and the Trademarks Act 1994.

On 19<sup>th</sup> October 2021, I carried out a routine Tobacco Inspections at various retailers trading in London Borough of Tower Hamlets. The purpose of the tobacco inspection is to check compliance of The Tobacco and Related Products Regulations 2016 lay out what combinations of health warnings are required on packets of cigarettes and pouches of hand rolling tobacco.

Signed: [Redacted] (witness)

Date: 2nd Nov 2021

(To be completed if applicable: ..... being unable to read the above statement I, ..... of ..... read it to him/her before he/she signed it.

Signed: ..... Date: ..... )

**Witness Statement**

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Regulation 5 states that every packet of cigarettes should carry the following smoking cessation information "Get help to stop smoking at [www.nhs.gov.uk/quit](http://www.nhs.gov.uk/quit)" Regulation 11 states any combination of health warnings must be in English.

At approximately 15.00hrs, I entered **Old Ford Supermarket 389 Old Ford Road. E2 2LU** and took an overview of the general store selling groceries, tobacco and alcohol. The shop front is long and narrow with a storage shelving area at the rear displaying wines, beers and spirits.

I introduced myself to an IC4 male who identified himself as **Raj Singh Jani, owner/Director Harsjani & Sons Ltd t/a Old Ford Supermarket**. I explained to Mr Jani the reason for my visit and produced a Code B notice with the request to inspect the premises. I commenced my search at the back of the counter to where Mr Jani was positioned. I noticed directly underneath the counter a white carton box containing **260 Benson & Hedges Gold and 80 Marlboro Gold cigarettes**. On close inspection of the Benson & Hedges Gold cigarettes I concluded they were of a counterfeit nature. The Marlboro Gold cigarettes were non - compliant with the Tobacco & Related Products Regulations 2016. **Mr Jani confirmed when questioned that he knew the Benson & Hedges cigarettes were counterfeit.**

I went to the rear of the shop directly in view of the front entrance and counter area to record seizure of the counterfeit & illicit cigarettes found in the white carton box, sealed in evidence bag **N02631801**. Mr Jani was asked to come to the rear of the shop to question him under caution with regards to the counterfeit cigarettes found.

When I had finished recording evidence given by Mr Jani in my notebook, I continued to record actions in the Tobacco Inspection Report and Receipt notice.

Signed:  (witness)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

At this same time, I witnessed two IC3 males enter the premises and approached Mr Jani at the counter. The description of 1st Male 6ft 5inches tall slim build approximately 25yrs of age. 2nd IC3 male was 6ft tall of medium build. The IC3 males came to the rear of the store to where I was positioned and noted they appeared to be intoxicated.

I continued to record my tobacco reports when both males came close up to me from behind. I immediately turned round as the 1st IC3 male pushed me slightly and grabbed the evidence bag containing the counterfeit cigarettes. I politely asked the IC3 male to continue with his shopping as this was private with the owner of the business. The IC3 male complied with my request and moved away. When both IC3 males left the premises, Mr Jani came over in my direction and advised me to place the evidence bag securely in my rucksack.

On further observation, Mr Jani had taken a can of beer from the display shelf and gave this to another IC3 male who was waiting outside of the store.

At approximately 16.10hrs I concluded my inspection and produced a copy of Code B Notice, Tobacco Inspection Report and receipt for the seized cigarettes. I noted as I left Old Ford Supermarket some IC4 Asian males approximately 20yrs of age, standing in a group to the right hand - side of the shop entrance, smoking what I concluded by the aroma a cannabis / tobacco substance. I proceeded safely to my vehicle and drove away without any issues.

Signed:  (witness)

Date: 2nd Nov 2021

(To be completed if applicable: ..... being unable to read the above statement I, ..... of ..... read it to him/her before he/she signed it.)

Signed: ..... Date: ..... )









PLEASE RECYCLE KEELI SARE KEELI... RECYCLABLE KEELI... KEELI SARE KEELI...

Smoking causes fatal lung cancer

Marlboro

Smoking reduces fertility  
UK DUTY PAID

Smoking kills - quit now

Tobacco smoke contains over 70 substances known to cause cancer

Smoking kills - quit now

Smoking reduces fertility  
UK DUTY PAID

Smoking reduces fertility  
UK DUTY PAID

**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

URN:

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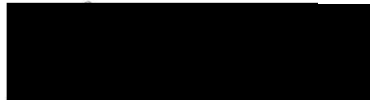
Statement of: **Amran Ali**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Health and Safety Officer**

This statement (consisting of **2** Pages(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.

Name / Signature:



Date: **16<sup>th</sup> November 2021**

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

**Statement**

I am employed by the London borough of Tower Hamlets Council as a Health and Safety Officer within the Environmental Health and Trading Standards Service. I am an authorised officer as designated by the Health and Safety at Work etc. Act 1974. My day-to-day duties include carrying out inspections in commercial premises to assess compliance with health and safety legislation as well as investigating accidents and complaints. I also licence businesses that carry out special treatments and deal with cases of infectious diseases. On occasions, I work with my licensing colleagues to undertake surveillance and test purchase visits during late nights to check whether businesses are compliant with licensing legislations. These mainly relate to Late Night Refreshment licence, checking the conditions of premises alcohol licence and businesses trading without a licence or where a licence had been revoked.

On the 29<sup>th</sup> of October 2021, I was on shift with colleague Ibrahim Hussain, a Licensing Officer, to check and carry out test purchases from a number of premises in the Borough. At **23.12 hours**, Ibrahim and I entered the off-licenced premises we know to be **Old Ford Mini Market, 389 Old Ford Road, E3 2LU**, to carry out a test purchase of alcohol as the premises licence only permits the sale of alcohol up to 23.00 hours. I walked towards the alcohol fridge and picked up a can of Carlsberg and took it to

Name / Signature:



Date: **16<sup>th</sup> November 2021**

**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

the counter. There were two Asian males behind the counter, one of whom was serving me and charged me £1.20 for the alcohol drink which I paid in cash. I asked him for a receipt which was provided. I then left the premises at **23.15 hours** and Ibrahim followed out behind me.

We did not go back in the premises to identify ourselves as council officers, as we were specifically instructed not to do so due to a recent altercation with trading standards officers on a previous visit. Therefore, we went straight to my car where we both made notes in our own notebooks. I exhibit a copy of my notes as **AMA.OFMM.001**. In the car, I looked carefully at the receipt and noticed the time on the receipt was incorrect as it was ahead. I estimated the time to be around 7-8 minutes ahead than the actual time.

I later placed the can of Carlsberg and the receipt in an evidence bag which I exhibit as **AMA.OFMM.002**. The sealed evidence bag is stored securely in the office in Mulberry Place, 5 Clove Crescent, London E14 2BG.

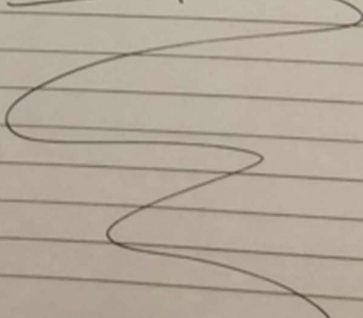
During the test purchase, Ibrahim took photographs of the premises. Upon reviewing of those photographs, I noted the premises sign above the entrance as, **OldFord Super Market & Newsagent**. However, the business name on the premises licence is **Old Ford Mini Market**.

Name / Signature: \_\_\_\_\_

Date: 16<sup>th</sup> November 2021 \_\_\_\_\_

29/10/21 I and Ibrahim entered the premises, Old Ford Mini Market, 389 Old Ford Road at 11:12 pm to carry out a test purchase of alcohol. I went to the alcohol fridge and picked up a can of Carlsberg and took to the counter to pay. There were 2 Asian males behind the counter. I paid £1.20 for the alcohol can and requested a receipt, which was provided. I then left the premises at 11:15 pm and made my notes in the car and Ibrahim took photographs

of the can of alcohol and receipt. I noted the time on the receipt was incorrect as it was approximately 7-8 minutes ahead. We did not identify ourselves after the test purchase, to give caution, as we were not to due to allegations with officers on a previous visit.



**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

URN: 

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Statement of: **Ibrahim Hussain**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Licensing Officer**

This statement (consisting of **2** Pages(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.

Name / Signature: 

Date: 15/11/2021

Tick if witness evidence is visually recorded:  (Supply witness details on last page)

**Statement**

I am Ibrahim Hussain and I am employed by the London Borough of Tower Hamlets as a Licensing Officer in the Licensing Section of Environmental Health & Trading Standards. I have been a Licensing Officer since 3<sup>rd</sup> March 2020 and I am duly authorised under the Licensing Act 2003. I am also aware of the systems used for issuing and storing records in relation to the above Act and I am authorised to access records to look at the history of premises. This includes test purchase operations for the breach of all licensable activities.

I was informed by Kathy Driver, Principal Licensing Officer that the off Licence at Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU trading beyond the licensable hours for sales of alcohol and if found trading beyond licencing hours test purchase and leave the premises but do not give a verbal warning which can be done separately by letter to the licence holder where staff could be unsafe to the officer. As a result of this, I instructed the Operation Dymock Officers to visit the premises and test purchase where I was one of the officers was working with my colleague Amran Ali (AMA) from Health & Safety Officer of Environmental Health and Trading Standards.

I can confirm that the premises known as Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU was licensed under the Licensing Act 2003 on the 29th September 2005 and the Minor Variation issued on 27<sup>th</sup> October 2020. I produce Exhibit **IH/012** which shows the premises licence was authorised for the following licensable activities and timings:

Name / Signature: 

Signature Witnessed by: \_\_\_\_\_

**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, r 16.2

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Monday to Sunday from 08:00 hours to 23:00 hours

**The opening hours of the premises**

Monday to Sunday from 08:00 hours to 23:00 hours

On the 29th October 2021 at 2312 hours, my colleague Amran Ali (AMA) from Health & Safety Officer of Environmental Health and Trading Standards and I worked a Dymock Operation shift when we test purchase and Amran bought one can of Carlsberg for £1.20 paid in cash from Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU. Amran requested to provide a payment receipt which was given where served time 13 minutes beyond normal time compared to work mobile phone. No verbal warning or record of notice was given where staff could be unsafe to officers. I took pictures of the premises where the alcohol was stored, I exhibit the pictures as exhibits IH.001 to IH.011.

On 15th November 2021, a warning letter was sent by post to the premises and to the licence holder address to Mr. Raj Singh Jani, [REDACTED] who is also the designated premises supervisor (DPS). I exhibit the letter as exhibits IH/WL/001. An email was sent to the licence holder [REDACTED], Licensing police cemailbox-.towerhamletslicensing@met.pnn.police.uk and Alex Brander Senior Trading Standards Officer. I exhibit the letter as exhibits IH/WL/002.

Name / Signature:

[REDACTED]

Signature Witnessed by:



**Lic No:**  
**132148**

**(Old Ford Mini Market)**  
**389 Old Ford Road**  
**London**  
**E3 2LU**

**Licensable Activities authorised by the licence**  
Retail sale of alcohol

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

**Signed by**

[REDACTED]  
**Head of Environmental Health and Trading Standards**

**Date: 29/09/05**

Minor Variation 27/10/20



**Part A - Format of premises licence**

Premises licence number

132148

**Part 1 - Premises details**

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

(Old Ford Mini Market)  
389 Old Ford Road  
London

**Post town**

London

**Post code**

E3 2LU

**Tele hone number**

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Monday to Sunday from 08:00 hours to 23:00 hours

**The opening hours of the premises**

Monday to Sunday from 08:00 hours to 23:00 hours



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

Off sales only

**Part 2**

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

Mr Ra Singh Jani

[REDACTED]

Tel: [REDACTED] Mobile: [REDACTED]

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

N/A

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

Mr Ra Singh Jani

[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**

London Borough of [REDACTED]

[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

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.

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

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member 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**

None

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

[Conditions agreed between the police and the licensee at Thames Magistrates Court on 22<sup>nd</sup> July 2010 during appeal proceedings].

1. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
2. The CCTV coverage shall include coverage of all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored and displayed.

3. The CCTV system shall be installed to ensure the quality of the recordings and recorded images and a complete audit trail maintained.
4. The CCTV system shall comply with all other essential legislation and in particular that signs informing of the CCTV recording are prominently displayed.
5. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
6. All staff on duty are to be trained in the use of the CCTV viewing facility so that Police or Local Authority officers can view the images upon immediate request.
7. There must be someone at the premises who can download the images and provide a copy recording or a request by Police or Local Authority officer within no later than 48 hours of such request.
8. The premise licence holder will engage and operate the Challenge 25 scheme along with a “no ID no sale policy”. Staff will not sell alcoholic drinks to any person who appears to be under 25 unless they can provide photographic ID evidence showing them to be over 18.
9. All refusals of sales of alcohol or other age restricted products are to be recorded in a refusal register.
10. Reasonable and adequate staff training to be carried out and properly documented in relation to: (i) dealing with incidents and prevention of crime and disorder: (ii) sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol.
11. All training records, incident and refusal registers are to be retained for 12 months and made available to Police and Local Authority licensing officers upon reasonable request (incident book/refusal register may be one of the same).
12. Refresher training to be satisfactorily completed every six months for all staff and documented with the training records.
13. The premises licence holder shall not purchase any goods from door-to-door sellers.
14. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable.

15. There shall be a premises licence holder present at the premises at all times.

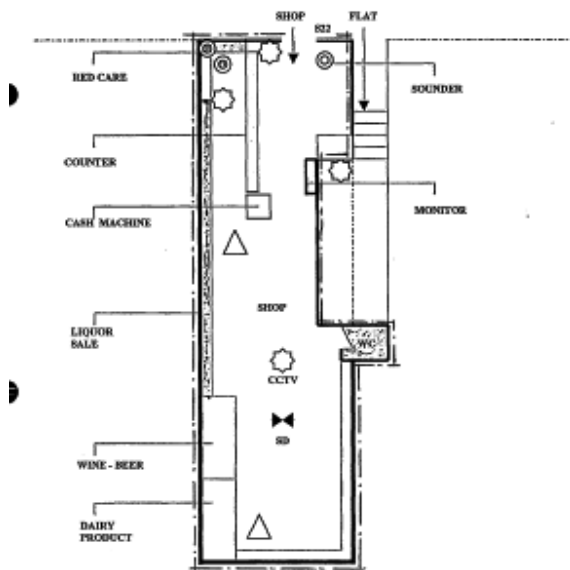
16. Only a personal licence holder shall purchase alcohol for the premises

17. The premises licence shall be suspended until the 22<sup>nd</sup> October 2010 (alcohol may not be sold until the 23<sup>rd</sup> October 2010).

#### Annex 4 - Plans

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

5<sup>th</sup> August 2005





**Part B - Premises licence summary**

**Premises licence number**

**132148**

**Premises details**

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

(Old Ford Mini Market)  
389 Old Ford Road  
London

**Post town**

London

**Post code**

E3 2LU

**Tele hone number**

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail sale of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 08:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday from 08:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Ra Singh Jani



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

Off sales supplies

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

N/A

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

Raj Singh Jani

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

No



I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH.001  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]



I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH.002  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]



I identify this exhibit as that refer  
to in the statement signed by me

Exhibit number: IH.003

Date: 29<sup>th</sup> October 2021

Name: Ibrahim Hussain

Signed: [REDACTED]



**Budweiser**  
KING OF BEERS  
24 x £1.45 PRICE MARKED PINT CANS

**KESTREL SUPER 9% ABV**  
PREMIUM LAGER

**KESTREL SUPER 9% ABV**  
PREMIUM LAGER

**KESTREL SUPER 9% ABV**  
PREMIUM LAGER

**KESTREL SUPER 9% ABV**  
PREMIUM LAGER

**KESTREL SUPER 9% ABV**  
PREMIUM LAGER

**BREWDOG**  
PER 9% ABV

**PUNK IPA**

**7up**

**7up**

**Sun Exotic**  
Tropical Fruit  
12 x £1 Price Marked Packs  
12 x 1 Litre e

**Sun Exotic**  
Tropical Fruit  
12 x £1 Price Marked Packs



I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH.004  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]

**F**  
**FOSTERS**  
AUSTRALIAN  
CRAFTED  
ALTA  
CERVEZA

**TYSKIE**  
POLSKA  
PIWO  
Czysta  
Woda  
Czysta  
Woda

**STRONOBOW**  
ORIGINAL  
CERVEZA

**Suntropic**  
Tropical Fruit  
12 x 330ml  
£1.19

**HOLSTEN**  
Pils

**Budweiser**  
24 x 330ml PRICE BOTTLED PAINT CANS  
**KESTREL SUPER** 5%  
24 x 330ml 5%  
**KESTREL SUPER** 5%  
**KESTREL SUPER** 5%  
**BREWDOG**  
**PUNK IPA**



[REDACTED]

I identify this exhibit as that refer  
to in the statement signed by me

Exhibit number: IH.005

Date: 29<sup>th</sup> October 2021

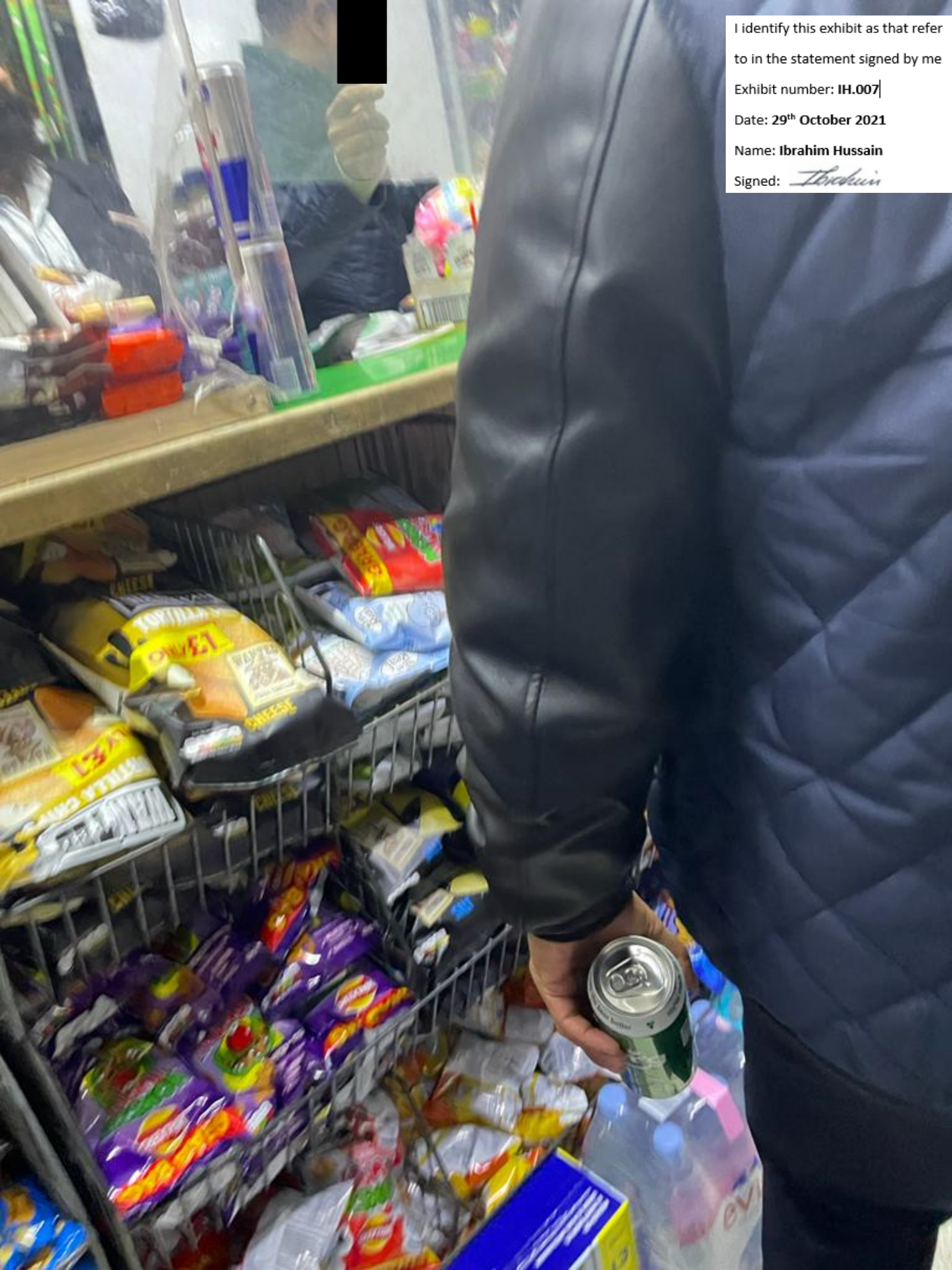
Name: Ibrahim Hussain

Signed: [REDACTED]



I identify this exhibit as that refer to in the statement signed by me  
Exhibit number: IH.006  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]





I identify this exhibit as that refer  
to in the statement signed by me

Exhibit number: IH.007

Date: 29<sup>th</sup> October 2021

Name: Ibrahim Hussain

Signed: *Ibrahim*



I identify this exhibit as that refer  
to in the statement signed by me

Exhibit number: IH.008

Date: 29<sup>th</sup> October 2021

Name: Ibrahim Hussain

Signed: [REDACTED]



I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH.009  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]

\*\*\*\*\* End of Report \*\*\*\*\*

OLDFORD SUPERMARKET  
389 OLDFORD ROAD  
BOW  
E3 2LU

Sales Receipt  
29/10/2021 23:25:09 1111 1

Item	Qty	Total
TOBA CCO	1	1.20
(1 items)		
Payments		
Cash		1.20
Sale Total		1.20
Paid Total		1.20
Change		0.00



I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH.010  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]



\*\*\*\*\* End of Report \*\*\*\*\*

**OLDFORD SUPERMARKET**  
389 OLDFORD ROAD  
BOW  
E3 2LU

Sales Receipt  
29/10/2021 23:25:09 1111 1

Item	Qty	Total
TOBA CCO	1	1.20
(1 items)		

Payments

Cash	
Sale Total	1.20
Paid Total	1.20
	1.20
Change	0.00



I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH.011  
Date: 29<sup>th</sup> October 2021  
Name: Ibrahim Hussain  
Signed: [REDACTED]

I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: IH/WL.001  
Date: 15/11/2021  
Name: Ibrahim Hussain

Signed: [REDACTED]



Mr Raj Singh Jani  
[REDACTED]  
[REDACTED]

PLACE Directorate  
Public Realm

Environmental Health & Trading Standards  
Licensing & Safety Team

By Email: [REDACTED]

Tel: [REDACTED]  
Fax: [REDACTED]  
Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

15<sup>th</sup> November 2021

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

Reference: P/EHTS/LIC/EVU-079515/IH

Dear Sir/Madam,

**Licensing Act 2003: Section 136**

**Premises: Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU**

**Licence no. 132148**

The Licensing Authority has recently received a complaint that you are opening beyond your licensable hours. On the 29<sup>th</sup> of October, the council officers visited the premises at 2312 bought one can of Carlsberg for £1.20 that was paid in cash and receipt provided by the cashier.

**I remind you that your licensable hours are:**

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Monday to Sunday from 08:00 hours to 23:00 hours

**The opening hours of the premises**

Monday to Sunday from 08:00 hours to 23:00 hours

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

Off sales only



The best of London in one borough

**Tower Hamlets Council**

John Onslow House

1 Ewart Place

London

E3 5EQ

Enforcement visits will be made and if you are found to be breaching your licence enforcement action will be taken, in the form of a prosecution and/or a review of the licence.

I must advise you that it is an offence for anyone who carries on or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. A person guilty of an offence under section 136 of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

Please be advised that you have a duty to comply with the four licensing objectives, namely:

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

Please be advised that local residents, local businesses, ward councillors and responsible authorities, including the Licensing Authority can trigger a review of your premises licence if any of the above licensing objectives are not being promoted.


**I would welcome any comments you may wish to make in regards to the above.**

Yours sincerely



**Ibrahim Hussain  
Licensing Officer**

**CC:**

- **Police** by email; [cemailbox-towerhamletslicensing@met.pnn.police.uk](mailto:cemailbox-towerhamletslicensing@met.pnn.police.uk)
- **DPS**: Mr Raj Singh Jani, 
- **Premises**: Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU

## Ibrahim Hussain

---

**From:** Ibrahim Hussain  
**Sent:** 15 November 2021 16:32  
**To:** 'Raj [REDACTED]'  
**Cc:** Police; Alex Brander  
**Subject:** Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU  
**Attachments:** OldFordRd389.001.pdf

Dear Licence Holder

**Premises:** Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU

Please find attached letter regarding about the above premises licence.

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

I identify this exhibit as that refer  
to in the statement signed by me  
Exhibit number: **IH/WL/002**  
Date: **15/11/2021**  
Name: **Ibrahim Hussain**

Signed: [REDACTED]

[REDACTED]

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:

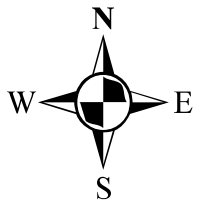
[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)



**We all have a part to play  
to keep ourselves and our loved  
ones safe. Be ready to get your vaccine.**  
[www.towerhamlets.gov.uk/coronavirus](http://www.towerhamlets.gov.uk/coronavirus)

KEEP TOWER HAMLETS SAFE  
TOWER HAMLETS

# Appendix 3



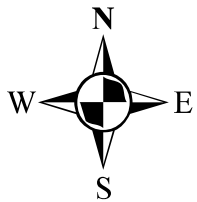
# 389 Old Ford Rd



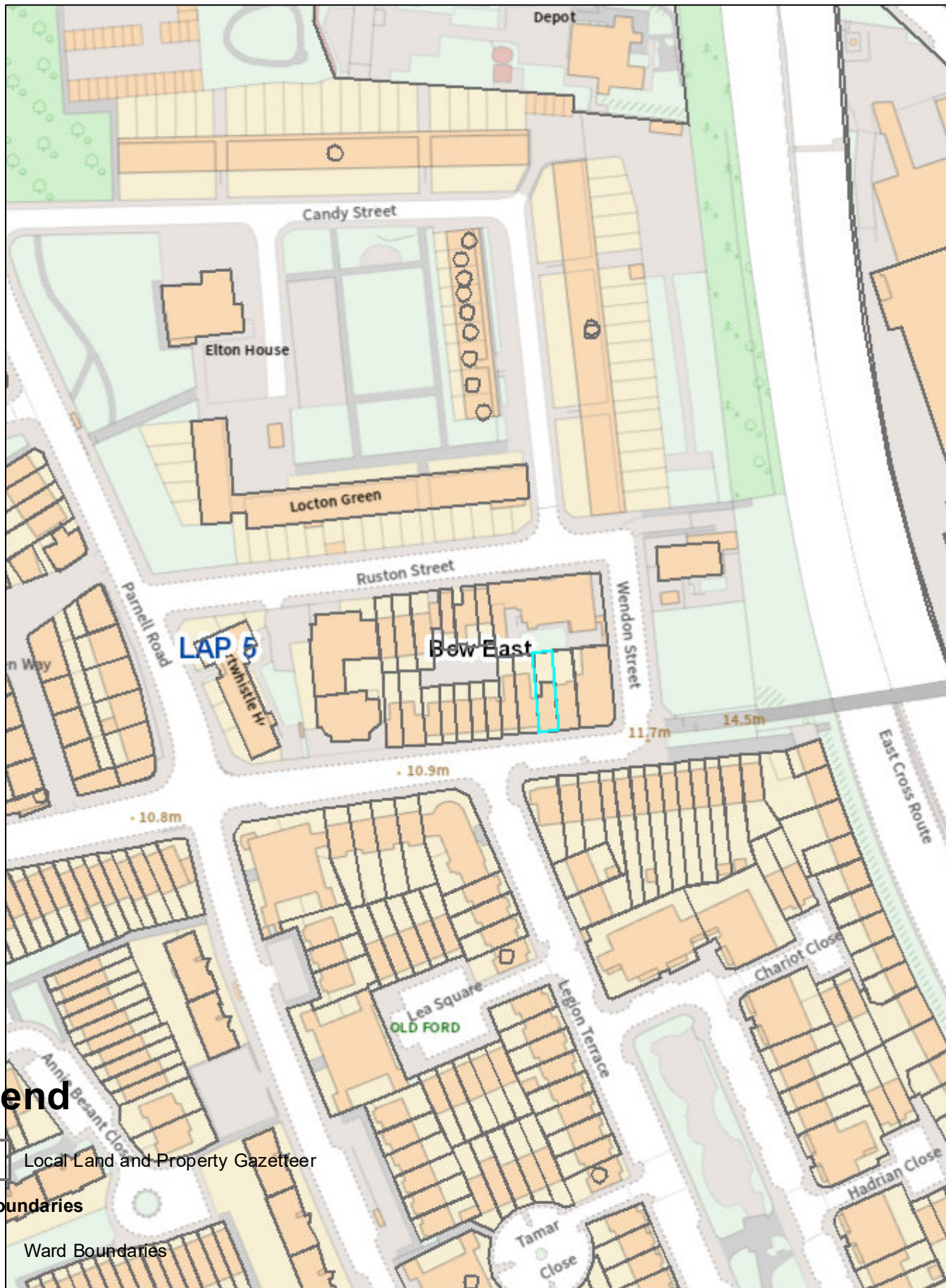
## Legend

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

0.00375 0.0075 0.015 0.0225 0.03 km

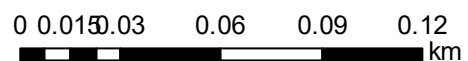


# 389 Old Ford Rd



## Legend

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





# Appendix 4

# 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 5



# 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 6

## 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 7



# 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 8

## 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.