

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG**

**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..... *(Insert name of applicant)*
**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act
2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Wicked Fish White Post Lane	
Post town London	Post code (if known) E9 5EN

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

Wicked Fish Ltd

Number of premises licence or club

151866

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)

X

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

Central East Police Licensing,
Licensing Office, 1st Floor Stoke Newington Police Station,
Stoke Newington High Street
N16 8DS

Telephone number (if any)

E-mail (optional)

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 note1)

Central East Police Licensing formally seek the review and revocation of the premises license for Wicked Fish, Queens Yard, White Post Lane, Hackney Wick E9 5EN. This review is on the grounds of preventing Crime and Disorder, and Public Nuisance.

The owners and management of this venue have continuously showed nothing but contempt for their responsibilities under the Licensing Act by continuously trading past their hours, behaviour that has gone on since before they received their premises license in December 2021. They have continued trading past their hours on the weekend of the 25th and 26th February 2023, days after they had admitted to Police they had been trading past their hours and told by Police that we were seeking the review and revocation of their license.

Following the tragic murder in Queens Yard on the 11th February 2023 CCTV was reviewed as part of the investigation. This showed that Wicked Fish was trading past its hours with customers using the venue at 5 am, which is after the murder had taken place, and an hour after their license says they should have stopped trading.

Following this, PC Rice and I arranged to meet with the owner Mr Michal Gasior on the 22nd February to go through the CCTV from the venue for the previous month to see if Wicked Fish had consistently been trading past its hours. We also wanted to express our concern that the venues very late hours were preventing people from dispersing from the area, and

increasing the likelihood of crime and disorder taking place.

When we met Mr Gasior and started looking at the CCTV it showed the venue trading past 4:00 am, sometimes until 5am and possibly beyond. When we put this to Mr Gasior that the premises license shows that, he should have stopped trading at 4am he said that he was confused as his licensing consultant said that he could trade until 4:30am.

I pointed out to Mr Gasior that this simply is not credible as I have had spoken to him in the past about his trading hours, and that as he had not only applied for his license but subsequent variations to that license he knew full well what his trading hours are. If he had any doubt what so ever it was written very clearly on his license that terminal trading time was 4am.

In Police Evidence 1 you will see a Warning letter from October 2021 from Tower Hamlets Council that in simple terms warns Mr Gasior that he has been trading without a license.

In Police Evidence 2 you will see an e-mail conversation from Kathy Driver from Tower Hamlets Council Licensing and Mr Gasior from October 2021 where he admits to trading past his hours and promises not to do it again.

Mr Gasior then said that it was an honest mistake and that he had he had been trading until 4:30 am ever since he had received his license with extended hours in April 2022, but that he closed at 4:30. While looking at the premises SIA security signing in book I noticed that the security staff were not booking off until 5am. When I queried this with Mr Gasior he replied that they were there to help with dispersal of customers.

When PC Rice and I continued to check the CCTV we found that Wicked Fish had indeed been trading until 5am. When we asked Mr Gasior about why we could now see him

trading to 5am, he told us that sometimes he can't see his clock and he losses track of time. This is simply not believable, nor acceptable.

We were only able to check CCTV from 1 month from the 28th January to the 26th February 2023 during our visit. We checked the Saturday and Sunday mornings between around 4 am and 5 am. Every weekend we checked we found that Wicked Fish was open and trading past its hours. Please see description below.

DETAILS OF BREACHES

Saturday 28th January,

The premises was open past 5am, and extremely crowded.

Sunday 29th January,

The premises was open past 5am.

Saturday 4th February,

The premises was trading until 5am. Two males can be seen dancing topless next to security.

Sunday 5th February,

The premises closed at 4:57am

Saturday 11th February,

Still serving at 5am. Male customer of Wicked Fish seen preparing Cannabis joint while sat at venues tables.

Sunday 12th February

Closed following murder

Saturday 25th February

Still serving at 4:20am with people loitering around until 5am.

Sunday 26th February

Serving after 4 am.

Given that this is just a look at CCTV from 1 month, given Mr Gasior has admitted that he has been trading past his hours since April 2022 we believe that Wicket Fish has been continually opening past its hours since before it got its license.

The other concern we have is that the venue being open so late has prevented customers from the Queens Yard area from dispersing quickly. We know from experience that there is more likely to be alcohol related crime and disorder when customers who have been drinking do not leave the area quickly. As customers consume more alcohol we know that their decision making becomes more impaired and as a result they are more likely to become involved in alcohol related crime and disorder. From speaking to people in the area it has become clear that Wicked Fish being able to operate so late is impacting people from the area, and is increasing the risk of crime and disorder.

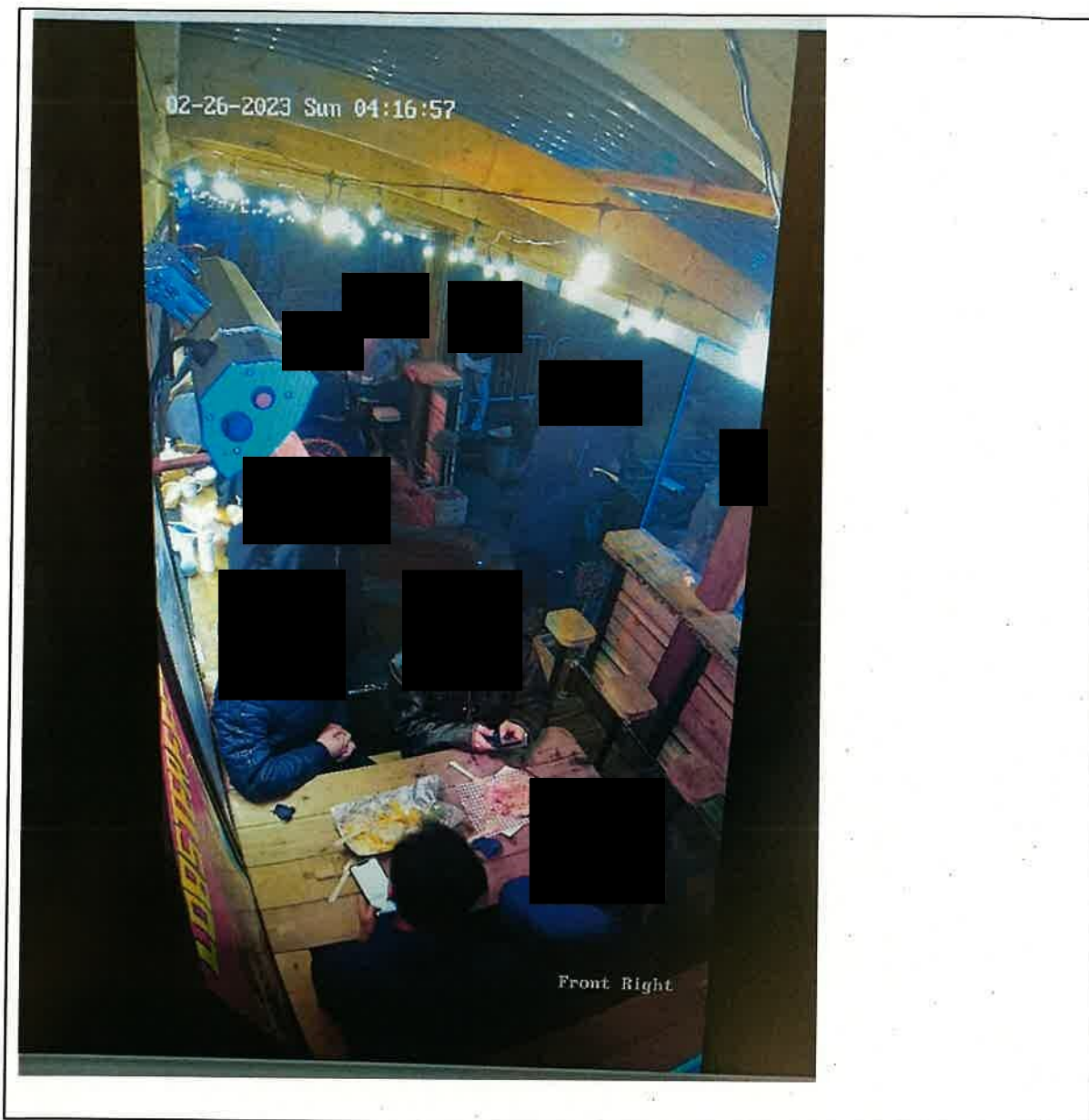
Given that Hackney Wick is a vibrant and growing night time economy hotspot and an increasingly residential area, due to the large housing developments being built. It is essential that customers of the night time economy leave the area quickly, both for their own safety, and also to prevent nuisance to local residents. This is something we say cannot happen while this venue is open so late.

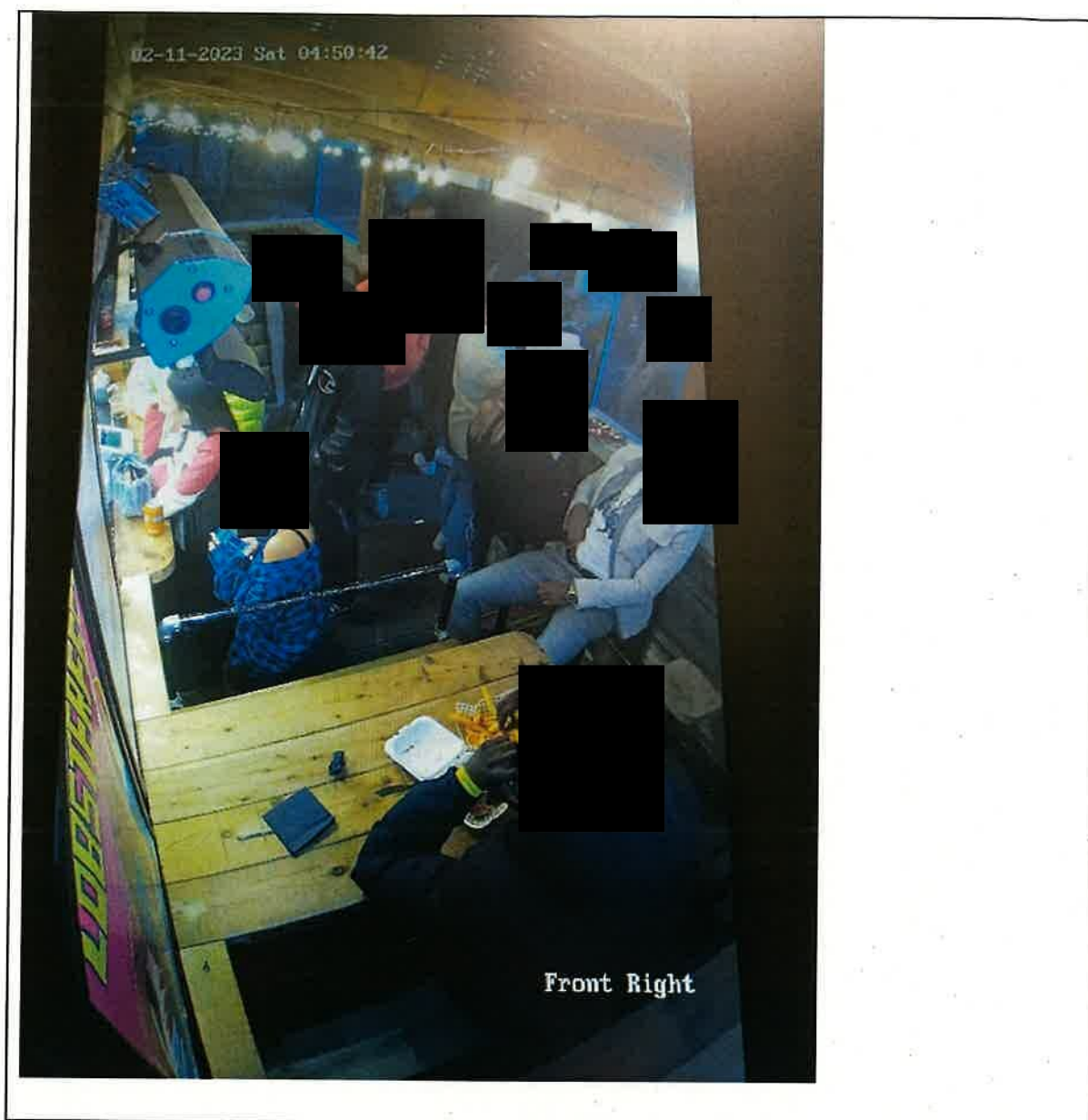
In conclusion we do not see any alternative for this committee but to revoke the premises license of Wicked Fish. Its owner has shown a total lack of respect for his responsibilities under the licensing act, by continually ignoring his licensing hours and trading to whatever time, he wants. This is despite warning from both the Police and the local authority. If the premises are failing to do the basic things like abiding by their licensed opening hours, then we can have no faith they will follow any new conditions this committee set to impose.

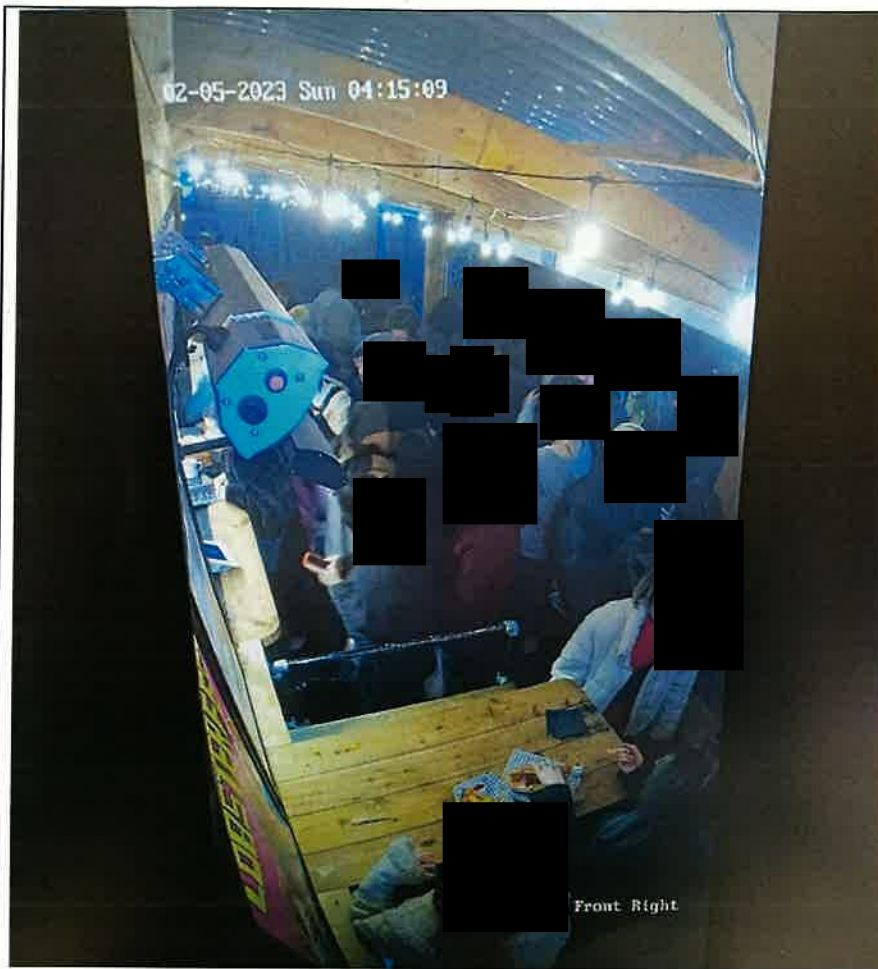
In the one month worth of CCTV we have seen we have seen no effort made by Wicked Fish management or staff to control their customers, which is demonstrated by customers openly preparing a cannabis joint while seated at their tables. Nor have we seen any effort to get their customers to leave the area. We believe if we viewed more CCTV we would find more failures by Wicked Fish.

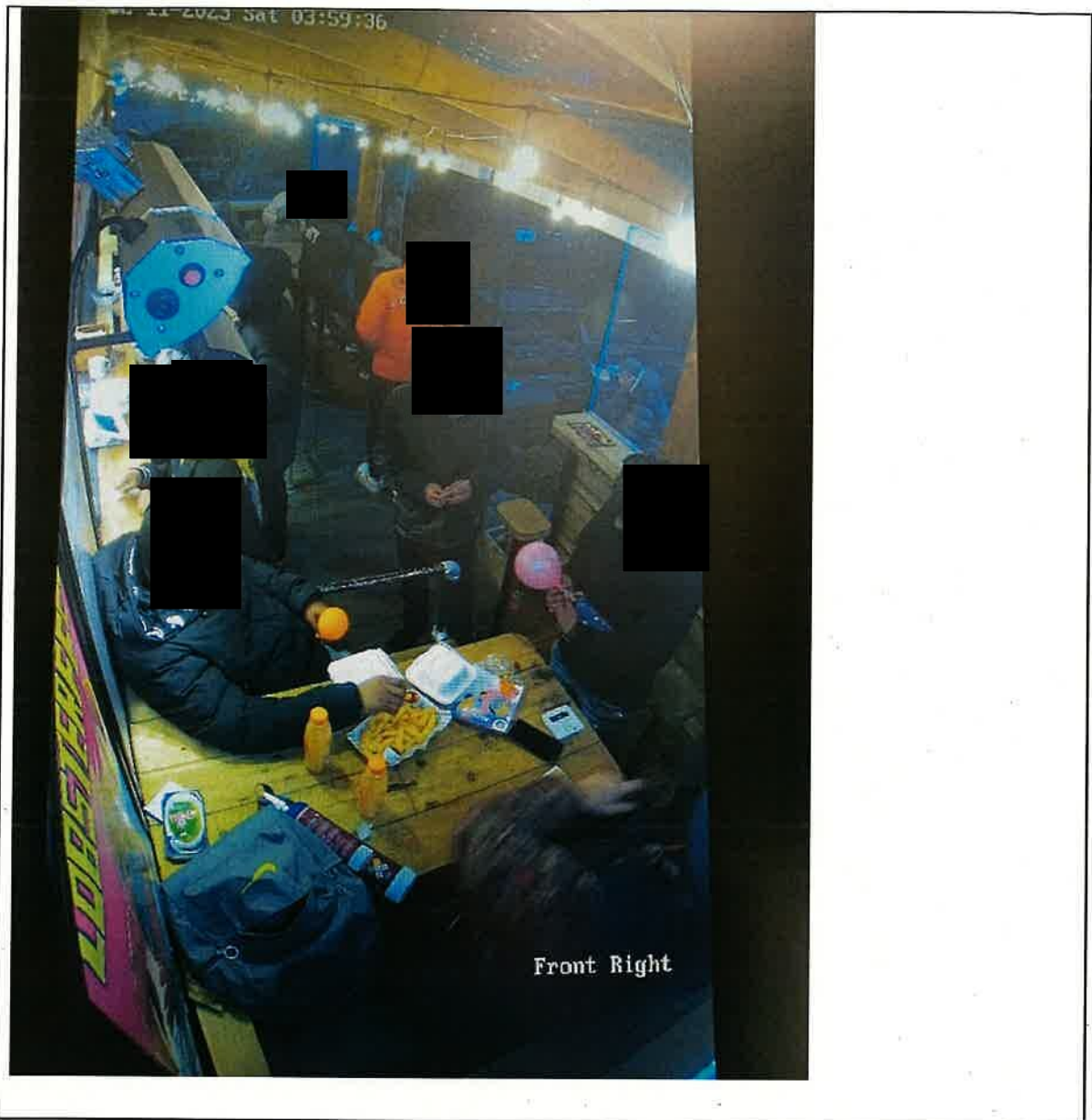
We therefore seek the revocation of the premises license.

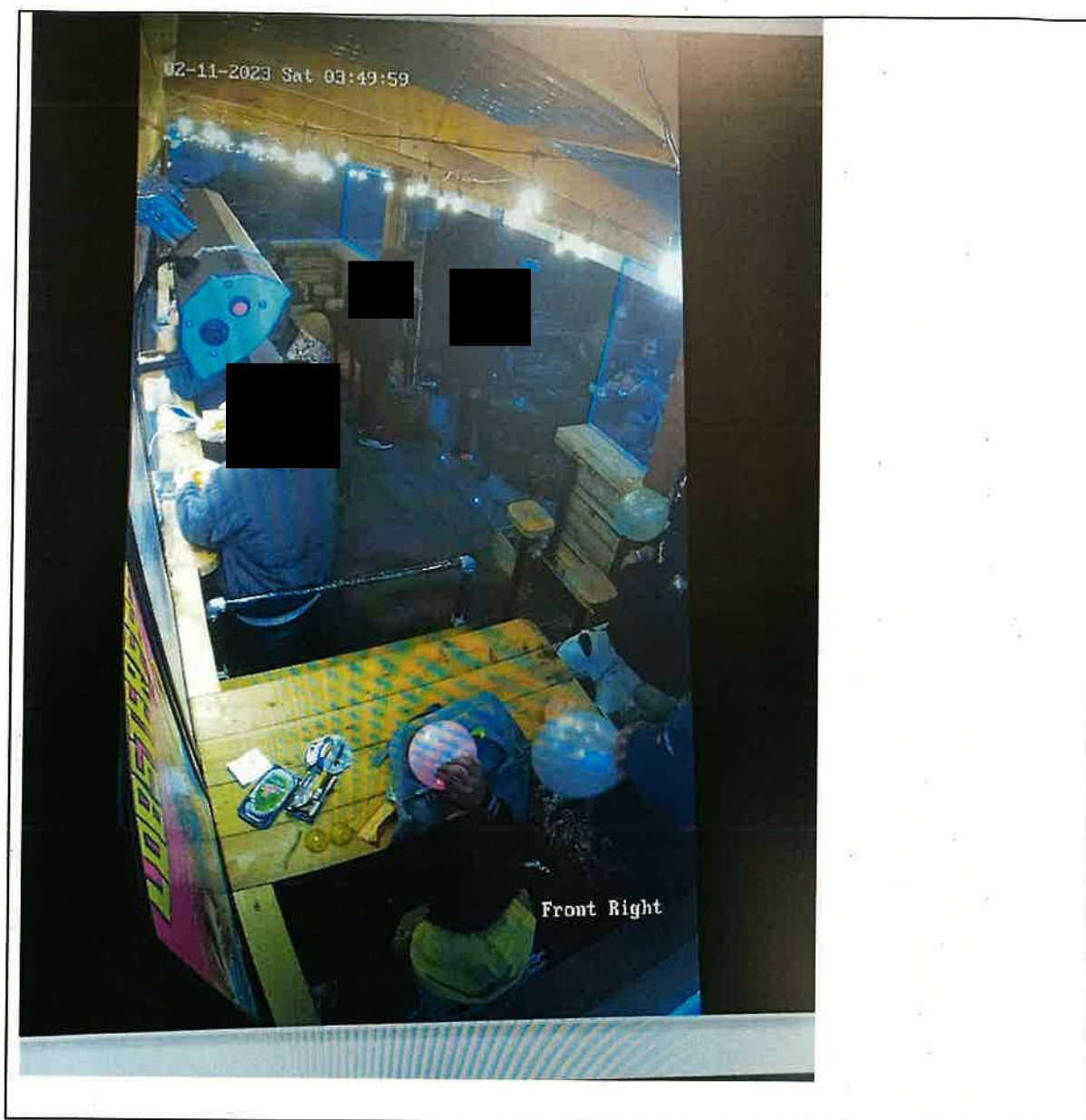
Photographs from Venue CCTV Below

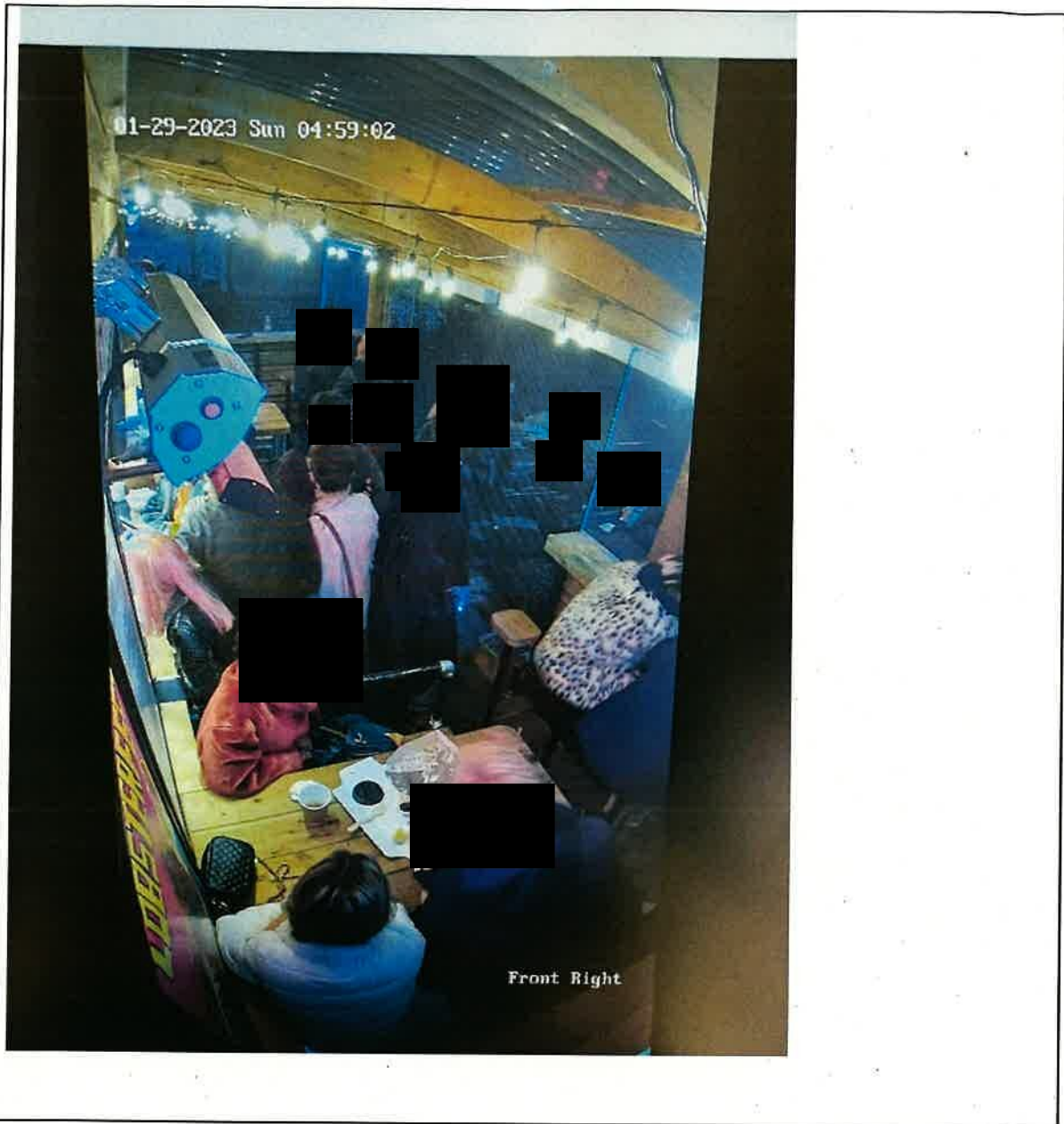


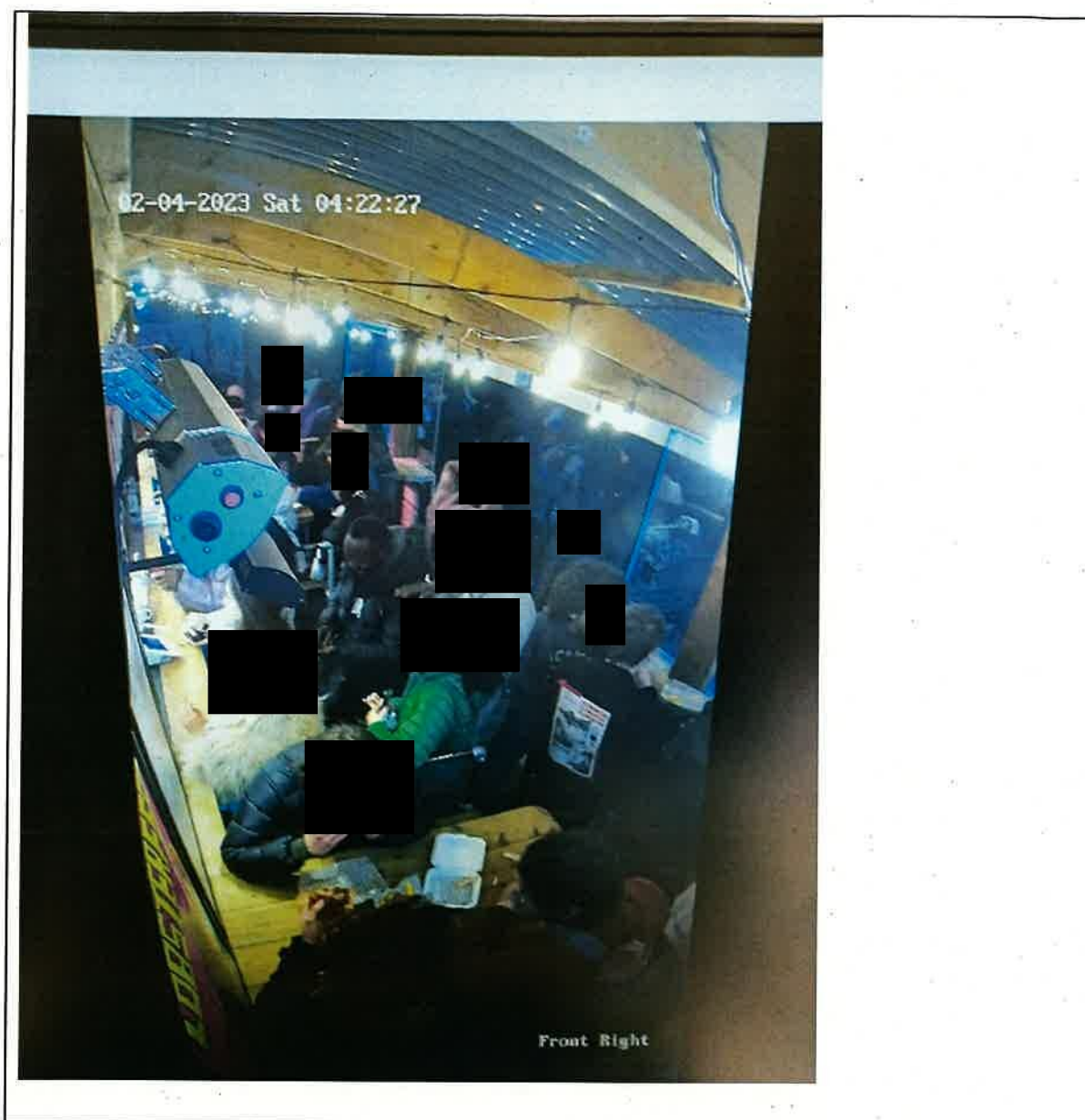












Please provide as much information as possible to support the application (please read guidance note 2)

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

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

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature Pc Mark Perry P205619 1768CE
Date 7th March 2022
Capacity Police Licensing Officer

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

Notes for Guidance

- 1 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



Lic No:
151866

**Wicked Fish
Queens Yard
White Post Lane
London
E9 5EN**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley
Head of Trading

Mental Health

Date: 21st December 2021
Variation 25th April 2022
Variation 7th December 2022

OFFICE USE	Receipt No: 069558	Paid: 190	Date: 19/03/2022
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Part A - Format of premises licence

Premises licence number

151866

Part 1 - Premises details

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

**Queens Yard
White Post Lane**

Post town

Post code

London

E9 5EN

Telephone number

Tel: [REDACTED]

Email: [REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late-night refreshment (Outside and Inside)
The sale by retail of alcohol (on sales only)

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday to Thursday from 23:00 -01:00 HRS

Friday to Saturday from 23:00 - 04:00 HRS

Non-standard timing

Christmas Eve and New Year's Eve

Christmas Eve and Christmas Day 23:00 hours to 05:00 hours

New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours

The sale by retail of alcohol **(on sales only)**

Monday to Sunday 12:00 – 23:00 hours

The opening hours of the premises

Sunday – Thursday from 06:00 hours to 01:30 hours

Friday -Saturday from 06:00 hours to 04:30 hours

Non-standard timing

Christmas Eve and Christmas Day 23:00 hours to 05:00 hours

New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours

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

Not applicable

Part 2

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

Wicked Fish Ltd

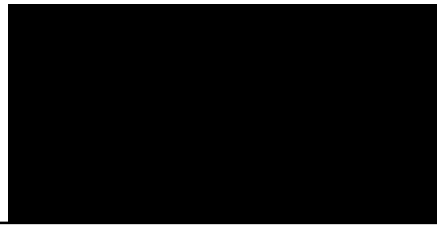


Registered number of holder, for example company number, charity number (where applicable)

13463506

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

Michal K Gasior



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 —

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

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to-
any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and
Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Annex 2 - Conditions consistent with the operating Schedule

1. 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 visit by a relevant authority or emergency service.
2. In the event that a serious assault is committed on the premises (or appears to have been committed) the management if safe to do so, will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the

safety of all persons present on the premises.

3. All outside tables and chairs shall be rendered unusable by (00:00) Sunday to Thursday and (03:30) Friday to Saturday.
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
5. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
6. Three (3) people working at all times at the venue.
7. One (1) SIA door supervisor shall be employed on the premises Fridays and Saturdays.
8. Intoxicating liquor shall not be supplied on the premises other than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.
9. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.
10. No vertical drinking on the premises.
11. Sales of alcohol will only be made when a personal licence holder is present at the premises.
12. All Staff members engage, or to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to Age Restricted Sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
13. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either the Police Officers or an authorised officer of Tower Hamlets Council.
14. 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 of Tower Hamlets Council at all times whilst the premises is open.
15. 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 driving licence, passport or proof of age card with PASS Hologram.
16. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display and the service areas.
17. Spirits will not be sold. It is to be noted that the type of alcohol to be supplied on the premises include; light beer, sparkling and house wines, and prosecco. Spirits will not be sold.

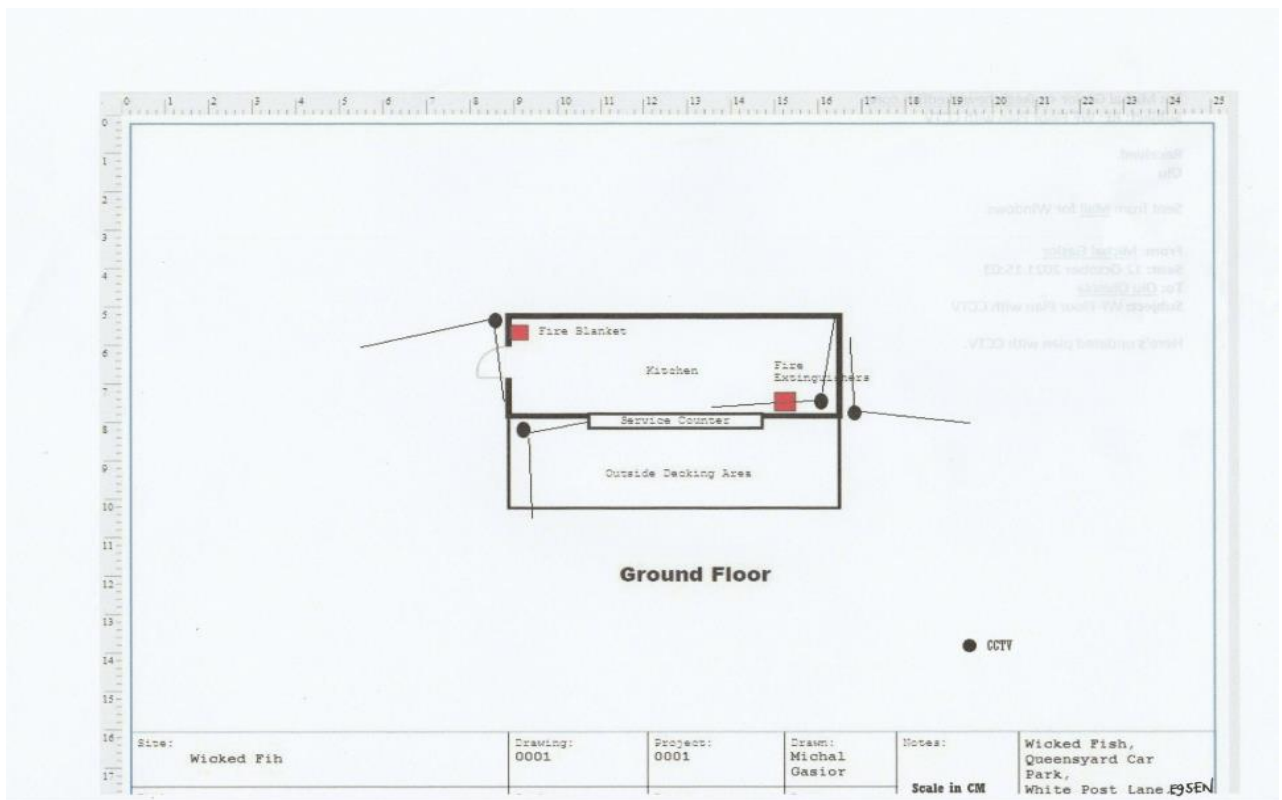
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

22nd November 2021 (*Ground floor plan drawing number 0001.*)



Part B - Premises licence summary

Premises licence number

151866

Premises details

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

Wicked Fish
Queens Yard, White Post Lane

Post town

London

Post code

E9 5EN

Telephone number

Tel: [REDACTED]
[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late-night refreshment
The sale by retail of alcohol (on sales only)

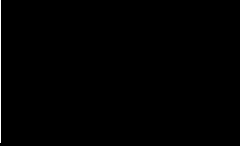
The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday to Thursday from 23:00hrs -01:00hrs
Friday to Saturday from 23:00 - 04:00hrs

Non-standard timing

Christmas Eve and New Year's Eve
Christmas Eve and Christmas Day 23:00 hours to 05:00 hours
New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours

	<p>The sale by retail of alcohol <u>(on sales only)</u></p> <p>Monday to Sunday 12:00 – 23:00 hours</p>
The opening hours of the premises	<p>Sunday to Thursday from 06:00hrs -01:30hrs Friday to Saturday from 06:00 - 04:30hrs</p> <p>Non-standard timing Christmas Eve and Christmas Day 23:00 hours to 05:00 hours New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours</p>
Name, (registered) address of holder of premises licence	<p>Wicked Fish Ltd</p> 
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	<p>Not applicable</p>
Registered number of holder, for example company number, charity number (where applicable)	<p>13463506</p>
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	<p>Michal Gasior</p>
State whether access to the premises by children is restricted or prohibited	<p>No restrictions</p>

Appendix 3



**Place Directorate
Public Realm**

Environmental Health & Trading Standards

Head Of Service David Tolley

Licensing Officer - Licensing and Safety
Environmental Health and Trading Standards
Place Directorate
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG

Michal Gasior
19 Mallards Place
London
E9 5JL

14th October 2021

My reference P/PR/EHTS/LIC/107561

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

Dear Sir,

Licensing Act 2003 Section 136

Premises: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

This Authority has been notified by the Police that on a number of occasions you have been warned regarding serving hot food/hot drinks beyond 11pm without an authorisation.

Council records how you do not have any authorisation for the activity

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. The ACT covers;

- 1) the sale by retail of alcohol (off or on sales)
- 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) **the provision of late night refreshment (selling meals and hot drinks after 23:00 hours and before 05:00 hours)**

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

You are advised to cease the unauthorised licensing activity with immediate effect.

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on 0207 364 5008 or visiting our website:

www.towerhamlets.gov.uk/licensing

Yours sincerely



Kathy Driver
Principal Licensing Officer

Cc Licensing Police: cemailbox-.towerhamletslicensing@met.police.uk

Lavine Miller-Johnson

From: [REDACTED]
14 October 2021 20:44
To: Kath Driver
Cc: [REDACTED]
Subject: Re: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

I understand I won't cause any more trouble. It was never my intention. Tomorrow I'm meeting the consultant who will help me with correct licence application process. I hope I didn't overstep.

Kind regards
Michal Gasior

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From: Kathy Driver <[REDACTED]>
Sent: Thursday, October 14, 2021 5:01:11 PM
To: Michal Gasior [REDACTED]
Cc: [REDACTED]
Subject: RE: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

Dear Mr. Gasior,

Thank you for email, I must however remind you that a licence is required for hot food or hot drink after 11pm not midnight. You should also note that the hours relate to the time when you stop supply not the sale of, therefore you must cease any supply/serving of hot or hot drinks by 11pm.

Kind Regards,

Kathy Driver

Principal Licensing Officer

[REDACTED]

Licensing General Email: licensing@towerhamlets.gov.uk

Please visit our web page for application forms and guidance at

www.towerhamlets.gov.uk/licensing

www.towerhamlets.gov.uk

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From: Michal Gasior [REDACTED]
Sent: 14 October 2021 16:40
To: Kathy Driver <[REDACTED]>
Subject: Re: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

Dear Kathy I might have stayed a tad open longer because there was a massive crowd ordering food from me due to festival but we didn't serve anyone last midnight. Moving forward I'm in the process of applying for late night licence and in the meantime I'll do my best to control the queue better.

Sincerely yours

Michal Gasior

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From: Kathy Driver [REDACTED]
Sent: Thursday, October 14, 2021 3:56:32 PM

To: Michal Gasior [REDACTED]

Subject: Wicked Fish, Queens Yard, Whitepost Lane, London E9 5EN

Please find attached letter in regards to your premises. The original will be posted to your home address. Please note if any further offences are witnessed you maybe liable to prosecution and this will be taken into consideration upon any application made for a premises licence by you.

Kind Regards,

Kathy Driver

Principal Licensing Officer

[REDACTED]

Licensing General Email: licensing@towerhamlets.gov.uk

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www.towerhamlets.gov.uk

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Lavine Miller-Johnson

From: MARK.J.Perry [REDACTED]
Sent: 06 March 2023 07:57
To: [REDACTED]
Subject: FW: Licensing Enquiry -

From: Michal Gasior <[REDACTED]>
Sent: 22 February 2023 11:43
To: Rice Michael - CE-CU [REDACTED]
Cc: Perry Mark J - CE-CU <[REDACTED]>
Subject: Re: Licensing Enquiry -

Thank you I'll do it. I only wish I could get somehow educated on how to properly run incident record book.

What do I write down? Date, time, yes but description of customer as well? Only now I've found there's an actual special book for that. It is my first own venture of this type I promise I'll do my best to be up to scratch. I'm here to work with you and the council.

Sent from [Outlook for iOS](#)

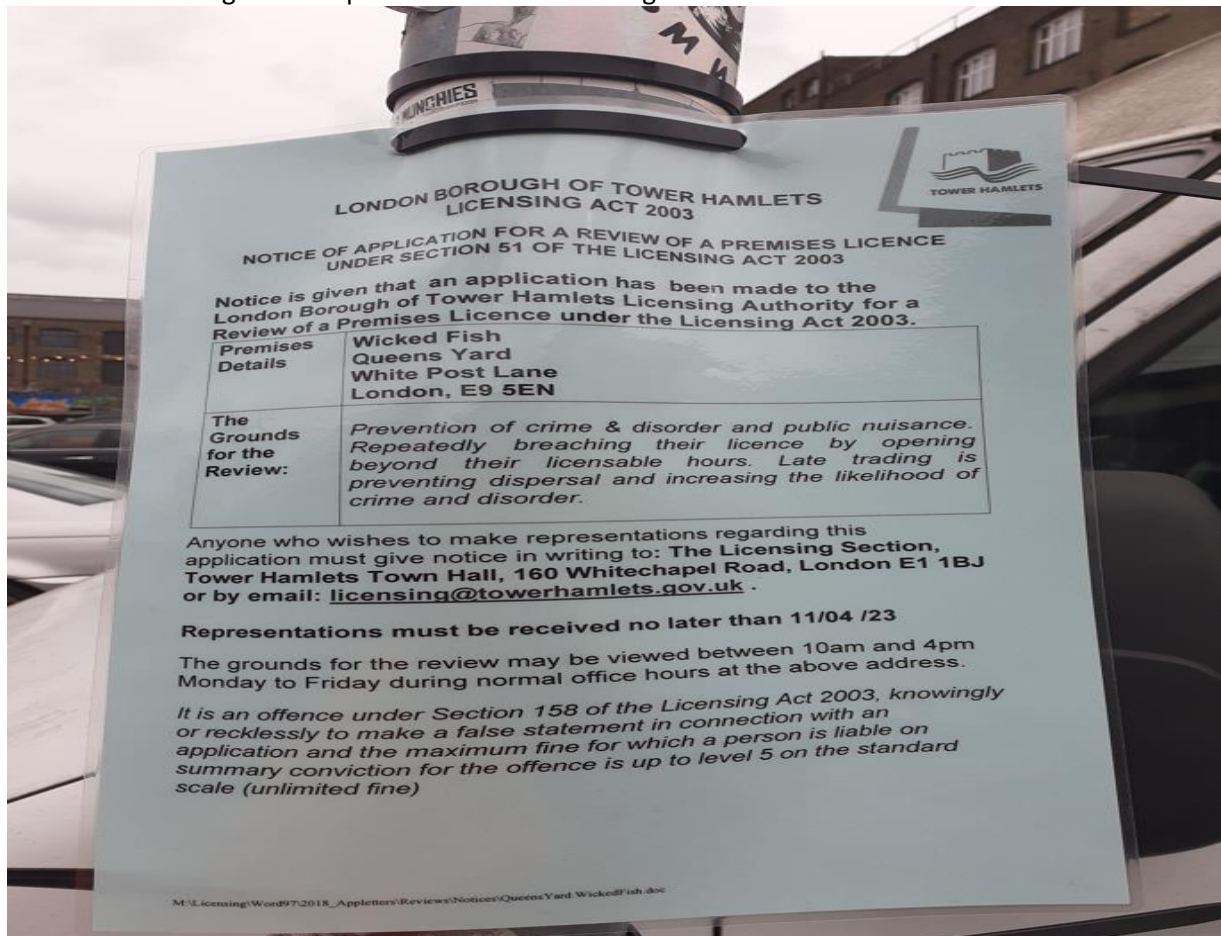
Appendix 4

Wicked Fish -Queens Yard White Post Lane E9 5EN – Map of surrounding area



Appendix 5

Wicked Fish – Images of the premises and surrounding area





Appendix 6

By Email:

Licensing Authority:

licensing@towerhamlets.gov.uk

**Place Directorate
Public Realm**

**Head of Environmental Health and
Trading Standards: David Tolley**

Environmental Health & Trading Standards
Licensing & Safety Team
4th Floor, Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

11th April 2023

Your reference

My reference: LIC/157810/MA

Tel: [REDACTED]

Enquiries to: **Mohshin Ali**

Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Licensing Authority,

Licensing Act 2003

Review of premises licence application: Wicked Fish, Queens Yard, White Post Lane,
London E9 5EN

The Licensing Authority (acting a Responsible Authority) is making a representation in relation to the above application under the following licensing objectives:

- *the prevention of crime and disorder and*
- *the prevention of public nuisance*

The Licensing Authority (RA) supports the review triggered by Met Police on the 7th March 2023 as the licensing objectives have been undermined. In addition, I have looked at the history of the premises and the following are registered on the Council's system Civica Authority Protection (APP):

- **29th September 2021** – LA received a TEN application for the 8-10 October 2023. As 10 clear working days notice was not given the TEN was rejected and Mr Gasior was notified (including email) on the 1st October 2021.
- **14th October 2021** – LA received had been notified by the Police that on a number of occasions the premises had been warned regarding serving hot food/hot drinks beyond 11pm without an authorisation. A warning letter was sent to Mr Gasior (including email) on the 14th October 2021 as detailed in the Police review.

Mr Gasior responded and stated *"I might have stayed a tad open longer because there was a massive crowd ordering food from me due to festival but we didn't serve anyone last midnight. Moving forward I'm in the process of applying for late night licence and in the meantime I'll do my best to control the queue better"*.

Mr Gasior was again reminded to *cease any supply/serving of hot or hot drinks by 11pm*.

- **20th October 2021** – New premises licence application received and was not objected to by the LA in order to work with the premises as they had showed compliance when Officers visited on the 29th October 2021. The LA also did not make a representation to the most recent variation application as there were no issues according to the LA's records

Having seen the Police review, the Licensing Authority is concerned about the numerous occasions where the premises has traded beyond the times permitted on the licence despite previous warnings and reminders. In order to promote that licensing objectives, the Police are requesting the revocation of the licence and the Licensing Authority is in support of this.

Yours faithfully,



Mohshin Ali

Senior Licensing Officer (Acting as a Responsible Authority)

Appendix 7

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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise the review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 16 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 8

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

Updated December 2022

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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

Appendix 9

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 10

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

Updated December 2022

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 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 11

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.