

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON MONDAY, 20 APRIL 2009**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Peter Golds  
Councillor Fozol Miah

**Other Councillors Present:**

Councillor Rania Khan

**Officers Present:**

John Cruse	- Licensing Team Leader
John Cruse	(Team Leader)
Zakir Hussain	(Solicitor)

**Applicants In Attendance:**

Mr K. Williams	Coral
Mr A. Woods	Legal Representative, Coral
Mr Bagcih	Applicant, Kivre Food Centre
Mr Ordu	Applicant, Kivre Food Centre
Mr L. Charalambides	Legal Representative, Kivre

The Licensing Agent for Kivre was also present.

**Objectors In Attendance:**

Paul Johnston	Environmental Health
Mr M. Sheldon	Lincoln & Burdett Children's Centre
Mrs S. Mahbub	Thomas Road
Ms P. Choudhury	Local Resident
Cllr. R. Khan	Ward Member

**Members of the Public In Attendance:**

There was one member of the public in attendance.

**1. APOLOGIES FOR ABSENCE**

None.

**2. DECLARATIONS OF INTEREST**

None.

**3. RULES OF PROCEDURE**

Noted.

**4. UNRESTRICTED MINUTES**

The minutes of the Licensing Sub Committee meeting held on 16<sup>th</sup> March 2009 were agreed and approved as a correct record.

**5. ITEMS FOR CONSIDERATION**

**5.1 Application for variation of the Premises Licence: Kivre Food Centre, 497-499 Cambridge Heath Road, London E2 9BU (LSC072/809)**

Mr Cruse introduced the report which outlined the application to vary the existing licence by way of an extension of hours for the sale of alcohol. He understood that the application had since been modified and advised that the applicant's representative would detail this point. Representations had been received from EH and the Police.

Mr Charalambides, on behalf of the applicant, reported that the premise was a general convenience store that also sold alcohol. With the agreement of Members, a plan of the premises was tabled that showed the main front entrance and the side entrance to the premises.

The Premises Licence holder and designated DPS and the premises manager, had a number of years experience in the retail trade. There were three full-time and several part-time members of staff and the premise was located in a mainly commercial area.

Whilst the representation from EH referred to the prevention of public nuisance, no detail had been provided in the representation except that patron access and egress may cause nuisance to the residents above. There was a terrace above the shops with the residential properties set back from the frontage. The premises was one of a number of units in a local parade located on a busy street, it was therefore difficult to see how public nuisance would arise and difficult for the applicant to provide a response.

The applicant was happy to operate a 'Challenge 25' age policy and provide internal staff training. With the agreement of those present, Mr Charalambides tabled a draft training template. It was also proposed that there would always be two staff on late at night, one of whom would always be a Personal Licence holder and the side entrance would be closed after 11pm. The external of the premises was well lit and CCTV was already in place both internally and externally.

The applicant wished to amend the hours sought to open from 7am on all days and close at midnight Sunday to Thursday and 2am on Friday and Saturday.

In conclusion, Mr Charalambides stated that EH comments needed to be specific to an individual premise and not general in nature. It should also be noted that they had extensive powers under other legislation. Mr Charalambides reiterated that the applicant had never had occasion to contact the police and there had been no representations or complaints from any of the Responsible Authorities.

Mr Johnston, EH officer, reported that there were residential properties above the premises with habitable rooms at the front. Whilst the applicant had addressed the concerns he had raised, he remained concerned about those matters which were outside the Applicant's control; noise caused by patrons on entering and leaving the premises and from vehicles including horn misuse.

There were very few premises licensed to 2am and this could lead to an increase in those coming to this shop. The framework hours approved in the Council's statement of Licensing Policy were acceptable for the sale of alcohol though he had no issue with the premises opening longer without the sale of alcohol.

No matter how well managed the premises were, it was not possible to control the noise from people and vehicles. These were valid concerns arising from his personal experience of working throughout the Borough and a number of complaints were received from residents regarding this issue of noise in relation to licensed premises.

PC Allen commented that the Police objections had been to the proposed 24 hour opening and that the hours had now been amended to those proposed by the Police. However, due to the concerns relating to youth population and related ASB matters which were an issue in this area, she asked that the Sub Committee consider that a Personal Licence holder should be present from 8pm onwards and also that the conditions related to CCTV provision should be included if the licence was granted.

In response to questions from Members, the applicant confirmed that he was happy to accept the conditions proposed by the police and that CCTV was already in place at the premises. Officers were unable to confirm the number and type of other licensed premises in the area and their hours of operation.

Mr Charalambides noted that Mr Johnston had stated that he was happy with the applicant's response to the areas of concern that he could address and that his comments regarding vehicles had not been in the original submission. Mr Johnston appeared to be asking for a great deal to be assumed as to what might be the case.

Mr Johnston stated that he believed noise from patron access and egress was a legitimate concern and that complaints regarding this issue were received in respect of all premises serving alcohol late at night and not only from entertainment venues.

The Chair advised that the Sub Committee would now, at 7.15pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 7.34pm and the Chair reported that the Sub Committee had unanimously agreed to grant the application in part.

Mr Hussain advised that Members had

### **RESOLVED**

That the application to vary the Premises Licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London E2 9BU, be **GRANTED** in part and subject to the following conditions:

Hours for the sale of alcohol: 08:00 to 23:00 Sunday to Thursday and 08:00 to Midnight Friday and Saturday

A digital CCTV system with time and date recording facility will be maintained with cameras covering the inside and the immediate outside of the premises to be maintained in good working order at all times.

Recording media to be retained for at least 30 days and to be readily available for inspection by the police upon reasonable request.

Authorised staff to be trained to operate the recording equipment and be competent in its operation.

Waste materials shall not be placed in the external bins during the night hours (23 00 hrs to 07 00 hrs the following day).

A personal licence holder will always be present on the premises after 20 00 hrs.

A challenge 25 policy to be implemented and maintained at all times the premises are open to the public.

The side entrance to premise to be kept shut after 23 00 hrs, except for emergency access/egress.

## **5.2 Application for a new Premises Licence: Coral, 56 Bow Common Lane, London, E3 4DE (LSC073/809)**

Mr Ali presented the report for a new Premises Licence under the auspices of the Gambling Act 2005. Representations from local residents and those representing local residents had been received and were as detailed in the report.

The reasons as to why some representations had not been accepted were clarified for Councillor Khan (Ward Member), who was present on behalf of one of those who had made a representation.

Mr Woods, legal representative for the applicant, reported that the application was for consideration within the remit of the licensing objectives and reminded the Sub Committee that moral objections, irrespective of their content, could not be taken into account. None of the Statutory Authorities had any concern that the application failed to meet the licensing objectives.

Mr Woods drew attention to the additional material that had been submitted by the applicant which he believed assisted in addressing the concerns that had been raised. He also advised of the legal view that Members should aim to permit the application if it was within the Licensing Policy and objectives.

Coral had operated many betting offices on a national basis for a number of years; all these licences had been renewed without question. An Operators Licence had been granted by the Gambling Commission following extensive checks and clearances and Coral had extensive well tested policies and procedures in all their premises. This was supported by extensive staff training. The tabled information also clearly showed the kind of frontage and internal layout of the general premise and the signage that was displayed. Coral was also part of Gamcare and had company policies in place to ensure staff looked out for patrons who looked vulnerable.

All experienced operators were aware of the sensitivity required in operating premises located next to schools and places of worship. It should also be remembered that there was previously a betting office in St Paul's Way and within the vicinity of the proposed premises that closed in 2007.

Mr Woods concluded by assuring the Sub Committee that neither children nor the vulnerable would be allowed entry and that the company had never found this to be an issue. Mr Woods reiterated that none of the Responsible Authorities had objected to the application.

Mr Sheldon stated that he was the Manager of the Children's Centre that was almost opposite the proposed site. The centre was funded by Surestart with services delivered by LBTH for approximately 100 children aged under five.

His concern was not that children would be admitted to the premises but that he dealt directly with and had knowledge of, families within the area where parents, particularly fathers, were vulnerable and whose betting had a direct detrimental impact on family life.

There was a betting shop already within the locality and the Gambling Commission referred to those who gambled beyond their means and those whose capacity was mentally or medically affected. He had personally been called to the assistance of a family where the father had threatened violence to his wife and young children to try and gain access to additional money when he had already gambled the family income. The matter had been so violent that police had to be called.

At this juncture, the Chair advised Mr Sheldon that his comments were straying away from being directly applicable to this application. Mr Sheldon

stated that he would have wished to expand on the conversations he had held with users of the centre who had voiced the impact and effect that gambling had on family life. He urged the Sub Committee to heed his concerns and those of the families that would be directly affected by licensing these premises.

Mrs Mahbub stated that she had lived in the local area for many years. Her concern was the effect the betting shop would have on the whole area, particularly on the large number of male youths who had little else to do. She did not comment from a morality point of view but that gambling created so many problems. There were a large number of families within the area who were on Benefits and family money would be used for gambling in the hope of a quick win. This affected the women and children who did not gamble. It was for us to protect the children and those who were vulnerable and who lived in the area; residents were all effected by the availability of gambling.

Councillor Rania Khan, Ward Member, spoke on behalf of Ms Choudhury who was a local resident and was also present. There was a need to protect residents; this was a highly populated area with a high youth population. It was also one of the poorest areas in the Borough. Gambling may be fun for some but it also destroyed lives and there was a real fear that this would increase if a premises opened in the immediate area.

The shop was located on the direct route to schools and opposite a children's centre with those attending having to pass the shop on a daily basis. Children had their lives destroyed by parent's gambling habits and many youths may see gambling as a quick way to make money.

Overwhelmingly, residents did not wish to see this type of premise in the area and many representations had been submitted to support this, not all of which had been accepted. There was also concern regarding a number of issues that others may not see as relevant; noise aggravation, the level of temptation to students and others. All major faiths opposed gambling and Councillor Khan felt that there the local community should be listened to.

Mr Hussain confirmed that all the representations that had been included were valid to some degree of content and that there had been a number of representations that had not been accepted as valid. There was a betting shop located in Devons Road.

Mr Woods advised that it was for Members to either take legal advice or look at the Gambling Act. Making a decision on the application would be difficult as the objectors had spoken passionately and clearly. However, whether the Act was fair or not, the Sub Committee would have to consider the matter on a legal basis. Whilst there may be a generic objection to more betting offices in Tower Hamlets, was the legal basis of the question that arose. This was whether these premises, as operated by Coral and their policies, would fail to uphold the licensing objectives. There was not one piece of evidence or objection to Coral's business in the 40 years they had operated, to say that this was the case.

It may well be that the Act had been drafted in a way that was unfair to those making representations but this was not for those present to determine.

Mrs Mahbub commented that the applicant was looking at matters from a business perspective, the objectors from a family perspective. It was families and the community who lived with the impact of gambling.

Mr Sheldon stated that concern remained regarding the impact to children whose lives were affected by the increased access to gambling premises by vulnerable adults. If there were more gambling premises there would be more gambling.

Mr Woods disagreed with this last point.

At this juncture, the Chair stated that the Sub Committee would now, at 8.23pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 8.38pm.

The Chair thanked those present for their presentations and reported that the Sub Committee had reached a unanimous decision which he asked Mr Hussain to detail.

Mr Hussain reported that after considering the evidence presented to them by all parties, the Sub Committee were minded to REFUSE the application on the grounds that they did not believe that the Licensing Objective of Protecting children and other vulnerable persons from being harmed or exploited by gambling could be upheld if the application was to be granted.

Mr Hussain further reported that the decision would be sent out in writing and the applicant advised of the right of appeal.

The meeting ended at 8.40 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee