

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 MARCH 2017

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds (Member)
Councillor Candida Ronald (Member)

Officers Present:

Corinne Holland (Licensing Officer)
Mohshin Ali (Senior Licensing Officer)
Victoria Fowler (Legal Services)
Antoinette Duhaney (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Peter Golds declared a non pecuniary interest in item 4.1 – Phoenix Off Licence, on the grounds that he was a customer at another premises where the applicant was employed (Equinox Supermarket in Island Gardens). However he did not know the applicant personally

2. RULES OF PROCEDURE

The Rules of Procedure were noted.

3. MINUTES OF PREVIOUS MEETING(S)

The minutes of the meetings held on 16.06.17, 17.06.17 & 08.08.16 were approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003: Application for a Premises Licence for Phoenix Off Licence, 104 East India Dock Road, E14 0BP

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and written representations from local residents (no objectors attended to make oral representations).

The Sub Committee noted that it was requested to consider an application for a New Premises License for Phoenix Off Licence, 104 East India Dock Road, E14 0BP. Members heard oral representations from the applicant (Narin Karakus) and the objector (Jamir Chowdhury)

Ms Karakus stated that she had 8 years experience as a personal licence holder for retail premises elsewhere in Tower Hamlets and was well aware of the processes and rules for managing premises selling alcohol as demonstrated in her application and she had nothing further to add. In response to questions from Members, Ms Karakus advised that she was willing to agree to amended/additional conditions regarding hours for the sale of alcohol, restrictions on the sale of single cans or bottles beer/lager/cider with ABV level above 5.6, Challenge 21 and the sale of single disposable cups.

Mr Chowdhury advised Members that if this application was granted, it would have a negative impact on his business and there was potential for anti social behaviour. Previous premises on the same site had a history of nuisance and anti social behaviour and was also linked to premises on poplar high street nearby which had been closed. There was also a green open space and children's playground which could put children at risk.

Having considered all the written and oral representations from the applicant and objector, the Sub Committee noted that the representation from Mr Chowdhury was a borderline representation and some of the issues and concerns raised were not licensing considerations. Members had genuine concerns about the potential for anti social behaviour given the close proximity of the premises to public open space. The Sub Committee also had reservations about the impact of the premises taken into account the nearby hostel for vulnerable people as well as a childrens' playground and a primary school.

Members were satisfied that the conditions listed in the Operating Schedule attached to the application were adequate and proportionate subject to alterations/additions in respect of hours for alcohol sales, the sale of single cans or bottles beer/lager/cider with ABV level above 5.6, the sale of single disposable cups and Challenge 21.

RESOLVED – That the application for a New Premises License for Phoenix Off Licence, 104 East India Dock Road, E14 0BP, be GRANTED subject to the conditions set out below.

Opening Hours

07.00 – 23.00 daily

Hours for sale of alcohol

11.00 – 23.00 daily

CONDITIONS

1. CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective; CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum period of 31 days with date and time stamping. The system will comply with other essential legislation and all signs as required will be clearly displayed. Someone must always be on the premises who is trained and can download the recordings upon request. Recordings shall be made available for inspection at the premises by Responsible Authorities.
- 2 To look to the Police as main source of advice on crime and disorder;
- 3 To prevent poor management which could lead to any disorder and risk public safety i.e. not to sell alcohol to someone who is already under influence of alcohol to prevent any disorder from rising;
- 4 Ensuring adequate lighting outside to the premises to prevent any crime/disorder to keep area safe;
- 5 Ensuring all waste is disposed of correctly.

- 6 Try to reduce light disturbance from the lights in the shop/sign to the residents around while balancing the need of light to maintain public safety and prevent crime and disorder.
- 7 Address any disturbance caused as customers leave and enter during late hours to prevent residents being disturbed.
- 8 Preventing purchase of alcohol by or on behalf of a child/children;
- 9 No sale of alcohol to anyone under the age of 18.
- 10 No single disposables cups to be sold.
- 11 No super-strength beer, lagers, ciders or spirit mixtures of 5.6% ABV (alcohol by volume) or above shall be sold in single cans or bottles.
- 12 There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
- 13 Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
- 14 Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
- 15 A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 16 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open to the public.

4.2 Licensing Act 2003: Application for a Variation of a Premises Licence for Trade Union, Units 1, 2 & 3 Thomas More Square, E1W 1YN (APPLICATION WITHDRAWN)

Application withdrawn.

4.3 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, E1 6QL (APPLICATION DEFERRED)

Application deferred.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil.

The meeting ended at 7.20 p.m.

Chair,
Licensing Sub Committee