

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 30 MAY 2017

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Khales Uddin Ahmed (Member)
Councillor Shah Alam (Member)

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Gurwinder Kaur Olive – (Senior Lawyer, Legal Services)
Antoinette Duhaney – (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Variation to Premises Licence for Agah, 43 Commercial Street, E1 6BD

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 Premises License variation for Agah, 43 Commercial Street, E1 6BD. Members considered written representations from the applicant and objectors and also heard oral representations from Shahzad Yousuf (on behalf of the applicant) and Mark Perry (Metropolitan Police) and Corinne Holland (Licensing Authority)

The officer report was presented to the Sub Committee by Mohshin Ali, Senior Licensing Officer. He drew the Sub Committee's attention to an omission in the blue notice advertising the application which meant that the variation being sought in respect of the hours for regulated entertainment were not included in the advert. Consequently, in the event of the variation being granted, the existing hours for regulated entertainment would be carried forward to the new licence.

Mr Shehzad addressed the meeting and confirmed that the premises would be trading under the name of Agah Anatolian Turkish Restaurant. He stated that the variation was being sought in order to grow the business and meet the demand in the area which had several hotels in the locality. The applicant wished to open the premises earlier to provide a breakfast service and the later closing time would meet customer demand by providing late night refreshment and alcohol ancillary to a meal.

Mr Shehzad stated that the premises was a family focused restaurant and music would only be played occasionally for party bookings and there would be no DJ or live music. The premises complemented the area and the applicant wished to provide increased options for late night refreshment.

Contrary to the supplementary information on pages 93 – 99 provided by Trevor Joseph on behalf of the applicant, Mr Shehzad stated that the premises would be providing a full dinner service until 1.30pm and alcohol would be ancillary to a meal.

PC Mark Perry addressed the Sub Committee expressing his concerns that the premises was in the heart of the Cumulative Impact Zone (CIZ) and therefore the proposed variation would will increase the potential for crime and disorder and anti-social behaviour.

PC Perry stated that most other premises in the vicinity did not go beyond framework hours and he was concerned that the applicant intended to convert the basement area of the premises to a late night bar. The operating schedule suggested that after 11pm, the premises would be a bar lead operation which would encourage patrons from venues closing earlier to visit the premises to continue drinking.

Referring to page 97 of the agenda pack, PC Perry stated that this indicated that the dinner service would cease at 11pm and the website for the premises also stated that last orders were taken at 10.30pm. This raised the question of whether patrons would be consuming alcohol only after 11pm when the dinner service had ceased. PC Perry suggested that in the event of the variation being granted, the premises should operate within framework hours to give the applicant time to demonstrate that the extended hours did not impact on the CIZ. He also suggested revised conditions in respect of CCTV and SIA staffing levels.

Corinne Holland made oral representations to the meeting and stated that the applicant had not fully addressed the presumption that the premises would have a negative impact on the CIZ. Ms Holland stated that she had sought clarification from the applicant on how the premises would be used after 11pm but no information had been forthcoming. She reiterated the concerns raised by PC Perry that the premises would become a late night bar after 11pm which would be detrimental to the CIZ.

In response to questions and observations from the Sub Committee, Mr Shehzad stated that

1. There were errors in the supplementary information on pages 93 – 99 and he reiterated that the premises would be offering a full dinner service until 1.30am.
2. The applicant was happy to continue with the current arrangement for providing SIA staff after 8pm on Fridays and Saturdays. However given the size of premises, 1 member of SIA staff was felt to be adequate as an increase in SIA staffing could be off putting for patrons visiting the premises when it was less busy
3. The applicant was happy to accept any revised conditions in respect of CCTV, SIA staffing levels, addressing potential noise nuisance and alcohol only being provided ancillary to a meal
4. The premises was in a quiet area within the CIZ and since the applicants took over the premises in 2015, there had been no issues or concerns raised, and this was confirmed by Mr Ali.
5. Mr Shehzad reiterated that music would be mostly background music provided by smart devices and that regulated entertainment would not be provided by DJs.

Decision

Having considered all the written and oral representations from the applicant and objectors, the Sub Committee had genuine concerns about the potential for anti-social behaviour given that the premises was located within the Cumulative Impact Zone. However on balance, 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 CCTV, SIA staffing levels, addressing potential noise nuisance, alcohol only being provided ancillary to a meal and egress

RESOLVED – That the application for a Premises License variation for Agah, 43 Commercial Street, E1 6BD **GRANTED** (IN PART) subject to the conditions set out below.

Opening Hours

Monday to Thursday from 07:00 to 23:30
Friday to Saturday from 07.00 to 01.00
Sunday from 07.00 to 23.30

Sale of alcohol (on sales only and ancillary to sit down meal)

Monday to Thursday from 12:00 to 23:00 (no change)
Friday to Saturday from 12.00 to 12.30am
Sunday from 12.00 to 23.00

Late night refreshment (indoors)

Monday to Thursday - n/a
Friday to Saturday from 23.00 to 12.30am
Sunday – n/a

The Provision of Regulated Entertainment in the form of Recorded Music (Indoors)

Monday to Thursday from 12:00 to 23:00
Friday and Saturday from 12:00 to 23:30
Sunday from 12:00 to 22:00

The Provision of Regulated Entertainment in the form of Anything of a Similar Description to Live Music, Record Music or Performances of Dance (Indoors)

Friday to Sunday from 12.00 noon to 22.00

NOTE: As the applicant did not advertise the hours for the provision of regulated entertainment (or anything of a similar description) on the public notices, these hours have not been varied and the above hours have been carried forward from the previous licence.

CONDITIONS

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal

2. No drinks must be allowed to be taken outside the premises under any circumstances
3. Two SIA staff to be employed from 8pm until closing Friday and Saturday
4. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises who can download the images and present them on request by a police officer or other responsible authority (a camera to be placed outside the entrance and on entry)
5. An incident book will be kept at the premises which will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises' customers or any other incident of note. The book shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises are open.
6. The premises will operate a Challenge 21 policy and all those who look under 21 years of age will be asked for proof of age. There will be Challenge 21 signs at the bar
7. The premises will clearly display operational hours
8. Staff will be trained on Licensing and Health and Safety legislation. Training will be an ongoing part of staff development and will be fully documented
9. The premises will have a clear evacuation procedure in case of a fire
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Patrons will be moved on from outside of the premises
11. The premises will clear bins only during permitted hours and no waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 23:00 hours and 08:00 hours the following day, so as not to disturb the neighbourhood
12. The premises shall not cause any noise pollution so as not to disturb the neighbourhood
13. Adult supervision at all times for young children.

Informative

At the hearing of the licensing sub-committee dated 30 May 2017 the licensee confirmed that music at the venue would be by way of smart devices only and that there would be no live musicians or DJs at the venue.

3.2 Licensing Act 2003: Variation to Premises Licence for The Bothy, 16 Hertsmere Road, E14 4AX

This application was withdrawn.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decision deadlines to extend.

The meeting ended at 6.57 p.m.

Chair,
Licensing Sub Committee