

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 5 SEPTEMBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)
Councillor Khales Uddin Ahmed
Councillor Suluk Ahmed

Officers Present:

Victoria Fowler	–	(Legal Services)
Corinne Holland	–	(Licensing Officer)
Simmi Yesmin	–	(Senior Committee Officer)

Representing applicants	Item Number	Role
Fokru Uddin	3.1	Applicant
Umit Basin	3.1	Applicant

Representing objectors	Item Number	Role
PC Mark Perry	3.1	Metropolitan Police
Nicola Cadzow	3.1	Environmental Health
Arthur Knight	3.1	Resident
Christopher Knight	3.1	Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Variation of a Premises Licence for Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the variation application for Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH. It was noted that objections had been received on behalf of the Metropolitan Police, Environmental Health Noise and local residents.

The Chair then invited the Applicant, Mr Fokru Uddin to make his submission, Mr Uddin explained that the premises had been trading for the past 12 months with licensable activities. He explained that at the previous hearing they were granted framework hours and advised that they could apply for a variation once they had experience of running the business. He stated that they had been running this business for 12 months it had been maintained and managed well with no direct complaints from the Police or Environmental Health.

Mr Uddin then went on to highlight the following

- That the business was a family friendly restaurant and the majority of the customers were local residents.
- That the premises was located in a very busy high road with major developments and close links to the city and therefore could not stop the flow of movement running through the area.
- That other restaurants in the area had late night licences.
- That the majority of the customers were residents of the borough and were aware of respecting the needs of local residents.
- That the business was contained indoors and had no services conducted outside the premises.
- Neighbouring businesses had longer opening hours and have had customers congregate outside their premises
- That their counter was by the door and therefore easier to advise customers to leave the premises quietly.
- They had suitable signage asking customers to respect the needs of local residents.
- The hours applied for were for late night refreshments only and not for sale of alcohol
- Other venues such as the Working Men's Club had late night events with customers spilling on to the streets and majority of the time causing noise nuisance which could often be mistaken as noise from their premises.
- The photos circulated by residents were of flattened boxes ready to be tied up and collected for recycling.
- Photos of the oil spill had been dealt with straight away.
- That the tenants living on Pollard Row were frequently changing and they were not permanent residents
- That any traffic that was on the high street were out of their control

- That when residents had complained about the smoking it was actioned straightaway and staff were now going over to the open green area for smoke breaks.
- That they had a strong management team to combat any issues that may arise.
- CCTV cameras were in operation to help deter crime and disorder
- The later opening hours would accommodate customers who work late and want to dine later on in the night.
- The hours applied for mirrored the hours of a business across the road.
- That applicant would like to work with Responsible Authorities and local residents.

Members then heard from PC Mark Perry, Metropolitan Police who stated that it was incorrect of the applicant to say that the police have not been called to the premise when in actual fact they had been called twice, one related to an assault and one relating to theft. He stated that the local pubs which had late night hours were part of the pub watch scheme and had SIA door staff.

He explained that previously when the application was granted there had been no residents objecting but from trading 12 months there were now objections from local residents which clearly demonstrated that the current operation of premises caused alarm and distress to local residents. PC Perry questioned why the applicant wanted to change the hours if customers were local residents and why they would want to come later in the night. He strongly believed that the hours applied for was to attract the night time trade from patrons leaving late night venues and pubs, these patrons would have been drinking all night and likely to be noisy, inebriated and loud and likely to cause a public nuisance.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer who concurred with PC Perry and stated that the current hours were slightly over the framework hours and the hours applied for were far too excessive and that she had concerns that if the application was granted would the licensing objectives be adhered to.

Lastly Members heard from Mr Christopher Knight, who spoke on behalf of Mr Arthur Knight, Landlord and resident, who said that rubbish left outside the premises, spillage of cooking oil etc. were all issues that concerned residents on Pollard Row. He drew members' attention to page 37 of the agenda which was a map of the premises and explained that there were 5 flats above the premises and how the operation of the business and any form of nuisance can easily impact on the residents living on Pollard Row. He confirmed that there were residents who had been in the flats for several years and not just a few months which had been referred to by Mr Uddin.

Members asked questions of both the applicant and objectors and the following was noted;

- Clarification was sought on the alternative suggestion made by the police on their written submission on page 66. It was confirmed that their recommendation was not to grant the application however if

Members were minded to grant then it suggested that Members only consider an increase on Sundays to be in line with the current licensable hours.

- That there was a lot of ASB in the area but they were not always reported to the relevant authorities.
- That late hours would only attract people leaving late night venues who would be in high spirits and likely to cause nuisance.
- Why the two crime incidents mentioned were not detailed in the original representation made by the Police, PC Perry stated that they were low level crime and it was not intended not to be mentioned but he had only mentioned it as the applicant had claimed that the police had not been called to the premises and therefore mentioned it in order to correct inaccuracies claimed by the applicant.
- That the main entrance to the premises was on Bethnal Green Road a busy high street and the side entrance on Pollard Row was an emergency exit.
- That there was no reason for customers to congregate outside the premises as they will only be collecting food to take away with them.
- That the counter was by the door therefore staff could actively monitor and advise customers to leave quietly and respect the needs of local residents.
- That the applicant was happy to open shutters later on in the mornings.
- The Applicant agreed to offer further training to staff
- That the shutters could be controlled and be turned slowly, not to disrupt residents, living directly above the premises.
- That there had been no reported noise nuisance in the last year.
- That there would be a difference in clientele attracted to the premises if opened till later hours of the morning.

Finally the Chair asked both parties for concluding remarks.

Mr Uddin briefly stated that the noise was related to other late night premises in close proximity and that the hours applied for mirrored the hours of a late night premises directly across the road. That he was happy to train staff on dispersal of customers. Their counter was right near the window/door which would enable staff to actively monitor and advise customers to leave the premises quietly. The issues concerning staff smoking outside had now been dealt with and he lastly expressed his willingness to work with local residents and Responsible Authorities.

PC Perry spoke on behalf of the objectors and stated that there were clear concerns, as a family run business should not have the need to operate late night as it will only attract people leaving other late night venues who are likely to be in high spirits. That there was no SIA door staff to control and manage issues if they were to arise. He felt that the applicant did not sufficiently demonstrate how they would deal with difficult customers and therefore asked for the application to be refused.

Members retired to consider their decision at 7.45pm and reconvened at 8.40pm.

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 licensing objectives:

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

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and listened to the verbal representations made by the applicant and all objectors present at the meeting, with particular regard to the licensing objectives of crime and disorder, and the prevention of public nuisance. Members also considered the written objections detailed in the agenda.

In considering the application Members noted the location of the premises and the character of the area. With the premises situated on a busy high road, and other late night establishments in close proximity, Members felt that later hours would not have a negative impact on the area.

Members noted the steps that would be taken by the applicants to ensure that customers do not congregate outside the premises and leave the premise quietly so no further noise nuisance is caused. Members also acknowledged the applicant's willingness to work with responsible authorities and local residents.

Therefore Members made a decision and the decision was a majority decision. Members granted the application in part with additional conditions. Members believed that with the existing conditions of the licence together with additional conditions would help promote the licensing objectives.

Councillor Khales Uddin Ahmed wished his dissent to be recorded.

Decision

Accordingly, the Sub-Committee made a majority decision –

RESOLVED

That the application for a Variation of the Premises Licence for, Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH be **GRANTED in part** with additional conditions.

The provision of late night refreshment - Indoors

Monday to Thursday, from 23:00 hours to 01:00 hours (the following day)
Friday and Saturday, from 23:00 hours to 02:30 hours (the following day)
Sunday, from 23:00 hours to 00:00 hours (midnight)

The opening hours of the premises

Monday to Thursday, from 06:00 hours to 01:30 hours (the following day)
Friday and Saturday, from 06:00 hours to 03:00 hours (the following day)
Sunday, from 06:00 hours to 00:30 hours (the following day)

Conditions

1. No deliveries between the hours 20:00 hours and 08:00 hours
2. All staff to receive training commensurate to their duties. Training records to be kept and made available to the Licensing Authority on request.

Informative

Staff to be mindful when opening and closing the shutters so not to disturb residents living directly above the premises.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

None

The meeting ended at 8.45 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee