

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT TIME NOT SPECIFIED ON TUESDAY, 19 SEPTEMBER 2017

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Shah Alam
Councillor Dave Chesterton

Officers Present:

Mohshin Hamim	–	(Senior Licensing Officer)	
Vivienne Walker	–	(Senior Prosecution Lawyer)	
Kathy Driver	–	(Principal Licensing Officer)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

Representing applicants	Item Number	Role
Sefano Dell'utri	3.2	Applicant
Azmal Hussain	3.1	Supporting Review

Representing objectors	Item Number	Role
Veronica Paul	3.2	Local Resident
Terry Ablet	3.2	Local Resident
Abdul Munim	3.2	Local Resident

Apologies

None

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 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Curry Bazaar, 77 Brick Lane, London E1 6QL. It was noted that the review had initially been triggered by the Licensing Authority but they had subsequently withdrawn their representation. It was also noted that the Police who had supported the review had also withdrawn their representation as well as a local resident. Mr Ali confirmed that there were still representations remaining from other interested parties.

Members then heard from Mr David Dadds, Legal Representative for the Premises Licence Holder who explained that there should be no regard to the review process as the Licensing Authority had withdrawn their review so there was no application to consider.

Members adjourned at 6.40pm to seek legal advice and reconvened at 6.50pm

The Chair informed all parties that the application would be considered in relation to the remaining representations. It was noted that Members would disregard all the information contained on pages 26-79 of the agenda which related to the representations from the Licensing Authority, Police and the local resident who had all withdrawn their representations.

At the request of the Chair, Mr Azmal Hussain, Local businessman, stated that the premises was opposite his restaurant and that one of his staff has been assaulted by the staff and owners of the premises, he also stated that staff at premises continuously tout and shout out at customers. Mr Hussain also mentioned that the premises had been found to employ an illegal asylum and had also sold illegal alcohol at the premises.

Members then heard from Mr Dadds, who briefly explained that the incident of the assault that had been mentioned by Mr Hussain was not connected to the premises and was proven self-defence at court, and the sale of illegal alcohol had been dealt with by a different review process.

He then went through the other remaining representations and explained that they were trade objectors and direct competition and therefore little or no weight should be given. He said the representations from local residents were of general matters in relation to the local area.

In response to questions the following was noted;

- It was accepted that the premises was a family run business.
- That the previous Premise Licence Holders did not work at the premises

- That the current Premises Licence Holder and his brother take it in turns to manage, open and close the premises.
- The change in management, successful test purchases, and transfer of the premises licence holder were factors which assisted in the decision to withdraw representations.
- It was confirmed that if the licence had not been transferred then the review representation would not have been withdrawn.

Members adjourned the meeting at 7.30pm for deliberations and reconvened at 7.45pm.

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 Licensee's Legal Representative and other person's party to the application present at the meeting with particular regard to the licensing objectives of crime and disorder and prevention of public nuisance.

Members noted the withdrawal of the representations made by the Responsible Authorities and one of the local residents. Whilst Members noted that the change in management and the transfer of licensee was a consideration of the Licensing Authority when making their decision to withdraw their representation. Members were still concerned about the involvement of the previous premises license holders and felt that a condition to exclude them from any day to day management of the premises would help alleviate any concerns of previous mismanagement and misconduct.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Review of the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL be **REFUSED** and a condition imposed.

Condition

To exclude Mrs Azirun Nessa and Mr Mohammed Juber Ahmed from any positions of management or the role of DPS or the day to day control or management of the premises.

3.2 Application for Variation of a Premises Licence for Green Truffle, 21 Roman Road, London E2 0HU

The Sub Committee briefly listened to an application made by the Applicant and also heard from resident objectors present at the meeting. Members were concerned about the difficulty the applicant experienced in presenting his submissions and lack of clarity in the answers given when questioned by Members. Therefore Members decided to adjourn the meeting in order for the Applicant to seek appropriate licensing advice and appoint an advocate or representative to help support him in making his application and demonstrate his understanding of the licensing objectives.

RESOLVED

That the application for a Variation of the Premises Licence for Green Truffle, 21 Roman Road, London E2 0HU be **Deferred** to another meeting of the Licensing Sub Committee.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The meeting ended at 9.00pm

Chair, Councillor Peter Golds
Licensing Sub Committee