

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON WEDNESDAY, 11 APRIL 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Rajib Ahmed

Councillor Suluk Ahmed

Officers Present:

Kathy Driver

– (Principal Licensing Officer)

David Wong

– (Legal Services)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants

Minray Kaplan

Item Number

4.1

Role

(Legal Representative)

Erdal Pinar

4.1

(Applicant)

Duncan Craig

4.2

(Legal Representative)

Niyazi Kaya

4.2

(Applicant)

Representing objectors

Margaret Fisher

Item Number

4.1

Role

(Resident)

Zakaria Hussain

4.1

(Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 6th February, 26th February and 6th March 2018 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA. It was noted that objections had been received from local residents and a local resident association.

At the request of the Chair Ms Miray Kaplan, Legal Representative on behalf of Mr Erdal Pinar, Applicant, read through his witness statement during which a variation to the application was made to reduce the hours for sale of alcohol to 7am to 11pm. It was noted that there had been no representation from the police or any other Responsible Authorities.

She explained that as result of the objections made the applicant was now reducing the hours for sale of alcohol, agreeing to add conditions to operate the Challenge 25 policy, install CCTV cameras, regularly train staff and work with the Responsible Authorities to promote the licensing objectives.

Members then heard from Ms Margaret Fisher and Mr Zakaria Hussain, local residents who expressed similar concerns over the excessive hours applied for, the likely increase of anti-social behaviour to what was already being experienced in the area. That the premises were situated in a densely populated residential area with no other commercial venues in the direct vicinity and therefore they were of the view that a late night premises licence selling alcohol would attract others to the area late at night who could potentially cause public nuisance.

In response to questions from Members the following was noted;

- That the applicant had further varied the hours on the application for the sale of alcohol to 11am-11pm to help address the concerns of local residents.
- Agreed to not sell plastic cups at the premises
- Concerns that groups of people would be congregating outside the premises causing public nuisance.
- It was confirmed that processes such as enforcement checks, test purchases and reviewing of a licence were in place to check if

operating hours and conditions on a premises licence were being adhered to.

Ms Kaplan highlighted the revised sale of alcohol hours applied for - 11am to 11pm and the opening hours applied for - 7am to 12 midnight. She stated that they would work with responsible authorities to promote the licensing objectives and would accept all the conditions discussed at the meeting.

The objectors stated that they would hope that the hours would be strictly adhered to and that they would be monitoring this.

Members adjourned the meeting at 2.45pm for deliberations and reconvened at 2.55pm.

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; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations made on behalf of the Applicant by his Representative and the objectors present at the meeting.

Members recognised that the area was a residential area and therefore accepted that a late licence could cause potential public nuisance for residents. However Members also welcomed the efforts made by the Applicant to reduce the hours for the sale of alcohol and conditions offered to help address the concerns of local residents by not selling plastic cups, operating the Challenge 25 Policy, installing CCTV cameras, and displaying notices around the premises requesting customers to respect the needs of local residents and to leave the area quietly.

Members believed that the reduction in hours for the sale of alcohol from 07:00 hrs - 00:00 hrs (midnight) (what was applied for) to 11:00hrs - 23:00hrs and having shutters/covers over the alcohol display during the non-sale of alcohol hours would help alleviate the concerns of anti-social behaviour in the area and help promote the licensing objectives

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objective and prevent public nuisance and crime and disorder.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Food & Wine Mini Market, Unit 13, 71 Ben Johnson Road, London E1 4SA be **GRANTED with conditions**.

Sale of Alcohol (off sales)

Monday to Sunday from 11:00 hours to 23:00 hours

Hours premises is open to the public

Monday to Sunday from 07:00 hours to 00:00 hours (midnight)

Conditions

1. No sale of plastic cups.
2. The premises licence holder shall ensure that all staff whose responsibilities include the retail sale of alcohol shall receive training. This training shall be recorded and the records are to be made available on request by the Police or any authorised officer.
3. 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 are open.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. The premises shall install and maintain a comprehensive CCTV system. The CCTV system shall continually record whilst the premises are open and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police Officer or an Authorised Council Officer recent data or footage with the absolute minimum of delay when requested.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence, passport or proof of age card with the PASS hologram.

4.2 Application for a Variation of a Premises Licence for Super Kebab, 240 Cambridge Heath Road, London, E2 9DA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a variation for Super Kebab, 240 Cambridge Heath Road, London E2 9DA. It was noted that an objection had been received from a local resident.

At the request of the Chair, Mr Duncan Craig, Legal Representative on behalf of the applicant explained that the application was to vary their hours on the existing licence for late night refreshments only and confirmed that there was no provision for the sale of alcohol.

Mr Craig stated that they had tried to mediate with the local resident objector but have had no response. It was noted that in order to help address her concerns they had the extractor fan system installed inside the premises which would cause no disturbance to neighbours and help reduce any noise or odour emanating from the premises. Mr Craig also offered a condition to address the concerns raised in relation to refuse outside the premises.

In the absence of the objector, Members noted and considered the written objection. There were no questions from Members.

Members adjourned the meeting at 3.05pm for deliberations and reconvened at 3.10pm.

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 merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by his Representative.

Members noted the fact that the premises currently had a premises licence and the application was to vary the hours for late night refreshments only however Members reflected on their local knowledge of the area and its vicinity and felt that such long hours was unacceptable due to the existing issues of anti-social behaviour in the area.

However Members noted the Applicants efforts to mediate with the local resident objector and the conditions offered to help address the concerns of the extractor fan and issues of refuse and litter. Therefore Members decided to grant the application in part by granting slightly reduced hours than what had been applied for.

Members reached a decision and the decision was unanimous. Members granted the application subject to a condition to help prevent public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the Premises Licence for, Super Kebab, 240 Cambridge Heath Road, London E2 9DA be **GRANTED in part with a condition.**

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours to 02:00 hours (the following day)
Friday and Saturday from 23:00 hours to 03:00 hours (the following day)

Hours premises is open to the public

Sunday to Thursday from 11:30 hours to 02:00 hours (the following day)
Friday and Saturday from 11:30 hours to 03:00 hours (the following day)

Condition

1. The Premises Licence Holder shall clear the area to the front of the premise of any refuse on a daily basis following the cessation of licensable activities.

4.3 Application for Time Limited Premises Licence for Boishaki Mela Event, Weavers Field, London E2

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a Time Limited Premises for 1st July 2018 for Boishakhi Mela, Weavers Field, London E2. It was noted that an objection had been received from a local resident.

At the request of the Chair, Ms Catherine Boyd, Parks & Events Manager explained that this event had been running over the past years and that this would be the third year, and would mainly be attracting family audiences. It was noted that it was a popular event, well organised with no huge impact on local residents but more of a benefit to the local community.

Ms Boyd stated that were seeking a licence for regulated entertainment only between the hours of 12:00 noon to 20:00 hours. It was noted that the event was scheduled to finish by 19:00 hours and that there would be no provision for the sale of alcohol.

Ms Boyd highlighted that the application had only received one objection from a local resident and that there were no other objections from local residents or any of the responsible authorities.

Members were assured that there would be limited road closures and this would only be between 11.15am to 12 noon while the parade was on show and that the road closure would still permit access for residents. It was also noted that all residents affected by the road closures would be written to.

In the absence of the objector, Members noted and considered the written objection. There were no further questions from Members.

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 merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made by the Applicants.

Members noted that the event had been operating for the last few years and noted how well run and organised the event had been. Member also acknowledged the efforts made by the Applicant to ensure that there were minimal disruptions to local residents in the area by minimising road closures, sending out letters to local residents, and having a dedicated resident hotline for any complaints/issues etc.

Members reached a decision and the decision was unanimous. Members granted the application for the provision of regulated entertainment.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a time limited premises licence for, Boishakhi Mela, Weavers Field, London E2 be **GRANTED**.

The Provision of Regulated Entertainment consisting of Plays, Films, Indoor Sports, Live Music, Recorded Music, Performance of Dance

Sunday 1st July 2018 from 12:00 hours to 20:00 hours

Hours premises is open to the public

Sunday 1st July 2018 from 12:00 hours to 20:00 hours

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub-Committee Members agreed to extend the deadlines for the following applications;

Premises	Hearing Date
Alchemist, Unit 10 Crispin Street, London E1 6HQ	05/06
Barge East, Sweet Water Trade Mooring, Hackney Wick	05/06
The London Shuffleboard Club, 28 Redchurch Street, London E2 7DP	19/06
Oval Café, 11-12 The Oval, London E2 9DU	19/06
Genesis Vegan Restm 144-146 Commercial Road, London E1 (KD)	10/07

The meeting ended at 3.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee