

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON MONDAY, 8 AUGUST 2016**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,  
LONDON E14 2BG.**

**Members Present:**

Councillor Rajib Ahmed  
Councillor Peter Golds (Chair)  
Councillor Khaled Uddin Ahmed

**Officers Present:**

Victoria Fowler	–	Legal Services
	–	Legal Services (observer)
	–	Licensing Authority
Antoinette Duhaney	–	Committee Services

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

None.

**2. RULES OF PROCEDURE**

Noted.

**3. ITEMS FOR CONSIDERATION**

**3.1 LICENSING ACT 2003, APPLICATION FOR VARIATION TO PREMISES  
LICENSE FOR EFES, 1 WHITECHAPEL ROAD, E1 6TY**

**In attendance for this item**

Ibrahim Uzun – Applicant  
Jerome Wilcox – Applicant's representative  
PC Alan Cruickshank – Metropolitan Police  
Kathy Driver - Licensing Authority  
Nicola Cadzow – Environmental Health (Noise Team)  
Jon Shapiro – Resident

The report was introduced by Mohshin Ali, Licensing Officer who advised that the application was for a variation to a Premises Licence for Efes, 1 Whitechapel Road, E1 6TY.

**Presentation by the applicant**

Jerome Wilcox addressed the meeting on behalf of the applicant and stated that Mr Uzun was one of three directors of EBL which entered into an 18 year lease for the premises in June 2014. Since then, more than £750,000 had been spent on refurbishing the premises. The restaurant could accommodate 130 patrons at a time and served approximately 3,500 customers a week.

Since the restaurant had opened, there had been no complaints despite being located within a busy area within the Cumulative Impact Zone. The majority of the dining area was in the basement so it was difficult to envisage any disturbance being caused to residents and anti-social behaviour was unlikely as the restaurant operated with a member of staff acting as a "Maitre De" to welcome and screen customers.

A variation was sought to give the restaurant the flexibility to serve alcohol to late evening diners and the applicant did not foresee any potential difficulties with access or egress if the application was granted given that to date, the applicant had received no complaints. In respect of the incident on 28<sup>th</sup> January 2016, the applicant had reacted angrily to a vehicle parked on a double yellow line blocking the garage door to access the staff parking area behind the premises. Due to the obstruction, the applicant had been unable to leave the premises to attend a wedding party. The applicant regretted his foolish behaviour and had made efforts to compensate the vehicle owner.

**Presentation by objectors**

PC Alan Cruickshank addressed the Sub Committee and stated that as the restaurant was located within the Cumulative Impact Zone, later opening times would be a retrograde step. The saturation policy had not been reflected in the opening hours proposed and would encourage visitors from outside area. The later opening hours would impact on residents and increase the potential for anti-social behaviour.

In respect of the incident on 28<sup>th</sup> January 2016, the applicant had been cautioned for the offence of criminal damage. His details had been retained on the Metropolitan Police database and any further police involvement could impact on licence transfers.

Kathy Driver addressed Members stating that residents had complained about anti-social behaviour associated with other premises nearby. During a test purchase at another premises owned by the applicant, out of hours sales had been made which did not instil confidence that these premises were managed well.

Nicola Cadzow addressed the Sub Committee and stated that she did not feel that the application met the Licensing Objective of prevention of public nuisance, The premises was close to residential dwellings and there was potential for noise and disturbance and increased anti-social behaviour if the variation was granted.

Jon Shapiro addressed Members reiterating the objections made by the Metropolitan Police and the Licensing Authority. He stated that the provision

of late night alcohol and refreshment would increase anti-social behaviour in an area very close to two hostels for vulnerable young people. There was also the potential for increased hospital admissions as a result of alcohol related injuries.

When the oral representations concluded, Members questioned the applicant and objectors following which the Sub Committee then withdrew from the meeting to deliberate in private.

### 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.

### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and oral representations made by the applicant and the Metropolitan Police, Licensing Authority, Environmental Health Authority and local residents who had objected to the application in relation to the prevention of crime and disorder and public nuisance.

The Sub Committee noted that they were asked to consider the application for a premises licence variation for Efes, 1 Whitechapel Road, E1 6TY. The Sub Committee considered the Metropolitan Police representations which involved an incident on 28 January 2016 involving a vehicle which was obstructing the Efes staff garage entrance/exit. It was noted that reparations had been made to compensate the vehicle owner. The Sub-Committee were content that this was a "one off" occurrence which should not affect the applicant in this applicant and was not relevant the licensing issues.

The Sub Committee took into consideration the concerns of the Environmental Health Authority in that noise emanating from the premises could cause a nuisance however the members noted that the basement was the main seating area for the restaurant.

Members considered the Council's policy relating to the Cumulative Impact Zone and on this occasion do feel that the applicant has provided evidence which rebuts the presumption, in that the main seating area is underground so it is likely there will be limited noise coming from the premises whilst trading, the egress of clientele would be scattered and the premises has been running as a restaurant under the current licence holder for a period of time without any complaints, as was confirmed by the Licensing Authority and Environmental Health Authority at the hearing.

However, Members were concerned that extending hours for the sale of alcohol as applied for could have a detrimental impact the issues faced in the Cumulative Impact Zone, with specific regard to anti-social behaviour and

public nuisance. Members have due regard to the experience of the police in the area and the problems faced within the Zone and on this basis accept the hours which the police have recommended in respect of the sale of alcohol.

Members have considered the issues faced by local residents and business within the Cumulative Impact Zone and considered it necessary and proportionate to add conditions to the licence to assist the Licence Holder in upholding the Licensing Objectives, specifically Crime and Disorder and Public Nuisance, to ensure that the premises is unlikely to add to issues already faced within the Zone.

#### Decision

Having considered the written and oral representations made by the applicant and objectors, the Sub-Committee unanimously

#### **RESOLVED**

That the application for a variation to the Premises Licence for Efes, 1 Whitechapel Road, E1 6TY be **GRANTED** with the following conditions:

#### The opening hours of the premises

There are no restrictions on the hours during which the premises is open to the public.

#### Late night refreshment

Sunday to Wednesday from 23.00 hours to 23.30 hours  
Thursday to Saturday from 23.00 hours to 00.30 hours

#### Supply of alcohol (on sales only)

Monday to Thursday 10:00 hours to 23:00 hours  
Friday and Saturday 10:00 hours to 23:30 hours  
Sunday 11:00 hours to 23:00 hours

#### Additional Conditions

1. Alcohol only to be served ancillary to a meal
2. No off sales
3. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the Police and other Responsible Authorities
4. The CCTV camera system shall cover both internal and external to the premises. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that

the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a Police Officer or other Responsible Authority.

5. An Incident Report book that documents all incidents of disorder, refusals of entry and any other incident of note shall be kept and provided on request to a Police Officer or other Responsible Authority

**3.2 LICENSING ACT 2003, APPLICATION FOR VARIATION TO PREMISES LICENCE FOR EFES, 230 COMMERCIAL ROAD, E1 2NB (Shadwell ward)**

This application was rejected as it was invalid.

**3.3 LICENSING ACT 2003, APPLICATION FOR TRANSFER OF LICENCE HOLDER FOR EFES, 230 COMMERCIAL ROAD, E1 2NB (Shadwell ward)**

This application was withdrawn.

**3.4 LICENSING ACT 2003, APPLICATION FOR NEW PREMISES LICENCE FOR EFES, 230 MILE END ROAD, E1 4LJ (St Dunstan's ward)**

**In attendance for this item**

Cahit Tastan - Applicant  
Jerome Wilcox - Applicant's representative  
PC Alan Cruickshank - Metropolitan Police  
Kathy Driver - Licensing Authority  
Nicola Cadzow - Environmental Health (Noise Team)

The report was introduced by Mohshin Ali, Licensing Officer who advised that the application was for a new Premises Licence for Efes, 230 Mile End Road, E1 4LJ

**Presentation by the applicant**

Jerome Wilcox addressed the meeting on behalf of the applicant and stated that Mr Tastan was not aware of the outstanding licence fees when he took over the premises, hence the application for a new Premises Licence. Mr Tastan was under the impression that the previous licence allowed late night refreshment and was unaware that he was operating without the appropriate premises licence.

The premises was located outside the Cumulative Impact Zone and although smaller than Efes in Whitechapel, had the same modus operandi with a member of staff greeting and screening patrons. Since the premises had opened in March 2016, no complaints had been received and all the licensing objectives were being promoted. The applicant was happy to accept the additional conditions proposed by the Licensing Authority (page 233 of agenda pack)

**Presentation by Objectors**

PC Alan Cruickshank addressed the Sub Committee urging Members to reduce the hours applied for or alternatively to reject the application because of the increased potential for anti-social behaviour and stated. He stated that the later the premises was open, the more challenging it was for the Metropolitan Police to address anti-social behaviour and the hours applied for would not promote the licensing objectives.

Kathy Driver addressed Members stating that the previous premises licence had not been in use since 2008 and had therefore lapsed. Outstanding fees had not been paid and the Council had commenced Enforcement Action against the previous Licensee. Given the clear breaches of licensing conditions by the applicant, the Licensing Authority had no confidence that the premises would be well managed. This was demonstrated by the fact that, after receiving a caution for serving late night refreshment beyond 23.00 hours, hot food has still been served without the appropriate licence.

Nicola Cadzow addressed the meeting supporting the comments made by PC Cruickshank. She stated that the premises was close to residential dwellings including residential units above the premises. The hours applied for would result in increased noise and disturbance to residents and would not promote the licensing objectives.

When the oral representations concluded, Members questioned the applicant and objectors following which the Sub Committee then withdrew from the meeting to deliberate in private.

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.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and oral representations made by the applicant and the Metropolitan Police, Licensing Authority and Environmental Health Authority who had objected to the application in relation to the prevention of crime and disorder and public nuisance.

Members understood that they were asked to consider the application for a new premises licence for Efes, 230 Mile End Road, E1 4LJ.

Members noted that the Premises had been found to be carrying out licensable activities outside of a relevant premises licence but felt that this reason alone was not sufficient to refuse the application for a new licence.

Members considered the concerns of the responsible authorities in details but also noted that the applicant had recently been granted three Temporary Event Notices which had passed without incident and that since the premises had opened, no complaints had been received.

### Decision

Having considered the written and oral representations made by the applicant and objectors, the Sub-Committee unanimously

### **RESOLVED**

That the application for a new Premises Licence for Efes, 230 Mile End Road, E1 4LJ be **GRANTED** with the following conditions:

#### The opening hours of the premises

Sunday to Thursday from 11:00 hrs to 00:00 hrs  
Friday and Saturday from 11:00 hrs to 01:00 hrs (the following day)

#### Late night refreshment (indoors)

Sunday to Thursday from 23:00 hrs to 23:30 hrs  
Friday and Saturday from 23:00 hrs to 00:30 hrs (the following day)

#### The supply of alcohol (on sales only)

Sunday to Thursday from 11:00 hrs to 23:30 hrs  
Friday and Saturday from 11:00 hrs to 00:30 hrs (the following day)

#### 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. The supply of alcohol shall be by waiter or waitress service only.
3. No off sales
4. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the Police and other Responsible Authorities
5. The CCTV camera system shall cover both internal and external to the premises. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be

present on the premises who can download the images and present them immediately on request by a Police Officer or other Responsible Authority.

6. Notices shall be displayed with details of local minicab provision.
7. An Incident Report book that documents all incidents of disorder, refusals of entry and any other incident of note shall be kept and provided on request to a Police Officer or other Responsible Authority.
8. The Premises will operate a "Challenge 25" proof of age policy

**3.5 LICENSING ACT 2003, APPLICATION FOR TRANSFER OF LICENCE HOLDER FOR EFES, 230 MILE END ROAD, E1 4LJ (St Dunstan's ward)**

This application was withdrawn.

**4. LICENSING ACT 2003, APPLICATION FOR VARIATION OF DESIGNATED PREMISES SUPERVISOR FOR EFES, 230 MILE END ROAD, E1 4LJ (St Dunstan's Ward)**

This application was withdrawn.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

None.

The meeting ended at 5.00 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee