

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.40 P.M. ON THURSDAY, 15 SEPTEMBER 2016**

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

**Members Present:**

Councillor Amina Ali  
Councillor Dave Chesterton  
Councillor Suluk Ahmed

**Officers Present:**

John Smith – Licensing Officer  
Vicky Fowler – Legal Services  
Charles Yankiah – Democratic Services

**Applicants In Attendance:**

Mr Enver Ari - London Food Centre  
Mr Robert Sutherland - London Food Centre  
Mr Daniel Woodcock - Maki

**Objectors In Attendance:**

Mrs Alex Josephy - London Food Centre  
Mrs Heather Dyer - London Food Centre  
Mr Andrew Heron - Tower Hamlets Licensing Authority

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure for the meeting.

**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 LICENSING ACT 2003, APPLICATION FOR VARIATION TO PREMISES  
LICENCE FOR LONDON FOOD CENTRE, 407 ROMAN ROAD, E3 5QS**

At the request of the Chair, Mr John Smith, Licensing Officer, introduced the report which detailed the variation application for the London Food Centre, 407 Roman Road, London, E3 5QS. It was noted that the hours on the current licence for the sale of alcohol were imposed by the Licensing Sub-Committee on the 12<sup>th</sup> May 2009 following a review initiated by local residents. Before that the premises had been licenced 24/7. At a further Police led review on the 29<sup>th</sup> June 2010 the opening hours were restricted to the current hours. The current licence holder and applicant, Mr Ari was not the licence holder or DPS at the time of these reviews.

At the request of the Chair, Mr Robert Sutherland, Legal Representative on behalf of the Applicant explained that the application for variation was to extend the sale by retail of alcohol off the premises, Monday – Thursday and Friday - Sunday.

He explained that these premises under previous ownership had caused problems, however it was noted that the current applicant had taken over the premise since March 2016 and had 15 years of experience in the business. The premises are currently well-managed and there were no representations from Responsible Authorities and there had been no complaints in the past 6 months. Mr Sutherland explained that the hours sought were reasonable and in line with other licensed premises in the local area and will not impact the Licensing Objectives.

Mr Sutherland referred to the resident objections and said that he was happy to note that residents welcomed and acknowledged the change in ownership and to date there were no complaints or issues regarding the premises or the way in which it was managed.

He concluded that the premises were owned and managed by a family of 2 brothers with 15 years of experience at Lewisham and Southwark with no reviews or issues with the Police.

Members then heard from Mrs Alex Josephy and Mrs Heather Dyer, local residents who stated that the shop was run well, it is kept clean and tidy and serves the community and since the new owners took over in March 2016, they had improved the appearance of the shop and it is appreciated by the local community. However, there were real concerns that if the application was granted that the previous problems and issues that the community had to deal with for a long time would creep back into the lives of the local residents and affect the community again. It was a public nuisance with customers arriving and leaving the premises and causing disturbances with intimidating behaviour and constantly parking on Ellesmere Road and drinking in their cars. Residents were subjected to loud music and disturbances all through the night, with empty bottles of whiskey left on the street and residents living in fear. It is a geographical problem given the location of the shop on the corner of Roman Road and Ellesmere Road. Residents did not want those problems to return.

In response to questions from Members it was noted, that;

- The Applicant was willing to change the image of the premises and be a part of the community;
- The Applicant would ensure that all staff were trained to deal with customers effectively;
- The Applicant would use his 15 years of experience to manage the premises properly and learn lessons from the previous owners; and
- The Applicant where necessary uses the emergency link to the Police and the Fire Services.

Members adjourned the meeting at 7:18pm to consider the decision and reconvened at 7:54pm.

### 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. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Members heard concerns of the residence that if a licence was granted as requested that the issues which occurred in 2009/10 would resurface. Members noted that the applicant has 15 years of experience in working in businesses of a similar nature without any issues and since the applicant has managed the premises it is accepted by the residence that the premises is well managed and there have been no issues of crime and disorder or public nuisance associated with the premises.

Members were mindful that no representations had been made by the Police or Responsible Authorities who were aware of the premises and the previous issues which occurred between 2008 and 2010.

Members were encouraged by the applicant's willingness to ensure that all members of staff are adequately trained in their roles.

Therefore considering all of the above, Members decided to grant the application for a variation to the premises licence with an added condition.

### Decision

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a Variation of the Premises Licence for the London Food Centre, 407 Roman Road, London, E3 5QS be **GRANTED** with conditions.

Sale by retail of alcohol (off the premises)

- Monday – Thursday from 08:00 hours to 00:00 hours
- Friday – Sunday from 08:00 hours to 00:00 hours

The Opening Hours of the Premises

- Daily from 07:00 hours to 01:00 hours

Conditions

1. CCTV to be fully operational within the premises and to maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police.
  - a. All recordings shall be stored for a minimum period of 31 days with date and time stamping;
  - b. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period;
  - c. 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.
2. All members of staff will receive effective training commensurate to their duties. Training records to be made available upon request of the Police of Authorised Officer.

### **3.2 LICENSING ACT 2003, APPLICATION FOR A NEW PREMISES LICENCE FOR MAKI, 36 BRUSHFIELD STREET, LONDON E1 6AT**

At the request of the Chair, Mr John Smith, Licensing Officer, introduced the report which detailed a new premises licence for Maki, 36 Brushfield Street, London, E1 6AT

It was noted that the application was for the sale of alcohol (**on and off sales**)

The hours applied for were noted as follows:-

**Sale of Alcohol (on and off sales)**

Monday to Sunday from 12:00 hours to 22:00 hours

Hours premises is open to the public:

Monday to Friday from 11:00 hours to 22:00 hours

Saturday from 12:00 hours to 22:00 hours

Sunday from 12:00 hours to 20:00 hours

John Smith, Licensing Officer advised that the premises was in the Cumulative Impact Zone in the Brick Lane area and that Andrew Heron of the Tower Hamlets Licensing Authority had made representations. The objections related to anti-social behaviour from patrons leaving the premises and drinking in the neighbouring area and the LBTH Cumulative Impact Zone.

At the request of the Chair, Mr Daniel Woodcock the applicant, explained that the application was for a new licence and that he had been at the premises for 1 year with no issues. He acknowledged that his core hours were during the day and mainly comprised of office and commercial customers between 12:00midday and 14:30pm. However, in order for his business to succeed and to compete with other businesses he needed to apply for the alcohol licence, as while his business was open till 10:00pm, it was very quiet in comparison to his competitors and with bills and a high rent to pay he needed to generate more income. He stated that he had been in communication with Mr Andrew Heron from the Licensing Authority and was willing to accept the conditions.

Members also heard from Andrew Heron, Licensing Officer, who referred to his representation contained in the agenda. He highlighted that there was no general objections and Mr Woodcock had a good business model, but that the premises was already in a saturated Cumulative Impact Zone and that it would have a negative impact on the area.

In response to questions, Mr Woodcock described the premises as a small takeaway shop with lunchtime trading hours of 12:00 – 14:30pm and an evening trading period between 16:30pm – 18:00pm. He stated that there are no gatherings outside his shop and since opening 12 months ago, there has been no drunkenness or disorderly behaviour of any kind, as it is mainly a sushi takeaway. He explained that he is the Premises Licence Holder and has completed various training relating to premises licences and will be providing staff training to deal with customers effectively.

With respect to deliveries and trading Mr Woodcock explained that 80% of trade was conducted during the lunchtime core hours with only 20% of deliveries being made to corporate customers within walking or cycling distance, but from 6pm onwards about 70% of trade were deliveries to homes over a 2 mile radius, with only 30% being in store trade. He proposed to enforce the Challenge 25 policy by ensuring the staff are trained properly and any delivery contracts with Deliveroo etc that terms and conditions would be agreed to enforce the Challenge 25 policy.

Members adjourned the meeting at 8:18pm to consider the decision and reconvened at 8:27pm.

### 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. The Sub Committee had carefully considered all of the evidence before them and heard representation from the applicant and the representation made by the Licensing Authority with particular regard to Cumulative Impact Zone.

Members noted that the premises was trading for 12 months with no issues being reported and that measures in the operating schedule of the application addresses the promotion of the Licensing Objectives including a Challenge 25 scheme, a comprehensive CCTV system and staff training. Members also noted that though the premises were in the Cumulative Impact Zone that 70% of the evening trade was takeaways/deliveries out of the area and would not impact the immediate area. On the basis of this and further conditions considered at the meeting, Members agreed to grant the application, subject to conditions being included which would promote the licensing objectives.

### Decision

Accordingly, the Sub-Committee unanimously;

**RESOLVED**

That the application for New Premises Licence for Maki, 36 Brushfield Street, London, E1 6AT be **GRANTED** with conditions.

Sale of alcohol (on and off sales)

- Monday – Sunday from 12:00 hours to 22:00 hours

Hours premises is open to the public:

- Monday to Friday from 11:00 hours to 22:00 hours
- Saturday from 12:00 to 22:00 hours
- Sunday from 12:00 hours to 20:00 hours

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 for patrons consuming alcohol inside the premises shall be by waiter or waitress service only.
3. The sale of alcohol for consumption off the premises shall only be to persons purchasing a meal for consumption off the premises (takeaway).
4. CCTV to be fully operational within the premises and to maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police.
  - a. All recordings shall be stored for a minimum period of 31 days with date and time stamping;
  - b. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period;
  - c. 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.
5. All members of staff will receive effective training commensurate to their duties. Training records to be made available upon request of the Police or Authorised Officer.
6. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 25 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

7. An incident log shall be kept at the premises and made available on request to an authorised officer of the licensing authority or the Police, which will record the following: -
  - a. All crimes reported to the venue, or by the venue to the police;
  - b. All ejections of patrons;
  - c. Any complaints received;
  - d. Any incidents of disorder;
  - e. Any faults in the CCTV system; and
  - f. Any refusal of the sale of alcohol.

**4. LICENSING ACT 2003 TEMPORARY EVENT NOTICE FOR IBIS LONDON CITY HOTEL - 5 COMMERCIAL STREET, LONDON, E1 6BF**

This item was withdrawn by the Applicant.

The meeting ended at 8.35 p.m.

Councillor Dave Chesterton, Chair,  
Licensing Sub Committee