

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 30 AUGUST 2016

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

Members Present

Councillor Joshua Peck (Chair)

Councillor Peter Golds

Councillor Khaled Uddin Ahmed

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The procedures were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 31st May 2016, 4th July 2016, 19th July 2016 and 2nd August 2016 were approved as a correct record.

4. ITEMS FOR CONSIDERATION

**4.1 LICENSING ACT 2003, APPLICATION FOR A NEW PREMISES LICENSE
FOR WOOD MANGAL, 329 BETHNAL GREEN ROAD, E2 6AH**

In Attendance

Olgan Gunduz - Fortis Rose Solicitors on behalf of Applicant

Edward Dobson - Counsel for the Applicant

Mark Perry - Metropolitan Police

John Smith - Licensing Authority

Nicola Cadzow - Environmental Protection

Representations by the applicant

Edward Dobson, Counsel for the applicant addressed the Sub Committee and reported that the applicant was keen to work alongside the police and the Council. He was agreeable to the conditions suggested on pages 79-80 of the agenda pack and the agenda supplement also offered a reduction in the hours for alcohol sales. Mr Dobson stated that the police representations were speculative rather than being evidence based.

Mr Dobson stated that reducing the hours during which alcohol was on sale meant that the premises would not become a destination for late night drinking and fast food. The premises was a family run business with waiter

service and the applicant wanted the opportunity to cater for late evening diners wishing to have alcohol with their meal. The applicant owned another restaurant in Hammersmith which served alcohol and there were no issues with managing both premises.

The Sub Committee was advised that no outdoor seating would be provided and the frontage to the premises was predominantly commercial. No representations had been made by local residents and CCTV would assist in preventing crime and public nuisance. Furthermore, the premises had automatic sliding doors to prevent noise leakage.

In respect of trading beyond licenced hours, Mr Dobson stated that the applicant mistakenly believed that the premises could trade beyond 11.00pm and as soon as the breach was brought to their attention, they ceased immediately. Mr Dobson advised that any concerns of the Responsible Authorities could be mitigated by conditions and he urged the Sub Committee to grant the application.

Representations by Objectors

Mark Perry, Metropolitan Police addressed the meeting and advised Members that he had concerns regarding the late hours and the fact that the premises undertook unlicensed activities for 4-5 months. Although the premises was outside the Brick Lane Cumulative Impact Zone (CIZ), night services on the London Underground would increase footfall in the area.

There was unlikely to be much demand for seated dining beyond midnight and Mr Perry suggested that framework hours be granted to allow the applicant to demonstrate how well they could manage the premises. The applicant could then apply for a variation to extend the hours for licensed activity.

John Smith, Licensing Authority addressed the Sub Committee and stated that as an experienced restaurateur managing other premises, he would have expected the applicant to be more familiar with the requirements for managing these premises to avoid unlicensed activities.

Nicola Cadzow, Environmental Protection addressed Members echoing the sentiments of Mr Perry and Mr Smith. Ms Cadzow stated that she had concerns regarding the potential for noise disturbance from patrons congregating outside the premises after drinking elsewhere. As the premises was in a residential area, Ms Cadzow felt that licensing objective of prevention of public nuisance would not be met and she urged the Sub Committee to refuse the application.

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.

Each application must be considered on its own merits and the Chair advised that the Sub Committee had carefully considered the written and verbal representations made by the applicant and the Metropolitan Police, Licensing Authority and Environmental Health Authority who had objected to the application, specifically 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 new premises licence for Wood Mangal, 329 Bethnal Green Road, E2 6AH. The offer from the applicant to reduce the hours applied for as outlined in page 2 of the supplementary pack was noted. However, notwithstanding the reduced hours, Members were concerned that the amended hours could have a detrimental impact on a densely populated residential location, specifically with regard to crime and disorder and public nuisance.

Although the premises was not in the Cumulative Impact Zone (CIZ), Members had due regard to the experience of the Metropolitan Police in respect of the issues and challenges they faced in addressing anti-social behaviour associated with other licensed premises in the vicinity. The Sub Committee felt that the reduced hours applied for would not uphold the licensing objectives and disputed the claim by the applicant's representative that the applicant was a very experienced restaurateur. Members felt that the applicant's inexperience was demonstrated by the fact that the premises had operated unauthorised licensing activities for several months.

Members then went on to consider what hours were appropriate having regard to:

- The location of the premises
- The hours proposed
- Previous history
- Access to public transport
- Proximity to other licensed premises
- Adequacy of proposals to address crime and disorder and public nuisance

The Sub Committee felt that the hours applied for were not appropriate given the location of the premises in a predominantly residential area. In view of the close proximity of other licensed premises selling alcohol, the premises would attract patrons from other licensed premises if the hours applied for were granted. The expansion of London Underground Services on the Central Line would also have an impact given the close proximity of Bethnal Green Underground Station.

Members were not convinced that the applicant had adequate measures in place to uphold the licensing objectives and felt that the applicant had demonstrated their inexperience by carrying out unauthorised licensing activities at the premises. Although the Sub Committee felt that the hours applied for were not appropriate, had the applicant not carried out unauthorised licensing activity, the Sub Committee would have been minded to go beyond the framework hours. However Members felt that the

unauthorised licensing activity demonstrated that the applicant was untrustworthy and the Sub Committee was not convinced that the licensing objectives would be upheld. Members agreed unanimously to grant the application with framework hours and the conditions as suggested by the Metropolitan Police on pages 79-80 of the agenda pack. The Sub Committee also considered it necessary and proportionate to add further conditions to the licence to assist the applicant in upholding the Licensing Objectives, specifically in respect of Crime and Disorder and Public Nuisance.

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 Wood Mangal, 329 Bethnal Green Road, E2 6AH be **GRANTED** with the following conditions:

The opening hours of the premises

Monday to Thursday from 06.00 hrs to 00:00
Friday and Saturday from 06.00 hrs to 00.30 (the following day)
Sunday from 06.00 hrs to 23.00

The sale of alcohol (on the premises only)

Monday to Thursday from 06.00 hrs to 23.30 hrs
Friday and Saturday from 06.00 hrs to 00.00 hrs
Sunday from 06.00 hrs to 22.30 hrs

Late night refreshment (indoors and take away)

Monday to Thursday from 23.00 hrs to 23:30
Friday and Saturday from 23.00 hrs to 00.00
Sunday no late night refreshment

Conditions

1. There shall be no sales of alcohol for consumption off the premises.
2. No alcohol may be sold unless accompanied by the sale of a food to a person sitting down eating a meal and for consumption with that meal.
3. No alcohol shall be permitted to exit the interior of the premises at any time, including by those leaving for the purpose of smoking.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities

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. Viewing of recordings shall be made available and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

5. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
 - a. all ejections of patrons;
 - b. any complaints received;
 - c. any incidents of crime or disorder;
 - d. any faults in the CCTV system; and
 - e. any visit by a relevant authority or emergency service.
7. A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
8. Entry by children under the age of 18 years to the premises is prohibited between 23:00 hrs and closing time each trading day, unless accompanied by an adult over the age of 18.
9. A notice shall be displayed at the exit to the premises requesting customers to respect local residents and leave the premises quietly.
10. All windows and external doors must be kept closed between 22.00 hrs and closing time, or at any time when a licensable activity takes place, except for the immediate access and egress of people to and from the premises.
11. To adhere to the licensing objectives, the DPS, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premises at all times during opening hours/from 20.00 hrs each day.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee considered a tabled update on pending applications to be considered at future meetings and agreed to extend the decision deadlines as set out below.

Premises	Type of Licence	Consultation deadline	Decision deadline
Browns, 2A Chance Street, London E1 6JT	New	09/06/16	26/07/16 Extend to 15/09/16
Maki, 36 Brushfield Street E1 6AT	New	10/08/16	08/09/16 Extend to 15/09/16
Novotel 40 Marsh Wall E14 9TP	New	18/08/16	15/09/16 Extend to 27/09/16
Select Convenience, Unit 2 New Festival Quarter, Upper North Street, E14 6FY	New	22/08/16	20/09/16 Extend to 27/09/16
Barber Barber 51 Brushfield Street, Spitalfields,E1 6AA	New	26/08/16	25/09/16 Extend to 04/10/16
The Symposium, 363 Roman Road E3 5QR	New	29/08/16	26/09/16 Extend to 04/10/16
Hungry Donkey – 56 Wentworth Street, E1 7AL	Variation	29/08/16	26/09/16 Extend to 04/10/16

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other urgent business.

The meeting ended at 7.40 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

ITEM 5 - EXTENDING DECISION DEADLINES (Licensing Sub Committee - 30th August 2016)

The Sub Committee is requested to extend the decision deadline for the applications as listed below. The extensions are requested owing to the volume of applications requiring a hearing.

Recommendation

That the decision deadlines be extended as set out below.

Premises	Type of Licence	Consultation deadline	Decision deadline
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Maki, 36 Brushfield Street E1 6AT	New	10/08/16	08/09/16 Extend to 15/09/16
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