

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.44 P.M. ON TUESDAY, 22 NOVEMBER 2016

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

Members Present:

Councillor Peter Golds
Councillor Denise Jones
Councillor Joshua Peck (Chair)

Officers Present:

Mohshin Ali	- Senior Licensing Officer
Victoria Fowler	- Legal Services
Charles Yankiah	- Democratic Services

Applicants In Attendance:

Mr Markos Tsimikalis	- Hungry Donkey
Ms Lana Tricker	- Hungry Donkey

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL

At the request of the Chair, Mr Mohshin Ali, introduced the report which detailed the application for a variation of the premises licence for Hungry Donkey, 56 Wentworth Street, London, E1 7AL. It was noted that the applicant was applying to vary Conditions 1, 10 & 17 of the existing premises licence and that there was only one objector, Mr Shapiro. Mr Ali also informed the meeting that there were no representations made by any of the responsible authorities that had been consulted.

At the request of the Chair, Ms Lana Tricker, the applicant's representative explained that the Hungry Donkey was a family business focussed specifically on Greek food, specialist Greek wine and beer at a specific price point. She informed the meeting that the premises had been taken over by Mr Markos Tsimikalis, the applicant, over 18 months ago and that it operated as an all-day restaurant starting with breakfast through to dinner and is food led. Ms Tricker further stated that the applicant wanted to vary existing conditions 1, 10 & 17 to allow for a longer serving period from 9.00pm to 10.00pm in the outside area and to provide off sales of alcohol together with telephone and mail order sales. Ms Tricker also informed the Sub Committee that the applicant had also proven himself over the last 18 months of taking over the premises as there had been no formal complaints logged relating to crime or disturbances, neither were there any issues raised with regard to dispersal issues or anti-social behaviour. She said that the premises continued to attract families, professionals and local residents generally over 30 years of age which meant that the existing customers were local and mature and support the Licensing Objectives. Mr Tsimikalis also expressed a desire to promote the Licensing Objectives and to continue within the framework hours.

Ms Tricker made it very clear to Members that the purpose of this variation was not to convert the business into a bottle shop off licence but was merely an extra feature to the restaurant business. The Licence holder will not be changing the current layout to accommodate higher quantities of alcohol.

The applicant, Mr Tsimikalis added that he had received requests from his regular customers to offer off sale of his specialist alcoholic products which he has been unable to do which is why he is now applying for a variation to the off sale exceptions. He continued that the service will not be widely advertised and will mainly serve existing customers. Mr Tsimikalis advised members that he offered specialist Greek craft products which carried a premium price tag.

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

- off sales were needed to generate the telephone and mail order side of the business;
- off sales would also be with takeaway meals and on its own;
- the biggest % of sales would be generated through the ancillary side of the business;
- the selling of beer would be in multiples of 6 (6 pack) rather than single sales;
- there was no history of any complaints being made in relation to the premises in the previous 18 months relating to crime and disorder, disturbances or noise; and
- the Applicant would continue to ensure that the Licensing Objectives would be met.

Members adjourned the meeting at 7.00pm to consider the decision and reconvened at 7.07pm.

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 considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objective of public safety and the prevention of public nuisance.

Members were mindful that no representations had been made by the Police or Responsible Authorities.

Members noted the written objections raised by local resident, John Shapiro and in his absence considered the same when deliberating their decisions in respect of this matter.

Members considered the Cumulative Impact Zone contained within the Council's Statement of Licensing Policy and determined that the applicant had rebutted its presumption as there was evidence that the business was being run well as there were no complaints lodged against the business since it had been trading for the past 18 months, specifically in relation to crime and disorder, anti-social behaviour and customer dispersal and there had been no representations from the responsible authorities objecting to this application. Members accepted that it was a family run business which served its local community and its operating hours were well within the Council's adopted framework hours. Members also noted that the mail/telephone order sales would be delivered to the customers home address so would unlikely be consumed on the street.

Therefore considering all of the above, Members decided to grant the application for a variation premises licence with additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL be **GRANTED** with conditions.

Condition 1 is now varied, to read as follows:

There shall be no alcohol or refreshments in the outside area after 22.00 hours.

Condition 17 is now varied, to read as follows:

The outside area will close at 22:00 hours Monday to Sunday.

Condition 10 is now varied, to read as follows:

There shall be no off sales of alcohol permitted with the exception of:

- a) Persons seated outside the premises at tables having meals;
- b) Telephone and mail order sales, ancillary to the main use of the business as a restaurant. All telephone and mail order sales requests are to be logged with the time and date in a register complete with the name and address of the customer. All persons ordering alcohol will be required to declare they are over 18 before an order can be placed. A Challenge 21 policy will be implemented. Trained delivery staff will implement the requirement to see the appropriate ID for those people who appear to be under 21.
- c) Sealed containers to members of the public attending the premises for purchase, ancillary to the main use of the business as a restaurant.
- d) Beer shall not be sold as single bottles/cans, but only in multiples of 6, where 6 is the minimum.

All the existing conditions identified in Annex 1, Annex 2, Annex 3 and Annex 4 be retained.

The meeting ended at 7.10 p.m.

Chair, Councillor Joshua Peck
Licensing Sub Committee