

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.45 P.M. ON TUESDAY, 6 DECEMBER 2016**

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

**Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Peter Golds

Councillor Denise Jones

**Officers Present:**

Mohshin Ali

– Senior Licensing Officer

Gurwinder Olive

– Legal Services

Charles Yankiah

– Democratic Services

**Applicants in Attendance**

Mr Gary Pons

– Muree Food Stores Limited (Nisa Local)

Mr Anwar Ul Haq

– Muree Food Stores Limited (Nisa Local)

Mr Faizan Jamil

– Muree Food Stores Limited (Nisa Local)

**Objectors in Attendance**

Mr Andrew Heron

– Tower Hamlets Licensing Authority

Ms Nicola Cadzow

– Tower Hamlets Environmental Protection

PC Mark Perry

– Metropolitan Police

**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 procedures were noted.

### 3. ITEMS FOR CONSIDERATION

#### 3.1 **Licensing Act 2003: Application for a New Premises Licence for Muree Food Stores Limited (Nisa Local) at 286 Manchester Road, Isle of Dogs, London, E14 3HP**

At the request of the Chair, Mr Mohshin Ali introduced the report which detailed the application for a New Premises Licence for Muree Food Stores Limited (Nisa Local) at 286 Manchester Road, Isle of Dogs, London E14 3HP. It was noted that the applicant had requested to reduce the hours and that clarification was sought from the applicant regarding the "new licence" and the "existing licence". Mr Ali informed the Sub Committee that representations were made by the responsible authorities.

At the request of the Chair, Mr Gary Pons, the applicant's representative informed the Sub Committee that the applicant had reconsidered his application given the written concerns raised by the responsible authorities and was willing to reduce the hours from 24 hours to 2.00am on Thursdays, Fridays and Saturdays and all other days to remain the same as per current hours of operation. Mr Pons then informed the Sub Committee that the premises had been a family business for over 40 years and the applicant has been involved in the business for about 35 years. The premises is a community shop which has had two major expansions in 2002 costing £500k and then again in 2016 costing £250k to improve the area and deal with anti-social behaviour. The applicant employs over 17 people, mainly local resident and operates a shift system. The applicant through the business has raised over £4,000 in 2 years for the community and operates a good business. Mr Pons informed the Sub Committee that in order for the premises to compete with the larger supermarkets e.g. Tesco and Asda it needs to operate longer hours which will ensure its survival in the long term. Mr Pons stated that the premises has had numerous requests from late night workers who have informed the applicant that on their way home from work at night they would like to purchase alcohol from the shop and take it home with them. He also informed the Sub Committee that the business does not focus on the sale of alcohol as it is a grocery and the alcohol is on display at the rear of the shop. Mr Pons made it clear that the applicant knew the street drinkers from working at the premises and had on occasions barred particular street drinkers from the shop in the past, took photographs and had made them leave. But it was not profitable for the applicant to keep serving street drinkers as he had no control once they were outside the premises, but did everything within his control to avoid any anti-social behaviour problems for the residents. Mr Pons advised the Sub Committee that no objections had been received from local residents and that the applicant would be happy to consider any conditions that would be placed on the premises by the Sub Committee.

Members heard representations from Mr Andrew Heron (Licensing Authority), Ms Nicola Cadzow (Environmental Protection) and PC Mark Perry (Metropolitan Police) who each expressed concern regarding the application for longer hours and the effect it would have on the community in relation to crime and disorder and public nuisance. Concerns were expressed regarding

the close proximity of the premises to local residents which would cause disturbances if the application were granted and the CCTV Data Protection request form which created a barrier and delays when requests were made and that the applicant has not explained how within the context of the application that they will meet the Licensing Objectives. The Metropolitan Police informed the Sub Committee that the premises were in the middle of a housing estate with street drinkers congregating in stairwells and disturbing the local residents. The Metropolitan Police were concerned that if longer hours were granted then it would mean that the street drinkers would stay in the area and stairwells for longer and be more of a public nuisance to local residents. With conditions Responsible authorities were willing to support a determination of opening either for the same hours as Tesco's or the framework hours.

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

- The main types of alcohol most commonly bought by street drinkers were super-strength cans of beers over 5.5% and small bottles of cheap vodka and whiskey.
- Many of the stairwells on the nearby densely populated housing estates were used for congregating street drinkers who caused disturbances and generally caused problems for local residents.
- Isle of Dogs does not have any shops or supermarkets operating with a 24-hour licence.
- The applicant was willing to reduce the hours and consider specific conditions being placed on the premises.
- The shop had a good reputation and was well kept and clean on the inside.
- Only 25% of the retail for the business is alcohol, the main retail for the business is grocery.
- The applicant agreed to offer up framework hours for sale of alcohol.
- The applicant would be willing to the imposition of conditions regarding the strength of alcohol sold after 21.00 hours, that no single cans/bottles of beers or lagers to be sold after 21:00 hours and that there must not be any open containers.
- The applicant accepted the removal of the requirement for Data Protection forms to be served in order to obtain CCTV footage by the police or authorised officers.

Members adjourned the meeting at 7.35pm to consider the decision and reconvened at 7:48pm.

### **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. The Sub Committee has 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 objectives of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office Guidance which states that “where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested”.

Members were mindful that no objections had been made by local residents, but took into account the representations made by the Responsible Authorities.

Members also considered the impact of the extended hours on local residents and noted that the premises would be the only business on the Isle of Dogs that would be operating for 24 hours. Members noted, however, how well run the premises were and wished to support local businesses whilst balancing this with the interests of residents, furthermore, that the applicant agreed to offer up revised hours and conditions following a brief consultation with the responsible authorities and these were acceptable to the authorities who had no continued objections based on the revised hours and conditions.

Therefore considering all of the above, Members decided to grant the application for a new Premises Licence with additional conditions.

### **Decision**

Accordingly, the Sub Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for Muree Food Stores Limited (Nisa Local) at 286 Manchester Road, Isle of Dogs, London, E14 3HW be GRANTED with conditions.

**Opening Hours**

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

**Sale of Alcohol**

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:-

- Monday to Thursday from 06:00 hours to 23:30 hours
- Friday and Saturday from 06:00 hours to 00:00 hours (midnight)
- Sunday from 06:00 hours to 22:30 hours

**Additional Conditions –**

- **Alcohol Strength** - No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises after 21:00 hours.
- **No single purchases** - A minimum of two cans/bottles of beer, lager or ciders must be sold after 21:00 hours.
- **Refusals Log** - A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, the reason for refusal and the name of the member of staff who refused the sale. This log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises are open.
- **No open containers** - All sales of alcohol shall be in sealed containers only.

**Amended Conditions -**

- **Condition 3** – The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available for inspection at the premises by the police, or an authorised officer of the licensing authority.
- **Condition 6 (ii)** - A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, and EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

**All other conditions identified in the Operating Schedule shall be retained.**

The meeting ended at 8.10 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee