

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON MONDAY, 16 MARCH 2009**

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

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Waiseul Islam  
Councillor Oliur Rahman

**Other Councillors Present:**

None.

**Officers Present:**

Mohshin Ali	- (Consumer Services Officer)
Zakir Hussain	- (Solicitor)
Nadir Ahmed	- (Trainee Committee Officer)
Margaret Sampson	- (Democratic Services)

**Applicants In Attendance:**

Mr Martin	The Gun
Ms Croft	The Gun
Mr Connor	Jeffrey Green Russell Solicitors
Mr Skerratt	Resident in support
Dr Glanville	Applicant for Review
Mr Islam	Lane Foods
Mr Islam	(Supporting applicant)

**Objectors In Attendance:**

Paul Johnson	Environmental Health
--------------	----------------------

**Members of the Public In Attendance:**

There were several residents present who were unable to sign the register. There were also two journal students present.

**1. APOLOGIES FOR ABSENCE**

None.

**2. DECLARATIONS OF INTEREST**

None.

**3. RULES OF PROCEDURE**

Noted.

**4. UNRESTRICTED MINUTES**

The minutes of the meeting were agreed and approved as a correct record.

**5. ITEMS FOR CONSIDERATION****5.1 Application for a review of the Premises Licence for The Gun, 27 Cold Harbour, London E14 9NS**

Mr Ali, Licensing Officer, introduced the report which outlined the grounds for the review that had been sought by residents. Mr Connor, on behalf of the applicant, stated that he wished to clarify that the letters of support in the agenda papers were in support of the application as operated and not the review.

Dr Glanville stated that he was present to represent both himself as a local resident and on behalf of the Resident Association. Several issues of concern had been raised with the applicant at the meeting held with residents in August. At this juncture, Dr Glanville referred to the documentation that had been served by the licence holder that day. It was clarified that this information had been served on Dr Glanville and the Local Authority but had not reached Democratic Services. The Clerk to the Committee had therefore not been aware of the documentation until just before the meeting and it had not been reproduced for Members. It was then clarified what parts of the documentation had been agreed could be submitted to Members.

Dr Glanville stated that some of the documentation had been presented to the meeting held in August but had not been addressed satisfactorily. Taxi collection and drop off was ineffective and often blocked the entrance to Coldharbour, causing arguments with residents. Since Managers Road was wider, Dr Glanville asked that consideration was given to setting up a pick up and drop off point there and that highway signage should be set up to indicate this.

The noise from patrons waiting on taxis was also an issue and Dr Glanville asked that the premise's hours be reduced to midnight on Saturday and Sunday to address this.

The two other issues of concern related to the time deliveries took place and also the timing of rubbish collection. The noise from the extractor fan that was left on overnight was a source of concern and Members were asked to amend this condition to ensure that no appliances were left on overnight.

Before beginning his submission, Mr Connor indicated that there were two matters he wished to raise through the Chair. He wished to establish the basis of the review which was in the sole name of Mr Glanville and wished to ascertain whether the review had been submitted by one individual or on behalf of the R.A. Also, how many residents were in the R.A. and had all the residents been invited to join the Association.

Regarding the extractor fan, there was no knowledge or information as to whether any complaints had been made to EH and whether or not they had provided advice accordingly. EH had made no representation to this application.

Mr Connor continued with his submission, advising that the premise, which was now mainly food led, had been operated by the Premises Licence holder since 2004 though there had been a pub on the site for a number of years previously. Over 50% of sales were now food and the premise was marketed to the high end of the market with no drinks promotions.

This was a stable management group that tried to maintain good relationships with neighbours. There were no EH or Police issues and they had no comment to make regarding the review application. No complaints had ever been received from any of the statutory authorities.

The issues raised at previous meetings held with residents had been addressed as much as possible; contractors had been asked to adhere to the agreed hours of delivery which were not before 8am. The minutes of the August meeting had been taken in order to move things forward. Mr Connor presented the minutes of this meeting which Dr Glanville stated were not a reflection of what had taken place. In response, Mr Connor stated that the minutes had been emailed to Ms Magee, the RA representative, and no reply had been received to indicate that they were not acceptable. The Licence Holder had attempted to meet with Dr Glanville who had declined to accept this offer.

Noise from patrons on leaving the premise was minimised as much as possible. This was not a rowdy clientele though staff did manage the door in order to speak to those customers who were perhaps a bit noisier and signage was in place. No regulated entertainment was provided at the premise.

Parking was an issue though Mr Connor queried whether this was a Licensing issue and there was little or nothing either the applicant or others could do to address this. However customers were asked to be considerate when parking.

The extraction fan equipment was an ongoing issue and though attenuation works were currently underway, there had been no EH involvement.

A smoking area was provided at the rear and whilst it was not possible to stop people from smoking in the street at the front, this was discouraged. A relationship had been established with one taxi company and there was a

strict policy of no music, horn tooting or banging doors in place. It was not possible to ensure that all patrons used this company and the licence holder had no control over customer taxi use.

This was a responsibly run premise doing its best in the location it was to address and uphold the licensing objectives.

In response to questions from Members, Dr Glanville stated that the discrepancies between what had been said and what was in the agenda and the fact that the applicant had said that these could not be controlled showed the need for the Sub Committee to consider the matter rather than meetings with the licence holder.

Whilst a number of patrons were local residents, a number were not and they were not as considerate of their behaviour on leaving the premises. Rubbish was still being collected earlier than the hours stated.

Mr Connor stated that this all needed to be viewed in the context of where the premise was located and that no complaints had been raised by any resident since the last meeting in August until notice of the review application had been received. Attention was drawn to the letters of support for the premise.

Mr Skerratt, Coldharbour resident, spoke in support of the premise. He had lived in the area for several years and had found the management to be both responsible and responsive and patrons quick to disperse. When he had raised the issue of outside smoking, signage was immediately put in place. Mr Skerratt detailed several anecdotal instances to support his comments.

Dr Glanville advised that as to the membership of the R.A. and said that he was not aware of any other similar organisations within the immediate area. Evidence to support the review had been collected over several months and he personally had called EH on several occasions over the last few years. In respect of parking, it should be noted that the majority of those who supported the licence holder lived in Concordia Wharf and did not have resident parking availability in Coldharbour.

The Licensing Officer confirmed that the file recorded EH complaints received by the Noise Team in respect of noise from patrons on leaving the premise but no complaints regarding deliveries or the extraction fan.

In conclusion, Mr Connor reported that the review procedure should be the last resort and that other avenues of communication had not been explored. The licence holder had initiated the meeting with residents. Mr Connor again queried the representation covered by the R.A. and Dr Glanville's representation on behalf of the R.A.

Dr Glanville reported that even after communicating with the premise's management, nothing had improved.

The Chair advised that the Sub Committee would now, at 7.26pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 7.45pm.

The Chair reported that he would ask the Legal Officer to outline the details of the decision and advised that the Sub Committee had

## **RESOLVED**

The application to review the Premises Licence for The Gun PH, 27 Coldharbour, London E14 9NS was granted in part, and the following amendments and additions to the licence were agreed:

Condition 5 of Annexe 3 of the current licence to be amended to:

No disposal of waste materials to be placed in the external bins between 11pm and 7am and no collection of waste materials to take place during these hours.

Additional conditions:

No deliveries to the premises to take place between 11pm and 7am.

Signage to be placed externally at the front of the premises advising patrons not to smoke in this area and directing patrons to the smoking area at the rear of the premises.

At this point, the Chair agreed to vary the order of business and take Item 5.3 next, however the business has been recorded as detailed in the agenda.

### **5.2 Application for a new Premises Licence for Lane Foods, 114 Brick Lane, London E1 6RL**

Mr Ali introduced the application for a 24 hour licence for the sale by retail of alcohol (off-licence). Objections had been received from EH and the Police

Mr Islam, on behalf of the Applicant, told the Sub Committee that a 24 hour licence was sought in order to provide a 24 hour convenience store that also sold alcohol, as this was the only way that the premises could remain financially viable.

In addition to the provision of food, toiletries, etc. a fee free cash point facility would be available; a facility that was not available in the immediate area and no other off-licence in the vicinity was open 24 hours.

No resident objections had been made including from those above and adjacent to the shop. This was a small shop unit that did not cater for large numbers of people and was mainly used by local residents. The door would be kept close and CCTV provided. Mr Islam concluded by stating that if residents had no objections to make, he did not see how EH could object. The applicant also owned a bar on Brick Lane and enjoyed a good relationship with the police.

PC Jackson advised that Brick Lane was a main hotspot for crime and disorder and he believed that allowing the premise to open for 24 hours would see and increase in crime and disorder and also public nuisance, particularly in the early hours. The Police would not wish to see the premise operate beyond 2am on some days; whilst there had been many applications for 24 hour licences, all had substantially accepted police recommendations regarding opening hours and conditions but in this case, the applicant wished to pursue 24 hours.

PC Jackson stated that he believed the premises would likely attract rough drinkers and sleepers and that once it became known that a premise in Brick Lane was open 24 hours, custom would be attracted from a much wider area. There was no need for a premise to be open for the sale of alcohol throughout the night and the proposed hours of operation of 8am to 2am, whilst being outside the Licensing Policy, had been accepted by other applicants.

PC Jackson requested that if the licence were to be granted, that a condition was attached requiring the installation of CCTV to include coverage of the outside of the premises and also that a Personal Licence holder who had an industry recognised qualification, was on the premise after 20:00 each evening in order to uphold the licensing objectives.

Mr Johnson, Environmental Protection officer, drew Members' attention to the framework hours in the Licensing Policy and the DCMS guidance. Over the last few weeks, Environmental Health's observations of off-licences and take-away premises in the area had shown that off-licence's open at 1.30am or later had groups of people drinking outside the premises. Mr Johnson supported the police concerns regarding likely problems with street drinkers and that EH observations showed that the majority of those buying alcohol at late hours were already intoxicated. In light of those factors, EH had proposed the hours detailed in their representation.

Mr Islam, the applicant's representative, stated that if a customer did not have ID or appeared to be intoxicated, they would not be served. He reiterated that whilst there were other shops selling alcohol, they were only for alcohol – their premise sold a wide variety of goods. There were other types of premise that caused noise nuisance due to people hanging around outside eating.

In response to questions from Members, Mr Islam said that they would train staff to deal with underage sales and that appropriate signage would be in place. In addition to the cash point, there would also be a PayPoint for the payment of bills and topping up pre-pay energy meters. This was in response to customers saying that there was nowhere to buy food and other necessities late at night.

Sergeant Nick Parson, Safer Neighbourhoods Team, Brick Lane, reported that he had received complaints regarding anti-social behaviour from residents, especially regarding noise and public urination in the early hours of the morning. Whilst local people may well form the majority of customers using the shop, alcohol abuse amongst youth was of great concern in the area and he was personally aware that alcohol being brought in premises

such as these. The applicant had previously stated that the sale of alcohol was needed in order to sustain the hours which supported the experience and views already expressed by the police.

Councillor Islam asked how the Licensing Objective regarding the Prevention of Public Nuisance would be upheld. Mr Islam stated that the applicant managed the additional bar premise with without problems and that there was CCTV in place which would show that customers were challenged as to their age.

At this juncture, 9.27pm, the Chair advised that Members would now adjourn to consider the evidence presented. The Clerk advised that as the length of the adjournment was unknown and the Sub Committee had sat for almost three hours, it was necessary to agree to extend the meeting. It was therefore

### **RESOLVED**

That, in accordance with Para. 9.1 of Part 4 of the Constitution, the meeting be extended until such time as the business in hand was concluded.

The Sub Committee subsequently adjourned and reconvened at 9.37pm when the Chair reported that Members had

### **RESOLVED**

That the application for a new Premises Licence for Lane Foods, 114 Brick Lane, London E1 6RL be **GRANTED** subject to amendment and the following conditions:

Hours for the Sale of Alcohol: 09:00 to Midnight Monday to Saturday, 10:00 to 23:00 Sunday

CCTV to be installed and cameras positioned to view people entering the premise and also one directly outside the premise. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

To adhere to the licensing objectives, the DPS, a Personal Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise from 20:00 each day.

### **5.3 Application for a variation of the Premises Licence for Brick Lane Perfect Fried Chicken, 102 Brick Lane, London E1 6RL**

Mr Ali introduced the report and advised as to the representations and that revised hours which were tabled, had been agreed following discussions with the Police.

The applicant's representative, Ms Merry, stated that the variation applied for was both considerate and moderate; affecting the hours operated Thursday to Saturday.

No complaints had been received since the premise had opened in January and EH had objected on the grounds that the application may cause nuisance to residents. No resident had raised objection, either to the applicant or EH. This was a busy area with a number of late night premises and a number of premises that operated later hours than was being applied for here.

The application had been submitted in response to customer demand and would also cater for shift workers. The applicant was fully aware of the licensing objectives and had experience in managing late night premises.

Mr Johnson, Environmental Health Enforcement Officer, said that objection to the application had been submitted on the basis of the public nuisance that would be caused patrons using the shop at increasingly late hours. The area in which the shop was located was highly residential and the premises itself was directly below and adjacent to residential premises.

Given the proximity of the outlet to late night drinking venues, it was not inconceivable that the patrons of the fast food outlet would be loud and congregate outside the premises, causing a nuisance to the people who lived nearby. Accordingly, EH had proposed that the terminal hour on Friday and Saturday nights should be 01:00, with the premise closing at midnight on all other nights. In addition, there were no licensed premises open in Brick Lane until the hour suggested by the applicant with the exception of the Bagel shop.

In response to questions from members, the applicant's representative stated that managing customers who appeared to be intoxicated was a matter of experience. CCTV would also be installed if the application was granted.

At this juncture, the Chair advised that the Sub Committee would now, at 8.25pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 8.45pm and the Chair reported that Members had

## **RESOLVED**

That the application for a variation of the Premises Licence for Brick Lane Perfect Fried Chicken, 102 Brick Lane, London E1 6RL, be **GRANTED** subject to amendment and the following conditions:

The variation to the hours for the provision of regulated entertainment was not granted. (Hours to remain as per current licence).

Opening Hours of the Premises: 11:30 to Midnight Sunday to Wednesday, 11:30 to 00:30 Thursday to Saturday



Hours for the Provision of Late Night Refreshment: 23:00 to Midnight Sunday to Wednesday, 23:00 to 00:30 Thursday to Saturday.

CCTV to be installed at the premise to cover both floors and also to cover people entering the front door and immediately outside the front door.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There will be a member of staff on the premise that can operate the CCTV and be able to download any incident onto a disc if required to do so by a police officer or any other relevant authority.

Waste materials shall not be placed in the external bins during the night hours (23:00 to 07:00 hours the following day)

The meeting ended at 9.40 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee