

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.42 P.M. ON THURSDAY, 9 OCTOBER 2008

**ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,
E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Alexander Heslop □ Councillor Oliur Rahman

Other Councillors Present:

None

Officers Present:

Mohshin Ali – (Licensing Officer)
Paul Greeno – (Criminal Litigation and Enforcement Lawyer,
Legal Services, Chief Executive's)

Applicants In Attendance:

Mr Crier	Roar Betting
Mr Hart	Roar Betting
Mr Ford	Roar Betting
Mr Charalambides	Legal Representative, Elegant BBQ
Ms Ozgur	Elegant BBQ
Mr Falmaz	Elegant BBQ
Mr Rahman	A&Y Wines
Mr Ahmed	A&Y Wines
Mr Koddos	A&Y Wines

Objectors In Attendance:

Mr P. Johnston Environmental Health

Members of the Public In Attendance:

None.

1. APOLOGIES FOR ABSENCE

The Clerk advised that apologies for absence had been received from Mr Dhanjal and Mr Okworu, both objectors to Item 5.1

2. DECLARATIONS OF INTEREST

None.

3. RULES OF PROCEDURE

The procedure for considering applications under the Licensing Act 2003 was **NOTED**.

Mr Greeno advised that the procedure for considering applications under the Gambling Act 2005 was slightly different. The recent Licensing Committee had approved the delegation of authority to officers to determine in the first instance, whether or not representations that had been received were valid.

However, this application had been received and processed before authority had been delegated to officers and the Sub Committee were therefore required to consider the standing of the representations and how they would proceed.

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 new Premises Licence under the Gambling Act 2005: Roar Betting, 576 Mile End Road, London E3 4PH (LSC011/809)**

Mr Greeno reported that two representations had been received; one from a neighbouring premise that operated as a chemist where the objection detailed a number of assumptions without evidence to validate what had been said. The objection from William Hill Bookmakers referred to evidence they would present to substantiate their objections but they had not provided this. Members were now asked to consider whether or not the representations were to be considered.

Mr Crier, on behalf of the applicant, stated that it was difficult to see how William Hill could argue that they could influence the decision of the Committee when they were not here to do so and had not provided anything beyond their original letter of objection. Mr Crier stated that he did not believe there was anything of merit in either letter of objection that had sufficient substance to influence the decision the Committee would reach whether the objectors were present to speak to their objections or not.

The Chair advised that the Sub Committee would now, at 6.50pm, retire to take legal advice.

Having considered the matter before them, the Chair asked Mr Greeno to detail the decision that had been reached when the Sub Committee reconvened at 7.03pm. Mr Greeno reported that Members had

RESOLVED

That the application for a new Premises Licence for Roar Betting, 576 Mile End Road, London E3 4PH, be **GRANTED**. Members had considered that the representations would not have influenced them in their decision to grant the application.

5.2 Application for a Variation of Premises Licence: A&Y Wines, 116 Brick Lane, London E1 6RL (LSC034/809)

Councillor Rahman reported that whilst he had no interest to declare in this item, he had realised that one of the applicants was known to him. He had not been aware of this until this point, and had not discussed the application with anyone present.

The applicant advised that his family had managed similar premises in the immediate area for over 20 years with no problems. They had operated a temporary licence for several weeks for the hours applied without problems or causing nuisance. No complaints had arisen and the hours applied for were solely due to ensuring the viability of the premise as there were two other similar premises operating near-by with similar hours.

Mr Johnston stated that EH complaints were as detailed in the report.

Whilst Members had some concerns in respect of the number of similar premises in the locality operating similar hours, they acknowledged that the premise had operated without nuisance. Members were also advised that there was CCTV and relevant signage already within the premise which they indicated they would wish to see greater prominence given to.

The Sub Committee adjourned at 8pm, to consider the evidence presented. The Sub Committee reconvened at 8.10pm and the Chair reported that Members had

RESOLVED

That the application for a variation of the Premises Licence for A&Y Wines, 116 Brick Lane, London E1, be **GRANTED** with the following condition

That the CCTV recording facility allows tapes to be kept for 31 days and made available upon request.

5.3 Application for new Premises Licence: Elegant BBQ, 388 Hackney Road, London E2 7AP (LSC035/809)

Mr Ali detailed the application as outlined in the report.

Mr Charalambides, on behalf of the applicant, reported that the premise was a restaurant with a small bar area at the rear which had no seating as it was purely for table service only. The premise was not a take-away.

The applicant had previously been badly advised; an existing licence allowing the premise to operate until 23:00 was in place and this application should have been to vary that licence, not to submit a new application.

The applicant had talked with the EH officer and would be happy to accept a condition to the effect that the licence could not operate until a new extract system was in place and operating to the satisfaction of EH.

Mr Johnston, Environmental Health Officer, confirmed that he would be happy to see the hours of operation brought into line with the planning permission hours and whilst he was aware that a new extractor system was apparently in place that required some further works to achieve full compliance, he was not in a position to confirm this.

Mr Charalambides also noted that EH objections had also been made with regard to potential nuisance from public access and egress due to the late hours applied for. There was nothing to say what EH were actually concerned about in relation to the potential for noise and disturbance. It was therefore difficult to say whether it may be necessary to consider or determine an appropriate condition and this factor should not therefore be taken into account in considering the application.

Mr Greeno concurred with Mr Charalambides' view regarding proportionate conditions and that factors covered by other statute could not be replaced or duplicated. The issue of the extractor fan fell within other statutory guidance.

Mr Johnston reported that the planning issue had been raised as it related directly to levels of noise. He had been advised that the air conditioning units had been removed which dealt with this issue. The extractor unit was located three metres away from the nearest residential unit. Whilst a silencer had subsequently been fitted that had reduced noise levels, the levels remained borderline. However, the premise was now looking to extend the opening times from 23:00 to 02:30 when background noise levels were much quieter. The effect of this may mean that noise levels from the unit could fall into the area of public or even statutory noise nuisance. It would be acceptable if the extractor unit and its operation complied fully with the requirements of the planning permission.

With regard to nuisance from patrons on access and egress, there were residential properties above and adjacent to the premise and the potential for noise could cause a public nuisance. EH had therefore proposed a terminal hour of midnight on Sunday to Thursday and 1am on Friday and Saturday.

In response to questions, Members were advised that there were numerous licensed premises along Hackney Road though Mr Johnston was not aware of a similar premise with the proposed hours within the general area.

The applicant confirmed that the extractor issue would be dealt with via planning. Noise on egress was not felt to be an issue as the premise was not seeking to operate music or dancing but to serve hot food until 2am at the latest with the premises closing after that. Nothing had been said or

demonstrated to show how this would have any adverse effect caused by patrons leaving the premise.

There being no further questions, the Chair advised that the Sub Committee would now, at 7.33pm, adjourn to consider the evidence and legal advice submitted to them. The Sub Committee reconvened at 7.45pm and the Chair reported that the Sub Committee had

RESOLVED

That the application for a New Premises Licence for Elegant BBQ, 388 Hackney Road, London E2 7AP, be **GRANTED** subject to amendment and the following conditions:

Hours Premises open to the public: 11:00 to 1:00 Sunday to Thursday, 11:00 to 02:00 Friday and Saturday

Sale of Alcohol (on sales only): 11:00 to 24:30 Sunday to Thursday, 11:00 to 01:30 Friday and Saturday

Provision of Late Night Refreshment: 23:00 to 24:30 Sunday to Thursday and 23:00 to 01:30 Friday and Saturday

No alcohol to be sold for consumption off the premises.

Alcohol only to be consumed with food purchased on the premises.

Members were satisfied that that the issues regarding the extraction fan unit were being dealt with by other statutory means and did not therefore feel that a condition regarding this point was necessary. The likelihood of public nuisance being caused during weekdays had resulted in the reduction in the attendant hours for this period.

The Licensing Officer would provide details of the decision and the right of appeal to the respective parties, in writing.

The meeting ended at 8.12 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee