

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON MONDAY, 20 OCTOBER 2008

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

Members Present:

Councillor Fazlul Haque (Chair)
Councillor Oliur Rahman □ Councillor Motin Uz-Zaman

Other Councillors Present:

None.

Officers Present:

Paul Greeno – (Criminal Litigation and Enforcement Lawyer,
Legal Services, Chief Executive's)
Jackie Randall – Principal Environmental Health Officer

Applicants In Attendance:

Ms E. Iantosca	Columbia Road
Mr T. Tedore	Columbia Road
Mr F. Ahmed	Café de London
Mr M. Rahman	Redchurch Street
Mr A. Ali	Redchurch Street
Mr H. Miah	Legal Representative, Redchurch Street

Objectors In Attendance:

Mr Cole	Redchurch Street
Ms T. Wombwell	North Brick Lane RA

Members of the Public In Attendance:

There were several others present who were unable to sign the attendance book.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Ms Jankunas, objector to Item 5.1.

2. DECLARATIONS OF INTEREST

Councillor O. Rahman wished it to be recorded that the applicant for Item 5.3 (83 Redchurch Street) was a resident of his Ward but they had not spoken about this application.

Councillor Haque declared that he was a Ward Member for Weavers but had no knowledge of or interest in the applications being considered.

3. RULES OF PROCEDURE

Noted.

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 8th September were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for New Premises Licence: 95 Columbia Road, London E2 7RG (LSC036/809)

Ms Randall outlined the application as detailed in the report.

Ms Iantosca, applicant, reported that the premise was a delicatessen and would serve a selection of fine wines mainly to take away but also to drink on the premise. She and her partner lived two doors away and there were also residential properties above the premise. No objections had been received from those residents and the R.A. was supportive of the application.

With regard to the issues raised by the objector; the rear window referred to was a toilet window which was barred and kept closed. No application had been made for music and a contract for trade waste disposal was in place. It was not possible to control those who smoked outside the premise or were congregating on the roadside, especially on a Sunday when the market operated. There was also a restaurant next door which operated longer hours than had been applied for here.

Mr Greeno advised that the application had not identified a DPS for the premise and if granted, no sale of alcohol could take place until a DPS was in place.

The Chair stated that the Sub Committee would now, at 7.18pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 7.25pm and the Chair reported that Members had

RESOLVED

That the application for a new Premises Licence for 95 Columbia Road, London E2 7RG, be **GRANTED** subject to the following conditions:

Alcohol for consumption off the premises could only be sold in sealed containers.

The sale of alcohol was not permitted until such time as a DPS was appointed and in place.

Mr Greeno advised that should the applicant at any time in the future be minded to put tables and chairs outside, that this would require a licence that must be applied for.

5.2 Application for New Premises Licence: cafe de London: 507 Hackney Road, London E2 9ED

Mr Greeno advised that the conditions the Environmental Health officer wished to see imposed could be dealt with by other statutory provisions. As the applicant was not present, the application must be considered as submitted.

Members expressed concern as to whether it was in anyone's interest to consider the application when none of the interested parties were present. Mr Greeno advised that the Sub Committee could defer consideration of the application on the basis that if EH did not respond within 7 days then the application could be granted.

Following a short discussion, the Sub Committee **RESOLVED**

That the application for a New Premises Licence for Café de London, 507 Hackney Road, London E2 9ED should not be considered at this time as it was not considered in the public interest to do so. The application to be considered, if necessary to do so, within 28 days.

5.3 Application for New Premises Licence: 83 Redchurch Street, London E2 7DJ (LSC038/809)

Ms Randall outlined the application as detailed; the applicant wished to open a convenience store open from 07:00 to midnight on all days with the sale of alcohol available from 11:00 on all days. Objections had been received from residents and EH who had also listed a number of possible conditions. In addition, the Police had put forward a number of conditions they would wish to see attached to the licence, should it be granted.

Mr Greeno advised that the comments from EH mainly related to dealing with potential noise nuisance from plant and machinery and that this could be dealt with via the Environmental Protection Act. It was therefore not for the Licensing Sub Committee to impose conditions that could be addressed via other regulatory means.

Mr Miah, on behalf of the applicant, stated that the resident objections mainly related to ASB and that the conditions put forward by the Police were acceptable. Staff would also be given full training with regard to licensing issues. However, there were other similar premises in the immediate area and Mr Miah did not see how this application could be refused on the basis of existing issues.

Mr Cole reported that he had objected to the application as it related to providing an off-licence and there were nine other similar premises within a very short distance. This shop was on a residential street, hence the concern regarding noise nuisance and the cumulative effect in respect to the number of licensed premises within the vicinity.

Mr Cole also drew attention to the photographs submitted as evidence showing alcohol use by pedestrians within local streets. In addition, Mr Cole expressed his concern regarding the footfall of those leaving the premise due to the proximity of bedroom windows.

The increase in licensed premises was a concern in relation to the rising crime levels and general criminal activity that lay hidden behind alcohol abuse.

Ms Wombwell reported the concerns residents had regarding the growing number of licensed premises within the area and that there was a need that this should be capped at some level. There was no wish to deter businesses from starting up in the area but not those that wished to sell alcohol.

The attendant vehicle and pedestrian use was increasingly disturbing those who lived in the area and this included the growing number of emergency vehicles that attended alcohol related incidents. There was also concern regarding the lack of regulation of these premises as a large number did not adhere to the licences that had been granted.

Mr Greeno advised that the lack of planning permission that may relate to a premise was not grounds for refusing a licence and whether planning enforcement was taking place or not was not a matter for the Licensing Committee.

Following some clarification questions from Members, the applicant stated that he would be prepared to accept the framework hours of operation as detailed in the report (Page 178). In working towards ensuring that there was no ASB arising, there was only so much that could be done and it would be wrong to suggest that street drinking would increase due to this premise being granted a licence.

The Chair thanked those present for their contributions and advised that the Sub Committee would now, at 8.57pm, adjourn to consider the evidence presented to them. The Sub Committee reconvened at 8.06pm and the Chair reported that Members had

RESOLVED

That the application for a new Premises Licence for the Convenience Store, 83 Redchurch Street, London E2 7DJ, be **GRANTED** subject to the following conditions:

Opening Hours of the Premises: 07:00 to Midnight, Monday to Sunday

Sale of Alcohol: 11:00 to 23:00 Sunday to Thursday, 11:00 to Midnight Friday and Saturday

All alcohol to be sold in sealed containers

A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering the entrance door and the payment/till area and be capable of providing an image that is regarded as 'identification standard'

- To obtain a clear head and shoulders image of every person entering the premises on the CCTV system
- CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the premise is open to the public.
- 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 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.
- A staff member to be conversant with the operation of the CCTV system and will be on the premises at all times that it is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.

The Chair advised that Members had shared a number of the concerns raised by residents but did not believe on balance that the application should be refused.

The meeting ended at 8.15 p.m.

Chair, Councillor Fazlul Haque
Licensing Sub Committee