

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.41 P.M. ON THURSDAY, 22 APRIL 2010

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

Members Present:

Councillor Carli Harper-Penman (Chair)
Councillor Peter Golds
Councillor Clair Hawkins

Other Councillors Present:

None

Officers Present:

Paul Greeno – (Senior Advocate, Enforcement & Litigation
Team, Legal Services)
Mohshin Ali – (Acting Senior Licensing Officer)
Nadir Ahmed – (Democratic Services)

Applicants In Attendance:

None

Objectors In Attendance:

Alkesh Solanki – (Environmental Protection)
– (Metropolitan Police)

Members of the Public In Attendance:

Robert Sheppard

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. UNRESTRICTED MINUTES

There were no unrestricted minutes to confirm.

5. ITEMS FOR CONSIDERATION**5.1 Application to Vary the Premises Licence for Devons Food & Wine, 214 Devons Road, London, E3 3PN**

The Chair introduced herself and the other Members who constituted the Sub Committee for that evening. It was noted that the applicant was not present, however Paul Greeno, Senior Advocate, stated that they had received notification of the meeting and the agenda within the statutory timescales, and subsequently Members agreed to proceed in their absence.

The report was introduced by Mohshin Ali, Acting Senior Licensing Officer, who informed the Members that the application was for a 24 hour licence for the off sale of alcohol for Devons Food & Wine, 214 Devon's Road, London E3 3PN . A compromise agreement had been proposed with Environmental Health and the Police, however the applicant was not present to clarify the proposed agreement or provide further explanations. The objections received had been under the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

In the absence of the applicant, the Chair invited the objectors to make their representations.

PC Andy Jackson reported that he was a Licensing Officer with the Metropolitan Police Force and was objecting to the application due to the location of the premises in the middle of an overwhelmingly residential area and the anti-social behaviour that occurred in the vicinity of the premises. PC Jackson also pointed out that other comparable licensed premises in the area had shorter hours, terminating at 11pm Monday to Saturday and 10.30pm on Sundays.

The 24 hour licence would have a serious impact on crime and disorder in the area, which already had problems relating to gangs of youth congregating and anti-social behaviour. There had been a recent incident involving a shooting very close to the premises.

Although communication had been received from the applicant's solicitors stating that they were happy to reduce their application to only a 30 minute extension on their current hours during the week, the applicant's absence meant that clarification could not be sought in relation to the operating schedule.

The Chair then invited Alkesh Solanki, Environmental Health Officer, to address the Committee. Mr Solanki read out his letter of objection which was contained on page 69 of the agenda and focussed primarily on the detrimental impact of a 24 hour licence on the local residential properties.

Following requests for clarification from the Members, it was confirmed that no noise complaints had been made about the premises and it currently operated 24 hours, although the sale of alcohol was restricted to the hours on their existing licence.

Mr Greeno advised the Members that case law stated that where a premises was already open 24 hours, and when objections were on the grounds of Public Nuisance, the Sub Committee needed to be satisfied that Public Nuisance would increase as a result of any increased hours for the sale of alcohol.

The Chair advised that the Sub Committee would now, at 5.50pm, adjourn to consider the evidence presented. The Members reconvened at 5.57pm, the Chair reported that the Sub Committee had unanimously;

RESOLVED

That the application for a variation of the premises license for Devons Food & Wine, 214 Devon's Road, London, E3 3PN be **REFUSED**.

The Chair stated that this was due to the Sub Committee believing that there was a strong chance of Public Nuisance and Crime & Disorder occurring as a result of an increase in the licensing hours and the applicant's absence meant that mitigation methods could not be clarified.

The meeting ended at 5.59 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee