

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 15 JUNE 2010

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

Members Present:

Councillor Kabir Ahmed (Chair)

Councillor David Snowdon
Councillor Amy Whitelock

Officers Present:

Mohshin Ali – (Acting Senior Licensing Officer)
Luke Elford – (Trainee Solicitor)
Paul Greeno – (Senior Advocate)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

PC Andy Jackson - Metropolitan Police

Objectors In Attendance:

PC Alan Cruickshank - Metropolitan Police
Paul Johnson - Environmental Health Officer
Ashfaq Keyani - Docklands Food & Wine

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Kabir Ahmed, declared a personal interest in agenda item 5.1, application for a new premises license for Perfect Chicken, 491 Cambridge Heath Road, London E2 9BU on the basis that he had visited the shop once.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. UNRESTRICTED MINUTES

The unrestricted minutes of the Licensing Sub Committee meetings held on 6th April, 14th April and 22nd April 2010 were agreed.

5. ITEMS FOR CONSIDERATION

The order of business was varied, however for ease of reference the minutes are in the same order as in the agenda.

5.1 Application for a New Premises License for Perfect Chicken, 491 Cambridge Heath Road London E2 9BU (LSC 01/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a new premises license for Perfect Chicken 491 Cambridge Heath Road, London E2 9BU. It was noted that objections had been received by the Metropolitan Police and Environmental Health.

It was noted that the applicant was not present at the meeting. The Clerk advised the Sub Committee that the applicant had been sent a notification letter and a copy of the agenda in advance of the meeting. However had not had any contact with the applicant and neither received any correspondences from him. In light of this information Members decided to consider the application in the absence of the applicant.

At the request of the Chair, PC Alan Cruickshank on behalf of the Metropolitan Police, referred to his statement contained within the agenda on page 67, he briefly highlighted that the hours applied for, were far too excessive, especially in a residential area with flats directly above the premises and strongly believed that extended hours would give rise to public nuisance. He stated that if members were minded to grant the application they were to consider an extension up to 12 midnight with the condition of having CCTV cameras installed.

At the request of the Chair, Mr Paul Johnson, Environmental Health Officer, explained that he too had not heard from the applicant, he agreed with PC Alan Cruickshank, that if Members were minded to grant the application that they should consider a one hour extension up to 12 midnight and include the conditions recommended in his representation on page 72 of the agenda. He stated that the operation of the premises would give rise to public nuisance in noise and smell nuisance, and the probability that nuisance would be caused by public frequenting the premises up till the early hours of the morning and people congregating outside the premises.

Mr Johnson also raised the concern that the premises had no planning permission and that the premise is intended to be used as an office for Financial Services. However Members were advised that planning issues were separate and could not be given any consideration during a licensing hearing.

In response to questions by Members, Mr Johnson explained that the premise was currently operating as a fast food takeaway up till 23:00 hours and that there had been no complaints received by Environmental Health regarding the premises.

In response to questions regarding noise and smell nuisance, Mr Paul Greeno, Senior Advocate, explained that conditions for such nuisance would be covered under the planning regime and that an informative could be put on the license so that the applicant knew that any license granted did not override the need to obtain relevant planning consent.

At the request of Members, Mr Ali confirmed the opening and closing hours of other takeaways in the local vicinity.

Members expressed their concern that the premises did not have planning permission. However it was accepted that a license could not be refused on that basis.

In the absence of the Applicant, Members noted the applicant's application and considered and noted the hours for which they had applied for.

The Chair advised that the Sub Committee would at 6.50pm adjourn to consider the evidence presented. The Members reconvened at 7.35pm. Mr Greeno reported that;

Members considered the application, having read and heard the representation of both PC Alan Cruickshank and Mr Paul Johnson and having noted what the applicant had stated in Section P of the application form which stated the steps that would be taken in promoting the licensing objectives. It was noted that the applicant had not attended the meeting and therefore Members were not in a position to ask the applicant any questions or challenge any steps they would have taken that would have been made in their representation. Members having had regard to the licensing objectives and the Council's Statement of Licensing, unanimously;

RESOLVED

That the new application for Prefect Chicken, 491 Cambridge Heath Road, London E2 9BU be **GRANTED in part** with the following conditions;

The Provision of Late Night Refreshments

Monday to Sunday from 23:00 hours – 00:00 hours (midnight)

Hours Premises Open to the Public

Monday to Sunday from 10:00 hours – 00:00 hours (midnight)

Conditions

1. The premises is required to have CCTV cameras installed both externally and internally.
2. The CCTV system should incorporate a recording facility and any recordings should be retained and stored in suitable and secure manner for a minimum of 31 days. 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 must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.
3. Waste materials shall not be placed in any external bins during the hours of 23:00 hours to 05:00 hours the following day.
4. Any contract with a waste collector for the collection of waste should not provide for the collection of such waste between the hours of 23:00 hours to 05:00 hours.
5. There should be no deliveries of stock to the premises between the hours of 23:00 hours to 05:00 hours
6. Clearly legible notices shall be displayed at all exists from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. If deliveries of food are to be made from the premises then all delivery personnel are to be advised that they are to respect the needs of local residents and to leave the premises and the area quietly

5.2 Application to Review the Premises Licence for Dockland Food & Wine, 139 Manchester Road, London E14 3DN (LSC 02/011)

The review application was **withdrawn** at the meeting by PC Andy Jackson on behalf of the Metropolitan Police.

The meeting ended at 7.50 p.m.

Chair, Councillor Kabir Ahmed
Licensing Sub Committee