

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 19 AUGUST 2010

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

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Kabir Ahmed
Councillor David Snowdon

Officers Present:

Mohshin Ali	- (Acting Senior Licensing Officer)
Thomas Doyle	- (Planning Enforcement Officer)
Paul Greeno	- (Senior Advocate)
Kerry Mure	- (Senior Lawyer)
Ian Wareing	- (Environmental Protection)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Mohammed Ali Ahmed	- (Perfect Fried Chicken)
Nanu Miah	- (Perfect Fried Chicken)
Nazar Mohammed	- (Perfect Fried Chicken)
Rachid Radi	- (Liberty Lounge)

Objectors In Attendance:

PC Alan Cruickshank	- (Metropolitan Police)
PC Andy Jackson	- (Metropolitan Police)
Craigie-Lee	- (Resident)

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

Apologies for absence were received on behalf of Councillor Khaled Ahmed for whom Councillor Kabir Ahmed substituted for.

2. DECLARATIONS OF INTEREST

Councillor Rajib Ahmed, declared a personal interest in agenda item 5.1, application for a new premises license for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED on the basis that the premises was in his ward.

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 July, 13th July and 20th July were agreed as a correct record of proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application for a New Premises Licence for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED (LSC 18/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the new application for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED. It was noted that objections had been received by the Metropolitan Police, Environmental Protection, Planning Enforcement and local residents.

A tabled document was produced at the meeting which included a petition supporting the application to extend trading hours, the Chair allowed the opportunity for all interested parties to familiarise themselves with the document.

At the request of the Chair, Mr Nasar Mohammed, Counsel for the applicant explained that the applicant had been trading for the past 14 years, without any complaints, and that it was a successful and established business. He responded to concerns raised by interested parties and highlighted that it was accepted that the area was more commercial than residential, that residents living above the premises supported the extension of hours as it would benefit families by providing food during late hours. It was noted that the applicant would revisit the situation with the extractor fan to help reduce the noise.

Concerns were raised in relation to the contents of the petition submitted on behalf of Fusion residents. Ms Mohammed explained there had been no complaints about the premises, that the premises had CCTV cameras in operation, and had recently undergone refurbishment, at this point the Sub Committee and interested parties were shown photos of the premises. He concluded by stating that there was no evidential information that the premises has been directly involved in or the cause of any disturbance or anti-

social behaviour, nor has there been any complaints about the premises. He also highlighted that the applicants were willing to be flexible and offered a reduction in the hours they had applied for to 02:00 hours everyday.

At the request of the Chair, Mr Ian Wareing, Environmental Protection, referred to his statement in the agenda on page 89 and highlighted that the opening hours were not completed in the application form. He explained that complaints would be received, if opened after 11pm and that the extractor fan would cause disturbance to residents. He concluded that there were eleven other similar food establishments in the area so there was no need to extend beyond midnight.

Mr Thomas Doyle, Planning Enforcement, referred to his statement on page 93 of the agenda and explained that Planning Enforcement did not support the application to extend opening hours as this would cause serious public nuisance to surrounding residential occupiers far later into the night and morning than what currently occurs. He explained that the hours applied for were unreasonable and would not maintain a balance between commercial activities and residential amenity in an area where this was clearly required.

Mr Andy Jackson, Metropolitan Police also referred to his objection on page 85 of the agenda. He also questioned the petition that was submitted on behalf of the applicants and stated that it wasn't clear what the residents were asked when signing the petition and possibly not aware that the application was to open till 4am. He highlighted that the local area was populated with similar establishments, and if granted, all would ask for the same hours.

Ms Craggie-Lee, local resident also addressed the Sub Committee and explained the issues of anti-social behaviour, youth congregating outside, intimidating residents, and noise nuisance etc.

Members asked questions and in response, it was noted that the applicants would be happy for a reduction in the hours applied for to 2am everyday. It was noted that the applicant had been trading for 14 years with had no complaints.

Members asked questions as to the opening times of other food outlets, there was no exact times presented to members, however it was believed that it was not beyond 12 midnight.

In response to questions it was noted that the CCTV cameras were working and CCTV recordings were kept for one month, they had experienced staff and would also employ SIA door staff which would assist with general security in the area. Members raised concerns about the sale of late night refreshments outside trading hours. Members then tried to establish the noise disturbance that is contributed from A13 traffic and DLR station.

The Chair advised that the Sub Committee would at 7.45pm adjourn to consider the evidence presented. The Members reconvened at 8.15pm. The Chair reported that by a majority vote of 2 for and 1 against;

Members listened to representations from all parties and it was considered that the premises could stay open till a later hour, however Members did not consider that it should open until 04:00am on Fridays and Saturdays. A reduction in hours of 2:00am Monday to Sundays was offered by the applicant and those are the hours that were granted. Members considered that conditions should be imposed to address concerns of crime and disorder and public nuisance.

RESOLVED

That the new application for Perfect Fried Chicken, 197 East India Dock Road, London E14 0ED, be **GRANTED in part**, with the following conditions;

The Provision of Late Night Refreshments

Monday to Sunday 23:00 hours – 02:00 hours (the following day)

Hours Premises is Open to the Public

Monday to Saturday from 11:00 hours – 02:00 hours (the following day)

Conditions

1. A CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
4. All customers are required to leave the premise by 02:00 hours.
5. A registered SIA door supervisor is to be present at all times from 23:00 hours to 02:00 hours.
6. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

Informative

Members suggested that due to potential issues of noise nuisance, applicants should ensure that refuse is not taken out during late hours, and the applicants are to liaise with the appropriate Council section to have an external bin placed outside the premises.

5.2 Application to Vary the Premises Licence for Liberty Lounge, 1A Bell Lane, London E1 7LA (LSC 19/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the variation application for Liberty Lounge, 1a Bell Lane, London E1 7LA. It was that objections had been received by Metropolitan Police, and Planning Enforcement.

It was noted that Environmental Health and the applicant had reached an agreement with new hours and conditions which were detailed on page 177 of the agenda, however the both the responsible authorities still wished to object to the variation application.

At the request of the Chair, Mr Rachid Radi, the applicant explained that the bar was in the basement, noise level was minimum, the shop above the premises was closed, and explained that there were a few residential properties across the road, where there were other bar's and restaurants. He explained that they had been trading for 6 months and during this period had not had any complaints. It was also noted that they currently had a minicab system already operating which worked well and did not cause any disturbance to residents.

It was noted that staff were fully trained on health and safety, fire safety etc. and that the lobby system stopped noise from emanating outside the premises. Mr Radi explained that the bar had a capacity of 25 people, and wanted an entertainment licence to have low background music, and to be able to provide live music mainly jazz music in the evenings. It was noted that his clientele were mainly city workers and that no drinks were allowed to be taken outside the premises.

At the request of the Chair Mr Alan Cruickshank explained that the Bell Lane area was slowly attracting more shops, cafes and licensed premises. He explained that although these benefits the local business community, the needs of local residents should also be taken into consideration. He explained that the times applied for were too excessive and felt that there may be a danger of anti-social behaviour with people leaving the premises probably in high spirits or by just remaining around in the street, causing public nuisance in the early hours of the morning.

Mr Thomas Doyle, Planning Enforcement explained that they did not support the application to extend opening hours, as this would cause serious public nuisance to surrounding residential occupiers far later into the evening than what currently occurs. He explained that the extension of the Premises License hours would not maintain a balance between commercial activities and residential amenity, in an area where this is clearly required. He also mentioned that the hours applied for could not legally be implemented as the premises did not have planning permission for the hours requested nor was planning permission likely to be granted.

Members asked questions about the licensed premises in the local area, and the make up of the local area. It was noted that there had not been any complaint since the bar had been open.

The Chair advised that the Sub Committee would at 8.45pm adjourn to consider the evidence presented. The Members reconvened at 9.25pm. The Chair reported that;

In considering the application, Members had heard from the applicant and those making representations against the application. Members noted the concerns raised by those making representations regarding crime and disorder and public nuisance but it was considered, however, that these were very much future concerns regarding what could happen if more residential development and commercial development take place. Members had considered the application based on the current position and were satisfied that the application could be granted with the following hours and conditions;

RESOLVED

That the variation application for Liberty Lounge, 1a Bell Lane, London E1 7LA be **GRANTED in part**, with the following conditions;

The Provision for Regulated Entertainment (For recorded music)

Sunday to Tuesday from 12:00 hours – 22:00 hours
Wednesday & Thursday from 12:00 hours – 20:00 hours and from 23:00 hours – 00:00 hours (midnight)
Friday from 12:00 hours – 20:00 hours and from 23:00 hours – 01:00 hours
Saturday from 12:00 hours – 01:00 hours

The Provision for Regulated Entertainment (for live music)

Wednesday to Friday from 20:00 hours – 23:00 hours

The Provision for Late Night Refreshments

Wednesday & Thursday from 23:00 hours – 00:00 hours (midnight)
Friday & Saturday from 23:00 hours – 01:00 hours

Sale of Alcohol (on sales only)

Monday & Tuesday from 12:00 hours – 22:40 hours
Wednesday & Thursday from 12:00 hours – 00:00 hours (midnight)
Friday & Saturday from 12:00 hours – 01:00 hours
Sunday from 12:00 hours – 22:30 hours

Hours Premises is Open to the Public

Sunday to Tuesday from 12:00 hours – 23:00 hours

Wednesday & Thursday from 12:00 hours – 00:00 hours (midnight)
Friday & Saturday from 12:00 hours – 01:00 hours

Conditions

1. A CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
4. No drinks (alcoholic or non-alcoholic) are to be sold on the premises for consumption off the premises.
5. There is to be no amplified live music at any time.
6. A lobby system is to be installed within 6 weeks.

6. EXCLUSION OF PRESS AND PUBLIC

The Sub Committee **RESOLVED**

That, under the provision of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act 1985, the Press and Public be excluded from the meeting on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972.

7. ITEMS FOR CONSIDERATION

7.1 Application for a Variation of Designated Premises Supervisor for the Thai Tiger, 96 Brick Lane, London E1 6RL (LSC 20/011)

Members noted the concerns on whether the applicant was the same person who had relevant convictions as specified by the Police. It was noted that the Police had tried to contact the applicant to clarify whether he was the same person in question but had had no success in getting in contact with him.

Members noted that the applicant was not present at the meeting and had made no contact with Democratic Services or any interested parties and therefore on balance, Members considered that the applicant was also the person with the relevant convictions and therefore the application was **Refused** on the basis of the prevention of crime and disorder.

7.2 Application for a Transfer of Premises Licence Holder for the Thai Tiger, 96 Brick Lane, London E1 6RL (LSC 21/011)

Members noted the concerns on whether the applicant was the same person who had relevant convictions as specified by the Police. It was noted that the Police had tried to contact the applicant to clarify whether he was the same person in question but had had no success in getting in contact with him.

Members noted that the applicant was not present at the meeting and had made no contact with Democratic Services or any interested parties and therefore on balance, Members considered that the applicant was also the person with the relevant convictions and therefore the application was **Refused** on the basis of the prevention of crime and disorder.

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent by the Chair.

The meeting ended at 9.30 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee