

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 23 NOVEMBER 2010

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

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Other Councillors Present:

Councillor Joshua Peck
Councillor Lesley Pavitt

Officers Present:

Kathy Driver	- (Acting Principal Licensing Officer)
Ryan Kole	- (Legal Advisor)
Kerry Mure	- (Senior Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

PC Andy Jackson	- (Metropolitan Police)
Mr Helal Miah	- (A1 News)
Mr Abdul Rab	- (A1 News)
Mr M. Hossain	- (A1 News)
Mr Niall McCann	- (Poppies Fish & Chips)
Mr Ekrem Hassan	- (Poppies Fish & Chips)

Objectors In Attendance:

Mr Dilaver Taskiran	- (London Food Centre)
Mr Hucayin Cosau	- (London Food Centre)
Ms Jane Curtis	- (Local Resident)
Ms Juliet McKeon	- (Local Resident)
Mr Keith Bowler	- (Local 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

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interests made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

The order of business was varied at the meeting to allow representatives to attend. However the minutes are in the same order as set out in the published agenda for ease of reference.

4.1 Application to Review the Premises Licence for London Food Centre, 407 Roman Road, London E3 5QS (LSC 44/011)

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the application for a review of the premises license for London Food Centre, 407 Roman Road, London E3 5QS. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the Chair, PC Andy Jackson explained that the premises had been reviewed more than any other premises, that the premises was located in a residential area and was a magnet for anti-social behaviour. He referred to his statement on page 27 of the agenda and explained that following a recent review the decision was made to allow the premises to sell alcohol up to 23:00 hours with the condition that the premises be closed between the hours of 01:00 hours to 07:00 hours.

Mr Jackson continued to explain that during a late night visit on 7th August 2010 at 01:55 hours the shop was open with customers inside purchasing goods. Both Premise License Holders were present and the alcohol display shutters were up. Mr Jackson had asked why they were open outside their trading hours to which they stated they were expecting a delivery of fruit and vegetables. It was noted that on 10th August 2010 both Mr Tas and Mr Akyol, Premises License Holders attended the Bethnal Green Police Station to discuss the incident and were reminded of their trading hours. They were also sent a letter confirming their trading hours. On 13th August 2010, Sgt Burke observed several customers leaving the premises with bottles in bags which appeared to be wine bottles and beer cans at 23:40 hours. She then went into the shop and undertook a test purchase, when she went into the store the large shutters were pulled over a wine display but beer cans were displayed at the bottom and both chillier cabinets were not covered and from one of

these she selected a can of Strongbow cider, she paid for the drink but was not offered a receipt.

Mr Jackson concluded by saying that it was the fourth time in two years that the premises had been reviewed and then urged Members to revoke the premise licence.

At the request of the Chair, Mr Deliver Tas, owner of the premises, explained that he had taken over the premises 9 months ago. He explained that the first incident where the shop was open after 01:00 hours was because staff had been waiting for a delivery of fruit and vegetables. He explained that the deliveries were always made late at night and they had not had a chance to inform suppliers that the operating hours had changed and that they were no longer open 24 hours.

Mr Tas said that since he had taken over the anti-social behaviour associated with the premises had significantly improved. He believed that there were some residents who had made racial comments against him and felt that they had helped trigger the review. He accepted that they had made a mistake by staying open outside trading hours, however had no problems with local residents. Mr Tas stated that if the alcohol license was to be revoked, he would lose his business, he also made reference to other premises in the local area which had longer opening hours. Mr Hucayin Cosau, member of staff, explained that there used to be a lot of problems when the premises previously stayed open 24 hours, however this had changed and those customers causing nuisance are now band and therefore residents no longer complain.

The Chair clarified that the review application was made on behalf of the Metropolitan Police due instances of selling outside licensing and opening hours and not by residents.

In response to questions, Mr Cosau explained that they were waiting for a delivery when the premise was open outside its operating hours, also had only sold alcohol to those who were not drunk. It was reiterated to Mr Tas that the review had been triggered by the Police due to trading outside hours and not due to complaints by local residents. In response to further questions it was noted that staff sold outside licensing hours even though the Premise License Holders had met with the police and had been explained to about the trading hours and were also sent a letter explaining this.

It was noted that the current owners had brought the premises in February 2010 and it was confirmed that it was the current owners that had been written to and met with by the Police. It was further noted that the first three reviews related to the previous owners, that the Personal License Holders were not on the premises when the out of hours sale was made. It was noted that since February 2010 there had been two occasions where out of hours sales occurred. Mr Cosau accepted his mistake of selling alcohol outside licensed hours. The Licensing officer also confirmed that the exposure of alcohol was also a breach of the Licensing Act.

The Chair advised that the Sub Committee would at 8.45pm adjourn to consider the evidence presented. The Members reconvened at 9.00pm. The Chair reported that;

Having heard representations from both parties and based on the evidence provided. Members considered the application to revoke the licence based on terms of reference and taking into consideration the licensing objectives.

It was noted that from the onset the Premise License Holder was aware of the concerns surrounding the premises, whilst acknowledged that the current Premises License Holder could not be held liable for the actions of their predecessors, Members believed that they should have understood the heightened responsibilities of their licence.

It was noted that there had been two occasions where there had been a breach of the licence conditions, including one incident which took place after being warned verbally and in writing, to which was admitted to.

The Sub Committee found that the evidence to be sufficient enough to take action. However, on this occasion Members decided not to revoke the licence but to suspend the sale of alcohol licence for a period of three months from receipt of the decision notice letter.

RESOLVED

That the review application for the premises license for London Food Centre, 407 Roman Road, London E3 5QS be **GRANTED** with the suspension of the sale of alcohol licence for a period of 3 months from receipt of the decision notice letter.

4.2 Application for a New Premises Licence for A1 News, 59 Brady Street, London, E1 5DW (LSC 45/011)

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the application for a new premises license for A1 News, 59 Brady Street, London E1 5DW. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Helal Miah, Solicitor, on behalf of the applicant Mr Abdul Rab, explained they were applying for a new premises licence for the sale of alcohol. He explained that Mr Rab had been operating the premises for the past 15 years, a local shop, a local service for local people and the local area. He believed that the objections were personally aimed at Mr Rab and not the premises as a whole. Mr Miah acknowledged that there were issues of anti-social behaviour in the area, however believed that by granting the licence would not increase the anti-social behaviour that currently exists. He noted the concerns of local residents but assured the sub committee that appropriate measures would be put in place to deter such problems ie. signage displayed in the premises, identifications checked,

operating a challenge 18 policy. He also explained that Mr Rab was not responsible to control the behaviour of youth who congregate around the local area and cause anti-social behaviour.

It was noted that there had been no complaints regarding the premises over the past 15 years and that all objections were allegations made on Mr Rab's character, no specific complaints about the premises and questioned why all objections were made during the last days of the consultation period and believed that these were instigated by certain individuals.

Councillor Lesley Pavitt spoke on behalf of local residents and as a Ward Member for Bethnal Green South, she explained that she was aware of the particular area which had high levels of anti-social behaviour. It was noted that the particular area was an alcohol free zone and therefore hard to access alcohol. She explained that residents were particularly concerned because the premise was on the route to and from a secondary school and primary school, which may encourage young people to experiment with alcohol. She asked Members to note the number of residents who signed the petition and those who had made individual representations.

The Chair reported that there were no objectors present at the meeting, however, all the written objections would be considered and noted by Members.

In response to questions it was noted that there had been no underage sales of alcohol, as the premises does not have a licence, however on one occasion they were found to sell alcohol without a licence, this was stopped and this incident had occurred one year ago. It was noted that Sainsbury's was the local supermarket in the area and was approximately 800 yards away from the premises. It was also noted that CCTV cameras had already been purchased and would be installed immediately if the application was to be granted. It was noted that there had been no general or social complaints made about the premises.

The Chair advised that the Sub Committee would at 6.50pm adjourn to consider the evidence presented. The Members reconvened at 7.10pm. The Chair reported that;

Members considered the application and made a decision based on the terms of reference and taking into account the licensing objectives. Whilst Members acknowledged the objections from residents and their concerns about anti-social behaviour in the local area, Members concluded that there were insufficient grounds to refuse the application as no evidence related directly to the premises, therefore Members granted the licence with conditions.

RESOLVED

That the application for a new premises license for A1 News, 59 Brady Street, London E1 5DW be **GRANTED** with the following conditions;

Sale of Alcohol (off sales only)

Monday to Saturday from 09:00 hours – 23:00 hours
Sunday from 10:00 hours – 23:00 hours

Hours Premises is Open to the Public

Monday to Sunday from 07:00 hours – 23:00 hours

Conditions

1. To introduce the 'Challenge 21 Policy'
2. A refusal book to be used and maintained
3. A CCTV camera system covering both internal and external to the premise is to be installed.
4. 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.
5. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
6. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

4.3 Application for New Premises Licence for Poppies Fish & Chips, 6-8 Hanbury Street, E1 6QR (LSC 46/011)

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the application for a new premises license for Poppies Fish & Chips, 6-8 Hanbury Street, London E1 6QR. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Niall McCann, Solicitor for the applicant, Mr Ekrem Hassan, explained that he wished to amend the license application by reducing the hours for licensable activity. Mr McCann explained that the premises would be used as a traditional restaurant selling good quality fish and chips with limited alcohol provision and predicted that the sale of alcohol would generate 10-15% of the overall income. He further explained that during the consultation period they had written to the residents with set conditions and reduced hours. It was noted that the restaurant would have 44 covers and the regulated entertainment would be for background music only. The concern relating to off sales was met, with a condition for no off sales of

alcohol. It was further noted that there would be no vertical drinking and that drinks would only be sold with meals.

The Chair then invited residents who wished to address the Committee, Jane Curtis, Juliet and Keith Bowler were among the residents who spoke in objection to the application, each addressing similar concerns in relation to noise nuisance, public disorder, anti-social behaviour, drug activity and crime and disorder.

In response to questions it was noted that the restaurant had 44 covers, the applicant had agreed to conditions for CCTV cameras, it was noted that the residents who were in objection lived 40-50 metres from the premises. It was noted that other premises closed early to protect local amenity, that it was a busy area and that Brick Lane was very close by. In response to further questions residents felt that this premises would cause an increase in public nuisance and crime and disorder.

In conclusion, Mr McCann stated that they had reduced their hours in line with the Council's framework hours and that the early hours for sale of alcohol were sought for special occasions ie. champagne breakfast etc. He urged Members to consider the application on its individual merits and believed that it would not impact on the local area and in fact benefit the local community.

The Chair advised that the Sub Committee would at 7.30pm adjourn to consider the evidence presented. The Members reconvened at 8.00pm. The Chair reported that;

Having heard representations from both parties and based on the evidence provided. Members considered the application and made the decision based on the terms of reference and taking into consideration the licensing objectives.

Members also considered residents concerns regarding the impact of the license in the local area and the anti-social behaviour problems that currently existed, however it was decided that many of the concerns raised were not within the remit of the Licensing Sub Committee and therefore should be raised in the appropriate forums. Members concluded that there were insufficient grounds to refuse the application as no evidence related directly to the premise therefore Members decided to grant the license in part, with conditions.

RESOLVED

That the application for a new premises license for Poppies Fish & Chips, 6-8 Hanbury Street, London E1 6QR be **GRANTED in part** with the following conditions;

Sale of Alcohol (on sales only)

Monday to Thursday from 11:00 hours – 22:30 hours
Friday & Saturday from 11:00 hours – 23:00 hours

Sunday from 11:00 hours – 22:00 hours

Provision for Regulated Entertainment

Monday to Thursday from 11:00 hours – 23:00 hours

Friday & Saturday from 11:00 hours – 23:30 hours

Sunday from 11:00 hours – 22:30 hours

Late Night Refreshments

Friday & Saturday from 23:00 hours – 23:30 hours

Hours Premises is Open to the Public

Monday to Thursday from 07:00 hours – 23:00 hours

Friday & Saturday from 07:00 hours – 23:30 hours

Sunday from 07:00 hours – 22:30 hours

Conditions

1. A CCTV camera system covering both internal and external to the premise 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. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
5. No noise shall emanate from the licensed premises nor vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance.
6. No off-sales of alcohol
7. Alcohol only to be sold to customers who are sitting having a meal
8. No drinks to be taken outside the premises
9. No early morning or late night deliveries or collection of bottled goods or services or the collection/disposal of waste food either before 08:00 hours or after 21:00 hours.
10. A risk assessment will be completed and made available for inspection by the police or a officer from the local authority covering the management of;

- Access to the premises
- Control of any queues outside the premises
- The dispersal of customers leaving the premises
- The collection and removal of litter from directly outside the premises.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.45 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee