

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 11 JANUARY 2011**

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

**Members Present:**

Councillor Kabir Ahmed (Chair)

Councillor Zara Davis  
Councillor Joshua Peck

**Other Councillors Present:**

Councillor Bill Turner

**Officers Present:**

Andrew Dickson	- (Planning Enforcement Officer)
Paul Greeno	- (Senior Advocate)
Nick Kemp	- (Licensing Officer)
John McCrohan	- (Trading Standards Service Manager)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

PC Alan Cruickshank - (Metropolitan Police)

**Objectors In Attendance:**

Mr Saidur Rahman	- (Papadoms)
Mr Hushair Ali	- (Mango's)
Mr Muktar Miah	- (Representative for Papadoms & Mango's)
Mr Md. Abdul Rouf	- (Cinnamon)

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

## 4. ITEMS FOR CONSIDERATION

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

### 4.1 Application to Review the Premises Licence for Papadoms, 94 Brick Lane, London E1 6RL (LSC 51/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a review of the premises license for Papadoms, 94 Brick Lane, London E1 6RL. It was noted that the review had been triggered by Trading Standards and supported by the Metropolitan Police. Mr Kemp reported that the Premises License Holder having spoken to Mr John McCrohan, Trading Standards Manager, had come to an agreement and was happy to include the recommended condition to his existing license.

All parties were in agreement and therefore no submissions were made from either parties and there were no questions from Members.

The Chair advised that the Sub Committee would at 8.25pm adjourn to consider the evidence presented. Members reconvened at 8.35pm. The Chair reported that;

The Sub-Committee welcomed the agreement between the interested parties for the introduction of a condition in relation to compliance with the local touting byelaw.

Members were concerned about this premises and felt that the introduction of the recommended condition would help start making an impact on the local area. The Chair reiterated the seriousness of the offence and that if the conditions of the license were to be breached, a further review would be conducted, where suspension or revocation would be considered by the Licensing Sub Committee due to breach of the licence.

### **RESOLVED**

That the review application for the premises license for Papadoms, 94 Brick Lane, London E1 6RL, be **GRANTED** with the following condition to be imposed immediately.

#### Condition

1. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.

#### **4.2 Application to Review the Premises Licence for Mango Restaurant, 90 Brick Lane, London E1 6RL (LSC 52/011)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a review of the premises license for Mango Restaurant, 90 Brick Lane, London E1 6RL. It was noted that the review had been triggered by Trading Standards and supported by the Metropolitan Police. Mr Kemp reported that the Premises License Holder having spoken to Mr McCrohan, had also come to an agreement and was happy to add the recommended conditions to his existing license.

Mr Muktar Miah, Representative on behalf of the Premise License Holder explained that the employee who had been touting was dismissed as a result of the incident. He stated that the manager had not been aware that touting was taking place as he had only popped out to the shops for a few minutes when the incident had occurred.

There were no additional submissions from Trading Standards or Metropolitan Police other than their statements contained within the agenda.

In response to a question, Mr John McCrohan, explained what touting was and how touting had occurred in this instance. In response to further questions Mr Miah acknowledged that the Premises License Holder was aware that there was a condition on the license not to solicit for custom. However he explained that this incident had occurred whilst the manager was not at the premises and that the member of staff had touted at his own discretion because the restaurant was not busy. Mr Miah further explained that as a result of the incident the member of staff involved was then dismissed. Members questioned a previous incident referred to by the Police on page 118 of the agenda, for touting in Feb 2010. Mr Miah stated that the incident referred to had occurred whilst under a different ownership. It was also noted that the current ownership commenced in October 2010.

Members questioned the period of time that the manager had been away from the premises, as two test purchases took place on the same day, one after the other.

The Chair advised that the Sub Committee would at 8.45pm adjourn to consider the evidence presented. 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 in relation to compliance with the local touting byelaw. The Sub Committee found that the evidence to be sufficient enough to take action.

Members were not satisfied with the justifications of answers given on behalf of the Premise License Holder as there had been many discrepancies in the answers given regarding the course of events. It was also noted that the licence already had a condition in relation to touting which was therefore breached. Members agreed that the license be suspended for one week and additional conditions be imposed.

### **RESOLVED**

That the review application for the premises license for Mango Restaurant, 90 Brick Lane, London E1 6RL be **GRANTED in part** with the following conditions to be imposed immediately.

#### **Suspension**

One week suspension. (the commencement date for suspension, to be detailed, in the decision notification letter)

#### **Conditions**

Existing Condition 14 (annex 3) be replaced with the following conditions;

1. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
2. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

#### **4.3 Application to Review the Premises Licence for Cinnamon, 134 Brick Lane, London E1 6RU (LSC 53/011)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the application for a review of the premises license for Cinnamon, 134 Brick Lane, London E1 6RU. It was noted that the review had been triggered by Trading Standards and supported by the Metropolitan Police and Planning Enforcement.

At the request of the Chair, Mr John McCrohan, Trading Standards Manager referred to his statement on page 163 and explained that a test purchase was carried out at the premises on 22<sup>nd</sup> September 2010, where the test purchasers were induced to enter the premises by a tout who escorted them to the restaurant. Licensing officers went to the premises after the test purchasers had left and were also accosted by a tout offering inducements to enter the premises. It was noted that the premises already had an existing condition on their license, not to allow touting. It was also noted that the business had been operating without a Premises Licence Holder or Designated Premises Supervisor for several months and had breached its

licensing and opening hours, and staff at the premises had abusive towards Council officers.

Mr McCrohan concluded by stating that at the time there was no Premise Licence Holder and no Designated Premises Supervisor, coupled with the use of touts and the behaviour of the staff towards council licensing officers, and the breach of trading hours, he requested Members to consider revocation of the license.

PC Alan Cruickshank and Andrew Dickson referred to their statements contained within the agenda and made no additional submissions other than their statements contained within the agenda.

At the request of the Chair, Mr Md Abdul Rouf briefly stated that he had taken over the premises two months ago and that the incident had occurred under the previous ownership and assured Members that touting would not take place again. He urged members to reconsider the application as he needed to the business operational in order to manage financially.

At 6.50pm, the Chair excluded the press and public and went into the private session of the meeting to consider the restricted appendix of the report.

At 7.10pm the Chair opened the meeting to the press and public to consider the remainder of the application.

Members continued to ask questions of Trading Standards, who confirmed that touting had occurred for the premises, as the tout had caused obstruction, nuisance and offered inducements to the test purchasers. Mr Rouf confirmed that he had only got involved in the business in November 2010. It was further noted that five members of staff had been dismissed and five new employees had been recruited under Mr Rouf's management. Mr McCrohan confirmed that Trading Standards had not witnessed any further touting relating to Cinnamon.

The Chair advised that the Sub Committee would at 7.25pm adjourn to consider the evidence presented. Members reconvened at 8.20pm. The Chair reported that;

Members having had a lengthy deliberation and taking into consideration all the evidence presented felt that it was not as straight forward as considered. Members believed that Mr Abdul Hakim was still involved in the business and Mr Rouf's explanations were not considered credible.

Whilst Members were not considering the transfer of the licence however, they did consider that there had been wilful breaches of both touting conditions and hours of operation. Therefore Members considered that taking no action was not appropriate, Members also considered that just imposing conditions was not appropriate. Consideration was therefore given to either revocation or suspension and on a 2/1 majority vote it was agreed that the license be suspended for three months and the license to be varied, in order

for the licensable hours of operation to match the hours recommended by Planning together with additional conditions.

### **RESOLVED**

That the review application for the premises license for Cinnamon, 134 Brick Lane, London E1 6RU be **GRANTED in part** with the suspension of the licence for three months, variation of hours and the following conditions to be imposed immediately.

#### Suspension

Three months suspension. (the commencement date for suspension, to be detailed, in the decision notification letter)

#### Sale of alcohol

Sunday to Thursday from 11:30 hours to 00:00 hours (midnight)  
Friday & Saturday from 11:30 hours to 01:00 hours (the following day)

#### Late Night Refreshments

Sunday to Thursday from 23:00 hours to 00:00 hours (midnight)  
Friday & Saturday from 23:00 hours to 01:00 hours (the following day)

#### Hours Premises is Open to the Public

Sunday to Thursday from 23:00 hours to 00:30 hours (the following day)  
Friday & Saturday from 23:00 hours to 01:30 hours (the following day)

#### Conditions

1. That Mr Abdul Hakim, of 36 Quaker Street, London E1, date of birth 15/04/1979, shall not be permitted to be on the premises whilst licensable activities take place.
2. That Mr Abdul Hakim, of 36 Quaker Street, London E1, date of birth 15/04/1979, shall not be involved in the business or the management of premises.

## **5. EXCLUSION OF PRESS AND PUBLIC**

### **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.

**5.1 Application to Review the Premises Licence for Cinnamon, 134 Brick Lane, London E1 6RU (LSC 53/011)**

The decision for this item is detailed in item 4.3 of the agenda.

**6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 9.05 p.m.

Chair, Councillor Kabir Ahmed  
Licensing Sub Committee