

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 29 JUNE 2010

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Kabir Ahmed
Councillor Aminur Khan

Officers Present:

Paul Greeno – (Senior Advocate)
Nick Kemp – (Licensing Officer)
Kerry Mure – (Senior Lawyer)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Alan Cruickshank - (Metropolitan Police)
Andy Jackson - (Metropolitan Police)
Claudine Kidd - (Metropolitan Police)

Objectors In Attendance:

Serdar Tas - (London Food Centre)
Dilaver Taskiran - (London Food Centre)
Maria Guida - (Perfect Fried Chicken)
Salima Khatun - (Perfect Fried Chicken)
Kabir Ahmed - (Perfect Fried Chicken)
Ahmed Hussain - (Perfect Fried Chicken)
Sulta Ahmed - (Perfect Fried Chicken)
Forid Miah - (Perfect Fried Chicken)

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 4.3, application to review the premises license for Perfect Fried Chicken, 214 Mile End Road, London E1 4JL on the basis that he may have ate at the shop once.

Councillor David Snowdon, declared a personal interest in agenda item 4.3, application to review the premises license for Perfect Fried Chicken, 214 Mile End Road, London E1 4JL on the basis that he knew Mr Ahmed Hussain who was speaking in support of the premises. However, Councillor Snowdon confirmed that he had not been contacted by Mr Hussain regarding the application.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for The Urban Bar, 27 Three Colt Street, E14 8HH (LSC 06/011)

This item was postponed at the request of the Premises License Holder and has now been rescheduled to be considered at the Licensing Sub Committee meeting to be held on 31st August 2010.

4.2 Application to Review the Premises Licence for London Food Centre, 407 Roman Road, London E3 5QS (LSC 07/011)

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 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, on behalf of Metropolitan Police explained that the premises had been reviewed twice before under it's former name Buy to Save and gave a brief history of the premises. He explained that during a visit together with HMRC Customs and Excise on 18th November 2009, an examination of the stock being sold revealed that a large quantity of both spirits and wine were believed to be smuggled and these were later seized. It was noted that a total of 265.5 litres of wine and 229.4 litres of spirits had been seized. He explained that a further visit was made to the premises on 20th January 2010 by Police, Customs and Excise and Trading Standards, again on this occasion officers found 189 smuggled bottles of wine and 38.3 litres of spirits which were either smuggled or bore counterfeit customs stamps. In addition a further 12.3 litres of counterfeit

champagne and vodka was seized, also no premise license was displayed at the premises. The owners were given 28 days to give receipt for the goods but none were received. It was noted that the total amount of duty and VAT evaded was £4664.

Mr Jackson explained that after January 2010, the license had been transferred over to new owners. Another visit was conducted on 5th March 2010, when operating under new owners, and also found numerous licensing offences.

He referred Members to the DCMS guidance with regard to the sale of smuggled/counterfeit goods which states that the sale of smuggled goods was a criminal activity and was to be treated particularly seriously and therefore advised Members that revocation should be considered.

Mr Jackson also stated that there was suspicion that last operators still worked in the premises. It was noted that the new owners had on one occasion gave Police the details of a van selling smuggled/counterfeit alcohol.

Mr Jackson concluded by referring to the supporting document of PC Alan Cruickshank who had visited the premises on 8th May 2010 as a test purchase exercise and was able to buy a can of cider at 02:15 hours, after licensed hours. Mr Cruickshank confirmed that display shutters were not closed and while still in the shop another male had placed cans of larger on the counter with the intent of purchasing them.

At the request of the Chair Mr Dilver Taskiran, DPS explained that they had brought the shop three months ago, and that the incidents regarding smuggled/counterfeit alcohol was the responsibility of the previous owners and not them. He asked for Members to give them another chance to prove that they are able to promote and uphold the licensing objectives. Mr Taskiran on behalf of the new premise license holder offered to close the shop at 01:00 hours, as a voluntary closure despite having a 24 hour license.

In response to a question Mr Taskiran explained that during the police visit on 8th May 2010, the shutters weren't working, however they were repaired last week costing them £3.5k. He explained, that if there were any sale of alcohol out side the licensed hours, it is when customers just leave the money and go. Mr Cruickshank stated that he was not challenged when purchasing the alcohol and there was no disagreement from the member of staff on the counter as it was treated as a normal transaction.

Mr Tas also confirmed that they had CCTV cameras and confirmed that they keep CCTV footage for two weeks and report any problems to the police. In response to another question Mr Taskiran stated that they also suffer from anti-social behaviour as youth congregate outside the premises, making it difficult for customers to enter or leave the premises and hence wish to offer an early closure time of 01:00 hours.

Mr Taskiran confirmed that none of the previous owners worked in the shop and that other shops in the local vicinity closed at 01:00 hours. Mr Taskiran concluded by asking Members to give him another chance.

The Chair advised that the Sub Committee would at 7.05pm adjourn to consider the evidence presented. The Members reconvened at 7.30pm. The Chair reported that;

Members heard representations from PC Jackson and Mr Taskiran and Mr Tas. It was noted that a reduction of opening hours has been offered and it was considered necessary to reduce these hours for the promotion of the licensing objectives for the prevention of crime and disorder.

Although Members were prepared to draw a line under the previous activities, they were concerned about the sale of alcohol outside the permitted hours. The explanation given by Mr Taskiran for this was not accepted and Members therefore considered it necessary to suspend the licence for the first Friday and Saturday following despatch of the notification letter of the decision.

RESOLVED

That the review application for the London Food Centre, 407 Roman Road London E3 5QS be **GRANTED in part** with the suspension of the sale of alcohol licence and the following conditions;

Suspension

Suspension of the sale of alcohol licence for the first Friday and Saturday following despatch of the notification letter of the decision.

Conditions

1. The opening times to be restricted to 07:00 hours – 01:00 hours
2. No activities shall take place at the London Food Centre, 407 Roman Road, London E3 5QS between the hours of 01:00 hours – 07:00 hours.

4.3 Application to Review the Premises Licence for Perfect Fried Chicken, 214 Mile End Road London E1 4LJ (LSC 08/011)

At the request of the Chair, Mr Nick Kemp, introduced the report which detailed the application for a review of the premises license for Perfect Fried Chicken, 214 Mile End Road, London E1 4LJ. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the chair, PC Alan Cruickshank on behalf of Metropolitan Police referred to his statement on pages 284-286. He highlighted the incidents which had taken place, involving extremely violent attacks it was

noted that on all occasions the CCTV camera was either not working or staff were not able to download images. As a result officers went to speak to the Premises License Holders and reminded them of the conditions attached to the license one of which is to have CCTV cameras in operation whilst there are licensable activities.

He then highlighted a recent incident on 1st May 2010 at 04:19, when police were called outside the premises where a male had been stabbed. It was noted that the victim and his brother were in the premises eating when a male entered and started arguing and then told him to come outside which is when the assault took place. It was noted that yet again the CCTV camera was not working and the premises was open past its closing hours of 03:00 hours. Mr Cruickshank explained that even if CCTV cameras were working there was no staff on duty whom could have downloaded the images. The Police Officers spoke to both Premise License Holders again, Ms Salima Khatun, Premises License Holder informed Police Officers that cameras were not working and would be fixed by 6th May 2010. Again there was confusion about the closing hours as Mr Kabir Ahmed, Premise License Holder believed that he should stop serving at 03:00 hours and then his customers could take as long as they needed to finish eating. Ms Khatun offered to employ one SIA door supervisor on busy nights. Mr Cruickshank then referred to the petition in support of the premises submitted on behalf of the Premises License Holders and highlighted that there was no addresses and had frivolous comments on them, therefore asked member to consider what weight to give them.

Mr Cruickshank concluded by stating that overall there had been five serious incidents of crime and disorder, resulting in either GBH or ABH on the victims. There have been a clear breach of the CCTV conditions and the premises had been open past its licensed hours. The lack of CCTV cameras has stopped the early identification of any suspects and by operating after hours, disorder had occurred in the shop also leading to assaults outside in the street. He therefore urged Members to consider removing their late night refreshments license.

In response to a question by a Member it was noted that no one was trained to download CCTV footage and level of CCTV compliance was low.

Maria Guida, Legal Representative for the Premises License Holders explained that the Premises License Holders do take the police officers concerns seriously and explained that they both and one other staff are able to download images from CCTV cameras.

M Guida explained that Mr Ahmed and Ms Khatun were very hard working and wanted to work with the police by taking every step to minimise and prevent these incidents from happening again. She explained that there have been no incidents since May 2010. Ms Guida then put forward suggested conditions including one which suggests that the supply of food would cease 30 minutes before the closing time and at 03:00 hours customers would be strictly told to leave. Also another condition suggested was that there would be two SIA door supervisors on duty on Fridays and Saturdays from 23:00 hours to 03:00 hours.

It was also noted that Ms Khatun would have staff trained on anti-social behaviour and how to handle difficult situations so therefore the Premises License Holders were investing time and money to help and work with police. Ms Khatun asked Members for another chance and highlighted that there had been no incidents since May 2010.

Mr Ahmed Hussian, in support of the premises explained that Mr Ahmed and Ms Khatun were very hard working and highlighted that they lacked knowledge of opening hours. He explained that he worked locally and visited all the shops on the parade on a regular basis and concerns of anti-social behaviour were common in all shops. He stated that incidents occurred outside the premises should not be associated with the premises and suggested that there should be more patrols made by the police in the area.

The Chair opened up for questions.

In response to questions it was noted that there had been five serious incidents, which all took place over the weekend. Members asked questions about staff training, the CCTV camera facility and how it can be down loaded. Ms Khatun explained that there previous contact for CCTV cameras did not allow for staff to download images and that any request for download would have to be done by the company.

It was noted that the timings and CCTV conditions were now clear to the Premises License Holders. Ms Khatun explained that even if CCTV camera images were not available during the time of the incident it could have been available the next day if Police had requested it.

Ms Guida confirmed that they would stop supplying food at 02.30 hours and customers would be asked to leave at 03:00 hours. It was noted that CCTV cameras were positioned facing the door and it was confirmed that it captured the full image of people entering the shop. It was noted that the role of SIA door supervisors was for the safety of customers and to prevent anti-social behaviour.

The Chair advised that the Sub Committee would at 8.15pm adjourn to consider the evidence presented. The Members reconvened at 8.40pm. The Chair reported that;

Members listened carefully to the representations both for and against the review application. Members were extremely concerned that licensing conditions had been wilfully misunderstood. Members were also concerned regarding the nature of the assaults and noted that these incidents generally occurred after 2am.

Members thought long and hard but on balance considered that the licence should not be revoked but due to the mismanagement of the premises it is considered that the hours on Friday and Saturday should be reduced to 2am.

RESOLVED

That the review application for the Perfect Fried Chicken, 214 Mile End Road, London E1 4LJ be **GRANTED in part** with the reduction in hours and the following conditions;

The Provision of Late Night Refreshments

Monday to Saturday from 23:00 hours – 02:00 hours

Hours Premises Open to the Public

Monday to Saturday from 12:00 hours – 02:00 hours

Sunday from 12:00 hours – 23:00 hours

Conditions

1. Children under the age of 10 shall be accompanied by an adult
2. The premise is required to have CCTV cameras installed, covering the premises internally and externally
3. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
4. A staff member from the premises who is fully conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.
5. A minimum of 2 SIA door supervisors shall be on duty within the premises from 23:00 hours on Fridays and Saturdays and shall remain on duty within the premises until customers have left the premises and doors have been locked.
6. That customers should use no metal cutlery after 22:00 hours.
7. That there should be an increase in signage for the appropriate disposal of litter.
8. The supply of food shall cease 30 minutes before closing time and all patrons will be asked to leave at the appropriate time so that the premises shall close promptly and on time.

9. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and the area quietly.

The meeting ended at 9.00 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee