

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 1 OCTOBER 2013

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

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Khaled Uddin Ahmed
Councillor Marc Francis

Officers Present:

Paul Greeno – (Senior Advocate, Legal Services, Chief Executive's)
Mohshin Ali – (Senior Licensing Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Craig Baylis - (Square Pie – Representative)
Martin Dewey - (Square Pie – Applicant)
Jun Simon - (Kivre Food Centre – Representative)
Niyazi Kaya - (Kivre Food Centre – Applicant)

Objectors In Attendance:

Adam Stanhope - (Resident)
Michael Myres - (Resident)
PC Alan Cruickshank - (Police)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee meeting held on 3rd September 2013 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for a New Premises Licence for Square Pie, 105c Commercial Street, London, E1 6BG

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for Square Pie, 105c Commercial Street, London E1 6BG. It was noted that there were objections from a local residents and conditions had been agreed with the Police.

At the request of the Chair, Mr Craig Baylis, Representative for the Applicant briefly explained that having had consultation with the Police the application had been amended to have no off sale of alcohol, a reduction in hours and agreed to CCTV conditions. Mr Baylis also proposed conditions to allow no vertical drinking and alcohol to be served with food only. Mr Baylis believed that these conditions would address the concerns raised by local residents and would help promote the licensing objectives.

He then addressed the specific concerns raised by Mr Adam Stanhope, local resident, and stated that they would stop using the kitchen duct after 8pm to avoid any noise emanating from the premises and would also have their staff toilet available to customers between the hours of 8pm and 9pm (closing time) as the public toilets opposite the premises closed at 8pm. It was also noted that the premises next door to Square Pie had a full licence.

Members then heard from Mr Adam Stanhope, resident, who expressed concerns about the excessive opening hours and suggested that the premise close at 8pm and that noise nuisance would occur if the premise was to stay open later than 8pm. He welcomed the fact that the kitchen duct would stop being used from 8pm. He also raised concerns about the lack of toilet facility in the premises and the likely increase in public urination as a result of this. Mr Stanhope concluded that the premises was located in a residential area and was concerned about the possible noise nuisance that would occur if the premises stayed open after 8pm.

Members also heard from Mr Michael Myres, local resident, he also shared similar concerns about noise and the effects of selling alcohol.

In response to questions it was noted that Mr Stanhope's main concern was the potential for noise nuisance and alcohol related public nuisance. It was noted that there were no complaints about the premises at present.

Mr Baylis briefly concluded that Square Pie was a well run business and this too was accepted by the objectors, it was a quick meal restaurant and the applicant did not expect customers to sit around and drink for hours. It was anticipated that the sale of alcohol would total to 5% of the income compared to the food which will be sold. He stated that residents did have the benefit of a review process if problems occurred however all the concerns raised by the objectors were speculative.

Mr Stanhope concluded that Members should consider further reducing the hours.

Members retired to consider their decision at 6.50pm and reconvened at 7.00pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence and add conditions in order to address the concerns raised in relation to the licensing objectives of "the prevention of crime and disorder" and "the prevention of public nuisance". Members believed that the conditions would also address the concerns raised by the local residents and promote the licensing objectives.

Members noted that the applicants did not intend to use the duct after 20:00 hours and would also make the staff toilets available to customers after 20:00 hours when the toilets in the markets were closed, Members suggested that they may wish to have the toilets available from 19:00 hours. This was because the public toilets in the market closed at 20:00 and this would allow and overlap of the toilets available both in the market and in the premises. This would avoid any issues of public urination.

Members also accepted what Mr Baylis said for the applicant regarding the nature of the business and that it was not a venue where person would be staying for a lengthy meal. Members therefore took the view that alcohol consumption by patrons would not be high and that it would not lead to an increase in crime and disorder and public nuisance if the premises was open and trading as a restaurant only as it lawfully can.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Square Pie, 105c Commercial Street, London E1 6BG be **GRANTED**, with conditions.

Sale of Alcohol (on sales only)

- Monday to Sunday from 11:00hrs to 21:00hrs

Hours Premises is open to the Public

- Monday to Sunday from 10:00hrs to 22:00hrs

Conditions

1. Install and maintain CCTV system
2. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a 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 on request by a police officer or other responsible authority.
3. No vertical drinking
4. Alcohol to be served with food only

5.2 Application for a Variation of a Premises Licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London, E2 9BU

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Kivre Food Centre, 497-499 Cambridge Heath Road, London E2 9BU. It was noted that there was an objection form the Police.

At this point Mr Paul Greeno, Senior Advocate drew Members attention to the Council's Statement of Licensing Policy and which provided that the Licensing Authority would generally licence shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However it may consider there are very good reasons for restricting those hours, for example, where police representations are made in respect of particular premises known by them to be the focus of disorder and disturbance and in such situation the Licensing Authority may consider restricting hours if focus on disorder and disturbance.

At the request of the Chair, Mr Jun Simon, Representative for the Applicant began by amending the application for variation for the sale of alcohol. No change to hours on Sundays or Mondays, to extend to 1am on Tuesdays, Wednesdays and Thursdays and 2am on Fridays and Saturdays (1 hour extensions).

He explained that the premises had been open for 7 years and has had no complaints or problems. It was noted that the opening of local supermarkets such as Tesco and Sainsburys in the local area had financially affected the business and therefore an extension would help ease financial concerns.

Mr Simon stated that there had been no representation from Environmental Health or local residents even with the hours first applied for. He stated that the applicant was a responsible seller and all staff were trained on a regular basis and would continue to be so. He explained that even though they have a license to remain open 24 hours they closed earlier.

Mr Simon concluded that the applicant and staff had good relations with local residents and did not serve to known street drinkers in the area.

Mr Greeno asked whether the applicant was happy to accept the condition proposed by the Police to restrict the sale of high strength beer, larger or cider. The applicant did not accept this as they were now only seeking a one hour extension.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that the premises was in a residential area, that the hours were still excessive and then referred to the statement from William Norman, Thames Reach, contained within PC Cruickshank's representation which highlighted the issues of street drinking and potentially leading to rough sleeping. He also added the fact that it would attract more people to the premises causing anti-social behaviour.

It was then noted that nearest off licence was licensed between the hours of 8am to 11pm.

In response to questions it was noted that there had been no complaints about this specific premises, that the applicant was aware of the known street drinkers in the area and did not sell to them. PC Cruickshank confirmed that there was no evidence that the premises had been selling to street drinkers.

Members expressed their concerns about street drinking in the area and questioned why the applicant did not want to accept the condition proposed by the Police. Mr Simon stated that the applicant was a responsible seller and was aware of street drinkers in the area and did not sell to them. Also existing customers were used to such products being sold and did not want to change this.

In summary, Mr Simon stated that there were no complaints about the premises, staff were trained and would continue to be so, no objections were made by Environmental Health or local residents even though the original

application was to 4am and not the 1 hour extension which was now proposed.

PC Cruickshank urged Members to add the condition in relation to high strength alcohol if the new hours were to be granted.

Members retired to consider their decision at 7.40pm and reconvened at 7.55pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence in part and add a condition in order to address the concerns raised in relation to the licensing objectives of "the prevention of crime and disorder" and "the prevention of public nuisance".

The Sub Committee noted both comments and representations from the applicant's representative and PC Cruickshank and the difficulty which arises from the sale of alcohol in areas of rehabilitation.

Members did not think it was appropriate or proportionate to reject the application entirely as Members noted that there was no evidence to suggest that there was any public nuisance or crime and disorder linked to this premises. Therefore Members granted a one hour extension for sale of alcohol on Thursdays, Fridays and Saturdays to give the applicant the opportunity to prove themselves as a responsible retailer of alcohol.

Members however had sympathy with Mr William Norman, Thames Reach and the users, therefore a condition was put in place (only applied on the extended varied hours) to help the applicant become more responsible when selling alcohol and strike a balance with the local hostels near the area and street drinkers by restricting the sale of beer, larger and cider which exceeds the strength of 6.5% abv or higher unless 3 or more bottles/cans are purchased together.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Kivre Food Centre, 497-499 Cambridge Heath Road, London E2 9BU be **GRANTED in part**, with a condition.

Sale of Alcohol (off sales only)

- Sunday to Wednesday from 08:00hrs to 00:00hrs (midnight)
- Thursdays from 08:00hrs to 01:00hrs (the following day)
- Friday to Saturday from 08:00hrs to 02:00hrs (the following day)

Hours Premises is open to the Public

- No changes to current opening hours – 24hrs per day

Condition (only applied on the extra hour on Thursdays, Fridays & Saturdays)

1. The premise will not sell any beer, lager or cider that exceeds the strength of 6.5% abv or higher unless 3 or more bottles/cans are purchased together.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8pm.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee