

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 12 NOVEMBER 2013**

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

**Members Present:**

Councillor Ann Jackson (Chair)

Councillor David Edgar  
Councillor Joshua Peck

**Other Councillors Present:**

Nil

**Officers Present:**

Paul Greeno	– (Senior Advocate, Legal Services, Chief Executive's)
Michelle Terry	– (Legal Services)
Alex Lisowski	– (Licensing Officer)
Alan Ingram	– (Democratic Services)

**Applicants In Attendance:**

Mohammed Alam - Owner, Subway, 222 Brick Lane

**Objectors In Attendance:**

PC Alan Cruickshank - Metropolitan Police

**COUNCILLOR ANN JACKSON (CHAIR), IN THE CHAIR**

**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 17 October 2013 were agreed and approved as a correct record.

The minutes of the meeting of the Licensing Sub-Committee held on 29 October 2013 were deferred, following a query from Councillor Joshua Peck regarding the conditions that had been applied to the Premises Licence for Bethnal Green Working Men's Club.

**5. ITEMS FOR CONSIDERATION****5.1 Application for a New Premises Licence for Morrisons, 19 Leman Street, London E1 8EJ**

The Chair reported that this application had been withdrawn at the request of the applicant.

**6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT****6.1 Licensing Act 2003, Temporary Event Notice for Subway, 222 Brick Lane, London, E1 6SA**

The report relating to the request for Temporary Event Notices (TENs) at Subway, 222 Brick Lane, London, E1 6SA had been circulated to Members prior to the meeting under cover of a supplemental agenda, incorporating representations made by the Metropolitan Police.

The Chair indicated that she would allow a period of five minutes both for the applicant and objector to make their cases.

At the request of the Chair, Mohammed Alam, owner of Subway, 222 Brick Lane, London, E1 6SA, commented that a TEN had been granted for the premises by the Licensing Sub-Committee at a meeting during the previous week, for the period 15 to 17 November 2013. Whilst he appreciated this did not constitute a precedent, he was only seeking TENs for three consecutive weekends of 22 to 24 November, 29 November to 1 December and 6 to 8 December 2013. He agreed that anti-social behaviour (ASB) in the Borough needed to be tackled but the Council must avoid stifling small businesses and in any event the prime cause of ASB was due to alcohol sales. Preventing the sale of hot food and drinks would not help in that connection.

Mr Alam added that his premises would not attract new customers to the area and already sold cold sandwiches until 4.00 a.m. The only change requested was for permission to sell hot sandwiches and hot drinks, which he felt would actually reduce alcohol sales and consequent ASB. He was a responsible business-owner and would work with the Police to reduce ASB, at the same time investing in the Borough. The Police had stated that he had been flaunting the Licensing policy but he had been unaware of its requirements and had applied for a licence immediately he knew of these. He considered that the applications would have no negative impact on the Brick Lane area.

PC Alan Cruickshank, Metropolitan Police Licensing Officer, spoke in support of the representations that had been circulated objecting to the TENS application. He agreed that alcohol was the main fuel of ASB but hot food attracted people to the area and they would remain hanging around there. PC Cruickshank commented that a Police Officer had witnessed hot food being sold at the premises on 27 October 2013 at 00:10 hours, when there was no Late Night Refreshment Licence in place. Mr Alam had explained to the Officer that he had believed the planning permission for the premises of "A1 no restriction" meant that he could open whenever he wanted. However, this contradicted advice already given to Mr Alam by a Council Officer on 2 May 2013 in connection with the Subway premises at 6 – 25 Mile End Road, London.

PC Cruickshank stated that the Borough had adopted a Saturation Impact Policy for the Brick Lane area and the Police concerns reflected this. Hours of business open to 4.00 a.m. would have a negative impact on the licensing objective of public disorder and nuisance. He indicated that Brick Lane already suffered from levels of ASB second only to Westminster between 22:00 hours on Friday and 02:00 hours on Monday. The Police would object to any other such applications, despite the fact that similar permissions already existed, and he requested that the application for Subway be refused.

At the request of the Chair, Alex Lisowski, Licensing Officer, confirmed that a TEN for the premises had been granted by the Licensing Sub-Committee on 6 November 2013 and the Police had also objected to that application. With the permission of all present, he circulated information giving details of late night licences already in effect for premises in the vicinity of Subway but made the point that the Cumulative Impact Policy did not relate to TENS.

In response to questions from Members, the following was noted:

- § One test purchase had been made by the Police at Subway, 222 Brick Lane and one complaint by the public had been received with regard to Subway at Mile End Road.
- § Hot food seemed to attract people who had already drunk a lot of alcohol, although there had been no complaints yet about 222 Brick Lane. Drunk and disorderly incidents still occurred despite sales of fish and chips, etc.
- § The Subway owner would contact the Council for details of all appropriate regulations and would educate himself in this connection, as the Subway organisation did not provide such information.

Members retired to consider their decision at 7.00 p.m. and reconvened at 7.28 p.m.

### 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 carefully listened to both the applicant and the objector. Members had paid particular attention to concerns raised about anti-social behaviour whilst taking account of the fact that TENs were outside the terms of the Cumulative Impact Policy.

Although the decision had been finely balanced, Members felt that granting the TENs would add to anti-social behaviour and would have an adverse effect on the Licensing Objectives of "prevention of crime and disorder" and "prevention of public nuisance". They had, therefore, decided to accept the objection made by the Police.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for Temporary Events Notices for Subway, 222 Brick Lane, London, E1 6SA, be **REFUSED**.

The meeting ended at 7.30 p.m.

Chair, Councillor Ann Jackson  
Licensing Sub Committee