

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 26 NOVEMBER 2013

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor David Snowdon (Chair)

Councillor Marc Francis
Councillor David Edgar

Other Councillors Present:

Councillor Motin Uz-Zaman - Ward Member, Nisa, 9 Burdett Road

Officers Present:

Mohshin Ali - (Senior Licensing Officer)
Michael McCabe - (Legal Services)
Alan Ingram - (Democratic Services)

Applicants In Attendance:

John McCrohan - Sweet Point, 2 Montague Street
PC Mark Perry - Sweet Point, 2 Montague Street
Sandy Critchley - Sweet Point, 2 Montague Street
Robert Jordan - Agent, Nisa, 9 Burdett Road
Khuram Iftikhar Sahi - Manager, Nisa, 9 Burdett Road

Objectors In Attendance:

Mr Miah - Agent, Sweet Point, 2 Montague Street
Azizur Rahman - Premises License Holder, Sweet Point

COUNCILLOR DAVID SNOWDON (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.

Councillor Motin Uz-Zaman stated that he was present in his capacity as a Ward Member for the application for a new Premises Licence for Nisa, 9 Burdett Road, London, E3 4TU.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Sweet Point, 2 Old Montague Street, London, E1 5NG

At the request of the Chair Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a review of the Premises Licence for Sweet Point, 2 Old Montague Street, London, E1 5NG. He added that the review had been triggered by the Tower Hamlets Trading Standards and Licensing Service and was supported by Tower Hamlets Planning Service, the Metropolitan Police and local residents.

The Chair indicated that he would allow speakers 10 minutes for and against the application for review.

The Evidence

At the request of the Chair, John McCrohan, Trading Standards and Licensing Manager, addressed the meeting with regard to his statement as contained in the previously circulated agenda pack, adding that the premises had a chequered history and had been subject to action by Her Majesty's Revenue and Customs on a number of occasions, when non-duty paid cigarettes and alcohol had been seized. Test purchases had also resulted in an underage sale of a tobacco product to an underage person. Sale of alcohol to an already intoxicated person had also been witnessed. The premises was also within the Cumulative Impact Policy Zone (saturation policy) and was in the vicinity of Hopetown Hostel which housed vulnerable persons with alcohol problems. Mr McCrohan commented that the Licensing Authority had no confidence that the premises were being managed in a way that supported the Licensing Objectives. He requested that the Premises Licence be revoked. If the Sub-Committee chose not to do so, there should be a period of suspension plus the addition of conditions as set out in his report.

PC Mark Perry of the Metropolitan Police stated that the premises was in a key position in the Brick Lane area, which had the second highest level of anti-social behaviour (ASB) and associated offences in the metropolitan area. The Hopetown Hostel liaison group had also expressed concerns that hostel users were being sold super strength lagers at cheap prices. Street drinkers were also able to obtain credit at the shop and this contributed to ASB. The Police also had no confidence that the premises was being managed

appropriately and supported revocation of the licence, or the application of the conditions proposed by Mr McCrohan.

Ms Sandy Critchley indicated that she was speaking as a local resident and Chair of the Spitalfields Society and confirmed that the area was subject to high levels of ASB, which the Police were trying to reduce. She supported the review of the licence and felt that the efforts of the Police should be supported by revoking it. She agreed that the location of the premises comprised the main grounds for review, along with the sale of alcohol to vulnerable people from the hostel who were trying to get their lives back together. The premises had a very poor record for addressing the Licensing Objectives and had an adverse effect on ASB levels. She expressed the opinion that the licence should be revoked for these reasons.

Mr Miah, Solicitor for the Premises Licence Holder, agreed that the premises were located near a hostel with vulnerable clients but added that there were also many people walking around the area and this could not be attributed to the shop. He commented that revoking the Premises Licence would not help fulfil the Licensing Objectives as hostel clients would still create problems for local residents. The Sub-Committee should consider conditions so the Licence Holder could promote the objectives and he would agree to the conditions proposed, with some amendments. Suspension of the licence would simply transfer the existing problems to another location and move people closer to other premises nearby that also sold alcohol.

Mr Miah referred to the visits by H.M. Customs and the Licensing Service and stated that the Licence Holder had tried to fulfil his obligations and had refused to sell alcohol on other occasions when test purchases had been attempted. The establishment accepted that there had been other inappropriate alcohol sales, however, the person responsible had been dismissed and a fine had been paid. Revocation of the licence would not help with observing the Licensing Objectives and the Premises Licence Holder or Designated Premises Supervisor would always be in the premises and ensure that sales staff were properly trained. The conditions would be accepted but the CCTV records should be kept for 21, not 31 days. He concluded by saying that suspending the licence would only remove the issue for a short time.

The Chair then invited questions from Members and the following points emerged:

- § PC Perry stated that the fact the Police were called out by the shop showed that it was attracting problems. Offering high strength lager at low prices would attract drunken people and ASB would ensue. This was an inevitable result of the shop's actions and there had been no request for support in observing the Licensing Objectives until the licence was under threat. Other local shops did not require such a level of Police call-outs.
- § Mr Miah stated that CCTV cameras had been installed but had not been working. This was the first request for a review and it was time for the Premises Licence Holder and the Licensing Authority to work hand-in-hand. If alcohol sales were refused to anyone suspected of

being a hostel user, there would be many complaints. There had been refusals of sales to rough sleepers and it had been necessary to phone the Police as a result, as it was very difficult to manage such customers and it was not possible to move drunks away.

- § Mr Miah stated that a period of 21 days for CCTV record retention was requested because the premises was small and storage would be a problem. He felt that maintaining a refusals book with CCTV records was also a duplication of effort, although this would be accepted.

Members retired to consider their decision at 7.05 p.m. and reconvened at 7.20 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 the Chair stated that after careful consideration of all verbal and written evidence, the Sub-Committee had concerns regarding the licensing objectives of "protection of children from harm"; "crime and public disorder" and "public nuisance". This was due to the incidence of ASB arising from activities at the shop, sales to minors and non-compliance with the law in selling non-duty paid cigarettes and alcohol.

Decision

Accordingly, by a unanimous decision the Sub-Committee –

RESOLVED

That the application for a review of the Premises Licence for Sweet Point, 2 Old Montague Street, London, E1 5NG be **GRANTED** and the Premises Licence be **SUSPENDED** for a period of three weeks. In addition, the following conditions be applied:

- 1) The Designated Premises Supervisor or a Personal Licence Holder must be present on the premises when all alcohol sales are made.
- 2) The premises will not sell any beer, lager or cider that exceeds the strength of 5.6%abv or higher unless four or more bottles/cans are purchased together.
- 3) The Premises Licence Holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

- 4) The Premises Licence Holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration details, if applicable
- 5) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 6) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 7) Where the trader becomes aware that any alcohol may not be duty paid they shall inform the Police immediately.
- 8) The introduction of the 'Challenge 21' policy and 'No ID No Sale' policy which is supported with signage at all entrances and in the serving areas.
- 9) Only documents which include a photograph of the purchaser are acceptable to prove that person's age, e.g. passport, new style driving licence and only PASS-approved age cards, e.g. portman card, citizen's card.
- 10) A 'Refusals Book' is maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Licensee or the Designated Premises Supervisor should monitor the Log on a regular basis and sign it to show it has been done.
- 11) CCTV to be maintained in good working order with tapes to be kept for 21 days and to be made available upon request at 24 hours' notice to the Metropolitan Police and officers from the London Borough of Tower Hamlets who are authorised under the Licensing Act 2003.

4.2 Application for New Premises Licence for Nisa Local, 9 Burdett Road, Mile End, London E3 4TU

At the request of the Chair, Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new Premises Licence for Nisa Local, 9 Burdett Road, Mile End, London, E3 4TU. The application was for the sale of alcohol and the hours that had been applied for were:

Sale of Alcohol (on and Off sales)

Monday to Sunday from 08:30 hours to 23:00 hours

Hours premises are open to the public

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

Mr Ali added that the application had previously been submitted to the Licensing Sub-Committee on 16 July 2013 with the address '11 Burdett Road', when it had been refused.

The Chair indicated that he would allow speakers 5 minutes for and against the application.

The Evidence

Robert Jordan, Agent for the applicant, indicated that his client had agreed to additional conditions as set out in the report previously circulated with the agenda pack. He commented that the only objection had been made on behalf of the Burdett Road Business Association but he had no information on any meeting of that Association which may have been held to formulate an objection. He had no information as to how many businesses comprised the Association and pointed out that no representations had been made by Responsible Authorities.

Mr Jordan added that his client had been given poor advice and had been poorly represented at the meeting when the application had been refused and on that occasion there had been confusion over the address of the premises by the previous agent. There was no evidence to suggest that his client would not uphold the Licensing Objectives and no evidence that any harm would result. The Objector had premises at 27 Burdett Road and claimed to represent all nearby businesses but no others had written in.

The shop manager, Khuram Iftikhar Sahi, would be obtaining relevant qualifications and would ensure that staff would receive appropriate training before alcohol was sold. The applicant was a member of the Nisa organisation and would follow their code of practice for alcohol sales. 14 CCTV cameras were installed in the premises and there was no evidence not to grant the application.

Didhar Hussain, speaking in objection to the application, stated that the application for 11 Burdett Road had been refused as it was located in a high crime area frequented by street drinkers and drug dealers. He had started working with the Police two years ago and crime levels had reduced massively but there were still concerns relating to the location and there was a bus stop less than 20m. away that was used by primary and secondary school students. He had seen some recent examples of anti-social behaviour and any sales of alcohol in the area would trigger the same effects as there had been two years ago.

Following questions from Members, Mr Jordan stated that:

- § A fresh application had been made, rather than an appeal against the previous refusal, owing to wording used on that occasion by the former agent, which he felt was not conducive to appeal.
- § He confirmed that his client was prepared to accept the need for a UV duty stamp reader and to amend the start time for alcohol sales from 8.30 a.m. to 9.00 a.m.

In response to questions, Didhar Hussain expressed the view that alcohol sales would result in crime returning to the area as youths tended to hang around there and nearby residents did not want alcohol to be sold. Many old

people used the Post Office near the premises and would be put at risk by drinkers.

Members retired to consider their decision at 7.40 p.m. and reconvened at 7.46 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 the Chair stated that Members were always concerned about anti-social behaviour and had listened carefully to Didhar Hussain's submission. However, they had felt there was not sufficient evidence to refuse the application. They had also noted that the applicant had also accepted additional conditions proposed by the Sub-Committee.

Decision

Accordingly, by a unanimous decision the Sub-Committee –

RESOLVED

The the application for a new Premises Licence for Nisa Local, 9 Burdett Road, Mile End, London, E3 4TU be **GRANTED** with conditions.

Sale of Alcohol (On and off sales)

Monday to Sunday from 09:00 hours to 23:00 hours

Hours premises are open to the public

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

Condition

The trader shall obtain and maintain in working order a UV detector light to verify that duty stamps are valid.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 7.50 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee