

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 8 APRIL 2014

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Marc Francis
Councillor Peter Golds

Officers Present:

Paul Greeno – (Senior Advocate, Legal Services)
Andrew Heron – (Licensing Officer, Licensing Department)
Ian Moseley – (Trading Standards Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

PC Alan Cruickshank - (Metropolitan Police)

Objectors In Attendance:

Md Tonjob Ali - (Muhib)
Mr Elias Miah - (Muhib)

Apologies

Councillor Denise Jones

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no disclosable pecuniary interests.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 4th, 13th & 19th March 2014 were agreed.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Review of the Premises Licence for Muhib, 73 Brick Lane, London, E1 6QL

Mr Paul Greeno, advised Members that the Premises Licence Holder, Mr Tonjob Ali had agreed to the conditions requested by the Police.

PC Alan Cruickshank requested the Licensing Sub Committee to view CCTV evidence in relation to an incident which occurred on 8th September 2013 that related to the premises and then decide whether to impose a suspension as well as adding conditions.

Members considered the request however felt that the initial review had requested for conditions which had been accepted by Mr Ali and to now ask for a suspension would be unfair on Mr Ali without allowing an adjournment. Mr Ali advised that he did not wish for an adjournment and was content for the application to be considered at the meeting without an adjournment.

Members considered the application and noted that the Police had been negotiating with Mr Muhib about adding conditions to the Licence. Members also noted that the length of time taken from the date of the incident to the now was 8 months and they considered that the Police to now request suspension of the licence after such time was disproportionate.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Muhib Restaurant, 73 Brick Lane, London E1 6QL be **GRANTED with conditions**.

Conditions

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification with a 'head and shoulder' image of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time

stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations and comply with all legislation, including clearly displayed warning signs.

- A staff member from the premises who is 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

4.2 Application for a Variation of a Premises Licence for City Supermarket, 389 Cambridge Heath Road, London E2 9RA

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of premises licence for the City Supermarket, 389 Cambridge Heath Road, London E2 9RA. It was noted that objections had been made by the Metropolitan Police and Trading Standards.

It was noted that the Applicants were not present at the meeting and had not been in touch with Democratic Services to give their apologies. It was also noted that notification letters and agendas had been sent out to both business and home addresses.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police stated that there was a substantial residential population in Cambridge Heath Road and the surrounding streets. PC Cruickshank concluded that there were no other off licences in the immediate vicinity that had such late hours and such late hours applied for would have a detrimental effect on local residents and also increase the likelihood of further anti-social behaviour in the area.

Members then heard from Mr Ian Moseley, Trading Standards, who stated that the application demonstrated that the applicants had limited grasp of the requirements of all four licensing objectives. Therefore, Trading Standards Service opposed the extension of hours until such a time when the applicant can satisfy the Council that they meet the requirements of the licensing objectives.

There were no questions from Members.

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.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to PC Cruickshank and Mr Moseley submissions. Members had noted the concerns raised by Mr Moseley and accepted that the manner in which the applicant had completed that part of the application form requesting that they describe the steps that they intend to promote the four licensing objectives did not satisfactorily demonstrate to members that if the application was granted that the applicants would take steps to promote the Licensing Objectives. As the applicants had not attended, Members could not put questions to the applicant that could have shown that if the application was granted that the applicants would take steps to promote the Licensing Objectives.

Decision

Accordingly, the Sub-Committee made a unanimous decision –

RESOLVED

That the application for a variation of the premises licence for, City Supermarket, 389 Cambridge Heath Road, London E2 9RA be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 7.35 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee