

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 3 SEPTEMBER 2013

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

Members Present:

Councillor Ann Jackson (Chair)

Councillor Peter Golds
Councillor Denise Jones

Officers Present:

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

Applicants In Attendance:

Thomas Docker - (Golden Grill)
Michael Seddon - (Golden Grill)
Graham Hopkins - (Golden Grill)
A. Ender Cengil - (Golden Grill)
Hassan Miah - (Offie & Toffee)
Mustafa Has - (Offie & Toffee)

Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan 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. ITEMS FOR CONSIDERATION

4.1 Application for a Variation of a Premises Licence for Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of a premises licence for Golden Grill, 184 Hackney Road, London E2 7QL. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Anthony Hopkins, Applicants Representative, briefly explained that the variation application was for the removal of a condition from the basement only. It was noted that the premises had been transferred over to the applicants from previous owners and both the applicants had passed their personal licence courses and would be applying for their own personal licences and Mr Thomas Docker, Applicant would transfer over as the Designated Premises Supervisor.

He explained that both the applicants had previous experience, of working in bars and restaurants in Australia and in the UK. Mr Hopkins stated that the lease was signed over on 15 June 2013 and anything prior to that was not the responsibility of the applicants.

It was noted that regulated entertainment would not be used at the premises and only background music would be played. It was further noted that the applicants had no relations with the previous owner except for that of landlord and tenant. Mr Hopkins concluded that this was a new business and a new venture for the applicants, and were happy to upgrade their CCTV system, operate a challenge 21 policy and have SIA staff. He lastly mentioned that there were no residents, businesses or other responsible authorities objecting to this application.

Members then heard from PC Alan Cruickshank, Metropolitan Police who noted that there had been a transfer of the licence and had visited the premises since the transfer and had found the basement area closed. He stated that the current hours were excessive and the premises would become one of the longest operating bars in Hackney Road. It was noted that there would be one entry via the kebab shop on the ground floor. He also highlighted that by remaining open till late would attract anti-social behaviour and lead to crime and disorder.

In response to questions it was noted that the licence was transferred on 9th July 2013, that there was a separate entrance via the side of the premises which would be used to enter the basement and entry to the bar would not be via the kebab shop on the ground floor.

PC Cruickshank stated that he was not aware of this entrance by the side of the premises and therefore raised serious concerns about access and egress via this entrance, and the health and safety risks. PC Cruickshank wanted to

check with colleagues at the London Fire Authority to satisfy whether this entrance can be used for access and egress.

After careful consideration, Members agreed to defer this item for a future meeting in order to give PC Cruickshank time to visit the premises with officers from LFA and provide further information.

Decision

This item was deferred at the meeting as Members requested for further information from the Metropolitan Police and the London Fire Authority. It was agreed that this application would be considered by the Licensing Sub Committee on 17th September 2013.

4.2 Application for a Variation of a Premises Licence for Offie and Toffee (currently Station News) - 301 Cambridge Heath Road, London, E2 0EL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of a premises licence for Offie and Toffee, 301 Cambridge Heath Road, London E2 0EL. It was noted that objections had been made by the Metropolitan Police.

At the request of the Chair, Mr Hassan Miah, representative on behalf of the applicant explained that they wanted to extend the hours for the sale of alcohol. He stated that Sainsburys, and six other licensed premises in close proximity to the premises had extended hours for the sale of alcohol ranging between 2am to 24 hours. He stated that the applicant was happy to accept the conditions suggested by the Police and believed that in order to compete with local supermarkets he needed longer hours.

It was noted that test purchases had been done at the premises, where the applicant had refused to sell to underage persons, and had also assisted the police when they have required their external CCTV cameras in support for other incidents.

Mr Mustafa Has, Applicant stated that the area was rapidly developing, and nearby retailers having longer licences financially impacted on his business he said there had been no reports of anti-social behaviour as the premises was in a well lit area which deterred youth to congregate outside.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he referred to his representation contained in the agenda and stated that there should be consistency in the area and proposed that the applicant should get the same hours as Sainsburys, Monday – Sunday till 12 midnight. He stated that the area was a known hotspot for street drinking. He then referred to the input in his representation from Will Norman, from Thames Reach Charity who worked with local hostels.

PC Cruickshank concluded that if a licence is granted till 2am, it would lead to an increase in anti-social behaviour and would encourage street drinking and encourage rough sleeping. He stated that the hours should in line with Sainsburys and suggested conditions to help prevent crime and disorder and public nuisance.

In response to questions, it was noted that the store sold, confectionary, groceries, snacks, alcohol, oyster top ups etc. that the hours significantly impacted the store financially, and that new CCTV conditions would replace the ones currently on the licence.

Members were then given a list of all the licensed premises in the area and their licensed hours.

Members retired to consider their decision at 7.20pm and reconvened at 7.40pm.

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 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".

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 other local businesses did have a licence to sell alcohol up to a later time and therefore Members granted hours for sale of alcohol in line with the local supermarket. Members however had sympathy with Mr William Norman, Thames Reach and the users, therefore a condition was put in place 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 5.6% abv or higher.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Offie and Toffee, 301 Cambridge Heath Road, London E2 0ELbe **GRANTED in part**, with conditions.

Sale of Alcohol

- Monday to Sunday from 07:00hrs to 00:00hrs (midnight)

Hours Premises is open to the Public

- Monday to Sunday from 06:30hrs to 02:00hrs (the following day)

Conditions

Condition 1 (a-o) on annex 2 be removed and replaced with the following conditions.

- CCTV camera system covering both internal and external to the premises is to be installed.
- The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
- At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
- The premise will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Members agreed to extend the deadline for decisions by dates for the applications below to the hearing dates listed. This was in the public interest to do so in order for notification letters and agendas to be published in accordance with the statutory deadlines.

Premises	Hearing Date	Decision by
Tobacco Dock, 50 Porters Walk, London E1w 2SF	17/09	11/09
Square Pie, 105c Commercial Street, London E1 6BG	01/10	19/09

Premises	Hearing Date	Decision by
Kivre Food Centre, 467-499 Cambridge Heath Rd, London E2 9BU	01/10	26/09
Shahin, 74 Bow Road, London E3 4DL	17/10	26/09
Kings Arms, 11A Buckfast Street	17/10	03/10
Morrisons, 19 Leman Street, London E1 8EJ	29/10	23/10

The meeting ended at 7.45 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee