

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 4.45 P.M. ON WEDNESDAY, 6 NOVEMBER 2013

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Officers Present:

Kathy Driver – (Principal Licensing Officer)
Luke Elford – (Lawyer – Enforcement and Litigation Team)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Mr Mohammed Alam - (Subway)

Objectors In Attendance:

PC Mark Perry - (Metropolitan Police)

Mr Luke Elford, Legal Services, asked Members of the Licensing Sub Committee and both parties present for the application in consideration if they were in agreement to proceed with the meeting earlier than the scheduled meeting time of 5pm. All parties agreed and therefore the meeting commenced at 4.45pm.

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 Objection to a Temporary Event Notice for 222 Brick Lane, London E1 6SA

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a temporary event notice for Subway, 222 Brick Lane, London E1 6SA. It was noted that the Metropolitan Police had objected to the application.

At the request of the Chair, Mr Mohammed Alam, Applicant, explained that the application was for late night refreshments only. He stated 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 the licence to sell hot sandwiches and hot drinks, which he felt would actually reduce alcohol sales and anti-social behaviour. He did not think that by selling hot food would increase the current anti-social behaviour in the area.

Mr Alam stated that there was a need for Council to support local businesses. He mentioned that 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 once he had found out.

Members then heard from PC Mark Perry, who explained that Brick Lane was number one in the borough for high levels of anti-social behaviour. He stated that if the application was granted then this would undermine the public nuisance objective and increase crime and disorder and anti-social behaviour in the area. He further explained that people usually want hot food after consuming alcohol in clubs, bars, and pubs which then leads to nuisance and disorder and another late night premises hot food would attract people to the area and they would remain hanging around there till early hours of the morning.

PC Perry also pointed out that the applicant had traded outside opening hours, and was spoken to by the Licensing Section.

In response to questions from Members the following was noted;

- That the applicant currently didn't have a licence but could sell cold food and drinks until 4am.
- That the premise was opposite the 24 hour bagel shop in Brick Lane.
- The dates applied for the Temporary Event Notice were for the 15th-17th November.
- That the large queues outside the 24 hour bagel shop would possibly be split between the two premises and possibly attract more inebriated and drunk people to the area.

Members retired to consider their decision at 5.15pm and reconvened at 5.30pm.

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 temporary event notice. The Sub Committee noted both comments and representations from the Applicant and PC Perry and the difficulty which arises from the anti-social behaviour in the Brick Lane area.

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. However noted that the applicant had traded outside opening hours at a different premise he had owned.

Members stated that on this occasion they would grant the application to give the applicant the opportunity to prove himself as a responsible seller. However Members stated that any results from trading would be used against the applicant for future applications if any problems were to occur.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Subway, 222 Brick Lane, London E1 6SA be **GRANTED**.

The Provision of Late Night Refreshments

- 15th – 17th November 2013 from 23:00 hours to 04:00 hours

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 5.35 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee