

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 10.30 A.M. ON TUESDAY, 4 FEBRUARY 2014****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor David Snowdon (Chair)

Councillor Khaled Uddin Ahmed
Councillor Peter Golds**Officers Present:**Mohshin Ali – (Senior Licensing Officer)
Luke Elford – (Lawyer – Enforcement and Litigation Team)
Andrew Heron – (Licensing Officer, Licensing Department)

Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:Craig Baylis - (Private Members Club)
Robert Newmark - (Private Members Club)
Philip Doyle - (Lupita)
Kent Bowen - (Lupita)
Debra Silvester - (Best Star One)
Mr Pratheepan - (Best Star One)
Mrs Pratheepan - (Best Star One)**Objectors In Attendance:**PC Mark Perry - (Metropolitan Police)
Mohammed Abu Jahid - (Sajna)
Ali Akbor - (Sajna)
Stephanie Knowles - (Legal Representative)
Georgina Christou - (Resident)
Selina Misfud - (Resident)
Jon Shapiro - (Resident)**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 to Review the Premises Licence for Sajna Indian Grill Restaurant, 30 Osborn Street, London E1 6TD

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 reached a decision and the decision was unanimous. Members looked at all the powers available to them and decided to revoke the licence. This was on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

Members heard from the responsible authority that this restaurant was one of the worst offenders on Brick Lane. Members took into account of the fact that there have been two previous suspensions as well as a prosecution. Members heard from the Premise Licence Holder that "he needed to tout to maintain his business". This was in direct contravention of his premises licence and they had no faith that a suspension would have any effect.

Whilst Members note the Licensing Officer's point regarding control, this was not a reason not to request revocation in a case which clearly merited it.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the premises licence for, Sajna Indian Grill & Restaurant, 30 Osborn Street, London E1 6TD, be **REVOKED**.

4.2 Application for a New Premises Licence 'Private Members Club', First Floor, 19-23 Bethnal Green Road, London, E1 6LA

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 public nuisance" and 'the prevention of crime and disorder'.

The Sub Committee noted both comments and representations from the applicant and objectors. Members felt that the applicant demonstrated that there would not be a significant impact by the granting of this licence despite the location of the premises being within the cumulative impact zone. In this regard, the limited capacity was noted and that this premise was a separate undertaking to Beach Blanket Babylon and it would remain so. It was further noted that the terminal hour of 3am was too excessive and to maintain licensing objectives the hours should be the same hours as Beach Blanket Babylon.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Private Members Club, First Floor, 19-23 Bethnal Green Road, London E1 6LA be **GRANTED in part with conditions.**

Sale of Alcohol (On sales)

Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

The Provision of Late Night Refreshments (indoors)

Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

Hours premises are open to the public:

Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

Conditions

1. CCTV camera system covering both internal and entrance to the premises is to be installed.
2. 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.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
4. That the maximum capacity of the premises shall be for 180 people.
5. A drugs policy to be agreed with the Tower Hamlets Police Licensing Unit.
6. F696 to be completed if there are outside promoters or DJs.
7. The premises shall operate as a Private Members Club for use by members and their bona fide guests and for private pre-booked functions only.
8. There shall be rules of the Club for admission to membership. A list of all the names and addresses of the members of the Club shall be kept on the premises together with a book showing the names of any guests introduced by members and shall be produced on demand for inspection by any authorised Officer or Police Officer.
9. Substantial food and non-intoxicating beverages including drinking water shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
10. Members or their guests or those attending a private pre-booked function temporarily leaving the premises for the purpose of smoking shall not take any drinks of any kind with them outside the premises.
11. An incident log shall be maintained to ensure that any incidents are properly recorded and information on the incident log will be provided to an authorised officer or police officer on request.
12. A minimum of two SIA registered door supervisors shall be provided after 21:00 hours until closing time to monitor the behaviour of the members and their guests or those attending a private pre-booked function entering and leaving the premises.
13. No striptease, no nudity and all persons to be decently attired at all times.
14. The Designated premises Supervisor shall ensure that the highway and public spaces in the vicinity of the premises are kept free of the litter from the premises at all times.

- 15.No rubbish (including bottles) will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
- 16.Means of escape provided for the premises shall be maintained unobstructed, free from trip hazards and be immediately available and clearly identified at all times.
- 17.Notices will be displayed reminding members and their guests to leave quietly and respect the local residents amenity.
- 18.A dedicated taxi firm will be available to take members and guests away from the premises quickly and quietly.
- 19.Any member of staff at the premises shall seek credible photographic proof of age evidence from any guest of a member who appears to be the age of under 18 years and who is seeking access to the premises in order to purchase or consume alcohol on the premises.

4.3 Application for a Variation Premises Licence for Lupita, 60-62 Commercial Street, London E1 6LT

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

Members noted the amendments to the application offered by the applicant which were also accepted by the objectors. The variation application was therefore granted as follows;

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for, Lupita, 60-62 Commercial Street, London E1 6LT be GRANTED with Conditions.

Application applies to basement area only

Sale of Alcohol

Thursday from 23:30 hours to 01:00 hours (the following day)

Friday & Saturday from 00:00 hours (midnight) to 01:00 hours (the following day)

The Provision of Late Night Refreshments

Thursday from 23:30 hours to 01:00 hours (the following day)

Friday & Saturday from 00:00 hours (midnight) to 01:00 hours (the following day)

Hours premises are open to the public

Thursday from 00:00 hours (midnight) to 01:00 hours (the following day)

Friday & Saturday from 00:30 hours to 01:00 hours (the following day)

Conditions

1. The extended licence is to be exercised in respect of pre-booked parties only. Such parties to be recorded in a book which shall be made available for inspection by any responsible authority.
2. Last entry to the premises will at 23:00hours.
3. No takeaway food or alcohol to be served after 23:00 hours.
4. A refusals book to be maintained and kept on the premises.

Members expect that this premise would be operated primarily as a dining establishment to which drinking will be an ancillary purpose.

4.4 Application for a Variation of a Premises Licence for Best Star One, 23 Whitechapel Road, London, E1 1DU

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 refuse the application in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and "the prevention of crime and disorder".

The Sub Committee noted both comments and representations from the applicant's representative and the objectors. Members did not think it was appropriate or proportionate to grant the application as Members felt that they

had no confidence that the Premise Licence Holder would promote the licensing objectives as there had been a breach of the existing licence in relation to CCTV conditions and the premises was found to have been open beyond operating hours.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for Best Star One, 23 Whitechapel Road, London E1 1DU, be **REFUSED**.

The meeting ended at 1.15 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee