

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 10.40 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, Democratic Services)

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

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Sajna Indian Grill & Restaurant, 80 Osborn Street, London E1 6TD. It was noted that the review had been triggered by the Licensing Authority.

At the request of the Chair, Mr Andrew Heron, Licensing Officer explained that Sajna was one of the 2/3 premises who were repeat offenders for touting, he referred to his statement contained in the agenda and further explained that there had been 4 failed test purchases and there had been 16 complaints for this one premises which had been warned many times. It was further noted that the premise already had touting conditions on the licence which the Premise Licence Holder had complete disregard for as they were breached on a regular basis and had been fined and prosecuted for. Mr Heron mentioned that he had visited the Licence Holder many times to advise him of the breaches however it still continues to occur. He detailed some of the incidents of touting and concluded that to improve the management of the premises, Members were recommended to suspend the licence for a period of 4 weeks.

Members then heard Mr Ali Akbor, Director of the premises who stated that he was disappointed to be here again. He stated that the premise was fined £3000 for reports of touting. He mentioned that the restaurant was in a quite area and business was not doing so well and they had to work really hard to compete with restaurants in Brick Lane. He stated that the meet and greet staff had been told not to go on the pavement to speak to customers and to stay within the door. Mr Akbor concluded by stating that that it was a family business and that he had to tout for his business to survive and would have to continue touting to keep his business going.

The Chair questioned Mr Heron about why suspension was requested and not revocation. Mr Heron stated that the best way to control the premises and improve control of management was through the Licensing Act.

Members retired to consider their decision at 10.55am and reconvened at 11.10am.

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

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Private Members Club, First Floor, 19-23 Bethnal Green Road London E1 6LA. It was noted that there had been objections from local residents and the Metropolitan Police.

At the request of the Chair Mr Craig Baylis, Representative for the applicant stated that he was happy to accept the conditions proposed by the police on page 159 of the agenda, he stated that the objections were based on the premises downstairs. He explained that the Private Members Club was a separate premise, separate management and a separate business and referred Members to the conditions proposed on page 96 of the agenda.

It was noted that the club would only be for Members and their guests and for pre booked functions. That it was not for members of the public and people could not join on the day. That member's of the club would be known by name to management, and would pay an annual fee of £175. The premise would be used lunch meetings meeting clients, social events etc. Mr Baylis referred to the noise measurements contained in the supporting documents and explained that there had been a series of Temporary Events Notices which had caused no problems. He concluded that they were happy to accept the conditions proposed by the Police and accept to limit the premise capacity to 180 people and would charge a membership fee of £175.

At the request of the Chair, Ms Stephanie Knowles, spoke on behalf of Ms Georgina Christou, local resident who stated that the premises were connected to Beach Blanket Babylon (BBB) the premise downstairs as they shared the same Designated Premises Supervisor and also have the same director. She stated that the number of noise complaints were ongoing. It was noted that a successful review in 2008 meant that BBB had to reduce their opening hours from 3am to 1am.

Ms Knowles stated that the customers of BBB were rude, abusive to Ms Christou. She highlighted the impacts of the premises falling within the Cumulative Impact Zone and the fact that the current licensing conditions of BBB are not complied to. Ms Knowles concluded that if one guest can have up to three guests, the premises would have $\frac{3}{4}$ non-members and $\frac{1}{4}$ members, identification of all those present would be difficult. She requested that the application not be granted, however if Members were minded to grant the application, then they should reduce the hours and impose strict noise conditions.

Members then heard from PC Mark Perry, Metropolitan Police, supported the statement made by Ms Knowles. He briefly made reference to the cumulative impact zone and the fact that if the premise was granted late opening hours, it would attract people who would cause nuisance and disorder.

Members asked questions about the capacity of the premises, the types of functions that the premises would hold, how many members would be invited to join, and sought clarification on what the link to BBB was and details of the types of noise nuisance that occurred.

Members retired to consider their decision at 11.40am and reconvened at 12.10pm.

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

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Lupita, 60-62 Commercial Street, London E1 6LT. It was noted that objections had been made by local residents, Metropolitan Police and the Licensing Authority.

At the request of the Chair, Mr Philip Doyle, Licensing Agent, stated that he wished to amend the application to reduce the hours to 1am on Thursdays, Fridays and Saturdays and offered a number of conditions. It was noted that the reason for the extended hours was due to requests from customers and the hours applied for would be for small private parties for up to 50 people.

The objectors referred amongst themselves and accepted the amended application.

Members retired to consider their decision at 12.20pm and reconvened at 12.25pm.

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

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Best Star One, 23 Whitechapel Road, London E1 1DU. It was noted that objections had been made by local residents, Metropolitan Police and the Licensing Authority. It was noted that the representation from the Director of Public Health would not be considered as it did not directly relate to the premises.

At the request of the Chair, Debora Silvester, Licensing Representative stated that she wanted to amend the hours to reduce the hours to 3am Monday to Saturday and Sunday till 2am.

She stated that there had been a couple of test purchases at the premises and both had been successful. It was noted there were seven members staff, four of whom had personal licences. That staff had regular training and records were kept and would be available for inspection, that a challenge 25 policy was being operated and a refusal book kept and that there had never been any evidence of staff selling to underage children.

Ms Silvester stated that in 2012 alcohol was seized from the premises however all the bottles were returned as they were found to be genuine and they had documents available. She stated that the premises licence holder had firmly believed that the officers who turned up at the premises were suspicious as previously they had been scams where alcohol had been taken. It was further noted CCTV recordings were now programmed to be kept for 45 days and strict measures in place to have no children allowed after 10pm without an accompanied adult and would actively discourage and ban known street drinkers.

At the request of Chair, PC Mark Perry referred to the statement contained in the agenda explaining that the premises was in the middle of the saturation zone, and referred to the incidents which had occurred at the premises. PC Perry highlighted the Premises License Holder's challenging behaviour towards the Police. It was also noted that CCTV observations had shown that alcohol had been sold outside terminal hours. He also made reference to effect longer opening hours would have on the hostels nearby and that this would be the focal point for street drinkers and with people often found to be begging outside the premises and therefore there they may be temptation to sell to people who are intoxicated.

Members then heard from Jon Shapiro, local resident, who expressed concerns of anti-social behaviour, crime and disorder in the area.

In response to questions from Members it was noted that the premises was on the main road and there were many hostels nearby. That the Premises Licence Holder had been very aggressive towards Police when customs visit was undertaken and that alcohol had been sold outside licensing hours.

Members retired to consider their decision at 12.55pm and reconvened at 1.10pm.

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