

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 4 FEBRUARY 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Luke Elford – (Lawyer – Enforcement and Litigation Team)
Andrew Heron – (Licensing Officer, Licensing Department)
John McCrohan – (Trading Standards & Licensing Manager)

Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Anthony Edwards - (Subway)
Mohammed Alam - (Subway)
Sandy Critchley - (Resident)
Selina Misfud - (Resident)
Jon Shapiro - (Resident)
Leo Charalambides - (Counsel)
PC Brendon O'Rourke - (Metropolitan Police)
PC Mark Perry - (Metropolitan Police)

Objectors In Attendance:

Abdul Halim - (JB Food Store)
Md Shilu Chowdhury - (Cost Price)
Syham Sylvester - (Cost Price)
Helal Miah - (Low Cost Food & Wine)
Homaon Rashid - (Low Cost Food & Wine)

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 New Premises Licence for Subway, 222 Brick Lane, London, E1 6SA**

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 carefully listened to the applicant's representative and PC Mark Perry and decided to grant the application with conditions. Members believed that conditions imposed would alleviate the concerns raised by the Metropolitan Police and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Subway, 222 Brick Lane, London E1 6SA be **GRANTED** with conditions.

The Provision for Late Night Refreshments

Friday and Saturday, 23.00 hours to 04.00 hours (the following day)

Hours premises are open to the public:

Monday to Thursday, 07.00 hours to 23.00 hours
Friday, 07.00 hours to 04.00 hours (the following day)
Saturday, 09.00 hours to 04.00 hours (the following day)
Sunday, 09.00 hours to 22.00 hours

Conditions

1. CCTV camera system covering both internal and entrance to the premises is to be installed, covering head and shoulder shot and the immediate vicinity.
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.

4.2 Application for a Review of a Premises Licence for JB Food Store, 97b Brick Lane, London, E1 6SE

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 review application in part by adding additional conditions to the license 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".

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, JB Food Store, 97B Brick Lane, London E1 6SE be **GRANTED in part with conditions**.

Conditions

1. The premises will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
2. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
3. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.

4. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
5. The premises licence holder shall ensure that all receipts for goods bought include the following details
 1. Seller's name and address
 2. Seller's Company details, if applicable
 3. Seller's VAT details, if applicable
 4. Vehicle registration detail, if applicable
6. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
7. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
8. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
9. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4.3 Application for a Review of a Premises Licence for Cost Price, 41 Brick Lane, London, E1 6PU

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 review application in part by adding additional conditions to the license 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".

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Cost Price, 41 Brick Lane, London E1 6PU be **GRANTED in part with conditions**.

Conditions

1. The premises will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
2. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
3. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
4. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
5. The premises licence holder shall ensure that all receipts for goods bought include the following details
 1. Seller's name and address
 2. Seller's Company details, if applicable
 3. Seller's VAT details, if applicable
 4. Vehicle registration detail, if applicable
6. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
7. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
8. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
9. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4.4 Application for a Review of a Premises Licence at Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR

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 application by revoking the licence 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 both parties and listened carefully to all the evidence. The issue of the composition of the shop was of a red herring and Members were primarily considering the crime and disorder aspect of the review application.

The respondent accepted that the incidents took place. Members felt that they had no confidence in the current management and believed it to be appropriate and proportionate to revoke the licence as this premises licence holder had shown lack of compliance to legislation and licensing conditions. The Chair stated that imposing new conditions would not address the concern as the premises already had conditions which have been breached so therefore revocation was the only option available.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR be **REVOKED**.

4.5 Application for a Variation of Designated Premises Supervisor for Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR

In light of the decision in respect of item 4.4 above, the committee considered it had no option, but to refuse the application.”

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the Designated Premises Supervisor for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR be, **REFUSED**.

The meeting ended at 4.15 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee