

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 7 OCTOBER 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor Mahbub Alam

Officers Present:

Kathy Driver	– (Principal Licensing Officer)
Alex Lisowski	– (Licensing Officer)
Ian Moseley	– (Trading Standards Officer)
Michelle Terry	– (Legal Services)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Leo Charalambides	- Item 4.1
PC Brendan O'Rourke	- Item 4.1
Kazim Doldur	- Item 4.2
Dilek Doldur	- Item 4.2

Objectors In Attendance:

Frances Hoar	- Item 4.1
Azmal Mert Hussain	- Item 4.1

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Khaled Ahmed declared a personal interest on item 4.1 Application for a Review of the Premises Licence for Preem Restaurant and Balti House,

118-122 Brick Lane London E1 6RL on the basis that the Premise Licence Holder Mr Azmal Hussain was known to him in relation to separate legal proceedings currently being undertaken. However Cllr Ahmed confirmed that he had not had any discussion with Mr Hussain regarding this particular application.

At this point Mr Frances Hoar, Legal Representative for Mr Hussain, Premises Licence Holder for item 4.1 questioned whether Councillor Mahbub Alam had a declaration of disclosable pecuniary interest to make as he believed there may be some conflict of interest in relation to separate legal proceedings that his client Mr Hussain is related to and suspected that Councillor Alam was also related.

At this point the Chair adjourned the meeting.

The Chair reconvened the meeting and stated that based on the information which had just been laid before them in relation to Councillor Mahbub Alam having not declared an interest that he had provided a witness statement in relation to a separate legal matter relating to the objector for Item 4.1. Members carefully considered this information and the Chair made a decision that this application be deferred to a later date which would be confirmed by the clerk.

At this point Mr Leo Charalambides, Legal Representative for the Metropolitan Police expressed his concern and wished it to be noted that the Sub Committee had adjourned the meeting and had taken a decision to defer the consideration of the item without taking the opportunity to seek a view from the Applicants.

It was noted that the matter had not reached the agenda item in discussion and had been raised under Item 1 Declarations of Disclosable Pecuniary Interest and therefore in light of the information received the Sub Committee decided to defer the item.

2. RULES OF PROCEDURE

The Rules of Procedure were noted

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 2nd & 16th September 2014 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Review of the Premises Licence for Preem Restaurant and Balti House, 118-122 Brick Lane, London, E1 6RL

The Sub Committee decided to defer the consideration of this application to a later date.

4.2 Application for a Variation of a Premises Licence for Londis 88-90 Columbia Road, London, E2 7QB

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Londis, 88-90 Columbia Road, London E2 7QB. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Ms Dilek Doldur, translator on behalf of Mr Kazim Doldur, Applicant stated that Mr Doldur wanted to vary the premises licence for the sale of alcohol till later hours in order to meet customer demands, and to help with the business financially. She explained that most customers finish work late and wanted to buy their alcohol with their groceries and have often requested that the Applicant stay open till late in order for them to do so. It was noted that they do not sell to underage persons or those under the influence of alcohol or sell any form of drugs.

Members then heard from PC Brendan O'Rourke, on behalf of the Metropolitan Police, who clarified that he was not alleging that there had been underage sales or drugs being sold at the premises.

He stated that there had been correspondence between the Police and Mr Doldur's solicitor where conditions had been accepted except for the hours. PC O'Rourke then referred to the Police's representation contained in the agenda on pages 154-156 and detailed incidents that had taken place in relation to the premises it was noted that there had been an assault outside the premises which initially started in the premises as an argument. He also made reference to the fact that CCTV footage had not been supplied to the Police despite many requests made to the Applicant.

Members were then referred to photographs submitted by PC O'Rourke which evidenced litter and empty bottles of alcohol left in the park directly opposite the premises.

In response to questions the following was noted;

- That the empty bottles of alcohol shown in the photographs could be from other premises
- That staff were not allowed to download CCTV images as the Applicant believed that staff would delete images.
- That the Applicant asked the CCTV operating company to download the footage for the Police but he was told that the CCTV cameras were not working at the time hence why the Applicant was unable to provide CCTV footage to the Police.
- That the applicant was happy to accept the CCTV conditions proposed by the Police and would also keep recordings for 31 days.

- It was noted that the park opposite was open 24 hours and well lit in the evenings and not locked.
- That there was 1 full time staff and 7-8 part time staff working at the premises.
- That Columbia Road was a busy road and attracted crime and disorder and public nuisance exhausting police resources.
- Members were also provided with the hours for other licensed premises in the area.

Members retired to consider their decision at 7.50pm and reconvened at 8.20pm.

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 Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered the representation originally made, all the evidence before them and heard the representation at the meeting from the Applicant and the Metropolitan Police.

Members had reached a decision and this decision was a majority decision. Members believed that they had not heard sufficient evidence that this premises itself would contribute to public nuisance and crime and disorder in the area. Therefore the application was granted in line with the Council's framework hours for the sale of alcohol and operating hours as applied for together with conditions proposed by the Police.

Members noted that the Police Officer had conceded that he couldn't be sure that the bottles came from the premises and that there had been no evidence of underage sales. It was also noted that the failure to provide CCTV footage was not a breach of licensing conditions as the Applicant's current licence did not have CCTV conditions. Members felt that the conditions imposed would help promote the licensing objectives.

Decision

Accordingly, the Sub Committee –

RESOLVED

That the application for a variation for a premises licence for, Londis, 88-90 Columbia Road, London E2 7QB be **GRANTED** in part with conditions.

Sale of Alcohol (off sales only)

Monday to Thursday from 0800 hours to 23:30 hours
Friday and Saturday from 08:00 hours to 00:00 hours (midnight)
Sunday from 08:00 hours to 22:30 hours

Hours premises is open to the public

Monday to Sunday from 08:00 hours to 01:00 hours (the following day)

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for a minimum of 31 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 premises is open, a person who can operate the CCTV system must be present.
4. Use of an incident/refusal book.
5. The premises will not sell any beer, larger or cider that exceeds the strength of 6.5% abv or higher unless 3 or more bottles/cans are purchased together.
6. A personal licence holder is to be present from 21:00hours until closing time every day
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.30 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee