

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 16 DECEMBER 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 Mohammed Mufti Miah

Other Councillors Present:

None

Officers Present:

Philip Devonald	- (Interim Head of Legal Operations, Law, Probity and Governance)
Kathy Driver	- (Principal Licensing Officer)
Andrew Heron	- (Licensing Officer, Licensing Department)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Mike Nickson	- Item 4.1
Joseph Debono	- Item 4.1
Steven Tyler	- Item 4.1
Charles Chatterjee	- Item 4.3
Imran Ahmed	- Item 4.3
Bidhan Goshwani	- Item 4.3
Johirul Islam	- Item 4.4
Jubel Miah	- Item 4.4

Objectors In Attendance:

PC Alan Cruickshank	- Metropolitan Police
Matthew Piper	- Item 4.1
David Gadd	- Item 4.1
Jon Shapiro	- Item 4.1
Anthony Edwards	- Item 4.2
Daras Maih	- Item 4.2

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no apologies for absence.

2. RULES OF PROCEDURE

There were no declarations of disclosable pecuniary interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 23rd September, 21st October, 4th November (2pm & 4pm) and 18th November 2014 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for The Loove, 82A Commercial Street, London, E1 6LY**

It was reported to the Sub Committee that the statutory notice for the application had not been in place for the relevant period. Following submissions from the Applicant's solicitor/representative, Members agreed for the consultation process for this application to restart due to this administrative error and discrepancies with the consultation end date in order to ensure fairness to both sides and compliance with legal requirements.

Licensing Officer's to restart the consultation process for an application for a new premises licence for The Loove, 82a Commercial Street, London E1 6LY.

4.2 Application to Review the Premises Licence for Café Bangla - 128 Brick Lane, London, E1 6RL

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Café Bangla, 128 Lane, London E1 6RL. It was noted that the review had been triggered by the Licensing Authority and supported by the Metropolitan Police.

At the request of the Chair, Mr Kathy Driver, Principal Licensing Officer explained that on the evening of 20th July 2014 PC O'Rourke visited the premise investigating a breach of a licensing condition, the use of touts

offering inducements. Mr Daras Miah, Premises Licence Holder failed to operate the CCTV cameras.

It was noted that the Licensing Team then wrote to Mr Daras Miah on 3rd September 2014 requesting Mr Miah to apply for a minor variation to add a condition employing the wording of the best practice CCTV conditions produced by the Metropolitan Police. Unfortunately Mr Miah did not respond therefore a review was triggered along side this there was also history of crime and disorder and touting in relation to the premises.

Ms Driver referred Members to the witness statements and warning letters contained in the agenda and concluded that the Licensing Authority were seeking to amend the licence and add the CCTV conditions.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that touting was endemic and often leading to violence, crime and disorder and anti-social behaviour and that the use of CCTV cameras inside and outside the premises was an important tool in promoting the licensing objectives. He then referred to the police representation on pages 232-248 of the agenda which detailed all reported and recorded incidents, which clearly indicated that Mr Miah was failing to promote the licensing objectives.

He concluded that there was sufficient evidence to warrant a suspension of the premises licence in order to sort out management practice and put in place a robust operating system.

Members then heard from Mr Anthony Edwards, Legal Representative on behalf of the Premise Licence Holder, Mr Miah. He explained that they had no objection in adding the CCTV camera conditions in order to assist with prevention of crime and disorder and public nuisance, however did accept that they needed help making it easier to download images.

It was also noted from the Police statement that on two occasions Mr Miah was seen to be helping control a situation and offering to assist. Mr Edwards explained that the summer of 2013 was a bad time for Mr Miah he went away to Bangladesh between October 2013 – January 2014, when some of these incidents had occurred.

Mr Edwards explained that the culture and atmosphere of Brick Lane was different to others and that a meet and greet policy needed to be in place and that it needed cooperation from the Council to implement such a policy. It was also disputed the fact that Mr Shah Kamali worked for Café Bangla as there was no evidence.

In conclusion Mr Edwards stated that conditions should be imposed and there should be no suspension of the premises licence as there have been no complaints from the public. He questioned why the police had not brought their own review as the Licensing Authority only wanted conditions to be imposed. He also stated that a suspension would mean a 'bring your own policy' would be in affect and therefore alcohol would not be regulated. He

stated that Mr Miah had a better understanding of the licensing objectives and that it would be disproportionate to suspend the licence.

In response to questions the following was noted;

- That Mr Miah disputed the fact that he showed aggression towards Police Officers.
- That Mr Miah needed training to operate the CCTV system.
- That there should be a meet and greet policy in place.
- That those premises that didn't have licences, Touting bye laws would apply and Licensing Authority were also looking at closure powers.
- That Mr Miah questioned the fact that a Police Officer in their witness statement had stated that Mr Miah was present during an incident when this could not have been possible as he was on curfew and therefore at home at that particular time.
- It was noted that Mr Miah was known to PC O'Rourke and he believed to have identified him correctly from CCTV footage.
- That due to all these incidents, Mr Miah was going to put the premises up for sale.
- That there had been no complaints from the public.
- That Mr Miah had been previously arrested in relation to violence.
- That although Mr Miah was out of the country for a period it was still his responsibility to manage the premise and arrange for adequate cover.

Members retired to consider their decision at 3.20pm and reconvened at 3.25pm.

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 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 all of the evidence before them and had heard representation from all interested parties.

Members reached a decision and the decision was unanimous. Whilst making the decision Members had regard to section 51 of the Licensing Act 2003 and paragraph 11 of the statutory guidance relating to reviews. The Chair stated that in light of the evidence provided and breaches of the premise licence conditions in relation to touting which is in itself was a criminal offence, Members felt that it was appropriate and proportionate to suspend the premises licence for the maximum period of 3 months.

The Chair stated that it was the Sub Committee's view that there were clear problems of crime and disorder and therefore felt it was necessary and proportionate to suspend the licence and add CCTV conditions in order to reorganise and improve the management of the premises. The Chair also suggested that the Premises Licence Holder work closely with the Police and Licensing Services to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Café Bangla, 128 Brick Lane, London E1 6RL be **GRANTED** with a suspension of the licence.

Suspension

Three month's suspension, with effect from the date of the meeting. (the commencement date for suspension, to be detailed, in the decision notification letter)

Conditions

1. CCTV camera system shall be installed at the premises. One camera be placed outside the entrance and one on entry to the premise
2. The CCTV system shall incorporate a recording facility and recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.
3. CCTV to be maintained in good working order.

4.3 Application for a New Premises Licence for Khushbu - 74 Whitechapel High Street, London, E1 7QX

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for

Khushbu, 74 Whitechapel High Street, London E1 7QX. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair Mr Charles Chatterjee, Counsel for the Applicant stated that there may have been a misunderstanding as they were only applying for the provision of late night refreshments and not for the sale of alcohol.

He stated that there would be no negative cumulative impact in the area and this was a mere assumption made by the Police and there was no evidence to confirm this assumption. He explained that this premises was not in a residential area and there had been no representations from local residents. He further explained that there had been no incidents reported to the Police and CCTV cameras were installed and functional.

Mr Chatterjee stated that the applicant wanted late night refreshment hours for customers to enjoy soft drinks and quality food. He stated that there would be no takeaways, and no alcohol.

Members then heard from PC Alan Cruickshank, he agreed that there were no complaints from residents or police but this was because there was currently no licence. He stated that a Saturation Policy/ Cumulative Impact Policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of anti-social behaviour calls and the potential for disorder. It was also noted that one more late night opening venue would only compound the problems in the area as a 4am licence was extremely excessive.

PC Cruickshank concluded that the applicant was aware of the cumulative impact zone, however had noting in his application to promote the licensing objectives. PC Cruickshank stated that he was objecting to the late hours applied for and suggested that a midnight closing time on Friday and Saturday would be more appropriate.

In response to questions the following was noted;

- That the hours applied for were to mirror the previous premises licence.
- That there had been no complaints over the 7/8 years the premises had a licence.
- That the previous licence was till 5am.
- That the premise was approximately 100 meters from Brick Lane.
- That the applicant was happy to employ door staff to alleviate concerns.
- That the premises had CCTV cameras installed.
- That granting a licence till 4am would set a precedent for other premises in the area.
- That there had been no incidents of crime and disorder associated with the premises.

Members retired to consider their decision at 4.00pm and reconvened at 4.05pm.

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 after careful consideration the Chair stated that the Sub Committee had carefully listened to the Applicant's representative and PC Alan Cruickshank and decided to grant the application with a reduction in hours and CCTV conditions. Members believed that reduced hours and 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, Khushbu, 74 Whitechapel High Street, London E1 7QX be **GRANTED** with conditions.

The Provision for Late Night Refreshments

- Friday and Saturday, 23.00 hours to 02.00 hours (the following day)

Hours premises are open to the public:

- Sunday to Thursday, from 11.00 hours to 23.00 hours
- Friday and Saturday from 11.00 hours to 02.00 hours (the following day)

Conditions

1. CCTV camera system is to be installed.
2. The CCTV system shall incorporate a recording facility and recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for

any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

(one camera be placed outside the entrance and one on entry to the premise)

3. No takeaway orders during the late night refreshment hours.

4.4 Application for a New Premises Licence for Royal PFC - 178a Whitechapel Road, London, E1 1BJ

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Royal PFC, 178a Whitechapel Road, London E1 1BJ. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Johirul Islam, Applicant, explained that he had taken over the business 3 months ago, he explained that there was a previous premises licence for late night refreshments. He continued to explain that the premise was situated right outside the Royal London Hospital and close proximity to transport links. It was also noted that there was a bar/pub next to the premises which had late opening hours.

Mr Islam explained that it was hospital staff and patients that had requested him to stay open till late. Mr Islam explained that there was no previous history of public nuisance or crime and disorder linked to the premises, that it was a well lit area and there were other late night venues in and around the area. He concluded that later opening hours would help him maintain his business.

Members also heard from Mr Jubel Miah who said that he had 4 years of experience working at the premises itself and had experience of dealing with intoxicated people. He said that the majority of the customers were hospital staff and patients and later hours would allow them the flexibility of staying open late to help provide a service and not breach any conditions.

Members then heard from PC Alan Cruickshank, he explained that the hours applied for were excessive and the Applicant should consider a 1am closing time, that there were low level anti-social behaviour from people leaving the bar/pub close by and a later opening hour would increase the demand of police officers, litter and noise in the area.

In response to questions the following was noted;

- That the Applicant had accepted the conditions proposed by the Police.
- That the main customers of the premises would be hospital staff and patients.

- The opening hours of other premises in close proximity were also noted.

The Chair asked both parties if they were happy with the following hours for the provision of late night refreshments; Sunday to Thursday till 00:30 hours and Friday and Saturday from 01:30 hours. These hours were the same hours as a similar business in the area which was of close proximity. Both parties confirmed they were happy to agree to the late night refreshments hours as mentioned.

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 after careful consideration the Chair stated that the Sub Committee had decided to grant the application with a reduction in hours and conditions proposed by the Police. The reduction in hours was in line with other similar premises in the area and agreed by the Applicants and the Police. The imposing of the conditions would also address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Royal PFC, 178a Whitechapel Road, London E1 7BJ be **GRANTED in part with conditions**.

The Provision for Late Night Refreshments

- Sunday to Thursday from 23:00 hours to 00:30 hours (the following day)
- Friday and Saturday, 23.00 hours to 01.30 hours (the following day)

Hours premises are open to the public:

- Sunday to Thursday, from 11.00 hours to 00.30 hours
- Friday and Saturday from 11.00 hours to 01.30 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 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present them on request by a police officer or other responsible authority.
4. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.
5. Signs to be prominently displayed both inside and outside asking customers to respect local residents and to be quiet when leaving the premises.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee