

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 2 JUNE 2015

**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 Amina Ali

Apologies

None

Officers Present:

Alex Lisowski	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Vivienne Walker	- (Senior Prosecution Lawyer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

PC Alan Cruickshank	- (Item 4.2)
Kitty St Aubyn	- (Item 4.2)

Objectors In Attendance:

Abdul Hasib	- (Item 4.1)
Abdul Rab	- (Item 4.1)
David Dadds	- (Item 4.2)
Abdul Ahad	- (Item 4.2)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for A1 Brady News, 59 Brady Street, London, E1 5DW

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for A1 News, 59 Brady Street, London E1 5DW. It was noted that the review had been triggered by Trading Standards.

At the request of the Chair, Mr Ian Moseley, Trading Standards Officer explained the concerns which led to the review. Ms Moseley explained that there were concerns of underage sales and records showed that there had been a number of breaches of legislative requirements at the premises. Including underage sales of tobacco and alcohol and possession of non-duty paid cigarettes and suspected counterfeit wine.

It was also noted that the shop was closely situated next to a school and that the school had banned the children from going to the shop. He said that Mr Abdul Rab, Premises Licence Holder, had accepted the conditions proposed but Mr Mosely wanted the Sub-Committee to apply these conditions on to the licence and consider whether a suspension was necessary.

Members then heard from Mr Abdul Hasib, representative on behalf of Mr Rab, he said that Mr Rab has not sold to underage children and have agreed to all conditions proposed by Trading Standards and that all CCTV cameras were in working order. He explained that there was a lot open space surrounding the shop which therefore attracted children to loiter outside and cause anti-social behaviour.

In response to questions it was noted that there were CCTV cameras both inside and outside the premises. That the DPS has changed and all conditions have been complied with. It was also noted that Trading Standards currently had no concerns.

Members retired to consider their decision at 6.50.pm and reconvened at 7.10pm.

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 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 both interested parties with particular regard to the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

Members noted the Premise Licence Holder/Designated Premises Supervisor's efforts in alleviating the concerns by agreeing to the conditions proposed by Trading Standards. Members also noted that Trading Standards were satisfied that the conditions would be met and that there were no concerns at the moment and therefore suspension was not appropriate.

Therefore Members decided to grant the review in part by adding conditions to the licence which would help promote the licensing objectives.

Members urged the Premise Licence Holder to ensure that all staff are regularly trained and that no underage sales are made.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the review application for, A1 Brady News, 59 Brady Street, London E1 5DW be **GRANTED in part** with conditions.

Conditions

1. No sales of alcohol to take place unless a persona/licence holder is present on the premises.
2. 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.
3. The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Sellers VAT details, if applicable
 - iv. Vehicle registration details, if applicable
3. Legible copies of the documents referred to above shall be retained on the premises and made available to authorised officers on request.
4. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

4.2 Application to Review the Premises Licence for Muhib Indian Cuisine, 73 Brick Lane, London E1 6QL

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Muhib Indian Cuisine, 73 Brick Lane, London E1 6QL. It was noted that the review had been triggered by the Metropolitan Police and supported by local residents.

The Chair adjourned the meeting at 7.20pm to view CCTV footage submitted by the Police. It was confirmed that the CCTV footage had been served to the premises licence holder. The Chair reconvened the meeting at 7.40pm.

Mr David Dadds, Legal representative for the Premise Licence Holder highlighted the fact that supporting documents submitted by the Police were served very late. Mr Dadds explained that requests for this information was made months ago.

At the request of the Chair, Ms Kitty St Aubyn, Counsel representing the Metropolitan Police explained that the Premise Licence Holder had failed to promote the licensing objectives of crime and disorder and public safety. She explained that there had been two incidents of serious crime and disorder at the premises and therefore believe the licence should be revoked. Ms St Aubyn went on to explain in detail the two incidents which took place at the premises in September 2013 and in December 2014. She highlighted the fact that on both occasions staff were fighting with customers and both times weapons were used.

Ms St Aubyn referred to page 114 of the agenda and continued to detail the history of the premises and its various licence holders. It was noted that Mr Ahad was an a previous Premise Licence Holder from 2007 then transferred over to Mr Elias Miah in November 2012 following a review hearing in November 2011 when Members of a Licensing Sub Committee made a decision to suspend the premises licence for three days and added touting conditions. She explained that since the current review had been triggered, an application to transfer the licence to "Copper Chimney (London) Limited" has been received, the company director being Mr Abdul Ahad who has been a licence holder previously as mentioned above.

It was noted that the review had been triggered because of the shocking incident on 13th December 2014 where a fight broke out in the premises between staff and customers, and as seen in the CCTV footage, staff used chairs and glasses as weapons. It was noted that the victims suffered head injuries and a broken finger. It was also noted that staff left the premises immediately evading cooperating with the police.

Ms St Aubyn explained that the CRIS report detailed the injuries that were reported and from the CCTV footage it showed that it was an unprovoked act, with members of staff inflicting harm on customers.

It was noted that there were similarities between the incident in September 2013 and in December 2014 where staff were seen to be inflicting pain to members of the public, showing aggression and acting together like a gang as managers watch passively and in both occasions evading assisting police.

There was also mention that there were allegations that staff at the premises caused harassment to another premise in Brick Lane. There were also concerns from local residents as the premises was in the cumulative impact zone. In conclusion Ms St Aubyn said that members of public suffered injuries, these failures were under the current management who was unsuitable to hold a premises licence and therefore urged Members to revoke the licence.

Members then heard from Mr David Dadds, Legal Representative acting on behalf of Mr Ahad, Premise Licence Holder. He began by stating that the supporting evidence submitted by the Police was received late. He stated that the two incidents were over a year apart. He also said that the premise was transferred to Copper Chimney on 15 January 2015.

It was noted that the business was sold and taken on fresh by Mr Ahad and there had been no objection when the licence was transferred over in January 2015

Mr Dadds said that Mr Ahad had assisted the police and provided CCTV footage. He said that the previous incident (September 2013) should not be taken into account as a review was triggered and matters were resolved at a previous hearing. It was noted that it was a different Premise Licence Holder and a different business. He said that there has not been a formal investigation into the incident and no one had been to the premises to take an account from staff as to what had happened.

Mr Dadds explained that the customers had brought in their own alcohol and had it under the table, when staff noticed this, they had been told that they were not allowed to bring their own drinks/alcohol to the premises and then through altercations the incident occurred. He said that staff acted in self-defence and that the police had never asked staff for their account of the event.

After the incident they closed the premise and left, he highlighted that not one member of staff was interviewed, cautioned or arrested. He highlighted that management had recently conducted staff training on conflict management. It was noted that the civil issue of alleged harassment should not be of any relevance to this hearing.

He concluded that the staff were confronted with customers bringing alcohol on the premises who then got aggressive and then later ejected. It was noted that the police also confirm on page 159 that the victims were aggressive. He

said it was managed properly, and the victims were ejected lawfully and no member of staff had been prosecuted or arrested.

In response to questions the following was noted;

- That apart from the review the police undertook interviews, however staff had left the premises when police arrived and the victims did not want to pursue the complaint as they lived abroad.
- That the evidence of the incident in September 2013 had been reproduced as it puts the recent incident in December 2014 into prospective and shows similarities as a repeat incident and can be seen as a pattern emerging.
- That there was a police investigation into the incident in September 2013
- That staff have now been trained in conflict management
- That staff who were involved in the incident no longer worked at the premises, there was new members of staff and new management.
- That staff using weapons to inflict assault and staff joining in was highly inappropriate.
- Mr Ahad's history with the premise was noted
- That all the current members of staff were new.
- That it was necessary to revoke the licence as Police did not accept that the current staff were new. As a list of staff was never given during or after the incident.
- That it was concerning that training on Conflict Management was needed for staff.
- That key members of staff were trained to keep order and manage customers.
- That after the incident the premises was shut for 2-3 days and new staff had been hired during this transition period.
- That there were similarities between the incident in September 2013 and in December 2014.
- That the current Premises Licence Holder was not involved in the incident in September 2013.
- That there has not been a formal police investigation into the incident in December.
- That management have addressed the concerns by providing training to staff.

The Chair invited both parties to give a brief summation of their cases.

Members retired to consider their decision at 8.15pm 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 after careful consideration the Chair stated that Members considered detailed verbal and written evidence in view of the Licensing Act 2003, Home Office Guidance and Licensing Objectives in relation to the prevention of crime and disorder and public safety. Members also viewed CCTV footage supplied by the Police.

Members found that the incident in September 2103 had already been subject to a review and resolved and therefore not relevant to this review. Members also did not consider Mr Ahad's, Premise Licence Holder, previous convictions relevant as it was relating to touting and not subject to this review and was related to a different premises. The Chair stated that there were a lot of irrelevant information submitted by the Police, including the civil matter mentioned in the agenda.

However, the incident in December 2014 was of great concern and Mr Ahad had confirmed that he was in the process of transferring the licence and indeed attended after the incident and accepted that it was his responsibility. Regardless of this Members found it wholly inappropriate and dangerous to use chairs and glasses as weapons and staff rushing into fight was also very worrying as serious injuries were sustained. It was also concerning that no manager was visible during the incident and as Mr Ahad himself said the manager was frightened and tried to leave.

Members acknowledged that training had been conducted but noted this was in April 2015, several months after the incident. Members recognised that there was new management and new staff in place and therefore felt that revocation was not reasonable or proportionate. Therefore Members decided to suspend the premise licence for all licensable activities for 12 weeks to allow time to put improvements in place and promote the licensing objectives of crime and disorder and public safety.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the review application for Muhib Indian Cuisine, 73 Brick Lane, London E1 6QL be **GRANTED in part**.

Suspension

Twelve weeks suspension for all licensable activities (suspension to commence once decision notice is served).

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

**6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR TOWPATH BY
CANAL GATE, VICTORIA PARK, LONDON E3**

This item was withdrawn as objections had been resolved.

The meeting ended at 9.15 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Sub Committee