

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 4.00 P.M. ON TUESDAY, 4 NOVEMBER 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 Rajib Ahmed

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Philip Devonald – Interim Deputy Head Legal Services, Law, Probity
and Governance)
Kathy Driver – (Principal Licensing Officer)
Ian Moseley – (Trading Standards Officer)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

James Anderson - (Item 3.1)
Ed Turner - (item 3.1)
Ranu Miah - (item 3.1)
PC Mark Perry - (item 3.3)

Objectors In Attendance:

PC Alan Cruickshank - (Item 3.1)
Steve Cousins - (Item 3.1)
Michael Myers - (Item 3.1)
Jon Shapiro - (Item 3.1 & 3.2)
Jessica Wild - (Item 3.2)
Benjamin Burge - (Item 3.3)
Gurnaib Brar - (Item 3.3)
Somesh Dhaka - (Item 3.3)

Apologies

None

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. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for The Grocer, 4 Crispin Square, Crispin Place, London, E1 6DW**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Grocer, 4 Crispin Square, Crispin Place, London E1 6DW. It was noted that there had been objections from local residents and the Metropolitan Police.

At the request of the Chair, Mr James Anderson, Licensing Representative on behalf of the Applicant asked to amend the application to include a 20 minute drinking up time within the hours applied for.

Mr Anderson noted the Cumulative Impact Zone and the remits of the Policy and was aware this was against the introduction of new premises licences. However he explained that there was already an existing premises licence for this venue and therefore was not adding a new premises licence but merely replacing an existing licence.

It was noted that this was a different style of business and not a like for like application as the venue was a currently a restaurant. It was noted the application was for a public house with a strong emphasis on food.

Members were shown maps and photographs of the premises and explained that there would be little change to the plans except for an introduction of a new outside seating area called the northern terrace, having a capacity of 60 seats giving customers more opportunity to sit. He also referred to the noise impact report which considered that there would not be a significant noise impact arising from the change in use.

Members then heard from Mr Ed Turner, Applicant, who explained that he was in the process of applying for planning permission for the change of planning use from a A3 premises to A4 premises and was looking to run a good well managed company. He explained that he had invested a lot of money into the premises and would not want to jeopardise relations with local residents. He explained that It was not an entertainment venue or live music venue but would be selling good drinks and good food, and together with his 19 years of experience in the industry he was confident that it would benefit the community.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police explained that Crispin Place and the surrounding area was already very busy in terms of licensed premises and if this licence was to be granted it would be the first public house inside the market area. It was noted that pubs attract more people who are specifically there for drinking alcohol although some will also consume food. It was further noted that the saturation policy was intended to reduce the number of vertical drinking establishments in the CIZ. Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises in relation to pubs would only compound the problems in the CIZ. This would also give potential rise to crime and disorder and noise nuisance from the seating area outside.

PC Cruickshank's view was to refuse application, however if Members were minded to grant the application, he suggested that conditions be placed on the licence.

Members then heard from Steve Cousins, Michael Myers and Jon Shapiro, local residents who shared similar concerns that another licensed venue in the area would increase anti-social behaviour, attract more young drinkers, increase noise nuisance and public nuisance associated with drinking establishments. It was also noted that the previous landlords had stated that there would be no pubs inside the market area.

In response to Member's questions the following was noted;

- That the reason for the change of planning use from a restaurant to a Pub was because the landlord wanted a variety of venues in the area.
- That the operator had 19 years of experience in this particular trade and altogether had 39 licensed premises across London.
- That there were CCTV cameras inside and outside the premises, that there would be regular training for staff and waste and rubbish would be removed and the area cleared by 11pm each day.
- That there had been no objection from Environmental Health.
- That the closest residential dwelling was directly opposite the premises.
- The current premises licence hours were also noted.

In conclusion Mr Shapiro stated that key issues of objection were that it was within the Saturation Zone and that a new pub licence should not be allowed in the CIZ area.

Mr Anderson concluded that this was an opportunity for the area, a balanced licence with lots of seating making vertical drinking a minimum, that quality drinks would be sold with quality food and envisaged to do all this without causing problems to local residents. He also stated that the Applicant would be happy to work with local residents to help address their concerns.

Members retired to consider their decision at 4.45pm and reconvened at 5.00pm.

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 representations from the Applicant's representative, the Applicant and objections from PC Alan Cruickshank and local residents.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted how the Applicant had agreed to various conditions prior to the meeting to address the concerns of residents and the responsible authority.

It was noted that the Police objection related to the premises being in the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation is made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone.

Members reached a majority decision and the decision was to grant the application with conditions. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done everything they could to mitigate further impact within the cumulative impact zone and Members were content that the additional conditions imposed in relation to off sales, restrictions on the use of the outside areas and allowing drinking up time would further help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee –

RESOLVED

That the application for a New Premises Licence for, The Grocer, 4 Crispin Square, Crispin Place London E1 6DW be **GRANTED with conditions**.

Sale of Alcohol (on sales only)

Monday to Saturday from 10:00 hours to 22:30 hours

Sunday from 10:00 hours to 21:30 hours

Hours Premises is open to the Public

Monday to Saturday from 10:00 hours to 23:00 hours

Sunday from 10:00 hours to 22:00 hours

Conditions

1. There shall be no off sales
2. There shall be no customer use of the northern terrace after 20:00 hours on any day (The northern side is all areas north from the main entrance doors as detailed on the map)
3. There shall be no customer use of the southern terrace after 22:00 hours on any day (The southern side is all areas south from the main entrance doors as detailed on the map)
4. Whenever the premises are open for licensable activities then the following minimum number of seats will be maintained:-
 - a. In the north patio area- 40
 - b. In the south patio area- 60
5. Waiter/waitress service will always be available in the whole of the premises.
6. The CCTV system shall incorporate a recording facility and any 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 .

7. An incident log shall be kept at the premises and made available on request to an Authorised Officer of the Local Authority or the Police which will record the following :-
 - a. All crimes reported to the venue.
 - b. All ejections of patrons from both inside and outside the premises.
 - c. Any complaints received concerning crime and disorder.
 - d. Any complaints received from any local residents or

Residents' Association in relation to the premises.

- e. Any faults in the CCTV system.
 - f. Any refusal of the sale of alcohol.
 - g. Any visit by a Responsible Authority.
8. Substantial food will always be available whenever the premises are open to the public.
 9. The premises will if invited to do so meet with the local Residents' Association promptly to discuss any concerns in relation to the operation of the premises.
 10. The Premises Licence Holder and Designated Premises Supervisor will be responsible for training of all staff who have direct dealings with customers on the following :-
 - a. Licensing law and in particular that relating to the sale of alcohol.
 - b. The Challenge 21 Policy.
 - c. The Premises Licence and its conditions.
 - d. The management of the outside areas and how to encourage, if necessary, good and quiet customer behaviour.
 - e. Vigilance in relation to security inside the premises and in particular relating to customers' personal possessions.

This training will be recorded and will be refreshed every 6 months and records will be available to the Authorised Officer of the Council and Police.

11. The Designated Premises Supervisor, management and staff will be responsible for managing the outside areas and if necessary will encourage customers to be respectful of the presence of local residents.
12. Notices reminding customers to be respectful of local residents and to be quiet when leaving the premises will be displayed at the exit of the premises.
13. A Challenge 21 Policy will be operated at the premises in relation to the sale of alcohol.
14. Any music emanating from the premises must not be audible at the nearest affected facade.
15. No music is to be played in the outside area.
16. Loading and unloading shall be restricted to:

Monday to Friday (08:00hrs- 18:00hrs)
Saturday (08:00hrs to 13:00hrs)
Not at all on Sundays and bank holidays.

17. The area outside and around the immediate vicinity of the premises will be cleared and maintained in a clean and satisfactory state.

3.2 Application to Review the Premises Licence for Sweetpoint, 2 Old Montague Street, London, E1 5NG

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Sweetpoint, 2 Old Montague Street, London E1 5NG. It was noted that the review had been triggered by Trading Standards and supported by Licensing Authority, Metropolitan Police and Local Residents.

At the request of the Chair, Mr Ian Moseley, Trading Standards explained that this premise had been subject to a previous review relating to instances of contraband goods being found on the premises, sales of age-restricted goods to underage persons and an observed sale of alcohol to an intoxicated person. As a result of that review the licence was suspended.

It was noted that on 23rd and 24th May 2014 the premises was visited and the Premises Licence Holder (PLH) was found to be in possession of a small amount of contraband tobacco on each occasion. Again on 19th August 2014 officers searched the premises and resulted in the discovery of 6720 cigarettes and 600g of hand rolling tobacco and 3kg of shisha tobacco all contraband and consequently not carrying the legal required warning statements etc.

Mr Moseley stated that it was apparent that the PLH continues to purchase and deal in contraband goods and therefore Trading Standards had no confidence in the management of the premises and are concerned that the PLH would continue to act in defiance of the law and may continue to obtain contraband goods, including both alcohol and tobacco.

Members also heard from PC Alan Cruickshank, Metropolitan Police and Mohshin Ali, Licensing Services who supported the review application and asked Members to note their representations contained in the agenda.

Members also heard from Jessica Wild, from Hopetown Hostel and Jon Shapiro, local resident, who also expressed grave concerns about the management of the premises, selling to extreme vulnerable persons who were often intoxicated and drinks sold on credit and selling to women from the hostel and to known street drinkers in the area.

It was noted that the PLH was not present at the meeting. The Clerk confirmed that the PLH had been sent notification letters and agendas within the prescribed timelines. However, he had emailed to say he wouldn't be attending as he was intending to sell the business. The Licensing Officer had written to him asking him to attend as it related to his premises licence.

Members briefly discussed amongst themselves and the Chair stated that;

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 representations from the Applicant, Trading Standards and all interested parties supporting the review. It was noted that the Premise License Holder was not present at the meeting. Therefore Members noted the written application contained in the agenda and briefly heard representations from the Applicant and interested parties.

Members expressed grave concerns regarding the public nuisance, crime and disorder and anti-social behaviour linked to the premises. Members noted the overwhelming evidence provided by all parties especially by the representative from the local women's hostel.

Members were satisfied that there were no other conditions they could be imposed on the licence to promote the licensing objectives as the mismanagement of the premises was evident. Members believed that the lack of attendance at the meeting showed a lack of confidence in the Premises Licence Holder to uphold the licensing objectives and taking into consideration the objections raised Members unanimously revoked the premises licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premise Licence for Sweet Point, 2 Old Montague Street, London E1 5NG be **GRANTED** with the revocation of the premises licence.

3.3 Application to Review the Premises Licence for SD Retail, 2 Spey Street, London E14 6PZ

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for SD Retail, 2 Spey Street, London E14 6PZ. It was noted that the review was triggered by the Metropolitan Police and supported by the Licensing Authority.

At the request of the Chair PC Mark Perry, Metropolitan Police explained that the Police had received many complaints from residents in and around Spey Street regarding anti-social behaviour caused by large groups of youth who congregated around the shops in Spey Street. He stated that the Police believed that the anti-social behaviour was linked to the off licence at 2 Spey Street. As complaints had been received alleging that the shop sold to those people responsible for the crime and disorder in the area.

It was also noted that a test purchase was conducted and a 15 year old female cadet was sold alcohol, and officers had also observed an intoxicated person being sold alcohol on credit.

It was noted that CCTV footage was not provided at request of a Police Officer, that there was no till roll and therefore no receipts given to customers, which described the nature of how the premises was run. There was little confidence that any further conditions on the licence would help as the shop was a magnet for anti-social behaviour and therefore urged Members to revoke the licence.

Members also heard from Mohshin Ali, Licensing Officer, who supported the review and detailed a list of complaints received against the premises and a number of conditions breached.

Members then heard from Mr Benjamin Burge, Counsel on behalf of the Designated Premises Supervisor, Mr Dhaka, who explained that the premise was a magnet for youth to congregate outside but not the cause of anti-social behaviour.

He explained that the test purchase was an isolated incident of an underage sale and that the employee who had sold the alcohol had been fined and has since been trained in selling alcohol responsibly and assured Members that such conduct would not happen again.

Mr Burge explained that due to the demographic of the area people were limited to what they could purchase due to affordability. He explained that Mr Dhaka has never caused problems and realised that the underage sale should not have happened. It was noted that it was a very small sized shop, had CCTV newly installed and Mr Dhaka would work with the Police to promote the licensing objectives.

Mr Burge concluded that Mr Dhaka accepted the seriousness of the breach of condition and realised the management of the business needed to be

changed and would be happy to accept conditions to assist the shop in promoting the licensing objectives.

In response to questions the following was noted;

- That one full time staff and 1 part time staff worked at the shop.
- That youth have often abused and attacked Mr Dhaka
- Mr Dhaka apologised for the incident and asked Members for another chance to learn from his mistake.
- That Mr Dhaka had taken on instructions and had attended courses and would abide by all conditions.

Members retired to consider their decision at 5.50pm and reconvened at 6.05pm.

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from PC Mark Perry, The Licensing Authority and from the Legal Representative on behalf of the Designated Premises Supervisor.

Members reached a decision and the decision was unanimous. Members noted the number of repeated breaches of the licence where the DPS was found to have been selling to an intoxicated person, not supplying officers with CCTV footage, opening beer bottles for customers and allegations of selling to underage persons. Members were satisfied that there were no other conditions that could be imposed that would help promote the licensing objectives and therefore Members decided to revoke the premises licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for SD Retail, 2 Spey Street London E14 6PZ be **GRANTED** with the revocation of the premises licence.

The meeting ended at 6.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee