

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 13 OCTOBER 2015****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)  
Councillor Candida Ronald (Member)  
Councillor Clare Harrisson (Member)

**Officers Present:**

Kathy Driver – (Principal Licensing Officer)  
Gurwinder Kaur Olive – (Senior Lawyer, Legal Services)  
Elizabeth Dowuona – (Senior Committee Officer,  
Democratic Services)

**Applicants In Attendance:**

Tariq Sortaz - Applicant (Item 4.1)  
Anna Mathias - Legal Representative (Item 4.1)  
Leo Charalambides - Legal Representative (Item 4.2 & 3)  
PC Alan Cruickshank - Metropolitan Police (Item 4.2 & 3)  
PC Brenden O'Rourke - Metropolitan Police (Item 4.2 & 3)  
John McCrohan - Trading Standards (Item 4.2 & 3)  
Andrew Heron - Licensing Authority (Item 4.2 & 3)  
Jon Shapiro - Resident Association (Item 4.2 & 3)

**Objectors In Attendance:**

PC Alan Cruickshank - Metropolitan Police (Item 4.1)  
Andrew Heron - Licensing Authority (Item 4.1)  
Sham Uddin - Legal Representative (Item 4.2 & 3)  
Juhel Ahmed - Director, (Aladin) (Item 4.2 & 3)  
Sabir Ahmed - Director, (Nazrul) (Item 4.2 & 3)

**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 held on 28 July, 2015, 14 August 2015 and 1 September 2015 were agreed and approved as a correct record.

### **4. ITEMS FOR CONSIDERATION**

#### **4.1 Application for a Variation of a Premises Licence for KFC, 84 Whitechapel High Street, London E1 7QX**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a variation of a Premises Licence for KFC, 84 Whitechapel High Street, London E1 7QX.

It was noted that representations had been received from the Metropolitan Police and the Licensing Authority. They considered that an extension of the terminal hour to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area and that on the balance of probabilities there was a greater likelihood of anti-social behaviour if the premises were open in such a late hour.

At the request of the Chair Ms Anna Mathias, Legal Representative, accompanied by Tariq Sortaz explained that the proposed extension was to extend the provision of late night refreshment from the current hours of Friday and Saturday 23:00 hours to midnight to the proposed hours of Sunday to Thursday, 23:00 hours to 00:00 hours and Friday and Saturday, 23:00 hours to 03:00 hours the following day.

In support of the application, Ms Mathias highlighted the applicant's good management and accepted good practices by the KFC franchise.

The applicant was aware that the premise was located in premises were situated in the Cumulative Impact Zone, however he had demonstrated in his application that the premises did not undermine any of the licensing objectives. Ms Mathias underlined that although the premise was one of the busiest KFC restaurants in the Borough and had been operating without incidence, in particular, late at night and was not under the Metropolitan Police radar. There had been no incidents of serious disorder at the site, (except for a recent incident of the theft of a mobile phone) and this was due to the experience of the manager, careful operational provisions, good management and having robust security in place. Ms Mathias submitted that the applicant had robust measures in place and pointed to the installation of CCTV at the premises, management and training policies, security, signage and awards won by the premises. In recognition of the concerns raised by the objections on the application, the applicant had offered measures in the operating schedule of the application that addressed the promotion of the licensing objectives. Furthermore, there were a number of premises opened until 01.30 hours. The premises were close to transport links with a bus stop

just outside, making the early dispersal of customers after the closing hours simple and trouble-free.

Members then heard from PC Alan Cruickshank, Metropolitan Police, in objection to the application and in response to questions stated that there had not been any issues with the premises and there was no doubt that they were reputable. However, the main concern was the location of the premises within the Cumulative Impact Zone, the potential for disorder and the cumulative impact of the extension of hours in a busy night-time economy, in particular, an area notable for street drinkers and people begging along the pavements and at the bus stop which was within close proximity of the premises.

Andrew Heron, representing the Licensing Authority and in objection to the application stated that an extension to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area. He clarified that the applicant had failed to complete relevant parts of the application form and he pointed to those gaps in the application.

Members retired to consider their decision at 7.15pm and reconvened at 8.30pm.

#### 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 as well as the Cumulative Impact Policy adopted by the Council in 18<sup>th</sup> September 2013.

#### 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 as well as considered all the representations, oral and written, with particular regard to the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Members noted, as correctly identified by Ms Mathias, that where the premises are situated in the Cumulative Impact Zone, a rebuttal presumption was created. In order to rebut the presumption of refusal, an applicant needed to demonstrate that the premises did not undermine any of the licensing objectives.

Of particular note was the requirement to demonstrate through the operating schedule with supporting evidence that the premises would not add to the cumulative impact already being experienced in the area.

Members noted the applicant's submission in respect of the good management and accepted good practices by the KFC franchise but felt that the franchisee failed to draw relevant parallels to the current case or situations where they have effectively run premises in an area or cumulative impact or in

a busy night-time economy with a view to demonstrating that there would be no impact.

Members noted that the premises were close to transport links. Their general view, however, was that the transport links would not necessarily lead to early dispersal, but rather, attracting commuters, delaying their departure from the area.

Members considered representations from the Metropolitan Police and Licensing Authority that an extension to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area. They accepted on the balance of probabilities that there was a greater likelihood of anti-social behaviour if the premises were open later.

The Committee noted gaps in the application pointed out by the Licensing Authority representative, Andrew Heron.

It was also noted that there were only two licensed premises in the vicinity one of which was a restaurant and the other a public house, neither were a takeaway. A third premises, referred to by the Applicants, which was a takeaway, was noted as not having a licence.

In view of the evidence presented, Members were persuaded that the evidence from the applicants did not go far enough to demonstrate that there would be no impact in the Cumulative Impact Zone and that the concerns of the Metropolitan Police and Licencing Authority were founded.

Members however considered that an extension until midnight on weekdays would be acceptable and were minded to grant the application, however in part.

During the course of the hearing the conditions offered by the applicant were discussed, in particular the conditions under the "prevention of public nuisance". The following amendments were noted:

- conditions 3 and 4 were identical and condition 4 was to be deleted.
- condition 6 should read "deliveries shall not" as opposed to "deliveries shall only"
- condition 8 should read "open to the public" not "on the public".
- conditions 10 and 12 had been addressed by condition 11 and therefore could be deleted they were unnecessary.

Accordingly, the Sub-Committee unanimously

**RESOLVED –**

1. That the application for a variation of a Premises Licence for KFC, 84

Whitechapel High Street, London E1 7QX be **GRANTED IN PART.**

**Hours premises are open to the public:**

- Monday to Friday, 10:00 hours to 00:00 hours
- Saturday, 10:00 hours to 00:00 hours
- Sunday, from 10:00 hours to 23:00 hours

**Provision of late night refreshment**

- Sunday to Thursday, 23:00 hours to 00:00 hours
- Friday and Saturday, 23:00 hours to 00:00 hours

2. That the licence hereby granted be subject to the following conditions proposed by the applicant:

**Prevention of Crime and Disorder**

1. Staff training will include training on dealing with violence, aggression and confrontation and crisis management.
2. CCTV cameras shall cover both the inside and outside of the premises, with 24 hour recording, and shall be kept in good working order.
3. CCTV recordings to be kept for a minimum of 30 days and made available on request to either a police officer or officer of another responsible authority.
4. At all times the premises are open to the public, a member of staff capable of operating the CCTV system shall be present.
5. A panic button shall be installed at the premises, linked to an external security firm.
6. Cash control procedures will be in force at the premises and staff will be trained in these.
7. There shall be no seating provided at the premises.
8. The maximum number of persons permitted on the premises at any time shall be 15, excluding staff.
9. A team member shall be appointed for every shift to carry on such liaison with police as is necessary.
10. A sign shall be displayed at the premises warning customers about the need to be aware of pickpockets and bag snatchers, and to guard their property.
11. An incident log shall be kept and maintained at the premises, in which shall be recorded any incident of crime or disorder, any visits by the Licensing or any Responsible Authority, and any other matters relating to the safe and orderly operation of the premises.

**The Prevention of Public Nuisance**

1. Staff will use best endeavours to encourage customers to leave the premises promptly upon being served and to disperse quickly from the immediately surrounding area.
2. A sign shall be prominently displayed at the premises encouraging customers to respect the needs of local residents and to leave the premises and the surrounding area quickly and quietly.

3. A sign shall be prominently displayed at the premises asking customers to use bins inside and outside to dispose of rubbish.
4. Waste collection shall be by a designated contractor and all waste shall be properly prepared and presented for collection no more than one hour prior to the designated collection time
5. Deliveries to and collections from the premises shall not take place between 23.00 and 08.00 hours on any day.
6. Staff will patrol the pavement and gutter outside, and the alleyway adjacent to, the premises at least every four hours and clear them of any litter.
7. The premises licence holder shall ensure, insofar as this is within its control, by the affixing of lights to the walls of its demise or otherwise, that the alley adjacent to the premises is adequately lit at all times the premises are open to the public without causing a nuisance to adjacent premises.
8. No music shall be played on the premises where the music is audible by any customer.
9. No noxious smells shall emanate from the premises such as to cause a nuisance to nearby properties.
10. The premises shall be regularly inspected by a reputable pest control company.

#### **The Protection of Children from Harm**

- I. No children under 12 unaccompanied by an adult shall be allowed on the premises after 23.00 hours on any day.

#### **4.2 Application to Review the Premises Licence for Aladin Restaurant, 132 Brick Lane, London E1 6RU**

Please note that Items 4.2 and 4.3 were considered together as agreed by all parties in view of the fact that they were linked and managed by the same operators and management.

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the applications for a review of the Premises Licence for Aladin Restaurant, 132 Brick Lane, London E1 6RU and Nazrul Restaurant - 130 Brick Lane, London, E1 6RU.

Members heard that both reviews at the Aladin and Nazrul Restaurants were triggered by the Metropolitan Police and that both reviews sought revocation of the respective licences. The reviews were supported by Trading Standards, the Licensing Authority and a local residents' association, Spire. The review arose after two separate incidents over the Bank Holiday weekend of 22 - 25 May 2015 and an accumulation of past incidents involving one or both of these premises.

It was noted that representations had been received from the Metropolitan Police and the Licensing Authority. They considered that an extension of the terminal hour to 03:00 hours was not acceptable for a takeaway restaurant in such a busy area and that on the balance of probabilities there was a greater

likelihood of anti-social behaviour if the premises were open in such a late hour.

PC Alan Cruickshank appeared on behalf of the Metropolitan Police and was accompanied by Mr Leo Charalambides, Legal Representative for the Metropolitan Police. John McCrohan was in attendance representing Trading Standards, Andrew Heron represented the Licensing Authority and Jon Shapiro represented the Spires Residents Association.

At the request of the Chair, the Legal Representative for the Metropolitan Police, Mr Charalambides made representations that the licencing applications should be considered in light of the location of the premises which were in o the Brick Lane Cumulative Impact Zone, an area of stress and saturation.

He explained that the premises licence holder of Nazrul was 'Nazrul Restaurant Ltd'; its directors were brothers Raju and Sabir AHMED. Aladin Restaurant Limited was the previous premises licence holder of Aladin, the company was dissolved on 22 July 2014. The directors were Raju, Sabir and Suhail AHMED. Juhail AHMED became director of Aladin Brick Lane Ltd (company 08590574) on 01 July 2013, when the company was incorporated. An application to transfer the premises licence was only made on 14 August 2014, after Licensing Authority wrote to the premises licence holder to remind them of the dissolution. Their premises licence would otherwise have become null and void on 19 August 2014. In the incidents that were referred to in the review, all four brothers would have been the premises licence holder at one time or another.

Mr Charalambides submitted that although the review had been instigated after the following two incidents, there had been a series of past violent incidents. Over the Bank Holiday weekend of the 22nd - 25<sup>th</sup> May 2015 there had been two grievous bodily harm incidents(GBH) either involving staff from Nazrul (and Aladin - subject to a section 51 review itself). It included a victim who was stabbed twice. Unfortunately, the timeframe for an 'Expedited Review' passed. The series of incidents which the Police relied on were noted as follows:

• **Monday- 25th May 2015- GBH with intent, CAD 00245/25MAY15@ 00:28 hrs; CRIS 4213508/15.** Two staff members from Aladin were arrested after a disturbance which originated at A& Y Wines Off Licence at 116, BRICK LANE (who supply alcohol to Nazrul & Aladin), in which a male was stabbed twice and beaten about the head with a large wooden pole. One staff member was charged by the Crown Prosecution Service.

• **Sunday- 24th May 2015 - GBH, CAD 8792/24MAY15 @ 22:10 hrs; CRIS 4213507/15.** The victim was touted outside the Aladin restaurant and entered with his partner and two friends after an offer of £12.95 each for a starter and main dish. A dispute arose over a strand of hair in their food and the party decided to leave (after questioning a £9.00 charge for the four poppadum consumed so far), whilst the bill was paid on attempting to leave the victim was told to "SHUT UP", at which point he was then assaulted. The assault

spill outside into BRICK LANE and around the corner into HANBURY STREET - at one point six waiters from Aladin/Nazrul were seen on CCTV footage to beat up one man.

• **Thursday, 2nd April 2015- Common Assault- CAD 010686/02APR15@ 23:43 hrs; CRIS 4208567/15.** BTP officers were flagged down in Brick Lane and initially dealt with the matter. There was a fight between customers in Nazrul who are said to be highly intoxicated. One male was arrested for Common Assault and conveyed to Bethnal Green Police Station. In an interview that he had been out with eight friends and they had a lot to drink, an argument with another group who were rowdy and swearing turned sour very quickly over a comment over a beard and turned into a fight amongst themselves, however later staff also become involved.

• **On Saturday, 21st March 2015** at approximately 18:30 hours there was a dispute involving touts between The Bengal Village and Nazrul/Aladin restaurants. The incident started outside Nazrul and escalated into a large scale disturbance spilling into Woodseer Street at 18:35 hours. There were approximately 20 people involved pushing and shoving each other outside City Spice at 138 Brick Lane. Police were not called, but it was captured on CCTV. This incident was part of a long ongoing dispute between the restaurants. It escalated again later in the evening and directly was linked to the next incident at 22:00 hrs.

**On Sunday, 4th January 2015@ 23:40 hrs (4200343/15; HTRT00411832; CAD 7738/04JAN15@ 23:43 hrs; CAD 7789/04JAN15@ 22:53 hrs)-** This incident was linked to an incident at Aladin on Friday 2nd January 2015 at 17:15 hrs, in which a male suffered a fractured shoulder and was taken to the Royal London Hospital. It appeared to be a revenge attack by the victim group of that incident against staff at Nazrul and Aladin. An unknown member of staff from Nazrul calls 999 for police saying "A black male punched a member of staff this afternoon, now the male has turned up in front of the restaurant with 7-8 other black males with sticks". A second 999 call was made to police by a witness in the street advising "A large group of males fighting at location, males have bats and knives, Asian and black". Sabir Ahmed who had been present made no effort to interject, or call the police. There were several other waiters joining in from surrounding premises (one is recognised from Sheba). A member of the management advised the investigating officer that he *had* CCTV of the incident, but despite the officer trying to contact him on seven separate occasions by telephone or letter, he did not respond or engage with police and the CCTV was never handed over.

• **Friday, 2nd January 2015@ 17:15 hrs- GBH (4200173/15)-** On the face of it, this incident was alleged to have started when the victim tried to open a bottle of cider on the metal shutter of an Indian restaurant and staff attacked him and his friends for this. Their original destination was Aladin. Paramedics arrived and took the victim to hospital with a suspected fractured right shoulder and cut lip.

• **Thursday, 18th December 2014 21:45 hrs- GBH- CAD 9968/18DEC14@ 21:50:38 hrs; CRIS 4232682/14.** Informant calls 999 from Aladin stating "3-4



MALES INVOLVED IN A FIGHT" (outside Aladin). The victim had been at a staff party at Nazrul. After heated discussions over the victims Christmas bonus in the basement, the matter was taken outside where fighting erupted. The victim suffered a fractured skull and required 18 stitches. The CPS had now authorised two suspects (not staff) to be charged with GBH with Intent (who should attend Freshwharf custody suite on 23/06/15).

• **Saturday, 26th July 2014 - 23:15hrs - Common Assault - CAD 11836/26JUL14@ 23:17 hrs;** Police received a call regarding a fight near 'Brick Lane and Hanbury Lane [Street]'. Balloon Sellers (laughing gas) Fight - Staff member were seen on CCTV to intentionally bump into a balloon seller walking past Aladin which erupted into a brawl in Brick Lane. The balloon sellers were surrounded by staff from Nazrul and Aladin and two are punched several times. Raju and Sabir AHMED were in the middle of it (one of them pushed a balloon seller into the path of an oncoming car). A marked police mini-bus was flagged down by the victims at 23:19:21 at which point Sabir AHMED was seen walking away south down Brick Lane. No arrests were made.

• **Saturday 7th June 2014 - Violence against the person - CAD 0013/07JUN14 @ 00:00 hrs.** The informant stated that he had been assaulted for no reason and had been punched on the chin and cheek by the owner/manager of Nazrul. A crime report search showed that the matter was not reported beyond the CAD call.

• **Sunday 14th April 2014 - Suspected breach of Section 136 (1) Licensing Act 2003 – Premises License Holder, Raju AHMED** was reported to the Police for knowingly allowing touting. He was not prosecuted, as the touting occurred prior to their late night refreshment licence which commenced at 23:00 hrs.

Mr Charalambides, following his submission, with the agreement of the applicants and their representative and with the permission of the Chair showed a CCTV footage in relation to grievous bodily harm incidents on 24 and 25 May 2015.

The CCTV showed that on 24 May 2015 a couple with a young child being carried walk passed the door for Aladin, just as a large group spill out of the door of the restaurant pushing and shoving. Members' attention was drawn to the fact that the family quickened their pace then crossed the road to get clear of the fighting and escaped by a few feet and a few seconds. The Members attention was also drawn to the fact that a customer appeared to punch one of the waiters from the restaurant; however there was no evidence as to what occurred inside the restaurant to start the fight. The fight escalated and spilt in to a side street. At one point 6 waiters in black coloured shirts could be seen kicking and beating a man backed up against a closed shutter. The licensee's representative asserted that the waiters were from a number of restaurants and not just his client's waiters.

A couple of the Ahmed brothers, as licensees, were seen on the CCTV footage. Although they were not actively involved in any violence, they were at the scene as spectators and witnessed their staff outside their restaurant

fighting with customers and members of the public. Their presence during this incident was not denied by the licensees or their representative.

The CCTV footage showed that on 25 May 2015 a fight broke out a block south of Aladin and Nazrul shortly before 12.30am. The fight moved up the road and waiters from a number of restaurants become embroiled in the fight. Both Nazrul and Aladin were closed to the public at this time, closing at midnight. The footage showed that the fight ended with 5 individuals beating a man, 3 of whom were waiters in black coloured shirts positively identified by police as being employees of Aladin. A man was stabbed twice with a knife by waiters and cut with a broken bottle. When the attackers walked away, there was an exchange of an object between two of the waiters. One waiter then disposed of the aforesaid object behind a pile of black refuse sacks on Woodseer Street.

Mr Charalambides concluded that the Metropolitan Police Licensing Unit as a result of the two final incidents referred to had lost confidence in the management of the Aladin and Nazrul. The Police did not believe that any further conditions could lead to the premises licence holder upholding the Licensing Objectives.

Members heard from Andrew Heron representing the Licensing Authority and Mr John McCrohan, representing Trading Standards. They briefly explained that the Licensing Authority and Trading Standards also supported the view for revocation of the licence. They expressed concerns about the management of the premises and the impact it had on crime and disorder in the light of the evidence adduced by the Police. They submitted that there was a failure to adhere to the conditions of the premises licence and an evident lack of control of the business, demonstrated by the breaches set out in the review document and it was their opinion that the premise licence holders were unable to fulfil their responsibilities to ensure the promotion of the licensing objectives.

Members also heard from Mr Jon Shapiro representing the Spires Residents Association. He submitted that he represented the views of over 700 residents whose concerns related to touting by staff of the premises.

At the request of the Chair, Mr Sham Uddin legal representative for the Premises Licence Holders made representations against the revocation of the premises licences for the Aladin and Nazrul restaurants. He referred to the following Home Office guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 7 of the report**.

- That the licence should only be suspended or revoked if Members believed that alterations to the existing licence, including imposing new conditions did not have a reasonable prospect of ensuring that the licensing objectives were met.
- That in relation to Reviews Arising In Connection With Crime that was not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods,

or the sale of firearms, Licensing authorities did not have the power to judge the criminality or otherwise of any issue. This was a matter for the courts. The licensing authority's role when determining such a review was not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

- Where the review related to a situation the premises have been used for criminal purposes, it was important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority was still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty was to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Mr Uddin submitted that all of the issues and all the history set out by the Police including the matters in the Licensing Officer's covering report were not relevant and that the Sub-Committee should only consider the two separate incidents over the Bank Holiday weekend of 22 - 25 May 2015.

He stated that contrary to the Police account of the incidents, his instructions were that only one staff member from Aladin was involved and that this was the person who had been arrested and charged. In respect of the incidents specifically, he stated that in the first incident that the fight was clearly started by a man on a rampage who had a stick and hit people indiscriminately and as such his clients were not responsible. The aforesaid member of the public clearly punched a waiter from Aladin which started the fight and that as such the staff were 'victims' and not aggressors – that this was a case of self-defence. In respect of the second incident, the fight was started by others at a time when both restaurants were closed and therefore was not linked to the premises despite staff from the premises admitting to being involved. He accepted that one waiter had been arrested and charged for the stabbing and that he had admitted the stabbing and the handing over of the knife used in the stabbing to another man as viewed on the CCTV footage.

In response to questions the following were noted:

1. On the question of what mitigating actions the restaurants had taken it was noted with respect to staff training and the compliance of the licensee with their own duties to staff and recording of incidents, that the licensees had now implemented an incident log and proposed to recruit security staff to the door.
2. On the question of touting for staff outside the premises, the Police report relating to the two incidents which had led to the review did not include the issue of touting had not established that the premises was spearing heading touting for customers in the vicinity.

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

Members retired to consider their decision at 10.15.pm. Due to the lateness of the hour all parties agreed that the meeting be ended and the Sub-

Committee's decision be made available to all parties the following day and in writing within the statutory timescale.

### 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.

### The Review

Members found that that both reviews at Nazrul and Aladin were triggered by the Metropolitan Police and that both reviews sought revocation of the respective licences. The reviews were supported by Trading Standards and a local residents' association, Spire. The review arose after two separate incidents over the Bank Holiday weekend of 22 - 25 May 2015 and an accumulation of past incidents involving one or both of these premises.

### 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 as well as all the representations oral and written with particular regard to the licensing objective of the prevention of crime and disorder and public safety.

Members considered detailed verbal evidence on behalf of the Metropolitan Police. Mr Charalambides made representations that any licencing application should be considered in light of the location. As per the Court of Appeal case of *Hope & Glory [R (Hope and Glory Public House Limited) v City of Westminster Magistrates' Court [2011] EWCA Civ 31]* licensing decisions involved an evaluation of what was to be regarded as reasonably acceptable in the particular location and he stated that it ought to be noted that the premises were in an area of stress and saturation which had led to the Brick Lane Cumulative Impact Zone.

Members accepted the submission from the Police that all of the issues and all the history were relevant including the matters in the Licensing Officer's covering report, referred to as not relevant; that in seeking to promote the prevention of crime and disorder the management had failed and sharp practices have led to a man being stabbed, bottled and having a punctured lung.

Members also accepted the submission from the Police that the consideration for the review was not just the licensable activity but the operation of the premises. To that end it was noted that the same management remained in place and nothing had been done to address issues.

The Sub-Committee It was stated that Licensing should be considered in the wider public interest as per the Home Office section 182 guidance.

Members considered carefully the CCTV footage in relation to GBH incidents on 24 and 25 May 2015.

The Sub-Committee were of the opinion that the police had presented a convincing case and that they were in a prime position to advice on the night-time economy and problem premises. It was accepted, as submitted for the police, that the same management was involved in the two neighbouring premises and the reality was that the same "controlling mind" was behind the two premises and they were intrinsically linked.

The Members were concerned at all the differing incidents connected with the premises over a significant period of time. They were further concerned that no member of staff of Aladin or Nazrul came forward to assist the police and there had been no active co-operation. Members noted that it was not disputed that the Ahmed brothers were in the first CCTV footage shown on the incident of 24 May 2015 when the Licensees were seen watching their staff (who remained employed), involved in a fight and did not interject to stop it and did not contact the police during or after the incident, and as such clearly failed in promoting the objectives of crime and disorder.

Members felt that it was self-evident that there was insufficient conflict management and recording of incidents. This was highlighted by the answers given by Sabir Ahmed to Councillor Harrison when questioned about staff training and the compliance of the licensee with their own duties to staff and recording of incidents. It was also noted that despite being asked what mitigating actions the restaurants had taken there was only a partial answer given. Whilst the Members appreciated that there was now an incident log implemented and there was a letter dated 8 October 2015 with the intention of recruiting security staff to the door, these measures did not go far enough in their view.

Members found that submissions in respect of proceedings in the Magistrates' Court referred to by Mr Uddin were not relevant to the review because those matters were under a different regime, being under the Anti-social Behaviour, Crime and Policing Act 2014 and not the Licensing Act 2003.

Members were not persuaded that the Licensing objective consideration for the licence holders related to the hours of late night refreshment from 11:00pm onwards and were firmly of the view that good management must be considered in the round.

The Members were not confident that the Licensees were in control of the premises and their staff and believed that there was a risk of events being repeated. After taking in to account the licensing objectives and all relevant considerations and evidence before them, the Sub-Committee, were persuaded on a balance of probabilities, that a revocation was necessary to promote the licensing objectives of promoting the prevention of crime and disorder and public safety.

Despite representations put forward by the licensees, Members were not persuaded that there were sufficient lesser steps at their disposal, by way of conditions, that could address the very serious and long enduring issues at the premises.

#### Decision

Accordingly, the Sub-Committee unanimously

#### **RESOLVED**

That the review application for each of the two premises, Nazrul Restaurant at 130 Brick Lane, London E1 6RU and Aladin Restaurant at 132 Brick Lane, London E1 6RU be **GRANTED** with the revocation of the premises licence.

#### **4.3 Application to Review the Premises Licence for Nazrul Restaurant - 130 Brick Lane, London, E1 6RU**

Please see decision at Item 6 above.

#### **5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no such business.

The meeting ended at 10.15 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee