

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 19 MAY 2015

**COMMITTEE ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)
Councillor Khales Uddin Ahmed
Councillor Rajib Ahmed

Other Councillors Present:

None.

Apologies

Simmi Yesmin	(Senior Committee Officer, Democratic Services)
Elizabeth Dowuona	(Temporary Senior Committee Services Officer)

Applicants In Attendance:

PC Mark Perry
Andrew Heron

Piers Warne
John Vasallo
Philip Somarakis
Oliver Sheridan

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

**4. APPLICATION FOR A NEW PREMISES LICENCE FOR JALA NEWS, 6
LAMB STREET, LONDON E1 6EA**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Jala News, 6 Lamb Street, London E1 6EA. It was noted that objections had been made by the Metropolitan Police, the Licensing Authority and local residents and Residents Associations.

At the request of the Chair, Mr Surendra Panchal, Licensing Representative on behalf of the Applicant explained that the premise was a modern local community convenience store and that the application was for a new licence for the sale of alcohol. He highlighted the Applicant's experience, and explained that the applicant had recently relocated his premises in Commercial Street in the Borough, having operated a similar outfit in for over 10 years without incidence.

Mr Panchal stated that in light of the representations the Applicant was willing to amend the sale of alcohol from 09:00 hours to 22:30 hours Monday to Sunday which he believed would go far in helping address the concerns raised by the objectors. In addition, he submitted a one-page document setting out a range of conditions to address the concerns raised and to promote the licensing objectives. The proposed conditions were set out as follows:

1. CCTV shall be installed to Home Office Guidance standards and maintained in good working conditions and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the Council upon request. CCTV cameras shall be installed to cover the entrance of the premises. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
2. A minimum of two (2) members of staff must be present after 18.00hrs during the sale of alcohol. At least one (1) of these two (2) members of staff must be a personal licence holder fluent in English.
3. No high strength beers, lagers and cider above 5.6% ABV shall be stocked or sold.
4. No single cans or bottles of beer, lager or cider shall be sold.
5. All beers, lagers and ciders in cans and bottles to be sold as a minimum of Two (2).
6. No miniature bottles of spirits to be sold.
7. A "challenge 25" policy shall be adopted and adhered to. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
8. A clear and unobstructed view into the premises shall be maintained at all times.
9. Notices asking customers to leave quietly shall be conspicuously displayed at all times.
10. A register/log containing the logs of any Refusals that occur shall be kept and made available to the Police and Licencing Authority
11. Staff shall inspect the outside forecourt, immediately in front of the premise on a regular basis, to deter customers and/or other members of the public loitering in this area.
12. All staff directly involved in selling alcohol for retail to customers, will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff

receiving the training. This training log shall be kept on the premises and made available for inspection by the police and relevant authorities upon request.

13. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Council or the Police, which will record the following: All crimes reported to the venue, all ejections of patrons, any complaints received any faults in the CCTV system, any visit by a relevant authority or emergency services.
14. Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly.
15. Street drinkers will be identified and not served at any times.

Members then briefly heard from PC Mark Perry, Metropolitan Police. He explained that Brick Lane was within the Cumulative Impact Zone which was a wider community burden and this was exacerbated by numerous licensed premises. He explained that there was a problem and a cause of many other problems such as anti-social behaviour, public nuisance and crime and disorder. Commenting on the proposed amendment to the hours of the sale of alcohol by the applicant, PC Mark Perry stated that though he welcomed the reduction in hours, he was very concerned that sale of alcohol for consumption off the premises until 22.30 hours would lead to people remaining in the area for a longer period of time. He pointed out that people had been seen congregating outside nearby residential premises and in the large open space close to the applicant's premises to consume their alcohol.

Mr Andrew Heron, Licensing Officer objecting to the application on behalf of the Local Authority, expressed his concern about the location of the premises which was within the Cumulative Impact Zone and the impact of an additional premise in an already saturated and stressed area. Mr Heron was amenable to the conditions proposed by the applicant, however asked Members to consider the hours, particularly the sale of alcohol, in view of the problems relating to the licensing objectives of the prevention of crime and disorder, public nuisance.

The Clerk advised that the objectors were not present at the meeting and that all correspondence had been sent within the prescribed timelines. In the absence of the objectors, Members noted and considered the written objection contained within the agenda.

Members retired to consider their decision at 2.20pm and reconvened at 2.25pm.

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 Licensing 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 the Applicant's Representative.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions offered by the Applicant and those agreed with the Police. 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 conditions proposed would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Jala News, 6 Lamb Street, London E1 6EA be **GRANTED** with conditions as follows:

1. Sale of Alcohol (Off sales only)

Monday to Sunday, from 11:00 hours to 22:00 hours

2. Hours premises are open to the public:

Monday to Sunday, from 06:00 hours to 23:00 hours

3. That the new premises licence be subject to the following conditions:

1. CCTV shall be installed to Home Office Guidance standards and maintained in good working conditions and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the Council upon request. CCTV cameras shall be installed to cover the entrance of the premises. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
2. A minimum of two (2) members of staff must be present after 18.00hrs during the sale of alcohol. At least one (1) of these two (2) members of staff must be a personal licence holder fluent in English.
3. No high strength beers, lagers and cider above 5.6% ABV shall be stocked or sold.
4. No single cans or bottles of beer, lager or cider shall be sold.

5. All beers, lagers and ciders in cans and bottles to be sold as a minimum of Two (2).
6. No miniature bottles of spirits to be sold.
7. A “challenge 25” policy shall be adopted and adhered to. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
8. A clear and unobstructed view into the premises shall be maintained at all times.
9. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
10. A register/log containing the logs of any Refusals that occur shall be kept and made available to the Police and Licencing Authority.
11. Staff shall inspect the outside forecourt, immediately in front of the premise on a regular basis, to deter customers and/or other members of the public loitering in this area.
12. All staff directly involved in selling alcohol for retail to customers, will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by the police and relevant authorities upon request.
13. An incident log shall be kept at the premises, and made available for Inspection on request to an authorised officer of Council or the Police, which will record the following: All crimes reported to the venue, all ejections of patrons, any complaints received any faults in the CCTV system, any visit by a relevant authority or emergency services.
14. Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly.
15. Street drinkers will be identified and not served at any times.

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 the Metropolitan Police and the Licensing Authority. In the absence of the local residents who had objected interested parties, to the application, all written representations were noted.

Members reached a unanimous decision. They decided to grant the new licence, restricting the sale of alcohol to 21.00hrs subject to the conditions proposed by the applicant and those proposed by the Metropolitan Police. Members considered that the reduced hours with respect to the sale of alcohol and the conditions imposed was necessary to protect the residential amenity closeby and address the licensing objectives

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Jala News, 6 Lamb Street, London E1 6EA be **GRANTED** with conditions as follows:

1. Sale of Alcohol (Off sales only)

Monday to Sunday, from 11:00 hours to 21:00 hours

2. Hours premises are open to the public:

Monday to Sunday, from 06:00 hours to 23:00 hours

3. That the new premises licence be subject to the following conditions:

1. CCTV shall be installed to Home Office Guidance standards and maintained in good working conditions and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the Council upon request. CCTV cameras shall be installed to cover the entrance of the premises. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
2. A minimum of two (2) members of staff must be present after 18.00hrs during the sale of alcohol. At least one (1) of these two (2) members of staff must be a personal licence holder fluent in English.
3. No high strength beers, lagers and cider above 5.6% ABV shall be stocked or sold.
4. No single cans or bottles of beer, lager or cider shall be sold.
5. All beers, lagers and ciders in cans and bottles to be sold as a minimum of Two (2).

6. No miniature bottles of spirits to be sold.
7. A “challenge 25” policy shall be adopted and adhered to. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
8. A clear and unobstructed view into the premises shall be maintained at all times.
9. Notices asking customers to leave quietly shall be conspicuously displayed at all times.
10. A register/log containing the logs of any Refusals that occur shall be kept and made available to the Police and Licencing Authority.
11. Staff shall inspect the outside forecourt, immediately in front of the premise on a regular basis, to deter customers and/or other members of the public loitering in this area.
12. All staff directly involved in selling alcohol for retail to customers, will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by the police and relevant authorities upon request.
13. An incident log shall be kept at the premises, and made available for Inspection on request to an authorised officer of Council or the Police, which will record the following: All crimes reported to the venue, all ejections of patrons, any complaints received any faults in the CCTV system, any visit by a relevant authority or emergency services.
14. Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly.
15. Street drinkers will be identified and not served at any times.

5. APPLICATION FOR A NEW PREMISES LICENCE FOR HUNGRY DONKEY, 56 WENTWORTH STREET, LONDON E1 7AL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Hungry Donkey, 56 Wentworth Street, London E1 7AL. It was noted that there were objections from local residents.

At the request of the Chair, Ms Lana Tricker, Licensing Representative on behalf of the Applicant, Mr Markos Tsimikalis, explained that the premise was a restaurant specialising in Greek food and wine. The application was for a new licence for the sale of alcohol, the provision of late night refreshment and for recorded music to be played for the hours specified in the application.

In response to questioning, Ms Tricker further explained that the restaurant would serve breakfast lunch and dinner. She noted the concerns regarding location of the premises which was within the Cumulative Impact Zone (CIZ), however explained that the hours sought was within the Council's framework hours. She was confident that the proposed hours and operation along with conditions proposed which limited activities and the operation would not add to the cumulative impact or be detrimental to the licensing objectives. There were good transport links near the premises and it would have a positive effect on the borough. The Applicant had sought to liaise with the local residents advising them of the revised conditions following comments from the Metropolitan Police and Environmental Health responsible authorities during the period of consultation, but to date, there had been no responses received. The Applicant had accepted the conditions suggested by the Police and Environmental Health in order to promote the licensing objectives in particular to address the concerns relating to the prevention of crime and disorder and as a result there had been no objections from them on the application.

Ms Tricker pointed to the amendments to the application regarding the hours of operation, hours for the sale of alcohol and provision of late night refreshment and underlined that there would be no vertical drinking, and alcohol would be served by waitress service. In addition, she submitted a one-page document setting out the internal layout and ambience of the premises which showed that it was of a high standard.

The Clerk advised that the objectors were not present at the meeting and that all correspondence had been sent within the prescribed timelines. In the absence of the objectors, Members noted and considered the written objection contained within the agenda.

Members retired to consider their decision at 2.40pm and reconvened at 2.50pm.

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 and applicant and considered all the written representations in the absence of the interested parties.

Members decided to grant the application subject to an additional condition limiting the use of the outside area of the premises to 21.00 hours and

subject to the conditions proposed by the applicant. Members believed that the conditions imposed would alleviate the concerns raised by the local residents and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new Premises Licence for, Hungry Donkey, 56 Wentworth Street, London E1 7AL be **GRANTED with revised hours and conditions.**

1. On sale of alcohol
 - Monday to Thursday, from 11:00 hours to 23:00 hours
 - Friday and Saturday, from 11:00 hours to 23:30 hours
 - Sunday, (from deleted) 11.00 hours to 22:00 hours
2. Off sale of alcohol
 - Monday to Saturday, from 11:00 hours to 23:00 hours
 - Sunday, from 11:00 hours to 22:00 hours
3. Recorded Music
 - Monday to Thursday, from 11:00 hours to 23:00 hours
 - Friday and Saturday, 11:00 hours to 23:30 hours
 - Sunday, 11:00 hours to 22:00 hours
4. Provision of late night refreshment
 - Monday to Thursday, 23:00 hours to 23:30 hours
 - Friday and Saturday, 23:00 hours to 00:00 hours (midnight)
5. Hours premises are open to the public:
 - Monday to Thursday, from 07:30 hours to 23.30 hours
 - Friday and Saturday, from 07.30 hours to 00:00 hours (midnight)
 - Sunday, from 07:30 hours to 22:30 hours
6. Conditions

That the premises licence be subject to the following conditions:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of

31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the Council at all times whilst the premises is open.
4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
7. The area immediately outside the premises, shall be swept, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
8. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
9. There shall be no off sales of alcohol permitted with the exception of patrons seated outside the premises at tables having meals.
10. Any person permitted to temporarily leave and then re-enter the premises to smoke, shall not be permitted to take drinks or glass containers with them.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or

- scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

12. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. Staff will monitor the patrons using any smoking area and ensure that they remain within the curtilage of the premises at all times.
14. At the request of patrons, the venue is to provide information on local taxi firms and transport links to all patrons leaving the venue.
15. A direct telephone for number for the manager at the premises shall be made available to residents and businesses in the vicinity upon request.
16. The outside area will close at 21.00 hours Monday to Sunday.
17. No noise shall emanate from the premises which gives rise to a nuisance.

7. Additional Condition

There shall be no alcohol or refreshment in the outside area after 21.00 hours.

6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR A CLASS EVENTS, 33-35 MONIER ROAD, LONDON E3 2PR

The application was withdrawn on the grounds that all the objections against the application had been withdrawn.

7. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

The meeting ended at 3.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee