

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 17 JANUARY 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,  
5 CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Suluk Ahmed  
Councillor Candida Ronald  
Councillor Sirajul Islam (Chair)

**Officers Present:**

Teresa Campion	-	(Legal Services)
Andrew Heron	-	(Licensing Officer)
Antoinette Duhaney	-	(Democratic Services)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations were made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****4. LICENSING ACT 2003: APPLICATION TO REVIEW THE PREMISES  
LICENCE FOR TWO ONE TWO, 212 BRICK LANE, LONDON, E1 6SA****Attendees**

Masum Miah, Premises License Holder  
James Fallon, Designated Premises Supervisor  
PC Alan Cruickshank, Metropolitan Police (Review Applicant)  
Kathy Driver, Licensing Authority (Review Supporter)  
Nicola Cadzow, Environmental Health (Review Supporter)  
Mr I Islam, Premises Leaseholder (Review Supporter)  
Hamid Shah, Premises Leaseholder (Review Supporter)

The report was introduced by Andrew Heron, Licensing Officer who advised that the review had been instigated on the grounds of concerns regarding a person with a close link to the premises and also concerns regarding crime and disorder and public nuisance.

PC Alan Cruickshank addressed the meeting and at his request, the Sub-Committee agreed to go into private session while PC Cruickshank made his oral representations to Members. PC Cruickshank stated that he had serious concerns regarding the management of the premises and the impact on promotion of the licensing objectives. He argued that given the magnitude of the concerns of Tower Hamlets Police Crime Squad, the only suitable option available was revocation of premises license. PC Cruickshank stated that there were no conditions that could be imposed to assist the applicant in promoting the licensing objectives and he had no confidence in the way the premises was being managed.

Cathy Driver addressed Members and stated that several complaints had been made in respect of noise nuisance from the premises and warnings issued to the applicant had been ignored. There were also concerns regarding the improper disposal of commercial waste for which Fixed Penalty Notices were issued. Copies of receipts shown on page 72 of the agenda pack indicated that the premises was open way beyond the hours agreed for licensable activity to provide unregulated entertainment. Ms Driver supported the revocation of the premises license.

Nicola Cadzow reported that numerous visits had been made to the premises to investigate complaints regarding noise disturbance and as a result of nuisance witnessed on 25th November 2016, a Noise Abatement Notice was served. However the abatement notice had no impact and the complaints regarding noised disturbance continued. Noise Officers investigated a complaint on 14<sup>th</sup> January 2017 and witnessed a breach of the noise abatement notice. In the circumsnaced, Ms Cadzow urged the Sub Committee to revoke the premises license.

Mr Islam addressed the meeting and advised that as landlord of the premises, he was not aware of any concerns regarding crime and disorder and public nuisance until 19<sup>th</sup> December 2016 when he saw the review notice which had been posted at the premises. In view of the serious concerns of the Metropolitan Police, Mr Islam had served an eviction notice on Mr Masum Miah but income would be lost as Mr Miah had signed a 12 month rental contract.

Mr Masum Miah advised that he had taken over responsibility for Management of the premises in June 2016. Mr Miah stated that he was unaware of the hours for licensed activity until the premises license was transferred on 9th August 2016. He had no previous experience managing premises of this type and had many obstacles to overcome which was compounded by his lack of experience. He had invested a lot of money in the business and requested that he be given the chance to put measures in place to demonstrate that the premises were being well managed.

Mr James Fallon addressed the meeting and referred to the receipts on page 72 of the agenda pack. He advised that these receipts were staff tabs which were not paid until the end of the evening during cashing up. Cash held on the premises was stored in the safe and the issues with waste management had now been resolved. Mr Fallon accepted that there had been complaints

regarding noise disturbance and asked Members to give him an opportunity to address these concerns and he was hoping that Mr Miah would step away from the business.

Mr Miah and Mr Fallon responded to questions from the Sub Committee then Members withdrew from the meeting to deliberate in private.

### 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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the Review Applicant (the Metropolitan Police) and Review Supporters (Licensing Authority, Environmental Health, Leaseholder for the premises). The Sub Committee also considered representations made by the Premises License Holder and the Designated Premises Supervisor.

The Sub Committee noted that it was requested to review a Premises License for Two One Two, 212 Brick Lane, E1 6SA. Members noted that written and oral evidence from the Metropolitan Police, the Licensing Authority and Environmental Health flagged up their concerns about the management of the premises and the failure of the Premises License Holder and Designated Premises Supervisor to uphold the licensing objectives particularly in relation to the prevention of crime and disorder and the prevention of public nuisance.

The Sub Committee heard that:

- The Metropolitan Police were concerned about a person with a close association to the premises and also had serious concerns over crime and disorder and public nuisance at the premises,
- The Licensing Authority had issued warnings regarding unlicensed activity at the premises and the Waste Enforcement Team had issued fixed penalty notices for littering. The Licensing Authority added to the review on the grounds of Prevention of Public Nuisance and Crime and Disorder on the grounds of unlicensed regulated entertainment and disposal of waste. They were of the view that the Premises Licence should be revoked as imposing further licensing conditions, removing the DPS or

suspending the licence would not address the issues of lack of understanding of the Licensing regulations and lack of control by management.

- Environmental Health had received 30 complaints alleging noise nuisance since 18<sup>th</sup> March 2016. A Noise Abatement Notice was served on 25<sup>th</sup> November and breach of this notice was witnessed on 14<sup>th</sup> January 2017. Environmental Health and the Police were of the view there no licensing conditions could be placed on the Premises Licence to address their concerns. The suspension of the Premises Licence or removal of the Designated Premises supervisor would equally not resolve their concerns.
- The Leaseholder of the premises had served an eviction notice to the Premises License Holder to vacate the premises by 23 January 2017 for breach of contract. He was unaware of the seriousness of the incidents being investigated by the Police Crime Squad
- The Premises License Holder was not aware of the permitted hours for licensed activity when he became involved in the management of the premises in June 2016. He admitted that he was inexperienced as he was not aware of the Licensing Objectives and its rules and regulations. Nor was he aware of the terms and conditions of the Premises Licence which did not permit music to be played after 11.00pm. He admitted that he was “learning on the job.”
- The Designated Premises Supervisor accepted that there had been issues with littering which had now been resolved. The noise complaints were decreasing and he wanted the opportunity to put things right as the business showed potential.

Having considered all the written and oral representations, the Sub Committee noted that the options available were

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a fixed period not exceeding 3 months
- Revoke the licence completely

However a license could only be suspended or revoked it was felt that amending the current licence, (including imposing new conditions) had no reasonable prospect of ensuring that the licensing objectives were met In relation to the prevention of crime and disorder and public nuisance.

The Sub Committee was concerned that

- The Premises License Holder had limited experience of managing the premises and at the time he became involved in the business, was unaware of the licensing objectives or the hours for licensed activity which had been granted.

- Since 18<sup>th</sup> March 2016, there had been 26 complaints to the Noise Nuisance Service. Reference was also made to 4 further complaints in an additional representation from Environmental Health and warnings had been issued by the Licensing Authority in respect of regulated entertainment being carried out without a license.
- Despite a Noise Abatement Notice being served on 25<sup>th</sup> November 2016, the premises continued with unlicensed activity and a breach of the Noise Abatement Notice was witnessed on 14<sup>th</sup> January 2017.
- Fixed Penalty Notices had been issued for littering and bar receipts from the premises which were found in the litter suggested that the premises was operating outside of licensed hours and had sold alcohol for a period of time despite the fact that that there was no Designated Premises Supervisor in place.
- The Premises License Holder and the Designated Premises Supervisor had not put forward any evidence to satisfy Members that adequate measures would be put in place to address all the concerns raised and ensure that the licensing objectives were upheld with particular regard to the crime and disorder objective and the prevention of public nuisance

In view of the above concerns, the Sub Committee was satisfied that amending the current licence and/or imposing new conditions had little prospect of ensuring that the licensing objectives were met with particular regard to the crime and disorder objective and prevention of public nuisance.

Given that the Metropolitan Police were concerned about a person with a close association to the premises and also had serious concerns over crime and disorder and public nuisance at the premises, this completely undermined the Licensing Objective of preventing crime and disorder. Furthermore, despite the warnings issued by the Licensing Authority and the service of a Noise Abatement Notice, the premises had continued with regulated entertainment without a license and the Noise Abatement Notice also had been breached, thereby not meeting the licensing objective of prevention of public nuisance and prevention of crime and disorder.

The Sub Committee was not satisfied that suspending the License for a fixed period, imposing additional conditions on the Premises Licence, or removing the Designated Premises Supervisor would address the concerns of Members and agreed unanimously that the only appropriate course of action was revocation.

**RESOLVED** – That the Premises License for Two One Two, 212 Brick Lane, E1 6S be **REVOKE**D.

**4.1 Licensing Act 2003: Application for a Premises Licence for (Dominos Pizza), 269 Bethnal Green Road, London E2 6AH**

Officers advised that the Police and Environmental Health had withdrawn their objections on the basis that the applicant had agreed to reduce the hours of operation to Sunday to Wednesday 11am - 12 midnight, Thursday to Saturday 11am – 1am on the day following. Additional conditions in relation to the provision of CCTV and maintaining an incident record book were also agreed.

The meeting ended at 8.10 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee