

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 22 JANUARY 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury

Councillor Leema Qureshi

Officers Present:

Mohshin Ali

– (Senior Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Duncan Craig	3.1	(Legal Representative)
Mr N. Paiyam	3.1	(Applicant's Representative)
Tanvir Ahmed	3.2	(Applicant)
Gulam Ahmed	3.2	(Applicant)
Mohammed Al Mamun	3.2	(Applicant)

Representing objectors	Item Number	Role
Nicola Cadzow	3.1	(Environmental Health)
Corinne Holland	3.1	(Licensing Authority)
Daron Pike	3.2	(Local Resident)
Andrew Leaper	3.3	(Co-Op Head Office)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Variation of a Premises Licence for Super Kebab, 240 Cambridge Heath Road, London E2 9DA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Super Kebab, 240 Cambridge Heath Road, London E2 9DA. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Duncan Craig, Legal Representative on behalf of the Applicant stated that they wished to vary the original application made. He reduced the hours for late night refreshments to only one additional hour on Fridays and Saturdays to 4am. Mr Craig offered three additional conditions to help mitigate concerns of public nuisance. They were the following; that the premises is to clearly display notices asking customers to respect the needs of local residents and leave the area quietly; not to store refuse outside the premises between the hours of 9am and 9pm and to service the extractor fan at least every six months.

He stated that the hours sought had been reduced significantly and informed Members that there were other premises in the area that had later hours. Mr Duncan explained that the test purchase in November 2018 was on a day where it had been heavily raining and therefore customers were waiting inside to shelter from the rain and some had been waiting for taxis.

He assured Members that it was a one off and other than this failed test purchase there have been no other problems at the premises.

At the request of the Chair, Ms Corinne Holland, representative on behalf of Licensing Authority explained that the Applicant had owned the premises over the last 1 year during which there had been two failed test purchases. It was noted that the Licensing Authority had undertaken two test purchases outside of their licensed hours and successfully purchased hot food on both occasions.

She explained that at the last test purchase, she had been served after 3am and when the Applicant/staff were approached they were rude and not cooperative and due to their behaviour she had to leave the premises. It was noted that the premises was situated just outside the new Bethnal Green Cumulative Impact Zone, which indicated there was high concentration of anti-social behaviour in close proximity.

Ms Holland stated that the Applicant couldn't abide by their current hours and therefore not satisfied that they would abide by any later hours and therefore asked that the application be refused.

Members then heard from Ms Nicola Cadzow, Environmental Health, who explained that granting the licence would cause potential impact of public nuisance and noise nuisance. She explained there were no measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. Therefore she asked Members to refuse the application.

In response to questions the following was noted;

- That the conditions offered by the Applicant were to help promote the licensing objectives.
- That refuse was usually taken before 9am.
- That there was space in the basement to store refuse before collection.
- That during the test purchase, the Applicant had felt sorry for the customer as it was cold and raining and therefore served the customer, he said that there was a 24 hour camera system which could be viewed to confirm this.
- That the Applicant had 32 years of experience of working in a kebab shop.
- There have been no other problems at the premises.

In summing up Ms Holland stated that there has been two failed test purchases, the premises was close to the Cumulative Impact Zone (CIZ) and the hours applied for were excessive which would give rise to anti-social behaviour in the area.

Mr Craig stated that the premise was not in the CIZ, it was a modest application and they had offered conditions aimed at preventing public nuisance.

Members adjourned the meeting at 7.05pm to deliberate and reconvened at 7.15pm.

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 licensing 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 representation from both the Applicant's Legal Representative and the Responsible Authorities (Licensing Authority and Environmental Health) that had objected to the application with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub-Committee took into account the objectors' concerns relating to public nuisance, and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted. The Sub Committee were also concerned about the two failed test purchases at the premises.

The Sub Committee noted the variation made to the application with a reduction in the hours applied for to an extra one hour for late night refreshments on Fridays and Saturdays only. The Applicant's Representative explained that the impact of the premises licence would not be significant and if granted, would be mitigated by the proposed conditions they had offered in relation to notices being displayed, refuse not to be put outside during 9am and 9pm and the regular service of the extractor fan. However, the Sub Committee considered that they had not heard sufficient evidence to demonstrate the late trading hours would be strictly adhered considering the two failed test purchases where late night refreshments were sold outside licensing hours.

Members reached a decision and the decision was unanimous. Members refused the application. The Sub Committee were not satisfied that the Applicant would comply with any additional hours/conditions, given the non-compliance with existing conditions on the licence following the failed test purchases. The Sub-Committee were of the view that on the balance of probabilities, the premises were more likely than not to negatively add to the area in that the Sub-Committee was particularly mindful of the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for Super Kebab, 240 Cambridge Heath Road, London E2 9DA be **REFUSED**.

3.2 Application for a New Premises Licence for Sketch, 68 Brick Lane, London E1 6RL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Sketch, 68 Brick Lane, London E1 6RL. It was noted that objections had been received on behalf of Environmental Health and local residents.

At the request of the Chair, Mr Mohammed Al Mamun, Applicant explained that it was a small restaurant with 22 covers, he explained that they will keep windows and doors closed to prevent noise nuisance, that it was not a drinking establishment and alcohol would only be served with food. He said that there were offices directly above the premises and no residential flats and therefore not likely to cause disturbance to residents. He also stated that they would display notices around the premises asking customers to respect the needs of local residents and leave the area quietly, would offer to call taxis and were happy to accept conditions suggested by Responsible Authorities.

Mr Tanvir Ahmed, Co-Applicant said that they would be operating within the Council's Framework hours and offered to amend the application to reduce the hours by 30 minutes to incorporate 30 minutes drinking up time. He also mentioned that there were other licensed premises in the area which had longer licensing hours.

It was noted that Mr Gulam Ahmed the Designated Premises Supervisor had 40 years of experience in the restaurant trade and was responsible and willing to work with the local community.

At the request of the Chair, Ms Nicola Cadzow, stated that the hours applied for were within the Council's framework hours. However the premise was within the Cumulative Impact Zone (CIZ) and the Applicants had failed to demonstrate how they would adhere to the licensing objectives, as this part of the application was left blank. She said that she accepted that windows and doors would be kept closed, however noise may still emanate from the premises. It was noted that there was a lot of residents in the area and another licensed premises would impact on the CIZ with the potential impact of public nuisance.

Members then heard from Mr Daron Pike, who spoke on behalf of Mr Jon Shapiro, local resident, he read through the statement on page 131 of the agenda and highlighted the concerns relating to the CIZ and the current anti-social behaviour in the area.

In response to questions the following was noted;

- That having consulted with the Police and Trading Standards, CCTV conditions, a Challenge 25 policy and to maintain an incident book has been accepted by the Applicant.
- That the Applicants welcomed any conditions recommended by the Sub-Committee
- The Applicants confirmed that they were not related to the previous owners.
- That the premise was currently closed.
- That doors and windows would be kept closed.
- Notices would be displayed around the premises asking customers to respect the needs of local residents and leave the area quietly.
- That they would stop serving alcohol 30 minutes prior to closing time.

- That conditions could be imposed to ensure the premises could only operate as a restaurant.
- That they would restrict the numbers of smokers allowed to smoke outside the premises at any one time.
- That the Applicants agreed to have no bar stools at the bar area.
- That the restaurant would be serving Indian and Bangladeshi cuisines.
- That the Applicants were happy to accept a condition that alcohol is only served ancillary to a meal.
- That there would be no live music except for low background music.
- That from past experiences, difficult or drunk customers are refused sale.

In summation, Ms Cadzow stated that she was not confident that the Applicant understood the licensing objectives. That the premise was in the CIZ, and another licensed premise was likely to have a negative impact on the area in terms of noise and public nuisance.

The Applicants stated that they had agreed conditions with the Police and Trading Standards and would be happy to accept further conditions the Sub Committee felt was necessary and proportionate.

Members adjourned the meeting at 7.55pm to deliberate and reconvened at 8.25pm.

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 Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing 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 had carefully considered all of the evidence before them and considered written and verbal representation from both the Applicants and from Objectors with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub-Committee noted that the premises in question are situated in the Cumulative Impact Zone (CIZ). However, Members noted the fact that the hours applied for were within the Council's Framework Hours and noted the Applicant's offer of curtailing the hours applied for to incorporate the 30 minutes drinking up time. Members noted the conditions agreed with the

Police and Trading Standards and the Applicants willingness to accept conditions to ensure that the premises would not become a bar or drinking establishment.

Members did note the concerns raised by Objectors and in particular the potential public nuisance that licensed premises may cause in an area which already experiences a high level of public nuisance and anti-social behaviour. The Sub Committee were of the view that adding conditions such as no vertical drinking, alcohol to be ancillary to a tabled meal, the standard conditions for no touting and restricting the number of smokers outside the premises at any one time would help alleviate concerns raised by objectors and help promote the licensing objectives.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously:-

RESOLVED

That the application for a New Premises Licence for Sketch, 68 Brick Lane, London E1 6RL be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday 11:00 hrs to 22:30 hrs
Sunday from 12:00 hrs to 22:00 hrs

Hours premises open to the public

Monday to Saturday from 11:00 hrs to 23:00 hrs
Sunday from 12:00 hrs to 22:30 hrs

Conditions

1. There shall be no vertical drinking at the premises.
2. Alcohol only to be served ancillary to a tabled meal.
3. No more than four smokers to be allowed to smoke outside the premises at any one time.
4. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The system is to record the footage and to keep it for a minimum of 30

days and a copy of CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation)

6. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
7. A incident report book is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be made available on request to any Police Officer or representative of a Responsible Authority.
8. A Challenge 25 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.
9. No person shall be employed to solicit for custom or be permitted to solicit for custom or business for the premises in any public place within a 500metre radius of the premises.
10. Clear signage is to be placed in the restaurant windows stating that the premises support the Council's No Touting Policy.

3.3 Application to Review the Premises Licence for Co-Op, 57-63 Chrisp Street, London E14 6LP

The Sub Committee noted and accepted the representation withdrawal from the Metropolitan Police against the review application.

Accordingly, the Sub Committee unanimously:-

RESOLVED

That no further action is to be taken in relation to the review application for Co-Op, 57-63 Chrisp Street, London E14 6LP.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 8.45 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee