

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 30 APRIL 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Ehtasham Haque (Chair)

Councillor Sabina Akhtar

Councillor Shah Ameen

Officers Present:

David Wong	– (Legal Services)
Sonia Sharp	– (Principal Lawyer, Enforcement)
Tom Lewis	– (Team Leader - Licensing Services)
Simmi Yesmin	– (Democratic Services)

Representing Applicants	Item Number	Role
Jeffery Lennon	3.1	(Applicant)
Nazir Ali	3.2	(Trading Standards)
PC Mark Perry	3.2	(Metropolitan Police)
Corinne Holland	3.2	(Licensing Authority)

Representing Objectors	Item Number	Role
Winston Brown	3.2	(Legal Representative)
Akbor Hossain	3.2	(Premise Licence Holder)

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 Time Limited Premises Licence for African Street Style Festival - Calvert Avenue/Arnold Circus (Time Limited 27/28 JULY 14.00 - 19.00)**

At the request of the Chair, Mr Tom Lewis, Team Leader Licensing, introduced the report which detailed the application for a time limited premises licence for African Street Style Festival, Calvert Avenue/Arnold Circus London E2. It was noted that objections had been by two local residents.

The objectors were not present at the meeting and therefore Members asked the applicant to briefly present his application.

At the request of the Chair, Mr Jeffrey Lennon, Applicant explained that this year would be the fifth year that this event had been operating, it had been very successful over the years, with an exemplary record of no complaints or issues regarding noise, safety or nuisance.

Mr Lennon explained that he had reduced the event from a two day event to a one day event - Sunday 28th July 2019 and therefore this helped alleviate the concerns of one of the objectors as one of the concerns was that the event was for two days. It was noted that parking bays would be suspended, a traffic management consultant would be employed and a number of stewards would be employed to help manage the event. Stewards would be instructed to get people to leave the site when licence hours finish.

In response to questions the following was noted:

- That there would be no sound systems placed around the area or besides or outside any homes, they would only be used on the stage area which was away from any residential homes.
- That it was a non-alcohol event – with no sales of alcohol and security and stewards would be instructed not to allow alcohol in the event space.
- That there were approximately 100k residents in the near vicinity and only one resident was complaining.
- Had waste management systems in place.
- That the area was cleaned before and after the event.
- That there were 18 stewards patrolling the site who would not permit alcohol onto the site.

Members adjourned the meeting at 6.50pm to deliberate and reconvened at 7.10pm.

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 made at the meeting by the Applicant. It was noted that the objectors were not present at the meeting. However, their written representations were noted with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the event has been reduced from a two day event to a one day event. The Sub Committee noted that this event had been successfully running for the past four years and this would be the fifth year that this event would be held in Tower Hamlets. The Applicant explained that there had been no complaints in the past in terms of safety, noise, nuisance etc. and generally had no issues.

The Sub Committee noted the Applicant's representation, that the impact of the event would not be significant and if granted, would be mitigated by the proposed conditions offered in the operating schedule. Members acknowledged that the Applicant had explained how they would manage the activities within the premises. However, the potential increased footfall arising from any grant of the application in this instance required a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential public nuisance and noise nuisance arising there from. The Sub-Committee was satisfied that the operating schedule as presented at the Sub-Committee meeting met that requirement, would help alleviate the concerns of the objectors and promote the licensing objectives, in particular the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Time Limited Premises Licence for African Street Style Festival, Calvert Avenue/Arnold Circus be **Granted with the conditions offered in the operating schedule.**

Event – Sunday 28 July 2019

Regulated Entertainment

Provision of Live Music

14:00 hours to 19:00 hours.

Provision of Recorded Music

12:00 hours to 20:00 hours

Provision of Performance of Dance

12:00 hours to 17:00 hours

Hours premises are open to the public

12:00 hours to 20:00 hours

Conditions consistent with the operating schedule

1. Show and Events (part of the SES group) security to patrol the event. Specific focus will be given to the Children's Area situated on the Arnold Circus with additional (DBS checked) stewarding and security located on the Arnold Circus;
2. No alcohol to be sold on site with the event being promoted as a non-alcohol, family event;
3. The festival area is pedestrianised, with cars prohibited from entering the site from 08:00hrs to 20:00hrs to administrate the site set-up / set-down.
4. A noise consultant will monitor sound levels and advise the PA / AV supplier on any adjustments that have to be made throughout the duration of the event.
5. Fifteen portaloos will be delivered on-site and situated at the Rochelle School/ Rochelle Street. Three of these will have facilities for Baby Changing and for those with disabilities;
6. Additional Waste Bins and refuse sacks will be provided on site, in liaison with TH Council;
7. A traffic plan is signed off by TH Highways officials, and appropriate signage is located across the local area advising of the temporary traffic changes and restrictions;
8. All practitioners are DBS checked;

9. The Arnold Circus is the area where the Lost Children's point will be clearly highlighted.
10. St Johns Ambulance services to be commissioned to ensure on-site provision.

3.2 Application to Review the Premises Licence for Singh Supermarket, 37 Roman Road, London E2 0HU

At the request of the Chair, Mr Tom Lewis, Team Leader Licensing, introduced the report which detailed the application for a review of the premises licence for Singh Supermarket, 37 Roman Road, London E2 0HU. It was noted that the review had been triggered by Trading Standards and supported by the Licensing Authority and the Metropolitan Police.

At the request of the Chair, Mr Nazir Ali, Trading Standards Officer explained that the premises was situated in a residential area, where there were grave concerns of crime and disorder and protection of children from harm from alcohol related crime. He referred to his review application on pages 91- 92 and explained that an employee of Singh Supermarket pleaded guilty to selling alcohol to a person under the age of 18 on 14 July 2017, another employee pleaded guilty to selling alcohol outside the permitted licensed hours. It was also noted that a number of counterfeit, and non-duty paid products had been seized from the premises over the years. Mr Ali stated that there have been a number of serious offences where the management of Singh Supermarket put profits over public safety.

Mr Ali also explained that Mr Arora was the director of three companies and one of the premises situated in Harrow had also been found to be selling illicit tobacco. Therefore it was the view that he was not a fit or proper person to hold a licence or be a responsible Designated Premise Supervisor (DPS). Mr Ali concluded that counterfeit goods may pose a risk to public health and therefore no choice but to seek revocation of the premises licence.

Members then heard from Ms Corinne Holland, Licensing Officer representing the Licensing Authority. Ms Holland stated that the Licensing Authority supported the review which sought revocation of the licence. She detailed a number of breaches at the premises that has been made recorded in the database (listed on pages 128-129). Ms Holland concluded that there was a blatant disregard of the law and the breaches of the licensed times and conditions have occurred despite previous warnings from Trading Standards and the Licensing Authority and therefore it was the view that on a balance of probabilities the premises is likely to continue to undermine the licensing objectives.

Members then heard from PC Mark Perry, representing the Metropolitan Police, he explained that by allowing staff to sell alcohol to person aged under 18 demonstrated not only a lack of regard to the licensing objectives but also a lack of care to children. Despite failing a test purchase the management have allowed the premises to trade beyond their hours.

He concluded that the owners and management have shown that they cannot be trusted to comply with conditions imposed upon them and therefore urged members to revoke the premises licence.

At the request of the Chair, Mr Winston Brown, Legal Representative on behalf of the Premises Licence Holder, Mr Akbor Hossain, explained that all the concerns relate to the DPS, Mr Arora, who is no longer at the premises. He explained that when Mr Hossain applied for the transfer of the licence in 2018, he had not realised that there was a separate form that needed to be completed in order to change the DPS. He highlighted that all the offences were made before Mr Hossain took over the management of the premises so he had no direct involvement in these offences. The offences were post August 2018 when the licence was transferred.

Mr Brown said it was clearly not proportionate to revoke the licence and was happy to agree to the conditions proposed by the Police and suggested a suspension to get the premises in order would be more appropriate and also suggested the removal of the DPS.

In response to questions the following was noted;

- That Mr Arora was listed as the DPS for two other premises one in Tower Hamlets and one in Harrow
- That a transfer of licence was received on 15 August 2018 but not a change of DPS form or its fee to change it
- That no transfer of DPS was made.
- That Mr Hossain believed that transferring the licence would automatically transfer the DPS.
- That Mr Hossain had only realised that the DPS had not changed once the agenda pack had been received.
- That Mr Hossain had no relations to Mr Arora and Mr Arora no longer had any involvement in the business.
- That the lease was still under Mr Arora's name.
- That CCTV cameras were already in operation at the premises.
- That all offences pre date the transfer of the licence to Mr Hossain in August 2018.
- That staff were aware of licensing objectives and would be trained on a regular basis.

Members adjourned the meeting at 7.55pm to deliberate and reconvened at 8.40pm.

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 Applicant, representing Trading Standards and officers on behalf of the Licensing Authority and Metropolitan Police who were supporting the review. Members also heard from both the Premises License Holder and his Legal Representative. The representations made at the meeting had particular regard to the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

The Sub Committee noted that no transfer of Designated Premises Supervisor (DPS) was made at the time of the transfer of premises licence to Mr Akbor Hussein. As Premises License Holder, Mr. Hussein stated that this had been an error and misunderstanding on his part as he had believed that the transfer of licence was all he had to do to transfer the DPS. It was also noted that from August 2018, Mr Hussein had been in post and there had been no further issues. Members heard directly from Mr Hussein and found his statements to be credible.

The Sub Committee were of the view that the removal of Mr Manohar Singh Arora as the DPS would stop any further involvement or any mismanagement of the premises, given Mr. Arora's involvement in matters complained of in the application for review. Removal of the DPS would also mean that there can be no sale of alcohol until a new DPS is appointed by Mr. Hussein and approved by the local authority.

Members noted all the previous contraventions and breaches of the premises licence, but were mindful that Mr Hussein was a new operator who had not been a party to these breaches, and these took place prior to him taking over the management of the premises. Members believed that the reduction in the hours of the licence to the Council's framework hours and imposing of conditions suggested by the Police would help alleviate the concerns raised in the application for review.

Members reached a decision and the decision was unanimous. Members did not consider that revoking the premises licence would be reasonable and proportionate in upholding the licensing objectives. Members granted the application in part by removing the DPS, reducing the hours, and adding conditions to the operating schedule to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously:-

RESOLVED

That the application for a Review of the Premises Licence for Singh Supermarket, 37 Roman Road London E2 0HU be **GRANTED in part** with the removal of the DPS, a reduction in hours, and imposing of conditions.

Sale of Alcohol (off sales only)

Monday to Thursday from 06:00 hrs to 23:30 hrs
Friday and Saturday from 06:00 hrs to 00:00 hrs (midnight)
Sunday 06:00 hrs to 22:30 hrs

Removal of Designated Premises Supervisor

The removal of Mr Manohar Singh Arora as the Designated Premises Supervisor with immediate effect.

Conditions

1. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.
2. The system is to record the footage and to keep it for a minimum of 30 days, and a copy of the CCTV footage is to be available to the Police or the Local Authority upon request (subject to data protection legislation).
3. While the premises are open to the public, a member of staff must be on duty who can operate the CCTV system.
4. An 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 a representative of a Responsible Authority.
5. The premises shall operate a Challenge 25 policy – sale of alcohol scheme.
6. The premises shall have a refusal log recording all refusals of the sale of alcohol, this log will contain the date of the attempted sale, description of why the sale was refused, and will be signed off by the duty manager at the end of every day and be made available to Police or Local Authority on request.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 9.00 p.m.

Chair, Councillor Ehtasham Haque
Licensing Sub Committee