

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON TUESDAY, 24 APRIL 2018****C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14  
2BG****Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Peter Golds  
Councillor Dave Chesterton

**Officers Present:**

Mohshin Ali	– (Senior Licensing Officer)
David Wong	– (Legal Services)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Mohammed Choudhury	3.2	Legal Representative
Abul Mangur	3.2	Applicant

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
PC Mark Perry	3.2	Metropolitan Police
Jon Shapiro	3.2	Local Resident
Roger Evans	3.2	Local Resident

**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 New Premises Licence for Yumcha 137 Brick Lane, London E1 6SB**

This item was deferred to a future meeting date.

#### **3.2 Application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG. It was noted that objections had been received from the Metropolitan Police and local residents.

At the request of the Chair, Mr Mohammad Choudhury, Legal Representative on behalf of the Applicant Mr Abul Mangur, explained that following consultation with Environmental Health they had agreed to reduce the hours for the sale of alcohol to Monday-Thursday to 23:30 hours, Friday to Saturday to 00:00 hours (midnight) and Sunday 22:30 hours.

He continued to explain that historically the premises had held a premises licence since 2005, this was then revoked in 2014 following a review by Trading Standards in regards to smuggled goods. It was noted that the applicant was a new owner and had no relations to the previous owner. Mr Choudhury stated that the Police were incorrect in their statement which makes reference that the revocation was due to selling to vulnerable residents on credit as this was incorrect.

Mr Choudhury explained that there were many other licensed premises in the local area and therefore believed that another premises would not have a negative impact as alcohol was readily available in the area. It was noted that the hours had been reduced and the applicant was willing to comply with conditions the Police had proposed on page 135 of the agenda and any other conditions that the Sub Committee felt necessary and proportionate.

At the request of the Chair, PC Mark Perry explained that the premises is situated in a location that is directly between two hostels Hope Town and Dellow Centre for vulnerable residents with alcohol related problems. He explained that there was a real fear that if a licence was granted this would lead to a significantly greater amount of street drinkers in the area and there would be an increase in public nuisance and anti-social behaviour then what is currently experienced in the area.

It was noted that there had been no consultation with the Police regarding this application, the application had not mentioned these hostels close by, nor had the application addressed how the applicant would mitigate anti-social

behaviour etc. with particular reference to the likely impact on these hostels, their residents and the possibility of increased public nuisance and anti-social behaviour from having one additional set of licensed premises in the area.

Members then heard from Mr Jon Shapiro and Mr Roger Evans, local residents who expressed similar concerns about the Cumulative Impact Zone (CIZ), the close proximity to hostels and residents nearby and the likelihood that the premises would become a magnet for ASB, with people congregating outside the premises and causing public nuisance.

In response to questions the following was noted;

- That there was no evidence to suggest that the previous owners had sold alcohol on credit to vulnerable users.
- Members noted the applicant's experience to date.
- That there were other venues in the local area that was selling alcohol.
- That the applicant was happy to abide by any conditions that the Sub Committee felt necessary.
- That the applicant has had no consultation with the Police or local residents, however he had reduced the hours in agreement with Environmental Health.
- That the applicant initially thought that the previous licence was still live and would only need to revive the old licence, but was then advised by Licensing Services that he had to apply for a new licence.
- That the applicant had previously worked in a set of licensed premises for 1 and half years.

In summing up Mr Choudhury stated that the applicant would be happy to contact the residents and responsible authorities, and hostels before operating a licence if it were to be granted. He stated that the applicant was a responsible person and had shown commitment to promoting the licensing objectives by agreeing to conditions and reducing the hours that were initially applied for.

PC Perry on behalf of the objectors stated that the applicant had no grasp of the area, the significance of the CIZ and clearly failed to rebut the presumption against granting any new premises licence in relation to the CIZ. PC Perry therefore urged Members to refuse the application.

Members adjourned the meeting at 2.45pm for deliberations and reconvened at 3.05pm.

### **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 and his representative and the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and when a representation is received, the licence will be refused. However the effect of this special cumulative impact policy is to create a rebuttable presumption.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard oral representations from the Metropolitan Police and resident objectors regarding the impact of the premises on the Cumulative Impact Zone (CIZ). The Sub-Committee noted objectors' concerns relating to the existing levels of public nuisance and anti-social behaviour in the area; and noted the premise's close proximity to two local hostels for vulnerable persons with alcohol issues.

The Sub Committee noted the applicant's representation that the hours originally applied for had been reduced upon consultation with Environmental Health and the premises licence if granted, would be mitigated by any conditions that would be agreed. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence within the CIZ would not add to the cumulative impact of the number, type and density of licensed premises already in the area with regard to prevention of public nuisance and prevention of crime and disorder. The Sub-Committee therefore considered that it had not heard evidence that rebutted the presumption against granting any further premises licence within the CIZ.

The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met the requirement to uphold the licensing objectives in the CIZ.

Members also expressed grave concerns about the absence of any consultation with responsible authorities especially the Police and local residents, which also did not satisfy the Sub-Committee that the applicant understood what was needed to seek to rebut the presumption against granting any further premises licence within the CIZ.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to successfully demonstrate that they had rebutted the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously

#### **RESOLVED**

That the application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG be **REFUSED**

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

There were no applications that required deadline extensions.

The Chair extended his vote of thanks to all the Councillors who had served on the Licensing Committee over the past years and to all the officers who have supported the Committee. He gave a special thanks to Councillor Peter Golds, Vice Chair of the Licensing Committee for all his efforts.

Councillor Peter Golds and Councillor Dave Chesterton also gave a vote of thanks to the Chair, Councillor Rajib Ahmed, for all his work as the Chair of the Licensing Committee over the years.

The meeting ended at 3.15 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee