

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON WEDNESDAY, 14 APRIL 2010**

**MEETING ROOM M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Fozol Miah  
Councillor M. Mamun Rashid

**Officers Present:**

Thomas Doyle	- (Planning Enforcement)
Zakir Hussain	- (Solicitor)
Alkesh Solanki	- (Environmental Protection)
Nick Kemp	- (Licensing Officer)
Simmi Yesmin	- (Senior Committee Officer)

**Applicants In Attendance:**

M. Sooba	- Lahore Express
Salahuddin Sahibzada	- Lahore Express
Shahrul Alom	- Pizza Point
Hassan Uddin	- Pizza Point
Kazi Abdul	- Café Fresh
Abdul Kashim	- Café Fresh

**Objectors In Attendance:**

Alan Cruickshank	- Metropolitan Police
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**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3. RULES OF PROCEDURE**

The rules of procedure were noted.

#### **4. ITEMS FOR CONSIDERATION**

##### **4.1 Application for a New Premises Licence for Lahore Express, 265 Bethnal Green Road, London E2 6AH (LSC 061/910)**

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for extended hours for late night refreshments for Lahore Express, 265 Bethnal Green Road, London E2 6AH. It was noted that objections had been received from the Metropolitan Police and Environmental Health.

At the request of the Chair, Mr M. Sooba, Co-Director of Lahore Express explained that Lahore Express was a family restaurant, it did not sell alcohol despite having a licence to sell alcohol and served a large Muslim family community and wished to extend the opening hours to cater for the local community. He stated that he could not envisage any public nuisance occurring as there hasn't been a problem before.

The Chair invited Mr Alkesh Solanki, Environmental Health to present his reasons for objection, Mr Solanki referred to his statement within the agenda and explained that there were residential properties adjoining and surrounding the business and that the impact of having a late night establishment in a location where residential properties have had the quiet solitude of no commercial activities beyond 11pm in the majority of cases would be detrimental and inappropriate.

He stated that the premises was located next to mixed residential and commercial properties and the majority of the side streets in the locality were residential and therefore the potential for public nuisance was high. Mr Solanki explained that customers that frequent the establishment after 11pm and up to 2am were likely to have had a night out and be in high spirits. He concluded by offering to agree to a one hour extension to the opening hours to 12 midnight on Fridays and Saturdays.

At the request of the Chair, Mr Alan Cruickshank, Metropolitan Police presented his reasons for objections he explained that there had been one recorded disorder call to the premises on 14<sup>th</sup> October 2009 at 23:29 hours at which time they did not have a premises license allowing them to be open at that time. He stated that there were no other eateries within the immediate vicinity that were open till the time requested.

Mr Cruickshank questioned the fact that families would be at the restaurant till 2am on a Friday or Saturday. He explained that late night eateries often attract people who are either under the influence of alcohol who may not be violent but can be very loud or it can attract people who are either anti-social

or violent. He concluded by also offering and agreeing to an extension of hours to 12 midnight on Fridays and Saturdays.

In response to questions the Mr Sooba confirmed that he expected families to eat at the restaurant up till 2am on Fridays and Saturdays. It was also noted that they had not surrendered the alcohol license despite not selling alcohol.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 2.25pm adjourn to consider the evidence presented. The Members reconvened at 2.35pm, the Chair reported that the Sub Committee had by a majority vote of 2/1;

### **RESOLVED**

That the new application for a premises license for Lahore Express, 265 Bethnal Green Road, London E2 6AH be **GRANTED** subject to the following condition;

#### **The Provision of Late Night Refreshments**

Sunday to Thursday from 23:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 23:00 hours to 02:00 hours

#### **Hours Premises are Open to the Public**

Monday to Thursday from 11:30 hours to 00:00 hours (midnight)  
Friday and Saturday from 08:30 hours to 02:00 hours  
Sunday from 08:30 hours to 00:00 hours (midnight)

#### **Condition**

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

## **4.2 Application for a New Premises Licence for Pizza Point, 280 Bethnal Green Road, London, E2 0AG (LSC 062/910)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application to extend the hours for late night refreshments for Pizza Point, 280 Bethnal Green Road, London E2 0AG. It

was noted that objections had been received from the Metropolitan Police, Environmental Health, Planning Enforcement and a local resident.

At the request of the Chair, the applicant, Mr Hassan Uddin, explained that the shop had been running for the past 2 years and would now like to increase income by opening till late to support staff financially. He emphasised on the National Government's incentive to help small businesses. He explained that there were a number of premises including franchises like McDonalds and KFC on Bethnal Green Road who had late licenses. He highlighted that he was not applying for hours beyond the hours that other local businesses had. He referred to his supporting documents which detailed other local premises around the local area and their opening hours according to his own observations. He believed that no public nuisance would be caused as a result of opening late.

At the request of the Chair, Mr Alan Cruickshank referred to his statement within the agenda and explained that there were no other late night eateries within the immediate vicinity that were open till the time requested by the Mr Uddin, and although Bethnal Green Road has a number of licensed premises all along the road it still had a considerable residential population. He stated that the night time economy had to be balanced between the needs of local businesses and the welfare of the nearby residents.

Mr Cruickshank explained that to remain open until 4am for late night refreshments was excessive and would certainly have a detrimental effect on the local residents. He explained that late night eateries often attracted people who are either under the influence of alcohol, who can be very loud or it can attract people who are either anti-social or violent. In conclusion Mr Cruickshank offered to agree to an extension to 12 midnight 7 days a week.

Mr Alkesh Solanki, explained that there were residential properties adjoining and surrounding the business and that a late license would not protect the local amenity from public nuisance. He further explained that the impact of having a late night establishment in a location where residential properties have had the quiet solitude of no commercial activities beyond 11pm in the majority of cases would be detrimental and inappropriate. He stated that the potential for public nuisance was high and customers that would frequent the establishment after 11pm and up to 4am were likely to have had a night out and be in high spirits. He stated that the licensing objective of prevention of public nuisance can not be met by the applicant especially when their customers are off the site and on their way to their next destination. Again Mr Solanki offered to agree to an extension to 12 midnight, however, only on Fridays and Saturdays.

Mr Thomas Doyle, Planning Enforcement Officer explained that planning objected to the opening hours as they were too excessive and approving these hours would result in a greater degree of noise and disturbance to persons living in the area, later into the night and early morning than already being caused by this venue and others in the near vicinity.

At the request of Members, Mr Kemp clarified and confirmed the opening times of the other premises that were detailed in the applicants supporting documents.

In the absence of the local resident who had objected to the application, Members noted and considered his statement which was contained in the agenda.

In response to Members questions, Mr Uddin explained that the flats directly above the premises were vacant and had been vacant for the past couple of years. In response to another Mr Uddin explained that premises like McDonalds and KFC were open till 2am.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 3.00pm adjourn to consider the evidence presented. The Members reconvened at 3.25pm, the Chair reported that the Sub Committee had by a majority vote of 2/1, The Chair, Councillor Peter Golds, wished for his dissent to be recorded;

### **RESOLVED**

That the new application for a premises license for Pizza Point, 280 Bethnal Green Road, London E2 0AG be **GRANTED in part** subject to the following condition;

#### The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 23:00 hours to 02:00 hours

#### Hours Premises are Open to the Public

Sunday to Thursday from 11:00 hours to 00:00 hours (midnight)  
Friday and Saturday from 11:00 hours to 02:00 hours

#### Condition

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

#### **4.3 Application for New Premises Licence for Café Fresh, 29-31 Commercial Road, E1 1LD (LSC 063/910)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for the sale of alcohol and regulated entertainment for Café Fresh, 29-31 Commercial Road, London E1 1LD. It was noted that objections had been received from the Metropolitan Police, and Environmental Health – Smoke Free Team.

The Applicant wished to table late supporting documents, all interested parties were consulted, who then accepted this document. Members adjourned the meeting at 3.30pm for all parties to consider and note the document. The meeting was reconvened at 3.40pm.

At the request of the Chair, the applicant, Mr Abdul Kashim explained that he had previous experience of running a restaurant for 15 years which was licensed. He apologised for the problems concerning the Shisha Bar in the basement and explained that he had now removed all the Shisha equipment from the premises. He stated that if Members were to grant the application he would introduce CCTV cameras, the Challenge 21 policy and employ a SIA door supervisor.

Mr Kazi Abdul, Mr Kashim's representative, explained that the Shisha business was inherited from the previous owner, and that Mr Kashim had merely continued with was an existing trade. He explained that the applicant was a tax payer, was seeking an alcohol licence and as a result would recruit more staff, and was aware of the regulations for selling alcohol. Mr Abdul referred to page 179 of the agenda and stated that the allegation of drugs being used in the premises was only hearsay and that there was no evidence to support this, he explained that late night hours would only be used for private events.

At the request of the Chair, Mr Alan Cruickshank explained that Police intelligence from the 18th September 2009 until the 27th October 2009 indicated that drugs were being used in the café and also supplied from there. It also mentioned that it was being used as a Shisha (smoking) Bar.

It was noted that since that time LBTH Smoking Team had attended the Café and the applicant has been successfully prosecuted for smoking offences. Mr Cruickshank then referred to his statement in the agenda and took Members through the incidents which took place during visits made by police officers at the premises.

He concluded that the café was already breaking the law on smoking ban, and felt that there was no reason to believe that the applicant would abide by the Licensing Act and maintain the licensing objectives. He stated that Mr Kashim deliberately flouted the smoking laws, and recommended that he is not to be considered as the DPS if Members were to grant any license.

At the request of the Chair Mr David Tolley, Environmental Health Manager referred to his statement within the agenda and explained that the premises

operated as a café and Shisha Bar where shisha pipes are smoked within an enclosed area and in the open rear garden. He explained that Mr Kashim was required by the Health Act 2006 to prevent smoking from taking place in the premises. However officers had found the breach of this many times in the premises and as a result Mr Kashim had been given numerous warnings and taken to court and successfully prosecuted for his actions. Mr Tolley then gave a summary of the incidents that took place in relation to Shisha smoking in the premises.

Mr Tolley concluded that Mr Kashim as a person in control and concerned with the management of a premises allowed smoking of shisha in a smokefree premises and he had actively encouraged it therefore officers had no confidence that this attitude to the law will not continue if the premises becomes a licensed premises.

In response to Members questions it was noted that there had been 9 occasions where there were breaches of the smoking ban, it was noted that currently the business closed at 7pm. It was further noted that since 5<sup>th</sup> March 2010 all the shisha equipment had been removed from the premises.

As for assurances the applicant said that he would appoint a new DPS if required and explained that CCTV cameras had been ordered and would be accessible for all responsible authorities. Mr Abdul explained that the basement had a capacity of 15-20 people therefore would only be used for private events and that Mr Kashim was fully aware of his obligation and duties for selling alcohol.

At the request of the Chair, all parties concluded by summarising their submissions.

The Chair advised that the Sub Committee would at 4.10pm adjourn to consider the evidence presented. The Members reconvened at 4.30pm, the Chair reported that the Sub Committee had unanimously;

### **RESOLVED**

That the new application for the premises license for Café Fresh, 29-31 Commercial Road, London E1 1LD be **REFUSED**.

### **Reason for Decision**

After hearing representations from the Applicant and his representative and subsequently hearing submissions from the Metropolitan Police and Environmental Health, Members felt that they could not be satisfied that the applicant would promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Members felt that they heard no reassurances from the Licensee to satisfy them that the appropriate steps would be taken and followed. Therefore Members felt that there was no other option but to refuse the application.

Members did consider the imposition of conditions to alleviate the strong concerns that they had about the numerous repeated breaches of licensing and other legislation, but were not confident that conditions would resolve the issues.

The meeting ended at 4.40 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee