

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 7PM ON TUESDAY, 21 SEPTEMBER 2010

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)
Councillor Rofique U Ahmed
Councillor Oliur Rahman

Other Councillors Present:

None.

Officers Present:

Mohshin Ali	– (Acting Senior Licensing Officer)
Cain Duncan	– (Planning Enforcement Officer)
Paul Greeno	– (Senior Advocate)
Kerry Muré	– (Senior Lawyer)
Caroline Chalklin	– (Committee Officer, Chief Executives')

Applicants In Attendance:

Mr Juned Ahmed
Mr Dinesh Kanzaria

1. APOLOGIES FOR ABSENCE

No apologies were received.

2. DECLARATIONS OF INTEREST

Councillor Oliur Rahman declared that he had been approached by both objectors and a Councillor supporting the application to Review the Premises License for Low Cost Food and Wine, 367 Mile End Road, E3 4QS; Councillor Rahman reminded both the objectors and the Councillor that he was unable to discuss the Review.

3. RULES OF PROCEDURE

The Chair outlined the procedures to be followed during the meeting.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Low Cost Food and Wine, 367 Mile End Road, London E3 4QS (LSC 29/011)

This item was adjourned by request of the Premises License holder and would be considered on 26th October 2010.

4.2 Application to Vary the Premises Licence for Real Flavour, 221 East India Dock Road, London E14 0ED (LSC 30/011)

At the request of the Chair, Mr Moshin Ali, presented the report which detailed the application to Vary the Premise License for Real Flavour, 221 East India Dock Road, London 14 0ED. It was noted that there had been an e-mail in objection.

At the request of the Chair, the applicant's brother, Mr Walia Selman spoke on the application. Mr Selman made the following points:

- There was a 24 hour bus stop outside the premises
- To prevent public nuisance and crime, there would be CCTV both inside and outside the premises
- The business needed to be open until 2pm in order to survive
- Mr Selman requested permission to present a petition in support of his application; the Chair explained that Members could not accept the petition unless there was agreement from all parties as it meet procedural timescales. Mr Greeno, the Legal Officer stated that Members would accept the petition unseen
- Mr Selman referred to the extractor fan mentioned in the objector's e-mail on page 139 of the Agenda; he said that the fan was switched on to 'High' when the shop was busy, when the shop was quiet the fan would be switched to 'Low'

In response to a question, the applicant said that a condition requiring reduction of noise from the fan to the satisfaction of Environmental Health officers and would accept a condition on the times of opening.

At the invitation of the Chair, Mr Duncan, Planning Enforcement Officer, explained why there was an objection from the Planning Service.

Mr Duncan explained that planning permission had not formally be granted, but obtained through a Certificate of Lawfulness; thus there had been no opportunity for conditions to be applied. Whilst understanding the need for a night time economy, there would be a real detriment to residents' peace and quiet, supplying hot food late at night would cause a nuisance. Mr Duncan asked Members to consider whether there had been sufficient detail in the application for variance; his concern was there would be noise from customers leaving the premises at night, and that customers would loiter outside. The 2am closing time was not in balance with the environment of the shop; more reasonable opening hours would be:

Sunday – Thursday 11am – 11.30pm
Friday and Saturday 11 am – 12.30pm

In response to questions, Mr Duncan responded:

- The current hours of operation were from 11am to 22.30pm, seven days a week
- There was a late opening licensed premises opposite All Saints DLR station open until 2am, seven days a week

In response to questions, the applicant responded:

- The applicant would clear up litter in front of the shop; the shop faced the main road, and hence there would be no reason for loitering outside

In response to further questions:

- Mr Duncan had not visited the premises after receiving the objection, but had written to the objector asking for more details of noise pollution
- People were living right beside the premises

The Chair advised that the Sub Committee would at 7:35pm adjourn to consider the evidence presented. Members reconvened at 7.45 pm. The Chair reported that:

Having heard from the applicant and officers representing Planning Enforcement, the decision was to grant the application in part with a number of conditions that were considered necessary and proportionate to impose.

The Sub Committee considered the application based on the information that was provided at the meeting, giving due weight to environmental issues in this instance. However the decision was ultimately decided in regard to the licensing objectives, in this case, the prevention of crime and disorder and the prevention of public nuisance.

RESOLVED

That the variation application for the Premise License for Real Flavour, 221 East India Dock Road, London 14 0ED be **GRANTED in part**, with the following conditions;

Late Night Refreshment

Sunday – Thursday 11:00 to 23:30 hours
Friday and Saturday 11:00 to 00:30 hours

Hours premises are open to the public

Sunday – Thursday 11:00 to 23:30 hours
Friday and Saturday 11:00 to 00:30 hours

Conditions

1. That litter be removed from the front of the premises on a regular basis throughout the hours of operation.
2. That signs be erected on the premises asking patrons to respect the neighbouring residents by being quiet on leaving the premises at night.
3. That the Environmental Protection department be requested to send officers to visit the premises to assess the noise from the premises' extractor fan in respect of night time ambient noise, and the owner to carry out works to reduce noise pollution to officers' satisfaction.

4.3 Application to Vary the Premises Licence for Denni's News, 15 Swaton Road, London E3 4ES (LSC 31/011)

At the request of the Chair, Mr Moshin Ali, presented the report which detailed the application to Vary the Premise License for Denni's News, 15 Swaton Road, London E3 4ES. A petition had been received in objection to the variation.

At the request of the Chair, Mr Paul Greeno, Senior Advocate for the Council, advised Members that they were considering the physical extension, not whether the applicant is selling alcohol or the hours of operation of the premises.

At the request of the Chair, Mr Tom Watson spoke as representative for the applicant, Mr Dinesh Kanzaria, on why the variation should be granted. Mr Watson explained that the Premises License had been granted in February 2009, however Mr Kanzaria had not sold any alcohol from the shop, deciding to make alterations and install CCTV first. Delays had been caused by problems with the builders.

A complaint had been received about drinkers outside the shop; but the shop itself was not open for business during that time. Concerns about the potential for groups of youths to gather at the side of the premises should be alleviated by the installation of CCTV covering the area. Mr Kanzaria was an experienced off-license proprietor.

In response to questions, Mr Watson responded that:

- the proposed hours of operation were to 11pm
- the objectors to the application lived in the same street
- the applicant was going to keep a log of refusals to sell alcohol to underage customers
- Mr Watson would be advising the applicant on refusing underage requests for alcohol, and supplying him with posters, a log for refusals and training. He confirmed that Mr Kanzaria did not wish to add to this problem
- Mr Kanzaria would give out his phone number to local residents, so they could contact him with problems

The Chair advised that the Sub Committee would at 7.50pm adjourn to consider the evidence presented. Members reconvened at 8.05pm pm. The Chair reported that:

Having heard from the applicant and officers representing Planning Enforcement, the decision was to grant the application with a number of conditions that members considered were necessary and proportionate to add.

The Sub Committee considered the application based on the information that was provided at the meeting, giving due weight to environmental issues in this instance. However the decision was ultimately decided in regard to the licensing objectives, in this case, the prevention of crime and disorder and the protection of children

RESOLVED

That the variation application for the Premise License for Denni's News, 15 Swaton Road, London E3 4ES be **GRANTED**, with the following conditions:

1. That a 'Challenge 21' policy be implemented;
2. That the alcoholic beverages be only sold from the racks and coolers as laid down on page 201 of the agenda and the alcohol on sale constitute no more than 10% of the stock on display in the shop.

The meeting ended at 8.10 pm

Chair, Councillor Peter Golds
Licensing Sub Committee