

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 6 OCTOBER 2010

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

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon

Officers Present:

Mohshin Ali – (Acting Senior Licensing Officer)
Paul Greeno – (Senior Advocate)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Mr Mohammed Choudhury - (Jerrin's News)
Mr Muhammed Choudhury - (Jerrin's News)
Mr Mahir Kilic - (Tai's Vine)
Mr Vassiakis - (Tai's Vine)
Ms Debra Silvester - (Zengi)
Mr Sam Neriman - (Zengi)

Objectors In Attendance:

Mr Alan Cruickshank - (Metropolitan Police)
Mr Andrew Dickson - (Planning Enforcement)

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Aminur Khan for whom Councillor David Snowdon substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interests made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Vary the Premises Licence for Jerrins News, 90 Mile End Road, London E1 4UN (LSC 34/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises license for Jerrin's News, 90 Mile End Road, London E1 4UN. It was noted that objections had been received by the Metropolitan Police and Planning Enforcement.

At the request of the Chair, Mr Mohammed Choudhury, Applicant's representative, explained that the application was to vary the existing license in order to extend the hours for the sale of alcohol. He further explained that the applicant had been trading for the past 10 years with no history of problems associated with the premise. He further explained that a neighbouring shop had a licence for longer hours and since Tesco Metro had opened on Mile End Road their business had reduced significantly. Mr Choudhury concluded by stating that if the license is granted then he would be able to employ more people.

At the request of the Chair, Mr Alan Cruickshank, Metropolitan Police referred to his objection on page 55 of the agenda and highlighted that the hours applied for were far too excessive and if such a license was granted, it would attract street drinkers and would potentially increase anti-social behaviour in the area.

Mr Andrew Dickson, Planning Enforcement Officer, also referred to his statement on page 59 of the agenda and highlighted that Planning Enforcement did not support the application for a variation of the premises licence for the supply of alcohol to 04:00 hours, seven days a week as this would cause public nuisance to surrounding residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises.

In response to questions it was noted that there were residential properties directly above the premises, there had not been any anti-social behaviour in the premises but there had been reports of anti-social behaviour further down the street. It was noted that their customers would be local residents and that there was one other shop on the same road which had a license to sell alcohol until 4am.

The Chair advised that the Sub Committee would at 6.50pm adjourn to consider the evidence presented. The Members reconvened at 7.10pm. The Chair reported that;

After hearing representations from the applicant, Metropolitan Police and Planning Enforcement and based on evidence there were concerns that by granting the licence in full could have an impact on anti-social behaviour in the area. Therefore Members did not wish to grant the license as set out in the report, however Members did take into account the views of the applicant and considering all the facts Members agreed to grant a licence with the following hours and conditions.

RESOLVED

That the variation application for the premises license for Jerrin's News, 90 Mile End Road, London E1 4UN be **GRANTED** in part with the following conditions;

Sale of alcohol

Sunday to Thursday from 07:00 hours to 02:00 hours
Friday & Saturday from 07:00 hours to 04:00 hours

Hours Premises is Open to the Public

Sunday to Thursday from 07:00 hours to 02:00 hours
Friday & Saturday from 07:00 hours to 04:00 hours

Conditions

1. A CCTV camera system is to be installed covering both internal and external to the premises.

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 Variation of the Premises Licence for Tai's Vine, 113 Globe Road, London, E1 4LB (LSC 35/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises license for Tai's Vine, 113 Globe Road, London E1 4LB. It was noted that objections had been received by the Metropolitan Police, Planning Enforcement and local residents.

Mr Mahir Kilic, Licensing Representative for the applicant sought clarification on when the objections from residents was received, it was accepted that the representation was made in time and received by fax by Licensing Services on 31st August 2010.

At the request of the Chair, Mr Kilic then explained that the application was to extend the hours for sale of alcohol. He explained that there was no evidence that could prove that there would be concerns for potential increase in anti-social behaviour. He referred to case law which stated that objections should be based on real evidence and that there was no evidence to support concerns raised by the objectors. He stated that the objection from Planning Enforcement was not valid and should not be given any weight during decision making as the same statement had been used for other applications and therefore lacked authenticity. He claimed that the objections were based on speculation with no real evidence of anti-social behaviour. Mr Kilic stated that the applicant was responsible and experienced and had successfully refused underage sales. It was noted that the applicant wished to amend the application to reflect the change to Sundays 08:00 to 00:00 hours (midnight).

At the request of the Chair, Mr Alan Cruickshank referred to his objection on page 133 of the agenda, and highlighted that the hours applied for were excessive and would be likely to affect the large residential population in the area with concerns of anti-social behaviour and public nuisance.

Mr Andrew Dickson referred to his statement on page 137 of the agenda and highlighted that Planning Enforcement did not support the variation of the premises licence to enable the supply of alcohol to 03:00 hours, seven days a week as this will cause public nuisance to surrounding residential occupiers for a longer period of time in the early morning hours than what currently occurs from the premises. He also made reference to the letter and petition sent by local residents which also raised concerns about anti-social behaviour in the area.

In response to questions it was noted that Globe Road was a very busy access road, and there had been reports of youth disturbance which has been also raised by the Safer Neighbourhood Team (SNT) in the area, the applicant stated that he was not aware of any antisocial behaviour in the area, and if this was the case why was there no representations from Environmental Health. It was confirmed that the Police had not received any complaints regarding anti-social behaviour linked to the premises.

The Chair advised that the Sub Committee would at 7.35pm adjourn to consider the evidence presented. The Members reconvened at 7.45pm. The Chair reported that;

After hearing representations from all interested parties, Members reached the decision not to grant the application as set out in the report. Members specifically took into account the objections from residents and concerns raised regarding anti-social behaviour and congregation of youth in the area and therefore Members decided not to grant the license in full.

Members gave consideration to the large number of residential properties in the area and the concerns regarding anti-social behaviour and the fact that granting of the licence is likely to result in an increase in anti-social behaviour. However Members were satisfied to grant the license in part with the hours and conditions recommended by the Metropolitan Police.

RESOLVED

That the variation application for the premises license for Tai's Vine, 113 Globe Road, London E1 4LB be **GRANTED** in part with the following conditions;

Sale of Alcohol

Sunday to Thursday from 08:00 hours – 23:00 hours

Friday & Saturday from 08:00 hours – 00:00 hours (midnight)

Hours Premises is Open to the Public

Sunday to Thursday from 08:00 hours – 23:00 hours

Friday & Saturday from 08:00 hours – 00:00 hours (midnight)

Conditions

1. A CCTV camera system is to be installed covering both internal and external to the premises.

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 a New Premises Licence for Zengi, 44 Commercial Street, London E1 6LT (LSC 36/011)

There were no objectors present for this application and therefore Members decided to consider the application and the written objections contained within the agenda. In response to questions, Ms Debra Silvester, Licensing Representative for the applicant confirmed that the premise was a restaurant and not a bar or club and therefore customers would only be drinking with their meals.

The Chair advised that the Sub Committee would at 7.50pm adjourn to consider the evidence presented. The Members reconvened at 8.00pm. The Chair reported that;

In considering the application, Members noted the concerns raised by local residents who made representations in relation to crime and disorder and public nuisance but it was considered, however, that these were very much future concerns regarding what could happen if more late night premises were to open in the local area and relating to other premises in the area and not the actual premise itself. Members had considered the application based on the current position and were satisfied that the application could be granted.

RESOLVED

That the new application for the premises license for Zengi, 44 Commercial Street, London E1 6LT be **GRANTED** in part with the following conditions;

Sale of Alcohol (on sales)

Monday to Sunday from 11:00 hours – 23:30 hours

Provision of Late Night Refreshments

Monday to Sunday from 23:00 hours – 23:30 hours

Provision of Regulated Entertainment (including live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provisions of facilities for dancing and anything of a similar description)

Monday to Sunday from 11:00 hours – 23:30 hours

Licensable Activities Non-Standard Timings

New Year's Eve from 11:00 hours to 01:30 hours (the following day)

Non-Standard Timings

New Year's Eve from 11:00 hours to 01:30 hours (the following day)

Hours Premises is Open to the Public

Monday to Sunday from 11:00 hours – 00:00 hours

Conditions

1. A CCTV camera system is to be installed covering both internal and external to the premises.

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.

2. Any outdoor seating service to be concluded by 22:00 hours

The meeting ended at 8.30 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee