

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 12 OCTOBER 2010

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Kabir Ahmed (Chair)

Councillor Peter Golds

Councillor David Snowdon

Officers Present:

Andrew Dickson	- (Planning Enforcement Officer)
Paul Greeno	- (Senior Advocate)
Razaul Haque	- (Environmental Health Officer)
Andrew Heron	- (Licensing Officer)
Nick Kemp	- (Licensing Officer)
Ian Moseley	- (Trading Standards Officer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Mr Dudu Miah	- (PFC 2)
Mr Imam Mohammed	- (PFC 2)
Mr Saydikur Rahman	- (PFC 2)

Objectors In Attendance:

PC Alan Cruickshank	- (Metropolitan Police)
Mr Daniel Ashcroft	- (Cost Cut)
Ms Minara Begum	- (Cost Cut)
Mr Arju Miah	- (Cost Cut)
Mr Lalon Miah	- (Cost Cut)

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 Khales Ahmed and Councillor Harun Miah for whom Councillor David Snowdon and Councillor Peter Golds substituted for.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application to Review the Premises Licence for Cost Cut, 219 East India Dock Road, London E14 0ED (LSC 37/011)**

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the review application for the premises license for Cost Cut, 219 East India Dock Road, London E14 0ED. It was noted that the review had been triggered by Trading Standards.

At the request of the Chair, Mr Ian Moseley explained that there had been many problems with the premises such as successful underage test purchases, counterfeit and non-duty paid items found on the premises and out of hours sales. He then explained that a request for a transfer of the license had been received by Licensing Services to take immediate effect and therefore having spoken to the new licensee, Mr Moseley would withdraw his review application on the basis that Mr Arju Miah, the new licensee had agreed and was willing to keep records and copies of receipts for all stock purchased and would only buy stock from wholesalers.

Mr Daniel Ashcroft, Counsel for Ms Minara Begum the previous Premises License Holder for Cost Cut for whom which the review application was against, explained that the premise license had been transferred and therefore there is no former representation under new management.

Mr Ashcroft confirmed that he had spoken to Mr Arju Miah, the new Premise License Holder, who was present at the meeting and had happily agreed to keep records and receipts of all goods which are purchased for the premises.

At this point, Mr Paul Greeno, Senior Advocate, explained that the transfer request takes immediate affect and therefore the license must be transferred. On that basis, Mr Moseley withdrew the review application.

RESOLVED

The review application for Cost Cut, 219 East India Dock Road, London E14 0ED was withdrawn.

4.2 Application for a New Premises Licence for PFC2, 110 Whitechapel Road, E1 1JL (LSC 38/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for a premises license for PFC2 110 Whitechapel Road, London E1 1JL. It was noted that objections had been received by the Metropolitan Police and Planning Enforcement.

At the request of the Chair, Mr Imam Mohammed, the applicant's interpreter explained that the reason why they wanted a late night refreshments licence was because most of the business was during night time, and that he had measures in place to keep things in control, he would install CCTV cameras and would also employ SIA registered security/door supervisors to prevent crime and disorder. Mr Mohammed emphasised that the business was only busy during the night and in order to continue with the business it needed to be opened till late, otherwise he would not be able to make a profit. He explained that there was no history of problems associated the premise and therefore requested Members to grant the license.

Mr Alan Cruickshank, Metropolitan Police referred to his statement on page 111 of the agenda and highlighted the incidents which had taken place in the premises. Mr Cruickshank stated that the hours were excessive and would have a detrimental effect on the area. As late night openings would often attract people who are in high spirits, under the influence of alcohol who by nature would be loud and attract anti-social behaviour.

Mr Andrew Dickson, Planning Enforcement Officer referred to his statement on page 119 of the agenda and explained that Planning did not support the application to extend their opening hours as it would cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurred.

In response to questions the applicant stated that the reason why the premises was open outside the opening hours was because staff were cleaning up and were unable to get customers out as they are often hostile and demand food. He accepted the fact that the premises had been opened outside opening hours and apologised for this.

The Chair advised that the Sub Committee would at 7.05pm adjourn to consider the evidence presented. The Members reconvened at 7.20pm. The Chair reported that;

Having heard the uncontested evidence from the Police, it was noted that Mr Dudu Miah, applicant, is aware of his licensing hours. Despite this, in the run up to his application and following his application, he had opened outside of licensing hours. There had also been assaults in the premises when the premises had been unlawfully open.

Furthermore, Mr Miah's explanation as to why the premise was open at 04:20 hours was incredulous. The application was refused as it was not considered that the crime and disorder licensing objective would be met.

Members also do not consider that it is appropriate to grant a licence where an applicant has shown a blatant disregard for licensing laws. The decision was unanimous.

RESOLVED

That the new application for the premises license for PFC2, 110 Whitechapel Road, London E1 1JL be **REFUSED**.

4.3 Application for new Premises Licence for Halal PFC, 400 Hackney Road, London E2 7AP (LSC 39/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the new application for a premises license for Halal PFC, 400 Hackney Road, London E2 7AP. It was noted that objections had been received by the Metropolitan Police, Planning Enforcement and local residents.

Mr Kemp also explained that an application for this premises was made earlier on this year in February 2010 which was subsequently refused, however since then, Licensing had received six further complaints. It was noted that since the last application, two warning letters had been sent to the applicant in January and July 2010 and the premises had been reported to be opened outside opening hours on 13th August 2010 for which a decision is still awaiting.

Mr Saydikur Rahman, applicant explained that the premise had been opened since November 2009. It was a new place and therefore staff and management were not familiar with the local people and therefore had experienced some problems during December 2009 and January 2010. Mr Rahman stated that since then he had tackled these problems and a lot of the incidents which were referred to by objectors were prior to the previous license application. He also explained that the reason why the premises had been open outside its opening hours was at the request from the local mosque, during Ramadan in order to provide food after prayers.

Mr Rahman explained that he had provisions in place to promote the licensing objectives such as operating with CCTV cameras, allowing no glass bottles in the premises, displaying notices asking customers to leave quietly and respect the needs of local residents and introducing floor walkers. It was also noted that the shop had double glazed windows and the doors of the premises would be kept shut to prevent noise nuisance.

He also said that he was working very closely with young people who come to the shop, by talking to them and explaining the effects of anti-social behaviour, he stated that the young people were aged under 18 and were often out till 8pm– 10pm. Mr Rahman sought permission to table documents at the meeting, however Ms Zoe Pettite, local resident, did not agree to this and therefore the documents were not tabled at the meeting. He concluded by

stating that he had two other premises in Tower Hamlets which had late night refreshments license and had never experienced any problems under his management.

Mr Alan Cruickshank, Metropolitan Police referred to his statement on page 117 of the agenda and explained that they had received a number of calls regarding the nuisance in the area and then went on to highlight the reported incidents which had taken place emphasising on a assault which took place outside the premises. Mr Cruickshank stated that there were residential accommodation on both sides of the road and any increase of hours would further disrupt the lives of the local residents as there are already concerns of anti-social behaviour which was likely to increase. It was also noted that there were out of hours sales.

Mr Razaul Haque, Environmental Health Officer, in reference to the statement on page 193 of the agenda, explained that the premises was located in a predominantly residential part of the Hackney Road and was in effect surrounded by residential users. It was noted that this part of Hackney Road had very low background noise levels in the early hours of the morning and it was felt that noise and other anti-social activities would be caused by customers both arriving and leaving the premises in the early hours of the morning and congregating in the street outside the premises to the detriment of local residents and their right to quiet enjoyment of their homes.

Mr Andrew Dickson, Planning Enforcement Officer explained that Planning did not support the application to extend opening hours as it would cause a serious public nuisance to surrounding residential occupiers far later into the evening and morning than what currently occurred.

Ms Zoe Pettite, local residents also raised concerns in relation to the anti-social behaviour, public nuisance and the general decline in the area she also mentioned that she had been spat at and abused by the customers of Halal PFC.

In response to questions it was noted that the area was densely populated by local residents, and that other local shops closed early evening. Mr Rahman accepted that there had been problems when the premise was first opened, however problems had reduced since then. He also stated that he was not responsible for people outside the premise. It was noted that Mr Rahman was aware that closing hours were 11pm however due to a special request by the local mosque during Ramadan had kept it open.

Mr Rahman stated that he would like to amend his application to reduce the hours he had applied for to 2am.

Mr Kemp explained that during an interview with Mr Rahman, he had stated that he did not work at the premises and it was the manager was in charge of the day to day running and the recruitment of staff. Mr Rahman confirmed that he did not work at the premise, however spent approximately 30 hours per week observing the running of the premises. At the request of the Chair, Mr

Kemp advised Members of the opening hours of other local businesses in the area.

The Chair advised that the Sub Committee would at 8.05pm adjourn to consider the evidence presented. The Members reconvened at 8.25pm. The Chair reported that;

Members had listened carefully to the representations both for and against. Members noted that an application was refused in February 2010 and since then, issues of disorder have continued.

Furthermore, the premises had traded outside of licensing hours following the application being made. Based on this Members considered that the premises is not being properly managed. It was noted that Mr Rahman had stated in a previous interview that the manager managed the business.

It is not considered that the crime and disorder and the public nuisance licensing objectives would be met. The application was therefore refused. The decision was unanimous.

RESOLVED

That the new application for the premises license for Halal PFC, 400 Hackney Road, London E2 7AP be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.40 p.m.

Chair, Councillor Kabir Ahmed
Licensing Sub Committee