

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 29 OCTOBER 2013

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Marc Francis
Councillor Joshua Peck

Other Councillors Present:

Nil

Officers Present:

Luke Elford – (Lawyer – Enforcement and Litigation Team)
Alex Lisowski – (Licensing Officer)
Alan Ingram – (Democratic Services)

Applicants In Attendance:

Warren Dent - Bethnal Green Working Men's Club
Paul West - Bethnal Green Working Men's Club
Alan Penn - Bethnal Green Working men's Club
Muhammed Bhuiyan - 216 Bethnal Green Road
Abdul Quddas - 106 Brick Lane

Objectors In Attendance:

PC Mark Perry - 106 Brick Lane

NOTE: At 6.30 p.m., Luke Elford (Lawyer, Enforcement and Litigation Team) informed those present that there would be a short delay in starting the meeting as one of the Sub-Committee Members had experienced traffic problems. The meeting commenced at 6.40 p.m.

COUNCILLOR PETER GOLDS (CHAIR), IN THE CHAIR

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of Disclosable Pecuniary Interest.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application for a Premises Licence for (Bethnal Green Working Men's Club), Ground Floor, First Floor and Second Floor, 42-46 Pollard Row, London E2 6NB**

It was noted that Joanna Yearwood, who had submitted written representations against the application, was not present at the meeting although she had requested speaking rights. Members agreed to proceed with hearing the application in Ms Yearwood's absence, whilst noting her written objections.

At the request of the Chair, Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new Premises Licence for Bethnal Green Working Men's Club, Ground Floor, First Floor and Second Floor, 42-46 Pollard Row, London, E2 6NB. He added that a representation previously made by the London Fire and Emergency Planning Authority had now been withdrawn as a satisfactory Fire Detection and Alarm System had been installed in the premises.

The Evidence

At the request of the Chair, Paul West, acting for the applicant, addressed the meeting and, with the agreement of Members, circulated a list of additional conditions agreed with the Metropolitan Police and the Environmental Health Service and others offered in response to concerns raised by residents.

Mr West commented that the Club had been in operation for over 60 years and supported a range of local events and charities. The current application sought to convert the existing premises certificate and licences for various parts of the building into a single licence for the premises. He stated that, after taking account of representations, the request to extend licensing hours by 30 minutes for sale of alcohol and provision of regulated entertainment had been withdrawn.

In answer to points raised in the written representations, Mr West indicated that:

- § Security was provided by the Club as required by existing conditions.
- § Patrons were offered boiled sweets at egress and numerous receipts were available to substantiate this.
- § The Club had hosted meetings with residents, who were now happy with what had been achieved.
- § Any reasonable action concerning the provision of metal gates would be considered.
- § The Club had no jurisdiction over smoking on the footway but had added a condition to control smoking directly outside the premises.
- § It was felt that bottles and other litter left in the street emanated from other persons in the Bethnal Green area.
- § A condition had been offered to close the doors of the Club during entertainments.
- § Noise made by cars and motorbikes was not a licensing matter.
- § There was no intention or inclination for the premises to become a nightclub and there would be no extension of licensing hours.
- § It was considered that persons causing a nuisance in the street were not patrons of the Club.

In addition, there had been no further complaints since the premises review in 2009, instigated by Joanna Yearwood. Neither the Police nor Environmental Health had put forward concerns relating to the Licensing Objectives. Six TENs had been held this year without complaints. There was, therefore, a lack of any real evidence against the application, which should be granted.

In response to questions by Members, the applicants stated that:

- § On and off-loading of lorries had only taken place during the day when film shoots had taken place on the premises and this had occurred only once this year.
- § Security was made available for private parties also and people were informed on how to behave when they left. Security staff remained until the premises had been vacated and notices were displayed asking patrons to respect residents when they were leaving.
- § The current premises capacity was 35 covers in the restaurant and 150 for each of the other floors.
- § Outside smoking areas were to the rear and one side of the premises and would accommodate a total of 25 smokers.

Members retired to consider their decision at 7.00 p.m. and reconvened at 7.15 p.m.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that after careful consideration of all verbal and written evidence, the Sub-Committee had decided to grant the application but with amended hours for the sale of alcohol and provision of regulated entertainment. The further conditions offered by the applicant had also been accepted, with a reduction in the number of smokers outside at any one time. These amendments had been made in order to address the concerns of “the prevention of crime and disorder” and “the prevention of public nuisance”.

Decision

Accordingly, by a unanimous decision the Sub-Committee –

RESOLVED

That the application for a new Premises Licence for Bethnal Green Working Men’s Club, Ground Floor, First Floor and Second Floor, 42-46 Pollard Row, London, E2 6NB, be **GRANTED** with conditions.

The sale by retail of alcohol (On and Off sales), Regulated Entertainment – Indoors

Plays, Films, Live Music, Recorded Music, Performances of dance

- § Sunday to Wednesday, from 10:00 hours to 23:00 hours
- § Thursday, from 10:00 hours to 01:00 hours the following day
- § Friday and Saturday, from 10:00 hours to 02:30 hours the following day

Late Night Refreshment – Indoors

- § Thursday, from 10:00 hours to 01:00 hours the following day
- § Friday and Saturday, from 10:00 hours to 02:30 hours the following day

Hours Premises are open to the public

- § Sunday to Wednesday, from 10:00 hours to 23:30 hours
- § Thursday, from 10:00 hours to 02:00 hours the following day
- § Friday and Saturday, from 10:00 hours to 03:30 hours the following day

Conditions

1. Install and maintain CCTV in accordance with specifications outlined on page 65 of the Sub-Committee agenda pack.
2. No drinking vessels to be taken outside.
3. There will be no entry or re-entry after 1 a.m. (the premises will undertake to publish on social media or other publications a last entry of midnight).
4. Continuation of conditions on present licence Annex 2, conditions 9 & 10 and Annex 3, conditions 15-18.
5. No music to be audible at any affected residential façade.
6. No live or recorded music in the second floor restaurant area.

7. The maximum number of persons at any one time in both smoking areas shall be limited to 10. When on duty these people shall be controlled by the door supervisors.
8. The licensee shall risk assess each event in relation to the need for door staff. Where a need for door staff is identified a minimum of 2 shall be employed.
9. Where door supervisors are utilised at least one will remain on site until the last patron has left the premises.

4.2 Application for a New Premises Licence for Corner Shop Express Limited, 216 Bethnal Green Road, London, E2 0AA

At the request of the Chair, Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new Premises Licence at Corner Shop Express Limited, 216 Bethnal Green Road, London, E2 0AA.

The Evidence

Mr Lisowski presented further information that had been forwarded to Members under cover of a supplemental agenda and added that a previous Premises Licence that had operated at the venue had expired. On 20 September 2013, a Council Officer had observed alcohol being for sale at the premises and had advised the owner, Mrs Suraiya Bhuiyan, that she was not allowed to sell alcohol until she had been granted a licence. However, on 25 October Mr Lisowski had visited the shop and had been sold alcohol by the sales assistant. Mrs Suraiya Bhuiyan had not been present then.

The Chair requested comments from the applicant and Muhammed Bhuiyan, husband of the applicant, stated that the shop had been shut for six months for refurbishment works. The premises had been an off licence since 1998 and the licence had been in force when his wife took over the shop. The previous owners had promised to transfer the licence but Mr Bhuiyan and his wife did not know how to proceed with the transfer and the licence had become void. It would be very difficult to maintain the business without the licence. In addition, problems experienced with his wife's pregnancy meant that they could not pay much attention to the licence issues. Mrs Bhuiyan's sister had been put in charge of the shop because of Mrs Bhuiyan's problems and she had made a mistake in selling alcohol.

In response to Members' questions, Mr Bhuiyan stated that:

- § The shop had been shut due to his wife's problems and they were not aware of how serious the matter was.
- § The shop had been closed between 20 September and 25 October 2013 and he apologised for the mistake made in selling alcohol.
- § In future, any sales assistant would be made aware of requirements regarding alcohol sales.
- § The application related from alcohol sales between 06:00 hours and 02:00 hours the next day because he and his wife had not known how

to fill in the form properly. They would accept any other hours proposed by the Sub-Committee.

Members retired to consider their decision at 7.30 p.m. and reconvened at 7.40 p.m.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that after careful consideration of all verbal and written evidence, the Sub-Committee had concerns regarding the licensing objectives of "crime and public disorder" and "public nuisance". The Chair pointed out that the circumstances notified by Officers could potentially involve a custodial sentence and Members were not convinced that the applicant could properly manage the shop and control the sale of alcohol.

Decision

Accordingly, by a majority decision the Sub-Committee –

RESOLVED

That the application for a new Premises Licence at Corner Shop Express Limited, 216 Bethnal Green Road, London, E2 0AA be **REFUSED**.

Mr Bhuiyan was advised of the applicant's right of appeal.

4.3 Application for a New Premises Licence for Moo Grill Bar, 60-62 Brick Lane, London, E1 6RF

Item withdrawn.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

5.1 Licensing Act 2003: Temporary Event Notice - Robi's Off Licence, 106 Brick Lane, London, E1 6RL

At the request of the Chair, Alex Lisowski, Licensing Officer, introduced the report which set out details of the application for a Temporary Event Notice (TEN) from 6 to 10 November 2013, in respect of Robi's Off Licence, 106

Brick Lane, London, E1 6RL. The report had been circulated to the Sub-Committee under cover of a supplemental agenda and Mr Lisowski added that this included details of written representation of the Metropolitan Police, who objected to the TEN.

The Evidence

At the request of the Chair, the applicant, Abdul Quddas, stated that the premises currently did not have a licence because he did not know how to transfer the previous licence and two TENs had been granted since he had taken over the property. The shop was his only way of feeding his family. He stated that there had been claims of people gathering together and drinking outside the store but CCTV at the premises showed no evidence of this. He felt that the claim only related to people who were walking past his premises, as he did prevent people from socialising and drinking there. When previous TENs had been granted, he had employed SIA badge holders who had moved people away from the store.

PC Mark Perry, speaking in objection to the TEN, stated that the Police representation was on the licence objectives of "crime and disorder" and "public nuisance". The full terms of the objection stood as in the document circulated to Members prior to the meeting.

Mr Perry added that people often "pre-loaded" with cheaper alcohol from off licences before going on to clubs and returned there after the clubs had closed, hanging around the premises and becoming more and more drunk. He had witnessed people standing around these premises and a colleague had witnessed the sale of alcohol there despite no Premises Licence being in force. If the applicant already disregarded licensing laws, it would not be appropriate to grant him a TEN as it was felt that he would simply continue to do so, with alcohol being sold regardless of any hours or conditions that were applied.

In response to Members' Mr Quddas stated that he had adopted required conditions and employed SIA staff for previous TENs. He had spoken to PC Perry and admitted he had been at fault, having continued to sell alcohol on the advice of his accountant. He accepted responsibility for this.

Mr Lisowski pointed out that the applicant had been made aware of the lack of any Premises Licence and advising him not to sell alcohol by a letter hand-delivered on 30 September 2013.

Members retired to consider their decision at 7.55 p.m. and reconvened at 7.57 p.m.

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 Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that after careful consideration of all verbal and written evidence, the Sub-Committee had strong concerns regarding the licensing objectives of “crime and public disorder” and “public nuisance” and felt that unauthorised alcohol sales would continue to occur.

Decision

Accordingly, by a unanimous decision the Sub-Committee –

RESOLVED

That the application for a Temporary Event Notice at Robi’s Off Licence, 106 Brick Lane, London, E1 6RL be **REFUSED**.

The meeting ended at 8.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee