

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.05 P.M. ON WEDNESDAY, 6 NOVEMBER 2013

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Other Councillors Present:

Officers Present:

Kathy Driver	– (Principal Licensing Officer)
Luke Elford	– (Lawyer – Enforcement and Litigation Team)
Michelle Terry	– (Legal Services)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Objectors In Attendance:

Members of the Public In Attendance:

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 New Premises Licence for Nisa Local, 9 Burdett Road, Mile End, London E3 4TU

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for Nisa Local, 9 Burdett Road, Mile End, London E3 4TU. It was noted that a local Business Association had made an objection.

At the request of the Chair, Mr Robert Jordan, Licensing Representative representing the Applicant, explained that the applicant would have the following procedures in place if the application was to be granted;

- Maintain a incident book,
- Maintain a refusal book,
- No deliveries of goods before 8am or after 8pm,
- Staff to undertake a regular litter patrol,
- Operate a Challenge 25 Policy
- Have till prompts to remind staff to check ID,
- Finger ID scanning,
- Appropriate signage to be displayed around the premises,
- Regular staff training to be conducted,
- Staff to hold personal licences

Mr Jordon further added that no responsible authorities had objected to the application and conditions had been agreed with the police after successful consultation.

Mr Jordan questioned the validity of the objection made against the application and asked which businesses were included in the "Burdett Road Business Association", whether this was a registered organisation, and what date the meeting was in which they discussed this premises?

He concluded that the Applicant was a responsible retailer, had previous experience, and all staff were trained to sell responsibly. It was noted that the premises was a newly furnished store with good fixtures and fittings, and would not increase the problems of anti-social behaviour in the area.

Members then heard from Mr Didhar Hussain, representing the Burdett Road Business Association, he explained that this premises/application was the same as the previous application made a couple of months ago however the applicant was merely using a different address (change of door number).

Therefore, believed that the previous objections still applied, as there were the same concerns of underage drinking, street drinking and problems of anti-social behaviour.

In response to questions it was noted that there were CCTV cameras inside and outside the premises and that Mr Hussain had a similar business to that of Nisa but did not sell alcohol. There were then questions around the address of the premises and the address of the previous application. There was no clarification given at the meeting.

After careful consideration, Members agreed to defer this item for a future meeting in order for officers to establish whether No.9 and No.11 Burdett Road were the same premises and provide further information.

4.2 Application to Review the Premises Licence for My Local, 12A Grove Road, London, E3 5AX

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a review of the premises licence for My Local, 12a Grove Road, London E2 5AX. It was noted that the police had triggered the review following failed test purchases.

At the request of the Chair, PC Mark Perry, Metropolitan Police explained that during the Lovebox weekend, the Tower Hamlets Police had carried out test purchase operations using Police cadets under the age of 18 to see if licensed premises they visit would sell them alcohol. It was noted that PC Cruickshank had attended the premises prior to the Lovebox weekend to remind the Premises Licence Holder and staff to be vigilant during the event with regards to checking ID and not to sell to those who were drunk.

On two occasions during that weekend staff made underage sales and were issued penalty notices on both occasions. He explained that the premises had no previous history but despite having training and signs in the premises there were underage sales made. It was noted that the extra training that was referred to by the Premises Licence Holder in the supporting documents was undertaken after the review had been triggered and not after the failed test purchase.

Members then heard from Ms Anna Matthias, Legal Representative for the Premise Licence Holder, Mr Tariq Sheikh. She explained that Mr Sheikh deeply regretted the two underage sales that were made. It was noted that the shop was opened in 2008 and was a small family run business. Mr Sheikh was always in the shop and was only away when he had to go to the cash and carry. She stated that Mr Sheikh had joined the Tower Hamlets Traders Scheme on his own accord and not out of desperation.

She explained that staff undertook training on 30th July 2013, a refusal book is being kept and used to record all refusals and the CCTV system had been upgraded to cover areas both internal and external to the premises and

recordings would now be kept for 21 days, new signage had been placed and the store now operated a Challenge 25 policy.

She explained that it was the only convenient store on Grove Road and was a small local store for local residents. She stated that there were no previous history/complaints linked to the premises and there hadn't been any since the incident. Ms Matthais then referred to the law and powers that a Licensing Authority had on the determination of a review.

In response to questions, the following was noted;

- That staff believed that the cadets looked older than 18 years of age
- That Mr Sheikh's son showed no remorse when Police informed him that he had made an underage sale.
- That Mr Sheikh's son was very annoyed when he had realised that an underage sale had been made and reacted under pressure when approached by the Police.
- That despite being informed of underage sales, two incidents of underage sales, had been made.
- That staff would have regular training, would be asking for ID and would be recording refusals.

Members retired to consider their decision at 3.05pm and reconvened at 3.15pm.

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 after careful consideration the Chair stated that the Sub Committee had decided to suspend the licence for two weeks and add conditions proposed by the Premise License Holder in order to address the concerns raised in relation to the licensing objectives of "the prevention of crime and disorder" and "the prevention of public nuisance". Members believed that the conditions would address the concerns raised by the Police and promote the licensing objectives.

The Sub Committee noted both comments and representations from PC Perry and the Premises License Holder's representative and the difficulty which arises from underage sales.

Members did not think it was appropriate or proportionate to revoke the licence in its entirety as Members noted that there was no evidence to suggest that there was any public nuisance or crime and disorder linked to this premises previously. Therefore Members suspended the licence and

imposed the conditions proposed by the Premise Licence Holder as it would help prevent a repeat of another underage sale.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, My Local 12A Grove Road, London W3 5AXbe **GRANTED in part**, with conditions.

Suspension

- Two weeks suspension commencing from receipt of the decision letter.

Conditions

1. The premises shall implement a Challenge 25 policy in relation to the sale of age restricted products at all times.
2. Signage advertising the minimum age for the purchase of age restricted products, the Challenge 25 policy and the use of CCTV shall be displayed prominently at the premises at all times.
3. A refusal log shall be kept at the premises and all refusals of sales of alcohol, for whatever reasons, shall be recorded.
4. Images obtained from the CCTV system at the premises shall be retained for 21 days.
5. All staff serving customers shall be trained in their obligations surrounding underage sales and in how to avoid them. Such training will be refreshed regularly.

4.3 Application to Vary the Premises Licence for Brick Lane Off Licence, 116 Brick Lane, London E1 5JJ

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Brick Lane Off Licence, 114 Brick Lane, London E1 5JJ. It was noted that the Police and local residents had objected to this application.

At the request of the Chair, Mr Shahinul Shah, Applicant, explained that he wanted to provide a service to the customers who went to restaurants who did not sell alcohol by way of offering a service. He explained that the restaurant staff would call the off licence and a member of staff would then go over and

take the order, check ID, log the order and then deliver the drinks. Mr Shah stated that it wasn't customers going to restaurants that caused anti-social behaviour in Brick Lane but were those people who went to the clubs, bars and late night venues.

Members then heard from PC Perry, he referred to the representation contained in the agenda, and questioned how this business model would possibly work and raised concerns over how it would be controlled and monitored, how the bill would be charged, how the drinks would be served and generally believed it would be too difficult to manage.

PC Perry suggested that if a licence was to be granted all staff should have personal licences, record who it had been sold to, what ID was shown, what has been sold and checked to see if the customer was inebriated or not.

Members also heard from Mr John Shapiro, Resident and Chair of SPIRE, he stated that he supported PC Perry's comments and raised concerns about the anti-social behaviour in the area and increase this would lead to. He also believed that it was off licences with late night licences that fuelled anti-social behaviour.

In response to a question it was noted that the premises had a licence to sell alcohol from 9am however the premises opened at 12noon.

Members retired to consider their decision at 3.40pm and reconvened at 3.55pm.

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 after careful consideration the Chair stated that the Sub Committee had decided to reject the application in order to prevent problems of increasing crime and disorder, public nuisance and public safety.

Members listened carefully to the representations made by the Applicant and PC Perry. Members believed that the business plan proposed by the applicant was hopelessly unworkable and would increase the anti-social behaviour which already exists in the Brick Lane area. Members felt that remote selling of alcohol cannot be managed and would bring real concerns of crime and disorder to the area. In making the decision to reject the application Members considered the safety of staff taking and delivering orders, how financial transactions would take place, how staff would judge whether customers are intoxicated or suitable to consume alcohol, and how ID checks would be made. All these questions led to serious concerns and undermined the crime

& disorder objective, particularly when restaurants had been given suspension and revocations therefore Members rejected the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Brick Lane Off Licence, 114 Brick Lane, London E1 5JJ be **Refused**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 4.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee