

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.05 P.M. ON WEDNESDAY, 27 NOVEMBER 2013**

**ROOM MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed  
Councillor Rajib Ahmed

**Officers Present:**

|                |   |
|----------------|---|
| Kathy Driver   | - (Principal Licensing Officer)                   |
| Alex Lisowski  | - (Licensing Officer)                             |
| Ian Moseley    | - (Trading Standards Officer)                     |
| Michelle Terry | - (Legal Services)                                |
| Ian Wareing    | - (Environmental Protection)                      |
| Simmi Yesmin   | - (Senior Committee Officer, Democratic Services) |

**Applicants In Attendance:**

|                     |                                |
|---------------------|--------------------------------|
| Anthony Edwards     | - (Robi's Off Licence - Legal) |
| Abdul Quddus        | - (Robi's Off Licence)         |
| Shuhel H Munna      | - (Robi's Off Licence)         |
| Gill Sherratt       | - (Mile End Post Office)       |
| Rameshchandra Shah  | - (Mile End Post Office)       |
| PC Alan Cruickshank | - (Metropolitan Police)        |
| Austen Green        | - (Local Resident)             |

**Objectors In Attendance:**

|                |                          |
|----------------|--------------------------|
| Karim Brohi    | - (Local Resident)       |
| Sandy Cricthly | - (Local Resident)       |
| James Rankin   | - (Carlton Arms – Legal) |
| Susan Child    | - (Carlton Arms)         |
| Kelly Young    | - (Carlton Arms)         |
| Jackie Barber  | - (Carlton Arms)         |

**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 New Premises Licence for Robi's Off Licence, 106 Brick Lane, London E1 6RL**

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 Robi's Off Licence, 106 Brick Lane, London E1 6RL. It was noted objections had been received on behalf of the Licensing Authority, Metropolitan Police, Trading Standards, Resident Associations and local residents.

At the request of the Chair, Mr Anthony Edwards, Legal Representative on behalf of the Applicant stated that they wished to amend their licence application to reduce the opening hours to 12 midnight on all seven days. He explained that the premise was opened in 1999 and has been providing for the community ever since. It was noted that the licence was initially in the name of a company and therefore the family were not aware that if the company was to dissolve then the licence would elapse.

He further stated that he accepted that the failure of the business was due to insufficient level of management and accepted that there had been a number of breaches and it was evident that Mr Abdul Quddus, proposed Premises Licence Holder was not strong enough to have a licence in the area and therefore if the licence was granted then they would transfer the DPS immediately. He then introduced the proposed DPS Mr Shuhel Hussain Munna who had 20 years of experience of working in licensed premises. He explained that they wished to re build the reputation of the premises and did not accept that all bad behaviour in Brick Lane was due the premises and assured Members that staff would do everything they can to limit noise, by asking customers to leave the premises quietly, not to loiter outside the premises and have suitable signage asking customers to leave quietly and respect the needs of local residents. It was also noted that they only brought stock from reputable wholesale companies and then produced invoices for purchases.

Mr Edwards concluded by asking Members to grant the licence during the hours when there is no nuisance, up till 12 midnight. He then stated the conditions they would have in place to help promote the licensing objectives would be to have CCTV cameras, introduce a Challenge 21 Policy, keep and maintain a refusal book, would not open drink containers and would not sell plastic cups or glasses.

Members then heard from Alex Lisowski, Licensing Services, he referred to his statement on pages 54-56 of the agenda and explained that granting the license would be detrimental to the licensing objectives of 'The prevention of crime and disorder' and 'The prevention of public nuisance' and that the area was also within the area covered by the Council's Special Cumulative Impact Policy. It was also noted that in the application the applicant showed little in the way of how the premise would not have a negative impact on the Licensing Objectives.

Mr Lisowski then detailed the history of the premises, the company formation and the link between the premises and other off licences in the area. Mr Lisowski then detailed incidents where the applicants have been found trading without a licence and selling alcohol to underage children.

Members then heard from Ian Moseley, Trading Standards, who also shared similar concerns over the ownership and the management of the premises as there seemed to be a link between other off licenses in Brick Lane and Mr Quddus and Shebs Wines Ltd. He then detailed a number of offences made by Mr Quddus, alcohol sold to underage test purchase volunteer, counterfeit and non duty paid wines and spirits found on the premises, selling alcohol without a licence, and selling to intoxicated persons. In view of the links between the different premises, and Mr Quddus's legislative breaches, Officers were concerned that similar breaches would occur in future should a licence be granted and therefore there was no confidence in management.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who stated that there was very little groceries sold in the premises and was mainly an off licence, the fact that it was within the Council's Special Cumulative Impact Policy and was likely to add to the problems in Brick Lane and increase public nuisance and crime and disorder. He stated that there were a number of off licences in the area and another premises would only add to the problems. He then referred to his statement which detailed incidents relating to the premises.

Members then heard from Prof Karim Brohi and Sandy Critchley, local residents who addressed similar concerns of high levels of anti-social behaviour, public nuisance and crime and disorder linked to the premises and described a number of incidents that had taken place.

In response to questions the following was noted;

- That all the advertisements for the promotion of the business was made by the advertising company and therefore unaware of what was being advertised.

- That there were 12 other off licenses on Brick Lane
- The company was dissolved in December 2012
- That the applicants would be happy to stop selling plastic cups and glasses.
- That the premises had CCTV cameras inside and outside the premises.
- Previous hours of the premises licence was 8am to 2.30am.
- It was noted that wrist bands were not given out by the premises
- That the management have encouraged drinking by providing plastic cups.

Members retired to consider their decision at 3.05pm and reconvened at 3.45pm.

### 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 refuse the application in order to prevent problems of increasing crime and disorder, and public nuisance in the area.

Members listened carefully to representations made by all interested parties and in making their decision took into consideration the Special Cumulative Impact Policy and previous history of crime and disorder and public nuisance as well as evidence from local residents which led to serious concerns and undermined the licensing objectives.

Members believed that no conditions would address the concerns raised by the Responsible Authorities and local residents and Members were not satisfied that any conditions would be appropriate and help promote the licensing objectives. Therefore Members refused the application.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, Robi's Off Licence, 106 Brick Lane, London E1 6RL be **REFUSED**.

#### **4.2 Application for a New Premises Licence for Mile End Post Office, Unit 2 Bleadon House, 13 Burdett Road, London, E3 4TU**

In the absence of the sole objector, Members stated that they had read the report, considered the application and the objections raised and decided to grant the application on the following grounds;

##### 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 grant the application. It was noted that Members were satisfied that the conditions on the operating schedule would help promote all four licensing objectives.

##### Decision

Accordingly, the Sub-Committee unanimously –

##### **RESOLVED**

That the application for a New Premises Licence for, Mile End Post Office, Unit 2 Bleadon House, 13 Burdett Road, London E3 4TU be **GRANTED**.

##### Sale of Alcohol (Off Sales)

Monday to Sunday from 08:00 hours to 19:00 hours

##### Opening Hours of the Premises

Monday to Sunday from 07:00 hours to 19:00 hours

#### **4.3 Application to Review the Premises Licence for The Carlton Arms, 238 Bancroft Road, London, E1 4BS**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Carlton Arms, 238 Bancroft Road, London E1 4BS. It was noted the review had been triggered by the Police, and that the Licensing Authority, Environmental Health and a local resident were also supporting the review. It

was also noted that the licence had now been transferred over to Ms Jackie Barber as the Premise Licence Holder and new Designated Premises Supervisor.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police, stated there was a lack of management control and there were concerns that Mr Gary Watts still played a part in the running of the business since the transfer had been made, because after an hour of the transfer he called to ask why the review was still going ahead despite the transfer of the licence.

He further explained the incidents which led to the review detailing the types of disorder which had taken place and then suggested some conditions which would help alleviate concerns, no live music, two SIA door staff on Fridays and Saturdays, keeping and maintaining an incident book, have CCTV cameras etc.

Members then heard from Mr Ian Wareing, Environmental Health, he stated that when called out by residents, music has been very loud and music could be heard from down the street. He suggested that the Premise Licence Holder should have acoustic work done to the premises. He did mention that there had been no complaints in the last 4 weeks and suggested that strict conditions would need to be added to the licence in order to promote the licensing objectives.

Members then heard from Kathy Driver, Licensing Services who stated that licensing had been receiving complaints since 2011 and the Premises Licence Holder had been clearly advised of complaints. She reported that there had been three in 2011, twelve in 2012 and four so far in 2013, complaints have been about live music, karaoke, and noise disturbance when leaving the premises. It was noted that there have never been any Temporary Events Notice's during the time complaints have been received. Mr Watts had not managed the premises well. It was also mentioned that in September 2013 there were similar problems raised and various conditions asked for but still continue to have the same problems of noise nuisance and young people drinking in the pub. Ms Driver stated that she has had conversations with Ms Young and Ms Child the new lease holders but had not had any communication with the new Premise Licence Holder and DPS.

Members then heard from Mr Austen Green, Local Resident who explained that Friday to Sunday the age ranges of customers frequenting the pub were between the ages of 19-25 year olds. He also said that there were always high levels of noise nuisance due to live music and karaoke, and that there had been two very serious fights outside the premises and that he has often found nitrous oxide canisters outside the premises. He stated that he has had to install a CCTV camera outside his door for security purposes due to the problems that arise with the premises. Mr Green then referred to his statement contained on pages 221-223 of the agenda and proposed some conditions in order to alleviate some of the concerns that residents and responsible authorities had.

At the request of the Chair, Mr James Rankin, Counsel for the Leaseholders explained that the review proceedings were served on 13<sup>th</sup> October 2013 and the lease was transferred on 1<sup>st</sup> November to Ms Jackie Barber, and questioned whether these review proceedings were valid against the new Premises License Holder.

Ms Michelle Terry, Legal Advisor advised Members that she would advise on this matter during their deliberations.

Mr Rankin stated that his clients had brought a 5 year lease and that Mr Watts and Mr Squires had nothing to do with the premises, and when the transfer happened nothing was said about the review. When they found out his clients have been distressed and therefore contacted Mr Watts who then contacted PC Cruickshank.

He went on to explain that his clients had 20 years of experience and have worked in licensed premises. It was noted that the premises was in a terrible condition when his clients took over and since then have invested in the premises and been running the business for a month and as mentioned by the local resident and responsible authorities there have been no complaints since the take over. He then stated that the conditions suggested by the police and local resident were too harsh and not appropriate or proportionate for a local back street pub and was also concerned about the financial implications this would have on his clients.

In response to questions the following was noted;

- That the fights that were reported were to do with the premises
- The new owners heard about the sale of the premises through a friend who worked at the premises
- That the lease was in the name of Susan Child and Kelly Young
- The premises license holder and DPS was in a different name of Ms Jackie Barber
- That over the past four weekends there had been live music and have had no complaints of noise or disorder
- That all conditions need to be appropriate and proportionate
- That the License holders were happy to install CCTV cameras.

Members retired to consider their decision at 4.45 pm and reconvened at 5.00pm.

### 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 grant the application in part by adding further conditions on the premise license. The Sub Committee noted both comments and representations from all interested parties and the difficulty which arises from mismanagement of a premise.

Members did not think it was appropriate or proportionate to revoke the licence in its entirety as Members accepted that the lease had been transferred to the new owners, Ms Child & Ms Young and that Mr Watts and Mr Squires, no longer had any involvement in the business. It was also noted that the last four weeks while the new owners have been in charge there had been a significant improvement as there had been no reports of noise nuisance or crime and disorder and therefore Members felt that it was appropriate and proportionate to add conditions to the premises license to help promote the licensing objectives.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a Review of the Premises Licence for, Carlton Arms, 238 Bancroft Road, London E1 4BS be **Granted in part** by imposing conditions on the premise licence.

### Conditions

- Frequency analyser type sound limiter to be installed with the limit to be set with the involvement of LBTH Environmental Health.
- No external doors to be propped or left open.
- No loitering or drinking outside the premises either by Bancroft Road or Portelet Road.
- Music system speaker to be removed from the beer garden
- CCTV camera system covering both internal and external to the premises is to be installed.
- The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
- At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.



The meeting ended at 5.05 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee