

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 14 JANUARY 2014

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson
Councillor Joshua Peck

Officers Present:

Kathy Driver	- (Principal Licensing Officer)
Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Paul Greeno	- (Senior Advocate, Legal Services, Chief Executive's)
John McCrohan	- (Trading Standards & Licensing Manager)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

PC Mark Perry	- (Metropolitan Police)
Selina Misfud	- (Resident)

Objectors In Attendance:

Anthony Edwards	- (Legal Representative)
Abdul Wahid	- (Premise Licence Holder)
Kobir Ahmed	- (A&Y Wines)
Mahbub Rahman	- (A&Y Wines)

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 to Review the Premises Licence for A & Y Wines, 116 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 review of the premises licence for A&Y Wines, 116 Brick Lane, London E1 6RL. It was noted that the Licensing Authority had triggered the review and that Police and local residents were also supporting the review.

At the request of the Chair, Mr John McCrohan, Trading Standards & Licensing Manager gave a brief history of the premises, and referred to his representation contained in the agenda on pages 30-40, highlighting the following points;

- On 15 April 2011, two bottles of counterfeit Jacob's Creek wine were seized from the premises.
- During a test purchase visit it was observed that a member of staff was giving out plastic cups when requested by customers.
- That people were congregating outside the premises till early hours of the morning on a regular basis, consuming alcohol and drinking from plastic cups.
- That the test purchase showed that the premise was facilitating the immediate consumption of the alcohol in the public areas in and around Brick Lane.
- That the CCTV footage produced as supplementary evidence proved that there were constant groups of people standing outside the premise.
- That on occasions alcohol had been sold to intoxicated persons and the concern that the Hopetown Hostel was in close proximity to the premises.
- That the lack of management control of the business, was lead to believe that there was a risk that sales of alcohol would be made to vulnerable adults, leading to public nuisance.
- That the premises had links to another off licence in Brick Lane which was know to cause public nuisance and crime and disorder.

Mr McCrohan concluded that the Licensing Authority had serious concerns regarding the general management of the premises and in particular because of the nature of the area and concerns about crime and disorder, protection of children from harm and public nuisance. The Licensing Authority needed to have confidence that licensed premises in the Brick Lane area were managed in way to ensure the Licensing Objectives were met. He urged Members to revoke the license and if Members were not minded to revoke the licence he requested the committee use its powers to impose a suspension of the licence for a time for which the committee deemed appropriate and in order to

improve the management of the premises he asked for the terminal hours to be changed and reduced to 11pm and further conditions to be added to the licence.

Members then heard from PC Mark Perry, Metropolitan Police who referred to his representation on page 63. He stated that Tower Hamlets was second to West End in terms of ASB calls to Police in London. He explained that people would frequent the off licences to pre load before going into bars and clubs. He then referred to the incidents that occurred at the premises and the weapon found behind the counter. He also mentioned that during a recent visit it was noted that the refusal/incident book had not been maintained and had no entry since November 2012. PC Perry concluded that the Police endorsed the Licensing Authority's recommendation to request for a revocation of the licence.

Members then head from Ms Selina Misfud, representing local residents in the area, she raised concerns regarding the anti-social behaviour, loss of amenity, public nuisance and disorder in the area. She also stated that the premise was opening beyond its terminal hour and that plastic cups were provided to customer to encourage drinking in the area.

Members then heard from Mr Anthony Edwards, Legal Representative for the Premises Licence Holder, he stated that there had been an enormous amount of unfairness in this review application. During his submission the following points were noted;

- That there was no evidence of residents from hostels frequenting the premises. As there were many more off licences closer to the hostel than the premises.
- That there have been no complaints of noise nuisance since the present management have been in place which was for the past 10 years.
- That there was no evidence to suggest that the shop had been operating outside its opening hours.
- That there could not be any music played at the premises as there was no music system at the premises.
- That selling or providing plastic cups was not a breach of the licence as there was no condition to not sell plastic cups.
- That the area was a no drinking zone, and that there were no signs up in the area.
- That staff cannot control people outside the premises and that were a matter for the Police.
- That due to the financial climate it would be detrimental to the business if hours were reduced.
- That there had been no mention that the premises had a successful test purchase done recently.
- It was accepted that the refusal book was not kept up to date but was now being recorded on a regular basis.

- It was also accepted that plastic cups had been provided to customers previously but this was not unlawful and when spoken to about this by the Police they had stopped.
- That the member of staff who had been arrested by the police during the incident was released without charge and apologized to.

Mr Edwards concluded that Robi's off Licence, 106 Brick Lane had nothing to do with the premises and if hours were reduced then this would financially impact on the business.

In response to Members' questions it was noted;

- That CCTV footage requested by the Police was received and there was no evidence to suggest that the premises had been open outside its terminal hours and that a Personal Licence Holder had been seen to be on the premise at all times.
- That there was some confusion as to where the weapon was found?
- That the member of staff had been realised as mistaken identity.
- That reference to the hostel in close proximity to the premises was a generalised complaint.

Members retired to consider their decision at 7.15pm and reconvened at 7.45pm.

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 grant the review application in part by adding new conditions to address the concerns raised in relation to the licensing objective of "the prevention of crime and disorder" and "the prevention of public nuisance".

Members listened carefully to representations made by both parties, and accepted the representation made by Mr Edwards, that there were a number of issues that were not relevant to the specific premises. The Chair stated that the CCTV footage had been reviewed and Members had concern over the number of people congregating outside the premises over such a long period of time. Members did consider the options for revocation and reduction in hours however believed that this was not appropriate or proportionate in this instance and believed that the conditions would address the concerns raised by the Applicant and those supporting the review.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, A&Y Wines, 116 Brick Lane, London E1 6RL be **GRANTED in part**, with conditions.

Conditions

1. The premises will not sell any beer, lager or cider that exceeds the strength of 5.6% abv and no sale of single cans.
2. The premises will not supply or sell drinking containers such as plastic cups.
3. During a sale of alcohol, the premises will not open any container the alcohol is contained in.
4. Alcohol purchased at the premise should not be consumed immediately outside the premises.
5. One registered SIA door staff to be present on the premises on Fridays & Saturdays at all times from 23:00 hours until closing time. A record of logging in and logging out times and SIA badge numbers shall be kept.

4.2 Application for a New Premises Licence at The Restaurant, Unit 1, 19-29 Redchurch Street, London, E2 7DJ

The consideration of this item was adjourned at the request of the Applicant and has been scheduled for the Licensing Sub Committee on 04 March 2014.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee