

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 4 FEBRUARY 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon

Officers Present:

Mohshin Ali	- (Senior Licensing Officer)
Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Andrew Heron	- (Licensing Officer, Licensing Department)
John McCrohan	- (Trading Standards & Licensing Manager)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Anthony Edwards	- (Subway)
Mohammed Alam	- (Subway)
Sandy Critchley	- (Resident)
Selina Misfud	- (Resident)
Jon Shapiro	- (Resident)
Leo Charalambides	- (Counsel)
PC Brendon O'Rourke	- (Metropolitan Police)
PC Mark Perry	- (Metropolitan Police)

Objectors In Attendance:

Abdul Halim	- (JB Food Store)
Md Shilu Chowdhury	- (Cost Price)
Syham Sylvester	- (Cost Price)
Helal Miah	- (Low Cost Food & Wine)
Homaon Rashid	- (Low Cost Food & Wine)

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 Subway, 222 Brick Lane, London, E1 6SA**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Subway, 222 Brick Lane, London E1 6SA. It was noted that there had been an objection from the Metropolitan Police.

At the request of the Chair, Mr Anthony Edwards, Legal Advisor on behalf of the Applicant stated that the premises had opened in October 2013 and had served hot food and drinks without a licence as they had thought that planning hours were sufficient enough to stay open till late serving hot food and drinks. The applicant had not been aware that a separate licence was required however they accepted a caution for trading without a licence and applied for a new licence straight away and have been using temporary event notices since then. It was noted that the business had been opened for 3 months and have had no problems and no local residents had objected to this application.

Mr Edwards concluded that by stating that staying open late it would help serve those that were already there and would merely be providing additional source of food and help release the pressure from the 24 hour bagel shop. It was noted that the applicant was happy to accept the CCTV conditions proposed by the Police and currently had 5 CCTV cameras in operation.

Members then heard from PC Mark Perry, Metropolitan Police, who stated that Brick Lane was a very busy area and this premise would become another premises for people to stop off when going home and stay in the area until early hours of the morning. He stated that if Members were minded to grant the application they should consider putting the CCTV conditions on the licence to cover head and shoulder shot and the immediate vicinity.

In response to a question it was noted that the premise could stay open till 4am selling cold food and drinks and did not need a licence for this.

Members retired to consider their decision at 2.25pm and reconvened at 2.30pm.

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 carefully listened to the applicant's representative and PC Mark Perry and decided to grant the application with conditions. Members believed that conditions imposed would alleviate the concerns raised by the Metropolitan Police and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Subway, 222 Brick Lane, London E1 6SA be **GRANTED** with conditions.

The Provision for Late Night Refreshments

Friday and Saturday, 23.00 hours to 04.00 hours (the following day)

Hours premises are open to the public:

Monday to Thursday, 07.00 hours to 23.00 hours
Friday, 07.00 hours to 04.00 hours (the following day)
Saturday, 09.00 hours to 04.00 hours (the following day)
Sunday, 09.00 hours to 22.00 hours

Conditions

1. CCTV camera system covering both internal and entrance to the premises is to be installed, covering head and shoulder shot and the immediate vicinity.
2. 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.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

4.2 Application for a Review of a Premises Licence for JB Food Store, 97b Brick Lane, London, E1 6SE

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for JB Food Store, 97B Brick Lane, London E1 6SE. It was noted that the review had been triggered by Trading Standards and supported by the Police and local residents. It was noted that the representation by the Director of Public Health would not be included as it did not relate specifically to the premises.

At the request of the Chair Mr John McCrohan, Trading Standards and Licensing Manager referred to his statement contained in the agenda and highlighted the impact of the cumulative impact zone policy. It was noted that there had been two underage sales in 2010, however two further checks had been conducted which they had passed. That there had been a seizure of non duty paid alcohol, that a member of staff had opened a bottle of alcohol on the premises, and that there were hostels nearby.

Mr McCrohan stated that his main concerns were the management of the premises particularly, because of the nature of the area and concerns about crime and disorder, protection of children from harm and public nuisance. It was noted that the Licensing Authority needed to have confidence that licensed premises in Brick Lane were managed in a way to ensure the Licensing Objectives were met. It was further noted that the Licensing Authority did not have the confidence that the management of the premise by the Premises Licence Holder would ensure that the licensing objectives were met.

Members then heard from PC Perry and Sandy Critchley, local resident who also raised concerns about the cumulative impact zone, anti-social behaviour and crime and disorder in the area.

Members then heard from Mr Halim, Premise Licence Holder, he agreed with what had been said and apologised for the incidents referred to and said he had recently appointed new staff who had been fully trained. Mr Halim said that if the bottles aren't open then customers get abusive and use the door handles of the shop to open them. He further stated that the bigger venues cause the problems in the area and not his premise which was a small convenience store. He questioned the conditions proposed by Mr McCrohan and felt the reduction in hours would not be fair and would cause a financial strain on his business.

In response to a question it was noted that the reduction in hours had been requested to improve management of the premises and to be in line with the Council's framework hours.

Members retired to consider their decision at 2.55pm and reconvened at 3.00pm.

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 review application in part by adding additional conditions to the license in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and "the prevention of crime and disorder".

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, JB Food Store, 97B Brick Lane, London E1 6SE be **GRANTED in part with conditions**.

Conditions

1. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
2. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
3. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
4. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
5. The premises licence holder shall ensure that all receipts for goods bought include the following details
 1. Seller's name and address
 2. Seller's Company details, if applicable
 3. Seller's VAT details, if applicable
 4. Vehicle registration detail, if applicable
6. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
7. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
8. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.

9. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4.3 Application for a Review of a Premises Licence for Cost Price, 41 Brick Lane, London, E1 6PU

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Cost Price, 41 Brick Lane, London E1 6PU. It was noted that the review had been triggered by Trading Standards and supported by Police and local residents. It was noted that the representation by the Director of Public Health would not be included as it did not relate specifically to the premises.

At the request of the Chair Mr John McCrohan, Trading Standards and Licensing Manager referred to his statement contained in the agenda and highlighted the impact of the cumulative impact zone policy. It was noted that there had been an underage sale in 2010, seizure of illicit tobacco and a seizure of non duty paid alcohol. It was further noted that a member of staff had opened a bottle of alcohol on the premises which showed that the premises was facilitating the immediate consumption of the alcohol in the public areas in and around Brick Lane. The public consumption of alcohol in the Brick Lane in the early hours of a weekend increases the risk of crime and disorder and public nuisance.

Mr McCrohan stated that his main concerns was the management of the premises particularly because of the nature of the area and concerns about crime and disorder, protection of children from harm and public nuisance. It was noted that the Licensing Authority needed to have confidence that licensed premises in Brick Lane were managed in a way to ensure the Licensing Objectives were met. It was further noted that the Licensing Authority did not have the confidence that the management of the premise by the Premises Licence Holder would ensure that the licensing objectives were met.

Members then heard from PC Perry and Selina Misfud, local resident who also raised concerns about the cumulative impact zone, anti-social behaviour and crime and disorder in the area.

Members also heard from Mr Syham Sylvester, representative for the Premises Licence Holder, who stated that they had improved management procedures, by introducing a refusal book, CCTV cameras, incident log book, and now operated a Challenge 25 Policy, it was also noted that there were new members of staff who had been trained to sell alcohol responsibly and would continue to receive regular training.

In response to a question it was noted that the main reason for review was due to community concerns and the late night drinking in the area.

Members retired to consider their decision at 3.20pm and reconvened at 3.21pm.

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 additional conditions to the license in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and "the prevention of crime and disorder".

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Cost Price, 41 Brick Lane, London E1 6PU be **GRANTED in part with conditions**.

Conditions

1. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
2. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
3. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
4. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
5. The premises licence holder shall ensure that all receipts for goods bought include the following details
 1. Seller's name and address
 2. Seller's Company details, if applicable
 3. Seller's VAT details, if applicable
 4. Vehicle registration detail, if applicable

6. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
7. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
8. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
9. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4.4 Application for a Review of a Premises Licence at Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR. It was noted that the review had been triggered by the Metropolitan Police. It was noted that there was also an application for the variation of the Designated Premises Supervisor (DPS).

Members agreed to consider both these applications together.

At the request of the Chair Mr Leo Charalambides, Counsel representing the Metropolitan Police briefly stated that they were asking for a revocation of the premises licence and to refuse the transfer of the DPS. It was noted that Mr Latib, Premises Licence Holder, was not present at the meeting. There were grave concerns about Mr Latib, his management, his legal status and whether he had the right to have a licence.

Mr Charalambides stated that this premises was a misleading food and wine store, as it was described as a convenience store but in actual fact it was an off licence. It was noted that the conditions of the premises licence had been breached on numerous occasions which was detailed in the agenda. As well as this there had been a series of incidents and police visits and crime reports in relation to the premises, which were due to;

- Conditions that had been breached
- Failed test purchases
- Seizure of non duty paid alcohol
- Trading outside licensing hours
- Trading without a DPS

It was further noted that Mr Latib had no visa to remain in the country and had falsely signed statements. That Mr Rashid was a Director of the company which was illegally run and therefore dealing in money laundering, he himself had sold after hours and had stayed open later than terminal hours and has been acting as a DPS without authority. Mr Charalambides concluded that

both Mr Latib and Mr Rashid lived at the same address and there was no confidence in Mr Rashid to take over the licence as DPS.

Members then heard from Mr Helal Miah, Legal Representative representing Mr Rashid, who stated that all the incidents referred to about Mr Latib were allegations as there have been no persecutions of fraud and that Mr Latib was no longer with the company. He stated that Mr Rashid was young and prepared to learn from mistakes and was now aware of rules and regulations and should not be burdened with the mistakes made by Mr Latib. Mr Miah stated that Mr Rashid was not aware that he could not act as a DPS in Mr Latib's absence, however when this was brought to his attention he applied for a variation straight away.

Mr Miah asked Members to note that it was a very small company and prone to misunderstandings of the law. It was noted that Mr Rashid and two other members of staff were trained on how to operate the CCTV cameras. He concluded that all the allegations made referred to the previous owner and that Mr Latib was no longer involved in the day to day running of the business.

In response to questions the following was noted;

- That Mr Latib and Mr Rashid lived at the same address.
- That the premises did sell groceries besides just alcohol.
- That single cans of beer and largar were sold.
- That Mr Rashid had always been a Director for the premises.

Mr Charalambides concluded that the retail sale of alcohol was a serious matter and that nothing heard at the meeting gave them confidence that the premises would be managed and controlled properly and therefore no confidence in the management and no option but to consider revocation.

Members retired to consider their decision at 4.00pm and reconvened at 4.10pm.

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 by revoking the licence in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

The Sub Committee noted both comments and representations from both parties and listened carefully to all the evidence. The issue of the composition

of the shop was of a red herring and Members were primarily considering the crime and disorder aspect of the review application.

The respondent accepted that the incidents took place. Members felt that they had no confidence in the current management and believed it to be appropriate and proportionate to revoke the licence as this premises licence holder had shown lack of compliance to legislation and licensing conditions. The Chair stated that imposing new conditions would not address the concern as the premises already had conditions which have been breached so therefore revocation was the only option available.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR be **REVOKED**.

4.5 Application for a Variation of Designated Premises Supervisor for Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR

In light of the decision in respect of item 4.4 above, the committee considered it had no option, but to refuse the application.”

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the Designated Premises Supervisor for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR be, **REFUSED**.

The meeting ended at 4.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee