

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON THURSDAY, 8 MAY 2014

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Khaled Uddin Ahmed
Councillor Peter Golds

Other Councillors Present:

None

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Gary Grant - (Busaba Eathai)
Andrew Wong - (Busaba Eathai)
Joel Falconer - (Busaba Eathai)
Vincent Healy - (Busaba Eathai)
Muahmmed Azrof Ali - (Convenience Store)
Alan Aylott - (Convenience Store)
Akhtar Ali - (Convenience Store)

Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan Police)
Janice Bergonzi - (Local Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure was noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee held on 25th March & 8th April 2014 were agreed.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for (Busaba Eathai), 3 Innova Passage, London E1 6LJ**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Busaba Eathai, 3 Innova Passage, London E1 6LJ. It was noted that objections had been made by the Metropolitan Police and a local resident.

At the request of the Chair, Mr Gary Grant, Legal Representative explained that there were currently fifteen branches in the country and six were within saturation zones. He highlighted the fact that that there branch in Shoreditch has had no reported incidents in the last 12 months except for 1 report of theft which took place outside the premises.

It was noted that there had been a single representation from a local resident out of the 120 apartments that were there. Mr Grant concluded that the Applicant was happy to accept the reduction in hours proposed by the Police and accept the condition from Environmental Health.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who referred to his statement contained in the agenda on pages 69 to 73 and explained that the representation was based on the saturation policy and not the company itself, and argued that the introduction of a licensed premises would mean more people in the Cumulative Impact Zone.

In response to a question it was noted that there was 160 covers at the restaurant.

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 with conditions. Members' had carefully listened to applicant's representative and noted and considered the written objection from a local resident and the objection made on behalf of the Metropolitan Police.

The Chair stated that the Cumulative Impact Zone should not be taken as an excuse to make a representation for every application by responsible authorities. The policy does make it clear that regard should be had to the operating schedule. Responsible authorities have the advantage of seeing this schedule. Members would therefore expect representations against to set out what is wrong with the operating schedule. An objection solely on the basis that it is within the cumulative impact zone was unhelpful.

Members' believed that the amended hours and conditions would help address the concerns raised by the objectors and that Members were satisfied that the operation of the premises will not add to the cumulative impact being experienced.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Busaba Eathai, 3 Innova Passage, London E1 6LJ be **GRANTED** with conditions .

Sale of Alcohol (on & off sales)

- Monday to Sunday from 10:00 hours to 23:30 hours

The Provision of Late Night Refreshments

- Monday to Sunday from 23:00 hours to 23:30 hours

The Provision of Regulated Entertainment (Recorded Music)

- Monday to Sunday from 10:00 hours to 23:30 hours

Hours Premises is open to the Public

- Monday to Sunday from 10:00 hours to 00:00 hours (midnight)

Conditions

1. No open drinks to be taken outside the premises

2. No more than 6 smokers allowed to smoke in the external area at any one time.
3. CCTV camera system covering both internal and external to the premises is to be installed.
4. 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.
5. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
6. No noise from regulated entertainment shall be audible at any affected residential façade and/ or habitable room so as to cause a nuisance.
7. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
8. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
9. all waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS.

4.2 Application for a New Premises Licence for (Convenience Store), 55 Old Bethnal Green Road, London E2 6QA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Convenience Store, 55 Old Bethnal Green Road, London E2 6QA.

At the request of the Chair, Mr Alan Aylott, Legal Representative, explained that the applicant had 4 years experience of working in the store, had another premises in Redchurch Street and had a robust operating schedule with proposed conditions. It was also noted that there were no representations from responsible authorities.

Mr Aylott further explained that the hours applied for were within the framework hours and that relevant training would be given to staff to sell alcohol responsibly and would have appropriate notices displayed in the premise.

There were no objectors present at the meeting who wished to address the Sub Committee, therefore Members noted and considered their written representations contained in the agenda.

In response to questions it was noted that no more than 25% of the premises would be used to display alcohol and the Applicant accepted a start time of 09:00 hours for the sale of alcohol.

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.

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 noted and considered the written objections contained in the agenda. Members were satisfied that a reduction in the morning hours and conditions restricting the sale of single super strength alcohol cans would help address the concerns raised by the objectors and promote the Licensing Objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Convenience Store, 55 Old Bethnal Green Road, London E2 6QA be **GRANTED** with conditions.

The sale by retail of alcohol (off sales)

- Monday to Sunday from 09:00 hours to 23:00 hours

Hours Premises is open to the Public

- Monday to Sunday from 07:00 hours to 23:00 hours

Conditions

1. This premises will not sell any beer, larger or cider that exceeds the strength of 6.5% abv or higher, unless 3 or more bottles/cans are purchased together.

2. The premises licence holder shall ensure that notices shall be prominently displayed at all the exists requesting patrons to respect the needs of local residents and leave the area quietly.
3. The premise licence holder shall take all responsibility steps to ensure that any patrons loitering outside the premises disperse quickly and do not congregate.
4. The premises licence holder shall ensure that there is no external disposal of refuse after 21:00 hours and before 08:00 hours daily and as far as possible, to ensure deliveries are within those hours with the exception of newspaper deliveries.
5. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
6. The premises licence holder shall ensure that responsible and adequate staff training shall be carried out properly documented in relation to dealing with incidents and prevention of crime and disorder, sale of alcohol (to underage, persons over 18 purchasing for underage drunks etc) prior to being allowed to sell alcohol.
7. The premise licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
8. The premises licence holder shall ensure refresher training shall be satisfactorily completed every six months for all staff and documented as above.
9. The premise licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
10. CCTV camera system covering both internal and external to the premises is to be installed.
11. 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.
12. The premises license holder shall operate a Challenge 25 at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
13. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' operates in the premises.

14. The premises licence holder shall ensure that any refusal of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the product sought, the gender and approximate age of the customer together with a description of the customer. The refusals log shall be checked and signed monthly by a designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
15. The premises licence holder shall ensure that no alcoholic goods will ever be purchased from sellers calling to the shop.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee