

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 2 SEPTEMBER 2014

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

Members Present:

Councillor Rajib Ahmed (Chair)

Councillor Khaled Uddin Ahmed
Councillor Suluk Ahmed

Officers Present:

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

Applicants In Attendance:

Adnan Ayub - Item 3.1
Kennith Burleigh - Item 3.1
David Dadds - Item 4.1
Mohammed Qureshi - Item 4.1

Objectors In Attendance:

PC Alan Cruickshank - Item 4.1

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Bundu Khan - 43 Commercial Street, London, E1 6BD

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Bundu Khan, 43 Commercial Street, London E1 6BD. It was noted that objections had been made by a local resident with a supporting petition.

It was noted that all addresses on the petition had been verified as there was no header on the petition and so therefore the petition was accepted as part of the initial representation sent in by Ms Khanum. It was also noted that the representation regarding the protection of children from harm was not a relevant consideration for Members as this was not in the premises however could be seen as public nuisance.

At the request of the Chair, Mr Kenneth Burliegh, Representative on behalf of the Applicant explained that the premises had been trading since 2008 and has been using the Bring Your Own policy since 2009. He explained that it was a fine dining restaurant and wanted to sell alcohol with food. He said that an alcohol licence would give management better control of alcohol consumption by patrons.

It was noted that the Designated Premises Supervisor has had 18 years experience of running licensed premises, that alcohol would be served at tables and that there had been no complaints or problems at the premises.

There was no objector present at the meeting and therefore members considered and noted the objections contained in the agenda.

In response to questions it was noted that the premises was currently trading as a restaurant and customers were bringing there own alcohol, that the premises would operate a Challenge 21 policy and would only sell alcohol with food. It was noted that a drinking up period had not been factored in when applying for the licence.

Members retired to consider their decision at 7.00pm and reconvened at 7.15 pm.

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the applicant.

Members had reached a decision and this decision was unanimous. Members had noted that local residents had made representations. These representations were general in nature. Members were very aware of the problems in the area as well as the types of premises that cause a problem. This was a restaurant, and alcohol would be sold with meals only. There was no off sales of alcohol and there would be a segregated area for children.

It was considered that this premises would not lead to or add to the cumulative impact already being experienced. The premises was already open and trading, Members felt it appropriate to add a condition that 'Alcohol is to only be supplied to persons eating food'.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Bunda Khan, 43 Commercial Street, London E1 6BD be **GRANTED with a condition.**

Sale of Alcohol (on sales only)

Monday to Sunday from 12:00 hours to 22:30 hours

The Provision of Regulated Entertainment - Recorded Music (indoors)

Monday to Friday from 12:00 hours to 15:00 hours and from 18:00 hours to 23:00 hours

Saturday and Sunday from 12:00 hours to 23:00 hours

Hours Premises is open to the Public

Monday to Friday from 12:00 hours to 15:00 hours and from 18:00 hours to 23:00 hours

Saturday and Sunday from 12:00 hours to 23:00 hours

Conditions

1. Alcohol is to only be supplied to persons eating food.

3.2 Application for a Variation of the Premises Licence for Best Kebab - 275 Commercial Road, London, E1 2PS

This item was withdrawn by the Applicant.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

4.1 Licensing Act 2003 Application for a Premises Licence for 129 Whitechapel High Street, London E1 7PT

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Food Giant Express, 129 Whitechapel High Street, London E1 7PT. It was noted that an objection had been made on behalf of the Metropolitan Police.

At the request of the Chair, Mr David Dadds, Legal Representative on behalf of the Applicant confirmed that the application was for off sales only and not on sales as described in the application as this was an administration error. Mr Dadds noted that the premise was within the cumulative impact zone however asked Members to consider each application on its own merits. He explained that the premise was on the border line of the cumulative impact zone and had the premises been on the other side of the road there would have been no objection to the application.

He then raised concerns as to the statistics and data provided by the Police as evidence, he questioned the interpretation of the statistics and the fact that it did not relate to the premises and that there was no evidence that this premise would cause a negative impact on the area. He then referred to the supporting documents which had witness statements and observations of the area which showed that there were issues arising from that specific area.

Mr Dadds explained that measures had been put in place to promote the licensing objectives such as conditions restricting the sale of super-strength alcohol, having only 15% of the premise used for the display of alcohol etc. It was noted that no other responsible authorities or local residents had objected to the application.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that the premises was within the cumulative impact zone and that the policy had been adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of anti-social behaviour calls and the potential for disorder.

He also stated that the late submission with the witness statement/observations was not appropriate. As there was issues around street drinking in the area and the observation was not a true reflection as the premises was currently not selling alcohol.

In response to questions the following was noted;

- That the premises was within the cumulative impact zone

- That there were no specific problems with the premises as they didn't have a licence.
- That there was a general problem with off licences selling outside trading hours
- That the conditions proposed would help robustly manage the premises and promote the licensing objectives.

Members retired to consider their decision at 7.50pm and reconvened at 8.05 pm.

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 the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the objector and the applicant.

It was noted that the Police objection related to the premises being in the cumulative impact zone. It was also noted that having regard to paragraph 8.4 of the Licensing Policy, there was a rebuttable presumption in respect of granting an application where a representation is made. Having regard to the hours applied for, the location of the premises and the conditions offered, Members were satisfied that the operation of the premises would not add to the cumulative impact zone.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Food Giant Express, 129 Whitechapel High Street, London E1 7PT be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Sunday to Thursday from 08:00 hours to 22:00 hours
Friday and Saturday from 08:00 hours to 22:30 hours

Conditions

2. CCTV camera system covering both internal and external to the premises is to be installed.

3. 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.
4. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
6. The premises 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.
7. The premises licence holder shall ensure that refresher training be satisfactorily completed every 12 months for all staff and documented as above.
8. The premises licence holder shall ensure that a Challenge 25 policy is operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card. The premise licence holder shall ensure that notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25' or similar scheme operates in the premises.
9. The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log s as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the products sought, the gender and approximate age of the customer together with a description of the customer as well as the name of the member of staff who refused the sale. The refusal log shall be made available for inspection by the Police or Council Officers.
10. An incident log shall be kept at the premises and shall be made available for inspection by Police or Council Officers upon reasonable request which should record the following;
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - Any visit by a relevant authority or emergency service.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. There shall be no self-service of spirits on the premises

13. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises
14. No super-strength beer, lager or cider of 6.5% abv or above shall be sold at the premises.
15. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screen or secured behind locked cabinet doors.
16. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
17. All waste shall be presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

4.2 Gambling Act 2005 Application for a new Premises Licence Paddy Power, 620 Roman Road, London E3 2RW

The Chair noted that the applicant had requested that the application be deferred and advice from Paul Greeno, Senior Advocate was that since the application was for a new premises licence, the deferment would cause no prejudice to either the applicant or objectors. As it was a new application and as the applicants were unable to attend then it was in the public interest for the applicant to be given the opportunity to make their application to Members rather than the case being determined in their absence. The new date for hearing the application would be 21st October 2014 and that date has been set after checking with the applicants as to availability.

The meeting ended at 8.10 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee