

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON TUESDAY, 4 NOVEMBER 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 Rajib Ahmed

**Other Councillors Present:**

None

**Officers Present:**

Philip Devonald	– (Interim Head Legal Services, Law, Probity and Governance)
Kathy Driver	– (Principal Licensing Officer)
Alex Lisowski	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Jack Spiegler	- Item 4.1
Behrooz Khossousi	- Item 4.1

**Objectors In Attendance:**

PC Alan Cruickshank	- Item 4.2 & 4.4
Margaret Gordon	- Item 4.2
PC Mark Perry	- Item 4.3

**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. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the Licensing Sub Committees held on 23<sup>rd</sup> September, 30<sup>th</sup> September and 7<sup>th</sup> October 2014 were agreed as a correct record.

## **4. ITEMS FOR CONSIDERATION**

### **4.1 Application for a New Premises Licence for Inito, Unit 6, 31 Bell Lane, London E1 7LA**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Inito, Unit 6, 31 Bell Lane, London E1 7LA. It was noted that there had been objections from two local residents.

At the request of the Chair, Mr Jack Spiegler, Licensing Representative began by amending the application to include a 30 minute drinking up time to the hours applied for the sale of alcohol.

He explained that the premises was a modest sized restaurant specialising in Indian food and salads. He further explained that there would be a limited amount of alcohol available, which would only be sold ancillary to food. It was noted that the hours applied for were within the framework hours and that no Responsible Authorities had objected to the application.

He referred Members to the conditions proposed and stated that these directly addressed the concerns raised by the two objectors.

Mr Spiegler concluded that the premise was not a late night venue or drink led venue and was confident that it would not have a negative impact on the cumulative impact zone.

It was noted that the objectors were not present at the meeting, however a further condition had been proposed to alleviate the concern of one of the residents in relation to refuse.

Members briefly discussed amongst themselves and the Chair stated that;

#### 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 Home Office 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 representations from the Applicant's representative and noted the written objections from the residents.

Members reached a decision and the decision was unanimous. Members decided to grant the application with conditions offered by the Applicant and those agreed with the Police. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at the meeting, the Applicant had done everything they could to mitigate further impact within the cumulative impact zone and Members were content that the conditions proposed would promote the licensing objectives.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, Inito, Unit 6, 31 Bell Lane London E1 7LA be **GRANTED with conditions**.

### Sale of Alcohol (on and off sales only)

Monday to Thursday from 11:00 hours to 22:30 hours  
Friday and Saturday from 11:00 hours to 23:00 hours  
Sunday from 11:00 hours to 21:30 hours

### The Provision for Late Night Refreshments

Friday and Saturday from 23:00 hours to 23:30 hours

### Hours Premises is open to the Public

Monday to Thursday from 11:00 hours to 23:00 hours  
Friday and Saturday from 11:00 hours to 23:30 hours  
Sunday from 11:00 hours to 22:00 hours

### Conditions

1. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the Premises where alcohol is sold or supplied.

2. The sale of alcohol shall be ancillary to food.
3. The outside area will close at 21:00.
4. The premises will implement a smoking policy to ensure no nuisance is caused by smokers.
5. The premises will implement a dispersal policy to ensure no nuisance is caused by persons leaving the premises.
6. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. All doors and windows shall be closed after 22:00hrs except to access and egress.
9. All staff will be trained in respect of the promotion of all four licensing objectives under the Licensing Act 2003.
10. CCTV camera system covering internal areas 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 description.
12. At all times when the premises are open, a person who can operate the CCTV system must be present on the premises.

13. An incident log shall be kept at the premises, and made available on request to an authorised Officer of the Council or the Police, which will record the following:
- a) All crimes reported to the venue;
  - b) All ejections of patrons;
  - c) Any complaints received;
  - d) Any incidents of disorder;
  - e) All seizures of drugs or offensive weapons;
  - f) Any faults in the CCTV system;
  - g) Any refusal of the sale of alcohol;
  - h) Any visit by a relevant authority or emergency service.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. A suitable under-age scheme shall be implemented and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence and those carrying the PASS logo. Staff shall be fully trained regarding under-age sales and a refusals shall book kept.
16. The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties

#### **4.2 Application for a New Premises Licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA**

At the request of the Chair, Mr Alex Lisowski. Licensing Officer, introduced the report which detailed the application for a new premises licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA. It was noted that there had been objections from Local Residents, Residents Associations and the Metropolitan Police.

It was noted that the Applicant was not present at the meeting. The Clerk confirmed that the Applicant had been sent notification letters and agendas within the prescribed timelines. However, there had been no correspondence, from Applicant to Democratic Services or Licensing Services.

In the absence of the Applicant the Chair stated that they would consider the paper application contained within the agenda and asked the Police Officer to make a brief submission in relation to their representation.

Members heard from PC Alan Cruickshank, Metropolitan Police who stated that the premises was within the Cumulative Impact Zone (CIZ) and would mean another premises that would have the ability to sell alcohol in an area which was already saturated.

PC Cruickshank explained that this premises was a restaurant/wine bar, a vertical drinking establishment attracting people who were only out to drink. He further explained that since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises or variations however small or well run, would only compound the problems in the CIZ.

Members then heard from Ms Margaret Gordon, Local resident who stated that the non attendance of the Applicant showed lack of confidence and disrespect to those attending the meeting and taking time to make representations.

Members briefly discussed amongst themselves and the Chair stated that;

#### 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 Home Office 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, it was noted that the Applicant was not present at the meeting and had no correspondence with Democratic Services and Licensing Services despite being sent notification of the meeting and the agenda within the prescribed timelines. Therefore Members noted the written application contained in the agenda and briefly heard representations from the Police and local resident.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. Members believed that the lack of attendance at the meeting showed a lack of confidence in the applicant to uphold the licensing objectives and taking into consideration the objections raised Members unanimously refused the application.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for Lonzo, 10A Lamb Street, Old Spitalfields Market, London E1 6EA be **REFUSED**.

#### **4.3 Application for a New Premises Licence for Poplar Spice Ltd, 185 East India Dock Road, London E14 0EA**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Poplar Spice Ltd, 185 East India Dock Road, London E14 0EA. It was noted that there had been objections from local residents, Licensing Authority and the Metropolitan Police.

It was noted that the Applicant was not present at the meeting. The Clerk confirmed that the Applicant had been sent notification letters and agendas within the prescribed timelines. However, there had been no correspondence, from Applicant to Democratic Services or Licensing Services.

In the absence of the Applicant the Chair stated that they would consider the paper application contained within the agenda and asked the Police Officer to make a brief submission in relation to their representation.

Members heard from PC Mark Perry, Metropolitan Police who explained that the area was a residential area with young families. He stated that by granting a late licence would cause a significant risk of increased anti-social behaviour in the early hours of the morning from customers leaving the premises and congregating around the premise to consume food. He also mentioned that the premises was in close proximity to Chrisp Street Market which suffered from anti-social behaviour especially from gangs of people congregating, smoking, taking drugs and alcohol and causing alarm and distress to residents.

It was also noted that during a recent test purchase visit the premises was found to be open beyond trading hours without a licence, when the manager was approached he stated that he had assumed he had a licence to open until midnight.

He concluded that the Police have tried to contact the Applicant to discuss licensing objectives but have received no reply and given the lack of conditions offered or measures put in place by the Applicant in the application to deal with potential crime and disorder the police continue to object to the application and request for refusal.

Members briefly discussed amongst themselves and the Chair stated that;

#### 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 Home Office 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, it was noted that the Applicant was not present at the meeting and had no correspondence with Democratic Services and Licensing Services despite being sent notification of the meeting and the agenda within the prescribed timelines. Therefore Members noted the written application contained in the agenda and briefly heard representation from the Police.

Members noted the concerns of public nuisance and anti-social behaviour in the area and noted that the premise was found to be open outside trading hours. Members believed that the lack of attendance at the meeting showed a lack of confidence in the applicant to uphold the licensing objectives and taking into consideration the objections raised Members unanimously refused the application.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for Poplar Spice, 185 East India Dock Road, London E14 0EA be **REFUSED**.

#### **4.4 Application to Review the Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ**

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 Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ. It was noted that the review had been triggered by the Police and supported by the Licensing Authority.

It was noted that the Premise Licence Holder was not present at the meeting. The Clerk confirmed that the Applicant had been sent notification letters and agendas within the prescribed timelines. However, there had been no correspondence, from Applicant to Democratic Services or Licensing Services.

In the absence of the Premise Licence Holder the Chair stated that they would consider the paper application contained within the agenda and asked the



Police Officer and Licensing Officer to make brief submissions in relation to their representations.

At the request of the Chair PC Alan Cruickshank, Metropolitan Police explained that the Licensing Unit received a intelligent report that the premises was operating beyond their licensed hours. He referred to pages 227-230 of the agenda which detailed the visits to the premises on two consecutive days where alcohol was sold beyond licensing hours on both days. He also referred to three separate occasions when the premises was found to have smuggled goods on the premises. Due to the continued breaches of licensing conditions PC Cruickshank had no trust in the Premise Licence Holder to uphold the licensing objectives and therefore urged Members to revoke the premises licence.

Members also heard from Kathy Driver, Licensing Services, who referred to her representation contained in the agenda and stated that the Premise License Holder and Designated Premises Supervisor had no regard to the requirements of the Licensing Act 2003 and their obligations to meet the licensing objectives.

Members also heard from PC Brendan O'Rourke who stated that previous CCTV footage also showed that the premises had been trading beyond operating hours on many occasions.

Members briefly discussed amongst themselves and the Chair stated that;

#### 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 Home Office 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 representations from PC Alan Cruickshank and noted the lack of attendance and communication from the Premise Licence Holder.

Members reached a decision and the decision was unanimous. Members noted the number of repeated breaches of the licence where the applicant had been found selling outside trading hours, this together with the concerns raised by the Police and Licensing Authority, Members decided to revoke the premises licence.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Review of Premises Licence for Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ be **GRANTED** with the revocation of the Premise Licence.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 3.00 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee