

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 18 NOVEMBER 2014

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

Members Present:

Councillor Amina Ali (Chair)

Councillor Khaled Uddin Ahmed
Councillor Shah Alam

Other Councillors Present:

Councillor Gulam Kibria Choudhury

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Philip Devonald – (Interim Head of Legal Operations, Law, Probity
and Governance)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Niall McCann - Item 3.1
Uri Dinay - Item 3.1
Mufti Rashid - Item 3.2
Bayejid Chowdhury - Item 3.2
Annabel Graham Paul - Item 3.3
Nurettin Erdogan - Item 3.3
Dogan Dogus - Item 3.3

Objectors In Attendance:

Richard Poole - Item 3.2
Dulal Uddin - Item 3.3
Selim Tahid - Item 3.3
Sheikh Rahman - Item 3.3
Nishma Suchak - Item 3.3
Nizam Uddin - Item 3.3

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. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (Pilpel), Unit E, Pavilion Building, Old Spitalfields Market, London E1 6EW

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Pilpel, Unit E, Pavilion Building, Old Spitalfields Market, London E1 6EW. It was noted that an objection had been made by a local resident.

At the request of the Chair, Mr Niall McCann, Licensing Representative on behalf of the Applicant explained that the premise was a small high quality, falafel Middle Eastern takeaway stall. He explained that no additional time was required for drinking up as it was a takeaway premise. It was noted that there were five other Pilpel stalls close by which all had licences.

Mr McCann made reference to the Pilpel branch on Brushfield Street which on average sold 5-6 beers a day. It was noted that only a small percentage of the sales was for alcohol and there was never more than 10/15 bottles of beer sold in a day and this was the same consistency across all the Pilpel kiosks.

It was noted that no responsible authorities had objected to the application except for one local resident and his objection referred to an 11pm licence/closing time. Which was not the case as the application was for a 7pm closing time. It was further noted that the supporting statement on pages 1-2 contained in the supplemental agenda, together with the Applicant's proposed conditions addressed the concerns of the local resident and promoted the licensing objectives.

Mr McCann concluded that the beer that would be sold would be fair trade and organic and that the sale of alcohol would be ancillary to food. That it was a modest application, there had been no complaints, that they would be mainly selling to a business audience and that it was better to regulate a premises with a licence.

Members then briefly heard from PC Brendan O'Rourke, Metropolitan Police who said that he was happy for the proposed condition;

'All sales of alcohol for consumption off the premises shall be in sealed containers only' not be included as part of the conditions.

The Clerk advised that the objector was not present at the meeting and that all correspondences were sent out to him within the prescribed timelines. In the absence of the objector, Members noted and considered the written objection contained within the agenda.

Members retired to consider their decision at 6.45pm and reconvened at 6.48pm.

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's Representative.

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, Pilpel, Unit E, Pavilion Building, Old Spitalfields Market, London E1 6EW be **GRANTED with conditions**.

Sale of Alcohol (on and off sales)

Monday to Sunday from 11:00 hours to 19:00 hours

Hours Premises is open to the Public

Monday to Sunday from 11:00 hours to 19:00 hours

Conditions

1. The supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal
2. A direct telephone number for members of management at the premises shall be made available to local residents associations and to any person wishing to comment on the operation of the premises.
3. Install and maintain CCTV
4. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.
5. (one camera to be placed outside the entrance and one camera on entry)
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
7. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
8. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
9. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
10. 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. Seizures of drugs or offensive weapons
- f. Any faults in the CCTV system or searching equipment or scanning equipment
- g. Any refusal of the sale of alcohol
- h. Any visit by a relevant authority or emergency service.

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

3.2 Application for a premises licence for Grill Villa - 226 Mile End Road, London, E1 4LJ

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Grill Villa, 226 Mile End Road, London E1 4LJ. It was noted that objections had been made by local residents.

At the request of the Chair, Mr Mufti Rashid, Licensing Representative on behalf of the Applicant briefly stated that the application was only for the provision of late night refreshments, that there was only two objections made, and that the advert was published on the East London Advertiser on 25th September 2014. He stated that the concerns raised by the residents were general concerns which related to all the food outlets in the area. Mr Rashid stated that Mile End Road had ample parking available in the early hours of the morning and therefore residential streets would not be used.

Members then heard from Mr Richard Poole, local resident who expressed concerns of anti-social behaviour, litter, noise nuisance, and public nuisance. He stated that a 2am closing time was too late especially for a residential area. He explained that cars parked outside his house, causing noise and public nuisance, eating food, throwing litter on the streets, and were often abusive towards him and other residents. He suggested that there should be a reduction in the time applied for especially during the weekdays, that notices should be displayed asking customers to respect the needs of local residents and not to litter on the streets and not to allow customers entry half an hour before closing time.

In response to questions the following was noted;

- The opening hours for other licensed premises in the area especially the fast food premises.
- That the Applicant wanted later opening hours in order to compete with local business and that the main busy period was between the hours of 10pm to 2am.
- That as a result of more late night premises there was more anti-social behaviour, litter and public nuisance in the area.

Members retired to consider their decision at 7.00pm and reconvened at 7.10pm.

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 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's Representative.

It was noted that the objections were general in nature and Members were very aware of the problems in the area as well as the types of premises that cause a problem. Members were sympathetic towards the types of public nuisance associated with late night food establishments and therefore Members considered it appropriate to reduce the hours applied for to keep in line with other local premises in the area and imposed conditions to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Grill Villa, 226 Mile End Road, London E1 4LJ be **GRANTED** with conditions.

The Provision of Late Night Refreshments

Monday to Sunday from 23:00 hours to 01:00 hours (the following day)

Hours premises is open to the public

Monday to Sunday from 10:00 hours to 01:00 hours (the following day)

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 31 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. Last orders to be placed by 00:30 hours.

3.3 Application for a New Premises Licence for Lions Express, 121-123 Poplar High Street, London, E14 0AE

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lions Express, 121-123 Poplar High Street, London E14 0AE. It was noted that objections had been made by local residents and local businesses.

At the request of the Chair, Ms Annabel Graham Paul, Counsel on behalf of the Applicant explained that this was an application for a new licence for the sale of alcohol. She referred to page 17 of the supplemental agenda which contained a statement from the Applicant detailing his experience in retail, his the proposed business plan etc. She explained that in light of the representations the Applicant was willing to cease the sale of alcohol at 11pm 7 days a week which would go far in helping address the concerns raised by the objectors. She highlighted the Applicant's experience, and explained that he owned another off licence in the borough, with no incidents to date, that he was a responsible operator and had recently had a successful test purchase conducted at the premises. It was also noted that there had been no representations from responsible authorities.

Ms Paul further explained that the hours now applied for were in line with the hours for Poplar Wines and Tesco which both had licences till 11pm. Therefore the hours were not anti-social hours but the same as the other licensed premises in the area. It was noted that it was a convenient store selling groceries, confectionary etc and would only have 15-20% floor space for the display of alcohol.

Ms Paul concluded that the written objections were identical and mainly from business rivals who had a commercial interest in this application and therefore due weight should be given to those representations. She stated that there were no incidents of crime and disorder linked to the premises, that there would be CCTV cameras in operation, and the Applicant would promote the licensing objectives.

Members then heard from Mr Dulal Uddin, representing Perfect Fried Chicken, Mr Nizam Uddin representing St Matthias Centre and Ms Nishma Suchak representing Poplar Mini Market, who expressed similar concerns of an increase in anti-social behaviour as a result of another licensed premises, concerns that there would be underage sales, an increase in drug and alcohol

abuse, gang violence, more intoxicated persons sitting outside St Matthias Centre intimidating senior citizens, young families, residents and worshippers of the Church and Mosque. There was also emphasis that the premises would influence college students in purchasing and consuming alcohol.

There were also concerns that it would affect local businesses financially, as they generally felt that there were too many businesses in the area and not enough people especially more so now with the Tesco store open.

In response to questions the following was noted;

- That residents had complained to police, however, they had not objected to the application.
- That the premise was approximately 30sq feet and would be using 15-20% floor space for the display of alcohol.
- That they would be selling both single cans and multipacks of beers and lager.
- That the introduction of new businesses would cause a financial loss to existing businesses.
- That the premises was opposite the Tower Hamlets College
- That a previous test purchase made at the Applicants other premises was unsuccessful.

Members retired to consider their decision at 8.15pm and reconvened at 8.30pm.

Members suggested that Licensing Services monitor the premises and also conduct test purchases from time to time to monitor the operation and management of the business.

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 the Applicant and the Objectors and heard representations from all interested parties.

Members sympathised with the objectors and their general concerns of public nuisance and anti-social behaviour in the area but this could not be linked specifically to the premises. Members, acknowledged the Applicants proposal to amend the application and reduce the hours for sale of alcohol to 23:00 hours.

Members did have concerns that issues of ASB and public nuisance could increase as result of another licenced premises and to mitigate this Members considered it appropriate to reduce the terminal hour for the sale of alcohol to 11pm and add conditions. Some of the main concerns raised were regarding underage sales and the fear of selling alcohol to college students therefore Members decided to add the condition to operate a Challenge 25 Policy which would help promote the licensing objectives and would help address the concerns of the objectors.

Decision

Accordingly, the Sub-Committee made a majority decision and –

RESOLVED

That the application for a New Premises Licence for Lions Express, 121-123 Poplar High Street, London E14 0AE be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

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

Hours premises are open to the public

Monday to Sunday from 07:00 hours to 01:00 hours (the following day)

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 31 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. 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.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.30 p.m.

Chair, Councillor Amina Ali
Licensing Sub Committee