

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.25 P.M. ON WEDNESDAY, 6 AUGUST 2008

**ROOM M71 THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Carli Harper-Penman (Chair)
Councillor M. Mamun Rashid
Councillor Motin Uz-Zaman

Officers Present:

John Cruse	Licensing Officer
Paul Greeno	Legal Officer
Margaret Sampson	Democratic Services

Objectors In Attendance:

Paul Johnson	Environmental Health Enforcement Officer
Mrs Benjamin	Mile End Road
Mr Fraysinnet	Bethnal Green Road

Applicants in Attendance:

Mr Dayal	Davi Dayal Newsagents
(Mr Dayal was accompanied by his daughter and son-in-law)	
Mr Veres	The Verge, Bethnal Green Rd.
Mr Ahsan	The Verge, Bethnal Green Rd.

Members of the Public In Attendance:

There was one member of the public present (accompanying Mrs Benjamin), who did not have the opportunity to sign the attendance book.

The Chair apologised for the lateness in opening the meeting and advised that due to other circumstances, the earlier Sub Committee meeting had not yet ended. It was therefore her intention to open and adjourn this meeting in order to conclude that business before proceeding with the items of business on this agenda.

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

At this juncture, the Chair proposed and it was **AGREED**

That the Sub Committee would now adjourn.

The meeting reconvened at 3.25pm.

3. RULES OF PROCEDURE

Noted.

4. ITEMS FOR CONSIDERATION

4.1 **Application for Variation of the Premises Licence: Devi Dayal Newsagents, 184 Mile End Road, London E1 4LJ (LSC/809)**

Mr Cruse advised that the variation applied to extending the hours the premises were open for and the sale of alcohol to 03:00 hours on all days. Objections had been submitted by residents and Appendix 6 detailed conditions put forward by the Police following a meeting with the applicant.

The applicant advised that it was understood the resident objections related to rubbish in the alleyway beside the shop and which led past their front doors to the yard and parking area behind. The applicant advised that they were happy to install a bin within the alley and also outside the shop. An additional member of staff would also be employed from 11pm onwards to move people on if necessary.

The additional hours were to assist the business and were in line with other premises within the locality. As the premises was situated on a red route, business tended to be slow during the morning and evening rush hours.

Mrs Benjamin addressed the Committee in respect of her objections and on behalf of Mrs Maloney who was unable to be present. Both lived above the premises and were most directly affected by the application. Objection related to the misuse of the alley by those purchasing alcohol who loitered within the alley and used it as both a rubbish bin and urinal.

The applicant confirmed for Members that there was CCTV within the shop and that the Police had confirmed that it could also cover the alley. The alley was cleaned by them on a daily basis though this was not their responsibility. There had been no problems at the shop in the years they had managed and they wished to resolve the concerns raised.

Mrs Benjamin stated that she had seen people buying cans of drink from this shop and go down the alley; the car park at the rear was frequently covered in broken glass. The Chair ascertained that there were other premises close by that were also licensed for off-sales. Mrs Benjamin stated that she had not spoken directly to the applicant though she had remarked on it. Mr Dayal parked his car at the rear of the premises and must have noticed what goes on.

The applicant confirmed that there was a bin outside the shop and CCTV coverage though neither was located to address use of the alley. He was happy to locate bins and signage that would hopefully assist.

It was clarified that the only entrance to the rear yard, which was a parking and bin refuse area for the shops and residents, was from Mile End Road.

There being no further questions, the Chair advised that the Sub Committee would now, at 3.45pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 3.55pm and the Chair reported that Members had resolved:

That the application to vary the Premises Licence for Davi Dayal Newsagents, 184 Mile End Road, London E1 4LJ, be **GRANTED** subject to amendment and the following conditions:

Hours open to the public and for the sale of alcohol (off sales only): 08:00 to 00:30 Monday to Thursday, 08:00 to 02:00 Friday and Saturday. No change to hours operated on Sunday.

All members of staff at the premises shall seek 'credible photographic proof of age evidence' from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol on the premises. Such credible evidence shall be in the form of a passport or photographic driving licence.

A refusal book to be maintained listing the date and time of the refusal, including a description or the name of the person who has been refused a sale.

A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering the entrance door and be capable of providing an image that is regarded as 'identification standard'.

- To obtain a clear head and shoulders image of every person entering the premises on the CCTV system
- CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the shop is open to the public
- 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 one calendar month. 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.

- An employee that is conversant with the operation of the CCTV system will be on the premises at all times that it is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.

CCTV to cover exterior of shop, ensuring coverage of shop frontage, the alley and the door to number 186.

SIA registered security personnel on the premises after 11pm

Signage is shop reminding patrons that alcohol sold is not for consumption within or in the vicinity of the premises.

The Chair advised that both the application and the concerns of residents had been taken on board and considered seriously. The concerns of alcohol related ASB would be raised with the Safe Neighbourhood Team. It may also be that residents would wish to raise the issue of introducing a Controlled Drinking Zone within the area.

4.2 Application to Review the Premises Licence: Beach Blanket Babylon, 19-23 Bethnal Green Road, London E1 6LA (LSC/809)

The clerk advised that this item had been withdrawn as the date had proved unsuitable for the majority of those involved in the application.

4.3 Application to Review the Premises Licence: The Verge, 114-118 Bethnal Green Road, London E2 6DG (LSC016/809)

Mr Frayssinet stated that he had lived above the premises and had occupied the flat before the premises opened. Since opening, he had suffered noise nuisance from the premises due to the volume and type of music which, despite conversations with the owners and Environmental Health had continued.

Despite some attempts to remedy the situation, as there is no insulation between the licensed premises and the flat, music noise and vibration could be felt throughout the whole surface area of the flat and conversations within the premises could be heard. Mr Frayssinet stated that he had no wish to see the premises close only that work should be undertaken to remedy the problems.

Paul Johnson, Environmental Health, reported that he had dealt with the original licence application and had liaised with the applicant. An acoustic test had been carried out and believed to be acceptable but it had since been found that tests had only been carried out in one flat and not in the rooms that would have been considered most suitable. This explained why complaints had arisen immediately the premises opened. Informal talks and discussion had been held with all parties

Mr Johnson further reported that EH had visited Mr Frayssinet flat and the noise on voices alone constituted a serious noise nuisance. On this basis, EH officers believed it reasonable to recommend that until the acoustic problems could be resolved, the hours the premises should operate should be reduced until 11pm. Once the noise and acoustic problems had been resolved to the satisfaction of EH and a noise limiter installed, the premises could operate the hours previously granted.

Mr Veres and Mr Ahsan, two of the three licence holders, were present. They confirmed that the original acoustic test had been carried out in the other flat and they had no reason to believe that there would be any difference between the properties. A DJ was now only present on Friday and Saturday and some insulation work had been undertaken. Further tests and a report on the nuisance in Mr Frayssinet's flat would be undertaken as problems seemed to be to this property alone. There was a wish to address the problem.

Mr Ahsan reported that he and Mr Veres had been unaware of the correspondence between EH and Mr Stewart (the other licence holder), until the agenda for this meeting had been received. On the basis of that information, another acoustic report had been done but the work could not start before 26 August at the earliest. Mr Ahsan advised that the landlord may assist with the problems being encountered.

Mr Frayssinet stated that he understood the situation but nothing had been done despite this being the situation for the last six months.

The Chair enquired what the applicants felt they could offer to alleviate the current situation. Mr Veres advised that they wanted to ensure that the work was carried out and could reduce the volume of the music.

There being no further questions, the Chair reported that the Sub Committee would now, at 4.20pm, adjourn to consider the evidence presented. The Sub Committee reconvened at 4.35 and the Chair reported that Members had resolved:

That the application to review the Premises Licence for The Verge, 114-118 Bethnal Green Road, London E2 6DG had been **GRANTED** and the opening hours of the premises were restricted to 23:00 on all days until the necessary works were carried out regarding the acoustic separation between the commercial and residential properties.

Only when the work had been carried out to the satisfaction of EH and acoustic tests and report carried out by a qualified person to prove that the work had been carried out satisfactorily, could the premises open beyond 23:00 hours.

A noise limiter to be installed and set by EH for inaudibility within the nearest residential properties after the necessary acoustic insulation has been installed.

Given the period of time that had lapsed between the original complaint and the hearing and that the problems continued, the Sub Committee believed there was no option but to grant the review as it did not appear possible that the situation could be remedied by any other means.

The meeting ended at 4.40 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee