

## Agenda item

### **Application to Review the Premises Licence for Shampan, 79 Brick Lane, London, E1 6QL**

MEETING OF THE LICENSING SUB COMMITTEE Thursday 15 DECEMBER 2011 6.30PM (ITEM 5.1)

#### MINUTES

At the request of the Chair, Mr Colin Perrins, Head of Commercial Services, introduced the report which detailed the application for a review of the premises license for Shampan, 79 Brick Lane London E1 6QL. It was noted that the review had been triggered by Trading Standards and supported by the Metropolitan Police.

At the request of the Chair, Mr John McCrohan, Trading Standards Manager referred to his statement on pages 57-61 of the agenda. He explained that on 7<sup>th</sup> September 2011, two police officers were on duty in plain clothes on foot patrol in Brick Lane when they were approached by a tout who stepped into their path and asked them to come and look at the menu for Shampan. It was noted that there were conditions on the premises licence for Shampan prohibiting touting.

It was noted that Mr Milad Miah, employee for Shampan was convicted at the Magistrates Court and discharged with a fine of £100. It was also noted that during a partnership visit to the premise on 21 March 2011 by the Police, HMRC and Trading Standards a quantity of re-labelled wine was seized and was currently under investigation.

Mr McCrohan concluded by stating that touting by restaurants in Brick Lane have been a subject of concern over crime and disorder and requested that the Sub Committee suspend the licence for a period of time.

PC Mark Perry, Metropolitan Police referred to the statement on page 95 and gave an account of the general disturbance caused by touts in Brick Lane. He also highlighted other incidents relating to the premises which were referred to in the statement.

At the request of the Chair Mr Helal Miah, Legal Representative for the Premise Licence Holder, Mr Siraj Haque, stated that Mr Haque had signed up to the Council's Anti-Touting Policy voluntarily and then produced photos of the premises with the signs up as evidence. He further explained that this had been a one off incident and there were no other complaints or history of touting in relation to the premises.

He stated that no formal warning had been given to Mr Haque and was offered no guidance or advice in relation to touting from the Council. He asked Members to note the statement from Mr Milad Miah included in the supporting documents which explained the reason why the touting took place. It was noted that as a result of the incident Mr Milad Miah was dismissed.

At the request of the Chair, Mr Siraj Haque, Premise Licence Holder, referred to his statement which was tabled at the meeting and explained that he had been in the restaurant trade for 31 years, and had this particular premises for 21 years and in its time had received many awards and commendations. He stated that touting first started in Brick Lane due to the severe competition between businesses and that he had worked with the local community and Council to deter touting. It was noted that over the 21 year period he had not breached any licence conditions, and had at all times complied with licensing laws and had relevant test purchases correctly refused.

In response to questions, Mr Haque stated that he had voluntarily agreed to adding the touting conditions on to the premises licence, however Mr Perrins stated that the conditions were added to the licence as a result of an incident of touting which took place previously and these conditions were placed to strengthen existing conditions and as a warning to Mr Haque.

It was noted that Mr Milad Miah was a student and had been employed as a trainee waiter at Shampan and that Mr Haque was not aware that he had been employed by the manager. Members also asked questions about the training, police officers received to carry out test purchase exercises in relation to touting.

The Chair advised that the Sub Committee would at 7.15pm adjourn to consider the evidence presented. The Members reconvened at 7.50pm. The Chair reported that;

Members heard representations from Trading Standards, the Police, and the Premises Licence Holder, and had regard to the Licensing Act and the Council's Statement of Licensing Policy.

Members noted the resident's representation but given absence of any other supporting evidence from responsible authority or other people and lack of evidence specifically regarding time or level of noise nuisance, Members did not consider it necessary or proportionate to take any further action.

Members were satisfied that an incident of touting did take place given Members had received information that there has been a prosecution and a conviction.

Members did not consider it proportionate to do nothing because this was both a breach of the Council's byelaw and the licence conditions itself, and the premises licence holder had been previously made aware of the seriousness of touting when these conditions were agreed by him in February 2011. Members were invited to alter the conditions relating to CCTV cameras, but Members did not consider this to be necessary or proportionate or to address the problem of touting.

In light of the existing conditions forbidding touting, there are no conditions which could be applied to improve the situation. Therefore it is necessary and proportionate for the promotion of the licensing objectives of the prevention of public nuisance and crime and disorder for all licensable activities to be suspended for a period of seven days.

The decision was unanimous.

### **RESOLVED**

That the review application for Shampan, 79 Brick Lane London E1 6QL be **Granted**.

### **Suspension**

1. All licensable activities to be suspended for a period of seven days.