



LICENSING SUB-COMMITTEE TOP KEBABS

AGENDA

10.30 am	Thursday 19 April 2012	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Denis Breading
Pam Light

For information about the meeting please contact:

**Taiwo Adeoye 01708 433079
taiwo.adeoye@haverling.gov.uk**

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DECLARATION OF INTERESTS

Members are invited to declare any interest in any of the item on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

Report Attached

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 42)

Application to vary a premises licence at Top Kebabs 185B High Street, Hornchurch, RM11 3XS under section 34 of the Licensing Act 2003.

**Ian Buckmaster
Committee Administration & Member Support
Manager**

**LICENSING
SUB-COMMITTEE**

REPORT

19 April 2012

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

**Taiwo Adeoye (01708) 433079
e-mail: taiwo.adeoye@havering.gov.uk**

Members are advised that, when considering an application to vary a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
- 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Representation validation meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

- The prevention of crime and disorder;**
- Public safety;**
- The prevention of public nuisance; and**
- The protection of children from harm.**

7. Failure of parties to attend the hearing:

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
 - Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
 - Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being

received. In default of a decision not being made within this period the application will be treated as being granted;

- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.



Havering
LONDON BOROUGH

Licensing Officer's report



**LICENSING
SUB-COMMITTEE**

REPORT

19th April 2012

Subject heading:

Top Kebabs
185b High St Hornchurch RM11 3XS
Premises licence variation
Paul Jones, Licensing Officer
5th floor Mercury House
x 2692

Report author and contact details:

This application for a variation to a premises licence is made by Mr Abdul Sabur under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 27th February 2012.

Geographical description of the area and description of the building

Top Kebabs is located in Hornchurch's town centre in St Andrews ward. The size of the premises limits the number of customers able to remain within while awaiting the provision of food. The vicinity is predominantly commercial, however the area does contain residential properties. A map of the area is attached.

Details of the application

Current premises licence hours:

Late night refreshment		
Day	Start	Finish
Monday to Sunday	23:00	00:00

Hours premises open to the public		
Day	Start	Finish
Monday to Sunday	12:00	00:00

Variation applied for:

Late night refreshment		
Day	Start	Finish
Monday to Sunday	23:00	02:00

Hours premises open to the public		
Day	Start	Finish
Monday to Sunday	09:00	02:00

Licensing Sub-Committee, 19 April 2012

The licence holder also seeks to remove all existing conditions from Annex 2 of the licence and replace these with those detailed in section P of the application.

Comments and observations on the application

The applicant acted in accordance with regulations 25 and 26 of *The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005* relating to the advertising of the application. The required public notice was installed in the 7th March 2012 edition of the Yellow Advertiser.

St Andrews ward is subject to a saturation policy with regard to licensed premises within the ward. Havering's Licensing Policy 017 defines those premises affected by the saturation policy and states:

It is the LLA's policy to refuse applications in the St Andrews ward area for pubs and bars; late night refreshment premises offering hot food and drink to take away; off licences; and premises offering facilities for music and dancing other than applications to vary hours with regard to Licensing policy 012.

Licensing Policy 012 states:

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated Activities will normally be permitted:

- *until 11.30 pm in residential areas*
- *until 00.30 am in mixed use areas*
- *No limits in leisure areas.*

Paragraph 4.1 of the Licensing Policy further amplifies Policy 012:

This policy applies to all types of premises licences and club premises certificates. It should be noted that the operating schedules must specify both the hours in which premises are open to the customers and the hours when licensable activities are taking place. The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and the disturbance of resident's rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

Summary

There were three representations against this application from responsible authorities.

Details of representations

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

Responsible authorities' representations

PC David Fern makes representation against this application on behalf of the Metropolitan Police. PC Fern's representation is based upon the licensing objectives concerning the prevention of crime and disorder, the prevention of public nuisance and public safety.

Mr Marc Gasson makes representation against this application in his role as Havering's Noise Specialist. Mr Gasson's representation is based upon the prevention of public nuisance licensing objective.

Mr Simon Thelwell makes representation against this application in his role as Havering's Planning Control Manager. Mr Thelwell's representation is based upon the prevention of public nuisance licensing objective.

There were no further representations from other responsible authorities.

Paul Jones
Licensing Officer
London Borough of Havering



Haverling
LONDON BOROUGH

Copy of Application

11421

Application to vary a premises licence under the Licensing Act 2003

RECEIVED BY
LICENSING

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

ON 27/02/12

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **MR ABDUL SABUR**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
10892

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
TOP KEBABS,
185B HIGH STREET,
HORNCHURCH,
ESSEX
RM11 3XS

Post town HORNCHURCH

Post code RM11 3XS

Telephone number at premises (if any)

Non-domestic rateable value of premises £8000

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post Town	Postcode

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)
1) TO EXTEND THE AUTHORISED HOURS UNTIL 02.00 THE FOLLOWING DAY ALL WEEK
2) REMOVE ALL EXISTING CONDITIONS AND REPLACE WITH THOSE AT PART P.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment <u>take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	02.00	<u>Please give further details here</u> (please read guidance note 3) PROVISION OF HOT FOOD AND DRINK FOR CONSUMPTION OFF THE PREMISES	Both	<input type="checkbox"/>
Tue	23.00	02.00			
Wed	23.00	02.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) NONE		
Thur	23.00	02.00			
Fri	23.00	02.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) NONE		
Sat	23.00	02.00			
Sun	23.00	02.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) NONE
Mon	09.00		
		02.00	
Tue	09.00		
		02.00	
Wed	09.00		
		02.00	
Thur	09.00		
		02.00	
Fri	09.00		
		02.00	
Sat	09.00		
		02.00	
Sun	09.00		
		02.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

ND
X

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

WE WILL OPERATE OUR BUSINESS IN A RESPONSIBLE MANNER AT ALL TIMES AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES.

b) The prevention of crime and disorder

CCTV COVERING THE INTERIOR & EXTERIOR OF THE SHOP IS INSTALLED AND SHALL BE KEPT OPERATIONAL AT ALL TIMES THE PREMISE IS OPEN TO THE PUBLIC. IT SHALL BE CAPABLE OF TAKING A HEAD & SHOULDERS SHOT OF PERSONS ENTERING THE PREMISES, BE CAPABLE OF STORING IMAGES FOR A MINIMUM OF 31 DAYS AND A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED COUNCIL OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISE IS OPEN.

STAFF WILL RECEIVE TRAINING FOR THEIR ROLE ON INDUCTION & REFRESHER TRAINING EVERY 6 MONTHS. TRAINING LOGS WILL BE KEPT. TRAINING WILL INCLUDE ACKNOWLEDGING & SERVING CUSTOMERS IN TURN AND AVOIDING CONFLICT/ DISORDER.

NO ALCOHOL SHALL BE CONSUMED ON OR PERMITTED IN THE PREMISES AT ANY TIME.

NO FOOD MAY BE CONSUMED IN THE PREMISES AT ANY TIME.

AN INCIDENT BOOK SHALL BE KEPT & PRODUCED TO THE POLICE / AUTHORISED COUNCIL OFFICERS ON REQUEST. ALL REFUSALS OF SERVICE OF DRUNKEN OR ABUSIVE CUSTOMERS, INSTANCES WHERE POLICE ARE CALLED OR CUSTOMERS ARE DISORDERLY SHALL BE RECORDED IN THE INCIDENT BOOK.

MANAGEMENT & STAFF WILL ACTIVELY DISCOURAGE CUSTOMERS FROM LOITERING OUTSIDE THE PREMISE AFTER 21.00.

THERE WILL BE A MINIMUM OF 2 STAFF AFTER 21.00.

THE OUTSIDE TABLES WILL BE REMOVED AT 22.00.

c) Public safety

A FIRE RISK ASSESSMENT & EMERGENCY PLAN WILL BE PREPARED AND REGULARLY REVIEWED.

d) The prevention of public nuisance

NOTICES WILL BE DISPLAYED BY THE EXIT DOOR ASKING CUSTOMERS TO LEAVE QUIETLY, NOT TO LOITER AND TO DISPOSE OF RUBBISH PROPERLY. MANAGEMENT & STAFF WILL ACTIVELY DISCOURAGE CUSTOMERS FROM LOITERING OUTSIDE THE PREMISE.
 A LITTER BIN WILL BE PROVIDED FOR CUSTOMERS USE.
 THE OUTSIDE TABLES WILL BE REMOVED AT 22.00.
 THE SHOP FRONT WILL BE KEPT TIDY AT ALL TIMES AND SWEPT AT CLOSE OF BUSINESS.

e) The protection of children from harm

NO UNACCOMPANIED CHILDREN WILL BE PERMITTED IN THE PREMISE AFTER 21.00.

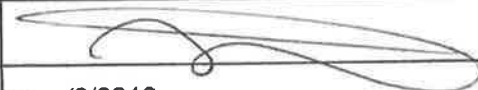
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	26/2/2012
Capacity	AUTHORISED LICENSING CONSULTANTS

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) GT LICENSING CONSULTANTS, 316 DAGENHAM ROAD, ROMFORD, ESSEX. RM7 0TB			
Post town	ROMFORD	Post code	RM7 0TB
Telephone number (if any)	07810 826778		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) gtlicensingconsultants@googlemail.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.



Havering

LONDON BOROUGH

Premises licence number

10892

Part 1 – Premises details

Postal address of premises

Top Kebabs
185b High Street Hornchurch RM11 3XS

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Late night refreshment

The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 23:00 to 00:00

The opening hours of the premises

Monday to Sunday – 12:00 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Not applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Abdul Sabur
124 Frederick Road Rainham RM13 8NS
07961 419077

Registered number of holder

Not applicable

1 of 2

Signed *copy*
Paul Jones, Licensing Officer

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

Mandatory conditions

Not applicable

Annex 2 – Conditions consistent with the operating schedule

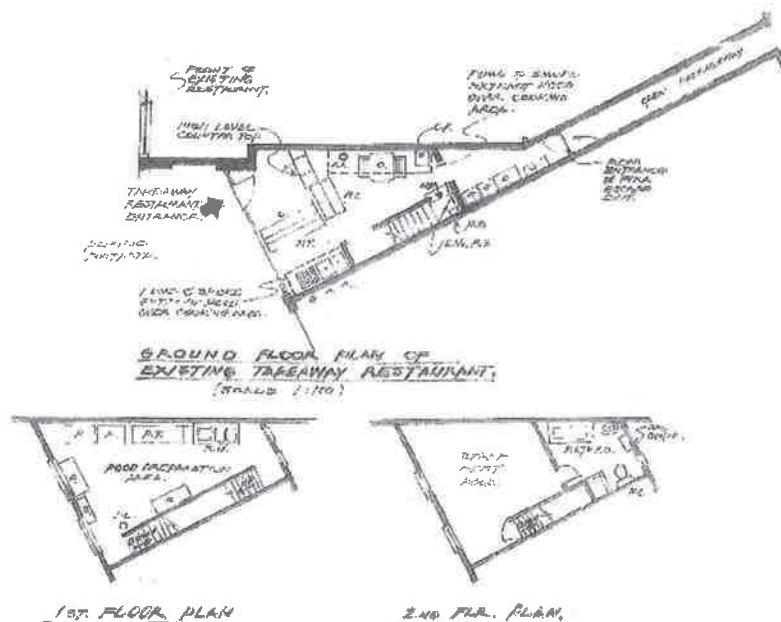
1. A minimum of two employees shall be present and on duty at the premises after 22:00.
2. All staff shall complete Foundation Certificates in Food Hygiene.
3. Staff shall actively discourage customers from gathering unnecessarily outside the premises.
4. All staff shall undergo training to prevent crime and disorder occurring at the premises.
5. Important and useful telephone numbers, including the Police and local fire station, shall be clearly displayed behind the shop's counter.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





Part B

Premises licence summary

Premises licence number

10892

Premises details

Postal address of premises

Top Kebabs
185b High Street Hornchurch RM11 3XS

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 23:00 to 00:00

The opening hours of the premises

Monday to Sunday – 12:00 to 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Not applicable

Name, (registered) address of holder of premises licence

Mr Abdul Sabur
124 Frederick Road Rainham RM13 8NS

Registered number of holder

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

1 of 2

Signed 
Paul Jones, Licensing Officer



Havering
LONDON BOROUGH

Map of the area



Top Kebabs 185b High Street Hornchurch RM11 3XS

Map Reference: TQ5487SW
Date: 27/03/2012

Scale @ A4
1:1250

Scale
0 10 20 30 40 50 m



London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343



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Havering
LONDON BOROUGH

Representations from
Responsible Authorities



Working together for a safer London

Licensing Authority
London borough of Havering
Mercury House, Mercury Gardens
Romford
RM1 3SL

PC 118 KD David Fern
Romford Police Station
19 Main Road
Romford,
Essex
RM1 3BJ

Telephone: 01708 432781
Email:
David-
anthony.fern@met.police.uk
Date: 29th February 2012

Police wish to make representation against the application to vary the premises licence Top Kebabs 185A High street, Hornchurch RM11 3XS

Police feel that granting of such a licence would have a negative impact on the licensing objectives, in particular Prevention of Crime and Disorder, Public Nuisance and Public Safety.

- The premises are located within the saturation area of St Andrews Ward, this area is high lighted as being under stress.
- The cumulative impact of being open until 0200 hours DAILY in a mixed use area will cause further crime and disorder. This will be the only premises in the area open and is likely to be magnet for crime and disorder, along with public nuisance.
- The shop would attract predominately those who have been out drinking and enjoying the night time economy, many under the influence of alcohol and drugs.
- Police have conducted drugs test in licensed establishments within the vicinity and high readings have been reported of cocaine in these premises.
- There are likely to be fights at the location which is associated with alcohol fueled customers, especially given the hours requested.

Romford town centre which operates a late night economy in comparison suffers hugely from Violence at the weekend predominately between 0100 - 0300 hours.

- There is no public transport from Hornchurch at this time of night therefore members of the public will be loitering, waiting for taxi's or people to pick them up.
- This also becomes an area that illegal mini cabs target and this will increase the risk of public safety at the location.
- There will no doubt be Disorder caused by the customers who have ordered food at the location and remain outside the premises to consume it, along with litter and urination which tend to go hand in hand with those out at this hour.

This area is at present a fairly quiet street, the accumulation of individuals emerging into the street will wake neighbours through no more than cheery good byes, shutting of car doors, loud voices and gathering of groups. This will impact on the licensing objective prevention of Public nuisance.

The shop itself is very small and with only one entry and exit point, the potential for over crowding and violence to escalate quickly should not be underestimated.

Without SIA staff I fail to see how the management of the staff will control the premises.

The premises are close to a main road and crossing and the pavement area is fairly narrow, without adequate measures in place to control a queue at the premises accidents by the crossing will be unavoidable, along with blocking of the public high way. A queue needs to be managed at this location.

The applicant states he will discourage patrons from loitering outside, and display a notice to patrons advising them to leave quietly. How he will enforce such promises is not covered in this application.

Premises photo:



Police could not support this application given the overall impact on the licensing objectives.

- ***If the committee were to grant a variation to the licence against this representation, Police would seek to impose further conditions. This would include CCTV, employment of SIA door staff, restrictions on loitering outside the premises and consumption of food.***

CD1 All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, refresher training should be every 6 months. This book must be available to a relevant Responsible Authority when called upon.

CD6 A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The

Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

CD7 All Door Supervisors shall enter their full details in the Premises Daily Register at the commencement of work. This shall record their full name, home address and contact telephone number, the Door Supervisor's SIA registration number and the time they commenced and concluded working. If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.

- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
- The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- No person carrying any form of alcoholic drink, whether open or sealed, will be admitted to the premises after 2300 hours.
- Patrons will be prevented from eating and drinking outside the premises after 2300 hours. SIA staff will be employed to control this or a member of staff.
- SIA staff must be employed when licensable activity is after mid night - 0230 on all occasions. SIA staff will be provided with a written policy of the requirements by the premises; this must be approved by Havering police.

CD17 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;

Site plan showing position of cameras and their field of view.

Code of Practice.

Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position

Operational requirement.

Incident log.

Maintenance records including weekly visual checks.

CD18 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

CD19 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored 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.

CD20 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

CD21 A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

PNGPG4 After close of business a rubbish patrol should pick up any flyers or rubbish which has been left in the close vicinity of the premises by customers including any bottles, cans and take way waste packaging.

CDGPG6 Prominent, clear notices shall be displayed at every public entrance Stating the actual operating hours of the premises.

CDGPG7 Prominent, clear notices shall be displayed at every public entrance stating any restrictions relating to the admission of children to the premises or other admission restrictions.

CDGPG12 All occasions when persons have been refused service shall be Recorded in writing and kept at the premises for 12 months

The conditions offered by the applicant relating to:

The outside tables will be removed, minimum staff to be employed and shop front to be swept at the end of the night should also be added to the conditions, plus no unaccompanied children after 2100 hours.

Providing a litter bin in my opinion will only make people stay in the area, this is something police area against, there are adequate litter bins provide by the local authority.

The police licensing officer will continue to work with the applicant and their representative in an effort to develop the business and the community.

IF I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely

David Fern
Police licensing Officer
Havering Borough.



memo

From: Marc Gasson-Noise Specialist
To: Paul Jones-Licensing Officer.

My Reference : MDG/076553

Your Reference :

Date: 5 March 2012

Licensing Act 2003-Application to Vary Premises Licence Top Kebabs, 185B High Street, Hornchurch, Essex.

I refer to the above application and would object to any extension in the hours of the licensable activities being granted due to the close proximity of residential properties above the commercial properties opposite in High Street.

Any extension would give rise to an increase in public nuisance experienced by nearby residents to a later time which is unacceptable.

I trust this clarifies my position

Marc Gasson
Noise Specialist



Simon Thelwell
Planning Control Manager
(Projects and Compliance)

Planning Enforcement
Mercury House, Mercury Gardens
Romford RM1 3SL

memo

From: PLANNING CONTROL SERVICE

To: Licensing Officer
Environmental Health

Please call: Bernie Long
Telephone: 01708 432684
Fax: 01708 43690
Email: victor.long@havering.gov.uk

My Reference: BL/

Your Reference:

Date: 14 March 2012

Representations re Application for Variation of a Premises Licence (Licensing Act 2003) at 185B High Street, Hornchurch, RM11 3XS

The London Borough of Havering's Planning Service, being a responsible authority as set out in the Licensing Act 2003, wishes to make representations against the above premises in relation to a variation to the Premises Licence.

This objection refers to the effect on residents in respect of noise and disturbance.

Relevant Planning History

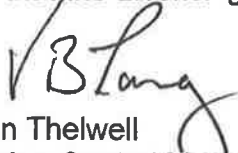
P1294.08 Change of opening times to 12pm to 12 midnight Mondays to Sundays and Bank Holidays. Approved 1 September 2008 (Decision Notice attached).

P1709.09 Change of opening times to 1am on Mondays to Fridays, Sundays and Bank Holidays and until 2am on Saturday openings. Refused 16 February 2010 (Decision Notice attached).

Appeal against P1709.09 Dismissed - appeal decision attached

The refusal of planning permission P1709.09 is based on noise and disturbance and that decision has been endorsed by the Planning Inspectorate. I draw your attention to that decision in particular paragraphs 7-11.

I ask that the Licensing Committee consider this report as a valid representation.


PP. Simon Thelwell
Planning Control Manager (Projects & Compliance)



Appeal Decision

Site visit made on 2 September 2010

by **Sue Glover BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
22 September 2010

Appeal Ref: APP/B5480/A/10/2126977

185B High Street, Hornchurch, Essex RM11 3XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Abdul Sabur against the decision of the Council of the London Borough of Havering.
 - The application Ref P1709.09, dated 22 December 2009, was refused by notice dated 16 February 2010.
 - The application sought planning permission for the change of use to A3 (hot food take away) without complying with a new condition attached to a planning permission granted on appeal, Ref APP/B5480/A/06/2024497, dated 9 January 2007.
 - The new condition in dispute states that: The premises shall not be open to the public other than between the hours of 0900 to 2300.
 - The reason given for the condition is: In the interests of residential amenity.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of nearby residents in respect of noise and disturbance.

Introduction

3. The proposal seeks a variation of a condition restricting the hours open to the public imposed on a planning permission for the change of use to A3 (hot food take away). Permission for the hot food take away was granted in 2001 subject to conditions. A new permission was granted with a new condition imposed by an appeal Inspector in 2007. The new condition allows opening of the appeal premises to the public until 2300 hours.
 4. The proposal seeks to amend the new condition to allow opening until 0100 hours the following morning on Sundays to Fridays and Bank Holidays, and until 0200 hours the following morning on Saturdays. An amendment is also sought to change the opening hours at the beginning of the day from 0900 hours to 1200 hours.
 5. The Council has confirmed that a subsequent application to the Council, Ref P1294.08, was not a variation of a condition.
-

Reasons

6. The appeal site occupies the ground floor of a 3-storey mid-terrace building within the Hornchurch Major District Centre. There is a mix of uses nearby with retail and commercial uses at ground-floor level with predominantly residential uses on the upper floors. From the information provided there are clearly a significant number of dwellings in close proximity to the appeal premises.
7. The Council indicates that this parade is not a place of extensive evening activity in comparison with other parts of the town centre. There are however 2 restaurants nearby where the operational hours are not controlled by a planning condition. There are some premises in the town centre licensed to open until 0100 hours, but on Fridays and Saturdays only.
8. Even with good management hot food take away uses and other evening activities can give rise to noise from animated customers before entering and after leaving the premises. Some noise is to be expected from evening activities within a town centre, and there are clearly economic benefits. However, the proposal seeks to extend opening hours throughout the week into the early hours of the morning at a time when general activity and ambient noise levels decrease. In the early hours of the morning residents will therefore be more susceptible to noise disturbance and might reasonably expect a quieter external environment. An objection from a nearby resident indicates that the proposal would add to late night noise and make it even more difficult to sleep at night.
9. I consider that the proposed extension of opening hours into the early morning as proposed would unacceptably harm nearby residents' living conditions in respect of noise and disturbance. The proposed variation is contrary in this respect to Policy DC61 of the *Core Strategy and Development Control Policies Development Plan Document*. The condition imposed by the previous appeal Inspector is therefore necessary.
10. I have been referred to another appeal decision in respect of a mini-cab office. The Inspector in that case considered that the mini-cab office may reduce noise and disturbance on the street. The circumstances of the hours imposed on that planning permission differ from this appeal proposal, so that they are not directly comparable.
11. Although the appellant indicates that an increase in late opening hours would improve the viability of his business and increase employment, this matter does not outweigh the significant harm that I have identified to nearby residents' living conditions. I find no harm from noise and disturbance for the opening of the appeal premises in the morning from 0900 hours.

Sue Glover

INSPECTOR

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr M Brown
167 Corbets Tey Road
Upminster
Essex
RM14 2AX

APPLICANT

Mr A Sabur
124 Frederick Road
Rainham
Essex
RM13 8NS

APPLICATION NO: P1294.08

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Change of opening times to 12pm-12 midnight Mondays-Sundays & Bank Holidays

Location: 185B High Street
Hornchurch

subject to compliance with the following condition(s):

- 1 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The premises shall not be used for the purpose hereby permitted other than between the hours of 9am and midnight, and all customers shall be required to vacate the premises not later than midnight.

Reason-

To enable the Local Planning Authority to retain control and to avoid disturbance to nearby premises.

INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61 and DC16 of the LDF Development Control Policies Development Plan Document.

2. The applicant is advised that this consent does not supersede that which was granted in respect of P1584.01 in any respect other than opening hours. As such all conditions attached to the previous consent should still be complied with in full as previously detailed in the decision for P1584.01.

Dated: 1st September 2008



Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.

**LONDON BOROUGH OF HAVERING
TOWN AND COUNTRY PLANNING ACT 1990**

AGENT
Mr M Brown
167 Corbets Tey Road
Upminster
Essex
RM14 2AX

APPLICANT
Mr A Sabur
c/o Agent

APPLICATION NO: P1709.09

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **REFUSE PLANNING PERMISSION** for the following development :

Proposal: Change of opening times to 1am on Mondays - Fridays, Sundays and Bank Holidays and until 2am on Saturday openings

Location: 185B High Street
Hornchurch

The above decision is based on the details in drawing(s):

Site Location

for the following reason(s):

- 1 The proposed extended opening hours would, due to their extension beyond midnight, result in additional noise and disturbance adversely affecting the amenities of adjoining residential occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Dated: 16th February 2010



Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

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