



LICENSING SUB-COMMITTEE ESSEX FISH BAR & BEST KEBABS

AGENDA

10.30 am	Tuesday 18 June 2013	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Denis Breading
Linda Van den Hende

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 **DISCLOSURE OF PECUNIARY INTERESTS**

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary 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)

Procedure for the hearing – Licensing Act 2003

5 **REPORT OF THE LICENSING OFFICER** (Pages 7 - 64)

Application to vary a premises licence at Essex Fish Bar & Best Kebabs, 151 South Street, RM1 1PL made by Mr Ozgur Ozmen under section 34 of the Licensing Act 2003.



LICENSING SUB-COMMITTEE

18 June 2013

REPORT

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

Taiwo Adeoye – 01708 433091
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 5 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.



Licensing Sub-Committee

Section 1 - Licensing Officer's Report

Appendix 1 - Copy of Application

Appendix 2 – Map of local area

Appendix 3 - Representations Interested Parties

Appendix 4 - Representations from Responsible Authority



Licensing Sub-Committee

Section 1 - Licensing Officer's Report



LICENSING SUB-COMMITTEE

REPORT

18 June 2013

Subject Heading:

Application to vary a Premises Licence at
Essex Fish Bar & Best Kebabs, 151 South
Street, RM1 1PL

Report Author and contact details:

Paul Campbell – Licensing Officer
01708 432777
licensing@havering.gov.uk

This application for a variation to a premises licence is made by Mr Ozgur Ozmen under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 25 April 2013.

Geographical description of the area and description of the building

The premises are a ground floor commercial unit in a terrace of other business'.

It is located within the transport hub in South Street. As a result there are very good transport links with buses and cab companies. Also Romford Rail station is very close nearby

There are residential properties located close by in Victoria Road and behind it in Atlanta Boulevard.

A map of the area is attached to assist the committee.

Details of the application

Late Night Refreshment		
Day	Start	Finish
Sunday - Wednesday	23:00hrs	02:00hrs
Thursday - Saturday	23:00hrs	04:00hrs

Variation applied for:

Late Night Refreshment		
Day	Start	Finish
Sunday - Wednesday	23:00hrs	03:00hrs
Thursday - Saturday	23:00hrs	05:00hrs

Seasonal variations

None

Non-standard timings

None.

Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the 1 May 2013 edition of the Yellow Advertiser.

Summary

There was one valid representation against this application from interested parties.

There were 2 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

Interested Parties representations

This representation falls under the heading of the Prevention of Public Nuisance.

Responsible Authorities' representations

Both Police and the Licensing Authority have made representations against the application which fall under the headings of the Prevention of Crime and Disorder and Public Safety and wish the Sub-Committee to consider their comments on making your decision.

There were no representations from the following responsible authorities:

Public Health
The London Fire and Emergency Planning Authority
The Health & Safety Enforcing Authority
The Trading Standards Service
Planning Control & Enforcement
Children & Families Service
Practice Improvement Lead



Premises licence number

2231

Part 1 – Premises details

Postal address of premises

**Anthony's Restaurant
151 South Street Romford RM1 1PL**

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 Wednesday – 23:00 to 02:00
Thursday to Saturday – 23:00 to 04:00
Sunday – 23:00 to 02:00**

The opening hours of the premises

**Monday to Wednesday – 11:00 to 02:00
Thursday to Saturday – 11:00 to 04:00
Sunday – 11:00 to 02:00**

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 Ozgur Ozmen
125a Corbets Tey Road, Upminster, RM14 2AA**

1 of 3

Registered number of holder

Not applicable

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

1. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 2 – conditions consistent with the operating schedule

1. A registered door supervisor shall be in place for the duration of the licensed hours.
2. The CCTV system shall be in operation at the premises at all times when the premises is used to provide licensable activity. Recorded tapes shall be kept for 28 days and be made available for inspection by Police and Council officers at all reasonable times.
3. A maximum of 15 customers shall be on the premises at any given time during licensed hours.
4. All doorways shall remain clear of obstruction and be adequately illuminated.
5. All fire fighting appliances shall be efficiently maintained.
6. Regular checks and maintenance shall be carried out on all ventilation, extraction systems and filters to ensure that smells, odours or noise caused in connection with a licensed activity shall not be perceptible at or within the site boundary of any residential property.
7. No one under the age of 16 shall be served unless accompanied by an adult on the premises.

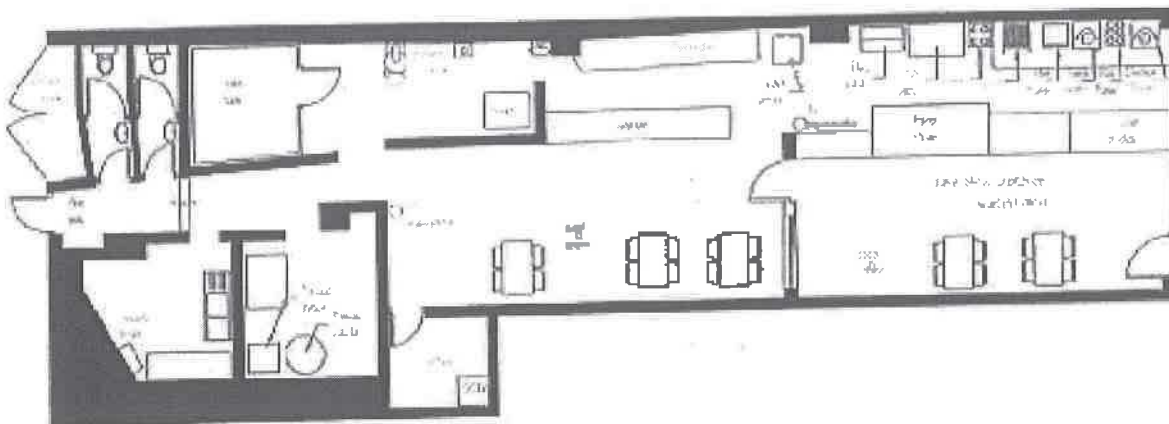
Annex 3 – conditions attached after a hearing by the Licensing Authority

Not applicable

2 of 3

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:



3 of 3

Signed
Arthur Hunt, Licensing Officer

This page is intentionally blank.



Part B

Premises licence summary

Premises licence number

2231

Premises details

Postal address of premises

**Anthony's Restaurant
151 South Street Romford RM1 1PL**

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 Wednesday – 23:00 to 02:00
Thursday to Saturday – 23:00 to 04:00
Sunday – 23:00 to 02:00**

The opening hours of the premises

**Monday to Wednesday – 11:00 to 02:00
Thursday to Saturday – 11:00 to 04:00
Sunday – 11:00 to 02:00**

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 Ozgur Ozmen
125a Corbets Tey Road, Upminster, RM14 2AA**

Registered number of holder

Not applicable

1 of 2

Signed

Arthur Hunt, Licensing Officer

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

Not applicable

State whether access to the premises by children is restricted or prohibited

Restricted

2 of 2



Licensing Sub-Committee

Appendix 1 - Copy of Application

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 OZGUR OZMEN**

(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 2231

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description ESSEX FISH & BEST KEBAB 151 SOUTH STREET, ROMFORD, ESSEX. RM1 1PL

Post town	ROMFORD	Postcode	RM1 1PL
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£20250
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Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address		125A CORBETS TEY ROAD, UPMINSTER, ESSEX. RM14 2AA	
Post town	UPMINSTER	Postcode	RM14 2AA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
↓ ↓	↓ ↓	↓ ↓ ↓ ↓

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1) TO EXTEND THE PERMITTED HOURS FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE 23.00 TO 05.00 DAILY ALL WEEK.

2) TO CHANGE THE NAME OF THE PREMISES TO ESSEX FISH & BEST KEBAB.

3) TO REMOVE THE CONDITIONS NUMBERED 1 TO 7 AT ANNEX 2 & REPLACE WITH THOSE AT PART M.

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 all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

X ✓

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Tue						
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Wed						
Thur						
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) PROVISION OF HOT FOOD & DRINK.		
Mon	23.00	05.00			
Tue	23.00	05.00			
Wed	23.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23.00	05.00	NONE		
Fri	23.00	05.00	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 (please read guidance note 6)		
Sat	23.00	05.00	NONE		
Sun	23.00	05.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	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 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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 6)		

K

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 9).
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NONE
Day	Start	Finish	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 (please read guidance note 6) NONE
Mon	00.01		
		00.00	
Tue	00.01		
		00.00	
Wed	00.01		
		00.00	
Thur	00.01		
		00.00	
Fri	00.01		
		00.00	
Sat	00.01		
		00.00	
Sun	00.01		
		00.00	

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.
TO REMOVE THE CONDITIONS NUMBERED 1 TO 7 AT ANNEX 2 & REPLACE WITH THOSE AT PART M.

Please tick as appropriate

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

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 not enclosed the premises licence or relevant part of premises licence.

will be delivered to USB
25/4/13.

M

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 and e) (please read guidance note 10)

WE WILL OPERATE OUR BUSINESS IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.
THE PREMISES WILL OPERATE AS A RESTAURANT/ TAKE AWAY FROM 05.00 TO 23.00 AND AS A FAST FOOD TAKE AWAY 23.00 TO 05.00 DAILY.

b) The prevention of crime and disorder

CCTV WILL BE INSTALLED AND KEPT OPERATIONAL AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC. THE SYSTEM WILL TAKE A HEAD AND SHOULDERS SHOT OF ALL PERSONS ENTERING THE PREMISES. IMAGES WILL BE MAINTAINED FOR A MINIMUM OF 31 DAYS AND BE MADE AVAILABLE TO THE POLICE OR AN AUTHORISED OFFICER ON REQUEST. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES SHALL BE ON DUTY AT ALL TIMES.
NOTICES SHALL BE PROMINENTLY DISPLAYED STATING THAT CCTV IS IN OPERATION.
THE TABLES & CHAIRS WILL BE REMOVED AND THE INTERNAL SHUTTER CLOSED AT 23.00 NIGHTLY SO THAT THE PREMISES OPERATES AS A FAST FOOD TAKE AWAY DURING THE PERMITTED LICENSABLE HOURS.
ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND BE GIVEN REFRESHER TRAINING AT SIX MONTHLY INTERVALS. TRAINING WILL INCLUDE SERVING CUSTOMERS IN TURN & AVOIDING CONFLICT. WRITTEN TRAINING RECORDS WILL BE KEPT.
NO ALCOHOL WILL BE PERMITTED ON OR ALLOWED TO BE CONSUMED ON THE PREMISES AT ANY TIME. A NOTICE WILL BE DISPLAYED BY THE ENTRANCE STATING THIS.
AN SIA LICENSED DOOR SUPERVISOR WILL BE ON DUTY FROM 23.00 TO 04.00 THURSDAY TO SATURDAY EVENINGS, BANK HOLIDAY SUNDAYS, CHRISTMAS EVE AND NEW YEARS EVE. A WRITTEN RECORD OF THE DOOR SUPERVISORS LICENCE DETAILS & ATTENDANCE WILL BE KEPT ON THE PREMISES.
A HARD BOUND INCIDENT BOOK WILL BE KEPT AND DETAILS OF ANY INCIDENTS WHERE POLICE ARE CALLED, SERVICE IS REFUSED, STAFF ARE ABUSED ETC OR DOOR STAFF REFUSE ENTRY OR EJECT CUSTOMERS SHALL BE RECORDED. THE RECORD SHALL BE MADE AVAILABLE TO POLICE OR AUTHORISED COUNCIL OFFICERS ON REQUEST.
A WRITTEN DISPERSAL POLICY SHALL BE PUT IN PLACE.

c) Public safety

A FIRE RISK ASSESSMENT AND EMERGENCY PLAN WILL BE PREPARED & REGULARLY REVIEWED. STAFF WILL BE TRAINED IN RESPECT OF FIRE SAFETY.

d) The prevention of public nuisance

NOTICES WILL BE DISPLAYED BY THE EXIT ASKING CUSTOMERS TO RESPECT RESIDENTS, TO LEAVE QUIETLY, TO DISPOSE OF RUBBISH RESPONSIBLY AND NOT TO LOITER OUTSIDE THE RESTAURANT.
NO DELIVERIES OR REMOVALS OF GLASS REFUSE SHALL TAKE PLACE BETWEEN 23.00 AND 08.00.
THE RESTAURANT FRONTAGE WILL BE KEPT TIDY AT ALL TIMES. A BIN WILL BE PROVIDED FOR CUSTOMERS TO DISPOSE OF LITTER.
ON NIGHTS WHEN THE DOOR SUPERVISOR IS ON DUTY THEY WILL ASK CUSTOMERS NOT TO LOITER OUTSIDE AND DIRECT THEM AWAY FROM THE AREA.

e) The protection of children from harm

NO UNACCOMPANIED CHILDREN WILL BE PERMITTED ON THE PREMISES AFTER 21.00.

Checklist:

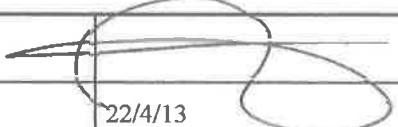
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	22/4/13
Capacity	AUTHORISED LICENSING CONSULTANT

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 13). **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 14) GT LICENSING CONSULTANTS, 31A MILDMAY ROAD, ROMFORD, ESSEX. RM7 7DA			
Post town	ROMFORD	Post code	RM7 7DA
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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

From: GRAHAM HOPKINS [gtlicensingconsultants@googlemail.com]
Sent: 20 May 2013 11:34
To: Jason.J.Rose@met.police.uk; Arthur Hunt
Subject: Essex Fish & Best Kebab

Dear Jason & Arthur,

Our clients Mr Mrs Ozmen have asked us to amend their application to Vary the Premises Licence as follows:

1 The condition relating to Door Supervisors shall read:

There will be 1 number SIA Licensed Door Supervisor on duty at the premises from 23.00 during all permitted hours until 05.00 or close if earlier on Thursday to Saturday nights, the Sunday of a Bank Holiday weekend, Christmas Eve or New Years Eve.

2 The requested hours sought for Sunday to Wednesday are reduced to a terminal hour of 03.00 the following day (so the permitted hours would be 23.00 to 03.00 FD on those nights), except on the Sunday of a Bank Holiday weekend, Christmas Eve and New Years Eve where these fall on a day between Sunday to Wednesday where it would remain 23.00 to 05.00.

The minutes of the meeting last Friday to follow.

Kind regards,

Graham Hopkins GT Licensing 07810 826778 // 01708 744748

cc Mrs Ozmen

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Recruitment: 01268 503 420 Classified: 01268 503 430 Monday-Thursday 9.00-5.30 Fri day 9.00-5.00 Calls may be monitored	Yellow Advertiser Acorn House Great Oaks, Basildon, Essex SS14 1AH	01268 503 418 01268 503 419 01268 503 455	Pop into our town centre office Monday-Thursday 9.00-5.30 Friday 9.00-5.00 Acorn House, Great Oaks Basildon

Public Notices

NOTICE OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003

NOTICE IS HEREBY GIVEN that Mr Ozgur Ozmen has applied to the London Borough of Havering for a variation of the Premises Licence for Essex Fish & Best Kebabs, 151 South Street, Romford, Essex RM1 1PL, as follows: 1) To extend the permitted hours for the provision of late night refreshments to be: Sunday to Saturday 23.00 to 05.00; 2) to change the name of the business to Essex Fish & Best Kebabs; 3) To remove the conditions at Annex 2 of the Licence and replace with those listed at Part M. The address of the licensing authority where the register is kept and the application may be inspected during normal business hours is Licensing Section, Housing & Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, Essex RM1 3SL or on the council's website: www.havering.gov.uk

Any representations by an other person or responsible authority must be received in writing by the licensing authority by 23rd May, 2013 stating the nature and grounds for making such representation. It is an offence under Section 158 of the Licensing Act 2003 in knowingly or recklessly make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000.

G T LICENSING CONSULTANTS
 Tel: 07810 826778
 Email: gtlicensingconsultants@btinternet.com

Display Recruitment

International Volunteer Project Coordinator

37.5 hours per week
 Monday to Friday
 Rate of pay: £18,000 per annum

Are you passionate about young people?
 Are you a great coordinator?
 Are you able to lead an international volunteering project?
 Then Romford YMCA wants to talk to you!

We are looking for an experienced coordinator who is willing to lead our brand new international volunteer programme. The person we are seeking will be a creative thinker who can deliver consistently great results for our new international volunteer programme. The project places international volunteers in charities in the UK for anything up to a year. Each volunteer will need support, help and guidance during this year to ensure their experience is the best possible. The various agencies involved form all across Europe will also need careful management and communications. Can you see yourself being at the centre of this project, leading and directing and making important decisions? Are you good at admin? Are you a person we can rely on? Do you want a real challenge? If so, then get in touch. We really want to talk to you.

The working week will be 37.5 hours across five days including occasional weekend and evening work, the holiday entitlement is 20 days per annum and the salary is £18,000 per annum.

If you are interested in applying for the post, please see details below.

Employer Application packs can be obtained from:

- www.romfordymca.org
- Romford YMCA, Rush Green Road, Romford, Essex, RM7 0PH
- recruitment@romfordymca.org

Closing date for applications: Friday 10th May 2013

CVs **Will Not** Be Considered

Romford YMCA is pleased to receive a significant number of applications for most roles advertised. We are therefore unable to respond to individual applicants unless shortlisted. If you have not been contacted within four weeks of the closing date you should assume you have not been shortlisted on this occasion.

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Notice is hereby given that Mr Amit Auluck of 179, Henley Road, Ilford, Essex IG1 2TP has applied to the Judge at Romford County Court for a Bailiffs Certificate. Any person who knows a reason why Mr Amit Auluck is not a fit and proper person to be granted a certificate should write to the Court Manager at Romford County Court, 2a Oaklands Avenue, Romford, Essex RM1 4DP before May 30th 2013.

NOTICE IS HEREBY GIVEN that Sarjinder Chana has applied to the Judge at Romford County Court for a Bailiffs Certificate. Any persons who know of a reason why Sarjinder Chana is not a fit and proper person to be granted a certificate should write to the Court Manager at Romford County Court, 2A Oakland Ave. Romford, RM1 4DP before the 22nd May 2013.

Friendship Introductions

Wanted Artist and Companion
 (local preferred) to drive (by car) another fellow artist into the countryside to draw and paint landscape projects.
 Please telephone 01708 451 098

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 Self-Assessment Returns
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 Telephone: 01708 222 660
 Fax: 01708 226 686
www.maryhavering.sch.uk
 E-Mail: admin@maryhavering.sch.uk
 HEADMISTRESS: Mrs. B. Williams, M.A.(London)

2 x TEACHING ASSISTANTS
 Up to 29 hours per week term-time only Monday to Friday (hours to be arranged between 8.30am to 4.00pm)
 APTC Scale 2 points 11-13 (£16,482-£17,196pa pro-rata & pay award pending)

Enthusiastic Teaching Assistants required to offer welfare and teaching support to pupils with SEN. Candidates should be confident, an adept organiser and able to use initiative when working with pupils with a wide variety of learning, behavioural or personal needs. The successful applicants will join a successful and valued team who contribute significantly to the high standards achieved by the school.

MID-DAY ASSISTANT
 6.25 hours per week term-time only (excluding INSET Days)
 Monday to Friday 12.30pm to 1.45pm
 APTC Scale 1 points 6-11 £7.96 to £9.87 per hour, depending on experience (pay award pending)

To be responsible for the supervision of pupils throughout the mid-day break. These posts are exempt from the provision of the Rehabilitation of Offenders Act 1974 and the successful applicants will also be subject to a 6 months probationary period. Application forms and further details of the posts are available on request from the School Office.
 Closing date: Monday, 13th May, 2013

Articles Wanted

FOOTBALL PROGRAMMES WANTED
 Local collector seeks especially pre-1970 items, Finals, European, England, Spurs, Arsenal, West Ham, Chelsea etc and whole collections. 01245 358 660

Display Recruitment

Carers Required
 to deliver care to older people in their own homes in and around the local area. Drivers are especially welcome.

In return we offer:

- Flexible hours
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Free diploma equivalent training in Health and Social Care
 Please call 01708 385 040 or email your CV to havering@care-central.co.uk

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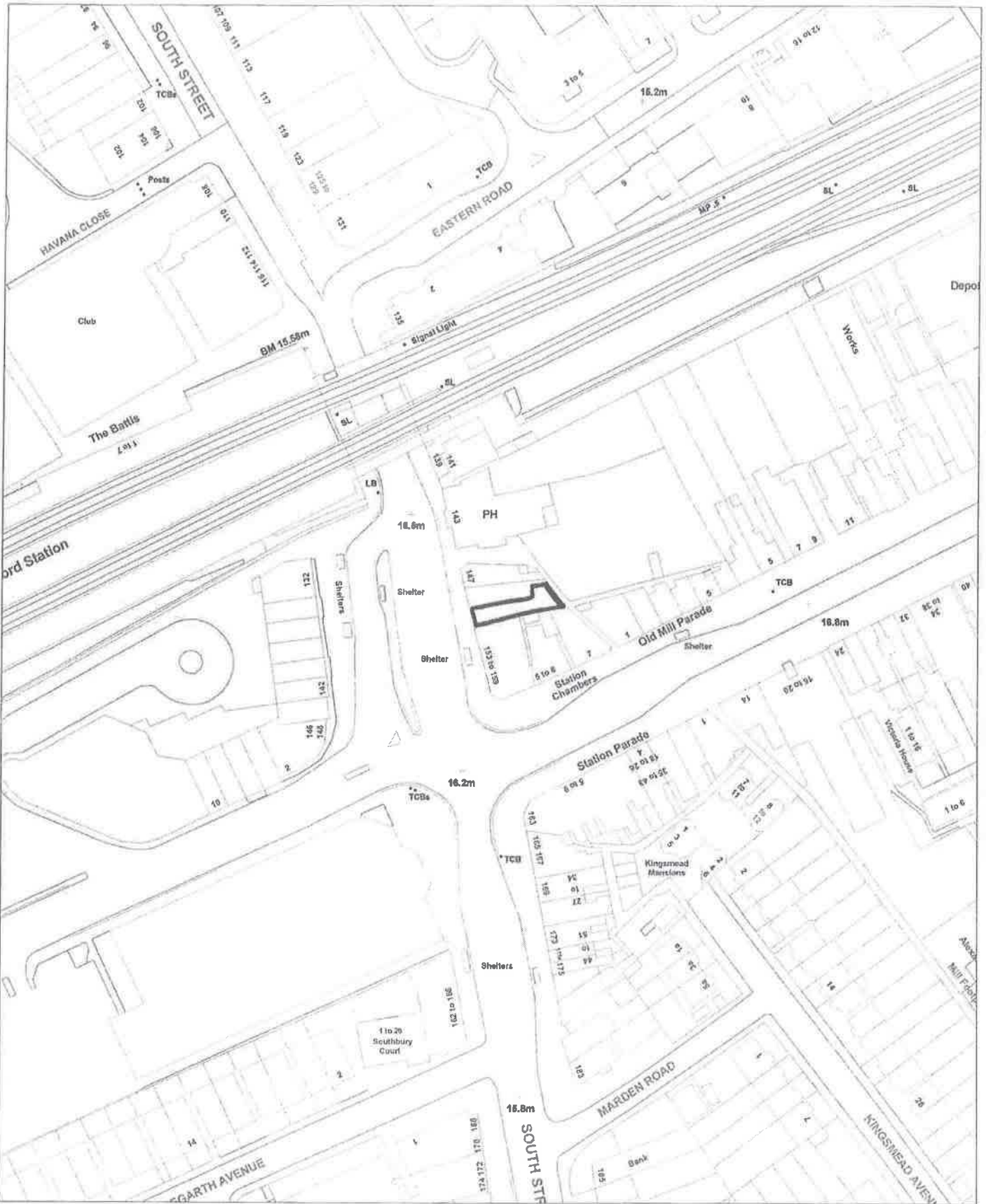
Bargain Buys

ROOF BARS inc fitting kit, fits Mk2 ford focus, yr 2005 to 2011, £6500. BLANK AMMO BMX BIKE, black, gr, £7000. BIKE, boys red Apollo, rarely used once, £50. Tel: 01708 507864



Licensing Sub-Committee

Appendix 2 – Map of local area



151 South Street

Map Reference: TQ5188SW



Scale @ A4 1:1250
Date: 25/04/2013



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

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100024327



Licensing Sub-Committee

Appendix 3 - Representations Interested Parties

From: Councillor Frederick Thompson
Sent: 21 May 2013 16:19
To: Licensing
Subject: 12730 Essex Fish & Best Kebabs

Dear Licensing Officers,

With regard to this application for premises at 151 South Street I wish to object on the basis that such excessively late opening to the early hours of the morning impacts heavily on public nuisance as it will delay dispersal from the town centre of those who have left clubs and are likely to be heavily intoxicated. The trail of litter caused by takeaways frequently shows up on the street, quite often carelessly thrown in householders front gardens and into shop fronts of shops and premises that have normal trading hours.

Although not obvious this addition to late dispersal numbers can easily impact in the lessening of the protection of children from harm as the added anti-social behaviour such as noisy dispersal impacts on the many households close to the town centre who despite living in flats or small houses frequently have children whose schooling will suffer from disturbed sleep.

Regards,

Cllr. Frederick Thompson,
Romford Town Ward
Tel: 01708 747993



Licensing Sub-Committee

Appendix 4 - Representations from Responsible Authority



Licensing Authority
London Borough Of Havering
Mercury House
Mercury gardens
RM1 3SL

**KD - Havering Borough
KD - Romford Police Station**

Romford Police Station
19 Main Road
Romford
RM1 3BJ

Telephone: 0203 276 2804

Facsimile:

Email:

Maxine.Blackledge2@met.police.uk

www.met.police.uk

Your ref:

Our ref:

20th May 2013

Police wish to make objections to the application to vary the premise licence of Anthony's Fish Bar, 151 South Street, Romford, Essex, RM1 1PL.

The police believe that granting the premise licence variation would undermine the crime and disorder and public safety licensing objectives.

This premise is located within Havering boroughs Anti Social Behaviour hotspot and opposite the main transport hub. There is a bus stop directly outside the premise which services night buses which naturally sees large numbers, under the influence of alcohol, congregating.

Since the start of 2013 a number of crimes have been recorded showing the premise as the venue.

5401729/13 - 2nd Feb 0210hrs - GBH - victim enters premise and is confronted by suspect. A disturbance / fight emanates onto street. Victim falls into the roadway and a bus runs over victim's hand causing extensive injury. Victim retreats into 151 South Street and is bleeding heavily. Police arrive and despite victim being on floor and in obvious distress, staff still serving hot food.

5402556/13 - 16th Feb 0220hrs - crime related criminal damage - Member of public calls stating the pane of glass to the front door of the premise had been smashed. Police arrive and the glass to the front door is not in place. Staff state they do not know how the window was smashed. The debris had been cleared. Staff members were not willing to substantiate any allegations.

5404932/13 - 3rd Apr 0230hrs - Theft - drunk male attends venue to buy food. He leaves his jacket outside premise on floor which is stolen whilst buying food.

5405370/13 - 3rd April 0300hrs - crime related assault - a verbal argument between unknown parties in South Street. One part of the group made their way into 151 South Street. The 'opposing group' followed and a further verbal argument ensued within premise which escalated to a fight outside. The victim has alleged a broken hand. Police await medical evidence.

As a result of police attendance on 2nd Feb 2013, the premise was found to be in breach of a condition of their license in respect of the presence of a SIA badge holder being on duty. This was highlighted to staff at the time of the incident.

On 28th April 2013 at 0020hrs the premise was again visited as part of a MPS wide licensing initiative and again found no SIA badge holder on duty. An official warning letter was issued 2nd May 2013.

On 17th May 2013 during a licensing meeting at mercury House, Mr Ozmen admitted breaching the condition in respect of SIA badge holder being on duty on any Sunday evening due to cost.

Police could not support an application for an extension of licensing hours to 0500hrs. The police believe the majority of their customer base within these hours would be those who have maximised their drinking time within Romford Town Centre and would be under the influence of alcohol and therefore increase the risk of crime and disorder. Police would also not support a reduction in the number of days a SIA badge holder should be present as this would increase the risk to public safety and increase the burden on staff in enforcing their current licensing condition in respect of capacity.

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

Yours sincerely,

Maxine Blackledge
Licensing Officer
Havering Borough



**METROPOLITAN
POLICE**

Working together for a safer London

**Anthony's Fish Bar
151 South Street
Romford
RM1 1PL**

Inspector Maxine Blackledge
Romford Police Station
19 Main Road
Romford,
Essex
RM1 3BJ

Telephone: 01708 432781
Email:
Maxine.blackledge@met.police.
uk
Date: 2nd May 2013

Dear Mr Ozmen,

On Sunday 28th April 2013 at approximately 0020 hours, I attended your premises to check on compliance to a condition of your premise licence in respect of having a registered door supervisor in place for the duration of the licensed hours. I found no door supervisor present and upon speaking to staff was informed that a door supervisor was on their way. As highlighted during this visit, failing to adhere to a condition of your licence may result in further action being taken.

- **This letter is an official warning.**

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

Yours sincerely

Inspector Maxine Blackledge
Metropolitan police - Havering
Licensing officer



Havering
LONDON BOROUGH

Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

The Appropriate Licensing Officer
Licensing Authority
London Borough of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 433585
Fax: 01708 432554
email: arthur.hunt@havering.gov.uk
Textphone ☎: 01708 433175

Date: 23rd May 2013

My Reference: AGH 12730

Dear Sir

Licensing Act 2003
Essex Fish Bar and Best Kebabs, 151 South Street, Romford, RM1
Application to vary a premises licence

With regards to the above I can confirm that this Licensing Authority wishes to make representation *against* this application based upon our concerns in relation to the prevention of public nuisance and the prevention of crime and disorder licensing objectives. The premises have been the subject of **Crime and Disorder** matters, including reports of disorder and assaults at the premises. Also there has been a failure to comply with conditions on the Premises Licence. If the premises are permitted to open for longer hours, they will have to deal with intoxicated customers for a longer period, thus the possibility of further crime and disorder is increased. **Public Safety** the premise has operated without Door Supervisors as required by their premises licence. On at least one occasion this may have contributed to an incident where someone was hit by a bus outside the premises.

The application

This application seeks overall to extend the hours during which licensable activity may be provided at the premises. Effectively the restaurant wishes to be able to provide late night refreshment to its customers from 23:00 until 03:00 Sunday to Wednesday and from 23:00 until 05:00 Thursday to Saturday.

Section M – additional steps to promote the licensing objectives

The applicant asks to remove all conditions at Annex 2 and replace them with those contained within section M.

Public Protection Bringing together Environmental Health & Trading Standards

One consequence of this would be the reduction in coverage by Door Supervisors. Currently, the premise requires Door Supervision during all hours of licensable activity. This effectively means seven days a week from 2300 onwards. The request is to reduce it to Thursday to Saturday (and following day), Sunday's prior to Bank Holidays, Christmas Eve and New Years Eve.

On the 17th May 2013 the Licensing Authority and Police met with Mr and Mrs Ozmen together with their agent, Mr Hopkins, at his request. It is clear that the provision of Door Supervisors is a financial strain on their business. They failed to comply with this condition under their current licence following transfer of the licence to Mr Ozmen in March 2013. It was admitted by Mr and Mrs Ozmen that they had only made provision for Door Supervisors from Thursday to Saturday. Mr Ozmen further stated that he had arranged another security company to provide coverage for the rest of the week. This had been as a result of receiving a warning letter from the police about the lack of Door Supervisors on the 28th April 2013. It became evident that in fact Mr Ozmen had only arranged Door Supervisors for Monday to Wednesday not Sunday, but would undertake to do so following the meeting. It was explained to Mr and Mrs Ozmen that as this was a condition of his licence, if they did not have door staff they should close.

If the current financial climate continues, then it can be envisaged that this will continue to be a strain on the business and an easy saving can be made by non-compliance.

Licensing policy 012 – hours

Havering's licensing policy 012 relates to the hours during which it is felt appropriate to provide licensable activity in given areas of the borough. Policy 012 is as follows:

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*

This policy indicates that an application for hours which extend beyond these guideline hours will be considered on its merits. We contend that the application as submitted should not be considered an exception to the guidelines of licensing policy 012. The *Essex Fish Bar* premises licence is already currently in excess of the hours dictated by licensing policy 012 as it allows late night refreshment until 0200 Sunday to Wednesday and 0400 Thursday to Saturday.

In the immediate vicinity of this premises are a number of other similar restaurants, each of which might appear to be in competition to attract late night, 'post-club' customers. The Licensing Authority recognises the financial benefits of seeking to expand a customer base; however, extending the premises' operation further into the early hours of the morning has an implication which reaches beyond the boundary of the premises.

Public Protection Bringing together Environmental Health & Trading Standards

Competition for late night customers might appear to operate on a 'supply and demand' principle: the 'more' a premises may supply, the greater the demand for that supply. In other words, the longer a premises remains open to the public, the more members of the public will want to avail themselves of the services offered within. The result of such a situation is that competing businesses may feel compelled by this principle to extend their hours also. The outcome of such a scenario is 'hours-creep'.

Licensing policy 018 – Location, cumulative impact and saturation

The area in which this premises is located is subject to a special policy in relation to licensed premises via licensing policy 018. This policy is as follows:

It is the LLA's policy to refuse applications in Romford within the ring road 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 the regard to licensing policy 012

The special policy area was designated as such by Havering in response to its identification by the Police as an area in which resources to cope with late-night anti-social behaviour issues were limited.

This special policy area has been highlighted as one which requires greater attention than other areas of the borough in relation to licensed premises and the problems attendant to alcohol consumption. Our concern as the Licensing Authority is the potential for this vicinity to incrementally increase its average terminal hour. A potential result of this hours-creep would be the influx of greater numbers of individuals to the area seeking a late-night refreshments after an evening out.

Section 182 guidance to the Act – promoting the licensing objectives

Section 4(3) of the Act requires that a Licensing Authority, when carrying out its functions, has regard to its licensing policy as well as to the guidance issued under s.182 of the Act. This guidance also identifies certain expectations in relation to applicants.

Paragraphs 8.34 to 8.42 of the guidance to the Act address the steps required to promote the licensing objectives. A brief examination of these steps will demonstrate that the applicant has not fully addressed the promotion of the licensing objectives in line with the guidance, thus making it difficult for the Licensing Authority to support the application.

8.35 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities;*
and

Public Protection Bringing together Environmental Health & Trading Standards

- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

This application states that “a written dispersal policy will be put in place.” However, no mention is made of the busy bus stop which is outside the premises and will surely impinge on any dispersal plan. It may be that the applicant has failed to identify any risk posed by the application. Equally, it may be that the applicant feels the application poses no risk to the local area. Both of these possibilities cause the Licensing Authority concern.

8.36 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

As mentioned previously the Romford Town Centre is a special policy area addressed by Havering’s licensing policy 018. The property is located in this special policy area and late night refreshment premises are required to promote the licensing objectives. As a Licensing Authority we might reasonably expect that the applicant acknowledges his role in relation to preventing public nuisance in this special area; however, there is no mention of “why they consider the application should be an exception to the policy.”

Licensing policy 015 – premises’ compliance history

Based upon Havering’s licensing policy 015 an application such as this should also be considered in the light of the applicant’s compliance history in relation to the provisions of the current licence. Licensing policy 015 states:

In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:

- the location of the premises and character of the area
- the views of responsible authorities
- the views of interested parties
- past compliance history of current management
- the proposed hours of operation

Annex 2 condition 1 states , “A registered door supervisor shall be in place for the duration of the licensed hours.”

On 2nd February 2013 a serious incident occurred when an argument commenced in the premises and spread out into the street outside. This resulted in the victim falling into the path of a bus and receiving serious hand injuries. The staff at the premises continued to serve whilst the Police tried to investigate the matter. It was also established that they did not have the required door staff on duty, which may have prevented the escalation of this incident.

Whilst accepted that Mr Ozmen was not the licence holder at the time, he was employed at the premises.

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On the 28th April 2013, Police visited the premises at 00:20 and found once again that there was no door supervisor on duty. A warning letter was issued by the Police and delivered by hand on the 2nd May 2013. The staff member on duty stated that the door staff had been held up on his way to work, this was re-iterated by Mr & Mrs Ozmen at the meeting on the 17th May 2013.

Based upon our concerns detailed above this Licensing Authority is not in a position to be able to support an application to extend licensable activity at the premises outside those provisions identified in Havering's licensing policy 012.

Yours faithfully

Arthur Hunt
Licensing Officer

