

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 26 April 2017

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION TO VARY A PREMISES LICENCE - NISA, 97-99 BALGORES LANE, ROMFORD, RM2 6BT	Licensing Act 2003 Notice of Decision								
		<p>PREMISES Nisa, 97-99 Balgores Lane, Romford, Essex, RM2 6BT</p> <p>APPLICANT Mr Sinan Avlik Nisa, 97-99 Balgores Lane, Romford, Essex, RM2 6BT</p> <p>1. Details of Application</p> <p>Current premises licence hours:</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol – Off Supply only</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Saturday</td> <td align="center">08:00</td> <td align="center">23:00</td> </tr> </tbody> </table>	Supply of Alcohol – Off Supply only			Day	Start	Finish	Monday to Saturday	08:00
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		<table border="1"> <tr> <td>Sunday</td> <td>10:00</td> <td>22:30</td> </tr> <tr> <td>Good Friday</td> <td>08:00</td> <td>22:30</td> </tr> <tr> <td rowspan="2">Christmas Day</td> <td>12:00</td> <td>15:00</td> </tr> <tr> <td>19:00</td> <td>22:30</td> </tr> </table> <p>Variation applied for:</p> <table border="1"> <tr> <th align="center" colspan="3">Supply of Alcohol – Off Supply only</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> <tr> <td>Monday to Sunday</td> <td>08:00</td> <td>02:00</td> </tr> </table> <p>Following discussions with the Metropolitan Police the applicant had amended his application as follows:</p> <table border="1"> <tr> <th align="center" colspan="3">Supply of Alcohol – Off Supply only</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> <tr> <td>Monday to Sunday</td> <td>08:00</td> <td>00:00</td> </tr> </table> <p>A number of conditions had been agreed with the Metropolitan Police and the Sub-Committee was asked to consider adding these conditions should they be minded to grant the amended application.</p> <p>The applicant had acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of application. The required public notice was installed in the Romford Recorder on the 17th March 2017.</p>	Sunday	10:00	22:30	Good Friday	08:00	22:30	Christmas Day	12:00	15:00	19:00	22:30	Supply of Alcohol – Off Supply only			Day	Start	Finish	Monday to Sunday	08:00	02:00	Supply of Alcohol – Off Supply only			Day	Start	Finish	Monday to Sunday	08:00	00:00
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		<p>2. Details of Representations</p> <p>There were fifteen representations against this application from interested persons.</p> <p>There were two (2) representations against this application from responsible authorities.</p> <p>Local Planning Authority Local Licensing Authority</p> <p>Details of representations</p> <p>The representations submitted by Councillors Frederick Thompson and Melvin Wallace related to the excessive hours applied for by the applicant. Additionally, Councillor Thompson raised concern that the later opening hours would encourage drinkers leaving local public houses at 00:00 to call and buy spirits and other high strength drinks thus increasing their propensity to commit vandalism. He further expressed concern that the objective of Prevention of Public Nuisance would be threatened as persons buying drink in the early hours were likely to become more boisterous and noisy as well as leaving a trail of drink and snacks related litter.</p> <p>Councillor Wallace attended the hearing and reiterated his representation that even with the revised hours he still maintained his representation. He also informed the Sub-Committee that there was a children’s home in close proximity to the premises.</p> <p>The other representations cover similar issues covering Prevention of Public Nuisance, Prevention of Crime and Disorder and Protection of Children from Harm.</p> <p>Two of the residents who submitted representations Mrs Trupti Patel and Mr Denis Holbrook attended the hearing and made representations in person.</p>
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		<p>Mrs Patel explained that in her opinion a 02:00 closure was too late in a predominantly residential area. Even the revised time of 12:00 was too late. She also referred to trouble caused by young people in the evening and school children at weekends and school holidays.</p> <p>Mr Holbrook also expressed his concern at the original request to open the premises until 02:00. He felt that even a 12:00 closure was inappropriate as it would set a precedent for other premises in the area. This was a predominantly residential area and a closure time of 23:00 was appropriate. He supported Mrs Patel's concern regarding nuisance at the weekend.</p> <p>The written representation from the Local Planning Authority objected to the proposed variation of the specific licensing objective 'The prevention of Public Nuisance.' The representation referred to Licensing Policy nos. 1, 6, 8 and 14.</p> <p>Specific reference to the proposed closing time of 02:00. The concern was that this increase in opening hours would introduce new issues due to an increase in noise and disturbance to the residents located in close proximity to the application site from increased comings and goings and noise. This would become more prevalent in the early hours, when there would be a reasonable expectation that there was lower ambient noise level and a lower amount of activity in the area. It was therefore expected that more conditions or relevant preventative measures should be put in place to address the additional noise and disturbance: but the licence application did not do this. The applicant has failed to demonstrate sufficient knowledge of the licensing objectives as laid out in licensing policy 8.</p> <p>The Planning Authority therefore asked the Sub-Committee to refuse the application to vary the premises licence in accordance with licensing policy 14.</p> <p>The Licensing Authority had also submitted a representation under the prevention of public nuisance.</p>

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		<p>licensing objective. The representation referenced Licensing Policies 1, 5 and 7.</p> <p>In the written representation the Licensing Authority informed the Sub-Committee that the applicant had become the licence holder in February 2017 and to revive the business had refurbished the shop and installed a new layout which increased the display of alcohol. Officers had pointed this to the Designated Premises Supervisor and this had precipitated the application to vary the hours and layout.</p> <p>The applicant had stated in the application that he did not consider that any further measures were required to uphold the licensing objectives. In applying to open until 02:00 the applicant should have recognised the potential for public nuisance and addressed this in the application. There was nothing in the application to 'merit' the variation.</p> <p>In the immediate vicinity of the premise were a number of other similar premises all of which were within the hours of policy 7 and closed at 23:00. Extending the premises' hours of operation into the early hours of the morning had an implication which reached beyond the boundary of the premises.</p> <p>The applicant had not described why they felt they should not be subject to Havering's policy and the Licensing Authority asked that the hours be restricted to 23:00 in line with policy 7.</p> <p>3. Applicant's response</p> <p>The applicant failed to attend the hearing and the Sub-Committee had to rely on the information provided in the application.</p> <p>4. Decision</p>

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		<p>The Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <p>Two written representations have been received from Responsible Authorities, namely the Council's planning and licensing departments, objecting to the application on the ground of the prevention of public nuisance.</p> <p>Fifteen written representations have been received from other persons, objecting to the application on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Statutory Guidance issued under s.182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.</p> <p>In particular, the Sub-Committee took into account paragraphs 1.3, 1.5, 1.17, 2.18, 2.19, 2.25, 2.32, 9.3, 10.11, 10.12, 13.42, 13.43 of the Guidance and Policies 1, 5, 6, 7, 8 and 14 of the Statement of Licensing Policy.</p> <p>The Sub-Committee heard oral representations from Councillor Wallace, Mrs Patel (neighbouring shopkeeper) and Mr Holbrook, a local resident who lives next door to a children's home very close to the premises.</p> <p>Having considered and heard all of evidence the Sub-Committee is of the view the application should be refused, on the grounds that any extension of hours would undermine the licensing objectives, in particular the prevention of public nuisance and the protection of children from harm.</p>

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		<p>The Sub-Committee took into account evidence that the location of the premises is a primarily residential area, and that the parade of shops acts as a gathering place, particularly for young people. There was evidence from Mrs Patel and Mr Holbrook, reflected in many of the written representations, that any extension of hours would lead to increased noise, vandalism and other anti-social behaviour.</p> <p>The Sub-Committee also noted that the application did not address concerns raised by the responsible authorities in the application. No addition steps were identified in the application (in particular in section 16) to promote the licensing objectives. The application simply stated that the steps would be the same as those in the existing licence.</p> <p>The Sub-Committee therefore decided that no extension to the licensing hours should be granted and the application should be refused.</p> <p><u>Reasons:</u></p> <p>The application for a variation of the premises licence is refused because an extension to the licensing hours for this premises would undermine the licensing objectives, in particular the prevention of public nuisance and the prevention of harm to children.</p> <p>Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision.</p>

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		<p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; 2. Substitute another decision which could have been made by the Sub Committee; 3. Remit the case to the Licensing Sub Committee to dispose of it in accordance with the direction of the Court; 4. Make an order for costs as at its discretion. <p>James Goodwin Clerk to the Licensing Sub-Committee</p>
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A2		