

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 22 August 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 FOR A PREMISES LICENCE FOR TROPOJA CAFE & BAR 99 VICTORIA ROAD, ROMFORD ESSEX RM1 2LX	Licensing Act 2003 Notice of Decision																							
		<p>PREMISES Tropoja Cafe & Bar 99 Victoria Road Romford Essex RM1 2LX</p> <p>APPLICANT Mr Adil Haziri</p> <p>1. Details of Application</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol, Opening Hours</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>10:00</td> <td>23:00</td> </tr> <tr> <td>Tuesday</td> <td>10:00</td> <td>23:00</td> </tr> <tr> <td>Wednesday</td> <td>10:00</td> <td>23:00</td> </tr> <tr> <td>Thursday</td> <td>10:00</td> <td>23:00</td> </tr> <tr> <td>Friday</td> <td>10:00</td> <td>23:00</td> </tr> <tr> <td>Saturday</td> <td>10:00</td> <td>23:00</td> </tr> </tbody> </table>	Supply of Alcohol, Opening Hours			Day	Start	Finish	Monday	10:00	23:00	Tuesday	10:00	23:00	Wednesday	10:00	23:00	Thursday	10:00	23:00	Friday	10:00	23:00	Saturday	10:00
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		<table border="1" data-bbox="842 448 1554 489"> <tr> <td data-bbox="842 448 1064 489">Sunday</td> <td data-bbox="1064 448 1308 489">10:00</td> <td data-bbox="1308 448 1554 489">21:00</td> </tr> </table> <p data-bbox="842 517 2094 647">The applicant 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 the application. The required public notice was installed in the 14 July 2017 edition of the Romford Recorder.</p> <p data-bbox="842 687 2094 818">Since the original application was submitted on the 5 July 2017, the licensing office has received amended operating schedule removing Late Night Refreshment and Recorded Music from the application. This amendment was submitted on the 31 July 2017 which was 2 days before the consultation period end date.</p> <p data-bbox="842 858 2094 925">The Premises was situated just outside of the Ring Road which circled Romford Town Centre so fell just outside of the Cumulative Impact Zone.</p> <p data-bbox="842 959 1261 991">2. Details of Representations</p> <p data-bbox="842 1027 1850 1059">There was 1 representation against the application from an interested person.</p> <p data-bbox="842 1096 2094 1163">There were 3 representations against the application from responsible authorities. These were from the following: licensing authority, planning department and the Metropolitan Police.</p> <p data-bbox="842 1227 1202 1259">Details of representations</p> <p data-bbox="842 1295 1794 1327">Valid representations may only address the following licensing objectives:</p> <ul data-bbox="891 1361 1420 1428" style="list-style-type: none"> • The prevention of crime and disorder • The prevention of public nuisance 	Sunday	10:00	21:00
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		<ul style="list-style-type: none"> • The protection of children from harm • Public safety <p>The representation from an interested person related to the prevention of crime and disorder, the prevention of public nuisance and public safety.</p> <p>The representation from the licensing authority related to all four of the objectives.</p> <p>Mr Jones, representing the licensing authority, addressed the Sub-Committee and advised that the licensing authority had concerns that there was a likelihood that the premises would be inclined to operate in a fashion contrary to the promotion of the licensing objectives. This concern was based upon an allegation received from a member of the public, a follow-up site inspection made by a member of the licensing authority and an assessment of the application as submitted.</p> <p>The representation from the planning department related to the prevention of public nuisance.</p> <p>There was no representative from the planning department present at the hearing.</p> <p>The representation from the Metropolitan Police related to the prevention of crime and disorder and the prevention of public nuisance.</p> <p>PC Daly addressed the Sub-Committee and advised that the initial application received had little detail on how the business intended to operate. Police licensing officers had attended the premises to speak with the owners. The premises itself appears to be set up in the format of a social bar, there is a small bar to the right as you enter the door and a pool table to the rear. The premises licence holder stated that he intended to operate as a restaurant; however there were no kitchen facilities within the building.</p>

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		<p>A revised schedule of conditions had been offered by the applicant via their agent Mr Hopkins. The conditions offered were more robust than those first put forward, however, there was a concern that the premises licence holder did not fully understand his obligations under the licensing act, this in spite of having been involved in the industry for a number of years.</p> <p>The venue did not have planning permission and in operating as a bar may be in breach of planning legislation.</p> <p>The venue was situated within a highly residential area, the property itself had a flat above it and it was not known whether the property had adequate soundproofing to prevent ambient noise escaping through the roof.</p> <p>The police had not been fully reassured that the premises licence holder had a full understanding of the conditions that had been added on their behalf. The police would ask that if the Sub-Committee were minded to grant the application then the following conditions be added to the current operating schedule offered:</p> <ul style="list-style-type: none"> • All windows and doors to be closed past 8pm save for persons entering and exiting via the front door. • The capacity of the venue shall be limited to 40 persons including staff. <p>3. Applicant's response.</p>

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		<p>Mr Hopkins, representing the applicant, addressed the Sub-Committee. Mr Hopkins confirmed that the requests for recorded music & late night refreshment had been withdrawn from the application and that music would only be played at a background level.</p> <p>The operating schedule had been amended to show that the applicant would operate the business in a responsible manner and actively promote the licensing objectives at all times.</p> <p>The premises would operate with “café bar” type conditions allowing customers to buy alcohol without a requirement to have a meal. The “café bar” would cater mainly for the local Albanian community and had only previously been used by the applicant’s family and employees of the car wash situated at the rear of the premises.</p> <p>Mr Hopkins advised that he had written to the interested person about their concerns but had not received any reply to the correspondence.</p> <p>Mr Hopkins also advised that there had been no photographic evidence of the allegation made by a neighbour of the applicant holding events at the premises.</p> <p>The Sub-Committee was advised that if the applicant was successful with the licence application the Mr Hopkins would be mentoring the applicant/premises for a period of six months following opening and that the applicant would also be applying for planning permission for the premises.</p> <p>Mr Hopkins advised that the applicant had approximately fifteen years’ experience in managing other licensed premises.</p>

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		<p>4. Determination of Application</p> <p>Consequent upon the hearing held on 22 August 2017, the Sub-Committee’s decision regarding the application for a premises licence for Tropoja Café and Bar was as set out below, for the reasons stated:</p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.</p> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy. In particular, the Sub-Committee took into account policies 1, 5, 8 and 9 of the Statement of Licensing Policy.</p> <p>In addition 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>5. Decision</p> <p>Having considered and heard all of the evidence the Sub-Committee was of the view the application should be refused, on the grounds that granting the licence would undermine the licensing objectives, in particular the prevention of public nuisance and the prevention of crime and disorder.</p>

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		<p>The Sub-Committee took into account the fact that the premises, albeit not within the cumulative impact zone, was close to it and that many residents live in the area. The area already had a number of premises selling alcohol for use both on and off the premises. The Sub-Committee was concerned that further licensed premises would have an adverse impact on the area.</p> <p>The Sub-Committee was concerned that the premises would predominantly offer alcohol to customers, with the provision of food only ancillary to that. It was noted that there was only one toilet for all customers and no kitchen. It was unclear to the Sub-Committee what the real future use of the premises would be.</p> <p>The Sub-Committee did not consider that the applicant has sufficiently demonstrated commitment to a high standard of management, and comprehensive knowledge of best practice, given the lack of clarity (for example regarding music at the premises) and detail (for example relating to underage sales) in the application and the lack of consultation with the responsible authorities.</p> <p>The Sub-Committee therefore decided that the application should be refused.</p> <p>The Sub-Committee did not find it necessary to make any finding of fact as to whether alcohol had been already been sold on the premises as alleged.</p> <p>The Sub-Committee did not consider the absence of planning permission to be relevant to its decision.</p> <p>The Sub-Committee did not consider a recent report in the Romford Recorder to be relevant to</p>

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		<p>its decision. None of the Sub-Committee had read the article. Only one had read the headline. However, this had no bearing on the decision.</p> <p>Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.</p>
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A2		