

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
22 August 2017 (10.30 am - 12.00 pm)**

Present:

COUNCILLORS

Conservative Group Linda Trew (Chairman)

Residents' Group Jody Ganly

**East Havering
Residents' Group**

**Independent Residents
Group** Keith Roberts

UKIP Group

Present at the hearing were Mr Haziri for the premises/applicant. Also present were Mr Hopkins – applicant's representative. Also in attendance were Havering Licensing Officers Paul Jones and Kasey Conway. Also in attendance were PCs Daly and Goodwin representing the Metropolitan Police.

Also present were the Legal Advisor to the Sub-Committee and the Clerk to the Licensing sub-committee.

A representative of the press was also present.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

**1 APPLICATION FOR A PREMISES LICENCE FOR TROPOJA CAFE &
 BAR 99 VICTORIA ROAD, ROMFORD ESSEX RM1 2LX**

PREMISES

Tropoja Cafe & Bar
99 Victoria Road
Romford
Essex
RM1 2LX

APPLICANT

Mr Adil Haziri

1. Details of Application

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	23:00
Sunday	10:00	21:00

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 14 July 2017 edition of the Romford Recorder.

Since the original application was submitted on the 5 July 2017, the licensing office has received an 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.

The Premises was situated just outside of the Ring Road which circled Romford Town Centre so it fell just outside of the Cumulative Impact Zone.

2. Details of Representations

There was 1 representation against the application from an interested person.

There were 3 representations against the application from responsible authorities. These were from the following: licensing authority, planning department and the Metropolitan Police.

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

The representation from an interested person related to the prevention of crime and disorder, the prevention of public nuisance and public safety.

The representation from the licensing authority related to all four of the objectives.

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.

The representation from the planning department related to the prevention of public nuisance.

There was no representative from the planning department present at the hearing.

The representation from the Metropolitan Police related to the prevention of crime and disorder and the prevention of public nuisance.

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.

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.

The venue did not have planning permission and in operating as a bar may be in breach of planning legislation.

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.

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:

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.

3. Applicant's response.

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.

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.

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.

Mr Hopkins advised that he had written to the interested person about their concerns but had not received any reply to the correspondence.

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.

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.

Mr Hopkins advised that the applicant had approximately fifteen years' experience in managing other licensed premises.

4. Determination of Application

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:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.

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.

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.

5. Decision

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.

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.

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.

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.

The Sub-Committee therefore decided that the application should be refused.

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.

The Sub-Committee did not consider the absence of planning permission to be relevant to its decision.

The Sub-Committee did not consider a recent report in the Romford Recorder to be relevant to 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.

Chairman