

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
2 February 2018 (10.30 am - 12.00 pm)**

Present:

COUNCILLORS

Conservative Group Linda Trew (Chairman) and Dilip Patel

Residents' Group

**East Havering
Residents' Group**

**Independent Residents
Group**

UKIP Group Phil Martin

Present at the hearing were Mr Haziri and Mr Qela for the premises/applicant. Also present were Mr Hopkins – applicant's representative. Also in attendance were Havering Licensing Officers Paul Campbell and Paul Jones.

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

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 - TROPOJA, 99 VICTORIA ROAD, ROMFORD, RM1 2LX

PREMISES

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

APPLICANT

Mr Adil Haziri and Mr Fatjon Qela

1. Details of Application

| Supply of Alcohol | | |
|--------------------------|--------------|---------------|
| Day | Start | Finish |
| Monday to Sunday | 16:00 | 23:00 |
| | | |
| | | |

| Hours premises open to the public | | |
|--|--------------|---------------|
| Day | Start | Finish |
| Monday to Sunday | 08:00 | 23:30 |
| | | |
| | | |

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 22 December 2017 edition of the Havering Yellow Advertiser.

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.

The applicant, in consultation with the Police, modified the application to include the following two conditions within the operating schedule:

- 1 All windows and doors to be closed past 8pm save for persons entering and exiting via the front door.
- 2 The capacity of the venue shall be limited to 40 persons including staff.

2. Details of Representations

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

There was 1 representation against the application from a responsible authority, namely Havering's Planning Authority.

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 planning authority related to the prevention of public nuisance objective.

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

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.

3. Applicant's response.

Mr Hopkins, representing the applicant, addressed the Sub-Committee.

Mr Hopkins advised that the applicant had amended the hours for selling alcohol to a more moderate level.

The Sub-Committee was advised that the car wash at the rear of the premises was open until 19.00hrs and those operatives from the car wash would be able use the café after finishing work.

Mr Hopkins pointed out that no objections had been raised from the Metropolitan Police or Environmental Health.

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. This would include installation of CCTV, promoting Challenge 25 and appropriate signage on the premises reminding patrons about leaving the premises respecting others amenity.

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.

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 2 February 2018, 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

The Licensing Sub-Committee considered the application for a new premises licence in respect of Tropoja Café and Bar 99 Victoria Road Romford made on behalf of the applicant Adel Haziri and Fatjon Qela.

Written and oral representations were made by the responsible body for the London Borough of Havering Planning Authority. The Sub-Committee also considered an objection letter from a local resident. The objection raised concerns in relation to the prevention of public nuisance.

The Sub-Committee heard evidence called on behalf of the applicant. It considered the submissions on behalf of the applicant.

The Sub-Committee reminded itself that it must promote the licensing objectives and had regard to the Statutory Guidance issued pursuant to 182 of the Licensing Act 2003. The Sub-Committee also considered carefully the Council's Statement of Licensing Policy document. It reminded itself that each decision must be made on its own merit.

It seems to the Sub-Committee that the licensing policy 6 was there for a good reason. Without the relevant planning permission the granting of the licence would create an uncertainty in terms of the council's overall approach to the licencing of premises. The suitability of the premises ought to be determined before a licence to sell was granted.

The Sub-Committee found that the application did not adequately deal with the concerns raised by the responsible authority. This included the impact on the character and mix of premises in the area. There was no attempt to deal with the increased vehicle traffic caused by the proposed activity. There was no attempt to deal with the difficulties created by the increased foot fall. There were no adequate controls in place for the consumption of alcohol outside the premises; particularly bearing in mind the application included a request for off sales.

The Sub-Committee concluded that the granting of the licence would not in all the circumstances meet the licencing objectives in relation to public nuisance.

The application was therefore refused.

Chairman