

**Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 21 August 2018**

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**

<p><b>A1</b></p>	<p>APPLICATION FOR A PREMISES LICENCE - GALLOWS KEBABS - 14 STRAIGHT ROAD, ROMFORD, RM3 8AA</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES:</b> Gallows Kebabs GY54 WCP Straight Road Romford RM3 8AA</p> <p><b>DETAILS OF APPLICATION</b></p> <p>The application for a premises licence was made by Mrs Perihan Unal under section 17 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 27<sup>th</sup> June 2018.</p> <p><b>APPLICANT</b></p> <p><b>1. Details of requested licensable activities</b></p> <p>The application seeks to permit the following licensable activity:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="left" colspan="3"><b>Late night refreshment</b></th> </tr> <tr> <th align="left"><b>Day</b></th> <th align="left"><b>Start</b></th> <th align="left"><b>Finish</b></th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>23:00</td> <td>02:00</td> </tr> </tbody> </table>	<b>Late night refreshment</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Monday to Sunday	23:00	02:00
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		<p><b>2. Details of Representations</b></p> <p>There was a representation against the application for a new premises licence from a responsible authority, namely Havering’s Licensing Authority.</p> <p><b>3. Promotion of the Licensing Objectives</b></p> <p>The applicant acted in accordance with regulations 25 and 26 of the Licensing Act 2003 (Premises licenses and club premises certificates) Regulations 2005 relating the advertising of the application. The required public notice was installed in the Romford Recorder on the 6 July 2018.</p> <p><b>4. Determination of Application</b></p> <p>The Licensing Officer presented the application informing the Sub-Committee that the premises comprise a mobile van which supplies hot food. It is located in a dead-end section of a road adjacent to the A12. The van is parked next to a KFC outlet; however, this section of Straight Road is largely residential although the local area may reasonably be considered to be one of mixed use.</p> <p><b><u>Decision:</u></b></p> <p>The Sub-Committee has considered an application for a new premises licence for Gallows Kebabs, a mobile van situated at Gallows Corner, on the slip Road Colchester Road/Straight Road RM3 0AA</p>

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		<p>Representations have been received from the Council's Licensing Authority on the grounds of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under S182 of the Licensing Act and the Council's own Statement of Licensing Policy.</p> <p>Licensing Officer Paul Campbell representing Havering's Licensing Authority addressed the Sub-Committee outlining the representation that the applicant had not fully demonstrated in the operating schedule and application the promotion of the four licensing objectives for a late night refreshment venue at the location.</p> <p>Mr Campbell was of the view that if the licence was to be granted, it should be in line with the hours outlined in Havering's Licensing Policy.</p> <p>The Sub-Committee also heard from the applicant, the existing business owner and the applicant's son.</p> <p>Having considered and heard all of the evidence, the Sub-Committee granted the licence.</p> <p><b><u>Reasons</u></b></p> <p>The Sub-Committee noted that Havering's Licensing Policy 7 states that more</p>

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		<p>favourable consideration will be given to granting a licence for the supply of hot food and drink by takeaways, fast food premises if they have the following closing times:</p> <p>Midnight – Sunday to Thursdays, 01:00 Friday and Saturday</p> <p>Also, consideration will be given to the type of area that the premises is located in with regulated activities normally being permitted until:</p> <p>23:30 in residential areas and 00:30 in mixed use areas</p> <p>The application included the provision of late night refreshments until 02:00 am every day which is outside the current licensing policy timeframes listed above. However, the Sub-Committee judged the application on its own merits and took into account the following factors when deciding to grant the licence:</p> <ol style="list-style-type: none"> <li>1. It had become clear during the hearing that this was not a simple, new application for a premises licence. The business had been licensed to operate since 1995. However the owner had recently decided to voluntarily liquidate the company. The premises licence could have been transferred to the applicant within 1 month of the business going into liquidation but the previous operator and the current applicant had not been aware of this possibility and so the licence had lapsed. The current application was therefore required.</li> </ol>

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		<p>2. A premises licence had been in place since 1995 and there had been no complaints about it.</p> <p>3. The business had been licensed to operate until 2am during that time.</p> <p>4. The licensing officer had dealt with the previous owner for many years, had always experienced full co-operation from the owner and had not had any problems with the business.</p> <p>5. The licensing officer had submitted his representations largely because the times applied for were outside the current Licensing Policy drafted in 2015.</p> <p>6. There were no objections from the police, Noise and Nuisance team or residents.</p> <p><b><u>Conditions</u></b></p> <p>The following conditions will be on the premises licence:</p> <p><b>Premises Opening and Closing Times:</b> 17:00 to 02:00 hours Monday to Sunday</p> <p><b>Late night refreshment to be provided during the following times:</b> 23:00 to 02:00 hours Monday to Sunday</p>
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		<p><b>CCTV</b></p> <p>CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and to be of evidential quality.</p> <p>The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy.</p> <p>If this format is nonstandard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer.</p> <p>Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this. There shall be signs displayed in the customer area to advise that CCTV is in operation.</p> <p>Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.</p>

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		<p><b>Training</b> All those working at the Gallows Kebab are to complete the “Safeguarding Children” online training course conducted by EduCare</p> <p><b>Children</b> No children shall be allowed at the premises during licensing hours unless accompanied by an adult.</p> <p><b>Signage</b> Prominent signage shall be displayed at the premises requesting that customers conduct themselves quietly. Prominent, clear notices shall be displayed at the premises stating that no children shall be allowed at the premises during licensing hours unless accompanied by an adult.</p> <p><b>Litter</b> The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises.</p> <p>These conditions have been added to the premises licence to promote the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children as the members consider it is appropriate and proportionate to do so.</p>

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		<p><b>Right of Appeal</b></p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> <li>1. Dismiss the appeal; or</li> <li>2. Substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. Make an order for costs as it sees fit.</li> </ol>
<b>A1</b>		
<b>A2</b>		