

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
30 August 2018 (10.30 am - 12.30 pm)**

Present:

COUNCILLORS

Conservative Group Philippa Crowder (Chairman) and Nisha Patel

Residents' Group

**Upminster & Cranham
Residents' Group**

**Independent Residents
Group** Natasha Summers

Labour Group

**North Havering
Residents Group**

Present at the hearing were Mr Qela (Applicant) Mr Graham Hopkins (Applicant's representative) and Havering Licensing Officer Paul Campbell.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing Sub-Committee.

There were no apologies for absence.

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 and was also a personal licence holder.

4. Determination of Application

Consequent upon the hearing held on 30 August 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.

1. Representations were received from the Council's Planning Authority on the grounds of public nuisance and from a local resident on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.
2. The Sub-Committee heard from the applicant and the LB Havering's Licensing Authority. There were no local residents in attendance. The local resident's written representations were considered by the Sub-Committee.
3. Having considered and heard all of the evidence listed above, the Sub-Committee granted the licence. The licence was to include one of the additional conditions agreed between the police and the applicant and further conditions imposed by the Sub-Committee as set out below.

Conditions

The additional conditions are as follows:

i) Noise Precautions

All windows and doors to be closed from 20:00 hours save for persons entering and exiting via the front door

ii) Capacity

The occupancy of the venue shall be limited to 20 persons including staff

iii) Sale of Alcohol

Alcohol was to be sold between 19:00 hours and 23:00 hours only

iv) Waste Management

The licence holder should ensure that adequate measures were 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. The premises licence holder should ensure that adequate measures were in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.

v) Glass/Bottles

All beverages (including alcoholic and non-alcoholic drinks) shall only be dispensed in polycarbonate, plastic, non-glass containers or toughened or safety glass to the appropriate safety standard (in that they shall not produce sharp shards when broken). All glass bottles were to be retained behind the bar for safe disposal.

vi) Supervising front outside area

The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas did so in a quiet and orderly fashion.

Reasons

6. 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.

7. The Sub-Committee noted that the premises were not in the LBH Cumulative Impact Zone and so the applicants were not required to demonstrate that there will be no negative impact on one or more of the licensing objectives if the licence were to be granted.
8. The Sub-Committee agreed that condition i) above (closing the doors and windows at 20:00 hours) would help reduce any noise nuisance for local residents
9. The Sub-Committee decided to reduce the occupancy of the premises from 40 to 20 persons as the premises were small and the Sub-Committee was concerned about the possibility of overcrowding which could lead to public safety issues and an increase in the risk of conflict between customers.
10. The Sub-Committee decided to reduce the hours that alcohol was sold as a school was to be built in the area and it did not want school children to be exposed to the drinking of alcohol at the premises, particularly as this would be taking place outside at the front of the premises
11. The Sub-Committee imposed the waste management condition as it had concerns that the rubbish was currently not being collected, the applicant having stated that rubbish was deposited at a recycling centre twice a week
12. The condition regarding toughened glass was added to promote the prevention of crime and disorder and public safety licensing objectives
13. The condition regarding supervision of the front outside area was added to reduce the possibility of any potential public nuisance.

The Licensing Sub-Committee considered that it was appropriate and proportionate to add these conditions to the licence in order to promote the licensing objectives.

Chairman