

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
5 December 2018 (2.00 - 3.30 pm)**

Present:

COUNCILLORS

Conservative Group Philippa Crowder (Chairman), Bob Perry and
Christine Smith

Residents' Group

**Upminster & Cranham
Residents' Group**

**Independent Residents
Group**

Labour Group

**North Havering
Residents Group**

Present at the hearing were Mr Robert Sutherland (Applicant's representative) and Havering Licensing Officer Kasey Conway, Mr Paul Jones (Licensing Authority representative) and Pc Adam Williams (Metropolitan Police representative).

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

No apologies were received.

All decisions were taken with no votes against.

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

**1 APPLICATION TO VARY A PREMISES LICENCE - MED SHISH, 151
SOUTH STREET, ROMFORD, RM1 1PL**

PREMISES

Med Shish
151 South Street
Romford
RM1 1PL

APPLICANT

Mr Muttalib Batkitar

1. Details of Application

Current premises licence hours:

| Late night refreshment | | |
|-------------------------------|--------------|---------------|
| Day | Start | Finish |
| Monday | 23:00 | 02:00 |
| Tuesday | 23:00 | 02:00 |
| Wednesday | 23:00 | 02:00 |
| Thursday | 23:00 | 02:00 |
| Friday | 23:00 | 02:00 |
| Saturday | 23:00 | 02:00 |
| Sunday | 23:00 | 02:00 |

Variation applied for:

| Late night refreshment hours extension | | |
|---|--------------|---------------|
| Day | Start | Finish |
| | | |
| Friday | 23:00 | 04:00 |
| Saturday | 23:00 | 04:00 |
| | | |

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 26 October 2018 edition of the Romford Recorder.

2. Details of Representations

There were 0 representations against the application from interested persons.

There were 2 representations against the application from responsible authorities, namely The Licensing Authority 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 the Licensing Authority related to all four of the licensing objectives.

The premises were situated within the Romford Town Centre Cumulative Impact Zone.

In summary the application had declined to provide any rebuttal further to cumulative impact whilst the proposed conditions appeared ill equipped to successfully address the promotion of all four licensing objectives.

The Licensing Authority's representative advised that he had twice tried to contact the applicant's agent but had received no response. The authority's representative also advised that there were concerns with the quality of the application as there appeared to be a number of erroneous statements contained within the application.

The representative from the Metropolitan Police advised that the police wished to object under the Crime & Disorder and Public Nuisance objectives.

The venue was situated in the middle of a busy transport hub only a short distance from numerous licensed venues. The clientele that would be attending the venue in the early hours of the morning would be people that were heavily intoxicated and unpredictable. In the past the venue had been the cause of large scale disorder and anti-social behaviour. Due to the size of the venue it could become over crowded very quickly and with only one or two door supervisors it would not be policed in a safe manner and the fear was that this would lead to confrontation inside and outside the venue.

The police strongly believed that the any extension in premises' hours would have a direct result in an increase of Anti-Social Behaviour and violent crime at the location and in the nearby area.

The Police at this time did not have confidence that the venue will run efficiently in accordance with the requested licence conditions.

3. Applicant's response.

Prior to the hearing the applicant's representative had submitted a statement concerning Cumulative Impact.

A copy of which is appended to this decision notice.

In summary the statement dealt with CCTV, incident logs, crime prevention notices and Challenge 25.

The applicant's agent also confirmed that an additional SIA trained door supervisor would be on duty during the extended hours.

Notices would also be displayed reminding patrons to leave the premises quietly to minimise disturbances.

The agent also advised that his applicant was member of the Safe & Sound initiative that was in place in Romford town centre.

Members were advised that other similar premises were open to similar times and that extending the hours of the premises would enable swifter dispersal of patrons from the town centre.

4. Determination of Application

Consequent upon the hearing held on 29 November 2018, the Sub-Committee's decision regarding the application for a variation of a premises licence for Med Shish 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 Sub-Committee must promote the licensing objectives and must have regard to the Revised Guidance issued under s.182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

The Sub-Committee noted that the premises were in a Cumulative Impact Zone and that the presumption against the variation of the premises licence therefore applied.

The Sub-Committee noted that the premises already enjoyed licensed hours which exceeded the Council's standard times and that, by virtue of licensing policy 7, when dealing with variation applications more favourable consideration was generally given to applications within those times.

The Sub-Committee was reminded of and noted paragraph 9.12 of the revised statutory guidance which stated:

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing

objective, but may also be able to make relevant representations with regard to the other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority had evidence that to do so would not be appropriate for the promotion of the licensing objectives.

The Sub-Committee considered the representations made by the responsible authorities and shared their concerns about extending the hours at a premises located in a crime and anti-social behaviour hotspot.

The Sub-Committee considered the submissions made by Mr Sutherland on the applicant's behalf and the package of conditions offered by the applicant, including those submitted at short notice by the applicant's representative.

However, on balance the Sub-Committee accepted the evidence of the responsible authorities that if the extension was granted it would likely add to the cumulative impact and adversely affect the licensing objective of the prevention of crime and disorder.

The police were already very stretched in the area and the Sub-Committee did not accept the applicant's argument that allowing more licensed premises to remain open until 4.00 a.m. would lead to swifter dispersal of crowds and, consequently, fewer problems.

On the contrary, the Sub-Committee found that the extension sought was more likely to lead to greater numbers of drunken people congregating in the area and an increased likelihood of crime, violence and anti-social behaviour.

The Sub-Committee did not find that the applicant had sufficiently demonstrated why the operation of the premises involved would not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives, as required by licensing policy 2.

The Sub-Committee therefore decided to reject the application pursuant to section 35(4)(b) of the Licensing Act 2003.

Chairman