



LICENSING SUB-COMMITTEE

REPORT

Date: 1 February 2017

Subject heading:

Gidea Park Food & Wine
168 Main Road, Romford, RM2 5HS
Variation to a premises licence
Arthur Hunt, Licensing Officer
5th floor Mercury House
licensing@havering.gov.uk
01708 433585

Report author and contact details:

This application for a variation to a club premises licence is made by Mr Ayhan Tasasiz under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 16 December 2016.

Geographical description of the area and description of the building

The venue is located west of the junction with Balgores Lane on the south footway of Main Road. The premise is a ground floor unit in a terrace of five commercial units including a bank, fish and chip restaurant and barbers. It would appear that there are residential properties above the shop units.

A map of the area is attached.

Details of the application

Current premises licence hours:

Supply of Alcohol, Opening Hours		
Day	Start	Finish
Monday to Saturday	08:00	23:00
Sunday	10:00	22:30
Christmas Day	12:00	15:00
	19:00	22:30

Variation applied for:

Supply of Alcohol, Opening Hours		
Day	Start	Finish
Monday to Saturday	07:00	02:00
Sunday	08:00	01:00

Comments and observations on the application

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 Romford Recorder on the 23 December 2016.

The premises have been licensed with the London Borough of Havering since 2005. The applicant having been in place since October 2014. A copy of the current licence is attached.

Mr Tasasiz also holds the premises licence for the fish and chip restaurant, which is next door to the premise.

Summary

There were 2 representations against this application from interested persons.

There were 2 representations against this application from responsible authorities, i.e.
Planning Enforcement
Licensing Authority



Havering
LONDON BOROUGH

Part A

Premises licence number

002058

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Gidea Park Food and Wine
168 Main Road, Romford RM2 5HS**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Saturday – 08:00 to 23:00
Sunday – 10:00 to 22:30
Good Friday – 08:00 to 22:30
Christmas Day – 12:00 to 15:00 & 19:00 to 22:30**

The opening hours of the premises

As above

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Ayhan Tasisiz
88 Brentwood Road, Romford RM1 2EL
01708 765438 / 07974 740473**

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Ayhan Tasisiz

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Mandatory conditions

1. **No supply of alcohol may be made under the premises licence:**
 - (a) **at a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) **at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
2. **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
3. (1) **The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**
(2) **The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
(3) **The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—**
 - (a) **a holographic mark, or**
 - (b) **an ultraviolet feature.**
4. **A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Full details of this Mandatory Condition can be found at:-**
<http://www.legislation.gov.uk/ukdsi/2014/9780111109120>

Annex 2 – conditions consistent with the operating schedule

1. **The premises shall have CCTV and two-way mirrors.**
2. **Trained staff shall supervise customers/alcohol.**
3. **Notices shall be displayed.**
4. **Alcohol shall be positioned in full view and close to the checkout operator.**
5. **The premises' equipment shall be properly maintained.**
6. **As appropriate, alcoholic products shall be kept inside a locked fridge.**

7. Staff shall be fully trained.
8. Alcohol stored behind the counter shall be locked away.
9. Alcohol shall be positioned in full view and close to the checkout operator.

Annex 2 – conditions consistent with the operating schedule continued

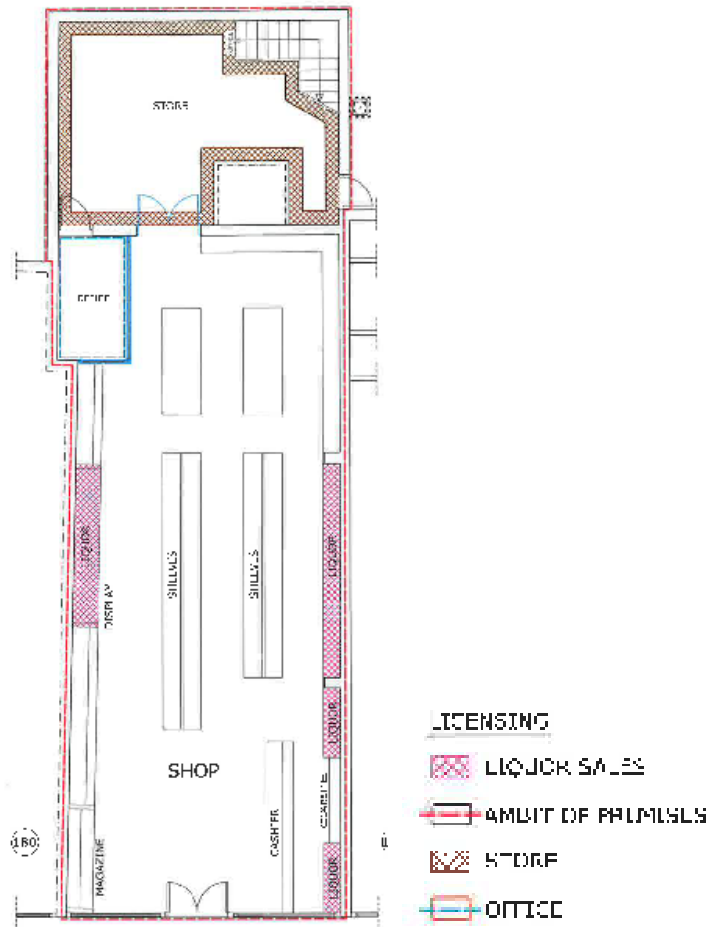
10. Staff shall continue to be trained to ensure alcohol is not sold to anyone under age.
11. Alcohol shall not be sold or supplied except during permitted hours.
12. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.
13. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 – conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – premises plans

Original premises plans are held by the Licensing Authority of the London Borough of Havering.





Havering

LONDON BOROUGH

Part B

Premises licence summary

Premises licence number

002058

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

**Gidea Park Food and Wine
168 Main Road, Romford RM2 5HS**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Saturday – 08:00 to 23:00
Sunday – 10:00 to 22:30
Good Friday – 08:00 to 22:30
Christmas Day – 12:00 to 15:00 & 19:00 to 22:30**

The opening hours of the premises

As above

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off supplies only

Name, (registered) address of holder of premises licence

**Mr Ayhan Tasisiz
88 Brentwood Road, Romford RM1 2EL**

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Ayhan Tasisiz

State whether access to the premises by children is restricted or prohibited

Not restricted



PUBLIC NOTICES

Legal and Public Notices

LONDON BOROUGH OF HAVERING

ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14(1)

THE HAVERING [MARSH WAY, RAINHAM] (No. 1) (TEMPORARY PROHIBITION OF TRAFFIC) ORDER 2016/2017

- The Council of the London Borough of Havering **HEREBY GIVES NOTICE** that it proposes to make an Order under section 14(1) of the Road Traffic Regulation Act 1984 the effect of which would be to temporarily prohibit vehicular traffic from entering or proceeding in the lengths of the road specified in column 1 of the table to the Schedule in this Notice to facilitate bridge joint replacement works thereon ("the Works")
- The prohibitions specified in Article 1 above are necessary because the Works proposed are to be executed on or near the said road and the likelihood of danger to the public.
- If the Order is made, the Order shall come into operation on 16th January 2017 and would be valid for a maximum period of 18 months or until the Works are completed, whichever is the sooner. The Works are scheduled to commence on the dates specified in column 2 of the table in the Schedule.
- The prohibitions specified would only be operational at such times as described in column 2 of the table to the Schedule in this Notice and as shall from time to time be indicated by the display of traffic signs on the street pursuant to Section 68 of the Road Traffic Regulation Act 1984.
- An exemption would be provided in the proposed Order to permit pedestrian access at any time to any premises situated on or adjacent to the said roads or to any other premises accessible for pedestrians from, and only from the said road.
- Section 16(1) RTRA states "A person who contravenes, or who uses or permits the use of a vehicle in contravention of, a restriction of prohibition imposed by an order under section 14 of this Act shall be guilty of an offence". The maximum penalty on summary conviction is £1000.
- Alternative routes are available for use and are identified in column 3 of the table to the schedule in this notice.
- Persons having a query concerning these Works or the proposed Order should email Tony.Isaac@havering.gov.uk.

DATED this 23rd December 2016

Published in Romford Recorder on Friday 23 December 2016

Daniel Fenwick, Director of Legal & Governance

London Borough of Havering, Town Hall, Main Road, Romford RM1 3BD

SCHEDULE

1 Length of Road	2 Duration of the Works BETWEEN:	3 Alternative Routes
Temporary road closure of Marsh Way, Rainham Closed for its entire length between the junctions of A1306/Marsh Way (on north side) and A13 New Road/ Marsh Way (on south side)	10:00 hours on 16th January 2017 to 16:00 hours on 27th January 2017 or upon completion of the Works whichever is the sooner	Diversion Route 1 (in both directions) A1306 Ripple Road A13 New Road up to Marsh Way junction Diversion Route 2 (in both directions) A1306 Dovers Corner Bridge Road Lamson Road Ferry Lane A13 New Road up to Marsh Way junction

LONDON BOROUGH OF HAVERING

ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14(1)

THE HAVERING [TENNYSON ROAD] (No. 1) (TEMPORARY PROHIBITION OF TRAFFIC) ORDER 2016/2017

- The Council of the London Borough of Havering **HEREBY GIVES NOTICE** that it proposes to make an Order under section 14(1) of the Road Traffic Regulation Act 1984 the effect of which would be to temporarily prohibit vehicular traffic from entering or proceeding in the lengths of the roads specified in column 1 of the table to the Schedule in this Notice to enable National Grid contractors to disconnect a gas supply thereon ("the Works")
- The prohibitions specified in Article 1 above are necessary because the Works proposed are to be executed on or near the said road and the likelihood of danger to the public.
- If the Order is made, the Order shall come into operation on 18th January 2017 and would be valid for a maximum period of 18 months or until the Works are completed, whichever is the sooner. The Works are scheduled to commence on the dates specified in column 2 of the table in the Schedule.
- The prohibitions specified would only be operational at such times as described in column 2 of the table to the Schedule in this Notice and as shall from time to time be indicated by the display of traffic signs on the street pursuant to Section 68 of the Road Traffic Regulation Act 1984.
- An exemption would be provided in the proposed Order to permit pedestrian access at any time to any premises situated on or adjacent to the said roads or to any other premises accessible for pedestrians from, and only from the said road.
- Section 16(1) RTRA states "A person who contravenes, or who uses or permits the use of a vehicle in contravention of, a restriction of prohibition imposed by an order under section 14 of this Act shall be guilty of an offence". The maximum penalty on summary conviction is £1000.
- Alternative routes are available for use and are identified in column 3 of the table to the schedule in this notice.
- Persons having a query concerning these Works or the proposed Order should email schemes@havering.gov.uk

DATED this 23rd December 2016

Published in Romford Recorder on Friday 23 December 2016

Daniel Fenwick, Director of Legal & Governance

London Borough of Havering, Town Hall, Main Road, Romford RM1 3BD

SCHEDULE

1 Road/Length of Road	2 Duration of Works	3 Alternative Routes
Temporary Closure of Tennyson Road Closed from its intersection with Coleridge Road to outside No. 56 Tennyson Road	Between: 08:00 hours on 18th January 2017 to 17:00 hours on 21st January 2017 or upon completion of the works, whichever is the sooner	Heaton Avenue Straight Road Harrow Crescent

Goods Vehicle Operator's Licence

Paul Casey trading as P.D.C. Scaffolding Ltd of 152 Chelmer Road, Chelmsford, Essex CM2 6AB is applying for a licence to use Red House Farm, Billet Road, Romford RM6 5SX as an operating centre for 3 goods vehicles and 0 trailers.
Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

Goods Vehicle Operator's Licence

Nicholas James Treadwell trading as N T Haulage Contractors of 27 Breamsfield, Langdon Hills, Basildon, Essex SS16 6LG is applying for a licence to use Brett Concrete, Launders Lane, Rainham, Essex RM13 9GJ as an operating centre for 1 goods vehicle and 0 trailers.
Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

INSOLVENCY ACT 1986

IN BANKRUPTCY ROMFORD COUNTY COURT

NO 3 of 2008 RE: KAREN GRACY FARRAU
Who at the date of the bankruptcy order 31/10/2008, resided at 76 Defoe Way, Romford RM5 2HR, D.O.B: 19 March 1972
NOTE: the above-named was discharged from the proceedings and may no longer have a connection with the address listed.
I intend to pay within four months from 13th January 2017 (being the last day for proving) the first and final dividend of 40 p/c.
Creditors who have not yet proved their debts must do so by 13th January 2017 (being last day of proving) otherwise they will be excluded from the dividend. The required proof of debt form is available on the Insolvency Service website (www.bis.gov.uk/insolvency), select "Forms" and then form 6.37). Alternatively, you can contact my office at LTADT, PO Box 490, Ipswich, Suffolk IP1 1YR telephone 01473 383535 to supply a form.
Mr D Gibson, Official Receiver and trustee



ADMISSION POLICY CONSULTATION

Period of consultation: Tuesday 13th December 2016 - Wednesday 25th January 2017
The Trustees of The LIFE Education Trust have proposed changes to the Admissions Policies for Frances Bardsley Academy and Benhurst Primary School for September 2018.
The proposed Admissions Policies can be found on the school's websites www.fbaok.co.uk and www.benhurst.havering.sch.uk. Hard copies can be obtained from either school by contacting office@benhurst.havering.sch.uk or info@fbaok.co.uk

LICENSING ACT 2003 NOTICE OF APPLICATION FOR A PREMISES LICENCE

PREMISES: GIDEA PARK FOOD AND WINE, 168 MAIN ROAD, ROMFORD RM2 5HS.
Notice is given that Mr AYHAN TASASIZ has applied to L.B. of HAVERING Licensing Authority to vary a premises licence under the Licensing Act 2003.
Variation of: Supply of alcohol hours: Monday to Saturday: 07:00 to 02:00 Sunday: 08:00 to 01:00
Anyone who wishes to make representations regarding this application must give notice in writing to: Licensing Department, L.B. of HAVERING Mercury House, Mercury Gardens, Romford RM1 3SL.
Representation must be made no later than 13TH January 2017.
The application record and register may be viewed during normal office hours at the above address.
It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000).

In the Estate of JAMES FREDERICK OWERS deceased Pursuant to the Trustee Act 1925

Notice is given that all creditors and others having claims against or claiming to be beneficially interested in the Estate of James Frederick Owers of 28 Preston Road Romford Essex RM5 7YU who died on 10th May 2016 are required to send particulars in writing to the undersigned Solicitors on or before two months and one day from the date of this publication after which date the Executor will proceed to distribute the assets of the deceased among the persons entitled to them having regard only to the claims which he then has had notice and shall not be liable for the assets of the deceased or any part of them so distributed to any person or persons of whose claims or demands he then has had notice.
CAPSTICK-DALE & PARTNERS
224 Main Road Gidea Park
Essex RM2 5HA
Solicitors for the Executor
T489667

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mr AYHAN TASASIZ
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
002058

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
GIDEA PARK FOOD AND WINE 168 MAIN ROAD			
Post town	ROMFORD	Postcode	RM2 5HS
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£11,250	

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

- VARIATION OF SUPPLY OF ALCOHOL HOURS AND OPENING HOURS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

C

Industry activities in 2015
Standard days and nights
Please use grid below, not
checkboxes.

Day	Start	End	Industry
Mon			
Tue			
Wed			
Thu			
Fri			
Sat			
Sun			

Please enter further details below, please use grid below, not checkboxes.

Standard days and nights
Please use grid below, not checkboxes.

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Standard days and nights
Please use grid below, not
checkboxes.

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Please enter further details below, please use grid below, not checkboxes.

Standard days and nights
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Standard days and nights
Please use grid below, not
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Standard days and nights
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Please use grid below, not
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Please enter further details below, please use grid below, not checkboxes.

Standard days and nights
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Standard days and nights
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Standard days and nights
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checkboxes.

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Please enter further details below, please use grid below, not checkboxes.

Standard days and nights
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Standard days and nights
Please use grid below, not checkboxes.

7

G		Number of members of the organization and number of members who are not members of the organization		Number of members of the organization and number of members who are not members of the organization	
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J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	07:00	02:00			
Tue	07:00	02:00			
Wed	07:00	02:00			
Thur	07:00	02:00			
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	08:00	01:00			
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
N/A

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- MANDATORY CONDITIONS
- STAFF TO BE TRAINED REGULARLY ON LICENSING PROVISIONS AND THIS TO BE DOCUMENTED.

b) The prevention of crime and disorder

- MANDATORY CONDITIONS
- ALL INSTANCES OF CRIME AND DISORDER SHALL BE REPORTED TO THE POLICE.
- AN INCIDENT BOOK SHALL BE USED TO RECORD ALL INSTANCES OF PUBLIC DISORDER.
- CCTV SHALL BE INSTALLED, OPERATED AND MAINTAINED IN AGREEMENT WITH THE POLICE. THE SYSTEM WILL ENABLE FRONTAL IDENTIFICATION OF EVERY PERSON ENTERING THE PREMISES. THE SYSTEM SHALL RECORD IN REAL TIME AND OPERATE WHILST THE PREMISES ARE OPEN FOR LICENSABLE ACTIVITIES. THE RECORDINGS SHALL BE KEPT AVAILABLE FOR A MINIMUM OF 31 DAYS. RECORDINGS SHALL BE MADE AVAILABLE TO AN AUTHORISED OFFICER OR A POLICE OFFICER (SUBJECT TO THE DATA PROTECTION ACT 1998) WITHIN 24HRS OF ANY REQUEST.

c) Public safety

- MANDATORY CONDITIONS
- TO COMPLY WITH THE FIRE REGULATIONS AND THE PROVISIONS OF THE MANAGEMENT REGULATIONS.
- MAINTAIN AND CHECK SYSTEMS IN PLACE, SMOKE DETECTORS, FIRE EXTINGUISHERS, EMERGENCY SAFETY LIGHTING AND FIRE ALARMS.

d) The prevention of public nuisance

- MANDATORY CONDITIONS
- DISCOURAGE NOISE FROM PATRONS ARRIVING AT, QUEUING OR DEPARTING FROM THE PREMISES BY DISPLAYING POLITE NOTICES FOR CUSTOMERS' ATTENTION.

e) The protection of children from harm

- MANDATORY CONDITIONS

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Mr A. AY 
Date	13/12/2016
Capacity	AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

MR A. AY
ANVA
PO BOX 1827

Post town ILFORD

Post code IG2 7WJ

Telephone number (if any) 07710942923

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
INFO@A-ANVA.CO.UK

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

Arthur Hunt

From: Councillor Frederick Thompson
Sent: 05 January 2017 12:41
To: Licensing
Cc: Councillor Wendy Brice Thompson; Councillor Joshua Chapman
Subject: 168 Main Road Application for Extended Licensing Hours

Dear Officers,

I write to object to the excessively long licensing hours applied for on the following grounds.

With regard to crime and disorder those individuals who are making their way home on foot from late Romford openings and the local pubs which close around 24.00 hours at the latest may be tempted into buying spirits or other high strength drinks and thus increase their propensity to commit vandalism.

Similarly, with respect to the prevention of public nuisance those persons buying drink in the early hours are likely to become more boisterous and noisy as well as leaving a trail of drink and snack related litter, and maybe urinating in local dwellings' front gardens which is known to happen here.

Regards,

Cllr. Frederick Thompson,

Tel: 01708 747993

This document is strictly confidential and is intended only for use by the addressee. If you are not the intended recipient, any disclosure, copying, distribution or other action taken in reliance of the information contained in this e-mail is strictly prohibited. Any views expressed by the sender of this message are not necessarily those of the London Borough of Havering. If you have received this transmission in error, please use the reply function to tell us and then permanently delete what you have received. This email was scanned for viruses by the London Borough of Havering anti-virus services and on leaving the Authority was found to be virus free. Please note: Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications. -

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Licensing Dept.
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

19 Meadway
Romford
RM2 5NU

4.1.17

Dear Sirs

168 Main Rd., Gidea Park Romford
Application for a premises licence

With regard to the above application to supply alcohol during hours of 07.00 to 02.00 Monday to Saturday and 08.00 to 01.00 Sunday, I object for reasons set out below.

This property is situated within a quiet residential area surrounded by family accommodation, not only houses in Main Rd and adjoining roads, but also flats/maisonettes above shops within the village centre. Clearly sale of alcohol late at night will inevitably create noise and litter impacting upon local residents particularly when purchasers may well consume such alcohol on their way home and dispose of bottles in the road and or front gardens.

There surely is no need to open at such late hours when alcohol is available from a very large number of outlets over a wide geographical area, legitimate purchases can be made for consumption later at home. There is no necessity for purchases at such late hours perhaps apart from younger people who may wish to consume alcohol in the street with potential for disturbances.

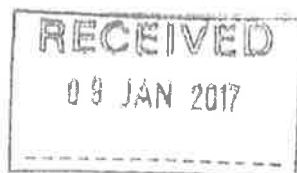
I own no 3 Heath Drive a very short distance from the subject premises and would not wish the occupiers to be adversely affected as set out above by late night alcohol sales.

I strongly urge you to reject this application

Yours faithfully



Colin Cork



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Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning a premises licence application for the premises as detailed below.

Applicant: Mr Ayhan Tasasiz
Premises: Gidea Park Food & Wine 168 Main Road Romford RM2 5HS
Name: Paul Jones
Organisation: London Borough of Havering Licensing Authority
Address: Town Hall Main Road Romford RM1 3BD
Email: paul.jones@havering.gov.uk
Telephone no.: 01708 432692

Objection summary:

Policy considerations

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and Pubwatch.

Licensing Policy 5

The Licensing Authority is concerned regarding the adverse impact on the licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises. The Licensing Authority will consider restricting the number of premises and the licensing hours to 23:00 in locations where longer hours undermine the licensing objectives.

Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

Public Houses and Bars	23:00 Sunday to Thursday 00:00 Friday and Saturday
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Nightclubs	01:00 Sunday to Thursday 02:00 Friday and Saturday
Restaurants and Cafes	23:00 Sunday to Thursday 00:00 Friday and Saturday
Off licences	23:00 Monday to Sunday
Hot food and drink supplied by takeaways, fast food premises	00:00 Sunday to Thursday 01:00 Friday and Saturday
Hotel residents only	24 hours sale of alcohol for on sales only

Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23:30 in residential areas and 00:30 in mixed use areas.

These hours are not pre-determined and each application will be considered on its merits.

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

Representation

The premises licence holder and therefore the applicant for this variation application is Mr Ayhan Tasasiz. Mr Tasasiz has been the premises licence holder at the venue since October 2014. The premises have not come to the attention of the licensing authority in any negative capacity during Mr Tasasiz's tenure which we fully acknowledge. The alcohol supply hours permitted by the current premises licence are those which would have been 'carried over' from the Licensing Act 1964 when the current Act came into force in 2005. The premises are located at the junction of Main Road and Balgores Lane. It is the only off-licensed premises at this general vicinity.

Our main concern with the application lies with the alcohol supply hours sought and the conditions proposed to mitigate the late hours. We believe these hours to be excessive for a premises at this location while the proposed section M conditions are less than reassuring. The current licence conditions are those originally proposed when the licence was granted in 2005 and as such might now appear less than effective given the knowledge and experience we have gained in the intervening 11 years.

Section M of the variation application is designed for an applicant to "*Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.*" In this case the applicant appears to indicate that the *mandatory conditions* are some of these required voluntary additional steps. Mandatory conditions are included on all relevant premises licences at the law's instigation rather than as a proposal by an applicant.

Section M(e) of the application relates to the additional steps the applicant is prepared to take to promote specifically the protection of children from harm. It appears that the only additional steps identified by the applicant in this regard are the mandatory conditions. With regard to the prevention of public nuisance, aside from the offer of the mandatory conditions, the applicant indicates that the installation of polite notices at the premises requesting that customers remain quiet throughout their visit is sufficient to address any

public nuisance issues which may arise during these late night periods. If we anticipate that late night customers may be on their way home from an evening spent consuming alcohol in Romford town centre or at one of the three nearby public houses, we might reasonably query the applicant's sole reliance upon such notices aimed at customers who may already be under the influence of alcohol. We should also acknowledge that there are residential properties directly above the parade of shops in which this premises is located. Customer attendance until 02:00 six days a week would therefore have the potential to impact upon the prevention of public nuisance in this area.

The application seeks to permit alcohol sales to be made for 19 out of every 24 hours Monday to Saturday until 02:00 each night and until 01:00 on Sundays. The nearby public houses are required to be closed to the public by 00:30. After this time there is likely to be very little activity at this vicinity currently. Permitting these premises to remain open until 02:00 would have the likely effect of attracting late night customers to this area who are searching for alcohol. Attendant nuisance and anti-social behaviour issues have the potential to follow. Such a situation involving late night customers would be entirely new and untested at this location based upon the premises' current terminal hour of 23:00.

Licensing Policy 1

This policy provides a framework upon which an assessment of the application may be made. To this end we have considered, and have concerns with, the following elements of the application:

- the type of premises and their cumulative impact on the area and the mix of premises in the area – this premises is the only off licence at this general location, hence the hours of operation are significant
- the location of the premises and the character of the area – the vicinity in which this premises is located is one of mixed use, i.e. commercial and residential. The late hours sought would have the potential to greatly impact upon the current status quo
- the proposed hours of operation – these are above and beyond any nearby commercial outlet thus having the potential to make this premises a 'destination venue' for late night shoppers. While seeking to increase a customer base is a legitimate business aim it should not be at the expense of the area's amenity
- the type and number of customers likely to attend the premises – obviously, late night alcohol sales attract late night alcohol purchasers. The premises are on Main Road which, as the name implies, is the main road into and out of Romford town centre. People use this road as a transitory route thus increasing the potential for late night footfall as well as customers arriving and departing in vehicles during these late hours.

Licensing Policy 5

In line with this policy we suggest that the alcohol supply hours sought by this application would undermine the licensing objectives for the reasons previously stated and those to follow.

Licensing Policy 7

The off licence guideline terminal hour contained within this policy is 23:00. The premises licence already benefits from this terminal hour. Justification to support the application's desired 02:00 alcohol terminal hour appears absent.

Paragraph 10.15 of the Guidance to the Act indicates that '*shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours*'. We suggest that there are good reasons to restrict the alcohol supply hours at these premises as provided

in this representation.

Licensing Policy 14

Clearly this application seeks late hours which consequently might engage the provisions of this policy. We might therefore be required to consider 'appropriate restrictions or controls' further to the prevention of public nuisance. It may be considered appropriate to control the potential for noise nuisance by the imposition of suitable conditions or it may be deemed that the appropriate control measure would be to refuse an application for a 02:00 terminal hour.

Conclusion

The Licensing Authority is unable to support an application for a 02:00 alcohol terminal hour at these premises given the potential for an adverse impact upon the promotion of the licensing objectives.

Signed *Paul Jones*

Dated 12th January 2017



Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning a licence application for the premises as detailed below.

Premises Name and address:	"Gidea Park Food and Wine", 168 Main Road, Romford, RM2 5HS
Your Name:	Samuel Cadman
Organisation name / name of body you represent:	Havering Council's planning department
Your Address:	5 th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL
Email:	sam.cadman@havering.gov.uk
Contact telephone number:	01708 434798
Summary of representation:	To OBJECT to the proposed variations to the premises licence on the specific licencing objective "The prevention of public nuisance".

Policy Considerations:

The representation takes into account the following licencing policies as set out in the document titled "Statement of Licencing Policy" with effect from 7th January 2016:

Licencing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licencing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.

Licencing Policy 6

The Licencing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis.

Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

Public Houses and Bars 23:00 hours-Sunday to Thursday
Midnight –Friday and Saturday

Nightclubs 01:00 hours Sunday to Thursday
02:00 hours Friday and Saturday

Restaurants and Cafes 23:00 hours Sunday to Thursday
Midnight- Friday and Saturday

Off licences 23:00 Monday to Sundays

Hot food and drink supplied by takeaways, fast food premises:

Midnight- Sunday to Thursdays

01:00 Friday and Saturday

Hotel residents only 24 hours sale of alcohol for on sales only.

Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.

These hours are not pre-determined and each application will be considered on its merits.

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

Representation:

An assessment by the planning services has recently been undertaken with regards to a change in the use of the property, from a shop to a restaurant (under reference P0122.15). The assessment of the character of the area carried out by Council officers and the Planning Inspector is still relevant in terms of assessing the impact of the changes proposed in the licence application in terms of preventing public nuisance; which will be detailed later in this report. However, it must be noted that the premises subject to the licence application has been a shop since 1959, and as such has 'grandfather rights' in planning terms, effectively having no restrictions on the hours of operation of the premises. Therefore any hours proposed in the licence will accord with licencing policy 6.

When reviewing the licence application, I note that section M of the application makes reference to how the applicant will meet the specific licencing objectives. There are two parts of this section of the application where sufficient details are to be supplied which explain how the applicant will prevent a public nuisance. In the section marked "d) the prevention of public nuisance", there are no references to any of the residential flats on the first floor, and how the proposed changes in the licence will affect the occupiers of the flats above. This lack of consideration for the residential properties which are directly above the premises is concerning; especially as the variations proposes the use occurring until 2am almost every night, then recommencing again at 7am. This therefore does not demonstrate that there is comprehensive knowledge of the best practice as outlined in Licencing policy 8.

I note that this property is part of a parade of shops; with shop and takeaway uses on the ground floor, and residential accommodation in the form of flats above. The licence application seeks to have the premises being in use from the early morning (7am) until the late night time / early morning (2am). This change would increase the number of persons coming and going to and from the property at times which are considerably different to what the local residents have been afforded previously. Furthermore, the changes proposed in the licence application introduces activity at times where the local residents should be afforded a lower level of ambient noise and activity which is in accordance with the character assessment set out in the recent planning assessments. Therefore, without conducting a full and comprehensive assessment of the proposed changes in the operating hours of this property, I cannot say for certain if the change in the hours of operation is acceptable or if further restrictions to the licence are needed. Without further information, I am unable to determine if the correct measures are in place to completely satisfy the concerns the planning department.

Given the arguments as set out above, the licence application has not addressed concerns outlined by the planning department in relation to the prevention of public nuisance. As this is the case, I ask that the licencing committee use their powers under licencing policy 1 and 14 to refuse the licence application, or grant reduced hours to that stated in licencing policy 7; which is until 23:00hrs Monday to Sunday. If the committee is not minded to do this, then the planning services would completely object to the licence application.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken.

I have attached the planning decision notices in the "other documents" section, but for clarity, the planning history is as such:

Application Number:	P0122.15
Description of proposal:	Change of use of retail shop to restaurant (A3 use) and joint use with 168c Main Road
Outcome:	Refused.

Appeal Reference:	APP/B5480/W/15/3028043
Reason for appeal:	The appeal is made by Burlington Fish Restaurant against the decision of the Council of the London Borough of Havering to refuse planning permission under application P0122.15.
Outcome:	Appeal dismissed.

Other documents attached:

The decision notices for:

- Planning application P0122.15
- Appeal with reference: APP/B5480/W/15/3028043

Signed: 	Dated: 11/1/17
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**LONDON BOROUGH OF HAVERING
TOWN AND COUNTRY PLANNING ACT 1990**

AGENT
Mr Ali Ay
Anva
PO BOX 1827
ILFORD
Essex
IG2 7WJ

APPLICANT
Burlington Fish Restaurant
168-168c Main Road
Romford
Essex
RM2 5HS

APPLICATION NO: P0122.15

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **REFUSE PLANNING PERMISSION** for the following development :

Proposal: CHANGE OF USE OF RETAIL SHOP TO RESTAURANT (A3 USE) AND JOINT USE WITH 168C MAIN ROAD.

Location: 168-168C Main Road
Romford

for the following reason(s):

- 1 The proposal is contrary to Policy DC16 (Core and Fringe Frontages in District and Local Centres) of the Core Strategy and Development Control Policies Development Plan Document as it would result in the grouping of 3 adjacent non-retail units and would increase the percentage of non-retail units in the parade and the Core Area of which it is a part, to an unacceptable level. This would be to the detriment of the vitality and viability of both the parade of shops and the Gidea Park Major Local Centre.

INFORMATIVE(S)

- 1 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

Dated: 1st April 2015

A handwritten signature in black ink, appearing to read 'P. A. Keyes'. The signature is written in a cursive style with a large initial 'P'.

Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if there is a current or subsequent enforcement notice served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.



Appeal Decision

Site visit made on 17 September 2015

by Diane Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/B5480/W/15/3028043

168-168c Main Road, Romford, Havering RM2 5HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Burlington Fish Restaurant against the decision of the Council of the London Borough of Havering.
 - The application, Ref P0122.15, dated 2 February 2015, was refused by notice dated 1 April 2015.
 - The development proposed is change of use of retail shop to restaurant (A3 use) and joint use with 168c Main Road.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form gives the name of the applicant as Burlington Fish Restaurant. However the appeal form states the appellant is Mr Ayhan Tasasis. It has now been confirmed that the appellant is indeed Burlington Fish Restaurant and I shall proceed on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the vitality and viability of the Gidea Park Major Local Centre.

Reasons

4. The appeal site, currently occupied as a convenience store, is located towards the middle of a small parade of shops which is part of the retail core of the Gidea Park Major Local Centre. Surrounding the centre there are a number of houses and a school. The parade is purpose built with flats at first floor level and is situated on the south side of Main Road. There are three other groups of shops that form part of the retail core including another purpose built parade on the north side of Main Road at Nos 77-89 (odd) which has flats above. Facing this is a group of older buildings at Nos 184-210 Main Road which are situated on the corner of Main Road with Balgores Lane. The older buildings continue around the corner into the lane and Nos 1-9 form the remaining group. Main Road is a busy thoroughfare with a number of bus routes and the junction with Balgores Lane is traffic light controlled. On street parking is restricted in the area during the working day but along the lane there are some short term pay and display parking spaces.

5. The retailers within the retail core are distributed around the four groups of buildings. They include amongst others a hairdressers, bakery and pharmacy in Balgores Lane, a convenience store on the north side of Main Road and a dry cleaners, butchers and florist on the south side of Main Road. There are also two banks which are included in the retail core. Overall I consider the local centre currently meets daily shopping needs due to the number and distribution of the units in retail use. There are no vacant units within the retail core and as such the centre appears to be thriving.
6. Other than the appeal parade all the other groups of shops within the centre lie within the Gidea Park Conservation Area (CA). This is centred on the roads that formed part of the Romford Garden Suburb Exhibition and the 1934 Modern Homes Exhibition. As the appeal site lies outside the CA and no external works are proposed I consider the proposed change of use would have a minimal effect on the character and appearance of this largely residential area.
7. Policy DC16 of the Council's Core Strategy (CS)¹, which was adopted in 2008, seeks to achieve an acceptable balance between retail and non-retail uses by maintaining a certain number of retail units within the core area. This is referred to as a 'critical mass' by the Council which is needed in order to ensure the vitality and viability of the centre.
8. The appellant submits that Policy DC16 is out of date. Whilst the Council's CS was adopted some years ago the Government has made it clear that the weight placed by decision makers on policies adopted before the publication of the National Planning Policy Framework (the Framework) will depend on the extent to which they are consistent with the Framework. In this case I consider the identification and protection of local shopping centres accords with the Framework's requirement for sustainable development by minimising trips to larger centres.
9. Policy DC16 is therefore relevant and sets out that planning permission for service uses will only be granted in local centres throughout the retail core provided three criteria are met. In the first instance the use needs to be appropriate to a shopping area. I find the appellant's proposal for a local restaurant, in principle would meet this first point as I saw other local restaurants in the area at my site visit and the Council have raised no specific concerns in this regard.
10. Secondly the proposal should not result in a group of three or more adjoining service uses in the retail core. There are five units in the appeal parade. The appeal site is flanked by a restaurant and take-away on one side and a bank on the other. Consequently the proposed development would result in a group of three services uses. The appellant submits that no harm would be caused as the appeal site is on the fringe of the centre and that there are already three services uses in a row on Main Road. However the Council have identified the parade as being part of the retail core and I note it includes a significant amount of retail floor space. More importantly the large area of the appeal site provides the opportunity for the operation of a larger convenience store on the south side of the busy Main Road which complements the smaller one on the north side of the road. Retail uses are spread throughout the retail core and if the appellant's argument were accepted here then it could also apply to other

¹ Core Strategy and Development Control Policies Development Plan Document adopted 2008

units within the four groups of buildings that comprise the centre, to the detriment of its overall vitality and viability.

11. Finally any new service use should not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length. Non-retail uses in this appeal parade already exceed 33% according to the Council's calculations but it is my view that any further development of non-retail uses would undermine the vitality and viability of the centre. This would have an adverse effect on its well being to the detriment of the centre as a whole. I consider the appellant's proposal would be particularly harmful. This is because the position of the proposed use, near the middle of the parade, would disrupt its function and would have an adverse effect on the character of the parade and its contribution to the retail core of the centre.
12. The appellant submits that the vitality and viability of the area would be improved by the extension of an existing business. However whilst this would be an indication of a successful business I consider that it does not follow that this in turn would contribute to the health of the local centre as a whole given its prime purpose is to meet daily shopping and service needs.
13. For these reasons I therefore conclude that the proposed development would have an adverse effect on the vitality and viability of the Gidea Park Major Local Centre. This would be contrary to the aims of Policy DC16 of the CS and the advice in the Framework.

Other Matters

14. Third parties raise a number of other matters including the potential of the development to increase on-street parking in surrounding residential roads as well as recent planning history. However the Highway Authority has raised no objection and I have been presented with no substantive evidence that would lead me to disagree with that conclusion. The restaurant proposal which was dismissed at appeal in 2008 related to No 216 Main Road which lies outside the core retail area. Therefore it is not a direct parallel to the proposal before me now; in any case I have determined the appeal on its own merits.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D Fleming

INSPECTOR