



Havering
L O N D O N B O R O U G H

Licensing Officer's Report

LICENSING SUB-COMMITTEE

30 August 2018

REPORT

Subject heading:

Tropoja
99 Victoria Road Romford RM1 2LX
Premises licence application
Rehearing further to court approved
consent order
Paul Jones, Licensing Officer
licensing@havering.gov.uk
01708 432777

Report author and contact details:

This application for a premises licence is made by Mr Adil Haziri and Mr Fatjon Qela under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 11th December 2017. The application was originally refused by Havering's licensing sub-committee in February 2018. The decision was appealed by the applicants to the magistrates' court. The court determined that the application is to be reconsidered by a licensing sub-committee composed of members who did not make the original decision to refuse the application.

Geographical description of the area and description of the building

99 Victoria Road comprises one side of a semi-detached commercial outlet in a short parade of three semi-detached commercial properties at this location. The premises are located on a plot of land which also includes a car valeting service to the rear of the plot. It appears that residential properties occupy the first floor of each of the six commercial outlets in this parade. The surrounding properties are all residential.

Details of the application

Supply of alcohol (on & off premises)		
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

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 22nd December 2017 edition of the Havering Yellow Advertiser.

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.

Representations

There was one representation made against this application from a local resident and one representation made against this application from a responsible authority, namely Havering's Planning Authority.



Havering
L O N D O N B O R O U G H

Copy of Application

19789



Havering
Application for a premises licence
Licensing Act 2003

For help contact
licensing@havering.gov.uk
 Telephone: 01708 432777

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

GT/TROPOJA/1/17

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

ADIL

* Family name

HAZIRI

* E-mail

Main telephone number

include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☐ Yes ☒ No

Is the applicant's business registered outside the UK?

☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Business name

TROPOJA

If the applicant's business is registered, use its registered name.

VAT number

-

NONE

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number :include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

ADIL

Family name

HAZIRI

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

documents that demonstrate entitlement to work in the UK

Second Applicant Name

Is the name the same as (or similar to) the details given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

FATJON

Family name

QELA

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Second Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

Nationality

Documents that demonstrate entitlement to work in the UK

Remove this applicant

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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.

TROPOJA IS LOCATED ON THE GROUND FLOOR OF A TWO STOREY BUILDING (WHICH IS A COMMERCIAL PREMISES) WITH A RESIDENTIAL FLAT ABOVE. THE SITE IS SHARED BY A CAR WASH BUSINESS WITH ASSOCIATED PARKING ETC. THE WHOLE SITE IS LEASED TO THE APPLICANTS.

TROPOJA CONSISTS OF A SINGLE ROOM WITH SEATING FOR ABOUT 25 COVERS TO THE FRONT. THE SERVERY IS TO THE FRONT RIGHT HAND SIDE AND A STORAGE ROOM AND TOILET ARE TO THE REAR. THERE WILL BE TWO TABLES WITH SEATING FOR UP TO EIGHT COVERS ON THE FRONT FORECOURT.

DURING THE DAY TROPOJA WILL OPERATE AS A CAFE UNTIL 16.00 HOURS CATERING FOR CUSTOMERS WAITING WHILE THEIR CARS ARE VALETED AT THE ADJOINING CAR WASH AND ALSO FOR PASSING TRADE. THE DAY TIME OFFER WILL INCLUDE HOT & COLD (SOFT) DRINKS, CAKES, TOASTED SANDWICHES AND FOOD FROM THE MENU.

AFTER 16.00 TROPOJA WILL BE A CAFE & BAR ACTING AS A MEETING POINT FOR THE LOCAL ALBANIAN COMMUNITY WHO LIKE TO MEET & SOCIALISE TOGETHER TO TALK, ENJOY A DRINK, WATCH TV, PLAY A GAME OF CARDS ETC. THE FOOD OFFER (AS PER THE MENU) WILL BE AVAILABLE TOGETHER WITH ALCOHOLIC DRINKS AND HOT & COLD DRINKS. CUSTOMERS WILL BE PERMITTED TO HAVE AN ALCOHOLIC DRINK EITHER WITHIN THE CAFE OR AT THE OUTSIDE TABLES & CHAIRS WITHOUT HAVING TO CONSUME FOOD. CUSTOMERS WILL HAVE TO BE SEATED WHILE DRINKING ALCOHOL AND ALL SERVICE OF ALCOHOL WILL BE MADE BY STAFF ONLY.

OTHER SECTIONS OF THE COMMUNITY HAVE VENUES WHERE THEY CAN GO TO MEET & SOCIALISE SO THE OWNERS WANT TO PROVIDE SOMEWHERE FOR THE SUBSTANTIAL LOCAL ALBANIAN COMMUNITY TO MEET AND SOCIALISE. THIS IS IMPORTANT IN THE INCLUSIVE MULTI CULTURAL SOCIETY THAT THE UK HAS BECOME.

THE APPLICANTS WILL SCREEN OFF THE FORECOURT WITH SUITABLE TRELLISING.

ROMFORD TOWN CENTRE CIZ.

TROPOJA IS LOCATED OUTSIDE ROMFORD RING ROAD AND IS THEREFORE NOT WITHIN THE TOWN CENTRE CIZ AND THE APPLICATION IS NOT SUBJECT TO THE REBUTTABLE PRESUMPTION TO REFUSE AN APPLICATION FOR A NEW PREMISES LICENCE.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 16:00

End

Start

End 23:00

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.

TUESDAY

Start 16:00

End

Start

End 23:00

WEDNESDAY

Start 16:00

End

Start

End 23:00

THURSDAY

Start 16:00

End

Start

End 23:00

FRIDAY

Start 16:00

End

Start

End 23:00

SATURDAY

Start 16:00

End

Start

End 23:00

SUNDAY

Start 16:00

End

Start

End 23:00

Will the sale of alcohol be for consumption:

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

WE WILL OPERATE TROPOJA IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.

DURING THE DAY TROPOJA WILL OPERATE AS A CAFE UNTIL 16.00 HOURS CATERING FOR CUSTOMERS WAITING WHILE THEIR CARS ARE VALETED AT THE ADJOINING CAR WASH AND ALSO FOR PASSING TRADE. THE DAY TIME OFFER WILL INCLUDE HOT & COLD (SOFT) DRINKS, CAKES, TOASTED SANDWICHES AND FOOD FROM THE MENU.

AFTER 16.00 TROPOJA WILL BE A CAFE & BAR ACTING AS A MEETING POINT FOR THE LOCAL ALBANIAN COMMUNITY WHO LIKE TO MEET & SOCIALISE TOGETHER TO TALK, ENJOY A DRINK, WATCH TV, PLAY A GAME OF CARDS ETC. THE FOOD OFFER (AS PER THE MENU) WILL BE AVAILABLE TOGETHER WITH ALCOHOLIC DRINKS AND HOT & COLD DRINKS. CUSTOMERS WILL BE PERMITTED TO HAVE AN ALCOHOLIC DRINK EITHER WITHIN THE CAFE OR AT THE OUTSIDE TABLES & CHAIRS WITHOUT HAVING TO CONSUME FOOD. CUSTOMERS WILL HAVE TO BE SEATED WHILE DRINKING ALCOHOL AND ALL SERVICE OF ALCOHOL WILL BE MADE BY STAFF ONLY. (THERE WILL BE ABOUT 25 COVERS)

b) The prevention of crime and disorder

1) CCTV COVERING THE INTERIOR & EXTERIOR OF THE PREMISES WILL BE INSTALLED AND SHALL BE KEPT OPERATIONAL AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC. IT SHALL BE CAPABLE OF TAKING A HEAD & SHOULDERS SHOT OF PERSONS ENTERING THE PREMISES, BE CAPABLE OF STORING IMAGES FOR A MINIMUM OF 31 DAYS AND A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC. THE PREMISES LICENCE HOLDER OR TRAINED MEMBER OF STAFF SHALL CHECK THE CCTV IS OPERATIONAL ON A DAILY BASIS AND ON A MINIMUM WEEKLY BASIS CHECK THAT THE CCTV SYSTEM IS CORRECTLY RECORDING IMAGES FOR THE MINIMUM 31 DAY PERIOD, THAT IMAGES CAN BE DOWNLOADED CORRECTLY AND THAT THE DATE & TIME STAMP ARE CORRECTLY SET.

2) ALL CUSTOMERS CONSUMING ALCOHOL ON THE PREMISES SHALL BE SEATED AT A TABLE INSIDE THE PREMISES OR OUTSIDE TABLES & CHAIRS WITH ALL SERVICE OF ALCOHOL BY STAFF ONLY.

3) NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/EXIT DOOR AND SERVERY (AS APPROPRIATE) ADVISING CUSTOMERS:

A) THAT CCTV & CHALLENGE 25 ARE IN OPERATION;

B) ADVISING CUSTOMERS OF THE PROVISIONS OF THE LICENSING ACT REGARDING UNDERAGE & PROXY SALES;

C) OF THE PERMITTED HOURS FOR THE SALE OF ALCOHOL AND THE OPENING TIMES OF THE PREMISES;

D) TO RESPECT RESIDENTS & LEAVE QUIETLY AND NOT TO LOITER OUTSIDE;

E) TO DISPOSE OF LITTER LEGALLY;

F) NOT TO REMOVE DRINKS, GLASSES OR BOTTLES FROM THE PREMISES OR OUTSIDE TABLES & CHAIRS AT ANY TIME;

G) NOT TO DRINK ALCOHOL IN THE STREET AT ANY TIME.

Continued from previous page...

4) AN INCIDENT BOOK SHALL BE KEPT AT THE PREMISES AND MADE AVAILABLE TO POLICE OR AUTHORISED OFFICERS WHICH SHALL RECORD THE FOLLOWING:

- A) ALL CRIMES REPORTED AT THE PREMISES;
- B) ALL EJECTIONS OF CUSTOMERS;
- C) ANY COMPLAINTS RECEIVED;
- D) ANY INCIDENTS OF VIOLENCE OR DISORDER;
- E) ANY FAULTS IN OR WORK UNDERTAKEN ON THE CCTV SYSTEM;
- F) ANY REFUSAL IN THE SALE OF ALCOHOL PRODUCTS TO INCLUDE DATE, TIME, PRODUCT INVOLVED, BRIEF DESCRIPTION OF CUSTOMER AND INITIALS OF STAFF MEMBER REFUSING THE SALE. THE DPS TO CHECK AND SIGN THE RECORD AT LEAST WEEKLY;
- G) ANY VISIT BY A RELEVANT AUTHORITY OR EMERGENCY SERVICE;
- H) CAD NUMBERS WHERE POLICE ARE CALLED.

5) ALL STAFF WILL BE TRAINED FOR THEIR ROLE AND IN THE LICENSING ACT 2003 ON INDUCTION AND BE GIVEN REFRESHER TRAINING AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER THE AGE OF 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE & CHECKING IT, MAKING & RECORDING A REFUSAL, PROXY SALES, PREVENTING SALES TO DRUNKEN PERSONS, AVOIDING CONFLICT, RESPONSIBLE ALCOHOL RETAILING AND SAFEGUARDING CHILDREN.

6) WRITTEN TRAINING RECORDS WILL BE KEPT FOR ALL STAFF MEMBERS AND MADE AVAILABLE TO POLICE OR AUTHORISED OFFICERS ON REQUEST.

7) A MINIMUM OF TWO (2) MEMBERS OF STAFF SHALL BE ON DUTY IN THE PREMISES AFTER 19.00.

8) NO OPEN BOTTLES OR CANS OR GLASSES OF ALCOHOL SHALL BE REMOVED FROM THE PREMISES OR OUTSIDE TABLES & CHAIRS AT ANY TIME.

9) NO ALCOHOL SOLD FOR CONSUMPTION OFF THE PREMISES SHALL BE SUPPLIED IN OPEN CONTAINERS.

10) NO BEERS, LAGERS OR CIDERS ABOVE 6% ABV SHALL BE SOLD FOR CONSUMPTION OFF THE PREMISES.

11) ALL ALCOHOL MUST BE DISPLAYED BEHIND THE SERVERY AND COVERED BY CCTV ALL THE TIME. ALL ALCOHOL NOT ON DISPLAY MUST BE STORED IN A LOCKABLE STORE ROOM.

12) CHALLENGE 25 WILL BE OPERATED AS THE PROOF OF AGE POLICY. (SEE BOX E PROTECTION OF CHILDREN FROM HARM CONDITION NUMBER 4 FOR FULL INFORMATION.)

c) Public safety

A FIRE RISK ASSESSMENT & EMERGENCY PLAN WILL BE PREPARED AND REGULARLY REVIEWED. ALL STAFF WILL BE GIVEN APPROPRIATE FIRE SAFETY TRAINING.

d) The prevention of public nuisance

1) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/EXIT DOOR & SERVERY (AS APPROPRIATE). (SEE BOX B CONDITION 3 FOR FULL INFORMATION.)

2) THE PREMISES FRONTAGE WILL BE KEPT TIDY AT ALL TIMES AND SHALL BE SWEEPED AT CLOSE.

3) NO DELIVERIES WILL BE RECEIVED OR RUBBISH (ESPECIALLY GLASS) REMOVED BETWEEN 20.00 AND 08.00.

4) A PHONE NUMBER FOR THE PREMISES WILL BE DISPLAYED IN THE FRONT WINDOW FOR RESIDENTS TO CALL WITH ANY CONCERNS. FULL DETAILS OF ANY COMPLAINTS & THE ACTION TAKEN WILL BE RECORDED IN THE RELEVANT SECTION OF THE INCIDENT BOOK.

5) ALL MUSIC WILL BE PLAYED AT BACKGROUND LEVEL ONLY.

e) The protection of children from harm

1) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/EXIT DOOR & SERVERY (AS APPROPRIATE). (SEE BOX B CONDITION 3 FOR FULL INFORMATION.)

2) NO UNACCOMPANIED CHILDREN OF PERSONS UNDER 18 SHALL BE PERMITTED ON THE PREMISES AFTER 18.00.

3) ALL STAFF WILL BE TRAINED FOR THEIR ROLE AND IN THE RELEVANT PROVISIONS OF THE LICENSING ACT 2003 ON INDUCTION AND BE GIVEN REFRESHER TRAINING AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. (SEE BOX B CONDITION 5 FOR FULL INFORMATION)

4) CHALLENGE 25 WILL BE OPERATED AS THE PROOF OF AGE POLICY. ONLY A PASSPORT, PHOTOGRAPHIC DRIVING

Continued from previous page...

LICENCE, MOD/HM ARMED FORCES PHOTOGRAPHIC IDENTITY CARD OR A PROOF OF AGE CARD WITH THE HOLDERS PHOTOGRAPH & DATE OF BIRTH PLUS THE PASS (PROOF OF AGE STANDARDS SCHEME) LOGO/ HOLOGRAM ON IT MAY BE ACCEPTED AS PROOF OF AGE . A REFUSALS RECORD WILL BE KEPT AS PART OF THE INCIDENT BOOK.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 - £100

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls, or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature.

The costs associated with these licences will be met by Central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number of attendance at any one time.

Capacity 5000 to 9999 - £1,000.00

Capacity 10000 to 14999 - £2,000.00

Capacity 15000 to 19999 - £4,000.00

Capacity 20000 to 29999 - £8,000.00

Capacity 30000 to 39999 - £16,000.00

Capacity 40000 to 49999 - £24,000.00

Capacity 50000 to 59999 - £32,000.00

Capacity 60000 to 69999 - £40,000.00

Capacity 70000 to 79999 - £48,000.00

Capacity 80000 to 89999 - £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

1

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

**Licensing Act 2003
Notice of Decision**

PREMISES

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

APPLICANT

Mr Adil Haziri and Mr Fatjon Qela

1. Details of Application

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

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

The applicant acted in accordance with regulations 25 and 26 of *The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005* relating to the advertising of the application. The required public notice was installed in the 22 December 2017 edition of the Havering Yellow Advertiser.

The Premises was situated just outside of the Ring Road which circled Romford Town Centre so it fell just outside of the Cumulative Impact Zone.

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

- 1 All windows and doors to be closed past 8pm save for persons entering and exiting via the front door.

2 The capacity of the venue shall be limited to 40 persons including staff.

2. Details of Representations

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

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

Details of representations

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

The representation from an interested person related to the prevention of crime and disorder, the prevention of public nuisance and public safety.

The representation from the planning authority related to the prevention of public nuisance objective.

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

The venue did not have planning permission and in operating as a bar may be in breach of planning legislation.

The venue was situated within a highly residential area, the property itself had a flat above it and it was not known whether the property had adequate soundproofing to prevent ambient noise escaping through the roof.

3. Applicant's response.

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

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

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

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

The operating schedule had been amended to show that the applicant would operate the business in a responsible manner and actively promote the licensing objectives

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

The premises would operate with “café bar” type conditions allowing customers to buy alcohol without a requirement to have a meal. The “café bar” would cater mainly for the local Albanian community and had only previously been used by the applicant’s family and employees of the car wash situated at the rear of the premises.

Mr Hopkins advised that he had written to the interested person about their concerns but had not received any reply to the correspondence.

The Sub-Committee was advised that if the applicant was successful with the licence application the Mr Hopkins would be mentoring the applicant/premises for a period of six months following opening and that the applicant would also be applying for planning permission for the premises.

Mr Hopkins advised that the applicant had approximately fifteen years’ experience in managing other licensed premises.

4. Determination of Application

Consequent upon the hearing held on 2 February 2018, the Sub-Committee’s decision regarding the application for a premises licence for Tropoja Café and Bar was as set out below, for the reasons stated:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy. In particular, the Sub-Committee took into account policies 1, 5, 8 and 9 of the Statement of Licensing Policy.

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

5. Decision

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

Written and oral representations were made by the responsible body for the London Borough of Havering Planning Authority. The Sub-Committee also considered an

objection letter from a local resident. The objection raised concerns in relation to the prevention of public nuisance.

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

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

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

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

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

The application was therefore refused.

Appeal

Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.

Richard Cursons
Clerk to the Licensing Sub-Committee

" IN THE BARKINGSIDE MAGISTRATES' COURT"

NOTICE OF APPEAL

Appellants: Mr Fatjon Qela & Mr Adil Haziri,
t/a Tropoja Café & Bar,
99 Victoria Road,
Romford,
Essex,
RM1 2LX

Respondent: Licensing Authority For
The London Borough of Havering,
Licensing Team,
Public Protection,
c/o Town Hall,
Main Road,
Romford,
Essex,
RM1 3BD

TAKE NOTICE THAT Mr Fatjon Qela and Mr Adil Haziri, ("the Appellants") T/A Tropoja Café and Bar, 99 Victoria Road, Romford, Essex, RM1 2LX ("the Premises") give Notice of Appeal in accordance with Section 181 and Schedule 5 of the Licensing Act 2003 against the decision ("the decision") of the London Borough of Havering Council Licensing Sub Committee (the Committee") made on the 02nd February 2018 as set out in the attached "NOTICE OF DECISION" (marked "A"):

To refuse the Application for a new Premises Licence in full.

The Appellants being aggrieved by the decision of the Respondent gives this Notice of Appeal on the following grounds:

- (1) The Respondent's decision in refusing the Application for a new Premises Licence was neither appropriate nor proportionate;

(2) The Respondent wrongly approached the issue and application of the Council's Licensing-Policy 6 relating to Development Management and in particular paragraph 5.12 in that the Appellants had emailed the Planning Enforcement Officer and gave verbal evidence at the Hearing of their intention to apply for a change of use under Planning Legislation should the Licence be granted;

(3) The Respondent's Decision Letter is inaccurate as Paragraph 5 of the Notice of Decision states that the Licensing Sub Committee considered written and oral evidence from the London Borough of Havering Planning Authority at the Hearing when in fact Paragraph 2 of the Notice states that no representative of the Planning Authority attended the Hearing. Therefore the Licensing Sub Committee could not have heard oral evidence from the Planning Authority. The Appellants were also unable to ask the Planning Enforcement Officer who made the representation, questions relating to whether if the Appellants submitted an immediate application for a change of use under Planning Legislation as to whether that would address his concerns:

(4) The Respondent failed to have regard (properly or at all) to the fact that the Appellants had stated in oral evidence that should the Premises Licence be granted that they would immediately submit an application for a change of use under Planning Legislation. Further the Respondent failed to take account of the emails sent to the Planning Enforcement Officer stating that should the Licence be granted they would apply for a change of use for the premises;

(5) The Respondent failed to take proper account of evidence placed before it by the Appellants;

(6) The Respondent failed to have regard (properly or at all) to relevant considerations including:

- (a) the list of robust conditions proposed by the Appellants;
- (b) the limited hours requested for the application by the Appellants;
- (c) the revised nature of the business model proposed by the Appellants;
- (d) the fact that the representation submitted by the other person was in essence a copy of the letter the representor had submitted at a previous Hearing which he had simply re-dated and which contained incorrect and unsubstantiated information;

(7) The Respondent's decision constitutes an unjustified interference with the Appellants rights under Article 1 Protocol 1 of the European Convention of Human Rights;

(8) The decision of the Respondent in refusing the Application for a new Premises Licence was, in all the circumstances, wrong;

(9) Such other grounds as may be advanced at the Hearing of the Appeal. The Appellants reserve the right to amend these Grounds of Appeal.

Signed by Mr Fatjon Qela

Mr Fatjon Qela

Dated 27th February 2018

Signed by Mr Adil Haziri

Mr Adil Haziri

Dated 27th February 2018

IN THE BARKINGSIDE
MAGISTRATES COURT
BETWEEN

CASE NO :

FATJON QELA

1ST

APPELLANT

-AND-

ADIL HAZIRI

2ND APPELLANT

V

THE MAYOR OF BURGESSES OF THE LONDON BOROUGH OF HAVERING

RESPONDENT

CONSENT ORDER

UPON the Respondent agreeing to withdraw its licensing decision dated 2nd February 2018

AND UPON the Respondent agreeing to reconsider the Appellant's application for a premises licence for the premises known as the Tropoja Café and Bar situated at 99 Victoria Road Romford RM1 2LX within 2 months of the date of this Order

IT IS ORDERED THAT:-

1. The Appellant has permission to withdraw this appeal
2. The Appeal is hereby withdrawn
3. Any hearing relating to this matter is vacated
4. The application is to be reconsidered by a licensing sub-committee composed of members who did not make the decision dated 2nd February 2018
5. No Order as to costs

Dated this 1st day of May 2018

SIGNED: .

..... SIGNED..

.....

SIGNED

.....

Fatjon Qela

Adil Haziri

On behalf of the Director of Legal

Folashade, Reginald

From: Ken.Foot [REDACTED]
Sent: 02 August 2018 16:11
To: Folashade, Reginald
Cc: [REDACTED]
Subject: Consent Order re Fatjon Qela & Asdil Haziri t/a Tropoja Cafe and Bar v London Borough of Havering
Attachments: Tropoja Draft Consent Order.pdf
Importance: High

Dear Shade,

You advised by phone that a legal adviser had requested that this matter be listed for a hearing but could ask I again to have this consent order dealt with administratively rather than at a hearing?

Clearly one of the advantages of the 2 parties agreeing the way forward via a consent order is that it save costs and time by negating the need for a court hearing. Requiring the parties to attend at court obviously defeats this.

Is it possible that you could consult with someone at the court who can assess the situation and perhaps agree that a hearing is not necessary.

I am attaching the draft consent order as signed by the parties for your convenience

Please let me know if there is any paperwork or information that I can send you to assist.

Many thanks

Regards

Ken

Ken Foot, Senior Lawyer, Legal and Governance
oneSource
Newham Dockside, 1000 Dockside Road, London E16 2QU
T: [REDACTED] F: [REDACTED]
DX: 4706 East Ham

ORDER GRANTED
M. L. L. D JHC
07-08-18

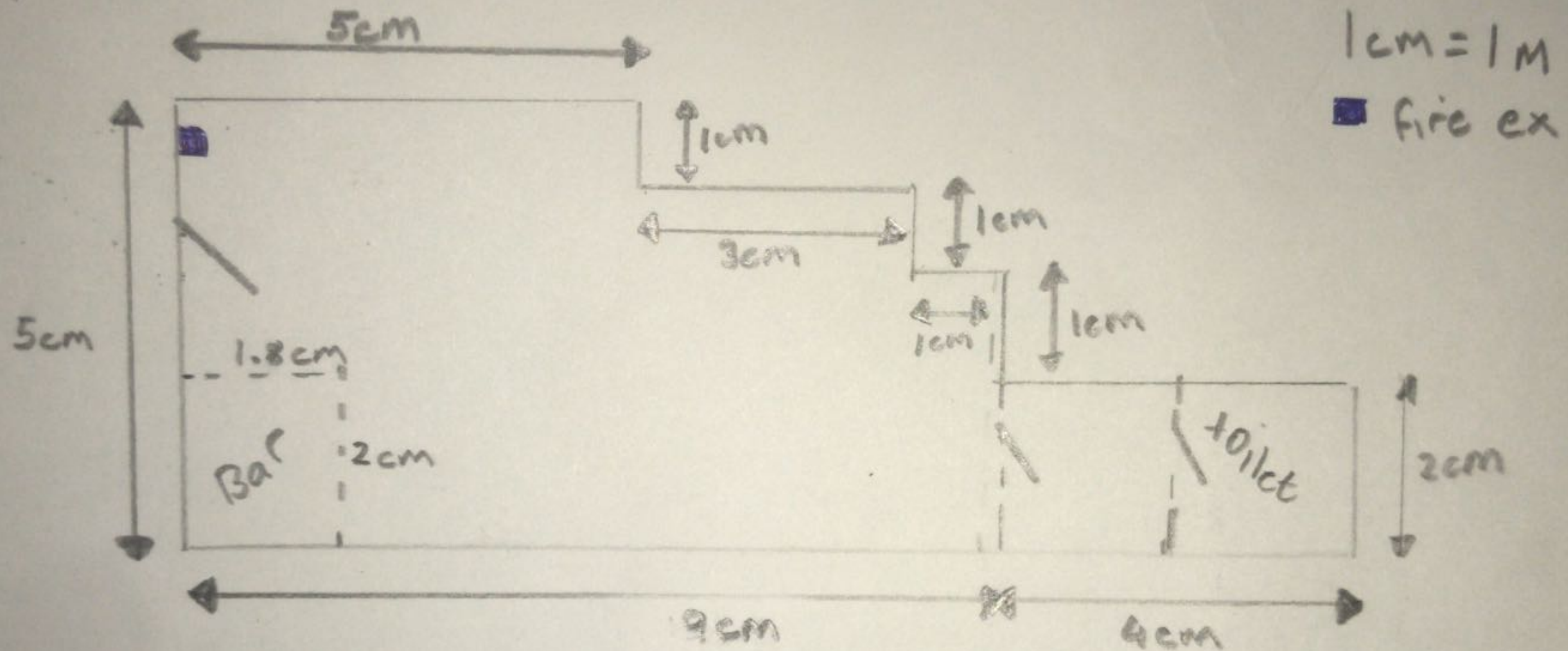
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Havering
LONDON BOROUGH

Plan





Havering
L O N D O N B O R O U G H

Valid Interested Party Representation

Mr Robert Jones
138 Victoria Road
Romford
Essex RM1 2NX

4th January 2018

Mr Paul Jones, Licensing Officer
London Borough of Havering
Public Protection, Environment
Town Hall, Main Road
Romford, Essex
RM1 3BD

Dear Mr Jones

Re: Your Reference PJJ/019789 - Licensing Act 2003 - Premises Licence Application
Tropoja 99 Victoria Road, Romford, RM1 2LX

We wish to make you aware of the strong objection that we have regarding the proposed licencing application mentioned above.

As an immediate neighbour to the site we are of the view that the proposed licence will have a serious impact on our standard of living and safety. Our specific objections are: -

The Prevention of Public Nuisance and Public Safety

The proposed use of this site will increase noise levels both during the day and late into the evening.

We have witnessed on a daily basis the coming-and-going of customers/visitors frequenting the site. There is a seating area outside the front of the building where its clientele predominantly Albanian men gather outside drinking and smoking. This creates a disturbance which can go on until late into the evening. The doors and windows are also open during the warmer months contributing to noise levels.

The proposed use will create an additional increase of rubbish and litter. Currently the proposed site and the rooms above, which appear to be a house of multiple occupancy, produce rubbish on a weekly basis amounting to 20 to 30 refuse sacks, which are left on the street in domestic rubbish bags waiting for the council's waste collection service to remove them.

We have concerns that the consumption of alcohol from glass bottles outside may also cause an added health and safety issue.

The applicant does not appear to have shown transparency or demonstrated best practice, this was proven in their previous application for the same. The applicant was found to be non-compliant for several reasons, one of which was an allegation made by a concerned member of the public that the premises had been operating as a bar before a licence was in force. We also

Continued:-

have similar concerns that the premises are currently being used for all intended purposes without planning permission yet being granted.

The Prevention of Crime and Disorder

With the consumption of alcohol on this site, the Police and Emergency Services will come under increased pressure to cope with drunken disturbances, anti-social behaviour, and crime that this will bring to the area

There are already several licenced premises in the vicinity including a licenced public house. This on occasion creates unwelcome disturbances which have a detrimental impact on residents and to grant another licence directly in this area will only compound the problem.

Highway safety inadequate parking and access

Parking is already an issue in Victoria Road and the proposed nature of use for this dwelling, will increase vehicles coming into the area requiring a parking space. The property has very limited parking enough for only two vehicles and we have already witnessed double parking along Victoria Road which limits access for emergency vehicles and buses.

There is a very busy carwash next door to the site, of which both premises share vehicle access and with the consumption of alcohol will become a health and safety issue.

We believe the proposed application would demonstrably harm the surroundings and the right to enjoy a quiet safe residential environment.

Yours sincerely

Mr Robert Jones



Representations from Responsible Authority

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:	Tropoja Café and Bar, 99 Victoria Road, Romford, Essex RM1 2LX
Your Name:	Onkar Bhogal
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:	Onkar.Bhogal@haverling.gov.uk
Contact telephone number:	01708 431587
Summary of representation:	To OBJECT to the proposed premises licence application on the specific licensing objective "The prevention of public nuisance".

Policy Considerations:

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

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 pub watch.

Licensing Policy 6

The Licensing 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:

The use of the property as a café and bar has not been subject to an assessment by the planning department, It must be noted that due to the location of the premises any planning applications for a café and bar at these premises would not be supported by the planning department, and so it is unlikely that the expectations set out in licensing policy 6 will be met. However, as the planning and licensing regimes are separate I have considered the merits of the licence application below.

It is noted from the application form that the premises will have customers present on the premises during its opening hours. This confirms the Council's concerns in respect of issues of public nuisance with comings-and-goings of customers to the property. This confirms that as the applicants have not sought advice from responsible authorities and do not have planning permission for the change of use to Café and bar. They have therefore not complied with Licensing Policy 8.

However, the licence application does not refer to the impact the activities proposed in the licence will have on the surrounding area. The main concerns which have not been addressed include:

- The effect on parking in the local area.
- The potential of additional litter and rubbish being produced during times which the premises is open to customers / members of the public.
- The impact of introducing a café and bar which operates from 8am every day on the local residents and the affect this will have in the vicinity.
- This property is situated on a busy road with mixture of commercial uses, resident's blocks and residential properties. There have not been any steps outlined on having additional persons coming and going to the property including the additional vehicle movements in the late evenings will affect the local residents and the local road network.

Without further information, I am unable to determine if the correct measures are in place to completely satisfy the concerns set out above. Consequently the application for the licence does not meet the expectations set out in Licensing Policy 14.

Given the arguments as set out above, the licence application fails to meet the requirements and expectations set out in Licensing Policies 1, 6, 7, 8 and 14, and the planning department's concerns on the prevention of public nuisance have not been alleviated through the licence application. As this is the case, I ask that the licensing committee defer their decision on granting a licence application until more information with regards to the operating schedule is provided and planning permission for the change of use is obtained. If the committee is not minded to do this, then the planning services would completely object to the licence application.

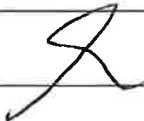
It must also be noted that as the site does not benefit from planning permission for use as a Café and bar; should the unauthorised uses commence the planning enforcement team will not hesitate to instigate enforcement proceedings against interested parties.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken.

There are no recent planning applications relating to the premises.

Signed:



Dated: 21st December 2017

