

### **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 Astrit Kurtaj  
**Premises:** Rozafa Restaurant 134 North Street Romford RM1 1DL

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**Name:** Paul Jones  
**Organisation:** London Borough of Havering Licensing Authority  
**Address:** c/o Town Hall Main Road Romford RM1 3BD  
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**Objection summary:** The premises licence application indicates that the premises is to be a restaurant; however, the application does not propose what may be called 'restaurant conditions'. This omission would permit the premises to operate as a public house if the application were to be granted. The operating schedule is inadequate to support an application for a vertical drinking establishment which has the potential to adversely impact upon the promotion of the licensing objectives.

#### **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 pub watch.

##### **Licensing Policy 4**

The Licensing Authority will keep potential areas of saturation (areas where the Authority believes that no further licensed premises can be accommodated) under review. Where representations from responsible authorities or interested parties indicate that saturation is reached it will consider introducing a saturation policy for the area that will create a

presumption for the refusal of all new applications.

### **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 a 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 applicants will need to establish evidence of improvement in management standards and procedures.

### **Licensing Policy 9**

The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside entertainment and food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged and the operating schedule for such applications will be expected to demonstrate robust arrangements for promoting the licensing objectives.

### **Licensing Policy 16**

The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside users can cause nuisance. Where smoking, eating and drinking take place outside the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:

- The location of outside areas to be available for use
- How the outside areas will be managed to prevent noise, smell and pavement obstructions.

Where the Licensing Authority receives representations or a review application regarding the use of an outside area it will impose restrictions or conditions that are appropriate for preventing a public nuisance.

### **Representation**

This application is to licence Rozafa Restaurant; however, if granted as submitted the application would enable the premises to operate in the manner of a public house, i.e. vertical drinking would be able to occur therein. Havering's licensing authority is willing to support applications for restaurant premises which reside within the ambit of our licensing policy and which contain appropriate conditions further to the restriction of alcohol supplies as ancillary to a table meal. This application does not contain condition(s) restricting alcohol supplies. This is a cause for concern.

### **Licensing Policy 1**

While the premises is not within the ring road and hence not within the ambit of this policy we would contend that the premises' location is sufficiently close to the cumulative impact zone to have the potential to contribute to cumulative impact is granted as submitted.

### **Licensing Policy 4**

As indicated above this stretch of North Street, leading directly from the ring road, contains a number of commercial premises, some of which are licensed under this Act. As such, the area has the potential to add to the cumulative impact identified in policy 1, even though it is outside the ring road.

### **Licensing Policy 8**

One of the requirements of this policy is that the applicant can demonstrate a comprehensive knowledge of best practice. We might reasonably consider that the self-imposition of alcohol restriction conditions further to a restaurant operation might be considered best practice. The absence of such conditions challenges the applicant's ability to demonstrate a commitment to high standards of management.

### **Licensing Policy 9**

This policy provides the basis for our concern further to the premises' possible conversion from a restaurant to a public house without any further need to modify the licence via application.

### **Licensing Policy 16**

The premises plans accompanying the application indicate that licensable activity is to be provided within the built structure of the premises only, thus providing that external licensable activity will not occur. The premises plans also indicate that an area of the premises to the front will be designated as a take-away food establishment, although the hours sought indicate that all hot food supplies will cease at 23:00. What is absent from the application, however, are any proposals to address the potential for nuisance attendant to smokers outside the restaurant and possible queuing customers for the take-away portion of the premises.

The entries in section 18 of the application are less than reassuring. Given that the premises is ostensibly to be a combined restaurant and take-away the entries in this section, in particular further to the prevention of public nuisance and the protection of children from harm, are not sufficient to reassure the licensing authority that licensing objective failures will not follow should the application be granted as submitted.

Before Havering's licensing authority is able to support this application we would expect these matters described above to be fully addressed.

### **Complaint and inspection history (if applicable)**

Not applicable.

### **Other documents attached**

Not applicable.

**Signed** *Paul Jones*

**Dated** 17<sup>th</sup> August 2018