

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
4 May 2010 (10.30am – 12.00pm)**

Present:**COUNCILLORS:**

Conservative	Melvin Wallace (Chairman)
Labour	Tom Binding
Rainham Resident's	Coral Jeffery

Mr Kutub Ahmed the Applicant, his legal representative Mr Karl Davies and Mr B Ahmed Chowdhury. The Police were represented by PC Dave Leonard and Inspector Bates. The LB Havering Licensing Officer, Mr Paul Campbell, the legal advisor and the clerk to the Sub-Committee were also in attendance.

The Chairman advised those present of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

There were no declarations of interest.

PREMISES

Cardamons Indian Restaurant
123 Hornchurch Road,
Hornchurch,
RM12 4SY

DETAILS OF APPLICATION

Application to vary a premises licence under the Licensing Act 2003 ("the Act").

APPLICANT

Mr Kutub Ahmed
121-123 Hornchurch Road,
Hornchurch,
RM12 4SY

1. Details of existing licensable activities

Sale of alcohol (On sales)		
Day	Start	Finish
Monday to Saturday	11:00hrs	24:00hrs
Sunday	12:00hrs	23:30hrs
Late Night Refreshment:		
Monday to Saturday	23:00hrs	24:00hrs
Sunday	23:00hrs	23:30hrs

2. Details of requested licensable activities

Sale of alcohol (Off sales)

Day	Start	Finish
Monday to Saturday	11:00hrs	24:00hrs
Sunday	12:00hrs	23:30hrs

Seasonal variations & non-standard timings:

There were no seasonal variations or non-standard timings requested

3. Promotion of the Licensing Objectives

The applicant agreed to amend the operating schedule by including the following conditions as requested by Trading Standards:

1. The applicant signs up to and adheres to the Council Challenge 21 Scheme and Code of Practice.
2. All staff will be trained in the scheme and written records of this training to be kept.
3. A refusals log will be maintained and be available for inspection by any relevant enforcement agencies.

The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises Licences and Club Certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the 9 April 2010 edition of the Romford Recorder.

4. Details of Representations

Valid representations may only address the four licensing objectives

There was one valid representation against this application from the Metropolitan Police. The representation related to Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Prevention of Children from Harm.

At the hearing, the representative for the Police advised that following discussions with the applicant's legal representative, the Police representation had been amended to incorporate a revised list of recommended conditions similar to those applied to a premises which had requested a similar variation to its licence.

Responsible Authorities

London Fire & Emergency Planning Authority ("LFEPA"): None.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: None

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

5. Determination of Application

Decision

Consequent upon the hearing held on 4 May 2010, the Sub-Committee's decision regarding the application to vary a Premises Licence for Cardamons Indian Restaurant was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

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

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 addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts	
Facts/Issues	
	Whether the granting of the premises licence would undermine the four licensing objectives.
	<p>The written representation outlined that the sale of alcohol by telephone placed the onus on the delivery person to check for ID from the customers purchasing the alcohol with the meal and, without the benefit of CCTV, the delivery person could be subjected to intimidation and threatening behaviour. It was also stated that the operating schedule failed to mention what level of training would be provided for the delivery operatives and how refusals of alcohol would be recorded.</p> <p>The representation also stated that there were no details of whether the alcohol would be restricted to those customers purchasing food; the concern being that there were no safeguards to prevent the premises from becoming a late-night off-licence where the supply of food was secondary to the supply of alcohol. Inspector Bates of the Metropolitan Police, stated at the hearing that following discussions with the applicant, the Police were now satisfied that the sale of</p>

	<p>alcohol would be ancillary to the sale of food.</p> <p>The Sub-Committee was advised that there had been an increase in the rate of domestic violence, and it was Inspector Bates's contention that this rise was linked to the availability of alcohol in the community.</p> <p>Inspector Bates also commented that following positive discussions with the applicant's legal representative, the Police had to revise and reduce its list of recommended conditions in line with those attributed to a premises for which a similar application was successfully made.</p> <p>In reply, the Sub Committee was assured by the legal representative for the applicant that the sale of alcohol was ancillary to the sale of food. He added that alcohol would not be handed over to minors even though the law made allowances for this. The Sub-Committee was advised that the delivery operatives were the same individuals who worked as waiter staff in the restaurant and as such were already fully trained in identifying acceptable forms of identification. A register for all deliveries would be kept on the premises.</p> <p>In relation to the Police concern regarding the rise in the rate of domestic violence, the applicant's legal representative argued that there must be evidence to link the premises with the rise which the Police had failed to do.</p>
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Having considered the written representations and oral responses, the Sub-Committee was **satisfied** that the applicant had addressed all the issues raised in the representation. These included the issue of patrons leaving quietly and the closure of the bar half an hour before the end of its operating hours in order to stagger departure from the premises.

The Sub Committee noted that the Police and the applicant had agreed on a list of recommended conditions and although the Police still had reservations concerning

The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

The Sub-Committee **granted** the application subject to the following conditions:

- The delivery of alcohol to be made only to a residential or business address and the customer to be clearly resident inside the building.
- The off-sales of alcohol is restricted to beer and wine only.
- When an order is taken for delivery to a customer, the customer will sign a delivery note which will contain: a list of the items delivered, the delivery address, the method of payment, the name of the person ordering and receiving the alcohol, the date and time of delivery, confirmation that proof

of age was requested and received (if applicable), and the name of the company and employee who requested the delivery (if applicable).

- Staff shall keep records of all sales and deliveries and, upon request, make these available for inspection by the Police, Licensing Authority or Trading Standards for six months from the date of delivery or refusal of alcohol.
- The delivery of alcohol will be made by at least two staff, one of whom must be over the age of 21 and fully trained in identifying acceptable forms of identification.
- Signs shall be displayed inside and outside the premises warning adults that it is an offence to buy alcohol on behalf of anyone under the age of eighteen years.

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CHAIRMAN

Date: 2010