

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
5 May 2010 (2.30pm – 2.45pm)**

**Present:****COUNCILLORS:****Conservative**

Georgina Galpin (Chairman)

**Labour**

Tom Binding

An Apology for absence was received from Councillor Robert Benham.

Mr Asake Ullah, the Applicant, his legal representative Mr Karl Davies and Mr B Ahmed Chowdhury. The Police were represented by Inspector Bates. The LB Havering Licensing Officer, Mr Paul Jones, 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.

**CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF KALIJEERA, 32 CORBETTS TEY ROAD, UPMINSTER, RM14 2AD**

The Sub-Committee considered an application to vary the licence for the above premises as follows:

**DETAILS OF APPLICATION**

Application to vary a premises licence under section 34 of the Licensing Act 2003 (“the Act”).

**APPLICANT**

Asake Ullah,  
37 Devitt House,  
Wades Place,  
Poplar,  
E14 0DD

**1. Details of existing licensable activities**

<b>Sale of alcohol (On sales)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	12:00hrs	00:00hrs
Friday & Saturday	12:00hrs	01:00hrs
Sunday	12:00hrs	23:30hrs
<b>Late Night Refreshment:</b>		
Monday to Thursday	23:00hrs	00:00hrs
Friday to Saturday	23:00hrs	01:00hrs
Sunday	23:00hrs	23:30hrs

## 2. Details of requested licensable activities

<b>Sale of alcohol (Off sales)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	12:00hrs	00:00hrs
Friday & Saturday	12:00hrs	01:00hrs
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 had completed an operating schedule which formed part of the application, stating that alcohol would only be served with a meal, and that alcohol would not be delivered unless the recipient appears over 21 or can provide identification.

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 hardback refusals log will be maintained and be available for inspection by any relevant enforcement agencies.

## 4. 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 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.

## 5. 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, a set of conditions had been agreed upon between the Police and the applicant similar to those applied to a premises which operated in the same manner and for which a similar application for variation had been previously approved.

Responsible Authorities

**Chief Officer of Metropolitan Police (“the Police”):** One

**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

## 6. Determination of Application

### Decision

**Consequent upon the hearing held on 5 May 2010, the Sub-Committee’s decision regarding the application to vary a Premises Licence for Kalijeera 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.

<b>Agreed Facts</b>	
<b>Facts/Issues</b>	
	Whether the granting of the premises licence would undermine the four licensing objectives.
	The written representation asserted that the sale of alcohol by telephone would place upon the delivery person the responsibility 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

	<p>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 stated that no details had been provided as to 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 indicated that following discussions with the applicant, the Police were now satisfied that the sale of alcohol would be ancillary to the sale of food, and that the Police were willing to revise and reduce its list of recommended conditions in line with those attributed to premises which operated in the same manner and for which a similar application for variation had been previously approved.</p> <p>The Sub Committee was assured by the legal representative for the applicant that alcohol would not be handed over to minors collecting orders at delivery addresses, despite the fact that the Licensing Act 2003 allowed it. 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>
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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.

The Sub Committee noted that the Police and the applicant had agreed on a list of recommended conditions and was **satisfied** that the applicant had satisfactorily addressed the promotion of the four licensing objectives.

The Sub-Committee **granted** the application in full 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 in a hardback book, and, upon request, make these available for inspection by the Licensing Authority

or any responsible authority for six months from the date of delivery or refusal of alcohol.

- From 23:00, 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