

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
12 April 2005 (10.30am – 11.10pm)**

**Present:**

**COUNCILLORS:**

<b>Conservative Group</b>	Peter Gardner (in the Chair)
<b>Residents' Group</b>	Malvin Brown (for part of the meeting)
<b>Labour Group</b>	Jeff Stafford

Mr S Kandasarmy (the applicant) and Mr Bell (the applicant's legal representative), Sergeant Richard Edwards (Havering Police), Bill Charlton (Licensing specialist, Environmental Health), Penelope Thorp (Legal advisor to the Sub-Committee) and Grant Söderberg (Clerk) were also present.

Councillor Malvin Brown declared a personal interest in the application. The applicant's legal representative was known to him as he acted as his legal advisor. Councillor Brown was advised that this was a prejudicial interest and as such he withdrew from the hearing and took no part in the ensuing deliberations. The Sub-Committee continued the hearing with a quorum of two.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

**NEW ROYAL FRIED CHICKEN & RIBS - OPPOSED APPLICATION FOR A NIGHT CAFÉ LICENCE**

The Sub-Committee received a oral submission by the applicant's legal representative that the applicant had, after discussion with the police, reviewed the opening time being sought for the establishment and wished to change this from Midnight and 3.00am on the mornings following Wednesday to Saturday and midnight to 1.00am on the morning following Sunday to Midnight to 2.00am on the mornings following Monday to Saturday and to close at midnight on Sunday. The Sub-Committee accepted this submission.

The council's licensing officer presented the report. The application had originally been submitted in July 2004 at which time opening was granted to 2.00am.

The police representative stated that as the applicant had adopted this change to the trading hours, the police were withdrawing their objection. He further

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added that, unusually, there were fewer crime and disorder problem in the vicinity of the establishment than elsewhere in the locality.

The police representative make reference to the extent of the CCTV cover and asked for clarification as to how the arrangement of the seating area and queuing take-away customers would be managed. He also raised the question about appropriate signage and asked about the provision of door supervisors.

The Sub-Committee asked the applicant's representative for clarification of these points in his response.

The applicant's representative presented his client's case: There had been a series of delays, brought about, in part, by the changes to the licensing laws. His client owned six other shops and had been in the business for ten years. One of the other shops had a night café licence.

Door staff were available (he could also call upon support from the taxi company next door). The employees had been with Mr Kandasarmy for 2½years. The parade of shops in which Mr Kandasarmy's establishment operated was a mixed one. He considered security to be very important and had extensive CCTV cover: three cameras inside the premises, one at the rear (the only one in the whole parade) and two covering the front. All were linked to appropriate recording equipment – which would be available to the police if needed - and the cover provided extended beyond the shop's immediate environment.

The premises had an open area with four fixed seats. Security grilles divided the internal areas and were fitted at the windows. The shop made use of litter patrols. The shop made extensive use of bins (covered by the CCTV at the rear for added security). This was a going concern – not a new start, so there was a trading history and, as the police had acknowledged, crime and disorder were not material considerations.

It was suggested that business users nearby would not be inconvenienced by the establishment as its trading hours did not impact on theirs. The planning authority concerns had been addressed now that the opening hours had been amended. The legal representative added that the list of condition were more comprehensive than before, but his client agreed to all of them. They were part of his business plan to have a proper premises under proper control.

There would be no more than 14 people on the premises at any one time, four members of staff and up to ten members of the public. After midnight, door staff would be positioned outside. The signage was agreed. It would show last admittance at 1.45am and be prominently displayed. It was accepted that people would congregate in this area as it was a transport hub and pick-up point. The proximity of the minicab office next door was likely to provide a steady trade as people waiting to leave Romford were quite likely to make use of a food facility whilst waiting.

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A Member asked what would happen to the seating and was informed that this would be moved inside after 11.00pm. The applicant also volunteered to put this on a two week trial basis to see how best it could be done. Inside seats were fixed to the floor and could not be moved.

The Chairman reminded the applicant and his advisor that it was imperative that door staff were properly badged and supplied from a reputable company. The police representative stated that he would be intending to check on this from time to time.

At this point the Chairman adjourned the hearing to allow the Sub-Committee to make its decision. On reconvening, the Chairman explained that because the applicant had voluntarily amended his hours of opening and because the police had withdrawn their objection and that of planning had been addressed by the change of hours, the Sub-Committee were granting an amended licence until 2.00am, on the mornings following Monday to Saturday, subject to conditions.

As such, the Sub-Committee **RESOLVED** –

**That the application submitted by Messrs Kandasarmy for a Night Café Licence be granted, to allow the premises to operate as a Night Café subject to the following conditions –**

LOCAL AUTHORITY CONDITIONS

1. Suitable and sufficient refuse containers for the use of customers shall be supplied and maintained.
2. Notices shall be displayed drawing customers' attention to the refuse containers and requesting customers to use them.
3. Identifiable litter shall be removed from the forecourt and adjacent areas by the licence holder or his staff and the area shall be cleaned after each trading session.
4. Additional litter patrols must be undertaken at regular intervals during operating hours to a limit of 100metres from the entrance from the premises.
5. The operating hours of the premises are:
 

Monday	midnight to 2am
Tuesday	midnight to 2am
Wednesday	midnight to 2am
Thursday	midnight to 2am
Friday	midnight to 2am
Saturday	midnight to 2am
6. To ensure that the premises are closed for trade immediately at the end of the permitted hours, no further customers are to be allowed onto the premises later than 15 minutes before the end of the trading session.
7. A maximum number of persons permitted to be on the premises at any given time during the licensed hours is 14 (including staff).

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8. The licence holder or a manager appointed by the licence holder is to be present on the premises between the hours of midnight and 2am whilst the night café licence is in operation.
9. A Door Supervisor licensed by the Security Industry Authority is to be employed as a security measure at the entrance to the establishment while the premises is operated as a night cafe.
10. The premises shall be managed in such a manner so as not to cause nuisance to the occupiers of adjacent premises and the public in general.
11. The means of lighting, heating and ventilation of the premises shall be properly maintained.
12. The requirements of the LFEPA listed on the attached schedule must be complied with.
13. Where the licence holder ceases for whatever reason to carry on the business of a night café, the licence holder or his representative shall forthwith notify the Council.
14. The licence is not transferable by the licence holder except by application in accordance with Section 7 of the London Local Authorities Act 1990 or when transmission on the death of the licence holder occurs in accordance with Section 9(1) of the Act.
15. The licence shall be prominently displayed in a part of the premises to which the public has access.

**FIRE BRIGADE CONDITIONS**

17. The occupier shall take all reasonable precautions for the safety of persons resorting to the premises.
18. No material change, permanent or temporary, in the structure or layout of the premises shall be made without the consent of the Council.
19. All doorways, usable as a means of escape in case of fire shall be kept free of obstruction and are immediately available and adequately illuminated.
20. All fire fighting appliances employed at the premises shall be efficiently maintained and be always available for use.
21. The London Fire Brigade shall be called to every outbreak of fire.
22. Any flues from the kitchen, servery and over grills and any ventilating shafts must be maintained in a clean condition.
23. The Council may amend or alter these Conditions without prior consultation.

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CHAIRMAN

Date \_\_\_\_\_