

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
22 February 2005 (10.40am – 12.15pm)**

**Present:**

**COUNCILLORS:**

**Conservative Group**                      Peter Gardner (in the Chair)  
Barry Oddy

**Labour Group**                              Harry Webb

Mr Mehmet Kilic (the applicant, accompanied by an interpreter) and his legal representative, Sergeant Richard Edwards (Havering Police), Gordon McKinnon (Environmental Health), Barnaby Hawes and Penelope Thorp (Legal advisors to the Sub-Committee), and Garry Chick-Mackay (Clerk) were also present.

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

**ANTHONY'S FISH AND KEBAB DINER - OPPOSED APPLICATION  
FOR A NIGHT CAFÉ LICENCE**

The Sub-Committee received a report concerning an opposed application for a night café licence for the premises known as Anthony's Fish and Kebab Diner, 100 South Street, Romford. The application was to allow the premises to trade as a night café between the hours of 12.00am and 3.00am on the mornings following Monday to Saturday evenings.

It was noted that the applicant had previously received a 'Final Caution' for the offence of trading without a licence, and that whilst being interviewed for this offence, the applicant had mentioned how difficult it was to eject drunken and rowdy customers at the end of the night to allow him to close on time. The Sub-Committee also received supplementary papers, outlining concerns that the premises had contained two illegally held gaming machines during a visit from Environmental Health Officers in May 2004, and that in September 2004 the applicant was discovered not to have registered for VAT. On this basis, the Licensing Officer suggested that the Sub-Committee might wish to consider whether the applicant was a fit and proper person to hold a licence.

The Police representative outlined his objection. It was suggested that Night Cafés acted as an incentive to people to remain in the Town Centre. The police view was that the longer people were encouraged to remain, the

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longer the area would need to be policed, placing an increasing strain on police resources. There was a history of disorder in Romford Town Centre at night.

In addition the Police noted their concerns about the conduct of the applicant and his staff in running the premises. It was explained that, unlike other night cafés in the Town Centre, the premises had a history of staff, including the applicant, behaving in a violent manner towards customers. This was considered to be wholly unacceptable behaviour for a licence holder. On questioning, it was noted that these incidents had not occurred since the applicant had employed a door supervisor six months previously.

The applicant's representative outlined the applicant's case. The premises were licensed to trade until 3.00am when they were purchased by the applicant. On taking on the premises, an application was made for transfer and renewal of this licence. The application was not believed to have been processed, but the applicant had assumed that it had been granted and so continued to trade. When this was realised, Licensing Officers granted permission to trade, until such time as an application was granted. It was suggested that, should the premises not be granted a license for the hours requested, there would be an economic impact such that the premises would have to be closed.

The issue of dispersal was noted by the applicant, but not accepted. It was felt that should the premises not trade as a Night Café, there would be no discernable impact on dispersal or on disorder. It was suggested that the reason dispersal from the Town Centre was slow was mainly due to the low level of night-time transport options.

Papers were provided to the sub-Committee which explained that the applicant had received a permit for the use of gaming machines, and had thought that this covered the machines that he was using. On being made aware that this was not the case, the machines were removed. The papers also outlined that the applicant had initially been advised that his turnover was below the threshold for VAT, and that when he was advised that this was no longer the case, he was advised to register, and did so.

In response to questioning by the Police representative, the applicant stated he had begun to work night shifts following some of the incidents which had occurred on the premises, and that a Door Supervisor had been employed. On further questioning it was explained that the Door Supervisor was registered, although the applicant was unable to recall the name of the company he was hired from. The premises did have CCTV running constantly, and all tapes were kept for a month.

When questioned about dealing with troublesome customers, the applicant explained that he would try to calm them down, and if necessary the door supervisor would ask them to leave. All staff spoke English, and the

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applicant's knowledge of the language was sufficient to allow him to carry out his role effectively.

The police representative referred to an incident to which he was present in which the applicant had entered the customer side of the premises, armed with a sports bat. The applicant stated that he had no memory of this incident, and that he did not keep a bat on the premises.

When asked to sum up, the police representative suggested that previous applicants for Night Café licenses, whom the police considered to be more appropriate license holders, had not had a licence granted beyond 2.00am. It was reiterated that there was a problem with dispersal and associated disorder in Romford Town Centre, and that the Police's biggest concern in this case was in how the applicant and his staff dealt with such problems.

The applicant's representative noted that, jobs were potentially at stake from the outcome of this application. It was stated that the concerns of the police had been noted and acted upon, and there had been no significant incident over the last six months.

At this point the Chairman adjourned the meeting to allow the Sub-Committee to make its decision. On the question of whether the applicant was a fit and proper person to hold a licence, the Sub-Committee felt that this could not be upheld. Having considered the likelihood of nuisance, and the past conduct and management of the premises, the Sub-Committee took the view that the licence should not be granted as applied for. However, the Sub-Committee was minded to grant the licence from 12.00am until 1.00am, subject to conditions.

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

**That the application submitted by Mr Mehmet Kilic for a Night Café Licence be granted, to allow the premises to operate as a Night Café between the hours of 12.00 midnight and 1.00am on the mornings following Monday to Saturday, subject to the following conditions –**

- 1. That a registered Door Supervisor be employed as a security measure at the entrance to the establishment.**
- 2. That a maximum of 15 customers be on the premises at any given time during the Licensed hours.**
- 3. That the occupier shall take all reasonable precautions for the safety of persons resorting to the premises.**
- 4. That no material change, permanent or temporary, in the structure or layout of the premises shall be made without the consent of the Council.**

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5. That 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.
6. That all fire fighting appliances employed at the premises shall be efficiently maintained and be always available for use.
7. That the London Fire Brigade shall be called to every outbreak of fire.
8. That any flues from the kitchen and servery and any ventilating shafts shall be maintained in a clean condition.

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CHAIRMAN

Date \_\_\_\_\_