

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
3 March 2005 (10.30am – 12.30pm)**

Present:

COUNCILLORS:

Conservative Group	Peter Gardner (in the Chair)
Residents' Group	Malvin Brown
Labour Group	Harry Webb

Mr Halil Emin (the applicant), Mrs Emin (appearing as a witness) and Miss May (the applicant's legal representative), Sergeant Richard Edwards (Havering Police), Barry Hanley (Environmental Health), 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.

STATION FISH BAR - OPPOSED APPLICATION FOR A NIGHT CAFÉ LICENCE

The Sub-Committee noted that the Licensing Officer wished to refer to a previous conviction, in which the applicant had pleaded guilty to a breach of licensing conditions and had received a fine. The offence took place in May 1997, and the applicant was fined in December 1997.

The applicant's representative requested that the Sub-Committee not consider this evidence, due to the age of the conviction, and the fact that there had been previous applications since the conviction at which this matter could have been brought up.

The Sub-Committee adjourned to consider whether this matter should be accepted into evidence. On reconvening, the Chairman announced that the matter would not be taken into consideration, due to the age of the offence.

The Sub-Committee received a report concerning an opposed application for a night café licence for the premises known as Station Fish Bar, 151 South Street, Romford. The application was to allow the premises to operate as a night café between the hours of 11.00pm and 4.00am on the mornings following Monday to Saturday evenings, for the sale of refreshments for consumption exclusively off the premises. Although the

Licensing Sub-Committee, 3 March 2005

application was from 11.00pm, there was no intention to serve food for consumption on the premises; therefore a Night Café Licence was not required until after midnight.

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 applicant's representative outlined the applicant's case. The applicant had been trading at the premises for thirteen years, and had been licensed until recently, due to what appeared to be an administrative error on the part of the Council. An application had been made, paid for and acknowledged by the Council. It was assumed that the licence had been granted, until the applicant was advised in November 2003 that this was not the case.

It was noted that the police objection was based on the likelihood of disorder in the Town Centre. It was argued that the premises was not the cause of disorder, and that the provision of late night food in fact had a sobering effect on those who had been drinking. It was also explained that the premises served a variety of patrons during the hours applied for, and was not exclusively used by customers from the local pubs and nightclubs.

The applicant's representative noted that the police evidence included nine incidents which had been related to the premises. Of these, seven had taken place outside the premises, and a further incident had occurred in the afternoon, and so was not considered to be relevant to the application. In recent weeks, the applicant had taken on door supervisors.

The applicant explained that the premises were currently trading until 3.00am, with the permission of the Council. Previous licences had allowed the premises to trade until 4.00am. Following a warning from Licensing Officers regarding trading beyond 3.00am, it was explained that the applicant no longer took orders beyond 2.30am, and the premises was now usually cleared of customers by 2.50am.

The applicant acknowledged that there was crime and disorder in the local area. Inside the premises there were sometimes arguments; these were now dealt with by the door supervisors who ensured that such customers left the premises, and that nobody entered the premises after the set time.

It was noted that a large proportion of the premises income came from night trade. The applicant argued that, should a licence be not granted there would be a significant economic impact on the business.

In response to questions from the police, the applicant explained that the Door Supervisors were present every night. Their responsibility was to calm

Licensing Sub-Committee, 3 March 2005

down difficult situations, to close the shutters at 2.30am, and to prevent customers from entering after this time.

The premises were at their busiest from 2am until closing. Problems with customers were not considered to be common, and the premises did not currently have CCTV. The applicant had not called the police to an incident in recent years, as there had not been a need to.

The applicant's representative introduced Mrs Emin, the applicant's spouse to speak on her involvement with the administrative functions of the business. Mrs Emin explained that a licence had been applied for, and as there had been no notification of any objections being received, it had been assumed that the licence had been granted. As such, the premises had continued trading. Mrs Emin also confirmed that the majority of the premises' business was carried out during the licensable hours.

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 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.

It was noted that there were nine incidents connected to the premises in the twelve month period included in the report. One of these was during the day. It was suggested that there were likely to be more incidents related to the premises, which had not been picked up on due to the nature of the police reporting system.

It was suggested that the location of the premises, in a 'hot-spot' area for crime and disorder, meant that the granting of the application would lead to a likelihood of nuisance being caused. It was also noted that no Night Café in the Town Centre had recently been granted a licence to trade beyond 2.00am.

In response to questioning from the applicant's representative and the Sub-Committee, the Police representative acknowledged that the premises were one of the better run Night Café's in the area. It was explained that although Night Cafés were not the only factor in terms of the Town Centre's dispersal problems, the reduction of trading hours could be expected to make a significant impact on the levels of disorder in the area.

The applicant's representative was invited to sum up the applicants case. It was suggested that the level of crime connected to the premises was low, and that there was no evidence that reducing the hours would impact on the level of crime and disorder. It was further suggested that people would be congregating in that area anyway, as there was a bus stop and a taxi rank in close proximity to the premises.

Licensing Sub-Committee, 3 March 2005

At this point the Chairman adjourned the hearing to allow the Sub-Committee to make its decision. On reconvening, the Chairman explained that due to the likelihood of nuisance, the application for a Night Café Licence until 3.00am was refused. However, the Sub-Committee was minded to grant a 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 Mr Halil Emin 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 2.00am 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 for the duration of the licensed hours.
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.
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.
9. That CCTV be installed on the premises, taking into account advice from the Police and Environmental Health Officers.

CHAIRMAN

Date _____