

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
8 January 2007 (10.30am – 10.45am)

Present:

COUNCILLORS:

Conservative

Edward Cahill (Chairman), Melvin Wallace

Labour

Tom Binding

Paul Campbell (Havering Licensing), Kirsty Ridling (legal advisor to the Sub-Committee), Xanthe Barker (Clerk) were present.

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

PREMISES

Station Fish Bar
151 South Street
Romford
RM1 1PL

DETAILS OF APPLICATION

Application for a premise licence under Section 34 of the Licensing Act 2003 (the Act”) for the premises referred to in Part 1 of the application.

APPLICANT

The Bridge House
Upminster Road
Upminster
RM14 2RB

DETAILS OF APPLICATION

Application to vary a premises licence under section 17 of the Licensing Act 2003 (“the Act”) for the premises referred to in Part 1 of the application.

APPLICANT (S)

Mr Ummet Sasmaz	Mr Yasin Duru
20 Temple Close	151 South Street
Thamesmead	Romford
London	Essex
SE28 OEN	RM1 1PL

1. Details of existing licensable activities

The applicant currently has a premises licence for the sale of late night refreshments for the property at 151 South Street, Romford, which allows the licensee to trade between the hours of 11:00 and 02:00 each day.

2. Details of requested variations

An application has been made to vary the premises licence, as it currently exists at South Street, to extend the hours during which late night refreshments can be served, by two hours, from 11:00 to 04:00 the following morning from Thursday to Saturday.

3. Licensable Activities:

Late Night Refreshments:

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Sunday to Wednesday: 11:00 hours until 02:00 hours of the following morning

Thursday to Saturday: 11:00 hours until 04:00 hours the following morning

4. Promotion of the Licensing Objectives

The applicants have already completed the operating schedule, which would be amended to reflect an extension to the hours permitted and these measures would continue to be applied to promote the four licensing objectives.

5. Details of Representations

Representations Objecting to the Application

There was one valid representation.

The representation was received from a member of the public and related principally to the prevention of public nuisance licensing objective.

The objector did not attend the hearing.

Chief Officer of Metropolitan Police (“the Police”) – None

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

In summary, having regard to the following objectives, the representations relate to the following issues:

The Prevention of Public Nuisance

6. Determination of Application

Consequent upon the hearing held on 8 January 2007, the Sub-Committee’s decision regarding the application for a variation to the existing premises license, for Station Fish Bar, 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 to this, the Sub Committee took account of its obligations under Section 17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Decision

<u>Facts/Issues in Dispute</u>	
Issue 1	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.

Decision	
Issue 1	Prevention of Public Nuisance The objector complained about the likely impact that late opening hours would have upon the environment . As the objector did not attend the hearing and there was no report from Environmental Services to suggest this might be a problem, the

	Sub-Committee had only the evidence provided by the applicant regarding alleged public nuisance.
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Having considered the oral and written submissions on behalf of the applicant, objector and the licensing officer, the Sub-Committee granted the amended application as follows:

That the premises licence, as it currently exists at South Street, be varied to extend the hours permitted for the provision of late night refreshments, as set out above.

7. Appeal

Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the licence review, may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:

1. dismiss the appeal; or
2. substitute the decision for another decision which could have been made by the Sub Committee; or
3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and
4. make an order for costs as it sees fit.

Xanthe Barker
Clerk to the Licensing Sub-Committee