

**LICENSING SUB-COMMITTEE  
SUPPLEMENTARY AGENDA**

**27 July 2022**

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

**5 APPLICATION TO VARY A PREMISES LICENCE - SHELLEY'S BAR (Pages 1 - 14)**

Additional evidence supplied by the applicant. Papers attached.

**Zena Smith  
Democratic and Election  
Services Manager**

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## BEFORE THE LICENSING SUBCOMMITTEE OF HAVERING COUNCIL

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### SUBMISSIONS

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#### **Regarding Application to vary premises licence for Shelly's Bar, 72 Station Lane, Hornchurch, RM12 6NA.**

1. These applications are made in further support of the proposed proprietor's application to vary her premises licence.
2. The applicant applied to vary her existing premises licence as follows:
  - a. **Sale of alcohol**
    - Thursdays: 11:00 to 00:00
    - Fridays and Saturdays: 11:00 to 02:00
    - Bank Holidays and Sundays: 11:00 to 02:30
3. The premise lies in the Cumulative Impact Zone and as such, is subject to a rebuttable presumption that an Application for Variation will be refused, unless it can be demonstrated that granting the application would not add to the cumulative impact upon the licensing objectives in the area.
4. We contend that the applicant has provided a robust application, which demonstrates that there would be no cumulative impact on the licensing objectives.

#### **Objections**

5. Objections we received from Environmental Health, a resident (Mr Stephen Whiteman) and from Councillor Middleton.

#### **Environmental Health**

6. Environmental Health had concerns about noise nuisance and possible disturbance from patrons congregating outside of the venue. The applicant agreed with Environmental Health to add the following conditions to the premises licence:
  - a. The outdoor area of the venue is to be closed from midnight every day. No drinks are to be taken outside of the building after this time.
  - b. After this time, customers will be allowed outside of this area to smoke, or leave the premises.

On the basis of the agreed conditions, the Environmental Health Officer (Mike Richardson), withdrew his representations.

### **Stephen Whiteman**

7. Mr Whiteman objects on the basis that the nightclub (referring to the applicant's premises), was already causing 'serious noise problems, with loud music playing until 1.00am.' Mr Whiteman states that the people using the club frequently walk along the alleyway next to his house, shouting, swearing and urinating. He states that he is unable to enjoy the comfort of his own home, that he and his family are kept awake at night and that they are unable to enjoy their own property.
8. In response to this objection, we believe that Mr Whiteman is confusing Shelly's Bar with other venues nearer to his home. Mr Whiteman gives his address as 25 Mill Park Avenue, Hornchurch, Essex, RM12 6HD. However, there are other venues which also open late, which are far more likely to be the source of noise nuisance to Mr Whiteman than the applicant's venue. In particular, the following premises are nearer to Mr Whiteman's home. Namely, The Cranley, Frankies Wine Bar and Vertigo. We enclose a map to assist members in this regard. As such, we contend that Mr Whiteman's objection cannot be given any weight in the hearing, since it is clear that he is most likely confusing patrons from other establishments, with that of the applicant's establishment.

### **Councillor Middleton**

9. Councillor Middleton makes the following points in an email objection of 18 May 2022. We reproduce the bullet points set out by Councillor Middleton.
  - a. This establishment is in close proximity to a residential area;
  - b. The number of customers leaving this establishment in the early hours of the morning will have a detrimental impact on the residents' health and wellbeing. This will have a greater impact on babies and young children who live in the area;
  - c. There will be excessive noise both from the club and customers, particularly during the summer months when windows are left open;
  - d. There is insufficient policing to cover both Hornchurch and Romford at the same time if there is trouble;
  - e. As always, there is the likelihood of antisocial behaviour when customers are provided with extra drinking time;
  - f. The last means of public transport finishes at approximately 01001 pm, thereby leaving customers waiting for an available taxi;
  - g. There is no taxi rank in this area and therefore taxis will park on residential roads with engines running and radios blaring;
  - h. There are no public conveniences in this area for customers to use once they leave the premises. It is a fact that they will use the surrounding roads;
  - i. There will be an increase of litter in this area; and
  - j. Residents are being sent what can only be described as intimidating letters from the solicitors acting on behalf of Shelly's Bar.

10. With regard to Councillor Middleton's objections (and to Mr Whiteman's objections), it is denied that Shelly's Bar is the cause of the nuisance, or any antisocial behaviour. In this regard, we refer members to a statement from Mr Alex Lowry, who is a resident, living adjacent to Shelly's Bar (who actually lives near the premises in question). Mr Lowry denies any noise nuisance being generated from the applicant's premises. Mr Lowry is clear on the following points, since he has been living at his property from August 2021:

- a. He has never been disturbed by any noise generated from the applicant's premises;
- b. He has never experienced queues outside of Shelly's and customers have never blocked his entrance;
- c. He has never seen any antisocial behaviour from people leaving Shelly's bar in the early hours;
- d. Shelly's bar is just one of a number of establishments providing similar services; and
- e. Since patrons leave the other premises late at night, walking past Shelly's, it would make no difference as far as he is concerned, if the premises licence was varied as requested
- f. Granting an extension would be a positive move for the local area and economy.

11. A further supporting statement is provided by Mr Dan Marsh, who is also a local resident and a neighbour of the premises. Mr Marsh also maintains that he has never been disturbed by noise generated from Shelly's and he has never experienced queues outside of Shelly's. Mr Marsh makes a further point that the security presence, outside of Shelly's, is itself a positive factor, as it makes him feel safe and also helps to ensure that guests leave safely and quietly from the premises.

12. In relation to Councillor Middleton's objections, we would respond to Councillor Middleton's objections by taking each point in turn:

- a. *This establishment is in close proximity to a residential area;*

There is no evidence that residents who actually live next to Shelly's Bar, have any problems with the running of the premises. In fact, we have unchallenged evidence from neighbours of the premises, who confirm that the premises are not causing them noise nuisance.

- b. *The number of customers leaving this establishment in the early hours of the morning will have a detrimental impact on the residents' health and wellbeing. This will have a greater impact on babies and young children who live in the area;*

In view of the extensive measures in place, including the conditions agreed with Environmental Health Services, it is contended that there would not be a detrimental impact on residents' health and wellbeing. We would also, again, make the point that Mr Whiteman (the resident objector), lives some distance away from Shelly's Bar and appears to be confusing his experiences with patrons from another establishment.

- c. *There will be excessive noise both from the club and customers, particularly during the summer months when windows are left open;*

There is no evidence that there was any noise nuisance during the summer months when windows are supposedly left open. The (3) windows are kept closed and locked at all times in any event (and the applicant would be happy to make this a condition of the premises license).

- d. *There is insufficient policing to cover both Hornchurch and Romford at the same time if there is trouble;*

Members will be aware that Havering Council uses the services of Humm Security, which patrols and controls any antisocial behaviour in and around the town centre. As such, the policing issue is being effectively addressed by the Council.

- e. *As always, there is the likelihood of antisocial behaviour when customers are provided with extra drinking time;*

Whilst Councillor Middleton makes a generalised statement, members need to be pointed to evidence that these premises are generating particular concerns. There is no such evidence and in fact, the evidence before members confirms that the premises is making a positive contribution to experience of its neighbours.

- f. *The last means of public transport finishes at approximately 1 pm, thereby leaving customers waiting for an available taxi;*

There is no evidence that this is a problem. Members will also be aware that the use of taxi apps, such as Uber, or Bolt, are very popular nowadays and many patrons will simply call such a taxi from their mobile phone, if they so require.

- g. *There is no taxi rank in this area and therefore taxies will park on residential roads with engines running and radios blaring;*

There is no evidence that waiting customers has been an issue. We would also remind members that the premises enjoys a large forecourt and if members do have to wait, they can do so in the forecourt. The applicant is happy to agree to a condition that patrons waiting for a taxi must do so within the premises.

- h. There are no public conveniences in this area for customers to use once they leave the premises. It is a fact that they will use the surrounding roads;*

There is no evidence that patrons have been urinating in, or around, the premises, when they leave. This objection can be levelled at any licensed premises, but there is no basis to the notion that it applies in this instance.

- i. There will be an increase of litter in this area; and*

Once again, Councillor Middleton makes a general argument, unsupported by any evidence pertaining to this particular premises. There is no evidence that litter is an issue. The applicant does not sell serve food or other items which could become litter outside the premises and the applicant's staff collects drink bottles from patrons. As such this is not an issue for the applicant.

- j. Residents are being sent what can only be described as intimidating letters from the solicitors acting on behalf of Shelly's Bar.*

We are surprised that Councillor Middleton would regard the letters sent by the applicant's solicitors as intimidating. We can confirm that this firm, upon instruction, sent letters to Steven Whiteman and Councillor Middleton. We enclose a copy of both letters. These letters are far from intimidating, but rather seek to engage the objections raised by the respective objectors, to explore if there was a way in which they could be addressed, to avoid the need for a hearing. This practice is encouraged by the guidance under the Licensing Act 2003 and is good practice. As such, we refute any suggestion that this communication was in any way inappropriate.

W. Brown  
Brown and Co Solicitors  
18 July 2022

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## Variation of the license for Shelly's Bar and Nightclub

23 May 2022

Dan Marsh  
Apartment 6  
70 Station Lane  
Hornchurch  
RM12 6NA

To whom it may concern,

I write in support of the application for a variation of the license for Shelly's Bar and Nightclub at 72 Station Lane, Hornchurch, RM12 6NA.

I am a resident of Hornchurch since birth and more recently I reside in the neighbouring building to Shelly's at Flat 6, 70 Station Lane, Hornchurch, RM12 6NA. I have lived at the property since June 2021 and can confirm the following:

1. I have never been disturbed by noise generated by the music at Shelly's. I cannot hear the music when I am home. My apartment block is located at the front on the main road and is one of the closest apartments to Shelly's.
2. Never have I experienced queues outside of Shelly's or have customers ever blocked my entrance. In order to access my building, I use the front door which is situated right next door to the entrance of Shelly's.
3. The security outside of Shelly's not only makes me feel safe, yet they help to ensure guests leave safely and quietly from the premises. If anything the security have helped to correct anti-social behaviour from other guests leaving Hornchurch town centre and walking past my property/ Shelly's on the way to Hornchurch station.

In conclusion, I strongly believe that an extension to the license and opening hours of Shelly's will not make any difference to my standard of living or health and well-being.

Please do let me know if you require anything else from me.

Yours sincerely,

Dan Marsh

To: Brown Winston  
Subject: RE: Re: Shelly's bar and nightclub application

> From: alex lowry <[alex-lowry@hotmail.co.uk](mailto:alex-lowry@hotmail.co.uk)>  
> To: "[Winston.brown@brownandcosolicitors.co.uk](mailto:Winston.brown@brownandcosolicitors.co.uk)"  
<[Winston.brown@brownandcosolicitors.co.uk](mailto:Winston.brown@brownandcosolicitors.co.uk)>  
> Date: 23/05/2022 12:59  
> Subject: Shelly's bar and nightclub application  
>  
>  
> To whom it may concern,  
>  
> I write in support of the application for a variation of the license for Shelly's Bar and Nightclub at  
72 Station Lane, Hornchurch, RM12 6NA.  
>  
> I am a resident of Hornchurch and reside in the neighbouring building to Shelly's at Flat 8, 70  
Station Lane, Hornchurch, RM12 6NA. I have lived at the property since August 2021 and can  
confirm the following:  
>  
> 1. I have never been disturbed by noise generated by the music at Shellys. I cannot hear the music  
when I am home. I have a balcony at the back of my flat and even when I am using the balcony the  
sound of music from Shellys is extremely minimal and not a disturbance. I would say the traffic on  
Station Lane is louder than anything I have experienced with Shellys. With this in mind an extension  
to the license will not make any difference to my standard of living or health and well-being.  
> 2. In order to access my building from the front door, it is situated right next door to the entrance  
of Shelly's . Never have I experienced queues outside of Shellys or have customers ever blocked my  
entrance. There is always security outside of Shellys which makes me feel safe and I know that if I  
ever was to experience and issue that they would rectify this for me.  
> 3. I have never heard or seen any antisocial behaviour from people leaving Shellys in the early  
hours. Even if this was the case, the establishment always has adequate security available. I do not  
believe that an extension to the opening hours would have any affect on this. I speak regularly with  
the other residents in my flat and they have never raised any issues with Shelly's.  
> 4. We live on a busy high street, just up the road the establishments based on Hornchurch high  
street are providing the same service as Shellys, they are less than a 5 minute walk away and are  
also surrounded by a residential area. I feel that all these establishments should be treated equally  
and fairly. Please also note, that the people leaving the other bars, restaurants and clubs usually  
walk up past station lane and Shelly's to get to the station at the end of the night and therefore  
would it would make no difference if Shelley's was open longer.  
> 5. It is good for the local area and economy. It is always great to have people out abs about and  
supporting local, this extra time I feel will make no difference to the experience of local residents  
but will instead encourage more people to enjoy the night life that Hornchurch has to offer.  
>  
> I hope my points are considered and that Shelly's is provided with an opportunity to increase their  
opening hours. Please do let me know if you require anything else from me.  
>  
> Many thanks  
> Alexandria Lowry  
>  
> Sent from my iPhone





Steven Whiteman  
24 Mill Park Avenue  
Hornchurch  
Essex  
RM12 6HD

George House  
5 Greenwich South Street  
Greenwich  
London  
SE10 8NW

Telephone No: 020 8858 5996

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website: [www.brownandcosolicitors.co.uk](http://www.brownandcosolicitors.co.uk)

13 May 2022

Winston Brown (LLB Hons) – Principal Solicitor

Please reply by email to [winston.brown@brownandcosolicitors.co.uk](mailto:winston.brown@brownandcosolicitors.co.uk)

Our Ref: MV/3763/WB

Your Ref:

Dear Mr Whiteman,

**Re: Application for Variation Premises Licence via 2003, Champagne Chelle Ltd, Shelly's Bar, 72 Station Lane, Hornchurch, RM12 6NA**

We enclose with this letter, a map showing the location of your premises in relation to Shelly's bar for your attention. I am a solicitor acting for the proprietary for Champagne Chelle Ltd whom we have applied to Havering Council for a Variation Premises Licence in relation to the above premises. I have been shown a copy of your objection dated 7 May 2022 and note the legitimate concerns that you have raised in your letter. I have taken instructions from Ms Vickers who is the proprietor of the establishment and wish to respond to your concerns with the view to see if an accommodation can be reached. You say in your letter that the nightclub is 'already causing serious problems with loud music being played until 1:00am'. Ms Vickers is at a loss to understand this complaint since she has not had any complaints from residents who live far-near her premises than you. We genuinely believe that you are confusing patrons from Shelly's bar with patrons from other bars that are far nearer to your address. In this regard, we understand that other premises that are nearer to you include The Cranley, Frankie's and Vertigo which are all open 'late' and have live entertainment. We are very concerned that your objection (which will necessitate a hearing before the Licensing Committee) has been wrongly directed at our client.

We would invite you to reconsider your position and agree to withdraw your objection. We would be grateful to hear from you within 7 days of the date of this letter.

Yours faithfully

**Brown and Co. Solicitors**

Winston Brown LLB (Hons) - Principal  
Joseph Golstein (LLB Hons) Consultant Clerk/Retired Solicitor  
Ian Sandy LLB (Hons)- Consultant Solicitor

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13 May 2022

Winston Brown (LLB Hons) – Principal Solicitor

Please reply by email to [winston.brown@brownandcosolicitors.co.uk](mailto:winston.brown@brownandcosolicitors.co.uk)

Our Ref: MV/3763/WB

Your Ref:

Dear Councillor Paul Middleton,

**Re: Application for Variation Premises Licence via 2003, Champagne Chelle Ltd, Shelly's Bar, 72 Station Lane, Hornchurch, RM12 6NA**

I act for Ms Vickers who is a proprietor of Shelly's bar, 72 Station Lane, Hornchurch, RM12 6NA. I have been passed your objection of 9 May 2022 with concerns of the possible impacts on residents if the variation is permitted. I am instructed to seek to allay the concerns that you have raised in your email as follows.

1. You refer to the Police not being available past 11:00pm at night. I understand that the Council is now using a security company called Hunns Security which controls the town centre (including the area where Shelly's Bar is located) and are effectively addressing any issues of anti-social behaviour.
2. You express concern that my client's premises is further away from the town centre and much nearer to the residential areas which could potentially be affected by 'late night revelry' and 'the dismiss of patrons after the club closes'. I can confirm that my client has had no complaints from residents or from the Licencing Department. Further, my client has already had late night events under five separate temporary event notices in 2022 alone and has no complaints thus demonstrating that she is able and willing to comply with the licence objectives.
3. You refer to the pavement outside the station being roped off as a waiting area. I can confirm that for a short period of time in July 2021, my client did use a rope to assist patrons queuing to enter the premises. The passers-by were still able to pass freely along the pavement during this time. My client has however not used the rope on the pavement at anytime since and would not do so going forward. (We are happy to

Winston Brown LLB (Hons) - Principal  
Joseph Golstein (LLB Hons) Consultant Clerk/Retired Solicitor  
Ian Sandy LLB (Hons)- Consultant Solicitor



make that a condition of any variation if you so wish). Further and as you all know, Shelly's Bar enjoys a large fore court and if there were any queues (and this I am told is a rare occurrence), those could easily be accommodated within the fore court of Shelly's Bar.

Please also be aware that we have engaged effectively with Mike Richardson of Public of Protection of Environmental Health, and it has been agreed with him that the outside area at the front of the premises (the fore court) shall be closed from midnight every day. The worded condition is as follows: *'the outdoor area of the venue is to be closed from midnight every day. No drinks are to be taken outside the building after this time, customers will be allowed outside this area to smoke or to leave the premises.'*

As such, the officer specially charged with Environmental Health Concerns has agreed that the above conditions are sufficient to address the concerns of the noise nuisance. We do trust that you will accept that extensive steps have been taken by my client to ensure compliance with the licencing objectives in which the variation is granted and agree to withdraw your objection to avoid the need for a hearing in from of the Licencing Committee. I would be grateful if you could come back to us with your response within 7 days of the date of this letter.

Yours faithfully



**Brown and Co. Solicitors**



**Shellys**

**A Lowry**

**D marsh**

**H Kaya**

**No objection**

**Rumbles Fish Bar - Fish & Chips**

**Robert Smith and Son**

**Post Office**

**K Francis**

**No Objection**

**Objection**

**24 Mill Park Ave**

**15°**

**AOI 2**

Whom it may concern,

I writing in support of the licence application for Shelly's Nightclub & Bar at 72 Station Lane, Hornchurch RM12 6NA.

I am a resident of Hornchurch and I have been living at 67A Station Lane Hornchurch RM12 6JU (opposite building to Shelly's) since 2014. My wife and I have two small children, they are 5 and 7 years old.

I would like to confirm that my family and I have never been disturbed by the music or any other noise generated at Shelly's. As long-time resident in the area I have not seen any antisocial behaviour from Shelly's customers.

I live and work right opposite to Shelly's. So, I spend almost all of my time here, If anyone is disturbed by the activities of this establishment I should be the first. But I solemnly confirm that existence of Shelly's has no negative impact on our lives. Therefore, I strongly believe that an extension of opening hours would make no difference on the quality of our lives.

Should you need any further information please do not hesitate to contact me.

Kind regards

Huseyin Kaya

< Sent



From: **Gina Harris** >

To: [winston.brown@brownandcosol...](mailto:winston.brown@brownandcosol...) >

Today at 05:54

## **Fwd: Shelley's Bar & Nightclub, Hornchurch - License extension**

Sent from my iPhone

We write in support of the licence extension to the above premises.

We reside at 3 Florence Close, a Close situated opposite to the bar/nightclub. The rear of our property backs on to the alleyway that we understand has been mentioned as experiencing anti social behaviour from customers of the bar.

We have lived here throughout the period Shelley's has been open and do not hear any noise etc from the bar or it's patrons neither have we heard or seen anyone down the alleyway at night.

We would have no objection to an extension of hours.

Kind regards

Gina Harris & Kenneth Francis