



# Haverling

LONDON BOROUGH

## LICENSING SUB-COMMITTEE MIRROR RESTAURANT

### SUPPLEMENTARY AGENDA

<b>10.30 am</b>	<b>Thursday 25 June 2015</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

**COUNCILLORS:**

Linda Van den Hende (Chairman)  
Wendy Brice-Thompson  
Jody Ganly

**For information about the meeting please contact:**

**Wendy Gough - 01708 432441  
wendy.gough@onesource.co.uk**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

**AGENDA ITEMS**

**6 SUPPLEMENTARY AGENDA** (Pages 1 - 10)

The Sub-Committee is asked to consider the attached information as part of the Licensing hearing.

**Andrew Beesley**  
**Committee Administration Manager**

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### Public Protection

Mercury House, Mercury Gardens  
Romford RM1 3SL

Please call: Paul Jones  
Telephone: 01708 432692  
Fax: 01708 432554  
email: [paul.jones@havering.gov.uk](mailto:paul.jones@havering.gov.uk)  
Text Relay for the deaf, speech impaired  
or hard of hearing: 18001 01708 432777

## memo

From: Paul Jones

To: Whom it may concern

My Reference : PJJ/016680

Your Reference :

Date: 15<sup>th</sup> June 2015

### Licensing Act 2003

#### Mirror Restaurant 3-7 Billet Lane Hornchurch RM11 1TS

#### Premises licence application

Further to the above, please see additional material which should be considered during the hearing to determine the application.

This premises licence application was submitted on 7<sup>th</sup> May 2015. The Licensing Authority had a series of concerns with regard to the nature of the application. Some of these concerns related to the potential for noise nuisance and were generated, in part, from concerns expressed to the Licensing Authority by local residents.

Over a period of time the application was amended to address responsible authority concerns. The Licensing Authority's last concern in relation to the potential for noise nuisance originating from the external decking area was addressed by the applicant when, via his agent, he agreed on 3<sup>rd</sup> June 2015 to restrict the external decked area's use in the following fashion:

9) THE EXTERNAL DECKED AREA TO THE FRONT OF THE PREMISES SHALL NOT BE USED FOR ANY ACTIVITY FROM 22:00 ONWARDS OTHER THAN FOR CUSTOMERS TO USE AS A SMOKING AREA. DRINKS AND/OR FOOD MAY NOT BE CONSUMED ON THE EXTERNAL DECKING AREA AFTER 22:00

This voluntary undertaking was felt sufficient to remove the Licensing Authority's concern in this regard and a letter confirming that the Licensing Authority would not oppose the application was sent to the applicant.

During the interim period while the premises licence application was ongoing the applicant for this licence submitted a series of TENs to authorise licensable activity at the premises. These were opposed by Havering's Noise Specialist. At a hearing to determine two of these TENs the applicant indicated his willingness to voluntarily restrict the use of the external decked area during the TEN periods in line with the undertaking referred to above. Based upon this assurance the Noise Specialist withdrew his objection notice. The TENs were subsequently granted. The attendant decision notice clarified that the premises' external decking area would voluntarily not be used:

[The premises' user's agent] also confirmed that the applicant had agreed to closing the outside seating area at 22.00 hours each evening.

A licensing officer conducted a routine monitoring patrol of Hornchurch on Saturday 13<sup>th</sup> June 2015. This date was an authorised date covered by one of the TENs recently approved. Driving past the premises at approximately 22:50 two tables of patrons were seen to occupy the external decked area in apparent contravention of the premises user's voluntary undertaking to restrict this area's usage to 22:00. Having parked in a nearby car park the licensing officer approached the venue on foot. The external patrons' raised voices and laughter were clearly audible some 95 metres from the decked area. It emerged that there were two tables of patrons, six at each table, located at either end of the decked area. The patrons appeared to be middle-aged and well behaved; however, the volume of their voices was significant. The patrons were seen to be consuming drinks. No evidence of smoking was witnessed at this time.

The licensing officer left the area and returned again at 23:30. One table of patrons had apparently left but the other table, the one closest to the premises' front door, was still occupied, some 90 minutes after the voluntary undertaking to cease external activity. As this was a voluntary undertaking it might appear that the licensing authority is unable to take enforcement action with regard to the TEN.

Given the assurance provided by the applicant's agent at the TEN hearing to the effect that it was in the applicant's interest to abide by the voluntary TEN restriction as a premises licence application was yet to be determined, the fact that this voluntary undertaking appears to have been discounted might have some significance with regard to the premises licence application.

The Licensing Authority recognises that a restaurant premises is a different beast from a public house. The convivial atmosphere generated when people sit down to dine is such that to require diners to cease their socialising at a given moment to move elsewhere might seem antithetical to a restaurant's natural mode of operation. Having said that, the applicant for this licence has installed the external decking area and offered to restrict its hours of use in order to protect nearby residents from unreasonable noise intrusion. It would therefore be the responsibility of the premises licence holder to effectively manage this. It might appear that he was unable to manage this on the evening of 13<sup>th</sup> June 2015.

Additionally, it should also be noted that the premises has installed an advertisement in the Romford Recorder to the effect that belly dancers will be provided attendant to party bookings. The application makes no provision in sections 12 or 13 for dancing or anything similar to be provided.

Paul Jones  
Licensing Officer



## Public Protection

London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

Telephone: 01708 432692  
Fax: 01708 432554  
email: paul.jones@havering.gov.uk  
Textphone ☎: 01708 433175

Date: 4<sup>th</sup> June 2015

The Appropriate Licensing Officer  
Licensing Authority  
Town Hall  
Main Road  
Romford  
RM1 3BD

My Reference: PJJ/016680

Dear Sir

**Licensing Act 2003**  
**Premises licence application**  
**Mirror Restaurant 3-7 Billet Lane Hornchurch RM11 1TS**

With regard to the application detailed above this licensing authority can confirm the following.

Since the application was submitted on 7<sup>th</sup> May 2015 the applicant has significantly amended the operating schedule. Initial concerns have now been addressed by these modifications which include:

- Reducing the premises' terminal hours
- Restricting the premises' usage to that of a restaurant only
- Restricting the terminal hour for the external decking area

The licensing authority can therefore confirm that, based upon the amended operating schedule, we have no grounds on which to base opposition to the application. We naturally wish the applicant the best of luck with his business venture.

If I can clarify further please do not hesitate to contact me.

Yours faithfully

*Paul Jones*

Paul Jones  
Licensing Officer

*cc Mr K Kara, agent for the applicant*

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**From:** advance.apl@gmail.com [mailto:advance.apl@gmail.com] **On Behalf Of** Advance Planning  
**Sent:** 03 June 2015 16:05  
**To:** Paul Jones  
**Subject:** Re: Mirror Restaurant-Premises Licence Application

Dear Mr Jones,

I am happy to amend the condition as follow;

- 1) THE PREMISES SHALL OPERATE STRICTLY AS A RESTAURANT WHERE THE SALE OF ALCOHOL IS ANCILLARY TO THE CONSUMPTION OF FOOD.
- 2) ALCOHOL WILL ONLY BE SOLD TO PERSONS SEATED AT A TABLE AND TAKING A SUBSTANTIVE TABLE MEAL EITHER WITHIN THE RESTAURANT OR ON THE OUTSIDE TERRACE.
- 3) CUSTOMERS TAKING A MEAL MAY HAVE ALCOHOLIC DRINKS BEFORE, DURING AND AFTER A MEAL.
- 4) SERVICE WILL BE BY WAITING STAFF ONLY.
- 5) THERE SHALL BE NO ORDERING, SERVICE OR CONSUMPTION OF ALCOHOL AT THE BAR / SERVERY.
- 6) NO CHILD OR YOUNG PERSON UNDER 18 WILL BE ALLOWED TO CONSUME ALCOHOL.
- 7) NOTICES WILL BE DISPLAYED ADVISING CUSTOMERS THAT DRINKS MAY NOT BE TAKEN BEYOND OR OFF THE TERRACE AREA AT ANY TIME.
- 8) FOLDING DOORS WILL BE SHUT DURING THE LIVE MUSIC
- 9) THE EXTERNAL DECKED AREA TO THE FRONT OF THE PREMISES SHALL NOT BE USED FOR ANY ACTIVITY FROM 22:00 ONWARDS OTHER THAN FOR CUSTOMERS TO USE AS A SMOKING AREA. DRINKS AND/OR FOOD MAY NOT BE CONSUMED ON THE EXTERNAL DECKING AREA AFTER 22:00

Kind Regards

Kenan Kara

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**Licensing Act 2003  
Notice of Decision**

**PREMISES**

Mirror Restaurant  
3-7 Billet Lane  
Hornchurch  
RM11 1TS

**APPLICANT**

Mr Mehmet Ergun Keles  
Mirror Restaurant  
3-7 Billet Lane  
Hornchurch  
RM11 1TS

**1. Details of Application**

Mirror Restaurant is located in a parade of commercial outlets at the junction of Billet Lane and High Street in Hornchurch which comprises a part of the St Andrews ward. St Andrews ward is subject to a special licensing policy. The premises has yet to open and is currently being fitted out for the purpose of being a licensed premises. A premises licence application is currently ongoing. The site occupies three commercial units knocked into one large venue. A large decked area has been constructed at the front of the premises while the premises' frontage comprises gate fold doors which presumably will be fully open during the warm weather. The commercial properties in this parade of shops have residential properties located above them.

The two TENs were submitted on the behalf of the premises user, Mr Mehmet Keles, by his licensing agent via the GOV.UK online submission facility. The TENs were received by Havering's Licensing Authority on 22 May 2015.

The first TEN sought to be able to provide licensable activity, i.e. live and recorded music, and the supply of alcohol for consumption on the premises, from 09:00 to 23:00 from 11<sup>th</sup> to 17<sup>th</sup> June 2015. The second TEN sought similar licensable activities and hours to be provided from 19<sup>th</sup> to 25<sup>th</sup> June 2015.

**Objection notice(s)**

Mr Marc Gasson submitted an objection notice against these TEN on behalf of Havering's Environmental Health department. Mr Gasson's concerns were in relation to the prevention of public nuisance licensing objective.

## **2. Grounds of Objection**

There was one objection notice made against the TENs from a responsible authority, namely Havering's Noise Specialist, Mr Marc Gasson, submitted on 28 May 2015.

Under the Licensing Act 2003 as amended, the Police and Environmental Health have three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).

## **3. Details of Representations**

Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared and advised the Sub-Committee that following discussions with the applicant's agent the applicant had agreed to remove all regulated entertainment from his application and therefore Mr Gasson was now withdrawing his representation.

Mr Gasson also advised that a noise assessment test was due to be carried out in the premises week commencing 15 June 2015 and the results of the test would be lodged with the Environmental Health department by 18 June 2015.

## **4. Applicant's response.**

Mr G Hopkins, the representative of the applicant addressed the sub-committee and confirmed his client's intention to remove the regulated entertainment element of the application. There would be no recorded or live music. Only alcohol was to be served during the hours.

Mr Hopkins also confirmed that the applicant had agreed to closing the outside seating area at 22.00 hours each evening.

## **5. Determination of Application**

**Consequent upon the hearing held on 9 June 2015, the Sub-Committee's decision regarding the application for two Temporary Event Notices for Mirror Restaurant is as set out below, for the reasons stated:**

The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.

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 the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

**Agreed Facts**            Whether the granting of the Temporary Event Notice would undermine any of the four licensing objectives.

- **Prevention of Public Nuisance**

The Sub-committee noted that Mr Gasson, the noise specialist representing the Environmental Health department had withdrawn his objection.

## **6. Decision**

Having considered the oral and written submissions of the applicant and the withdrawal of the representation from the noise specialist in relation to the application, the decision of the Sub-Committee was to **Grant** the application as per applied for.

## **7. Appeal**

Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.

Richard Cursons  
Clerk to the Licensing Sub-Committee

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