



## LICENSING SUB-COMMITTEE UPMINSTER KEBAB HOUSE (RECONVENED)

### SUPPLEMENTARY AGENDA

<b>10.30 am</b>	<b>Monday 14 March 2016</b>	<b>Council Chamber - Town Hall</b>
-----------------	---------------------------------	--

Members 3: Quorum 2

**COUNCILLORS:**

Robert Benham  
Linda Van den Hende (Chairman)  
Reg Whitney

**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**

**5 UPMINSTER KEBAB HOUSE, 127 AVON ROAD, UPMINSTER, RM14 1RQ (Pages 1 - 6)**

Application for a new premises licence is made by Seyit Guzel under section 17 of the Licensing Act 2003 in respect of Upminster Kebab, 127 Avon Road, Upminster, RM14 1RQ.

**Andrew Beesley  
Committee Administration Manager**

This page is intentionally left blank



**LICENSING  
SUB-COMMITTEE**

**REPORT**

Date 14 March 2016

Subject heading:

Upminster Kebab

127 Avon Road

Application for a premises licence

Report author and contact details:

Arthur Hunt, Licensing Officer

5<sup>th</sup> floor Mercury House

x 3585

This application for a new premises licence is made by Seyit Guzel under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 25 November 2015.

The original hearing for this application was held on the 18 January 2016. At that time clarification was sought regarding the application, therefore the sub-committee adjourned the matter until the 14 March, for the applicant to clear up the ambiguities in the application by submitting a revised form. There was also concerns expressed over the plan for the premises.

The revised application was received by the Licensing Authority on Monday 29 February 2016 (having been sent by E Mail on Sunday 28 February at 17:22 – attached), some 6 weeks after the initial hearing, thus giving the Responsible Authorities 9 working days to assess the clarified application form.

**Details of the application**

The applicant seeks the below licensable activities which he requests last until 01 January 2045.

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	01:00

<b>Late Night Refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Friday & Saturday	23:00	02:00

<b>Hours open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	02:00

In mediation with the Police the applicant varied the requested hours to :-

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	23:00

<b>Hours open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	23:30

The original plan showed a premise with 56 covers.

The revised application requests:-

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Saturday	12:00	23:00

<b>Opening hours</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Saturday	12:00	23:30

The time limitation on the original application has been removed.

The amended plan produced with the amended application shows 66 covers (an increase of 10) from the original.

Mr Hopkins (agent to the applicant) sent the revised form and plan to the Responsible Authorities ( Licensing Authority, Health and Safety, Planning and Environmental Health (Noise) who had made representations at the initial hearing, but also included the Police, who had not. It was unclear from the hearing whether he should submit it to all nine Responsible Authorities or only those who had submitted representations at the initial hearing.

I therefore forwarded the revised application to all Responsible Authorities.

The application was discussed at the Responsible Authorities meeting on the 3 March 2016. Some Responsible Authorities commented that they should have been given the full 28 day period to consider the application and to respond as appropriate. It must also be stated that at least one of the Responsible Authorities, who had not submitted a

representation at the initial hearing, would have considered submitting a representation, but the status of such was unclear.

### **Summary**

There were four (4) representations against this application from responsible authorities. At the original hearing.

### **Details of representations**

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

### **Responsible authorities' representations**

Mr Campbell has reviewed the application, and his report has been submitted for the information of the sub-committee.

The essence of his report is that this appears to be a "new" application rather than a clarification of the previous submission.



Arthur Hunt,  
Licensing Officer

**Arthur Hunt**

---

**From:** GRAHAM HOPKINS <gtlicensingconsultants@googlemail.com>  
**Sent:** 28 February 2016 17:22  
**To:** Arthur Hunt  
**Cc:** Oisin.Daly@met.pnn.police.uk; belinda.goodwin@met.pnn.police.uk; John Giles;  
Sam Cadman; Marc Gasson; Paul Campbell  
**Subject:** Upminster Kebab House  
**Attachments:** Final -- Amended Premise Plan.pdf; Revised App for Prem Lic Oct 2012 GTLC.doc

Dear Mr Hunt,

Upminster Kebab House

Following agreement by Mr Giles H&S Officer and the Food Safety Officer that the amended plan is accurate please find attached the amended application form and plan as agreed at the adjourned Hearing.

We have copied this directly to PC Goodwin & PC Daly, Mr Gasson Noise Specialist, Mr Cadman Planning, Mr Campbell Licensing Specialist & Mr Giles H&S Officer.

If Officers have any questions please contact us directly.  
Kind regards,

Graham Hopkins  
GT Licensing Consultants [07810 826778](tel:07810826778) // [01268 281457](tel:01268281457)





## Public Protection

Date: 2 March 2016  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

Licensing Authority  
Town Hall  
Main Road  
Romford  
RM1 3BB

**Telephone: 01708 432766**  
Fax: 01708 432554  
email: paul.campbell@haverling.gov.uk  
Textphone ☎: 01708 433175

My Reference: LIV/017439

Dear Sir/Madam

### **Licensing Act 2003 – Premises licence application** **Upminster Kebab House, 127 Avon Road, Upminster, RM14 1RQ**

*“At the Licensing Sub-Committee hearing on 18<sup>th</sup> January 2016 a decision was made to reconvene in 2 months the decision notice that was sent out stated:-*

*The Sub-Committee agreed that there were a number of areas that had now changed following the appointment of Mr Hopkins as the appointed agent. The Sub-Committee was of the view that the original application and proposed conditions had changed so much that could not make a decision and an adjournment was necessary for consideration of the representations.*

*Therefore the Sub-committee asked that the applicant and the responsible authorities meet to agree upon the way forward together with suggested conditions to be attached to the licence within a period of 2 months”*

On 29<sup>th</sup> February 2016 (e-mail sent at 17:22 on 28/02/2016) I received by e-mail from Mr Hopkins it stated *“Following agreement by Mr Giles H&S Officer and the Food Safety Officer that the amended plan is accurate please find attached the amended application form and plan as agreed at the adjourned Hearing”*

The application form that was attached, was for the Upminster Kebab House at 127 Avon Road and made on behalf of Mr Seyit Guzel and that is where the similarities ended and could not be considered to be an “amended application” and can only be classed as a new application.

The differences include

- The applicants address has changed
- General description of the premises the new application mentions it will provide a Take Away Service for customer collection
- Late Night Refreshment is not being applied for
- The Supply of Alcohol on a Friday and Saturday have been reduced to 23:00 from 01:00
- The hours the premises are open have been increased to 23:30 Sunday to Thursday and reduced to 23:30 on a Friday and Saturday

In the operating schedule, which become conditions on any licence granted

- Again there is mention of a Take Away service on the new application

- The maximum number of persons shall not exceed those shown on the plans has been omitted on the new application
- The management to make subjective assessments of noise levels outside a the perimeter of the premises is omitted.
- External doors and windows to be kept closed is omitted
- Staff to discourage patrons from congregating is omitted
- Litter bins and wall mounted ashtrays is not mentioned
- Notices to advise customers has been added
- The number of permitted smokers outside the premises has been increased from one person to six people.
- Only one mention of children on the new application "No unaccompanied children under 16 will be allowed on the premises after 20:00"
- The plan of the premises differs from the original with an increase of covers on the new application

The new application checklist states that

- The fee has been paid – no fee has been paid
- Copies sent to responsible authorities – only some of the authorities were sent copies by the applicant, others were sent copies by the licencing officer.
- Consent of the DPS enclosed – this was not enclosed with the new application.
- They understand that they must now advertise the application – a revised application does not need to be advertised

It was 42 days after the hearing on 18<sup>th</sup> January that the "revised application" was received by the responsible authorities, which leaves 13 days (9 working days) before the re-convened hearing date of 14<sup>th</sup> March, this is insufficient time for the Authorities to consider an application that is so completely different from the original and leaves little time for any negotiation regarding possible conditions and also to submit them to the Licensing Sub-Committee prior to the hearing for them to consider.

The Government imposed a 28 day period on applications for a premises licence in which the responsible authorities can make representation on an application it is unreasonable for the applicant to ask that this be done in 13 days

In my opinion the applicant has not complied with the requirement on the decision notice of, agreeing with the responsible authorities the way forward and suggesting conditions.

The application form submitted on 29<sup>th</sup> February is so different from the original that it cannot be held as a revised application it is more a new application. The responsible authorities who did not make a representation on the original application have no opportunity to object to anything on the revised application and the public have not had the opportunity to see the proposed application, conditions or plan.

I believe this application should be refused and if a premises licence is still required at the venue a new application made following the set procedure, stating exactly what is proposed at the premises, that way the public and all of the responsible authorities have the opportunity to liaise with the applicant and/or make a representation.



Paul Campbell  
Licensing Specialist