

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
7 August 2012 (2.30 - 4.45 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group**            Peter Gardner (Chairman)

**Residents' Group**            Linda Van den Hende

**Labour Group**

**Independent Residents  
Group**

Apologies were received for the absence of Councillors Linda Trew.

Present at the hearing were the applicant Mr Ansar Jabir.

Objectors present were PC David Fern (Havering Police) and Mr P Jones (Havering Licensing Officer), Mrs Linda Potter, Mr G Hopkins and Councillor Frederick Thompson.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared at this meeting.

**1        APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF  
THE LICENSING ACT 2003 ("THE ACT) - WACKY BAGELS, ST  
GEORGES HOUSE, 2-4 EASTERN ROAD, ROMFORD, RM1 3QF**

**PREMISES**

Wacky Bagels  
St Georges House  
2-4 Eastern Road  
Romford  
RM1 3QF

## **DETAILS OF APPLICATION**

Application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

### **APPLICANT**

Mr Ansar Sabir  
St Georges House  
2-4 Eastern Road  
Romford  
RM1 3QF

### **1. Details of the application**

<b>Late Night Refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Wednesday	23:00hrs	03:00hrs
Thursday to Saturday	23:00hrs	05:00hrs

Under the Licensing Act 2003 Late night Refreshment is the supply of hot food and/or drink between 23.00hrs and 05.00hrs

### **Seasonal variations & Non-standard timings**

There are no seasonal variations or non-standard timings on this application.

### **2. Promotion of the Licensing Objectives**

The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.

The applicant had complied with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Romford Recorder on Friday 8 June 2012.

### **3. Details of Representations**

Valid representations may only address the four licensing objectives

- The prevention of crime and disorder;
- The prevention of public nuisance;
- The protection of children from harm; and
- Public Safety.

There were four valid representations against this application from interested parties.

The interested parties representations covered points under the objectives of the prevention of public nuisance, public safety, the prevention of crime and disorder and the fact that the premise is within the Romford Saturation Policy area.

There were two representations against this application from responsible authorities.

The Responsible Authorities outlined their concerns around the issue of the premises licence within the saturation area.

### **Responsible Authorities**

The Police and the Licensing Authority as responsible authorities registered their concerns to the application that the premise was within the saturation area of the Town Centre.

Mr Paul Jones, Licensing Officer for the London Borough of Havering, made representation against this application based on the following concerns:

- That the premise was located in a saturation zone and is thus subject to Havering's licensing policy 018. This policy indicated that such application should be refused unless exceptional. He stated that the application had not demonstrated that an exception should be made to this policy in order to grant the application. The sub-committee was also informed that granting a licence would have the effect of adding to the anti-social problems in the area.
- That the application itself addresses the licensing objectives in such a minimal fashion that the authority was not confident that the applicant had a full understanding of the requirements and responsibilities placed upon a premises licence holder. The sub-committee was informed that the authority believe that at this stage the applicant was unable to promote the licensing objectives as required by the Act and as such requests that this application is refused.

Mr Jones concluded by informing the sub-committee that the applicant had been cautioned on four different occasions for selling hot food without appropriate licence.

Metropolitan Police:

PC Fern stated in his representation and to the sub committee that the applicant had not fully addressed the licensing objectives, that he had simply stated that food is consumed off the premises so there were no issues and offered no conditions.

He stated further that the application was poor considering the problems that the Town Centre faces and that the applicant is well aware of issues

faced by the police, that there was nothing exceptional about this application.

The Police would not support this application and genuinely believe granting of such a licence would impact on the prevention of crime and disorder along with public nuisance. There were concerns on the suitability of the CCTV system at the premise and its ability to record.

That the venue was a takeaway shop where customers queue in the street and order their food while they wait. There had been reported incidents of crime at the location as the applicant trades during of the requested hours although currently selling cold food and drink. He added that Mr Sabir had been caught on two occasions selling hot food after 2300 hours without a licence. The last warning as recent as 18 May 2012. The Police view was that hot food and drink is more appealing to the night time economy.

PC Fern informed the Sub-Committee that the premise does not encourage dispersal, that it encourages group to congregate. The police view that leaving patrons loitering for orders, many would be drunk and the frustration of waiting for some, will in turn lead to disorder causing public nuisance and or violence. This may be exacerbated by the preparation of hot food, as the waiting time will be increased.

The Police are of the view that allowing the premises to be granted a late night refreshment licence would have a cumulative effect within the zone and that this will also go against the licensing objectives of Prevention of Crime and Disorder along with Public Nuisance.

There were no representations from the following responsible authorities:

Public Health

The London Fire and Emergency Planning Authority

The Trading Standards Service

Planning Control & Enforcement

Children & Families Service

Health & Safety

Mr G Hopkins, an objector addressed the subcommittee on behalf of himself and Mr K C Clark stating that the petition submitted by the applicant in support of his application should be disregarded as it did not address the licensing objectives. He stated that the application was not exceptional, and should therefore be refused given it was in an area subject to a saturation policy. The premise was in the middle of a crime spot and there were risk of queuing in the street. Mr Hopkins was of the opinion that the premises was in the wrong location. He also stated that the location of the premises was at a risk of violence crime and noise nuisance and anti social behaviour to the detriment of local resident. He added that this application undermined Police and Council efforts to disperse people when the public houses and night clubs close as it offered people the opportunity to loiter outside while eating their food. This will also lead to litter as people drop the containers

and left over food. Mr Hopkins stated that he strongly supported the representation made by the Police and the efforts made by the police to make Romford safe and maintain the special policy area. He urged the sub committee to reject the application in its entirety.

Councillor Frederick Thompson addressed the Sub-Committee detailing his objection to the application. As a ward councillor, he stated that from past experience and knowledge he was aware that offering late night refreshment through night cafes can lead to fights breaking out as customers queue. He added that in relation to public nuisance, anything that might keep people to later hours in the Town centre was a problem. Local residents in Western Court and flats on Slaney Road had in the past drawn his attention to urination and defecation near their entrance doors. The Sub-Committee was also informed that he accepted all the concerns raised by the responsible authorities, and was of the opinion that anything that delayed dispersal from the Town Centre was unacceptable as it will also lead to noise issues to local resident.

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

Mr Sabir responded as follows to the objections raised by informing the Sub-Committee:

- The premises already had 8 cameras DVR CCTV system that was able to record for 56 days.
- That he was previously unemployed for four years before his parents rallied around him by re-mortgaging their home in order for him to take up the lease of the premises. He had invested £40,000 refurbishing it to a high standard.
- It was important to him that he get the licence as he was only open after 10:00pm.
- That he already had signage on his premises advising patrons to disperse quietly.
- That he had a wide range of patrons that includes taxi cab drivers and bus drivers.
- That his premises was the only shop that sold bagels in Romford, and also encouraged healthy eating, as the only other options around were fast food chains.
- The premises currently employed three staff.
- That a bin was provided outside the premises.
- That local residents from Western Quarters had no objection to his application hence no representation.
- In terms of the representations about public nuisance, Liquid and Envy nightclubs were close by and played loud music until 4:00am. Further, no residents had objected.
- That there was no reason for a large congregation as it only took about 30 seconds to heat up a filling for a bagel. It would make very little difference to the way he was already operating (with cold bagels).

- The applicant was of the opinion that some of the content of the Police representation was malicious, in that there were a small number of criminal incidents and allegations raised, which did not necessarily concern the premises, or its application for late night refreshment. If there was any evidence of problems at the premises, the Police should provide it.
- That the premises had the use of a toilet and shower facilities with St Georges House.
- That his premises had a 5 Star rating for hygiene.
- That his business was not able to survive on the day time economy.
- That his business was about 75% cold food sales but patrons do sometimes seek hot food.
- The applicant informed the sub committee that he was unable to afford the cost of processing a licence when he started the business and that he was now trying to put things right.

## **5. Determination of Application**

### **Decision**

**Following the hearing held on 7 August 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Wacky Bagels, St Georges House, 2- 4 Eastern Road, Romford, RM1 3QF is 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 were:

- 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, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998 and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

### **Facts / Issues**

Whether the granting of the premises licence would undermine the four licensing objectives.

- **The prevention of public nuisance**
- **Public safety**

- **The protection of children from harm**
- **The prevention of crime and disorder**

The Responsible Authorities had submitted that granting a late night refreshment licence raised concerns around the issues of the premises licence within the saturation area.

The Responsible Authorities also raised concern on the applicant inability to abide by the law detailing the four cautions that he had received.

All the representations considered also raised concern on issues such as noise nuisance, queuing to be served and loitering after purchase that could lead to crime and disorder.

Upon questioning it became clear the applicant already operates to the hours applied for, but requires a late night refreshment licence to add hot bagels to the menu after 11:00pm. He would remain open to the times applied for regardless, only if refused he would only be doing so with cold food and beverages.

Upon questioning relating to the written application submitted, the applicant advised that he was assisted by licensing professionals in filling it in, and they had told him that “less was more” in terms of the application. He was aware of the saturation policy in the area, and of his responsibility to promote the licensing objectives.

The Sub-Committee accepted that the original application was one which it had been concerned about, but was satisfied that the applicant had clarified issues that were lacking in the written application at the hearing.

The Sub-Committee stated that the application not been an easy case to consider. They were disappointed with the poor nature of the written application but had some sympathy with the circumstances under which this was made. The Sub-Committee were very concerned about the repeated infringements of selling hot food after 11:00pm, but licensing legislation deems this an offence for which prosecution can be brought and these offences do not negatively impact on the Licensing objectives which the Sub-Committee are limited to considering in terms of whether or not to grant an application. The Sub-Committee felt that the application was made in a genuine attempt to regularise the situation, and that the applicant had clarified issues that were lacking in the written application and demonstrated that he had considered the saturation policy and all licensing objectives.

The Sub-Committee were not convinced that the sale of hot food from an already trading venue selling cold food to the hours applied for will negatively impact on the Licensing objectives.

The application is therefore granted with the following conditions:

<b>Late Night Refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Wednesday	23:00hrs	03:00hrs
Thursday to Saturday	23:00hrs	05:00hrs

- A properly and fully operational CCTV system shall be in place and maintained to a satisfactory standard. The system is to meet Police agreed standard.
- That the premises will provide and maintain litter bins.
- Prominent, clear notices shall be displayed requesting that customers respect the needs of local residents and leave the premises and the area quietly.
- The premises licence holder shall implement a written dispersal policy to prevent customers from congregating outside the premises and in the immediate vicinity, and move customers away from the area in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, and crime and disorder. The policy shall be approved in writing by the Licensing Authority.

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**Chairman**