

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
6 September 2012 (10.30 - 11.20 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman), Pam Light and
Melvin Wallace

Residents' Group

Labour Group

**Independent Residents
Group**

Present at the hearing were Mr G Hopkins applicant representative, PC David Fern (Havering Police) and Mr P Jones (Havering Licensing Officer).

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 VARIATION TO A PREMISES LICENCE UNDER
SECTION 34 OF THE LICENSING ACT 2003 – ZARANA 55 HIGH
STREET, HORNCHURCH, RM11 1TP**

PREMISES

Zarana
55 High Street
Hornchurch
RM11 1TP

DETAILS OF APPLICATION

Application for a variation of a premises licence under section 34 of the Licensing Act 2003 ("the Act").

APPLICANT

Mr Syed Ahmed
53 Whalebone Grove
Chadwell Heath
RM6 6BT

1. Details of the application

The premises was a single unit terrace building, the shop trades on the ground floor as a restaurant and has a single floor of living accommodation above.

Details of application

Current premises licence times

Live Music, Recorded Music, Provision of Facilities for Dancing, Supply of Alcohol		
Day	Start	Finish
Sunday to Thursday	12:00hrs	23:30hrs
Friday and Saturday	12:00hrs	00:30hrs

Late Night Refreshment		
Day	Start	Finish
Sunday to Thursday	23:00hrs	23:30hrs
Friday and Saturday	23:00hrs	00:30hrs

Variation applied for

Live Music		
Day	Start	Finish
Sunday to Thursday	11:00hrs	23:30hrs
Friday and Saturday	11:00hrs	00:30hrs

Recorded Music, Provision of Facilities for Dancing, Supply of Alcohol		
Day	Start	Finish
Monday to Thursday	11:00hrs	00:30hrs
Friday and Saturday	11:00hrs	01:30hrs
Sunday	11:00hrs	00:00hrs

Late Night Refreshment		
Day	Start	Finish
Monday to Thursday	23:00hrs	00:30hrs
Friday and Saturday	23:00hrs	01:30hrs
Sunday	23:00hrs	00:00hrs

Hours premises are open to the public		
Day	Start	Finish
Monday to Thursday	11:00hrs	01:00hrs
Friday and Saturday	11:00hrs	02:00hrs
Sunday	11:00hrs	00:30hrs

At beginning of the hearing the applicant's agent amended the non standard timings as applied for, as follows:

New Years Eve, Christmas Eve and Boxing Day to remain open till 01:00hours unless it falls upon a Friday and Saturday (when it would close at the sought Friday/Saturday close time of 01:30).

Following another discussion between the applicant and the Police, the application had been amended prior to the hearing. The following e-mail extract was received by the Licensing Authority.

"Following discussion with Mr Ahmed of Zarana, we would like to amend the application to vary please as follows:

"To amend the non standard timings specified at Part 3 item 4 to remove "the Friday and Saturday of each Bank Holiday weekend" leaving Sundays to enjoy the extra hour. The other specified requested extensions remain part of the variation.

"To remove the request at Part 3 item 5 entirely. This followed discussion with yourself and PC Fern that persons seated for a meal can enjoy a drink before and after their meal. PC Fern was also of the view that customers can already take home a part finished bottle of wine under the existing Licence. On that basis this amendment is no longer required.

"PC Fern was requesting a last admission time but this causes concerns to the applicant. We are going to request a meeting with PC Fern and possibly yourself to discuss this. We are e mailing PC Fern today.

"The advert reflected the original application but the end date for representations was changed to 21st August."

Seasonal variations

No Seasonal Variations are applied for in this application

Non-standard timings

The applicant had originally applied for Non-Standard Timings to cover all of the licensable activities on the licence.

From the start of permitted hours on New Years Eve to the end of Permitted hours on New Years Day.

An extra hour on Christmas Eve, Boxing Day, Patrons Saints Days and the Friday, Saturday and Sunday of each Bank Holiday weekend.

These were amended as set out above.

Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 1 August 2012.

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 complied with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 1 August 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.

Two representations from Responsible Authorities against this application were received from the Metropolitan Police and the Licensing Authority.

Responsible Authorities' representations

The Responsible Authorities both detailed their concerns relating to the premises being within the saturation area at Hornchurch.

Metropolitan Police: - PC Fern stated in his representation and to the sub committee that the premises was in the saturation area of Hornchurch. He made representation against the application on the ground of public nuisance and crime and disorder but for the hours requested only.

PC Fern addressed the subcommittee orally reiterating his written representations stating that the granting of additional hours on Friday and Saturday nights until 01:30 hours with no additional conditions offered by the applicant, would impede on the following licensing objectives: Prevention of crime and disorder along with public nuisance.

The sub committee was informed that the Police had been in consultation with the applicant and their representative and had raised concerns within the application.

The Police had suggested to the applicant and to the licensing sub-committee that there should be a last admittance time, somewhere between one hour or thirty minutes prior to the last licensable activity, patrons must be inside the restaurant and seated. This would mean that those patrons leaving the bars that are closing must do so before one 01:00 hours in order to use this premises. PC Fern was of the opinion that this would assist with the dispersal and impact within the zone and also prevent queuing outside the premises after the bars had closed.

The premises fall within the saturation zone, an area where violent crime (mostly assault) is at its peak during the hours requested. PC Fern stated that for this reason appropriate conditions should be imposed if the sub-committee was inclined to grant the additional hours requested.

The Police had concerns about the requested extended hours on Christmas Eve, Boxing Day, New Years Eve without appropriate conditions being attached to the licence. PC Fern was of the view that granting of additional hours within an area under stress needed to be managed accordingly.

Police also submitted to the Sub-Committee that if the holiday falls on a Sunday-Thursday then an additional hour could be granted if the last admittance time was adhered to, however if the sub committee were inclined to grant an additional hours to the Friday and Saturday nights as requested then no further extension should be given for the holidays.

The Police are also of the view that any extension for late night refreshment on a Friday and Saturday evenings must also adhere to the last admittance. It is not acceptable for patrons to be loitering outside the venue waiting for a table, or to arrive at the venue ten minutes before closing. The most recent increase in assaults has been reported opposite this venue. It is for this reason a last admittance time must be enforced if the committee consider granting the additional hours.

Police would not support the granting of any additional hours without an appropriate condition.

Licensing Authority: Mr Paul Jones, Licensing Officer for the London Borough of Havering, made representation against this application based on the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

The sub committee was informed that if the application were to be granted in its current form the likely result would be an increase in crime and disorder and public nuisance in the vicinity of the premises.

He stated that Havering's Licensing Policy was adopted in 2011. Appendix 6 provided an analysis of the crime statistics of the St Andrews ward and it was these figures which prompted the Council to introduce a saturation policy in this ward with regard to the apparent proliferation of licensed premises therein.

The sub committee was informed that Policy 012 which regulated hours during which a licensed premises within the St Andrews ward should operate. This premises was located in a mixed use area, i.e. residential and commercial properties, and therefore the terminal hour for regulated activities should not reasonably exceed 00:30 unless the application merits it. This application sought to extend the normal hours during which licensable activity may be provided on a Friday and Saturday evening from its current terminal hour of 00:30 until 01:30. The premises also wish to remain open to the public until 02:00.

The Licensing Authority contend that the applicant had not adequately address the promotion of the licensing objectives during these extra hours, hours during which much of the population would most likely be asleep.

Mr Jones concluded that the Licensing Authority would therefore not be in a position to support the application.

Public Health: - None

London Fire & Emergency Planning Authority (“LFEPA”): None.

Planning Control & Enforcement: None.

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

4. Applicant’s response.

Mr Graham Hopkins on behalf of the applicant gave apologies for the non attendance of Mr S Ahmed. He gave the following responses to the representations from the Responsible Authorities:

- That there were premises in the area that already operated till 02:00hours. Mention was made of Hot & Tender, Tarantino and Taste of Bengal
- That Mr S Ahmed also owned premises in Elm Park and no issue had arisen to date.
- Mr Ahmed took over the premises over a year ago, the premises operated with about four staff.
- Aware that the standard restaurant condition applied, there would be no drinking at the bar.
- In response to the Police condition on a last admittance time, Mr Hopkins felt this was unnecessary. He suggested that other similar premises do not have it, nor do they have door supervisors. Olivers bar across the road closes at 2:00am, by

which time the applicant would be closed, so there would not be loitering outside as suggested.

- At Zarana they do not encourage waiting for a table if none was available on arrival.
- The premises would be open to condition for the use of the outside terrace to cease at 12:00am.
- The applicant also felt having door supervisor as suggested was unnecessary at this venue.
- The applicant owned the flat above the licensed premises.

In response to the applicant's representative submission, PC Fern stated that his representation was based on the violent crime statistics in the St Andrews ward and these concerns were still valid in respect of the application. He reiterated that majority of the premises in the area closed at 01:00hours.

Mr P Jones, Licensing Officer clarified that Taste of Bengal and Tarantino were granted their licences before the saturation policy was implemented in the area. He also added that Hot & Tender is a take away premises that was granted after the policy introduced.

4. Determination of Application

Decision

Following the hearing held on 6 September 2012, the Sub-Committee's decision regarding the application to vary a Premises Licence for Zarana, 55 High Street Hornchurch RM11 1TP 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, 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**
- **The prevention of crime and disorder**

The Responsible Authorities had submitted that granting additional hours raised concerns around the issues of the premises licence within the saturation area.

The Responsible Authorities detailed their concern detailing the violent crime statistics for the St Andrews ward. The Police were of the view that additional condition would be necessary if the additional hours were to be granted.

The Sub-Committee accepted that the premises was in a saturation policy zone and that Policy 012 that regulates a mixed used area was also relevant in this consideration as it safe guarded residents.

There were well-known concerns in the area of the premises, which had resulted in a cumulative impact policy being in place. Further, being a mixed use area, the recommended closing time for licensed premises per Havering's Licensing Policy is 12:30am. Given this, and the concerns of both Police and the Licensing Authority, the Sub-Committee were not convinced that the hours applied for were appropriate.

The Sub-Committee was therefore unable to grant the licence as requested but prepared to **grant** the application as follows:

Recorded Music, Provision of Facilities for Dancing, Supply of Alcohol		
Day	Start	Finish
Monday to Thursday	11:00hrs	00:30hrs
Friday and Saturday	11:00hrs	01:00hrs
Sunday	11:00hrs	00:00hrs

Live Music		
Day	Start	Finish
Sunday to Thursday	11:00hrs	23:30hrs
Friday and Saturday	11:00hrs	00:30hrs

Late Night Refreshment		
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Friday and Saturday	11:00hrs	01:30hrs
Sunday	11:00hrs	00:30hrs

In terms of non standard timings, the Sub-Committee granted until 01:00am on Christmas Eve, Boxing Day, New Years Eve, and the Sunday preceding a Bank Holiday.

Chairman