



LICENSING SUB-COMMITTEE AKASH TANDOORI (TENS)

AGENDA

10.30 am	Thursday 6 December 2012	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Linda Trew
Linda Van den Hende

For information about the meeting please contact:

**Taiwo Adeoye - 01708433079
taiwo.adeoye@haverling.gov.uk**

AGENDA ITEMS

1 **APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive

2 **DISCLOSURE OF PECUNIARY INTERESTS**

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

3 **CHAIRMAN'S ANNOUNCEMENT**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

Application for temporary event notice made by Mr Irshadur Rahman under section 100 of the Licensing Act 2003. Akash Tandoori, 185 High Street, Hornchurch, RM11 3XS.

4 **REPORT OF THE CLERK** (Pages 1 - 6)

Procedure for the hearing : Licensing Act 2003 - Report attached

5 **REPORT OF THE LICENSING OFFICER** (Pages 7 - 28)

Application for temporary event notice made by Mr Irshadur Rahman under section 100 of the Licensing Act 2003. Akash Tandoori, 185 High Street, Hornchurch, RM11 3XS.

**Ian Buckmaster
Committee Administration & Member Support
Manager**



LICENSING SUB-COMMITTEE

6 December 2012

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

**Taiwo Adeoyes 01708 433079
e-mail: taiwo.adeoye@havering.gov.uk**

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (TEMPORARY EVENT NOTICE)

This is a hearing to consider an application for a temporary events notice under section 100 of the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration.

Members are advised that, when considering an application, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application

now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Representation validation meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party

will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.

- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

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

7. Failure of parties to attend the hearing:

7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:

- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
- Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
- Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
- Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
- Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being received. In default of a decision not being made within this period the application will be treated as being granted;
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
 - it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

Licensing Sub-Committee

- Section 1 - Licensing Officer's report
- Appendix 1 - Copy of the Application
- Appendix 2 - Map of the Local Area
- Appendix 3 - Representations from Responsible Authorities

Licensing Sub-Committee

Licensing Officer's report



LICENSING SUB-COMMITTEE

REPORT

6 December 2012

Subject heading:

Akash Tandoori
185 High Street Hornchurch RM11 3XS
Temporary event notice (TEN)
Paul Jones, Licensing Officer
5th floor Mercury House
x 2692

Report author and contact details:

This temporary event notice was given by Mr Irshadur Rahman under section 100 of the Licensing Act 2003. The notification was received by Havering's Licensing Authority on 23rd November 2012.

Geographical description of the area and description of the building

Akash Tandoori is an Indian restaurant in the centre of Hornchurch. The vicinity is a mixture of residential and commercial properties. A map of the area is attached.

Details of the notification

Akash Tandoori has a premises licence in force currently permitting the following:

Supply of alcohol; hours premises open to the public		
Day	Start	Finish
Monday to Saturday	10:00	00:00
Sunday	12:00	23:30

TEN requirements:

Supply of alcohol; provision of regulated entertainment, i.e. recorded music; late night refreshment		
Day	Start	Finish
Mon 10 th Dec 2012 to Thu 13 th Dec (i.e. Fri 14 th Dec)	23:00	01:00
Fri 13 th Dec 2012 to Sat 15 th Dec (i.e. Sun 16 th Dec)	23:00	02:00

Comments and observations on the notification

This TEN was submitted broadly in line with the requirements for such a notification. There were some minor irregularities with regard to the information provided by the premises user, Mr Rahman. These were contained in section one of the TEN. Mr Rahman failed to provide his place of birth or his national insurance number. Additionally, the address Mr Rahman provided as his home address is not that which is indicated on the premises licence. Given the relatively minor nature of these matters the TEN was accepted as valid.

Mr Rahman is currently in the process of being prosecuted by the London Borough of Havering for a number of licensing offences committed at this premises which were committed contrary to the permissions afforded by the site's premises licence. Despite receiving warnings from this Licensing Authority licensable activity, i.e. the supply of alcohol and the provision of late night refreshment, was provided via test purchase *after* the terminal hours for such activities as provided on the premises licence.

While this TEN may seek to permit the provision of licensable activity beyond the terminal hours the current premises licence permits for a limited period in December 2012 this Licensing Authority has, to date, received no communication from Mr Rahman with regard to what his intentions are subsequent to 15th December 2012.

Section 106(2) of the Act permits a TEN to be modified, prior to a hearing to determine the matter, with the agreement of all relevant parties in order that any objection notices may be withdrawn. At the time of writing this report no modification agreement had been offered or agreed.

Section 106A(2)(a) of the Act permits the Licensing Authority to impose one or more conditions on a TEN where *the authority considers it appropriate for the promotion of the licensing objectives to do so*, if the Authority is minded to permit the TEN to go ahead. Such conditions may relate to the licensable activities permitted and their terminal hours.

Section 105(2)(b) of the Act permits the Licensing Authority to issue a counter notice against the TEN preventing it from going ahead if the Authority is so minded.

Details of representations

Representations from the relevant responsible authorities 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

PC David Fern, Licensing Officer for Havering Borough Police, submitted an objection notice against this TEN. PC Fern's objection notice details his concerns with the premises' negative impact upon the licensing objectives, particularly considering this premises is in a cumulative impact zone.

Mr Marc Gasson, Havering's Noise Officer, submitted an objection notice against this TEN. Mr Gasson's objection notice details his concerns with regard to the late hours until which the premises wants to provide licensable activity and the potential negative impact upon the prevention of public nuisance licensing objective.

Paul Jones
Licensing Officer
London Borough of Havering



Havering
LONDON BOROUGH

Copy of Application



Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	RAHMAN		
Forenames	IRSHADUR		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
		22	02
		Year 1973	
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
185A HIGH STREET		2 Greenfield St	
HORNCHURCH		Hengistwith	
ESSEX			
Post town	HORNCHURCH	Post code	RM11 3XS
7. Other contact details			
Telephone numbers	01708 456 824		
Daytime			
Evening (optional)	/		
Mobile (optional)	0777 256 6923		
Fax number (optional)			
E-Mail Address (if available)			

✓
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54231JP

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
/	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	/
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
185 HIGH STREET, HORNCHURCH ESSEX RM11 3XS	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	2160
Club premises certificate number	/
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
/	
Please describe the nature of the premises below. (Please read note 4)	
RESTAURANT,	
Please describe the nature of the event below. (Please read note 5)	
Supply of Alcohol for consumption on the Premises. Recorded Music in Low Key volume. LATE NIGHT REFRESHMENT	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
10th DECEMBER 2012, 11th DECEMBER 2012 12th DECEMBER 2012, 13th DECEMBER 2012 14th DECEMBER 2012, 15th DECEMBER 2012	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
10/12/12 to 13/12/12 FROM 23:00 HOURS TO 1:00 HOURS 14/12/12 & 15/12/12 FROM 23:00 HOURS TO 2:00 HOURS	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
60	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	CERDIGNON COUNTRY COUNCIL
Licence number	CER 0911
Date of issue	21/02/2011
Date of expiry	21/02/2021
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

?

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have: (Please mark the appropriate boxes with an "X")	
Sent at least two copies of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<i>Mr Irshadur Rahman</i>
Date	22/11/12
Name of Person signing	IRSHADUR RAHMAN



Premises licence number

002160

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Akash Tandoori
185 High Street Hornchurch RM11 3XS

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 23:30

The opening hours of the premises

As above

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On supplies only

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Irshadur Rahman & Mrs Rowshon Ara Khan
2 Greenfield Street Aberyswyth Ceredigion SY23 1JP
07772 566923

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

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COPY

Signed
Paul Jones, Licensing Officer

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Irshadur Rahman



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol



Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following: activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

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Mandatory conditions – contd.

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
- 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – conditions consistent with the operating schedule

- 1. Alcohol shall not be sold or supplied except during permitted hours with the exception of:
 - (a) Good Friday 12:00 to 23:30;
 - (b) Christmas Day 12:00 to 23:30;
 - (c) New Year's Eve except on a Sunday 11:00 to the start of permitted hours on the following day (or if there are no permitted hours on the following day midnight on 31st December);
 - (d) New Year's Eve on a Sunday 12:00 to the start of permitted hours on the following day (or if there are no permitted hours on the following day midnight on 31st December).
- 2. Subject to the following exceptions no person shall except during the permitted hours listed above sell or supply alcohol for consumption on or off the premises or consume in or take from the premises any alcohol. The exceptions are:

3 of 5

COPY

Signed
Paul Jones, Licensing Officer

Annex 2 – conditions consistent with the operating schedule – contd.

- (a) the consumption of alcohol:
 - (i) during the first twenty minutes after the permitted hours;
 - (ii) during the first thirty minutes after the permitted hours by persons taking meals on the premises provided that the alcohol is provided as ancillary to the meals;
 - (b) the taking of alcohol from the premises during the first twenty minutes after the permitted hours provided it is not supplied or taken in an open container;
 - (c) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
 - (d) the sale or supply of alcohol to or its consumption by any person residing in the licensed premises;
 - (e) the taking of alcohol from the licensed premises by a person residing there;
 - (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by such person at that person's own expense and consumption by those friends of alcohol so supplied;
 - (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence or the consumption of liquor so supplied if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
 - (h) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (i) the sale or supply of alcohol to any canteen or mess being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
3. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation.
4. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) he is the child of the holder of the premises licence;
 - (b) he resides in the premises but is not employed there;
 - (c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress;
 - (d) the bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

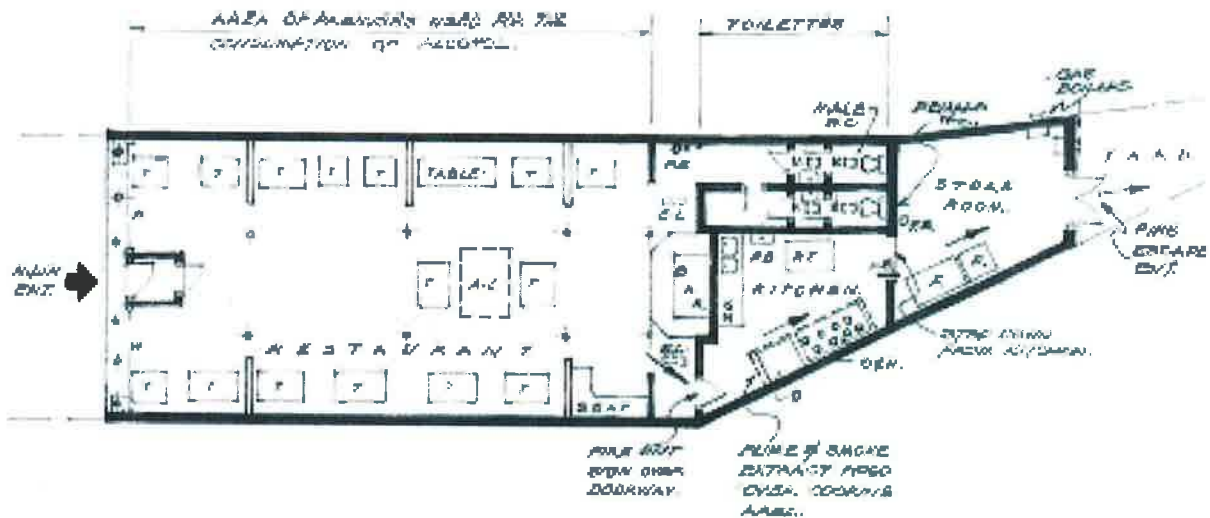
In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor; however, an area is not a bar when it is usual for it to be and it is set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Annex 3 – conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:



5 of 5

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Paul Jones, Licensing Officer



Havering

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Part B

Premises licence summary

Premises licence number

002160

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

Akash Tandoori
185 High Street Hornchurch RM11 3XS

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 23:30

The opening hours of the premises

As above

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On supplies only

Name, (registered) address of holder of premises licence

Mr Irshadur Rahman & Mrs Rowshon Ara Khan
2 Greenfield Street Aberswyth Ceredigion SY23 1JP

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

1 of 2

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Paul Jones, Licensing Officer

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Irshadur Rahman

State whether access to the premises by children is restricted or prohibited

Not applicable

2 of 2



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Public Protection

Homes, Housing & Public
Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Mr Irshadur Rahman & Mrs Rowshon Ara Khan
c/o Akash Tandoori
185 High Street
Hornchurch
RM11 3XS

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

Date: 12th November 2012

My Reference: PJJ/081346

Dear Sir/Madam

Licensing Act 2003

Premises Licence No. 2160

Akash Tandoori 185 High Street Hornchurch RM11 3XS

Formal Warning

As Havering's Licensing Officer for the Hornchurch area it is my responsibility to ensure that all premises, including currently licensed premises, comply with the provisions of this Act. Your premises detailed above is licensed under this Act and the premises licence is held jointly by you both.

The premises licence for *Akash Tandoori* permits the supply of alcohol to be made at the premises Monday to Saturday 10:00 to 00:00 and Sunday 12:00 to 23:30. Additionally the premises may remain open to patrons during the same hours. This also means that hot food supplies must cease at the premises at 23:00 each night as the licence does not permit the provision of late night refreshment.

Effectively, then, the last hot meal or hot drink may be supplied at 23:00 while alcohol may be supplied until midnight (or 23:30 on a Sunday). At this time the restaurant must be emptied of patrons.

On the evening of Saturday 9th November 2012 leading into 10th November I conducted a monitoring patrol and noted that your premises was still open at 00:30. Patrons were seen inside the premises eating what may reasonably be assumed to be hot food and drinking what was clearly seen to be alcohol. This is in breach of the permission your premises licence affords and as such constitutes a series of criminal offences contrary to s.136(1) of this Act.

Contd.

Additionally, I noted that a poster in your premises' window indicates that a live music act will be performing at the premises on 21st November 2012. You may be aware that the recent *Live Music Act 2012* came into force recently. As such live music is able to be provided without the requirement for a premises licence to authorise its provision as long as certain criteria are met. I have included a briefing note with this letter for your reference. As long as any live music is provided in accordance with the provisions of the *Live Music Act 2012* you will not breach your premises licence conditions. If, however, live music is provided outside its bounds, e.g. after 23:00, you will commit a criminal offence contrary to s.136(1) of this Act and further action will be likely to follow.

Therefore, please accept this letter as a formal warning to cease the illegal provision of licensable activity at your premises. Please familiarise yourself with the terms and conditions of your premises licence and ensure that you are fully compliant with its requirements. A failure to comply with all of its provisions will likely result in criminal offences being committed. For information purposes the maximum penalty which may be imposed upon a summary conviction for such an offence is £20,000 fine and/or six months imprisonment. Therefore, you can see that the law, and hence this Licensing Authority, takes such matters seriously.

If you feel that your premises licence no longer meets the needs of your restaurant you may seek a variation of the licence. Further information regarding this may be found here:

<http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/>

Any repetition of the matters listed above is likely to result in further action being taken against you, the ultimate outcome of which may be for the London Borough of Havering to seek a prosecution against you both as those responsible for the illegal provision of licensable activity at the premises.

If you require further clarification please do not hesitate to contact me.

Yours faithfully

COPY

Paul Jones
Licensing Authority



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LONDON BOROUGH

Public Protection

Homes, Housing & Public
Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Mr Irshadur Rahman & Mrs Rowshon Ara Khan
c/o Akash Tandoori
185 High Street
Hornchurch
RM11 3XS

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

Date: 19th November 2012

My Reference: PJJ/081346

Dear Sir/Madam

Licensing Act 2003
Akash Tandoori 185 High Street Hornchurch RM11 3XS
Premises Licence No. 2160
Final Warning

Further to my earlier warning letter of 12th November 2012 I note that the following issues are still unresolved.

On the morning of 17th November 2012 I observed that your premises detailed above was occupied by patrons who clearly had plated meals and alcohol on the table in front of them which they were consuming. As my previous letter indicated hot food and/or drink supplies must cease at your premises at 23:00. There is no provision for the supply of late night refreshment on premises licence no. 2160. The fact that patrons were observed consuming these meals an hour and a half after hot food supplies should have ceased suggests that late night refreshment was supplied after 23:00 and thus supplied illegally.

Equally, alcohol supplies should have ceased at 00:00 which is the time the premises licence requires that all patrons have left the premises. Quite clearly, this was not the case.

If you provide late night refreshment at your premises after 23:00 you will break the law. This will then place your premises licence in breach. Consequently any alcohol supplied between 23:00 and 00:00 will be done so illegally even though alcohol may normally be supplied under the authority of the licence until 00:00: the licence will have already been breached by the illegal late night refreshment supplies, thus negating the authority of the licence.

Contd.



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Representations from
Responsible Authorities



Working together for a safer London

**Licensing Authority
London borough of Havering
Mercury House, Mercury Gardens
Romford
RM1 3SL**

CC - 185 A High St, Hornchurch, RM11.

PC 118 KD David Fern

Romford Police Station
19 Main Road
Romford,
Essex
RM1 3BJ

Telephone: 01708 432781

Email:
David-
anthony.fern@met.police.uk

Date: 27th November 2012

Police wish to make representation against the temporary event notice for 185A High Street Hornchurch RM11 3XS.

The premises falls within the saturation area. The Police believe that granting of additional hours as requested would have a negative impact of the licensing objectives, namely the Prevention of crime and disorder along with Public nuisance.

There is residential property above and near to the premises. The hours requested are too late, especially given the fact that the majority of days fall in the week. The Police believed that by the nature of customers leaving and entering the premises it will simply encourage noise and associated disorder. This can be simply by congregating of groups, revving of car engines, loitering of patrons, to cheery goodbyes. There is no public transport at the requested hours to assist in dispersal of the patrons. There have also been noise complaints by nearby residents, against licensed premises and associated noise.

The peak of violence within this ward is on Friday and Saturday evenings from 2000 - 0200 hours. Full details are listed in the Havering Licensing policy. The Police are of the opinion if we continue to grant premises additional hours during these times the number of assaults and alcohol harm related crimes will continue to rise. The hours requested will add to cumulative impact.

The applicant as not offered any additional conditions to combat crime and disorder, I would suggest SIA approved staff at his venue, although this will not combat associated noise of patrons leaving.

Most pubs and bars within the area close around mid night and One am, simply adding additional hours to a venue will simply discourage dispersal and encourage further drinking of alcohol in an area identified as being under stress.

My concerns are also drawn to the management of the premises which failed a recent test purchase, not only serving hot food without a licence but also serving alcohol after its permitted hours, despite previous warnings. I have attached a copy of the letter for reference.

The ward of St Andrews is of a concern to the Police due to the nature of violence and disorderly behaviour associated to it. It is vital that licensed premises adhered to the terms of the licence in order to assist in promoting the cleansing objectives.



Haverling
LONDON BOROUGH

Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

Please call: Marc Gasson
Telephone: 01708 432777
Fax: 01708 432554
email: environmental.health@haverling.gov.uk
Textphone ☎: 01708 433175

memo

From: Marc Gasson-Noise Specialist

To: Paul Jones-Licensing Officer

My Reference : MDG/012312

Your Reference :

Date: 28 November 2012

Licensing Act 2003-Application For A Temporary Event Notice 10/12/2012 to 13/12/2012 23:00 hours to 01:00 hours and 14/12/2012 to 15/12/2012 23:00 hours to 02:00 hours.

Akash Tandoori, 185 High Street, Hornchurch, Essex.

I refer to the above application and would object to it being granted on the grounds of public nuisance for the following reasons:-

1. The close proximity residential premises to the restaurant will mean that residents are going to be subjected to unacceptable levels of noise due to patrons leaving and entering the premises.
2. The hours applied for for the 10th to the 13th December 2012 will mean that residents will be exposed to unacceptable levels of noise during the week until 01:00 hours minimum, when they will almost invariably be getting up for work/school the next morning.

I trust this clarifies my position.

COPY

Marc Gasson
Noise Specialist



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Map of the area



**Akash Tandoori 185 High Street Hornchurch
RM11 3XS**

Map Reference: TQ5487SW
Date: 28/11/2012

Scale @ A4
1:1250

Scale
0 10 20 30 40 50 m



London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343



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