

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
28 March 2013 (10.30 - 10.40 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Wendy Brice-Thompson

Labour Group Denis Breading

Present at the meeting were Mr Dogan Albay, applicant, Mr Jun Simon, Agent and Mr David Dadds, applicant's legal advisor, and Arthur Hunt, Licensing Officer.

Also present were the Legal Advisor to the Sub-Committee and the Clerk to the Sub-Committee.

The Chairman reminded Members of the action to be taken in an emergency.

1 APPLICATION TO VARY A PREMISES LICENCE AT ALBAY FOOD & WINE, 123 MAWNEY ROAD, RM7 7BH

**Licensing Act 2003
Notice of Decision**

PREMISES

Albay Food and Wine,
123 Mawney Road.
Romford,
RM7 7BH

DETAILS OF APPLICATION

An application to vary a premises licence under section 34 of the Licensing Act 2003 ("the Act").

APPLICANTS

Mr Dogan Albay
1 Forest Gardens,
Tottenham,
London. N17 6XA

1. Details of the application:

The current licence is for:

Supply of Alcohol (on supply only)		
Day	Start	Finish
Sunday to Wednesday	10:30hrs	22:30hrs
Thursday to Saturday	10:00hrs	23:00hrs

Variation applied for:

Supply of Alcohol (on supply only)		
Day	Start	Finish
Sunday to Wednesday	08:00hrs	23:00hrs
Thursday to Saturday	08:00hrs	00:00hrs

2. Seasonal variations and non-standard timings

There are no seasonal variations nor non-standard timings attached to this application.

3. 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 20th February 2013.

4. Summary

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

There were no representations against this application from responsible authorities.

5. 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

6. Representations

Interested parties' representations

There were representations from three interested parties.

The first representation provides opposition to this application based upon all four licensing objectives. The representation details the belief that the premises was subject to a review for allowing underage sales. This was factually correct and occurred in 2010. The current licence holder has only been in place since 2012. The representation also alluded to the fact that Part P of the operating schedule made no mention of several issues. The current premises licence covers these issues and there has been no application to vary them, so they will remain.

The second representation raised concerns that the premises would attract further young drinkers who populate the bus shelter outside the premises causing "*possible disorder, public nuisance and crime*".

The third representation also raised concerns about youths causing a disturbance at the bus stop outside the premises.

Responsible Authorities' representations

There were no representations from the following responsible authorities:

The Licensing Authority
The Metropolitan Police
Public Health
The London Fire and Emergency Planning Authority
The Health & Safety Enforcing Authority
The Trading Standards Service
Planning Control & Enforcement
Children & Families Service

7. Determination of Application

Decision:

Consequent upon the hearing held on 28 March 2013, the Sub-Committee's decision regarding the application for a variation to a Premises Licence for Albay Food & Wine 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 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.

The Sub-Committee stated that in arriving at this decision, it took into account the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines, as well as Havering Council's Licensing Policy.

In presenting the case for the applicant his solicitor Mr Dadds referred to the representation submitted by Graham Hopkins, as G T Licensing Consultant. This was a representation which he considered to be vexatious. He advised the Committee that Mawney Road was a busy road and a bus route.

Another of the complaints had referred to the metal shutter this had been replaced 6 months ago with an electric shutter which was quieter than the previous shutter. The complaints regarding the bus shelter were not something which had been brought to the applicant's attention by those making representations.

Having considered the written representations submitted and the responses from the applicant's legal advisor the Sub-Committee could see no reason to refuse to grant the application for a variation.

Accordingly the Sub-Committee **granted** the variation as applied for.

9. Right of Appeal

Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court **within 21 days of notification of the decision**. On appeal, the Magistrates' Court may:

1. Dismiss the appeal; or
2. Substitute the decision for another decision which could have been made by the Sub Committee; or
3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and
4. Make an order for costs as it sees fit.

Chairman