

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 20 March 2013

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION FOR 3 TEMPORARY EVENTS NOTICE	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Akash Tandoori 185 High Street Hornchurch RM11 3AS</p> <p>APPLICANT Mr Irshadur Rahman 185A High Street Hornchurch RM11 3AS</p> <p>1. Details of Application</p> <p>Akash Tandoori is an Indian restaurant in the centre of Hornchurch. The vicinity is a mixture of residential and commercial properties.</p> <p>The applicant submitted applications for three Temporary Event Notices (TENs) on 7 March 2013 in accordance with the provisions of section 100 of the Licensing Act 2003 (“the Act”).</p> <p>TEN requirements: TEN 1 Supply of alcohol; provision of regulated entertainment; late night refreshment</p>
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		<p>This application was opposed by three responsible authorities, including Mr Marc Gasson, Havering’s Noise Specialist. The application was partially granted on 7 February 2013 at a hearing. The premises’ hours and permitted licensable activities were extended to those indicated in the premises licence, a copy of which is included in the agenda. Effectively, licensable activity at the premises must cease at 00:30 on Friday and Saturday nights while the premises must be closed to the public at 01:00.</p> <p>That on the evening of Saturday 16 March 2013, into Sunday 17 March 2013, he witnessed two tables of diners still in the premises at 01:45. Additionally, at this time two further customers arrived at the premises and were admitted, whereupon it appeared that they were both served alcohol while awaiting a table meal.</p> <p>2. Grounds of Objection</p> <p>There was one objection notice made against each of these TENs from a responsible authority, namely Havering’s Noise Specialist, Mr Marc Gasson on 12 March 2013.</p> <p>Mr Gasson submitted an objection notice on behalf of Havering’s Environmental Health Service based upon his concerns in relation to the prevention of public nuisance licensing objective.</p> <p>Mr Gasson’s objection notice outlined his concerns in relation to the potential for noise disturbance to nearby residents. Mr Gasson’s objection notice also draws attention to Havering’s Licensing Policy 12 with regard to the hours during which regulated activities would normally be permitted at licensed premises in the borough.</p> <p>3. Details of Representations</p> <p>Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared and reiterated his</p>

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		<p>no direct issue of nuisance against the premises, and that there had been no evidence of any actual noise issues concerning this premises.</p> <p>Mr Hopkins added that the noise complaint referred to was recorded as from anonymous callers. In his view, he requested that subcommittee to disregard these issues as neither he nor his client had been notified of, or provided any details of the two incidents mentioned by Mr Gasson, or of any noise issues at all, either from residents directly, or the Noise Service.</p> <p>He informed the Committee that the premises would continue to have one staff member at the door before closure directing customers to the Taxi cab office.</p> <p>Mr Hopkins also advised that the application in terms of regulated entertainment had been withdrawn, further removing any concern over potential noise issues.</p> <p>5. Determination of Application</p> <p>Consequent upon the hearing held on 20 March 2013, the Sub-Committee’s decision regarding the applications for three Temporary Event Notices for Akash Tandoori is as set out below, for the reasons stated:</p> <p>The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.</p> <p>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.</p> <p>In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act</p>

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		<p>1998.</p> <p>Agreed Facts</p> <p>Whether the granting of the Temporary Event Notices would undermine any of the four licensing objectives.</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <p>That Noise Specialist Marc Gasson had raised an objection on the grounds of the potential of noise disturbance being experienced by nearby residents later at night and into the early hours of the morning both from noise emanating from regulated entertainment within the premises and also as patrons enter/leave the premises.</p> <p>The sub committee was of the view that there was no evidence of noise complaint linked to the premises.</p> <p>The sub committee was minded to attribute minimal weight to the issue of the two complaints that were referred to at the hearing as this matter had not been put to the applicant and evidence had not been brought before the sub committee.</p> <p>6. Decision</p> <p>Having considered the oral and written submissions of the Noise Specialist in relation to the three applications, the Committee decided to grant the applications for the following reasons:</p> <ul style="list-style-type: none"> • Having regards to the light touch placed on TENs application and that the

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