



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE AKASH TANDOORI

AGENDA

10.30 am	Thursday 13 June 2013	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Pam Light
Linda Trew

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.

4 REPORT OF THE CLERK (Pages 1 - 8)

Procedure for the hearing – Licensing Act 2003

5 REPORT OF THE LICENSING OFFICER (Pages 9 - 24)

Report of the Licensing Officer for the application to vary a premises licence at Akash Tandoori – Report attached

6 APPLICATION TO VARY A PREMISES LICENCE - AKASH TANDOORI 185 HIGH STREET, HORNCHURCH RM11 3XS (Pages 25 - 80)

Application to vary a premises licence at Akash Tandoori, 185 High Street, Hornchurch, RM11 3XS made by Mr Irshadur Rahman under section 34 of the Licensing Act 2003. – Report attached



Havering
LONDON BOROUGH

Clerk's Report



LICENSING SUB-COMMITTEE

REPORT

13 June 2013

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

Taiwo Adeoye – 01708 433091
taiwo.adeoye@havering.gov.uk

Members are advised that, when considering an application to vary a premises licence, 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 5 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 Officer's Report

LICENSING SUB-COMMITTEE

REPORT

13 June 2013

Subject Heading:

Application to vary the premises licence at Akash Tandoori, 185 High Street, Hornchurch, RM11 3XS
Arthur Hunt – Licensing Officer
01708 432777
licensing@havering.gov.uk

Report Author and contact details:

This application for a variation to a premises licence is made by Mr Irshadur Rahman under section 34 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 15th April 2013.

Geographical description of the area and description of the building

The premises are a single unit mid terrace venue with a restaurant on the ground floor.

The premises are located on the north side of High Street Hornchurch at the junction with Station Lane, all the surrounding premises are shops or businesses on the ground floor many have residential property above. Akash restaurant has a residential flat above it. Most other premises within the area are residential.

There are good public transport links to this part of the borough; there is a mini cab office nearby and the premise is within walking distance of Hornchurch Underground station.

The premise is situated in St Andrews Ward and as such is listed in the Havering Licensing Policy cumulative impact area.

A map of the area is attached to assist the committee.

Details of the application

Live Music		
Day	Start	Finish
Monday - Saturday	10:00hrs	00:00hrs
Sunday	12:00hrs	23:30hrs

Supply of Alcohol, Recorded Music		
Day	Start	Finish
Monday - Thursday	10:00hrs	00:00hrs
Friday - Saturday	10:00hrs	00:30hrs
Sunday	12:00hrs	23:30hrs

Late Night Refreshment		
Day	Start	Finish
Monday - Thursday	23:00hrs	00:00hrs
Friday – Saturday	23:00hrs	00:30hrs
Sunday	23:00hrs	23:30hrs

Opening hours		
Day	Start	Finish
Monday - Thursday	10:00hrs	00:30hrs
Friday – Saturday	10:00hrs	01:00hrs
Sunday	12:00hrs	23:30hrs

Sundays preceding bank holiday Mondays, Christmas Eve, Boxing Day – an extra 30 minutes after the relevant terminal hour
 New Year's Eve – no restriction

Variation applied for:

Live Music		
Day	Start	Finish
Monday - Sunday	10:00hrs	23:00hrs

Supply of Alcohol, Recorded Music		
Day	Start	Finish
Monday - Wednesday	10:00hrs	00:30hrs
Thursday - Saturday	10:00hrs	02:30hrs
Sunday	10:00hrs	00:30hrs

Late Night Refreshment		
Day	Start	Finish
Monday - Wednesday	23:00hrs	00:30hrs
Thursday – Saturday	23:00hrs	02:30hrs
Sunday	23:00hrs	00:30hrs

Opening hours		
Day	Start	Finish
Sunday - Wednesday	10:00hrs	01:00hrs
Thursday – Saturday	10:00hrs	03:00hrs

Seasonal variations

None

Current Non Standard Timings

All licensable activities

Sundays preceding bank holiday Mondays – 12:00 to 00:30

Christmas Eve & Boxing Day (except where they fall on a Friday or Saturday) – 10:00 to 01:00

New Year's Eve – from the start of permitted hours to the end of permitted hours on New Year's Day

Variation Non-standard timings

In respect of all licensable activities on Christmas Eve, Boxing Day, New Years Eve, New Years Day and the Sundays preceding Bank Holiday Monday until 02:30 the following day.

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 24th April 2013 edition of the Yellow Advertiser.

The advert indicates in relation to the provision of live music that the application is -

"to change the start time for live music on Sundays to 10:00. There is no other change for live music. (The provisions of the Live Music Act 2012 apply to this premises and the activity is deregulated.)"

This is incorrect as the application seeks to reduce the live music terminal hour from 00:00 to 23:00 generally but to extend it until 02:30 via non-standard timings.

The advert then goes on to indicate the non-standard timings extension to 02:30 for *"all authorised licensable activities"*, having previously stated that live music is not a licensable activity at this premises. A person reading this notice might believe that live music is not included in the 02:30 non-standard timings portion of the application.

Legal advice was sought on this matter and their opinion was that this discrepancy did not invalidate the advert.

Summary

There were no valid/invalid representations against this application from interested parties.

There were 3 representations against this application from Responsible Authorities.

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

Responsible Authorities' representations

Licensing Authority

The representation raises several issues with the application, and in summary states the *"Licensing Authority is not in a position to be able to support an application to extend licensable activity at the premises outside those provisions identified in Havering' Licensing Policy 012."*

Planning Control Service

The representation is based on the effect on residents in respect of noise and disturbance.

Public Health

The representation against the application details concerns over the close proximity to nearby residential properties and being contrary to Licensing Policy 012.

There were no representations from the following responsible authorities:

The Metropolitan Police
The London Fire and Emergency Planning Authority
The Health & Safety Enforcing Authority
The Trading Standards Service
Children & Families Service
Practice Improvement Lead



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

Live music, recorded music, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Live music

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

Late night refreshment

**Monday to Thursday – 23:00 to 00:00
Friday & Saturday – 23:00 to 00:30
Sunday – 23:00 to 23:30**

Recorded music, supply of alcohol

**Monday to Thursday – 10:00 to 00:00
Friday & Saturday – 10:00 to 00:30
Sunday – 12:00 to 23:30**

All of the above

**Sundays preceding bank holiday Mondays – 12:00 to 00:30
Christmas Eve & Boxing Day (except where they
fall on a Friday or Saturday) – 10:00 to 01:00
New Year's Eve – from the start of permitted hours
to the end of permitted hours on New Year's Day**

The opening hours of the premises

Monday to Thursday – 10:00 to 00:30
Friday & Saturday – 10:00 to 01:00
Sunday – 12:00 to 00:00
Sundays preceding bank holiday Mondays, Christmas Eve, Boxing Day –
an extra 30 minutes after the relevant terminal hour
New Year's Eve – no restriction

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
185a High Street Hornchurch RM11 3XS
07772 566923

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

Not applicable

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

Mr Irshadur Rahman
185a High Street Hornchurch RM11 3XS
07772 566923

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

CER 0911 – Ceredigion Council

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 –

Mandatory conditions – contd.

- (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;
- (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.

Mandatory conditions – contd.

(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. The premises shall be operated strictly as a restaurant.
2. Alcohol shall be sold ancillary to table meals with all service by waiting staff.
3. Persons taking a table meal shall be permitted to purchase alcohol before, during and after the meal.
4. There shall be no alcohol consumption permitted at the bar at any time.
5. Alcohol shall not be supplied to persons collecting a take-away meal.
6. Notices shall be displayed on the premises indicating that drinks may not be taken from the premises at any time. Staff shall monitor customers to ensure compliance with this condition.
7. A CCTV system shall be installed and kept operational at all times the premises is open to the public.
8. The CCTV system shall capture a head and shoulders image of all persons entering the premises.
9. CCTV images shall be maintained for a minimum period of 31 days. These images shall be made available to the Police or an authorised officer on request.
10. A member of staff capable of downloading CCTV images shall be on duty at all times.
11. Notices shall be prominently displayed on the premises indicating that CCTV is in operation.
12. All staff shall be trained for their role including the operation of Challenge 25 on induction and at six-monthly intervals. Training shall include identifying persons under 25 years of age, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing. Written records shall be kept of all such training.
13. Challenge 25 shall be operated as the proof of age policy.
14. Notices shall be displayed at the premises stating that Challenge 25 is in force together with the provisions of the Licensing Act 2003 relating to underage and proxy sales.
15. A fire risk assessment and emergency plan shall be prepared and regularly reviewed.

- 16. Staff shall be trained with regard to fire safety.**
 - 17. Notices shall be displayed by the exit asking customers to respect residents, to leave quietly and not to loiter outside the restaurant.**
 - 18. No deliveries or removal of glass refuse shall take place between 23:00 and 08:00.**
 - 19. All doors and windows shall be kept closed during the provision of regulated entertainment except for entry to and egress from the premises.**
 - 20. Staff shall call a cab for customers upon request and at closing time a member of staff seeing customers out shall direct them to a nearby cab office.**
 - 21. The premises' frontage shall be kept tidy at all times.**
-

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

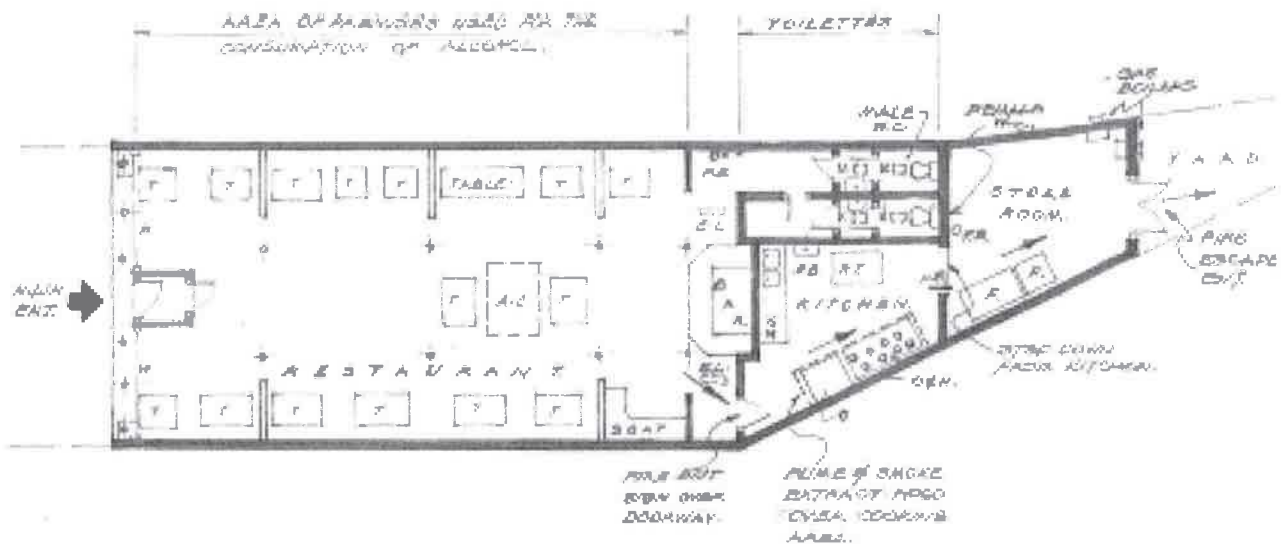
- 22. Only a photographic driving licence, a valid passport or a proof of age card bearing the holder's photograph and the PASS hologram/logo shall be accepted as proof of age.
- 23. A hard-bound written refusals record shall be kept and made available to the Police or an authorised officer upon request.
- 24. No unaccompanied children shall be permitted on the premises after 21:00.

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:





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

Live music, recorded music, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Live music

Monday to Saturday – 10:00 to 00:00

Sunday – 12:00 to 23:30

Late night refreshment

Monday to Thursday – 23:00 to 00:00

Friday & Saturday – 23:00 to 00:30

Sunday – 23:00 to 23:30

Recorded music, supply of alcohol

Monday to Thursday – 10:00 to 00:00

Friday & Saturday – 10:00 to 00:30

Sunday – 12:00 to 23:30

All of the above

Sundays preceding bank holiday Mondays – 12:00 to 00:30

**Christmas Eve & Boxing Day (except where they
fall on a Friday or Saturday) – 10:00 to 01:00**

**New Year's Eve – from the start of permitted hours
to the end of permitted hours on New Year's Day**

1 of 2

The opening hours of the premises

Monday to Thursday – 10:00 to 00:30

Friday & Saturday – 10:00 to 01:00

Sunday – 12:00 to 00:00

**Sundays preceding bank holiday Mondays, Christmas Eve, Boxing Day –
an extra 30 minutes after the relevant terminal hour**

New Year's Eve – no restriction

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
185a High Street Hornchurch RM11 3XS**

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

Not applicable

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

Restricted

2 of 2



Havering
LONDON BOROUGH

APPENDIX 1

Copy of Application

RECEIVED
15 APR 2013
12695

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We **MR IRSHADUR RAHMAN**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

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, ESSEX. RM11 3XS			
Post town	HORNCHURCH	Postcode	RM11 3XS
Telephone number at premises (if any)	01708 458624		
Non-domestic rateable value of premises	£22000		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address		185A HIGH STREET, HORNCHURCH, ESSEX. RM11 3XS	
Post town	HORNCHURCH	Postcode	RM11 3XS

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
┐┌	┐┌	┐┐┐┐

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

- 1) TO EXTEND THE PERMITTED HOURS FOR ALL AUTHORISED LICENCED ACTIVITIES AS PER INDIVIDUAL BOXES.
- 2) IN RESPECT OF ALL AUTHORISED LICENSABLE ACTIVITIES ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, NEW YEARS DAY AND THE SUNDAYS PRECEEDING BANK HOLIDAY MONDAY UNTIL 02.30 THE FOLLOWING DAY.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number

expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) X
- f) recorded music (if ticking yes, fill in box F) X
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) X

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	X
Day				Outdoors	<input type="checkbox"/>
Start	Finish	Both		<input type="checkbox"/>	
Mon	10.00	23.00	<u>Please give further details here</u> (please read guidance note 4) SINGERS AND DUO'S		
Tue	10.00	23.00			
Wed	10.00	23.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) NONE		
Thur	10.00	23.00			
Fri	10.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) IN RESPECT OF ALL AUTHORISED LICENSABLE ACTIVITIES ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, NEW YEARS DAY AND THE SUNDAYS PRECEDING BANK HOLIDAY MONDAY UNTIL 02.30 THE FOLLOWING DAY.		
Sat	10.00	23.00			
Sun	10.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00		Please give further details here (please read guidance note 4) CD'S/BACKING TAPES ETC		
		00.30			
Tue	10.00				
		00.30			
Wed	10.00		State any seasonal variations for the playing of recorded music (please read guidance note 5) NONE		
		00.30			
Thur	10.00				
		02.30			
Fri	10.00		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) IN RESPECT OF ALL AUTHORISED LICENSABLE ACTIVITIES ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, NEW YEARS DAY AND THE SUNDAYS PRECEEDING BANK HOLIDAY MONDAY UNTIL 02.30 THE FOLLOWING DAY.		
		02.30			
Sat	10.00				
		02.30			
Sun	10.00				
		00.30			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23.00	00.30			
Tue	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) NONE		
Wed	23.00	00.30			
Thur	23.00	02.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) IN RESPECT OF ALL AUTHORISED LICENSABLE ACTIVITIES ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, NEW YEARS DAY AND THE SUNDAYS PRECEEDING BANK HOLIDAY MONDAY UNTIL 02.30 THE FOLLOWING DAY.		
Fri	23.00	02.30			
Sat	23.00	02.30			
Sun	23.00	00.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) NONE Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) IN RESPECT OF ALL AUTHORISED LICENSABLE ACTIVITIES ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, NEW YEARS DAY AND THE SUNDAYS PRECEEDING BANK HOLIDAY MONDAY UNTIL 02.30 THE FOLLOWING DAY.		
Mon	10.00	00.30			
Tue	10.00	00.30			
Wed	10.00	00.30			
Thur	10.00	02.30			
Fri	10.00	02.30			
Sat	10.00	02.30			
Sun	10.00	00.30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NONE
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) IN RESPECT OF ALL AUTHORISED LICENSABLE ACTIVITIES ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, NEW YEARS DAY AND THE SUNDAYS PRECEEDING BANK HOLIDAY MONDAY UNTIL 02.30 THE FOLLOWING DAY.
Mon	10.00	01.00	
Tue	10.00	01.00	
Wed	10.00	01.00	
Thur	10.00	03.00	
Fri	10.00	03.00	
Sat	10.00	03.00	
Sun	10.00	01.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NONE

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

To be delivered by hand

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE WILL OPERATE OUR BUSINESS IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.

b) The prevention of crime and disorder

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

c) Public safety

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

d) The prevention of public nuisance

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

e) The protection of children from harm

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	14/4/13
Capacity	AUTHORISED LICENSING CONSULTANT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

GT LICENSING CONSULTANTS,
31A MILDMAY ROAD,
ROMFORD,
ESSEX.
RM7 7DA

Post town	ROMFORD	Post code	RM7 7DA
Telephone number (if any)	07810 826778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
gtlicensingconsultants@googlemail.com			

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Recruitment: 01268 503 420 Classified: 01268 503 430 Monday-Thursday 9.00-5.30 Fri day 9.00-5.00 Calls may be monitored	Yellow Advertiser Acorn House Great Oaks, Basildon, Essex SS14 1AH	01268 503 418 01268 503 419 01268 503 455	Pop into our town centre office Monday-Thursday 9.00-5.30 Friday 9.00-5.00 Acorn House, Great Oaks Basildon

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Public Notices

Notice of Application for a Premises Licence under Section 17 of the Licensing Act 2003

Applicant: MR SHAN PARMVIR SINGH CHADHA, Premises: Barracuda Restaurant, 52 Station Road, Uppminster, Essex RM14 2TL.

The proposed licensable activity is:

- Providing recorded music indoors, Monday-Saturday between 11:00am-23:00pm & Sunday between 11:00am-22:00pm.
- Supplying Alcohol: Monday-Saturday between 11:00am & 22:45pm, Sunday between 11:00am-21:45pm.

Full details of the application can be inspected at the address noted below during normal business hours.

Any representations by an interested party or responsible authority regarding this application can be made to Licensing Team, Housing & Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3RX. Website: www.havering.gov.uk

Such representation must be received in writing by: 19/05/2013, clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003.

It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.00.

NOTICE OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003

NOTICE IS HEREBY GIVEN THAT Mr Ishadur Rahman has applied to the London Borough of Havering for a variation of the Premises Licence for Akash Tandoori, 185 High Street, Hornchurch, Essex RM11 3XS as follows: 1) To extend the permitted hours for the sale of alcohol for consumption on the premises and the playing of recorded music to be Sunday to Wednesday 10.00 to 00.30 Thursday to Saturday 10.00 to 02.30; 2) to extend the permitted hours for the provision of late night refreshment to be Sunday to Wednesday 23.00 to 00.30 Thursday to Saturday 23.00 to 02.30; 3) To change the start time for live music on Sunday to 10.00. There is no other change for live music (The provisions of the Live Music Act 2012 apply to this premises and the activity is de-regulated); 4) In respect of all authorised licensable activities on Christmas Eve, Boxing Day, New Year Eve, New Years Day and the Sundays preceding Bank Holiday Monday until 02.30 the following day.

The address of the licensing authority where the register is kept and the application may be inspected during normal business hours is Licensing Section, Housing & Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, Essex RM1 3SL or on the council's website www.havering.gov.uk

Any representations by an other person or responsible authority must be received in writing by the licensing authority by 13th May, 2013 stating the nature and grounds for making such representation. It is an offence under Section 158 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000.

GT LICENSING CONSULTANTS
 Tel: 07911 627775
 Email: gtlicensingconsultants@gmail.com

Bargain Buys

CHILDRENS ROSE PETAL COTTAGE incl cooker set & kitchen set, dream town collection, cottage builds into two parts, fit neatly inside each other, cottage height 116cm x width 100cm x depth 100cm. Kitchen also incl sink & washing machine, lovely cond. £35. BOYS BUMPER BIKE, 12in wheels, blue & silver, vgc. £25. GIRLS THREE WHEELED RABBIT SCOOTER, pink & mauve, 23in long, handle height 24in, 5in wheels, lovely cond. £10. DOLLS PRAM, pink & grey, plus hood, shopping trolley under, white & pink flowers, wheels 6.5in x length 22in x height 22in, vgc, folds flat, £10. FIFI DOLL & FLOWERTOTS SNOW TIME DVD, 8 episodes, doll 12in high, £5. CLIFFORD THE RED TOY DOG, barks & moves head, 18in long, lovely cond. £5. Tel: 01268 281657.

GARDEN TRELLIS four fan trellis, five panels, four posts, £2 each or £30 the lot. Pair original antique wrought iron gates. £50. A FRAME SOLID TOWING BAR, £99. PYE CASSETTE PLAYER, suitable 1970s ear. £45. Tel: 01268 422213.

COSATTO AMIA PRAM converts to pushchair, navy with cream interior, includes sun canopy, footmuff, changing bag, raincover, lovely, bouncy to push, vgc, £65.00. Tel: 01277 659371.

ROUND KITCHEN TABLE marble effect, £20. MAHOGANY ROUND DOOR UNIT, £50. MAHOGANY ROUND GLASS UNIT, £50. GAS INDOOR FIRE, for outside wall, £40. Tel: 07966 696041.

TREK MT220 GIRLS MOUNTAIN BIKE 21 gears, 24in wheels, suit 6-12yrs, gc, £40. NETBALL POST, full size netball system, gc, £40. Tel: 01702 420481 (Eastwood). 71.

LUXURY SLEEPERZEE DIVAN BED with Dark Brown Faux Leather Headboard, 2 Drawers, Pocket Spring & Memory Foam Mattress, Immaculate, £80 uno. Buyer collects. Tel: 07950439089.

EXTENDING WOODEN DINING TABLE four chairs, leather effect, gc. £50. CREAM LEATHER THREE SEATER RECLINER SETTEE plus recliner armchair, gc. £50. Tel: 01708 563339.

FRIDGE Silver, Beko, under work surface type, few marks on top and sides, ideal for workshop. £20. Phone 07939247339.

M&S DINER SET Damon, Hand Painted, 6 settings (incl serving & butter dishes, cups & mugs, jugs etc. Ex Con, cost £60.00, accept £39 no offers, Tel: 07931 554804.

42IN PANASONIC VIERA PLASMA TV 59. NATURAL FLAME GAS FIRE, no flue required, under one yr old, £99. Tel: 01702 586291 or 07860 651190.

TEAK EFFECT EXTENDING DINING TABLE and six chairs £85, DULLX WEATHERSHIELD SMOOTH MASONRY PAINT 4 x 5 L County cream colour. £60. Tel: 07931 554804.

1953 CORONATION MUG & BAKELITE THINKET BOX £10, 1950S VINTAGE 3D VIEWER, 8 Reels, original Box £25 1930s Carlton Pin Dish £5. Tel: 01708 459043.

GIRLS brand new dark green brand, chest 46, £25. MENS, blazer new work boots, size 9, fur lined, steel toe cap, £12. Tel: 01375 679156.

DOUBLE BED BASE built-in drawers, only 2yrs old, £45. TODDLER PINE BED, mattress & protective cover, £90. Tel: 01702 353736.

SHELVES 3 stained pine 900mm shelves with matching brackets £10. GARDEN CHAIRS 2 white stackable plastic chairs £5. Tel: 01708 459043.

THREE TIERED BEDROOM QUILT, full, matching cushions, stool & lampshade, £70. Tel: 07966 696041.

DANSK SOLID TEAK RECTANGULAR COFFEE TABLE perfect condition, £50. DANSK SOLID TEAK STEREO CABINET, complete with stereo system, perfect condition, £45. DANSK SOLID TEAK TV STAND, perfect condition, £25. Tel: 01702 712695.

BRATZ SKIDDER BIKE purple, gc, £25. WAGON RANGER RADIO PLAYER, red, push handle seat & seatbelt, vgc. £30. Tel: 07965 585376.

NEST TABLE rose wood, glass top, vgc, £15. COME DINE WITH ME, HOT PLATE SERVER, vgc, £25. Tel: 01702 298225.

SMALL LIGHT WOOD DINING TABLE 22in x 36in, black granite inset, two matching chairs, black padded seats, as new, £80. Tel: 01702 298125.

SOLID OAK DRESSER UNIT £100.00. DOUBLE WARDROBE x 3, plus dressing table, £90. Tel: 07950 786795.

PETROL LAWNMOWER Suffolk punch, 14in with box, old but a runner, buyer collects. £20. Tel: 01702 512699.

LAWNMOWER Suffolk Punch, 14in, ewo, £85. Tel: 07771 873491.

BED double with four drawers, divides into two for transport, buyer collects. £30. Tel: 01708 507951.

BICYCLE Ladies Purple VGC £50. SINGLE WOOD BEDSTEAD VGC £45 (no mattress). Tel: 07919 073740.

STAIR CARPET Hall, landing & stair, call for size, colour light birch, vgc, £45. Tel: 01708 471795.

SIGNET 2 GALLON HOT STAINLESS STEEL WATER URN used once, £40. Tel: 01702 230708.

NEARLY NEW CHOCOLATE BROWN SOFA two seater, matching armchair, fabric, only £50. Tel: 01375 365132.

LARGE BAG OF GIRLS TOYS books, games, £40. Tel: 07803 729234.

CASTLE OF DOOM ELC. 16 play figures, instructions, VGC, £25. Tel: 0208 5303680.

TRAMPOLINE 10ft, circular, gc, still with box & instructions, £35. Tel: 07776 127198.

FIGURINES Coalport, Doulton, Royal Worcester, £50.00. Tel: 01268642656.

THREE SEATER SOFA one armchair, vgc, bargain £20. Tel: 01708 221843.

GOLF BALLS 100, top grade, £30, practice, £20. Tel: 01702 430054 Westcliff.

FIGURINES Coalport, Doulton, Royal Worcester, £50.00. Tel: 01268642656.

PATIO SET metal, round table, glass top, four chairs, parasol & base, £50. Tel: 01268 548918

FUR JACKET ewe cond. £50.00. Tel: 01708 226539.

PINE WARDROBE 6ft x 2ft, ewe cond, £30. Tel: 01268 566790

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VARIOUS BLACK GLASS/CHROME LEGS ITEMS For Sale, good condition. Coffee table 90cm x 46cm £20. Hi Fi / Coffee Table 105cm x 45cm £25. Stand for 50" TV 105cm x 45cm £25. 01708 792029.07984 976818

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3 X LARGE TEDDIES all as new. Approx height 22cms. £5 each. One large bunny, Tigger and Eeyore. BEAUTIFUL MAMA'S + PAPA'S MOSES BASKET. Excellent condition (as new), plus stand & bedding. £60. Chafford Hundred collection. Tel: 07867836410.

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Yellow Classified
01268 503430

CARERS required in the HAVERING area

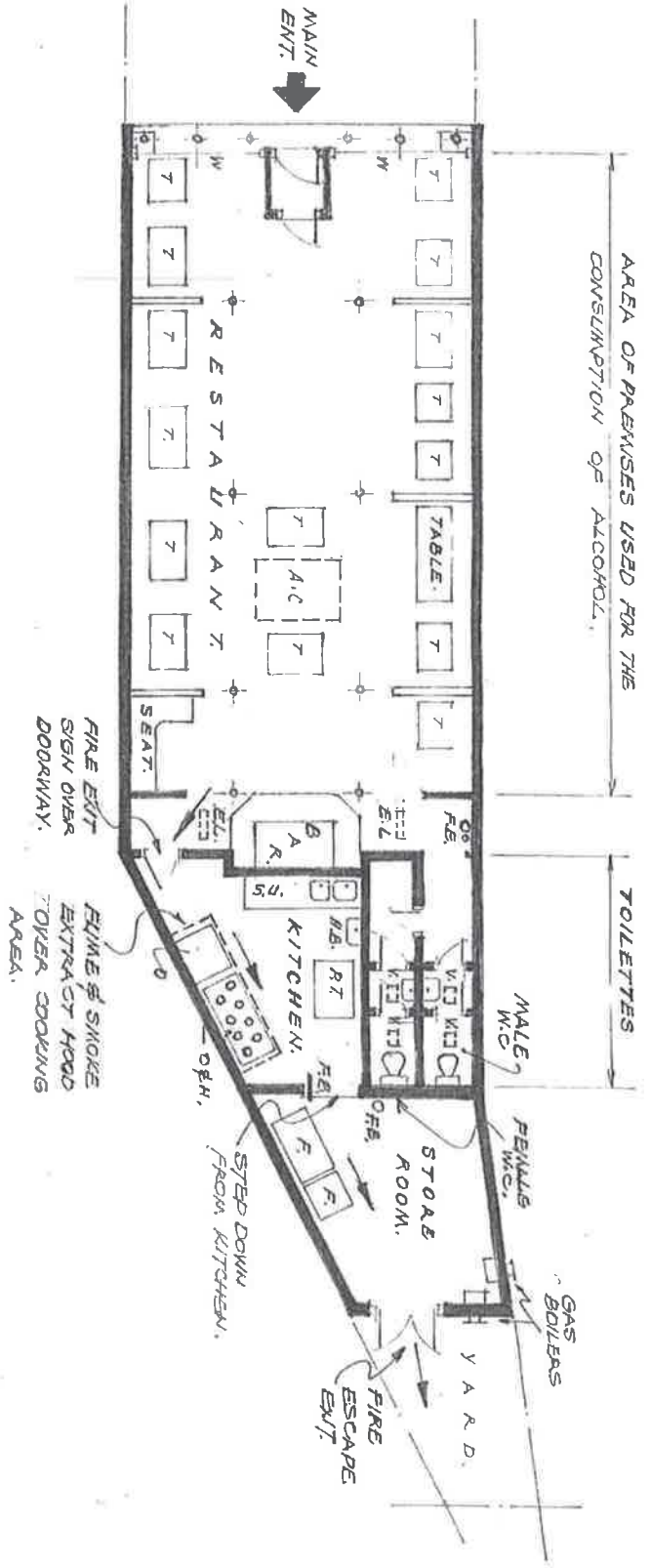
Full and part-time, experience desired but not essential as full training given. Own car needed and flexibility.

Call Heather Home Carers on **07780 692 065**

Wanted Artist and Companion (local preferred) to drive (by car) another fellow artist into the countryside to draw and paint landscape projects.

Please telephone **01708 451 098**

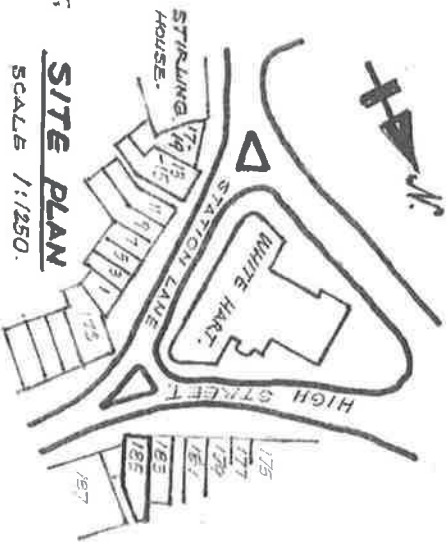
H I G H S T R E E T.



GROUND FLOOR PLAN OF PREMISES USED AS RESTAURANT AT 185, HIGH STREET, HORNCURCH.

LEGEND :-

- A.C. AIR CONDITIONING UNIT OVER
- E.L. EMERGENCY LIGHT OVER.
- F. FRIDGE
- F.E. FIRE EXTINGUISHER(S),
- F.B. FIRE BLANKET
- H.B. WASH HAND BASIN.
- O. OVEN.
- O.H. OVEN & HOB.
- P.T. FOOD PREPARATION TABLE.
- S.U. SINK UNIT
- T. TABLE.
- V. MECHANICAL EXTRACT VENT OVER.
- W. GLASS WINDOW FORMING SHOP FRONT, DRAINAGE, COLUMNS.



SITE PLAN

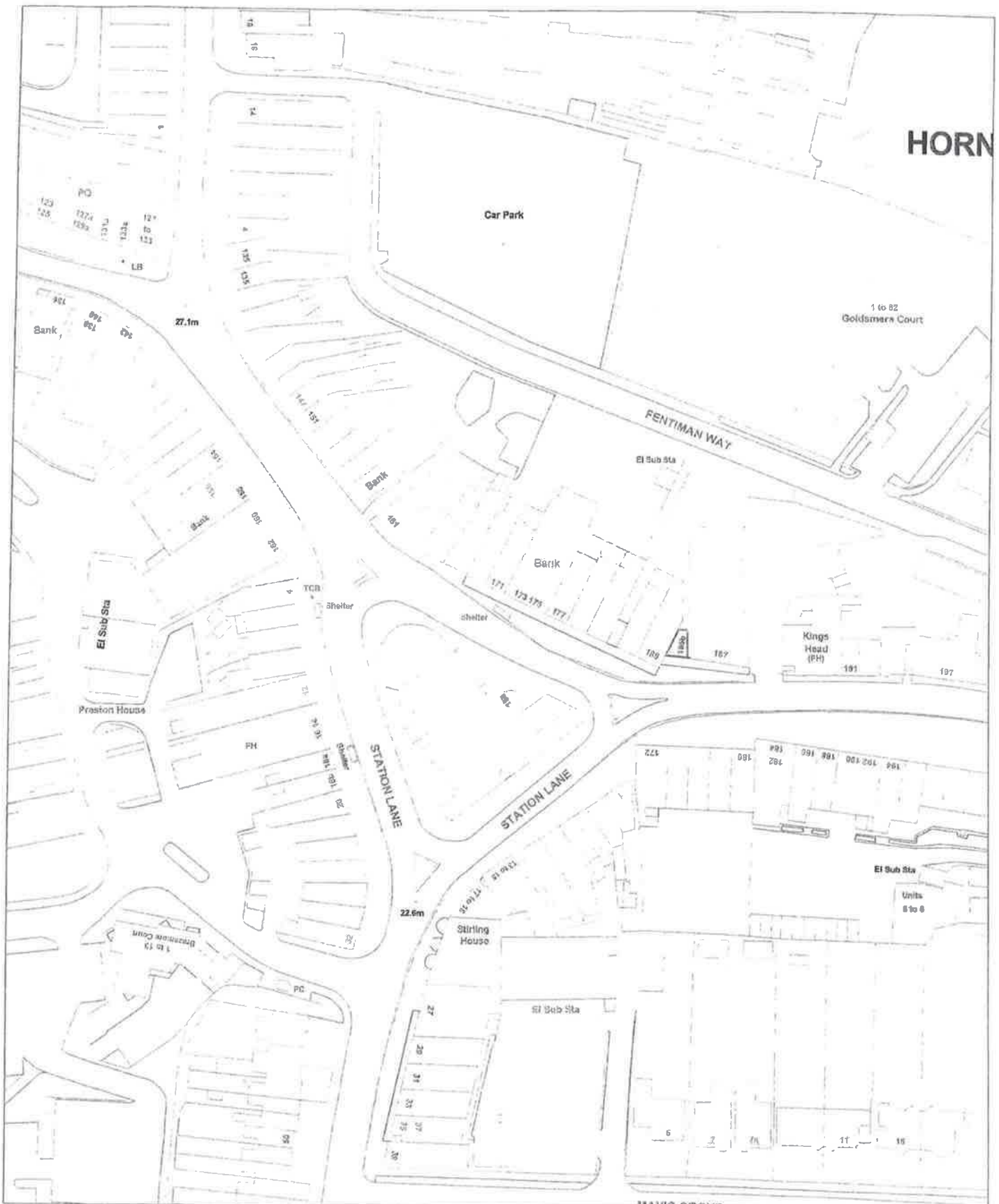
SCALE 1:1250.

PETER JONES & ASSOC.			
PLANNING & PROPERTY CONSULT.			
170-180 HIGH ST. HORNCURCH.			
RM12 6JP.			
0711 102039			
PLAN OF EXISTING RESTAURANT AT 185 HIGH ST. HORNCURCH.			
CLIENT	AKASH RESTAURANT.		
Scale	1:100	DAT	1/07/2005
DWG. No.	AK/05/01.	REV.	



Havering
LONDON BOROUGH

Map of the area



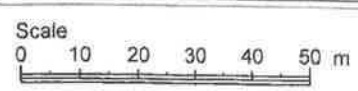
HORN

AKASH

Map Reference: TQ5487SW



Scale @ A4 1:1250
Date: 18/04/2013



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

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100024327



Havering
LONDON BOROUGH

Representations from
Responsible Authorities



Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

Please call: Marc Gasson

Telephone: 01708 432777

Fax: 01708 432554

email: environmental.health@havering.gov.uk

Textphone ☎: 01708 433175

memo

From: Marc Gasson-Noise Specialist

To: Paul Jones-Licensing Officer

My Reference : MDG/012695

Your Reference :

Date: 23 April 2013

Licensing Act 2003-Application To Vary Premises Licence Akash Tandoori. 185 High Street, Hornchurch, Essex.

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

1. Due to the close proximity of nearby residential properties residents are likely to experience unacceptable levels of noise from patrons entering and leaving the premises into the early hours of the morning, causing sleep disturbance.
2. The application is contrary to Licensing Policy 12 as detailed below and is likely to severely impact the amenity of nearby residents:-

Licensing Policy 012

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated Activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas.

I trust this clarifies my position

Marc Gasson
Noise Specialist

memo

From: PLANNING CONTROL SERVICE

To: Licensing Officer
Environmental Health

Please call: Bernie Long
Telephone: 01708 432684
Fax: 01708 43690
Email: victor.long@havering.gov.uk

My Reference: BL/

Your Reference:

Date: 9 May 2013

Representations re Application for Variation of a Premises Licence (Licensing Act 2003) at 185 High Street, Hornchurch, RM11 3XS

The London Borough of Havering's Planning Service, being a responsible authority as set out in the Licensing Act 2003, wishes to make representations against the above premises in relation to a variation to the Premises Licence.

This objection refers to the effect on residents in respect of noise and disturbance.

Relevant Planning History

L/HAV/761/71 Erection of flat roof addition to rear of shop.
New Shop front for use as Indian Restaurant.

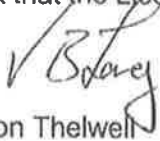
Approved 26/07/72(see Decision Notice attached)

It should be noted that there are no hours conditions attached to the use of the premises. However if such planning application was to be considered today, then it is likely that an hours condition would be attached.

This is based upon additional noise and disturbance to residents.
It should be noted that there are residential flats above this parade of retail and hot food establishments and this restaurant.

The premises next door(185B, a hot food establishment/ take away) have been refused a change of opening hours and this was subject of a planning appeal whereby the Inspectorate agreed with the Council that there would be significant harm to the living conditions of local residents caused by noise and disturbance

I ask that the Licensing Committee consider this report as a valid representation.



PP Simon Thelwell
Projects & Regulation Manager

HAYES LONDON BOROUGH COUNCIL

Application No. L/HAY/ 228 13

TOWN AND COUNTRY PLANNING ACTS 1962 to 1968.
Town and Country Planning General Development Order, 1958 to 1969.

5

To: Mr. A. Baker, 140 London Road, Uxbridge, Bucks.
Agent: Mr. R. S. Halden, 11 Haywood Way, Waltham, Bucks.

In pursuance of the powers exercised by them as local planning authority this Council, having considered your application to carry out the following development:-

Extension of flat roof addition to rear of shop.
See shop plans that are on file at Council.

in accordance with the plans accompanying the said application, do hereby give notice of their decision to GRANT PERMISSION for the said development.

subject to compliance with the following conditions:

- (1) The development to which this permission relates must be commenced not later than five years from the date of this decision.

The reasons for the foregoing conditions are as follows:

- (1) To comply with the requirements of Sections 65 and 66 of the Town and Country Planning Act, 1958.

Dated 20th day of July 1963
Technical Officer
Spilsby Road
ROMFORD, RM3 3UU



Havering
LONDON BOROUGH

Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

The Appropriate Licensing Officer
Licensing Authority
London Borough of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL

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

Date: 13th May 2013

My Reference: PJJ/012695

Dear Sir

Licensing Act 2003
Akash Tandoori 185 High Street Hornchurch RM11 3XS
Application to vary a premises licence

Further to the above I can confirm that this Licensing Authority wishes to make representation *against* this application based upon our concerns in relation to the prevention of public nuisance and the prevention of crime and disorder licensing objectives.

The application

This application seeks overall to extend the hours during which licensable activity may be provided at the premises. The hours during which live music may be provided are, in the main, to be reduced. The hours during which recorded music and late night refreshment may be provided intend to be increased. The hours during which alcohol may be supplied at the premises also seek to be increased. Effectively the restaurant wishes to be able to provide licensable activity to its customers until 00:30 Sunday to Wednesday and until 02:30 Thursday to Saturday. The restaurant also seeks to remain open to the public for an additional half an hour subsequent to these terminal hours permitting customers to remain on site until 03:00 Thursday to Saturday. The 02:30 / 03:00 terminal hours also seek to be installed on a further eight non-standard occasions throughout the year, including some Sundays.

Live music

The application seeks to generally reduce the live music terminal hour from 00:00 to 23:00 seven nights a week, although the non-standard timings portion of this request indicates that the live music terminal hour is to be extended until 02:30 on certain occasions.

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Schedule 2 paragraph 7 of the Act indicates that live music is not to be regarded as a form of regulated entertainment if it is incidental to some other activity which is not itself a form of regulated entertainment, e.g. dining.

The *Live Music Act 2012* allows live music to be provided between 08:00 and 23:00 at a premises authorised to supply alcohol for consumption on the premises to an audience of less than 200 persons without any requirement for the live music to be licensed. The non-standard timings extensions would not be subject to these provisions, however.

Given these issues we are not sure of the applicant's intent with regard to providing live music at the restaurant. If the intent is simply to entertain diners while they eat the requirement to licence this activity would appear not to exist. We are therefore concerned that there may be a more robust and potentially noisy intention with regard to providing live music at the premises, particularly if live music is on occasion going to cease at 02:30.

Recorded music

A similar situation exists with the provision of recorded music, although the *Live Music Act 2012* does not apply to recorded music. Schedule 2 paragraph 7 of the Act equally disapplies the requirement to licence recorded music if it is ancillary to, for example, dining. Again, we have concerns at the intention with regard to licensing recorded music until 02:30 as it might appear that simply playing 'background' music to diners while they eat would not constitute a licensable activity. This activity could legitimately be removed from the licence entirely, as with live music, if the intention is simply to provide music as an activity ancillary to dining.

Section M – additional steps to promote the licensing objectives

The application's section M requires that the applicant describes any additional steps he intends to take to promote the four licensing objectives. The application indicates that there are *no additional steps* identified. Instead, the applicant intends that "*all existing [licence] conditions [are] to remain in force.*" There may appear to be two explanations for this: (a) the applicant has failed to identify potential problems in relation to this application, or (b) the applicant feels that no potential problems exist. Both of these possible explanations cause this Licensing Authority concern.

The *Akash Tandoori* premises licence currently has a number of conditions in place, all of which were deemed by the Licensing Sub-Committee in the recent February 2013 variation application to suit a terminal hour of 00:00 and 00:30 on Fridays and Saturdays. This April 2013 application seeks to extend licensable activity until 02:30 on Thursdays, Fridays, Saturdays and some Sundays. To support this increase the applicant intends that the extant conditions are simply 'carried over' as an apparent 'one-size-fits-all' conditional template. Clearly, licensable activity being provided until 00:30 two nights a week is an entirely different proposition to similar activities being provided until 02:30 three, sometimes four, nights a week, including some Sundays.

Licensing policy 012 – hours

Havering's licensing policy 012 relates to the hours during which it is felt appropriate to provide licensable activity in given areas of the borough. Policy 012 is as follows:

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The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated activities will normally be permitted:

- *until 11.30 pm in residential areas*
- *until 00.30 am in mixed use areas*
- *no limits in leisure areas*

This policy indicates that an application for hours which extend beyond these guideline hours will be considered on its merits. We contend that the application as submitted should not be considered an exception to the guidelines of licensing policy 012. The *Akash Tandoori* premises licence is currently in accordance with licensing policy 012, based upon an application granted by the Licensing Sub-Committee on 7th February 2013.

In the immediate vicinity of this premises are a number of other similar restaurants, each of which might appear to be in competition to attract late night, 'post-pub' customers. This Licensing Authority recognises the financial legitimacy of seeking to expand a customer base; however, extending a restaurant's operation into the early hours of the morning has an implication which reaches beyond the boundary of the premises.

Competition for late night customers might appear to operate on a 'supply and demand' principle: the 'more' a premises may supply, the greater the demand for that supply. In other words, the longer a premises remains open to the public, the more members of the public will want to avail themselves of the services offered within. The result of such a situation is that competing businesses may feel compelled by this principle to extend their hours also. The outcome of such a scenario is 'hours-creep'.

The area in which this restaurant is located is subject to a special policy in relation to licensed premises via licensing policy 017. This policy is as follows:

It is the LLA's policy to refuse applications in the St Andrews ward area for pubs and bars; late night refreshment premises offering hot food and drink to take away; off licences; and premises offering facilities for music and dancing other than applications to vary hours with regard to licensing policy 012.

While restaurants are not explicitly subject to the policy this does not remove restaurants from the requirement to promote the licensing objectives. Indeed, the guidance to the Act states at paragraph 13.33:

*Special policies may apply to the impact of a concentration of **any** licensed premises.*

Clearly the guidance recognises that any and all premises licensed under the Act have the potential to contribute to a cumulative impact upon the promotion of the licensing objectives in a given vicinity. We can see, therefore, that there is an obligation upon all licensed premises to be, at the very least, aware of their potential effect within a special policy area.

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In light of this, policy 017 seeks to support the licensing of appropriate restaurant premises within the special policy area: it does not seek to absolve restaurants from their licensing responsibilities. The special policy area was designated as such by Havering in response to its identification by the Police as an area in which resources to cope with late-night anti-social behaviour issues were limited.

This special policy area has been highlighted as one which requires greater attention than other areas of the borough in relation to licensed premises and the problems attendant to alcohol consumption. Our concern as the Licensing Authority is the potential for this vicinity to incrementally increase its average terminal hour. A potential result of this hours-creep would be the influx of greater numbers of individuals to the area seeking a late-night meal after an evening out. As a consequence, a greater number of individuals would then be leaving premises in the early hours of the morning while under the influence of alcohol.

Section 182 guidance to the Act – promoting the licensing objectives

Section 4(3) of the Act requires that a Licensing Authority, when carrying out its functions, has regard to its licensing policy as well as to the guidance issued under s.182 of the Act. This guidance also identifies certain expectations in relation to applicants.

Paragraphs 8.34 to 8.42 of the guidance to the Act address the steps required to promote the licensing objectives. A brief examination of these steps will demonstrate that the applicant has not fully addressed the promotion of the licensing objectives in line with the guidance, thus making it difficult for the Licensing Authority to support the application.

8.34 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

The applicant appears not to have provided any evidence of regard to the licensing policy for this area. The application contains no evidence of the applicant's knowledge of the local area to support the entries made in section M of the application. Indeed, the applicant has indicated only that "*all existing conditions to remain in force.*"

8.35 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities;*
and

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- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

This application provides no evidence to support any of the expectations identified above, in particular any risk posed to the local area which may follow from this application. As previously mentioned it may be that the applicant has failed to identify any risk posed by the application. Equally, it may be that the applicant feels the application poses no risk to the local area. Both of these possibilities cause the Licensing Authority concern.

8.36 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

As mentioned previously the St Andrews ward is a special policy area addressed by Havering's licensing policy 017. While this policy does not explicitly apply to this application *Akash Tandoori* is located in this special policy area and restaurants are required to promote the licensing objectives the same as any other licensed premises. As a Licensing Authority we might reasonably expect that the applicant acknowledges his role in relation to preventing public nuisance in this special area; however, he has not done so.

8.40 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

As mentioned previously, the entries in section M of the application are minimal: "*all existing conditions to remain in force.*" Indeed, the applicant has provided no additional proposed steps to enable this Licensing Authority to properly assess the application. Paragraph 8.40 might reasonably be seen to require that an applicant not only offers certain steps to aid the promotion of the licensing objectives but also provides reasons why *these particular steps* are appropriate for *this particular premises*. Such reasoning reassures a Licensing Authority that the applicant has a full understanding of the demands placed upon him when providing licensable activity. It might seem that contrary to the apparent requirements of paragraph 8.40 the applicant has *provided a set of standard conditions* by indicating that the extant licence conditions should apply to his new licensing model.

Licensing policy 015 – premises' compliance history

Based upon Havering's licensing policy 015 an application such as this should also be considered in the light of the applicant's compliance history in relation to the provisions of the current licence. Licensing policy 015 states:

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In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:

- *the location of the premises and character of the area*
- *the views of responsible authorities*
- *the views of interested parties*
- *past compliance history of current management*
- *the proposed hours of operation*

Since November 2012 this Licensing Authority has had to provide four written warnings to the applicant based upon his failure to comply with the terminal hours of his premises licence. The most recent of these was given on 22nd February 2013 which was less than two weeks after the applicant had his terminal hours extended at his previous variation application. Copies of these warning letters are provided for reference. A monitoring visit to the premises on the evening of 16th-17th March 2013 witnessed customers entering the premises at 01:50. The most recent monitoring inspection took place on the evening of 10th-11th May 2013. Customers were seen to leave the premises at 01:30, half an hour after the premises should have been closed. It appears also, that heavy curtains have been hung at the premises' windows and thus it was not possible to confirm if further customers remained on site.

It may be argued that this application is the applicant's attempt to legitimise operating outside those hours currently permitted; however, it should also be recognised that the applicant appears to be prepared to ignore the terminal hours of his premises licence when it is felt appropriate to do so. The applicant ignored his original terminal hour subsequent to the licence having been transferred to him in August 2012. He has ignored the current terminal hour subsequent to his last application to extend the hours granted in February 2013. Given this past compliance history what guarantee can be provided that subsequent terminal hours will not be similarly disregarded?

In response to these previous terminal hour compliance failures this Licensing Authority offered to meet with the applicant and, at our expense, provide a translator to fully explain the requirements of his premises licence in the applicant's first language as it had been made known to us that the applicant's command of English was not as strong as that of his first language. The applicant agreed to this offer in principle, however made his acceptance of our offer of help conditional. These conditions included the requirement that the Licensing Authority provide a "written guarantee" that we would not undertake any enforcement action against the applicant for previous alleged licence breaches. A copy of the applicant's e-mailed response in relation to this offer is provided for reference. Certain personal information has been redacted in consideration to the applicant.

The Licensing Authority's agreement to provide this written guarantee would have effectively resulted in an abuse of process on our part. Therefore we were regrettably unable to accept this conditional requirement. This apparent reluctance to permit us to provide helpful information to the applicant in his first language – at our cost – does not reassure this Licensing Authority of the applicant's intentions with regard to future licence compliance and the obligation to promote the licensing objectives.

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A full licensing inspection at the premises was subsequently undertaken with the applicant and his representative in April 2013. It was suggested by the Licensing Authority that the applicant bring his own translator to the meeting as it was previously the applicant's conditional requirement that a translator was provided so that the applicant "*can fully understand what is being said.*" No translator was supplied by the applicant, although it emerged at the inspection that the applicant was fully able to read the entries on the *Akash Tandoori* premises licence. The outcome of this inspection was that eight licence conditions were found to be in breach while two more conditions required further evidence of compliance. At the time of submitting this representation these licence breaches remain unresolved and the licence therefore remains in breach.

Finally, and perhaps most importantly, the applicant advised us in this same e-mail (see below) that he has significant health issues which cause "*severe pain and distress together with severely limiting his movement*". While we extend our sympathies to the applicant we are naturally concerned at his ability to successfully manage the demands of promoting the licensing objectives in a restaurant until 03:00 in the morning and the impact this may have on his health. Customers entering the premises at late hours on the weekend are likely to have spent the preceding hours consuming alcohol and will in all likelihood continue to do so during their meals. We therefore have concerns at the applicant's future capabilities to deal with any potential licensing objective issues attendant to addressing the needs of customers who are under the influence of alcohol. This concern is of particular importance when we consider that the applicant's condition is "*unlikely to be cured due to the nature of the illness.*" We would hope that the applicant extends the promotion of the public safety licensing objective to include himself.

Based upon our concerns detailed above this Licensing Authority is not in a position to be able to support an application to extend licensable activity at the premises outside those provisions identified in Havering's licensing policy 012.

I hope this makes our position clear.

Yours faithfully



Paul Jones
Licensing Officer

cc Mr G Hopkins, agent for the applicant

From: GRAHAM HOPKINS [mailto: [REDACTED]]
Sent: 12 April 2013 08:37
To: Paul Jones
Subject: Mr Rahman //Akash Tandoori

Dear Paul,

Mr Rahman is agreeable in principle to attending an advisory session regarding his Premises Licence for Akash Tandoori. We consider this should be based on the following conditions:

- 1 This must be with an independent translator provided by the Council so that Mr Rahman can fully understand what is being said.
- 2 Either myself or another representative would need to be present to advise Mr Rahman and protect his interests.
- 3 We would want a written guarantee in return that Mr Rahman will not face [REDACTED] [REDACTED] or a Review before the LSC based on any alleged "evidence" gathered to date.

Further following the fact that Mr Rahman has been diagnosed with [REDACTED] which causes him severe pain and distress together with severely limiting his movement we would prefer the meeting to be held at the restaurant during the day. Mr Rahman does not hold a driving licence and in any case would be unable to drive. He is currently prescribed a large number of pain killers etc and is waiting scans at Queens Hospital before seeing a consultant [REDACTED]. His condition is unlikely to be cured due to the nature of the illness.

Your understanding of our client's medical condition would be appreciated and we would look forward to hearing from you. Due to our client's condition and medical appointments together with our commitments a week's notice is requested please of proposed dates/times.

Kind regards,

Graham GT Licensing Consultants [REDACTED] begin_of_the_skype_highlighting [REDACTED] end_of_the_skype_highlighting // [REDACTED] begin_of_the_skype_highlighting [REDACTED] end_of_the_skype_highlighting

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Graham Hopkins

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Havering
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: 12th November 2012

My Reference: PJJ/081346

COPY

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


Paul Jones
Licensing Authority



Havering
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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: 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.

You should be aware that if the matters detailed above recur I shall have no alternative other than to undertake further action against you as premises licence holders. This action will be likely to result in the London Borough of Havering seeking to prosecute you for offences contrary to s.136(1) of the Licensing Act 2003, i.e. knowingly carrying on a licensable activity from a premises otherwise than in an accordance with an authorisation. Please again be advised for information purposes that the maximum penalty for a s.136(1) offence is £20,000 and/or six months' imprisonment. The law, and hence this Licensing Authority, takes such matters seriously.

To confirm, this is Havering's final warning regarding these matters. I am afraid that any further illegal activity observed within your premises will likely proceed straight to prosecution. I therefore urge you to comply fully with all provisions of your premises licence.

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

Yours faithfully

Paul Jones
Licensing Officer



Havering
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: 26th November 2012

My Reference: PJJ/081346

Dear Sir/Madam

Licensing Act 2003
Premises licence no. 2160
Akash Tandoori 185 High Street Hornchurch RM11 3XS

Despite my two previous warnings to cease the provision of licensable activity at your premises detailed above contrary to s.136(1) of this Act I can confirm that a volunteer from this Authority visited your premises in the early hours of Sunday 25th November 2012 and made a test purchase of alcohol and late night refreshment after the terminal hour permitted by your premises licence for these activities. The volunteer was sold alcohol and supplied late night refreshment contrary to s.136(1).

Given that you have received two warnings against continuing such activity and given that this Licensing Authority has followed its enforcement policy we have no alternative other than to seek a prosecution against you for these and other attendant offences. You will receive further clarification in due course.

Of course, I should reiterate that your premises licence does not permit the supply of late night refreshment and thus hot food supplies must cease at the premises at 23:00. The licence further permits the supply of alcohol until 00:00 only while the premises must be vacated of patrons at 00:00. Please ensure that you adhere to these terminal hours or further enforcement action may follow.

Yours sincerely

Paul Jones
Licensing Officer

cc PC D Fern, Havering Borough Police Licensing Officer

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Public Protection

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

Mr I Rahman
185a High Street
Hornchurch
RM11 3XS

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

Date: 22nd February 2013

My Reference: PJJ/029701

Formal Warning No. 3

Dear Mr Rahman

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

Despite my recent previous warning letters and the subsequently impending court action I regret to advise you that I witnessed a further breach of your premises licence on the morning of 16th February 2013. At 01:30 on this date I observed that your premises was not closed as your premises licence requires. Instead I noted that there were three tables occupied by diners at the premises.

This is subsequent to your recent application to extend the hours during which licensable activity may be provided at your premises which was granted on 7th February 2013. A little over a week after your hours were extended you appear to be ignoring these new increased hours.

I should like to remind you that you are permitted to provide licensable activity at your premises only until the hours defined on your licence. Breaching these hours is likely to lead to criminal offences being committed at your premises.

Contd.

I am currently in discussion with management and Havering's Legal Department with regard to the appropriate course of action we should now take with regard to this further licence breach as it might appear that you do not intend to comply with the provisions of your premises licence: this is now the fourth time I have witnessed licence breaches at your premises. Such further action may require that we seek a further prosecution against you or that we seek a review of your premises licence. I will clarify in due course.

Yours faithfully



Paul Jones
Licensing Officer

*cc Mr G Hopkins, Licensing Agent
Insp. M Blackledge, Havering Borough Police Licensing Inspector*



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Date: 14th May 2013

DELIVERED BY HAND

My Reference: PJJ/029701

Formal Warning No. 4

Dear Mr Rahman

Licensing Act 2003

Premises Licence No. 2160

Akash Tandoori 185 High Street Hornchurch RM11 3XS

As Havering's licensing enforcement officer for the Hornchurch area it is my duty to monitor licensed premises to ensure compliance with the terms of this Act and any licence which may be issued under its authority. On the evening of 10th May 2013 leading into 11th May I observed approximately six customers leave your premises at 01:30. Your premises licence requires that Akash Tandoori is closed and empty of customers at 01:00.

I note also that you appear to have hung heavy curtains at your windows which appear to be drawn late in the evening. This then prevents anyone outside from having sight within. I am unable to think of any other restaurant which has taken this particular step. I wonder if you could clarify why you have chosen to completely cover your windows in this manner?

Additionally, I would like to remind you that subsequent to my licensing inspection at your premises on 22nd April 2013 your licence still remains in breach. I identified eight breached conditions and two further conditions which required further clarification with regard to their compliance. I also required that these breaches were resolved by 10th May 2013. To date the conditions have yet to be confirmed as being in compliance.

Contd.

Public Protection Bringing together Environmental Health & Trading Standards

As you will recall, we fully discussed the terms of your licence during my recent inspection. During this meeting you indicated in the presence of your representative that you fully understood the restrictions upon hours your licence contains. Can you therefore please explain the circumstances in relation to my observations at your premises on 10th-11th May 2013 and explain why six customers left your premises at 01:30 rather than at 01:00?

Thank you for your swift response to this.

Yours sincerely



Paul Jones
Licensing Officer

cc *Mr G Hopkins*
Insp M Blackledge, Havering Borough Police