



LICENSING SUB-COMMITTEE HOT & TASTY CHICKEN (REVIEW)

AGENDA

10.30 am	Wednesday 16 October 2013	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Georgina Galpin
Linda Trew

**For information about the meeting please contact:
Grant Soderberg - 01708 433091
grant.soderberg@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 - 6)

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 40)

Application to review a premises licence in respect of Hot and Tasty Chicken, 140 South Street, Romford RM1 1TE

Andrew Beesley
Committee Administration Manager



LICENSING SUB-COMMITTEE 16 OCTOBER 2013

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

Grant Söderberg – Committee Officer
01708 433091
Grant.soderberg@havering.gov.uk

REPORT OF THE CLERK

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (REVIEW OF LICENCE)

This is a hearing to consider an application for a review of a licence under section 51 of the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. 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 member 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. Chairman's Briefing 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 review application or any representation.
- 3.2 During this representation validation meeting, no decision will have been made or discussion held regarding the substantive merits of the review 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 party requesting the review will outline:

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

Documentary evidence:

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

Representations:

- The Chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points on 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 party requesting the review of the licence
- 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 whose premises is the subject of the licence review.

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:
- Review of premises licences following closure orders made under the Licensing Act 2003 where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.
 - Other reviews of premises licenses where the Sub-Committee must make a determination within 28 days of the end of the statutory consultation period.

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.



Havering
LONDON BOROUGH

Licensing Officer's Report

& Licence details

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LICENSING SUB-COMMITTEE

REPORT

16th October 2013

Subject heading:

Hot & Tasty Chicken
140 South Street Romford RM1 1TE
Premises licence review
Paul Jones, Licensing Officer
Mercury House, ext. 2692

Report author and contact details:

This application to review a premises licence is made under s.167 of the Licensing Act 2003 (*the Act*) by Licensing Officer Arthur Hunt on behalf of the London Borough of Havering's Licensing Authority. The application was submitted on 19th September 2013.

Premises' details

Hot & Tasty Chicken is a single-storey take-away food shop located in a parade of shops immediately adjacent to Romford Station. The area is predominantly commercial at this location although there are a number of residential flats above the shops in Victoria Road. The area immediately to the front of the premises is occupied by a filtered bus lane with attendant public shelters. Adjacent to the premises is a minicab office. The area therefore is a public transport hub and as such is occupied by large numbers of individuals waiting for public transport throughout the day. This is particularly evident late at night when individuals who have spent the evening consuming alcohol need to get home.

Application to review

Licensing Officer Arthur Hunt submits this application to review *Hot & Tasty Chicken's* premises licence, numbered 2199, in accordance with the provisions of s.167 of the Act. This section is enacted following a closure order made by the Metropolitan Police under s.161 and subsequently considered by Barkingside Magistrates' Court under the provisions of s.165 of the Act.

A s.161 closure order was made against *Hot & Tasty Chicken* by the Metropolitan Police on Saturday 4th May 2013 between 00:30 and 01:00. On Tuesday 7th May 2013 (Monday 6th May 2013 was a bank holiday), as required, the Metropolitan Police attended Barkingside Magistrates' Court to apply for the court to consider the closure notice in accordance with its duty under s.165. The court considered the closure order and determined that it would not exercise any of its rights to further modify the notice. The closure notice therefore expired 24 hours after its initial service.

S.165(4) requires the court to notify the Licensing Authority of its determination; however, this notification was not supplied to Havering until 19th September 2013 subsequent to repeated requests to do so from the London Borough of Havering and the Metropolitan Police. It was upon the receipt of the court's notification on 19th September 2013 that this review process was initiated.

Requirements upon the Licensing Authority

The provisions of s.167(4) of the Act dictate that the Licensing Authority undertakes certain functions with regard to an application made under this section. To this end the Licensing Authority gave a copy of the application to the premises licence holder and each responsible authority. It also installed an appropriately worded public notice advertising this application at the premises, at Havering's Town Hall and on Havering's website inviting interested persons and responsible authorities to make representations against, or in support of, the application.

When determining an application for a premises licence review made after a s.161 closure notice has been given s.167 of the Act requires that the relevant Licensing Authority holds a hearing to consider the closure order, any order issued by the court under s.165(2) and any relevant representations made. There were no orders issued by the court with regard to the closure notice.

During the hearing the Licensing Authority must take any of the following steps it considers necessary to promote the licensing objectives [s.167(5)(b) & (6)]. These steps are:

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) *to remove the designated premises supervisor from the licence **
- (d) to suspend the licence for a period not exceeding three months
- (e) to revoke the licence

Where the Licensing Authority takes a step as defined by (a) or (b) above it may provide that the modification or exclusion is to have effect for a specified period not exceeding three months [s.167(8)].

(This premises licence does not authorise the supply of alcohol; therefore (c) will not apply in this instance.)*

Representations

Although s.167 (10) entitles the premises licence holder to submit a representation to support his position he chose not to do so.

Havering's Licensing Officer Arthur Hunt makes representation in support of this review application. Mr Hunt is entitled to make a representation even though he is the individual who submitted the review application. The review application was dictated by the provisions of s.167 so, effectively, Mr Hunt's submission of the review was a simple administrative function. As the district officer with licensing responsibility for licensed

premises within Romford Mr Hunt's representation is based upon the prevention of crime and disorder and public safety licensing objectives. Mr Hunt also details a series of licence breaches found to have taken place at the premises.

PC Jason Rose makes representation against this application on behalf of the Metropolitan Police. PC Rose's representation details the sequence of events which led to the s.161 closure order being made and further details the Police concerns in relation to promoting the licensing objectives.

Copies of all representations and supporting documentation are attached for reference.

Paul Jones
Licensing Officer

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Premises licence number

002199

Part 1 - Premises details

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

**Hot & Tasty Chicken
140 South Street, Romford, RM1 1TE**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Recorded Music, Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Recorded Music

**Monday to Saturday – 11.00 to 02.00
Sunday – 11.00 to 00.00**

Late Night Refreshment

**Monday to Saturday – 23.00 to 02.00
Sunday – 23.00 to 00.00**

The opening hours of the premises

**Monday to Saturday – 11.00 to 02.00
Sunday – 11.00 to 00.00**

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

N/A

Part 2

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

**Mr Hyadulla Turkmani
140 South Street, Romford, Essex RM1 1TE
07832 389086**

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

N/A

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

N/A

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

N/A

Mandatory Conditions

Door Supervision

If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

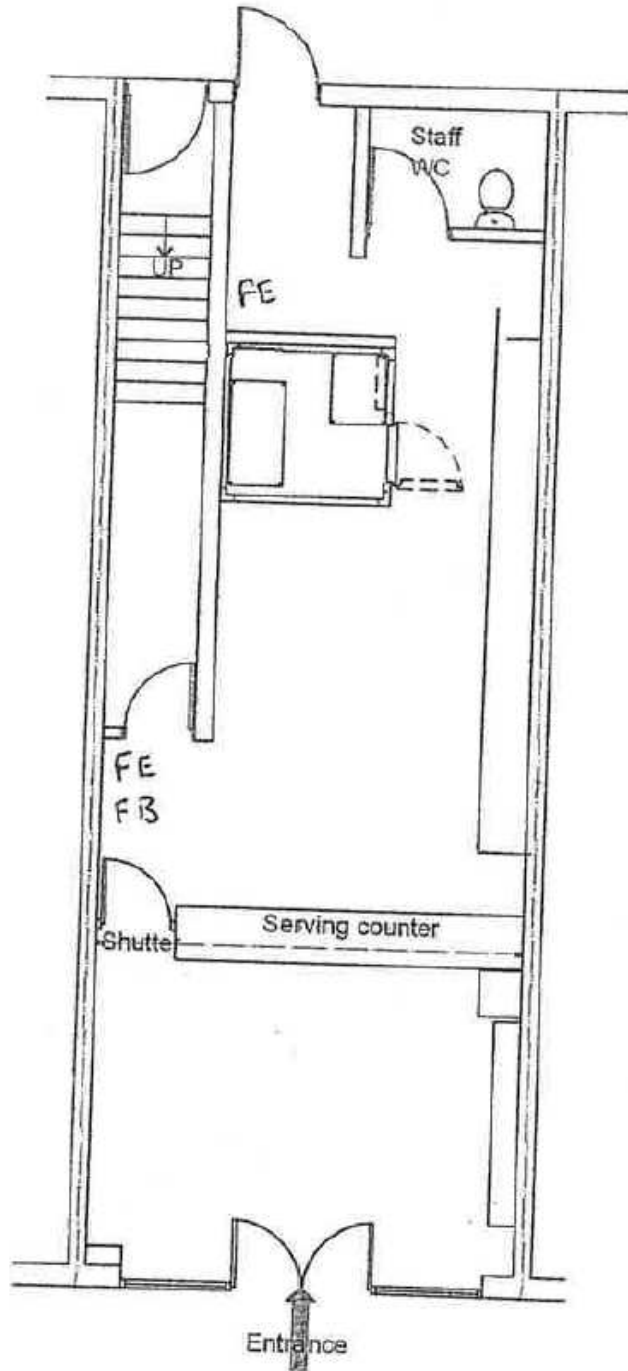
Annex 2 – Conditions consistent with the operating schedule

- 1. The CCTV system shall be in operation at the premises at all times when the premises are used for licensable activities. Recorded tapes shall be kept for 28 days and be available for inspection by police and Council officers at all reasonable times.**
- 2. Premises shall have a door supervisor on Friday and Saturday after midnight.**
- 3. Regular checks and maintenance is to be carried out on all equipment, electrical installations, emergency lighting and fire alarms to ensure compliance with current British Standards.**
- 4. Regular checks and maintenance is to be carried out on all ventilation, extraction systems and filters to ensure that smells or odours or noise caused in connection with a licensed activity shall not be perceptible at or within the site boundary of any residential property.**
- 5. The licensee will ensure the footpath immediately outside the front of their premises and that of numbers 136, 138 and 142, 144 are kept clear of refuse emanating from their premises by regular inspection both during and immediately after the operating hours.**
- 6. The management and staff shall be briefed in the importance of their responsibilities towards children.**

No Hearing

Annex 4 – Plans

Full plans held by the London Borough Of Havering licensing section
Plans shown not to scale





Part B

Premises licence summary

Premises licence number

002199

Premises details

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

Hot & Tasty Chicken
140 South Street, Romford, RM1 1TE

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Recorded Music, Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Recorded Music

Monday to Saturday – 11.00 to 02.00

Sunday – 11.00 to 00.00

Late Night Refreshment

Monday to Saturday – 23.00 to 02.00

Sunday – 23.00 to 00.00

The opening hours of the premises

Monday to Saturday – 11.00 to 02.00

Sunday – 11.00 to 00.00

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

N/A

Name, (registered) address of holder of premises licence

Mr Hyadulla Turkmani
140 South Street, Romford, Essex RM1 1TE

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

N/A

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

N/A

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

N/A

2 of 2

COPY

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**Application for the review of a premises licence or club premises certificate 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 Arthur Hunt

(Insert name of applicant)

apply for the review of a premises licence under section 167 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Hot and Tasty Chicken 140 South Street	
Post town Romford	Post code (if known) RM1 1TE

Name of premises licence holder or club holding club premises certificate (if known) Mr Hyadulla Turkmani

Number of premises licence or club premises certificate (if known) 2199

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Authority London Borough of Havering 5 th Floor Mercury House Mercury Gardens Romford RM1 1LS
Telephone number (if any) 01708 432777
E-mail address (optional) licensing@haverling.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

On the 4/5 May 2013 Police were called to the premises and as a consequence the senior officer at the scene decided to utilise their powers under S 161 Licensing Act 2013 and close the premises.

On the 7 May 2013 Police attended Redbridge Magistrates Court and the closure was heard. The court decided not to extend the closure but ratified the decision of the Police in the initial instance.

S167 Licensing Act 2003 states:-

Review of premises licence following closure order

(1) This section applies where—

(a) a closure order has come into force in relation to premises in respect of which a premises licence has effect, and

(b) the relevant licensing authority has received a notice under section 165(4) (notice of magistrates' court's determination), in relation to the order and any extension of it.

(2) The relevant licensing authority must review the premises licence.

(3) The authority must reach a determination on the review no later than 28 days after the day on which it receives the notice mentioned in subsection (1)(b).

Following the hearing, there have been extensive enquiries with the court with regards to S167 (1) (b). Initially the court were unable to confirm the court appearance. Subsequently on the 19 September 2013 documentation arrived with Havering's Legal and Democratic services.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **19 September 2013**

Capacity **Licensing Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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CHIEF SUPERINTENDENT

Hot and Tasty
140 South Street
Romford
RM1

Case Number: **1302531403**

Defendant Present: No

Informant: MPKD MPS Havering CJU

Post-Hearing Custody Status:

1 **LG03503**

Application to consider a closure order.

In accordance with section 164 of the Licensing Act 2003.

RFSD

Application refused.

TEXT

The Court determined not to exercise any powers in S.165 LA 2003 as the closure order has now expired and no further complaint is being made.

I certify the above extract to be a true copy

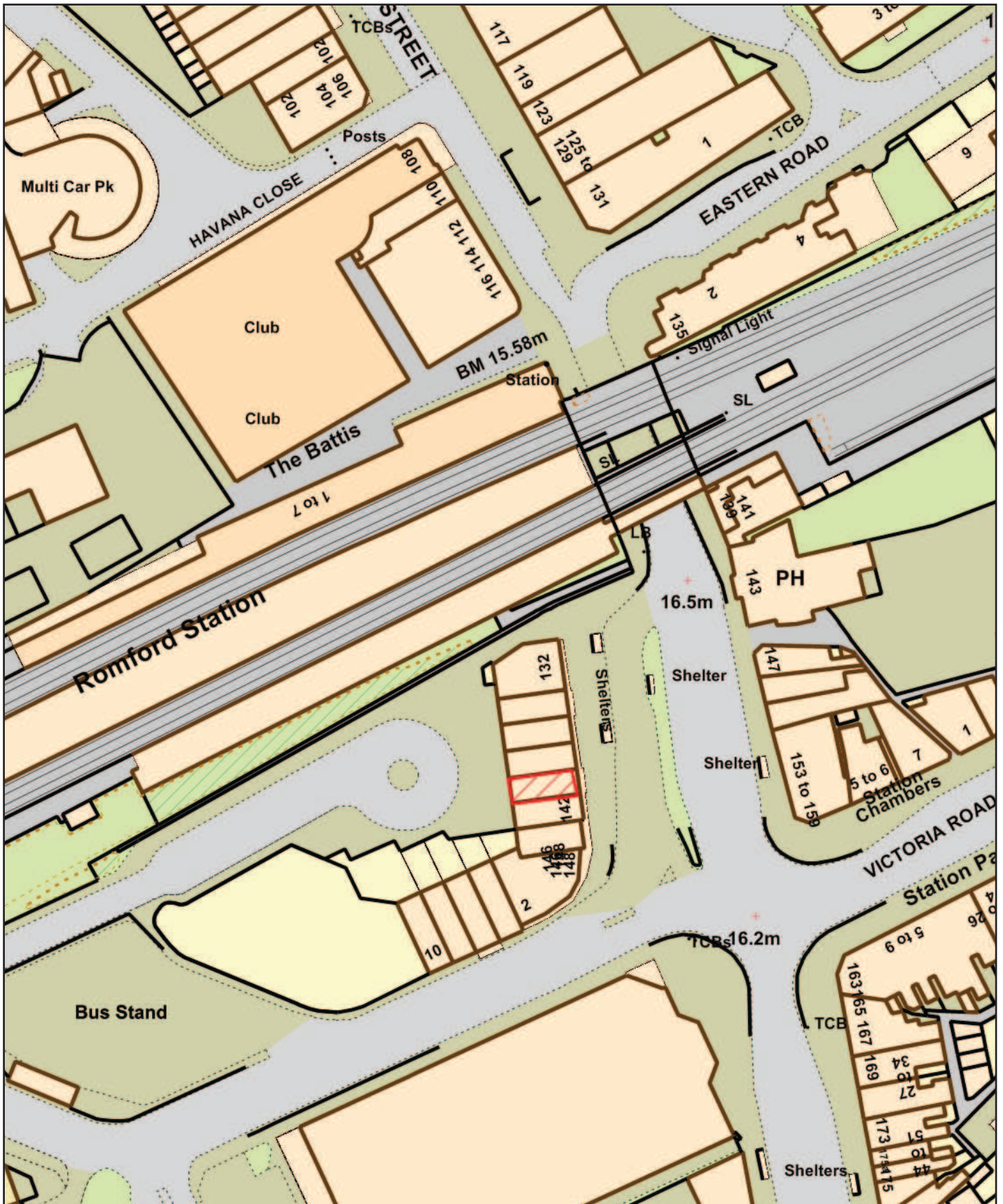
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Havering
LONDON BOROUGH

Map of the area

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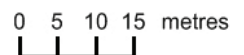
Hot & Tasty Chicken
 140 South Street Romford RM1 1TE



Scale: 1:1000

Date: 24 September 2013

Size: A4



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

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Haverling
LONDON BOROUGH

Representations from
Responsible Authorities

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**KD - Havering Borough
KD - Romford Police Station**

Licensing Authority
London Borough Of Havering
Mercury House
Mercury gardens
RM1 3SL

Romford Police Station
19 Main Road
Romford
RM1 3BJ
Telephone: 01708 432781
Facsimile:
Email:
jason.rose@met.pnn.police.uk
www.met.police.uk
Your ref:
Our ref:
24th SEPTEMBER 2013

Police submit the following report in response to a closure order issued at Hot & Tasty Chicken, 140 SOUTH STREET, ROMFORD, RM1 1TE by police under the Licensing Act 2003. Official notification has been received from REDBRIDGE MAGISTRATES COURT evidencing a hearing on 7th MAY 2013 concerning the above named premises and its closure by police on 4th MAY 2013. The court determined not to use its power under section 165 Licensing Act 2003 but was satisfied with the use of section 161 by police in the circumstances. It is unknown why it has taken the court until now to notify the local authority. Officers including Inspector BLACKLEDGE and I have made several attempts for this notification to be served before now.

Police believe the premises of HOT & TASTY are not acting in responsible manner to promote the licensing objectives during its late night refreshment hours. Officers feel this premise has a negative effect on crime and disorder and public nuisance, not to mention public safety. Police wish to bring to the sub committee's attention a number of breaches to the premise licence conditions along with suggestions on how these issues may be remedied by changes to their current licence.

Firstly, police take this opportunity to summarise the closure in question.

Closure under section 161 Licensing Act 2003.**Saturday 4th MAY 2013 @ 00:30-01:00hrs****Other Offences observed - Breach of license condition 2 (Premises shall have a door supervisor on Friday and Saturday after midnight)**

EXAMPLE 1 - At 00:30 on Saturday 4th MAY 2013 Pc 403KD Davies witnessed the premises open for trading but no SIA badge holder being on duty, clearly breaching condition 2 of their premises license. Police Inspector Lorraine COWLEY visited the premises at approx 01:00 hrs and points out this issue with the manager, Mr Ashmatullah TURKMANI. When this breach is pointed out Mr TURKMANI informs police they are the new owners and have had no problems since installing a re-enforced glass panel at the counter leaving only a small gap at the bottom to pass food and money with customers. It was established no door staff were on duty in any capacity. INSP COWLEY noticed large groups of males gathering outside and trying gain entry, she describes them as "high spirited" and "under the influence of alcohol". INSP COWLEY then elected to exercise her powers of closure under section 161 of

the licensing Act 2003 and notified Mr TURKMANI of this informing him the closure was effective from 01:00hrs until 09:00hrs.

BACKGROUND

This premise is located within Havering boroughs Anti Social Behaviour hotspot and directly beside the Transport for London travel network hub. There are two large bus stops directly outside the premise which service night buses, naturally seeing large numbers, under the influence of alcohol, congregating through out the evening and into the early hours.

This year alone police have received several complaints of violence and anti social behaviour recorded directly against the premises. A number of crimes have been recorded showing the premise as the venue.

5402572/13 - Grievous Bodily Harm **Sunday 17th FEB 2013 @ 00:30 hours**
EXAMPLE 2 - Victim attended the premises with his girlfriend and once inside got talking to a group of males, during a conversation one of the males called the victims girlfriend "Fatty", his girlfriend heard the comment and stormed out of the premises upset, leaving the male victim at the location. A short while later victim had sustained serious head injuries which resulted in a diagnosed fractured skull and a blood clot that needed surgery. It is believed the victim defended his girlfriend's honour and was attacked by the 3 males. Upon police arrival at the venue an hour later, the staff denied that any incidents had taken place, the premises had been cleaned and there was no sign of any blood or blood splatter. When officers asked to view the CCTV they were informed it could not be operated by the members of staff on duty at that time. No CCTV to this date has been recovered and no scene identified.

5401728/13 - Sec 5 Public Order Act **Saturday 16th MARCH 2013 @ 00:05 hours**
EXAMPLE 3 - Police came across an argument between the suspect and a member of staff at the venue who stated the suspect along with two other males had sat down and started causing trouble in the shop and when asked to leave became abusive. The Member of staff informed the males that seating the shop is for paying customers only and the males were asked to leave. Police were called. Suspect was warned repeatedly in regards to swearing in public next to the main bus hub. However he continued to shout obscenities and displaying crude and rude hand gestures. The behaviour was observed by approximately thirty members of the public.

Saturday 4th MAY 2013 @ 00:30-01:00hrs, Closure order under section 161 Licensing Act 2003 already referred to.

5408179/13 - Actual Bodily Harm **Wednesday 05th JUNE 2013 @ 01:40 hours**
EXAMPLE 4 - A male and female couple were awaiting their food when suspect entered the shop. He engaged the couple in conversation however this conversation turned to violence, suspect punched the male victim twice in the face then kicked the female victim in the chest for no apparent reason. The fight spilled out onto the footway outside in the transport hub. The suspect continued to parade outside the shop swearing and shouting. Police arrived and arrested the male. At the time of police arrival the shop had been closed and police could not liaise with any staff and obtain witness or possible scene evidence. Pc ROSE attended the premises the following day and was informed by both Mr Ashmatullah TURKMANI (manager) and Mr Hayadulla TURKMANI that neither of them could operate the CCTV system to show the footage or download for evidence. Police had to return the following day, some 34 hours after the event to view CCTV
Not only has the premises been a location for crime and disorder, officers have had to visit the establishment on other occasions.

Breach of license condition 2 (Premises shall have a door supervisor on Friday and Saturday after midnight) Saturday 28th April 2013 @ 00:05-00:15hrs

EXAMPLE 5 - Officers from Havering licensing authority observe the premises operating without any door supervisors at approx. 00:05hrs. Officers enter the venue and speak with Mr TURKMANI advising him of the breach and he simply stated he felt he didn't need door staff.

Operating outside of licensable hours.

Saturday 25th MAY 2013 @ 02:03-02:20hrs

EXAMPLE 6 - At 02:03hrs Police noticed the premises still had their lights on and were trading. The door supervisor was stood outside with customers sat inside. At 02:06 hours police observed a male walk into the venue approach the counter and appear to order food. Police entered and spoke to staff. Police enquired what time they close. The staff member informed them 02:30 hours. Police asked what time did they serve till and was told 0215 hours. Pc ARMOUR asked to see the license, the manager then stated they were closing in the next ten minutes and that they stop serving at 0200 hours. As this conversation was finishing police witnessed a staff member serve up the food to the customer that came in after 0200 hours. Pc ARMOUR informed the manager that he would be reported to the licensing authority for his breach of licensable hours.

**** POINT OF NOTE ****

In all of the six examples shown above the offending times are after midnight. Police submit that this is the critical time for potential issues to take place. Victims become even more vulnerable due to intoxication; offenders become even more violent due to intoxication. Romford town centre needs a quick dispersal zone when pubs, clubs and other venues close, not a venue that attracts people to meet, keep warm, socialise and stay longer. This only increases the chances of crime and disorder and offences against public safety and public nuisance. This premise by the sheer nature of the examples above has shown they can not operate without such incidents taking place.

Further to the above observation police have received numerous calls to the immediate locality and to the premises of A1 mini cabs adjoining hot and tasty, it is impossible to ascertain if these premises are involved in all these incidents as callers / victims have left prior to police arrival however two further CADS have been logged solely against the premises address -

EXAMPLE 7 **Monday 22th JULY 2013 @ 0044hrs** **CAD KD416**
Police called by a staff member requesting assistance. Immediate response vehicle dispatched.

EXAMPLE 8 **Sunday 28th APRIL 2013 @ 2345hrs** **CAD KD9473**
Police called requesting assistance at location. Station Van dispatched.

In May the venue then applied for extensions to its licensing hours, 05:00hrs on a Thursday - Saturday, and 03:00hrs on a Monday- Wednesday and 02:00hrs on a Sunday, police made objections, showing their fears for safety, these fears were supported by the sub committee at a subsequent hearing on the 8th JULY and the application was refused in full. No further hours of trading were approved or authorised.

Police believe the majority of HOT & TASTY'S customer base are under the influence of alcohol in different degrees. The potential for violence is often felt throughout the night, the venues clientele is loud, jovial, boisterous and in the examples shown VIOLENT. SIA door staff have proven to be an effective tool in the combat against crime and disorder along with aiding public safety. Police encourage

the use of such staff during the hours of late night refreshment. Without this personnel present the risk to public safety will dramatically increase as will the burden on staff to enforcing their current licensing condition in respect of capacity. Police therefore recommend that a SIA badge holder should be on duty where the premise trade within their late night refreshment hours i.e. 2300 until close.

Police have serious concerns in relation to the amount of times CCTV has not been available to view or indeed, the facility to download and seize for evidence. It appears staff members continue to clear and clean the premises prior to police arrival which in turn has an impact on loss of evidence. They have been advised about this on several occasions.

Police also have concerns in relation to Public Nuisance and Public Safety from a littering point of view. On all night time occasions when police patrol the area it is clear to see litter which has come from the venue. This includes take away packaging, chips and chicken bones thrown carelessly around the transport hub. Not only are these chicken bones a health risk they are also a danger as intoxicated person may slip on greasy discarded items such as this. The litter is a constant eyesore for residents and visitors alike. It is not cleaned away by the venue and is traditionally still present on a Saturday and Sunday morning when shoppers enter the area giving an untidy and false impression of Romford Town Centre. This is a clear continuous breach of condition 5 (annex 2).

In conclusion police respectfully request that consideration be made to the following recommendations.

*** A reduction in trading hours for Late Night Refreshment to 0030hrs Monday - Saturday in line with local authority policy 012 "Regulated activities will normally be permitted until 0030am in mixed use areas" (Crime statistics support a reduction to 0030am)**

*** A member of staff able to operate, download CCTV footage MUST be on duty at all times the premises is open for business. Staff MUST assist police and authority in their enquires.**

*** Capacity of 10 persons (Non Staff) inside the venue at any one time during the hours of 2300 until close.**

*** SIA badge holder should be on duty where the premise trade within their late night refreshment hours i.e. 2300 until close Fri and Saturday. (Currently midnight onwards)**

*** Removal of seats and tables from front of counter area to deter lengthy stays after 2300 hrs, assisting in dispersal.**

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely,

Pc Jason ROSE
Licensing Officer
Havering Borough



Public Protection

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Date: 24 September 2013

Dear Sir

Licensing Act 2003
Hot and Tasty Chicken, 140 South Street, Romford, RM1
Review of premises licence

With regards to the above I can confirm that the Licensing Authority wishes to make a representation to be considered by the Licensing Sub-committee when hearing this review; based upon our concerns in relation to the prevention of crime and disorder and public safety licensing objectives. The premises have been the subject of **Crime and Disorder** matters there having been a failure to comply with conditions on the Premises Licence and assaults reported at the premises. **Public Safety** the premises has operated without Door Supervisors as required by their premises licence.

Crime and Disorder

Police have had reports of assaults on:-

17 February 2013 at 12.30am – Grievous Bodily Harm -a male received a fractured skull and had surgery to remove a blood clot at the premises. Police attended to investigate the matter and the premises had been cleaned and a denial that the assault had taken place. The CCTV was requested and to date has still not been provided.

5 June 2013 at 01.40am - Actual Bodily Harm - A male and female were assaulted by the same assailant in the premise. This spilled out onto the footway outside in the transport hub. The suspect was arrested. It took some 34 hours for the CCTV images to be produced.

Police have also dealt with other matters at the premises:-

16th March 2013 at 12.05am - Police intervened in an argument between staff and a group of males in the premises. One from the group of males was eventually arrested for a public order offence with his behaviour being observed by approximately thirty members of the public.

4th May 2013 at 12.30am - This was when the Police became sufficiently concerned about the premises to utilise their powers under section 161 Licensing Act 2003 to close it.

Public Safety

Havering's licensing policy 015 says that consideration should be given to the reviewed premise compliance history. Licensing policy 015 states:

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*

Annex 2 of the premises licence contains the condition *The CCTV system shall be in operation at the premises at all times when the premises are used for licensable activities. Recorded tapes shall be kept for 28 days and be available for inspection by police and Council officers at all reasonable times.*

When police attended as a result of the aforementioned assault on the 17 February staff were unable to operate the system. To date no CCTV images have been supplied to the police.

When police attended as a result of the 6 June assault, the licence holder, Mr Hayadulla Turkmani and his manager Mr Ashmatullah Turkmani were unable to operate the CCTV system. They had to receive training from another member of staff. Police were able to obtain the CCTV images some 34 hours after the event.

Annex 2 condition 2 of the premises licence states, *Premises shall have a door supervisor on Friday and Saturday after midnight*

28th April 2013 from 12.05am – 12.15am – Licensing officers observed that there was no door staff in place. Mr Turkmani was spoken to on the night and informed that the requirement for door staff was a condition of his licence. If he continued to operate without SIA door staff in place he would be in breach of his premises licence. He replied that he didn't think that he needed them.

4th May 2013 at 12.30am – When police exercised the powers to close the premises, there were once again no SIA door staff on duty. This was a contributing factor in the decision of the police to close the premises.

25 May 2013 between 02.03am and 02.20am Police observed the premises operating passed their terminal hour of 02.00am. The staff were warned by the Police.

Havering's Licensing Policy 014 states:-

Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

The Police have detailed in their representation that the incidents all appear to happen after 00:00. It may therefore be appropriate in line with Havering Policy 012 to reduce the premises hours to at least 00:30 because of the mixed residential/commercial use of the area.

It is also appropriate to refer the committee to Licensing Policy 018. The premise is situated within the ring road. Licensing Policy 18 states:-

It is the LLA's policy to refuse applications in Romford within the ring road 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 the regard to licensing policy 012

The policy goes further at Para 4.21:-

Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact, and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.

This premise, by the history detailed by the Police, has had a negative impact on the licensing objectives. There has been a history of violence and anti social behaviour related to the premises. Also there has been more than one incident of non-compliance with the current premises licence. This non-compliance has also attracted complaints from other premises within the locality, who detail a loss of business due to the premises remaining open passed its terminal hour. It also holds a prime position within the transport hub in South Street and any incident could therefore have a detrimental effect on late night transport facilities

I would therefore like to draw the committee's attention to Para 4.23:-

Taking revised Guidance into account, and also the continued existence of some serious problems of nuisance in the Stress Area, the Licensing Authority may, in determining reviews of individual premises licences in a Stress Area, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where for special policies on cumulative impact will apply.

The Licensing Authority would appeal to the Licensing Sub-committee to consider placing further conditions on the premises licence, in addition to those already proposed by the Police which are:-

- A reduction in trading hours for Late Night Refreshment to 0030hrs Monday - Saturday in line with local authority policy 012 "Regulated activities will normally be permitted until 0030am in mixed use areas" (Crime statistics support a reduction to 0030am)

Public Protection Bringing together Environmental Health & Trading Standards

- A member of staff being able to operate the CCTV equipment MUST be on duty at all times the premises is open assisting police and authority in their enquiries.
- Capacity of 10 persons (Non Staff) inside the venue at any one time during the hours of 2300 until close.
- SIA badge holder should be on duty where the premises trade within their late night refreshment hours i.e. 2300 until close Fri and Saturday. (Currently midnight onwards)
- Removal of seats and tables from front of counter area to deter lengthy stays after 2300 hrs, assisting in dispersal.

We propose, in addition:-

- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
- A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day.
- The Premises Daily Register shall be readily available for inspection by an Authorised Person or Police throughout the trading hours of the premises.
- The Premises Daily Register shall also record details of any SIA door staff employed at the premises including their home address. Further, all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

Yours faithfully

Arthur Hunt
Licensing Officer