

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 13 February 2014

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

Part A – Items considered in public

<p>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE MADE UNDER SECTION 17 OF THE LICENSING ACT 2003</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Pulp Kitchen 9 Oak Road Romford RM3 0PH</p> <p>DETAILS OF APPLICATION</p> <p>This application for a new premises licence is made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Mr Adil Haziri 3A Edenhell Road Harold Hill RM3 7RX</p> <p>1. Details of requested licensable activities</p> <p>The application sought to be able to provide the following licensable activities. Following discussion with ward councillors, the requested licensable activities were modified accordingly:</p>
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		<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3">Recorded music</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday</td> <td align="center">06:00</td> <td align="center">22:30</td> </tr> <tr> <td>Sunday</td> <td align="center">10:00</td> <td align="center">22:30</td> </tr> </tbody> </table> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol on the premises</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td align="center">11:00</td> <td align="center">22:30</td> </tr> </tbody> </table> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3">Hours premises open to the public</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td align="center">06:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <p>Following the submission of the application, the applicant amended the terminal hour for the sale of alcohol and the provision of regulated entertainment (recorded music) to 22:30 all week and to close the premises to the public at 23:00 all week.</p> <p>2. Non Standard Timings</p> <p><u>Seasonal variations</u></p> <p>None</p>	Recorded music			Day	Start	Finish	Monday to Saturday	06:00	22:30	Sunday	10:00	22:30	Supply of alcohol on the premises			Day	Start	Finish	Monday to Sunday	11:00	22:30	Hours premises open to the public			Day	Start	Finish	Monday to Sunday	06:00	23:00
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		<p>The interested persons' representations against this application were based upon the prevention of public nuisance licensing objective.</p> <p>The nearest objector to the premises lived approximately fifty metres away while the furthest lived approximately half a kilometre away.</p> <p>There was one representation of support for this application from an interested person.</p> <p>There were no representations against this application from any responsible authority.</p> <p>Councillor Pam Light made representation to this application and at the hearing stated that following discussion with the applicant and his agent, she greatly appreciated the modified hours. She also stated that local residents were still concerned about the Non Standard hours sought by the applicant. The sub-committee was informed that the location of the premises was purely a residential area where all other shops closed by 18:00 hours.</p> <p>Councillor Lesley Kelly also made representation to this application and at the hearing she supported the earlier view that both parties had reached an acceptable operating time for the premises. She felt that the 22:30 hour closure was reasonable but that the nonstandard hours applied for were of concern to her and other residents she had consulted. She also made mention that the applicant had shown a willingness to work with residents and become a local hub.</p> <p>Councillor Brian Eagling was also present at the hearing and made representation to the application. Councillor Eagling was in agreement with other ward councillors on the revised operating hours. He informed the sub-committee that a residential home was opposite the premises and resident's homes were nearby. He had concern regarding the potential for noise issue. He requested that a condition be placed on the premises licence requiring</p>
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		<p>smoking to be at the back of the premises, as he had concern customers would congregate out the front to smoke and consume alcohol. Councillor Eagling also stated that the requested licensable hours did not tally with the planning consent on the premises.</p> <p>Mr Michael Reen was present at the hearing and reiterated his written representation that was based on the prevention of public nuisance licensing objective. He raised concern on the applied hours for sale, that most other shops in the parade closed by 6pm. In his view, this was a residential area. The sub-committee was informed that the long hours were not in the interest of public safety and was likely to cause public nuisance when people leave the premises so late. He was also concerned that the premises would increase the footfall of people coming in the direction of the shops from the station.</p> <p>All other written representation raised concerns about the operating hours of the premises and the potential to cause noise nuisance when customers left the venue. This was a quiet residential area. A licence to sell alcohol throughout the day and into the evening would create air pollution as people socialise outside smoking and drinking or when leaving the premises. Also loud voices, slamming of car doors would undoubtedly effect noise levels and disturb the local residents, who were mostly families and the elderly.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p> <p>Planning Control & Enforcement: None</p> <p>Licensing Authority: None</p>

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		<p>Public Protection: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None</p> <p>Health & Safety Enforcing Authority: None.</p> <p>Public Health: None</p> <p>Children & Families Service: None</p> <p>The Magistrates Court: None</p> <p>In response to the representations from the interested parties, the representative for the applicant, Mr Hopkins confirmed that he been in communication with interested parties on the amended revised closing hours. At the hearing the sub-committee was informed that the applicant was withdrawing his request for nonstandard days apart from New Year’s Eve. Mr Hopkins also explained the revised hours were in line with the Planning consent for the premises. The sub-committee was informed that the premises were offering suggested conditions in order to support its application, and a list of those conditions was provided.</p> <p>The sub-committee was informed that the premises already served a roast meal on a Sunday, the premise would operate as a café during the day and in the evening, serve a range of Italian meals. It was stressed that the serving of alcohol would be ancillary to taking a meal at the premises.</p> <p>The premises had no intention of having tables outside and alcohol would not be allowed to be taken outside the premises. The venue had the full support of its landlord, and the intention was to direct smokers to the back of the venue.</p>

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		<p>The sub-committee was informed that this was a family run business looking to cater for families. The Designated Premises Supervisor was an experienced person with many years in the hospitality trade.</p> <p>The premise was serviced by three internal cameras and another outside the premises. The request for music was to enable the premises to play background recorded music.</p> <p>The applicant would provide a contact number in the shop window in order to encourage residents to contact him and raise any matter of concern should it arise.</p> <p>Mr Hopkins stated the traffic and parking issues raised were not relevant to the licensing objectives. He also added that the application had not raise any concern from any of the responsible authority and requested the application be granted as detailed.</p> <p>In response to questioning by the Sub-Committee, Mr Hopkins responded that there was a side door to the back area to stop smoking customers from converging in front of the premises.</p> <p>5. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 13 February 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Pulp Kitchen, Harold Wood.</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the</p>

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		<p>licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <p>Agreed Facts <u>Facts/Issues</u> - Whether the granting of the premises licence would undermine the licensing objectives.</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <p>The Sub-Committee noted the concern of all interested parties on the operating hours of the premises and was satisfied that the applicant had responded positively by revising his hours and withdrawing his request for nonstandard hours.</p> <p>The Sub-Committee also noted the condition limiting smoking at the front of the premises to 6 people, and that the premises would direct smokers to the back of the premises through the side door in order to deter people congregating. The fact that no alcohol would be permitted to be taken outside would also assist in that regard.</p>

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		<p>Sub Committee; or</p> <ol style="list-style-type: none"> 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit. <p>Taiwo Adeoye Clerk to the Licensing Sub-Committee</p>