

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
13 February 2014 (10.35 - 10.36 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Melvin Wallace

Labour Group Denis Breading

Present at the hearing were the Mr Adil Haziri applicant and Graham Hopkins & Linda Potter applicant's representative.

The interested parties present were Councillors Brian Eagling, Lesley Kelly and Pam Light. Others present were Mr David and Mrs Kelly Miles and Michael Reen.

Also present were Paul Jones (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared at this meeting.

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

**1 APPLICATION FOR A PREMISES LICENCE MADE UNDER SECTION 17
 OF THE LICENSING ACT 2003**

PREMISES

Pulp Kitchen
9 Oak Road
Romford
RM3 0PH

DETAILS OF APPLICATION

This application for a new premises licence is made under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Mr Adil Haziri
3A Edenhell Road
Harold Hill
RM3 7RX

1. Details of requested licensable activities

The application sought to be able to provide the following licensable activities. Following discussions with ward councillors, the requested licensable activities were modified accordingly:

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

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.

2. Non Standard Timings

Seasonal variations

None.

Non-standard timings

Non-standard timings		
Day	Start	Finish
New Year's Eve	11:00	01:00

3. Promotion of the Licensing Objectives

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 10 January 2014 edition of the Yellow Advertiser.

4. Details of Representations

Valid representations may only address the four licensing objectives.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

There were eleven representations against this application from interested persons.

The interested persons' representations against this application were based upon the prevention of public nuisance licensing objective.

The nearest objector to the premises lived approximately fifty metres away while the furthest lived approximately half a kilometre away.

There was one representation of support for this application from an interested person.

There were no representations against this application from any responsible authority.

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.

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.

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 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.

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.

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.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): None

Planning Control & Enforcement: None

Licensing Authority: None

Public Protection: None

London Fire & Emergency Planning Authority (“LFEPA”): None

Health & Safety Enforcing Authority: None.

Public Health: None

Children & Families Service: None

The Magistrates Court: None

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.

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.

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.

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.

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.

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.

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.

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.

5. Determination of Application

Decision

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.

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts

Facts/Issues - Whether the granting of the premises licence would undermine the licensing objectives.

- **Prevention of Public Nuisance**

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.

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.

Having considered the written representations and oral responses, the sub-committee was satisfied that given the conditions offered by the applicant and the revised operating hours, there would be no increase in public nuisance caused by the premises. The sub-committee was convinced that no serious risk was proven at this hearing as alcohol was only offered ancillary to taking a meal at the premises, and there would be no off-sales.

The Sub-Committee also noted that the premises would direct smokers to the back of the premises. The Sub-Committee therefore granted the application as applied for, with the proposed conditions as per the operating schedule as added to and/or amended at the hearing by way of the proposed conditions provided, appended to this notice.

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

Chairman