

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 27 October 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 PREMISE LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 (the Act)</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Ginger Spice, 395-397 Brentwood Road Romford, RM2 5TJ</p> <p>DETAILS OF APPLICATION</p> <p>This application for a new premises licence was made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Mr Raashaidul Alam 118 Covelees Wall Beckton E6 6WF</p>
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		<p>1. Details of requested licensable activities</p> <p>The applicant seeks to supply alcohol for consumption off the premises between the following hours:</p> <p>Details of the application</p> <table border="1" data-bbox="913 715 1780 858"> <thead> <tr> <th colspan="3">Supply of alcohol</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Sunday to Thursday</td> <td>12:00</td> <td>23:00</td> </tr> <tr> <td>Friday and Saturday</td> <td>12:00</td> <td>23:45</td> </tr> </tbody> </table> <table border="1" data-bbox="913 893 1780 1002"> <thead> <tr> <th colspan="3">Late Night Refreshment</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Friday and Saturday</td> <td>23:00</td> <td>00:00</td> </tr> </tbody> </table> <table border="1" data-bbox="913 1034 1780 1177"> <thead> <tr> <th colspan="3">Opening Hours</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Sunday to Thursday</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Friday and Saturday</td> <td>12:00</td> <td>00:00</td> </tr> </tbody> </table> <p><u>Seasonal variations / Non-standard timings</u></p> <p>2. Non Standard Timings</p> <p>The applicant seeks to conclude licensable activity at 01:30am from New Years' Eve into New</p>	Supply of alcohol			Day	Start	Finish	Sunday to Thursday	12:00	23:00	Friday and Saturday	12:00	23:45	Late Night Refreshment			Day	Start	Finish	Friday and Saturday	23:00	00:00	Opening Hours			Day	Start	Finish	Sunday to Thursday	12:00	23:30	Friday and Saturday	12:00	00:00
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		<p>Years' Day.</p> <p>3. Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the Yellow Advertiser on 10 September 2014.</p> <p>One of the representations mentioned that the front of the premises had been chained off, thereby restricting the viewing of the displayed notice. The Licensing Officer contacted the applicant on receipt of this information, he was unaware that the front of the premises had had poles and chains put up to restrict access. He had not initiated the works and believes that the landlord may have done so. Once notified of the concern, the applicant attended the premises and moved the notice. This was also evidenced by the applicant sending a photograph of the moved notice to the Licensing Officer.</p> <p>The applicant modified the timings of his application following mediation with the Police. In addition to modifying his hours, he also accepted the following conditions to be added to the licence:-</p> <ol style="list-style-type: none"> 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) Alcohol shall not be supplied to persons collecting take away meals.

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		<p>5) A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport.</p> <p>6) 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.</p> <p>7) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p> <p>8) A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions taken to deal with the call. The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises. The premises daily register shall also record 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 members involved.</p> <p>9) Prominent, clear notices shall be displayed at [all exits] requesting that customers respect the needs of local residents and leave the premises and the area quietly.</p>

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		<p>10) All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme on-going and under constant review and must be made available to a relevant responsible authority when called upon.</p> <p>11) All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.</p> <p>12) A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.</p> <p>13) To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear to achieve this aim, unless worn as part of religious observance.</p> <p>14) The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.</p> <p>15) A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.</p>

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		<p>16) Recordings shall be made available to an authorised person of the Licensing Authority or Havering Police together with facilities for viewing.</p> <p>17) The premises frontage shall be kept tidy at all times.</p> <p>18) Last entry for customers on Friday and Saturday will be 11pm.</p> <p>The applicant had also had contact from Havering’s Trading Standards Service and had agreed that he would be attending “Underage Sales” training in January 2015.</p> <p>4. Details of Representations</p> <p>Valid representations may only address the four licensing objectives.</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>There were 2 representations against this application from interested person.</p> <p>A representation was received from Mr East. His concern stated that he had not been consulted over the planning use change of the premises. Mr East did not attend the hearing but the sub-committee took in to consideration his representation that detailed his concerns under the licensing objectives. Mr East was concerned that the presence of a restaurant next door to his home raises issue of crime and disorder. He was of the view that people leaving the Drill</p>

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		<p>and other public houses would be loitering and causing anti-social behaviour/. In his representation, he also added that he had concern for public safety as this premises and the Tesco would lead to parking and traffic congestion, and higher likelihood of someone getting hurt.</p> <p>A joint representation was received from Ms Smith and Ms Cunningham relating to several issues they believe were covered by the licensing objectives. The representation raised concern on potential for public nuisance in the area. They stated that they currently had to contend with shoppers to the Tesco Express blocking their driveway. Concern was also raised about hooting taxis and customers walking away from the premises at closing time.</p> <p>Ms Cunningham addressed the sub-committee and stated that her concern included refuse and disposal of bottles at the premises. She wanted to know how the premises was going to deal with late evening customers.</p> <p>Ms Smith raised concern about the premises operating hours that allowed them to open at 12 noon, she was concerned of the effect on the school and school children. Ms Smith was also concern about the refuse disposal arrangement and the control of noise.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p> <p>Licensing Authority: None</p> <p>Planning Control & Enforcement: None</p> <p>Public Protection: None</p>

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		<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 representation, Ms Kathy Driver addressed the Sub-Committee stating that the applicant had three restaurants in the borough and about ten years’ experience in the business. It was mentioned that his restaurants were situated in residential area and to date none had experienced any issues of Anti-Social Behaviour.</p> <p>The premises would ensure that people did not hang around outside, and would have CCTV coverage of its entrance.</p> <p>The Sub-Committee was informed that Mr Alam (applicant) ran his restaurant efficiently, the meals on offer were of a high class standard for families, friends and their children. In response to addressing the issue of public nuisance, the sub-committee was informed that the restaurant had a condition not to allow any late customers entry on Friday and Saturday after 11pm. The Sub-Committee was informed that the applicant would operate the Challenge 25 Policy and that he was looking forward to taking part in a training session organised out by the Council’s Trading Standards Department in the New Year.</p> <p>The Sub-Committee was informed that the premises would have signs informing customers of its Challenge 25 policy and informing customers to be quiet and considerate when leaving the premises, and to respect the local residents. The restaurant would book taxis for customers</p>

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		<p>and staff would escort them to the taxi on arrival.</p> <p>The Sub-Committee was informed that even though the applicant was seeking a licence from noon, he presently intends to operate from 17.00 hours.</p> <p>In response to the issue of bottles and refuse disposal, the Sub-Committee was informed that all bottles would be kept in a black bag in the restaurant during hours of operation and then dumped in the morning. It was also mentioned that rubbish schedule had been agreed with the council and a refuse collector.</p> <p>The Sub-Committee was informed that it was rare for an Indian takeaway to be eaten on the street hence there would not be an issue of food from the restaurant littering the street and that from 23.00 hours, there would be no further entry (including for takeaway food).</p> <p>5. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 27 October 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Ginger Spice.</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the 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

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		<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></p> <p>Whether the granting of the premises licence would undermine the licensing objectives.</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>The Sub-Committee noted the concerns raised in the representations against this application.</p> <p>The Sub-Committee noted that the applicant and the Police had reached agreement and accepted the inclusion of 18 conditions on the premises licence.</p> <ul style="list-style-type: none"> • The prevention of public nuisance <p>The Sub-Committee noted that the objectors present at the hearing stated that they were reassured from the applicant’s responses to the</p>

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		<p>concerns raised, and how he intends to address any issues that may arise.</p> <p>The potential noise issues had been addressed by way of the last entry time of 23:00 which would ensure those leaving the public house nearby when it closed would not be able to then enter the premises.</p> <ul style="list-style-type: none"> • The prevention of crime and disorder <p>That the premises would CCTV coverage at the entrance of the restaurant to deter loitering outside the premises.</p> <ul style="list-style-type: none"> • The protection of children from harm <p>The Sub-Committee was satisfied with the applicant's response and willingness to attend the Challenge 25 training organised by Trading Standard which he would then brief his staff.</p> <p>Having considered the written representations and oral responses, the Sub-Committee was satisfied with the applicant's responses in respect of his application, and determined that he had properly addressed all concerns raised. The Sub-Committee therefore granted the application, with the suggested conditions by the Police as per the operating schedule and that had already been agreed by the applicant.</p> <p>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.</p>

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		<p>7. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 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.
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