



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE BALGORES BEST KEBAB

AGENDA

10.30 am	Monday 8 December 2014	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Philippa Crowder
Reg Whitney

**For information about the meeting please contact:
James Goodwin - 01708 432432
james.goodwin@oneSource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

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 - 64)

Application for a variation of the premises licence for Balgores Best Kebabs, 81 Balgores Lane, Romford, RM2 6BP.

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

8 December, 2014

Subject Heading:

**Procedure for the Hearing:
Licensing Act 2003**

Report Author and contact details:

James Goodwin – Committee Officer
01708 432432
james.goodwin@oneSource.co.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. 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 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:
- 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 SUB-COMMITTEE

REPORT

8 December 2014

Subject heading:

Balgores Best Kebabs
81 Balgores Lane Romford RM2 6BP
Premises licence variation
Paul Jones, Licensing Officer
5th floor Mercury House
x 2692

Report author and contact details:

This application to vary a premises licence is made by Mr Bilal Gilgil under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 20th October 2014.

Geographical description of the area and description of the building

Balgores Best Kebabs is the first of a short parade of three shops on an approach to Gidea Park railway station. The properties in the immediate area surrounding the station are both commercial and residential in nature. The area might therefore be deemed to be one of 'mixed use'. The Royal Liberty Secondary School is approximately 500 metres away as the crow flies.

Details of the application

Current premises licence hours:

Late night refreshment		
Day	Start	Finish
Sunday to Thursday	23:00	01:00
Friday & Saturday	23:00	02:00

Hours premises open		
Day	Start	Finish
Sunday to Thursday	11:00	01:00
Friday & Saturday	11:00	02:00

Variation applied for:

Late night refreshment		
Day	Start	Finish
Monday to Wednesday	23:00	02:00
Thursday to Saturday	23:00	03:00

Hours premises open		
Day	Start	Finish

Monday to Wednesday	11:00	02:00
Thursday to Saturday	11:00	03:00

Non-standard timings

Late night refreshment		
Day	Start	Finish
Christmas Eve	23:00	02:00
New Year's Eve	23:00	03:00

Comments and observations on the application

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 24th October 2014 edition of the Yellow Advertiser.

With regard to the request for non-standard timings, should the application be granted as submitted it might appear that when Christmas Eve falls on a Thursday, Friday or Saturday the applicant will be required to cease the provision of late night refreshment an hour *earlier* than he would normally. This portion of the operating schedule might require further clarification from the applicant.

Summary

There were no representations against this application from interested persons.

There were four representations against this application from responsible authorities, namely the Licensing Authority, the Planning Authority, the Metropolitan Police and Havering's Noise Team.

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 Officer Mr Arthur Hunt makes representation against this application based upon his concerns in relation to the prevention of public nuisance.

Mr Simon Thelwell, Havering's Planning Control Manager, makes representation against this application on behalf of Havering's Planning Control Service based upon his concerns in relation to the prevention of crime and disorder and the prevention of public nuisance.

PC Jason Rose makes representation against this application on behalf of the Metropolitan Police. PC Rose's representation is based upon his concerns in relation to the prevention of public nuisance.

Havering's Noise Specialist Mr Marc Gasson makes representation against this application based upon his concerns in relation to the prevention of public nuisance.

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 BILAL GILGIL

(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 008036

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description BALGORES BEST KEBABS, 81 BALGORES LANE, ROMFORD, ESSEX. RM2 6BP			
Post town	ROMFORD	Postcode	RM2 6BP
Telephone number at premises (if any)	01708 764002		
Non-domestic rateable value of premises	£8,700 BAND B		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes X 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 X

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

- 1) TO EXTEND THE PERMITTED HOURS FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE 23.00 TO 02.00 MONDAY TO WEDNESDAY & 23.00 TO 03.00 THURSDAY TO SATURDAY.
- 2) TO ALLOW NON STANDARD TIMINGS AS FOLLOWS:
 ON CHRISTMAS EVE PERMITTED HOURS TO BE EXTENDED TO 02.00
 ON NEW YEARS EVE PERMITTED HOURS TO BE EXTENDED TO 03.00
- 3) TO REMOVE ALL THE EXISTING CONDITIONS AT ANNEXE 2 OF THE CURRENT PREMISES LICENCE AND REPLACE THEM WITH THOSE LISTED AT PART M OF THE APPLICATION.

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)
- f) recorded music (if ticking yes, fill in box F)
- 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)

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"/>			
				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 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					
Thur					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
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"/>
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 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 indoors or outdoors or both – please tick (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			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (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			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance 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 performance of dance</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>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</u> (please read guidance note 6)			
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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (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	X
				Outdoors	
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23.00	02.00			
Tue	23.00	02.00			
Wed	23.00	02.00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5) NONE		
Thur	23.00	03.00	ON CHRISTMAS EVE PERMITTED HOURS TO BE EXTENDED TO 02.00 ON NEW YEARS EVE PERMITTED HOURS TO BE EXTENDED TO 03.00		
Fri	23.00	03.00			
Sat	23.00	03.00			
Sun					

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 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)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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)			<u>State any seasonal variations</u> (please read guidance note 5) NONE <u>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</u> (please read guidance note 6) ON CHRISTMAS EVE PERMITTED HOURS TO BE EXTENDED TO 02.00 ON NEW YEARS EVE PERMITTED HOURS TO BE EXTENDED TO 03.00
Day	Start	Finish	
Mon	11.00		
		02.00	
Tue	11.00		
		02.00	
Wed	11.00		
		02.00	
Thur	11.00		
		03.00	
Fri	11.00		
		03.00	
Sat	11.00		
		03.00	
Sun			

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.

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

- 1) CCTV COVERING THE INSIDE & OUTSIDE OF THE PREMISES WILL BE INSTALLED WHICH WILL BE CAPABLE OF TAKING HEAD AND SHOULDERS SHOTS OF PERSONS ENTERING THE PREMISES & STORING IMAGES FOR 31 DAYS. THE CCTV WILL BE IN OPERATION AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC & A MEMBER OF STAFF WILL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC WHO IS CAPABLE OF DOWNLOADING IMAGES FOR POLICE AND AUTHORISED COUNCIL OFFICERS ON REQUEST.
- 2) NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY DOOR & POINT OF SALE STATING CCTV IS IN OPERATION.
- (3) A MAXIMUM OF 10 PERSONS EXCLUDING STAFF SHALL BE PERMITTED ON THE PREMISES AT ANY ONE TIME DURING LICENSABLE HOURS AFTER 23.00.
- (4) ALL CHAIRS WILL BE REMOVED FROM THE CUSTOMER AREA BY 23.00 DAILY.
- (5) LAST ORDERS WILL BE TAKEN 15 MINUTES BEFORE THE TERMINAL HOUR ON ANY NIGHT TO ENSURE CUSTOMERS ARE SERVED WITH THEIR FOOD DURING PERMITTED HOURS.
- (6) A NOTICE WILL BE PROMINENTLY DISPLAYED BY THE FRONT DOOR ADVISING CUSTOMERS OF THE SHOP TRADING HOURS AND THAT LAST ORDERS WILL BE TAKEN 15 MINUTES BEFORE THE TERMINAL HOUR.
- (7) ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION & RECEIVE REFRESHER TRAINING AT SIX MONTHLY INTERVALS. TRAINING WILL INCLUDE ACKNOWLEDGING CUSTOMERS ON ENTRY, TAKING ORDERS IN TURN, EXPLAINING COOKING TIMES & ANY DELAYS, ENSURING CUSTOMERS LEAVE PROMPTLY AFTER SERVICE AND DO NOT EAT IN THE SHOP.
- (8) STAFF WILL ALSO MONITOR CUSTOMERS CONDUCT WHILE IN THE SHOP & ENSURE THAT NO ALCOHOL IS BOUGHT INTO THE SHOP OR CONSUMED INSIDE.
- (9) DRUNK, ABUSIVE OR AGGRESSIVE CUSTOMERS WILL BE REFUSED SERVICE.
- (10) A MINIMUM OF 3 STAFF SHALL BE ON DUTY DURING PERMITTED HOURS
- (11) AN INCIDENT BOOK WILL BE KEPT IN WHICH DETAILS OF:
 - A) ALL CRIMES REPORTED TO THE VENUE
 - B) ANY COMPLAINTS RECEIVED
 - C) ANY INCIDENTS OF DISORDER
 - D) ANY FAULTS IN THE CCTV SYSTEM,
 - E) ANY REFUSAL OF SERVICE,
 - F) ANY VISIT BY A RELEVANT AUTHORITY OR EMERGENCY SERVICE

c) Public safety

A FIRE RISK ASSESSMENT AND EMERGENCY PLAN WILL BE PREPARED AND REGULARLY REVIEWED.
STAFF WILL BE GIVEN APPROPRIATE FIRE SAFETY TRAINING

d) The prevention of public nuisance

- (1) A NOTICE WILL BE PROMINENTLY DISPLAYED BY THE EXIT ASKING CUSTOMERS TO RESPECT NEARBY RESIDENTS AND TO LEAVE QUIETLY, NOT LOITER OUTSIDE THE SHOP AND TO DISPOSE OF LITTER RESPONSIBLY.
- (2) A NOTICE WILL BE PROMINENTLY DISPLAYED ASKING CUSTOMERS WITH CARS NOT TO REV THEIR ENGINES, LEAVES ENGINES RUNNING, NOT TO SLAM CAR DOORS OR SOUND THEIR HORNS.
- (3) MANAGEMENT AND STAFF WILL ACTIVELY DISCOURAGE PERSONS FROM EATING OR LOITERING OUTSIDE THE SHOP FRONT.
- (4) A LITTER BIN WILL BE PROVIDED FOR CUSTOMERS USE BY THE ENTRNCE / EXIT DOOR.
- (5) STAFF WILL ENSURE THAT CUSTOMERS DO NOT BRING ALCOHOL INTO THE SHOP & THAT NO ALCOHOL IS CONSUMED ON THE PREMISES AT ANY TIME.
- (6) A NOTICE WILL BE PROMINENTLY DISPLAYED BY THE ENTRY DOOR ADVISING CUSTOMERS THAT NO ALCOHOL IS PERMITTED INSIDE THE PREMISES & THAT NO ALCOHOL MAY BE CONSUMED IN THE SHOP AT ANY TIME.
- (7) THE SHOP FRONT WILL BE CHECKED HOURLY, KEPT TIDY AT ALL TIMES AND SHALL BE SWEPT AT CLOSE.
- (8) NO DELIVERIES WILL BE RECEIVED OR RUBBISH REMOVED BETWEEN 20.00 AND 07.00.
- (9) A PHONE NUMBER WILL BE DISPLAYED FOR RESIDENTS TO CONTACT WITH ANY CONCERNS,
- (10) DELIVERY DRIVERS WILL BE ASKED TO TURN OFF THEIR ENGINE OUTSIDE THE SHOP AND CUSTOMERS PREMISES AND NOT TO START IT UNTIL THEY ARE READY TO DEPART. THEY WILL BE INSTRUCTED TO WAIT INSIDE THE SHOP IN BETWEEN DELIVERIES.

e) The protection of children from harm

NO UNACCOMPANIED CHILDREN WILL BE ALLOWED ON THE PREMISES ATER 23.00.

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. X
- I have sent copies of this application and the plan to responsible authorities and others where X


applicable.

- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

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	17 /10/14
Capacity	AUTHORISED LICENSING CONSULTANTS

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,
55 CODENHAM GREEN,
BASILDON,
ESSEX.
SS16 5DT

Post town	BASILDON	Post code	SS16 5DT
Telephone number (if any)	07810 826778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) gtlicensingconsultants@googemail.com			

RECEIVED

17 OCT 2014

GT Licensing Consultants,

55 Codenham Green,

Basildon,

Essex.

SS16 5DT

Tel 07810 826778 / 01268 281457

em: gtlicensingconsultants@googlemail.com

17/10/14

The Licensing Service
London Borough of Havering.

Dear Sir / Madam,

**Premises Licence Variation / Balgores Best Kebabs, 81 Balgores Lane,
Romford, Essex, RM2 6BP**

Please find enclosed our client's application for a variation of the Premises Licence for Balgores Best Kebabs.

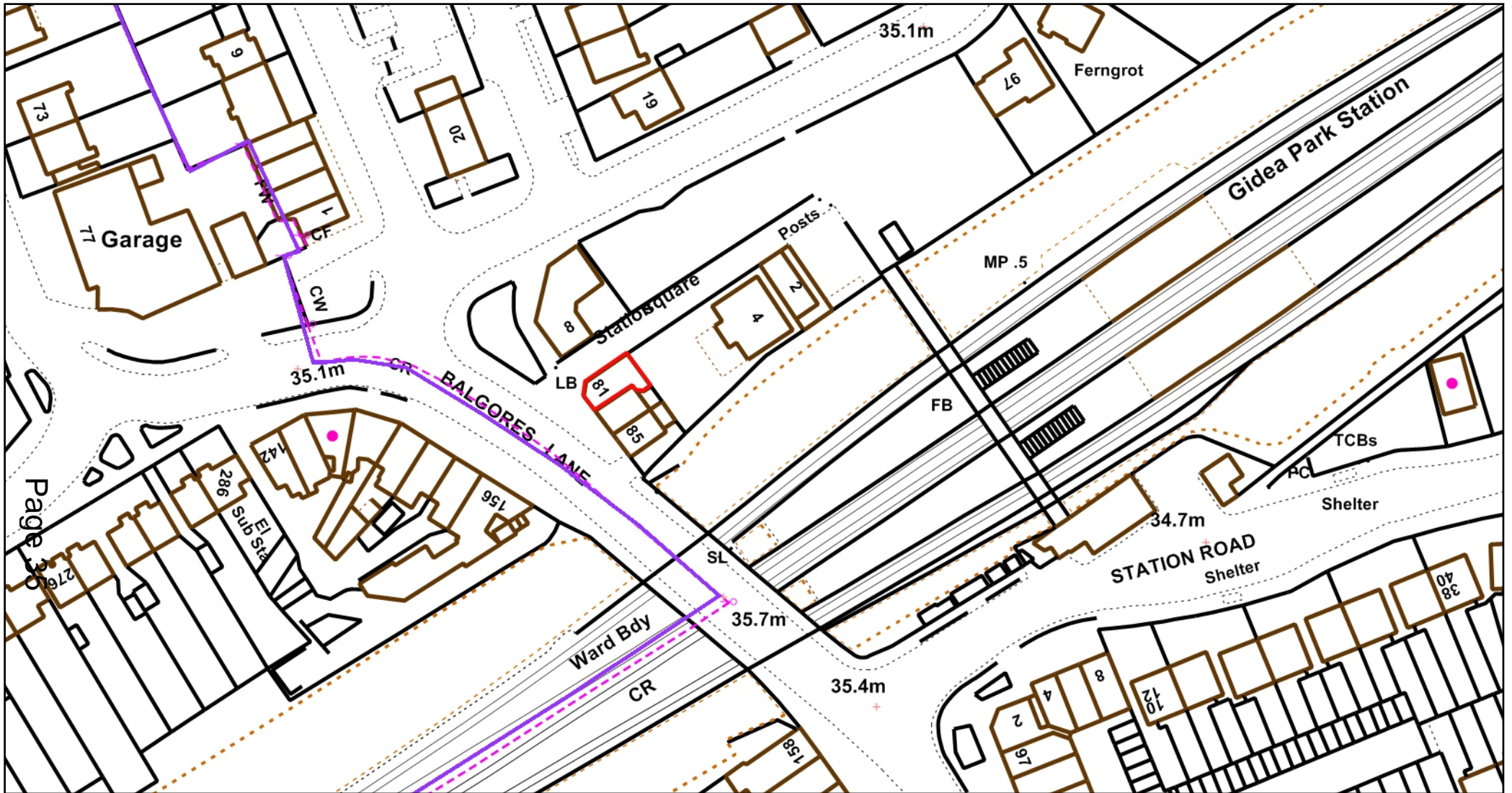
We have made payment to the Council of the £190.00 application fee.

We have calculated that subject to payment of the fee the consultation period will start on 21st October 2014 and ends on 17th November 2014.

Please contact us if you have any queries.

Yours faithfully,


Graham Hopkins
MLO



Balgores Best kebabs



Scale: 1:1000
 Date: 11 November 2014
 Size: A4



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

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 Ordnance Survey 100024327

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

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

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: **Balgores Kebab, 81
BALGORES LANE**

Date : **17/11/2014**

Police have been served an application to vary the premises licence relating to **BALGORES KEBAB, 81 BALGORES LANE, ROMFORD, RM2 6BP**. Police wish to make representations against this application under one of the four Licensing objectives, namely - **Prevention of public nuisance**

The premise is located on the outskirts of Havering boroughs Anti Social Behaviour hotspot and is serviced by night buses. It is a very short car journey away from the Town Centre and due to its location can accommodate many vehicles outside after parking enforcement hours. This venue will attract party goers and late night revellers exiting the town. Police believe the majority of Balgore Kebab customer base during the new requested hours will inevitably be under the influence of alcohol, albeit in different degrees. The potential for violence or indeed attracting vulnerable victims at such establishments is well documented. Clientele requiring food during this latter hour are historically loud, jovial, boisterous and volatile to say the least.

Police have however, assessed this application on its own merits and fully researched the premises in relation to any crime and disorder that is noteworthy for the sub committee attention. Although police can not evidence crime and disorder at the venue, we have a strong belief that the hours requested will simply attract the party goers and have a detrimental effect on lifestyles for those families that live close to the premises and hinder the venues crime and disorder returns. We also have concerns in relation to Public Nuisance from a littering point of view, robust best practice procedures need to be strongly implemented to preserve the exterior street from excessive littering.

Police would like to draw the committee's attention to the local authority Licensing Policy 012. It clearly states -

The LLA (Local Licensing Authority) is committed to protecting the amenity of residents and business in the vicinity of licensed premises. Regulated activities will normally be permitted until 00:30am in mixed use areas.

Balgores Kebab **IS** located directly in a mixed use area as defined under the policy. It is surrounded by residential premises at the front, rear and either side of the venue. Although acknowledged by police that the premises legally operates past these hours already, a further request to operate later is pushing the policy a step to far. Police fully support and echo the LLA policy, simply requesting for it to be enforced on this occasion. Having a late night refreshment venue open to 0300hrs, Thursday, Friday and Saturday in this locality runs a real risk in attracting clientele who should be departing the area. Subsequently, this clientele may create noise related issues for residents and reduce the possibility of speedy dispersal from the location. Noise can hinder family sleep and generate complaints to both Police and local authority which in turn may have a drain on resources. The application is requesting a 7 hour increase per week in trading (Presuming Sunday trading hours remain the same as they are not mentioned?) that's a 364 yearly hour increase to their current trading hours. 364 hours attracting the clientele already referred to.

Police could not support an application for the requested extension of licensable activity; we believe the majority of their customer base within these hours would be those who have maximised their

drinking time within Romford Town Centre and surrounding areas. Such customer base will be under the influence of alcohol and therefore increase the risk of crime and disorder. Police would not support a request of later hours under the current application with no SIA badge holder present.

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. We note this is already displayed on the licence under "Mandatory Conditions" however; this appears to be left to a risk assessment with no specified times shown. As far as police are aware, no door staff are employed at the premises presently. Without such personnel available, especially in regard to the latter hour the risk to public safety will dramatically increase as will the burden on staff to enforcing their proposed licensing condition in respect of capacity. Police therefore recommend, if indeed the sub committee are mindful to grant such an extension 2 x SIA badge holders should be on duty where the premise trade within their late night refreshment hours i.e. 2300 until close on a Thursday, Friday and Saturday night.

Police note the applicant has referenced "entry of unaccompanied children will be acceptable until the hour of 2300". Police feel late night refreshment venues have a duty of care to children, NOT just during late night refreshment hours but during trading hours. To accept unaccompanied children until 2300 police feel we are sending the WRONG message. Police believe no child under the age of 16 should be unaccompanied at such venues after 2100hrs.

**** OF NOTE** - Police are under the impression that the venue is breaching its current planning conditions on a daily basis as the premises only has planning until 2200hrs, Monday to Saturday? For this reason and all others detailed above, Police could not support the variation being issued to the applicant on this occasion.

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

Yours sincerely,

Pc Jason ROSE 282KD
Havering Licensing Officer
Licensing Department
Havering Borough



Public Protection

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

Telephone: 01708 433585
Fax: 01708 432554
email: arthur.hunt@havering.gov.uk
Textphone ☎: 01708 433175

Date: 11 November 2014

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

My Reference: AGH 16070

Dear Sir

Licensing Act 2003
Balgores Best Kebabs, 81 Balgores Lane, RM2 6BP
Application to vary a premises licence

With regards 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 licensing objective.

The application

This application seeks overall to extend the hours during which licensable activity may be provided at the premises. Effectively the premises wish to provide late night refreshment to its customers from 23:00 until 02:00 Monday to Thursday and from 23:00 until 03:00 Friday and Saturday. It also seeks to remove the 8 conditions in Annex 2 of the premises licence and replace them with 23 new and reworded conditions. Lastly, it requests 2 non-standard timings for Christmas Eve and New Year's Eve.

The guidance issued under s.182 Licensing Act 2003 (*The Guidance*) states at para. 1.16

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*

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- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format.*

This application seeks to impose 15 more conditions on the premises than were already in place. Five of those conditions seek to display a “notice” of some sort or another. This would not seem to comply with the spirit of *The Guidance*.

Condition 3 in section M, b) details a maximum number of persons allowed on the premises. Without the provision of door staff, I do not believe that this is achievable. If there were more than about 6 persons on premises I would surmise that all available staff would be required to serve customers, thus leaving no-one to supervise numbers in the premises. There is nothing in the application to suggest how this number will be monitored.

Both conditions in section M, c) seem to duplicate other legislation. *The Guidance* states that conditions “*should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation.*” Both of these conditions would be covered by fire safety legislation.

Condition 7 in section M, d) details arrangements to clean the outside of the premises. *The Guidance* is quite clear at para. 2.8 that:- *Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.*

Condition 10 in section M, d) seeks to instruct delivery drivers about their behaviour. I would contend that in line with Para 1.16 of *The Guidance* that this is unenforceable. A premises licence could not be brought to review on a condition surrounding the activities of persons outside the control of the premises.

It would seem that the applicant has sought to “throw” conditions into the application in the hope that this will offset the extra hours which are already in excess of Policy 012. But many have not been thought through or worded sufficiently to allay the concerns of the licensing authority.

Planning

Planning application P0878.07 granted the premises the opening hours of 1200 – 2200 six days a week. Whilst it is accepted that *The Guidance* states at para. 13.55:-

The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different

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(albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

It goes onto state at para. 13.56:-

There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

It is evident that the applicant does not close at 2200 as per the planning consent at present, thus flouting the planning consent for this individual premise.

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:

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*

The premises is situated in an area with shops . But close by and above some of the shops are residential properties, thus making this a mixed use area. The *Balgores Best Kebabs* current premises licence is already currently in excess of the hours dictated by licensing policy 012 as it allows late night refreshment until 0100 Sunday to Thursday and 0200 Friday and Saturday. The policy indicates that an application for hours which extends 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.

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:

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:

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- *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*

On 25 October 2013 the premises was found operating outside its current hours. A warning letter was sent to the then licence holder Mr Mustafa Gilgil (copy attached) dated the 28 October 2013.

The premises licence was transferred to the current holder, Mr Balil Gilgil, in February 2014. I understand that Balil is the brother of Mustafa. This familial link would indicate that the management of the premise is basically in the same hands.

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 and the hours already in place on the premises licence.

Yours faithfully



Arthur Hunt
Licensing Officer



Havering
LONDON BOROUGH

Public Protection

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

Telephone: 01708 433585
Fax: 01708 432554
email: arthur.hunt@havering.gov.uk
Textphone ☎: 01708 433175

Date: 28 October 2013

Mr Mustafa Gilgil



My Reference: AGH//SR 030197

Dear Mr Gilgil

Balgores Best Kebabs, 81 Balgores Lane, Romford, RM2 6BP

I visited the above premises on Saturday 26 October 2013 at 02:20am having witnessed a sale of food just before entry. Your premises licence allows you to provide Late Night Refreshment until 02:00am. I pointed this out to the staff.

Also I could not see Part B of your premises licence on display, as required, and asked the staff where it was. They were unable to answer any of my questions.

It is an offence to carry on licensable activities without a licence. A person guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

I will be informing the Police of your unlicensed activity and further monitoring will be conducted.

Yours faithfully

Arthur Hunt
Licensing Officer

Public Protection Bringing together Environmental Health & Trading Standards



memo

From: PLANNING CONTROL SERVICE

To: LICENSING OFFICER

Please call: Scott Davison

Telephone: 01708 432683

Fax: 01708 43672

Email: scott.davisonhavering.gov.uk

My Reference: SD/

Your Reference: 008036

Date: 14 November 2014

REPRESENTATIONS RE: APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

SITE: 81 BALGRES LANE, GIDEA PARK, ROMFORD, ESSEX, RM2 8BP

The London Borough of Havering Planning Service, being a responsible authority as set out in the Licensing Act 2003, wish to make representations against the above named Premises Licence on the basis of:

1. The prevention of public nuisance.
2. The prevention of crime and disorder

The planning department consider the main issue in this application to be amenity related

Relevant Planning History

**P0878.07 Change of use to A5 (Takeaway) Opening hours 12-10pm - 6 Days a week
– Approved with planning conditions 19 July 2007**

(The decision notice is attached)

The site's authorised use in planning terms is as an A5 Hot Food Takeaway. The hours of operation for this site were set out in the decision notice and relevant planning condition reads as follows:

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 22:00 any day without the prior consent in writing of the Local Planning Authority.

The reasoning for this condition was: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Unitary Development Plan policy ENV1.

I have viewed the application and note that the proposed licencing hours would conflict with the authorised hours of operation granted under planning application P0878.07

It is stressed that there are no current planning applications under consideration by the Local Planning Authority to extend the authorised hours of operation in tandem with the hours sought by this licensing application.

The existing hot food takeaway use has authorised hours of operation between 09:00 and 22:00 on any day. The operator or owner would therefore need to submit a planning application to have the opening hours extended in the late evening from its current authorised hours from 22:00 hours to 02:00 Monday to Wednesday and from 22:00 to 03:00 Thursday to Saturday as well as the extended hours of operation on Christmas Eve and New Years Eve .

The proposed variation of hours would therefore contrary to Licensing Policy 007 as it would not have planning consent for the intended hours of operation.

I have enclosed a recent planning appeal decision for a similar proposal in Hornchurch town centre which was refused by Havering Council and dismissed on appeal to the Planning Inspectorate in April 2014. (Planning application P0610.13 – see attached appeal decision letter).

It is therefore considered that were a planning application submitted by the applicant for the same hours of operation as sought by the variation of premises licence; it is extremely unlikely that such an application would be granted planning permission. The reasoning behind these conclusions are set out below:

In assessing the planning considerations of a proposal to extend the hours of operation the planning department would make the following observations and assessment. Firstly the proximity of the site to residential dwellings and flats is highlighted, notably residential flatted accommodation located above the shop units opposite the retail parade in Balgores Lane and the residential houses in Balgores Square to the north of the site.

It is noted that the flats opposite the appeal site contain rooms facing the street. The proposal would extend the disturbance and noise from the kitchen and the associated ancillary equipment such as extract ventilation systems. However the main source of noise and disturbance that would be caused by the extended hours of operation would come from activity of the street facing side of the application site.

The proposed hours of operation would be likely to result in increased levels of noise and activity over and above the current environmental conditions. The extended hours of operation would be likely to result in a greater number of vehicle and pedestrian movements than one would normally expect at this time in the late evening and early morning. This would be from customers visiting the site.

Customers would be entering and exiting via the front of the site, some of these will arrive on foot and some who will be arriving in vehicles. It is a reasonable expectation that there would be raised voices and greater activity from some “animated” customers who may have enjoyed an evening out at a Public House or similar venue or from persons on their way home via the railway station. A further consideration is the noise and disturbance caused by the social interaction of customers such talking and chatting when outside the premises.

Additionally there would be noise and disturbance from the manoeuvring of vehicles outside the site or in the roads close to the site. This would be in the late evening and early morning. Hot food takeaway units by their very nature tend to attract frequent short term visits and in this instance customers would be likely to want to park close to the site. This would generate associated noise and activity such as cars stopping and starting, and doors closing or slamming as well as from in car entertainment. These materially harmful

environmental effects are factors in deciding planning applications and would therefore be regarded as public nuisance in the context of this application.

Noise and disturbance would be especially noticeable in the evening and weekend periods at a time when the area is likely to be at its quietest. In the Council's opinion, the late evening period and early morning period would be likely to be significantly quieter than the daytime period and quieter than the early and mid-evening period in the immediate vicinity of the appeal site and also in the surrounding streets. The passing traffic noise from Balgore Lane & Station Road and activity from the other shops is likely to be louder at the peak daytime periods as opposed to the late evening periods and therefore there would be a reduction in local ambient noise levels in this time frame. The same would also be true for the noise generated by the passing trains as their frequency would reduce significantly in the late evening and early morning.

It is stressed that the type of noise and disturbance generated would be likely to be from sudden, irregular and distinct noises from the type such as those described above rather than average noise levels. Neighbouring residents would hear these sudden, irregular and distinct noises such as bangs, beeps and raised voices above the normal background noises. This could result in harm to the sleep patterns or could tend to increase the sense of being disturbed for local residents, for example the elderly or those families with young children. The planning department consider that a proportionate degree of quiet should be reasonably expected for residents even those located on the fringe area of urban centres and in the surrounding streets. It is further stressed that noise, disturbance and activity would be likely to continue even after such use has closed to customers. Examples of this would be from people chatting and consuming their food or from waiting to be collected by friends and family or minicabs and of course from the vehicular activity and movements.

In conclusion, on the planning merits of a proposal to vary the opening hours, the planning department contend that the variation of the hours of operation would be likely to give rise to unacceptable levels of noise and general disturbance, as well as an increase in late night / early morning activity. This would be seriously prejudicial to the amenity of nearby residential occupiers and of the surrounding area in general. It is reasonable that residents should expect some respite from noise and disturbance during the late evening and early morning even in locations close to urban centres.

Whilst the planning department has not completed acoustic tests to substantiate this assertion however this is the reasoned professional opinion of a planning officer who is familiar with the site and its surrounding environment. It is further stressed with regard to the issue of noise that the licensing act does not state that proof is required of this, just that there is potential for this.

Such a proposal would be contrary to Licensing Policy 012 and the Council's adopted planning policies. Specifically the proposal would be contrary to policy DC61 as it would have unreasonable adverse effects on the environment by reason of noise impact and its hours of operation and also DC55 as the proposal would result in noise levels that would affect noise sensitive developments; in this case, the residential flats accommodation in close proximity to the site.

National planning policy contained in the National Planning Policy Framework (NPPF) states in Paragraph 123 of the NPPF states that planning decisions should recognise that development will often create some noise. At the same time planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life. This is consistent with the Noise Policy Statement for England which states that significant effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development.

On the second issue of the prevention of crime and disorder, the planning department highlight that the Crime & Disorder Act 1998 places a duty upon Council's, the Police, the community and other key agencies to co-operate in the development and implementation of strategies for reducing crime & disorder. Section 17 of the Act states that "it shall be the duty of each Authority to which this section applies to exercise its various functions with due regard to those functions on, and the need to do all it reasonably can, to prevent crime & disorder in its area." This can therefore relate to development control and the determination of planning applications by the Local Planning Authority.

The planning department contend that the proposal to extend the hours could potentially result in the premises becoming a "honey pot" for anti-social behaviour, disorder and petty criminality. A "honey-pot" or hot spot can be defined as a place where criminal and anti-social behaviour is concentrated. It is considered that the site with the extended opening hours and its proximity to the railway station is likely to act as a place that encourages people to congregate and remain longer in an area than they would otherwise do.

It is considered that the proposal would be likely to be materially harmful to amenity and sense of safety of the area and has the potential to give rise to youth congregation and incidences of anti-social behaviour. The proposal would therefore be contrary to the provisions of Policy DC61 including the section that states that "Planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact and DC63 notably the section which states planning permission will only be granted for proposals which create a reduced risk of crime and sense of safety at all times.

In summary the planning department object to this application to vary the premises licence for the reasons set out above. The proposal would be likely to result in environmental conditions that would have an unacceptably harmful impact upon residential amenity

I ask that the Licensing Committee consider this report in conjunction with its appendices as a valid representation.

I ask that the application be refused in its entirety.

Simon Thelwell
Planning Control Manager (Projects and Compliance)

Enc:
Planning Application Decision Notice P0878.07
Planning Appeal Decision Letter P0610.13
Policies DC55, DC61& DC63



LONDON BOROUGH OF HAVERING
TOWN AND COUNTRY PLANNING ACT 1990

To: Hasan Cemal
60 London Road
Romford
Essex
RM7 9QX

APPLICATION No: **P0878.07**

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Change of use to A5 (Takeaway) Opening hours 12-10pm - 6 Days a week

Location: 81 Balgores Lane
Gidea Park, Romford

The above decision is based on the details in drawing(s):

Sketch of shop-front
sketch of floor layout

subject to compliance with the following condition(s):

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

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 22:00 any day without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Unitary Development Plan policy ENV1.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Unitary Development Plan policy ENV1.

- 4 Before the uses commences a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, together with arrangements for refuse disposal. All refuse shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Unitary Development Plan policy ENV1.

- 5 Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Unitary Development Plan policy ENV1.

- 6 Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Unitary Development Plan policy ENV1.

- 7 Before the use commences a grease-trap shall be provided to the foul drainage system. Thereafter the equipment shall be properly maintained and retained.

Reason: To protect the amenity of occupiers of nearby premises in accordance with Policy ENV1 of the Havering Unitary Development Plan

INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies ENV1, SHP4 and TRN18 of the Havering Unitary Development Plan and Policies DC16 and DC33 of the Core Strategy and Development Control Policies Development Plan Document.

Dated: 19th July 2007



Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk.)
- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.
- (5) You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Appeal Decision

Site visit made on 7 April 2014

by **J Flack BA Solicitor**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2014

Appeal Ref: APP/B5480/A/13/2207545
190 High Street, Hornchurch, Essex RM12 6QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Niaz Uddin against the decision of the Council of the London Borough of Havering.
 - The application Ref P0610.13, dated 10 June 2013, was refused by notice dated 30 September 2013.
 - The application sought planning permission for change of use from A2 to A3/A5 use class without complying with a condition attached to planning permission Ref P0470.08, dated 2 May 2008.
 - The condition in dispute is No 2 which states that: the premises shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 any day without the prior consent in writing of the Local Planning Authority.
 - The reason given for the condition is: to enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Unitary Development Plan policy ENV1.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form is inconsistent as to extent of the variation of the disputed condition which is sought: the proposal is described as the extension of the closing time to 02:30 on Friday and Saturday and 01:30 on other days, but the variation of the condition sought is described as Friday 08:00 to 02:30 and 08:00 to 01:30 on other days.
3. However, in the papers before me the Council and the appellant have consistently treated the variation sought as extending the opening hours stated in the disputed condition to 08:00 to 01:30 Sunday to Thursday and 08:00 to 02:30 Friday and Saturday and I have assessed the proposal accordingly, noting that it is these extended hours which were cited in the Council's notification of the proposal to interested parties.
4. The Government's Planning Practice Guidance was issued on 6 March 2014. I have taken it into account in reaching my decision.

Main Issue

5. The main issue is the effect of varying condition No 2 on the living conditions of nearby residential occupiers in relation to noise and disturbance.

Reasons

6. The appeal site, the Mustard Indian Kitchen, is a restaurant and takeaway located in a large three storey building which faces High Street across a wide pedestrianised forecourt. At ground floor level it comprises a long parade (the parade) of ground floor units used as shops, restaurants and for other commercial purposes. Flats are located above: these have windows to both the front and rear of the building. Opposite the building is a row of older buildings consisting of restaurants and other commercial premises, to the east of which is a branch of the British Legion.
7. The appeal site has a transitional location. To the west of the parade is the principal area of Hornchurch Town Centre, where there are many shops, a supermarket and a number of pubs, bars, restaurants and takeaways. To the east of the British Legion and the parade, the character of the street changes abruptly as it leads towards Upminster, development being almost entirely residential. This is reflected in the appeal site's location within the fringe area of Hornchurch Major District Centre for the purposes of the Council's Core Strategy and Development Control Policies DPD¹.
8. It appears from the evidence before me that although the opening hours of many of the restaurants in the vicinity of the appeal site either accord with or are not greatly in excess of those to which the appeal site is currently restricted, a small number of restaurants in the parade, including the "Taste of Bengal" at No 194, do open very late, with hours similar to those sought by the proposal, the appellant seeking thereby to improve his trading position. However, there is no evidence before me of any lack of late night restaurant facilities in the area, and competition between the appeal business and other local businesses is not a planning matter. Moreover, it is apparent from the evidence that the variety of opening hours is not the result of inconsistent application by the Council of its planning policies, it being clear that the extent of opening hours of many of the restaurants is a matter in which the Council has either never had the opportunity to make a planning decision, or only had that opportunity very many years ago at a time when the planning and factual context was very different. The appellant asserts that the permitted hours of some premises are being exceeded, but there is no substantial evidence of this before me.
9. The location of the appeal premises is a sensitive one, having a mixed commercial and residential character and, in consequence, the potential for conflict between residential occupiers and people wishing to enjoy a night out in the town centre. There is some evidence that this potential is already being realised. Although I note the appellant's assertions as to the credibility of the representation from No 194A High Street, a number of other interested parties state in some detail that there is already unacceptable noise and disturbance in the locality arising from restaurant premises and the British Legion, and I noted on my site visit that a few premises in the vicinity of the appeal site display

¹ The Core Strategy and Development Control Policies Development Plan Document, adopted December 2008.

signs in their windows requesting customers to enter and leave quietly in the interests of local residents.

10. The proposal would give rise to some increased noise at the rear of the appeal site during the extended hours of operation, but this would not be unacceptable. The appellant draws attention to improvements made to the extraction and ventilation equipment, and in any case this is a matter controlled by a condition which is not sought to be varied. While I noted a metal store at the rear of the site which would be accessed by staff via doors to the rear of the restaurant premises, this is not an area which customers would have any cause to access, and I consider that activity here would be limited, noting also that the building is considerably deeper at ground floor level than it is above, the flat roofs of the ground floor units forming a deck across which the flats above are accessed.
11. However, at the front of the building the flats are not set back from the ground floor units, and the impact of any increased noise and disturbance during the extended hours would be correspondingly greater. Moreover, whilst residential occupiers in a town centre fringe location cannot expect the peace and quiet typical of a purely residential area, they would nevertheless have a reasonable expectation of relief from noise and disturbance during the very late periods of the extended hours proposed.
12. Representations in support of the proposal welcome the opportunity to visit the restaurant after working late. But I consider that a substantial proportion of customers during the extended hours would be visiting after spending the evening in local drinking establishments, particularly at weekends, the appellant's evidence indicating that this would be a significant anticipated source of trade. I therefore consider that the noise created by customers entering and leaving the premises during the extended hours would accordingly be significant and likely to be greater during those hours than during earlier periods of the evening. The appellant states that the proposal will not result in additional noise as it will merely attract customers who currently use the restaurants in the immediate vicinity of the appeal site. However, this is no more than an assertion and in my view it is just as likely that customers will be attracted from elsewhere and that the proposal would increase the parade's attractiveness as a late night destination.
13. Additional noise caused by the proposal would also be likely to be intermittent in nature. This would increase the level of disturbance it would cause, which would be further accentuated by likely lower levels of background noise: whilst High Street is a busy main road, I would expect levels of traffic to be significantly lower during the late evening and early hours than during the daytime and early evening. This would also heighten the impact of noise arising from customer vehicles and from minicabs or taxis serving customers: I consider that such vehicles are very likely to park or wait outside the appeal site or adjoining premises within the parade, given that there are no parking restrictions later in the evening, and that the car park adjoining the Mandarin Palace is clearly signed as that restaurant's private car park.
14. The appellant confirms his willingness to ensure that the premises are cleared of customers by the end of the extended hours. However, even with such measures, I have concluded that given the period of those hours and the context I have described, the proposal would cause substantial additional noise

and disturbance during the extended opening hours. This would be significantly detrimental to the living conditions of nearby residential occupiers, and to a degree which would make it inappropriate to permit operation of the extended hours for a temporary period to allow monitoring.

15. The proposal would thus be contrary to the requirement of Policy DC55 of the Core Strategy and Development Control Policies DPD that proposals should not result in exposure to noise above acceptable levels, and contrary to the requirement of Policy DC61 that proposals should not have unreasonable effects on the environment by reason of, amongst other things, noise impact and hours of operation. The proposal would also be contrary to the National Planning Policy Framework: whilst paragraph 123 advises recognition that development will often create some noise, it also advises that decisions should avoid noise from giving rise to significant adverse impacts on quality of life. The proposal would thus be at odds with the requirement of the environmental role of sustainable development set out at paragraph 7 that planning should contribute to protecting and enhancing our built environment, and the proposal cannot therefore be considered to be within the scope of paragraph 70's advice that decisions should ensure that established services are able to develop in a way that is sustainable.
16. I have noted the representations of support for the proposal, which indicate that the restaurant is well-regarded by its customers, the increased employment opportunities which would arise from the proposal, and the lack of objection by the Highway Authority. However, none of these matters, nor any other matter raised in the evidence before me, mitigates or is sufficient to outweigh my conclusion that the proposal would be significantly detrimental to the living conditions of nearby residential occupiers. The appeal is therefore dismissed.

J Flack

INSPECTOR

DC55 - NOISE

Planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation, schools and hospitals. Where the proposal would lead to a noise sensitive development being located near to a noise generating activity, a formal assessment will be required to ensure compliance with the noise exposure categories in Planning Policy Guidance Note 24, Planning and Noise. Planning conditions may be imposed to this effect.

REASONED JUSTIFICATION

- 1.1 Noise pollution can have a significant effect on someone's quality of life, whether a householder, hospital patient, school pupil or employee. Therefore, noise sensitive developments should be located away from existing sources of significant noise, and potentially noisy developments located in areas where noise will not be such an important consideration or where its impact can be minimised.

IMPLEMENTATION

- 1.2 A Supplementary Planning Document provides advice on Noise.
- 1.3 When completed, Havering's Ambient Noise Strategy will provide useful evidence for the application of this policy.

DC61 - URBAN DESIGN

Planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore:

- **harness the topographical and ecological character of the site, including the retention of existing trees and landscape features while providing appropriate landscaping**
- **respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context**
- **complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings**
- **provide structure by utilising and protecting existing views, vistas, panoramas and landmarks and creating new ones;**
- **reinforce, define and embrace the street and create natural surveillance by ensuring streets and open spaces are overlooked**
- **create or enhance and clearly define the public and private realms and ensure these are free of clutter and easily accessible**
- **meet the needs of all people of all ages**
- **be designed and oriented around the needs of pedestrians, cyclists and connectivity to the public transport network**
- **be durable, flexible and adaptable.**

Where necessary, applications for planning permission must be accompanied by a design and access statement which addresses the guidance in Circular 1/2006.¹

Planning permission will not be granted where the proposal:

- **results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments; or**
- **prejudices the satisfactory development of adjoining land and/or the development of the surrounding area as a whole.**

REASONED JUSTIFICATION

¹ Circular 01/06 Guidance on Changes to the Development Control System, Communities and Local Government, 2006

- 1.1 Havering is an attractive borough, with a diverse urban, suburban and rural character. For example, Romford town centre is a bustling centre with big buildings and a variety of different uses. The sort of development which would work in the heart of Romford town centre would not be appropriate, for example, in the heart of Havering-atte-Bower which is a loose collection of one and two storey houses around a traditional village green in a rural setting. Therefore, the need for new developments to be responsive to the circumstances of their site and the surrounding environment is very important in Havering. New development represents an opportunity to improve the quality of the environment and this policy is focused on ensuring this. In line with 'By Design'² this policy includes performance criteria rather than standards which encourage creative solutions to what are often complex brownfield urban development sites.

IMPLEMENTATION

- 1.2 Further detail is provided in the Residential Amenity Space SPD which provides guidance on amenity space standards, sunlight/daylight criteria and privacy/overlooking.
- 1.3 The Residential Extensions and Alterations SPD sets out guidance for householders planning to extend or alter their home.

² By Design, Urban Design in the Planning System, ODPM, 2000

DC63 – DELIVERING SAFER PLACES

Planning permission will only be granted for proposals which:

- **ensure that footway frontages, bus stops, publicly accessible spaces, open space or other transport interchanges are overlooked**
- **are designed with management and maintenance in mind, to discourage crime in the present and in the future**
- **have well defined routes, spaces and entrances that provide convenient movement without compromising security**
- **are structured so that different uses do not cause conflict**
- **promote a sense of ownership, respect, territorial responsibility and community**
- **where necessary include well-designed security features**
- **generate a level of human activity that is appropriate to the location and creates a reduced risk of crime and sense of safety at all times.**

In addressing these criteria applicants are required to adopt the principles and practices of ‘Secured by Design’ Award Scheme. ¹

Where appropriate, the Council will consider imposing community safety conditions or seek contributions via legal agreements for crime prevention through environmental design or community safety initiatives, improved street lighting, alley gating, taxi marshalling schemes, provision of CCTV, or late-night bus services.

More detail on the implementation of this policy is provided in Supplementary Planning Document on Designing for Safer Places.

Planning applications requiring a design and access statement must demonstrate how crime prevention measures have been considered in the design of the proposed development and how it reflects the attributes of ‘Safer Places’.

REASONED JUSTIFICATION

- 1.1 Sustainable communities are communities which succeed economically, socially and environmentally, and respect the needs of future generations. They are well-designed places where people feel safe and secure; where crime and disorder, or the fear of crime, does not undermine the quality of life or community cohesion. Crime is a very important issue locally. When surveyed in 2004, 82% of residents said low levels of crime is one of the most important things in making an area a good place to live.

¹ Secured By Design, Police Initiative, 2004 <http://www.securedbydesign.com/>

- 1.2 'Safer Places' promotes the importance of safety and security in design, which is essential to successful sustainable communities.² Seven attributes of sustainable communities that are particularly relevant to crime prevention are central to the guide. These are not intended to be prescriptive or a set of rules to be applied to all situations, but should be considered as prompts to the application of crime prevention through environmental design and promoting community safety.
- 1.3 This policy is in line with national and regional planning guidance which places design at the centre of the planning process; these include PPS1³, PPS3⁴, PPS6⁵, PPG13⁶ and PPG17⁷. The Crime and Disorder Act⁸ also places a duty on the local authority to do all that it can reasonably, to prevent crime and disorder in the area.
- 1.4 Developers, designers and those seeking planning permission should enter into discussions with a range of interested parties before the application is submitted, including the Havering Police Borough Crime Prevention Design Advisor (CPDA).

IMPLEMENTATION

- 1.5 The Havering CPDA is available for free advice on how applicants can achieve the 'Secured by Design' standard. The borough CPDA is currently seconded to the local Council on a full time basis.
- 1.6 The Metropolitan Police Property Service will be directly consulted on major planning applications to enable them to identify scope for meeting their property requirements.
- 1.7 Where crime prevention or the fear of crime is material to a proposed development, the Council will seek community safety conditions to secure measures which will help to reduce the possibility of crime. In cases where it is either inappropriate or simply not possible to impose a valid condition, informatives on planning permissions drawing the applicant's attention to particular guidance on crime prevention or to technical publications that deal with security measures will be used. Where appropriate, the CPDA will be consulted with in the discharging of conditions.

² Safer Places, ODPM, 2004

³ Planning Policy Statement 1, Delivering Sustainable Development, ODPM - 2005

⁴ Planning Policy Statement 3 Housing CLG 2006

⁵ Planning Policy Guidance 6 Planning for Town Centres, ODPM, 2005

⁶ Planning Policy Guidance 13 Transport, ODPM, 2001

⁷ Planning Policy Guidance 17 Planning for Open Space, Sport and Recreation, ODPM , 2002

⁸ The Crime and Disorder Act , Section 17, HMSO , 1998



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: Arthur Hunt-Licensing Officer

My Reference : MDG/016070

Your Reference :

Date: 28th October 2014

Licensing Act 2003-Application To Vary Premises Licence Balgores Best Kebabs, 81 Balgores Lane, Gidea Park, Romford, Essex.

I refer to the above application and would advise that I object to any extension in the permitted opening hours beyond those which already exist for the following reasons:-

- 1. The application to allow an extension of opening hours has the potential to expose nearby residents to increased levels of noise to much later hours.**

The application will likely encourage larger numbers of people to attend the premises with the associated increase in noise from vehicles and raised voices extending longer into the early hours.

- 2. Application to vary the premises licence is contrary to the Council's Licensing Policy 12-Hours with respect to "mixed use" areas.**

Under this guidance Licensing Policy 12 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*

We can see that an application to vary a premises' existing hours which is outside the policy's guidelines will be considered on its merits. An application which seeks to go beyond these guideline hours must successfully demonstrate that it should be considered *an exception* to licensing policy 12's guidelines. In other words, an application must provide compelling evidence to support the view that policy 12 should **not** apply to the application and that *the amenity of residents and businesses in the vicinity of the licensed premises* would not suffer adversely should the application be granted.

Further to this, Balgores Best Kebab lies in a vicinity comprised of commercial and residential properties. This renders it a *mixed use area*. As such the guideline terminal hour for the provision of licensable activity is 00:30. The premises licence already permits licensable activity to be provided beyond this guideline hour.

Marc Gasson
Noise Specialist