



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE OH MY COD

AGENDA

10.30 am	Friday 23 January 2015	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Viddy Persaud
Reg Whitney

**For information about the meeting please contact:
James Goodwin - 01708 432432
james.goodwn@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)

Procedure for the hearing under the Licensing Act 2003.

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 56)

Application for a variation to a premises licence made by Bilal Nadir Gul under section 34 of the Licensing Act 2003.

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

REPORT

23 January 2015

Subject Heading:

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

Report Author and contact details:

**James Goodwin – Committee Officer
01708 432432**

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 Officer's Report



LICENSING SUB-COMMITTEE

REPORT

23 January 2015

Subject heading:

Oh My Cod
(To be known as Shish Meze)
2 Berther Road, Hornchurch,
RM11 3HS
Application to vary Premises Licence
Paul Campbell, Licensing Officer
5th floor Mercury House
x 2766

Report author and contact details:

This application for a variation to a premises licence is made by Bilal Nadir Gul under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 3rd December 2014.

Geographical description of the area and description of the building

The premises are a detached ground floor restaurant with residential premises above these residential premises are not connected with the restaurant.

The restaurant is located in Berther Road at the junction with Butts Green Road. The premises backs onto Emerson Park Rail Station, there are some commercial premises in the vicinity but most properties are residential.

Butts Green Road is bus route and a busy road link to Hornchurch town centre.

A map of the area and photos of the premises are attached to my report to assist the Sub-Committee.

Details of the application

Current premises licence hours:

For inside the premises only

Supply of Alcohol		
Day	Start	Finish
Monday to Sunday	10:00	23:00
Bank Holidays, Valentine's day, Christmas Eve, New Years Eve	10:00	00:00

Late Night Refreshment		
Day	Start	Finish
Bank Holidays, Valentine's day, Christmas Eve, New Years Eve	23:00	00:00

Variation applied for:

Exterior area shown on plans

Supply of Alcohol		
Day	Start	Finish
Monday to Sunday	10:00	23:00

The external area that is the subject of this application is the decking area adjacent to Butts Green Road this is an area partially enclosed by a wooden wall also the square area at the other end of the building in Berther Road which is covered by a gazebo type tent with walls, to access this tented area the window doors of the restaurant are opened, access and egress is via the restaurant main door

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 Romford Recorder on Friday 12th December 2014.

Summary

There were nine representations against this application from interested persons. These representations relate to 7 different addresses

There were three representations against this application from responsible authorities (Environmental Health Noise, Police).

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

Taiwo Adeoye

From: Paul Campbell
Sent: 06 January 2015 15:11
To: Taiwo Adeoye
Subject: FW: Vary premises licence 2 Bertha Road

Taiwo
This is the e-mail from the Oh My Cod Agent
Paul..

From: Cohan Zedek [<mailto:cohanzedek@hotmail.co.uk>]
Sent: 09 December 2014 13:41
To: Paul Campbell
Subject: RE: Vary premises licence 2 Bertha Road

Dear, Paul Campbell

I like to confirm Varry Premises Licence application we made for 2 berther Road, I spoke to Aplicant regarding closing time for Sunday's, Bank holiday's and Chirstmas, New year's eve, We like to changing time as current licence hours to: closing time 23:00, and also premises name is change to Shish Meze Restaurant, Could you please amended all that information to application we made, Many Thanks for your co-operation,

Kindly Regards,

Cohan Zedek

From: Paul.Campbell@havering.gov.uk
To: cohanzedek@hotmail.co.uk

Subject: Vary premises licence 2 Bertha Road

Date: Wed, 3 Dec 2014 16:26:43 +0000

Dear Mr Zedek

Please find attached a letter acknowledging receipt of the application to vary the premises licence at 2 Bertha Road

As spoken about on the telephone

Only one page of the premises licence was returned with the application. Under section 25 of the Licensing Act 2003 any lost or stolen licence must be reported to the police before a replacement can be issued, the police no longer take lost property reports so if you wish to report this licence lost please e-mail the details of the loss to me and I will arrange for it to be recorded by the police licencing officer.

Once this is done I can arrange for college to phone and take a £10.50 fee for a replacement licence.

I notice that in the application there is no mention of a change of name of the premises do you wish this to be done at the same time, if so please send to me the details of the new name for the Oh My Cod restaurant.

Paul Campbell | Licensing Specialist

London Borough of Havering | Public Protection

Mercury House, Mercury Gardens, Romford, RM1 3SL

01708 432766



Licensing Matters is an email newsletter from Havering Council with the latest information on changes to licensing legislation as well as details of licensing applications received by the Council.

Make sure you and colleagues receive a copy so you know what's happening in licensing - [sign up here](#).

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Housing & Public Protection

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

Cohan Zedek
53 Stoke Newington High Street
London
N16 8EL

Telephone: 01708 432777
Fax: 01708 432554
email: licensing@havering.gov.uk
Textphone ☎: 01708 433175

Date: 31st July 2014

My Reference: PJJ/007098

Dear Sir/Madam

Licensing Act 2003

Premises Licence Number - 007098

Oh My Cod Restaurant 2 Berther Road Hornchurch RM11 3HS

Attached is the premises licence for the above address in accordance with the Licensing Act 2003.

You are reminded that the premises licence or a certified copy of the licence must be kept at the premises while the licence summary, known as Part B, must be displayed on the premises in a prominent position.

For further information relating to your Licence please contact the Licensing Authority detailed above.

Please note that the granting of a licence under this Act does not remove the need for any necessary consent under other legislation, such as the Planning Acts. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

Yours faithfully

Paul Campbell
Licensing Specialist



Premises licence number

007098

Part 1 – Premises details

Postal address of premises

Oh My Cod Restaurant
2 Berther Road Hornchurch RM11 3HS

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Supply of alcohol

Monday to Sunday – 10:00 to 23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 10:00 to 00:00

Late night refreshment

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 23:00 to 00:00

The opening hours of the premises

Monday to Thursday – 10:00 to 22:00

Friday to Sunday – 10:00 to 23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve
10:00 to 00:00

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

On supplies only

Part 2

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

Mr Bilal Nadir Gul
96A North Street Hornchurch RM11 1SU

1 of 5

Registered number of holder

N/A

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

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

London Borough of Havering – 13485

Mandatory conditions

- 1. No supply of alcohol may be made under the Premises Licence;**
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or**
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.**
- 2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.**
- 3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following : activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–**
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–**
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;**
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–**
 - (i) the outcome of a race, competition or other event or process, or**
 - (ii) the likelihood of anything occurring or not occurring;**

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Signed

Paul Campbell, Licensing Specialist

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 6. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 9. For the purposes of the condition set out in paragraph 4 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P=D+(D \times V)$$
 where —
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

3 of 5

- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

10. Where the permitted price given by paragraph (b) of paragraph 5 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
11. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 5 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

1. The intruder alarm system shall be monitored and connected to the Police.
2. The premises licence holder shall maintain an incident register which shall include all occasions when alcohol has been refused to an underage individual or otherwise.
3. The premises licence holder shall liaise with the local Police station regularly.
4. The premises licence holder shall notify the appropriate authorities of any suspicious characters or activities.
5. The premises licence holder shall ensure that the premises including externally is safe for public use is well lit and adequately signposted.
6. The premises licence holder shall ensure that all staff are aware and alert and adequately trained.
7. Children under the age of 18 are required to be accompanied by a parent or responsible adult.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

1. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and must be available to a relevant Responsible Authority when called upon.
2. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as ‘identification standard’ of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.
3. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

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4. The premises licence holder shall develop a Child Protection Policy that is approved by Children and Young People’s Services and all staff are trained on this policy with a record kept of such training.

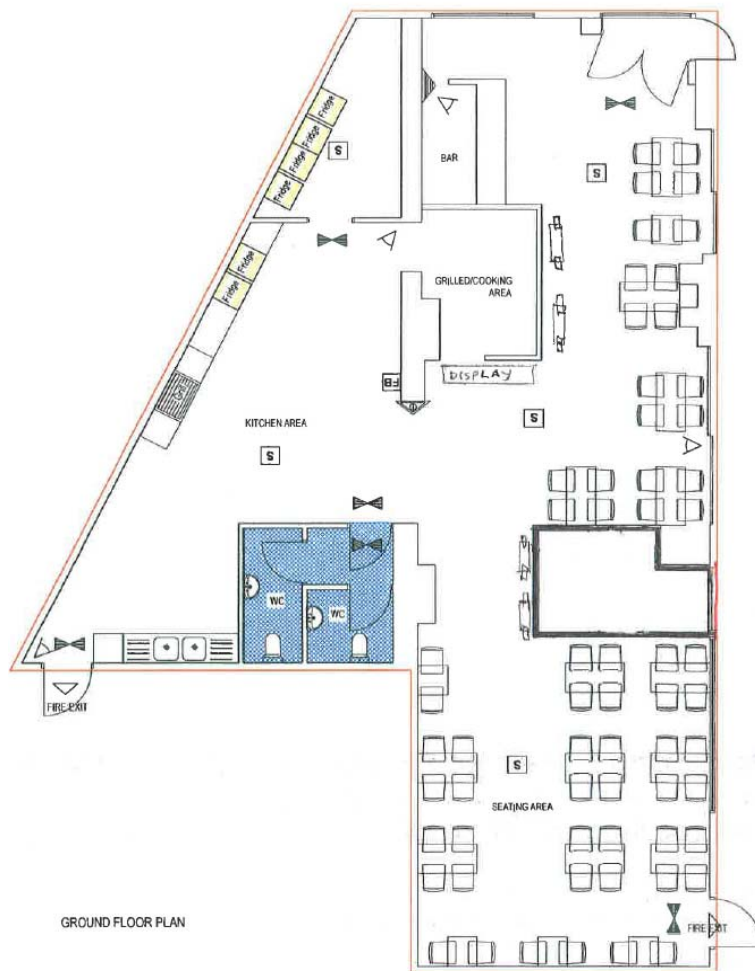
Signed

Paul Campbell, Licensing Specialist

- 5. The premises shall operate a Challenge 21 policy.
- 6. Alcohol should only be served ancillary to a meal consumed on the premises.

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





Part B

Premises licence summary

Premises licence number

007098

Premises details

Postal address of premises

Oh My Cod Restaurant
2 Berther Road Hornchurch RM11 3HS

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Supply of alcohol

Monday to Sunday – 10:00 to 23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 10:00 to 00:00

Late night refreshment

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 23:00 to 00:00

The opening hours of the premise

Monday to Thursday – 10:00 to 22:00

Friday to Sunday – 10:00 to 23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve
10:00 to 00:00

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

On supplies only

Name, (registered) address of holder of premises licence

Mr Bilal Nadir Gul
96A North Street Hornchurch RM11 1SU

Signed

Paul Campbell, Licensing Specialist

Registered number of holder

N/A

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

Mr Bilal Nadir Gul

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

Restricted

2 of 2



Havering
LONDON BOROUGH

Copy of Application

RECEIVED

03 DEC 2014

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 BILAL NADIR GÜL

(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

Part 1 – Premises Details

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

2 BERTHER ROAD
HORNCHURCH

Post town	LONDON	Postcode	RM11 3HS
-----------	--------	----------	----------

Telephone number at premises (if any)	07957500661
Non-domestic rateable value of premises	£ 11,000

Part 2 – Applicant details

Daytime contact telephone number	07957500661		
E-mail address (optional)			
Current postal address if different from premises address	96A NORTH STREET HORNCHURCH LONDON A		
Post town	LONDON	Postcode	RM11 1SU

Part 3 - Variation

Please tick as appropriate

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

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

Serving alcohol to outside seating areas with food.

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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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) <i>outside seating areas</i>	On the premises	<input checked="" 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) <i>Serving alcohol with food to outside seating areas.</i>		
Mon	<i>10:00</i>	<i>23:00</i>			
Tue	<i>10:00</i>	<i>23:00</i>			
Wed	<i>10:00</i>	<i>23:00</i>			
Thur	<i>10:00</i>	<i>23:00</i>			
Fri	<i>10:00</i>	<i>23:00</i>			
Sat	<i>10:00</i>	<i>23:00</i>			
Sun	<i>10:00</i>	<i>22:30</i>			
			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) <i>N/A</i>		

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NA
Day	Start	Finish	
Mon	09:00	23:00	
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	

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 (please read guidance note 6)

NA

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.

serving alcohol to outside seating area with food.

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

b) The prevention of crime and disorder

CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

Premises shall be well lit both inside and out to deter offenders and support the CCTV (subject to any planning constraints)

c) Public safety

Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H2O and CO2), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting. All appliances are checked annually and comply with relevant British Standards.

All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times.

d) The prevention of public nuisance

All waste generated by the premises will be dealt with appropriately.

e) The protection of children from harm

To protect the children from harm we have following steps taken

- 1- the premises are effectively and responsibly managed;
- 2- provision of a sufficient number of people employed or engaged
- 3- appropriate instruction, training and supervision of those employed or engaged

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.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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	02/12/2014
Capacity	AGENT

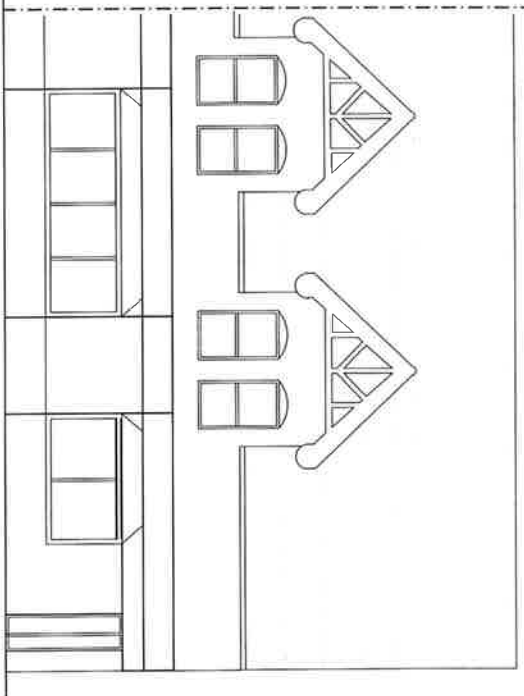
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

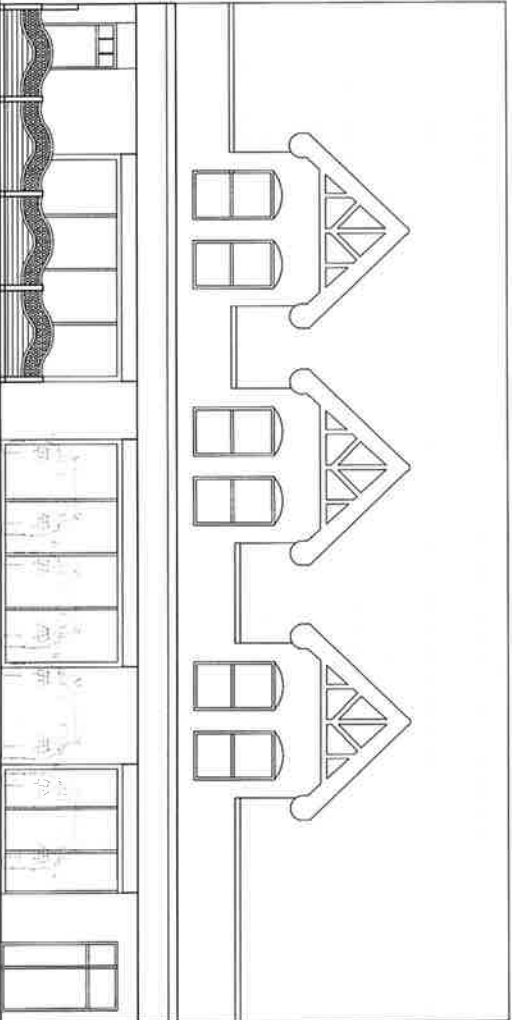
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

COHAN ZEDEK
53 STOKENEWINGTON HIGH STREET

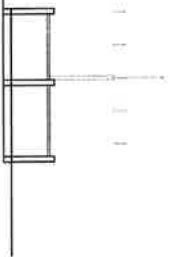
Post town	LONDON	Post code	N16 8EL
Telephone number (if any)	07852105778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
cohanzedek@hotmail.co.uk			



EXISTING FRONT ELEVATION
SCALE: 1/100

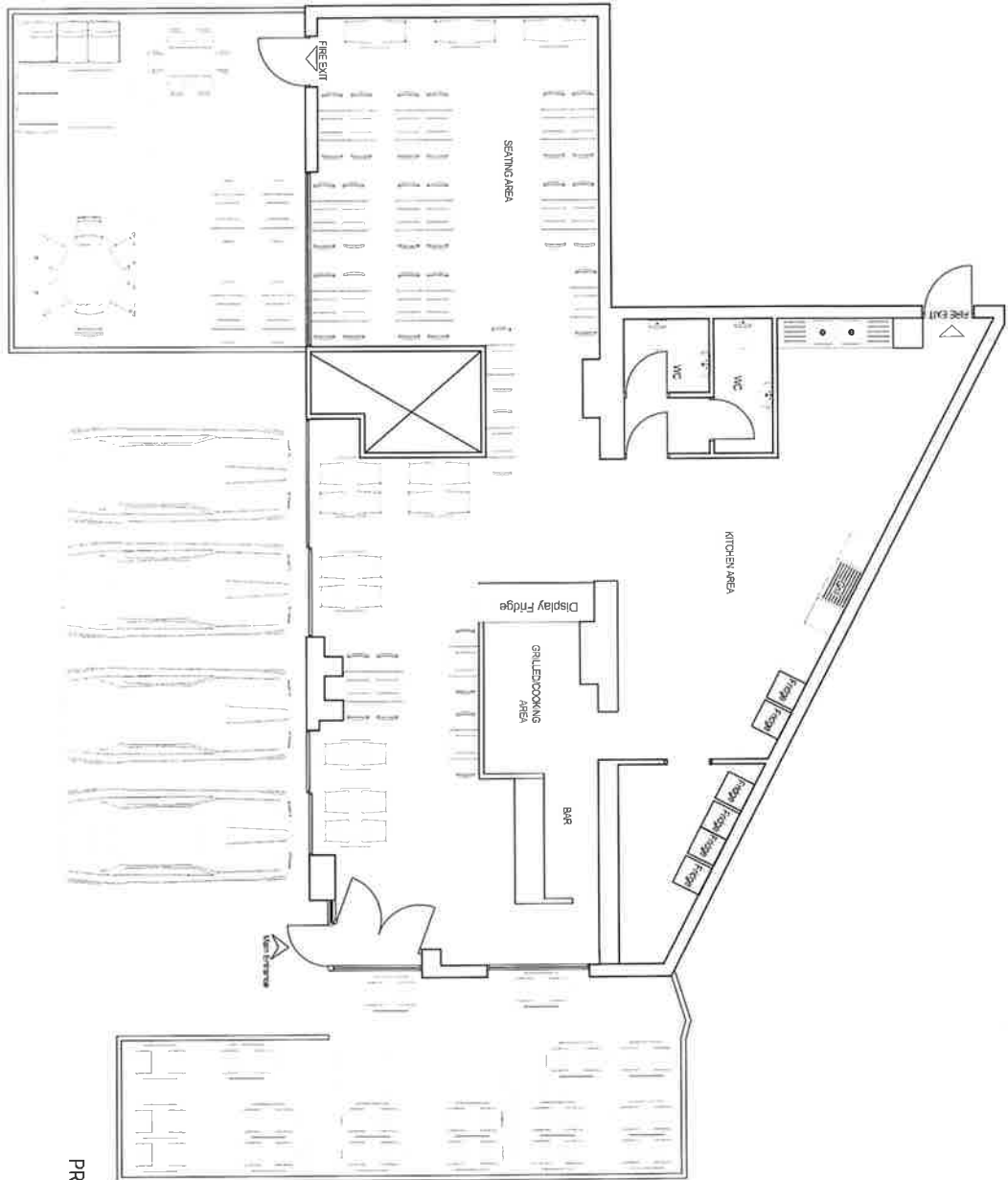


PROPOSED FRONT ELEVATION
SCALE: 1/100



2
BERTHER ROAD
HORNCHURCH
ESSEX
RM11 3HS
EXISTING / PROPOSED Front Elevation
REF. NO. :KT-11082014-RM113HS-3
SCALE : 1/100@A3 DATE : 11/08/2014

Leiberman Law



PROPOSED FLOOR PLAN
SCALE: 1/100

2	BERTHER ROAD HORNBURCH ESSEX RM11 3HS
PROPOSED Ground Floor Plan	
REF. NO : KT-11092014-RM113HS-2	
SCALE : 1/100@A3	DATE : 11/09/2014

Leiberman Law

**LICENSING ACT 2003
NOTICE OF APPLICATION TO VARY A
PREMISES LICENCE**

NOTICE IS HEREBY GIVEN that I, Mr Bilal Nadir Gul have applied to the London Borough of Havering to vary a premises licence in respect of the premises known as Annees, 2 Berther Road, Hornchurch RM11 3HS as follows: Supply alcohol for consumption on on-site seating area. Monday to Sunday from 10:00 until 23:00. Any person wishing to make representation in respect of the above activities may do so by writing to, The Licensing Team, c/o Town Hall Main Road Romford RM1 3BD by 01/01/2015. A copy of the application is kept by The Licensing Team, c/o Town Hall Main Road Romford RM1 3BD. The application can be viewed Monday to Friday 9:00 am to 5:00 pm, except bank holidays. It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the standard scale. 1472382



**Goods Vehicle
Operator's Licence**

Lituania UK Ltd, of 3 Gallions Close of Barking IG11 0JD, is applying to change an existing licence as follows: To add an operating centre to keep 10 goods vehicles and 0 trailers at 22 Lamson Road, Rainham RM13 5YY. Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

LONDON BOROUGH OF HAVERING

NOTICE OF APPLICATIONS FOR PLANNING PERMISSION

Notice is hereby given that the Council has received the following applications which need to be advertised for the reasons set out below:

Application: A0061.14
Location: 300 Upper Rainham Road (Maylands Medical Centre), Hornchurch
Development: 1No Illuminated set of Halo letters. 1No Illuminated light box. 1No Illuminated/Revolving projected sign.
Applicant: Mr Vijay Vasu
Reasons: The application is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents.

Application: L0014.14
Location: Langtons House, Billet Lane, Hornchurch
Development: New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new ramp to south elevation door; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage
Applicant: Mr Martin Stanton
Reasons: The development is in a Conservation Area. The development relates to a Listed Building.

Application: P1536.14
Location: Langtons House, Billet Lane, Hornchurch
Development: New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new ramp to south elevation door; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage
Applicant: Mr Martin Stanton
Reasons: The development is in a Conservation Area. The development relates to a Listed Building.

Application: P1572.14
Location: 3 Gidea Avenue, Gidea Park, Romford
Development: Raise roof height to central mono pitched style roof and external alterations.
Applicant: Mr & Mrs B Portsmouth
Reasons: The development is in a Conservation Area.

Application: P1594.14
Location: Phase 4B, Harold Wood Hospital, Gubbins Lane, Harold Wood
Development: Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4B of the former Harold Wood Hospital, for the development of 84 residential dwellings, plus associated infrastructure and car parking.
Applicant: Mr D LAYTON - Countryside Properties (Uberior) Ltd
Reasons: This is a major development because the number of dwellings to be provided are 10 or more.

Application: P1596.14
Location: Lexington Way (Garage Site), Cranham, Upminster
Development: Demolition of existing garages to provide 10No dwelling houses and 2No flats with associated car parking and landscaping
Applicant: Mr Abderrecak Rezig
Reasons: This is a major development because the number of dwellings to be provided are 10 or more.

Application: P1606.14
Location: 15 Wingley Lane, Hornchurch
Development: Demolish existing garage and wc, Form new single storey rear and side extension
Applicant: Mr & Mrs Kevin McNeela
Reasons: The application affects the character or appearance of a Conservation Area.

Application: P1609.14
Location: Cranham Golf Course, St. Marys Lane, Upminster
Development: Proposed Solar Park
Applicant: Cranham Golf Course
Reasons: The application is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents.

Application details, including the plans, can be viewed online at www.havering.gov.uk/planning or at the Planning reception, located in the Public Advice and Service Centre (PASC), accessed via the Liberty Shopping Centre, Romford, between 9am and 11am, Monday to Friday, except for the last Wednesday of each month when the reception is closed.

If you wish to comment on an application, please use the online comment form available on the Council's web site or alternatively write to the Head of Regulatory Services at the 3rd Floor, Mercury House, Mercury Gardens, Romford, RM1 3SL quoting the application number and location. Comments must be received within 21 days from the date on this notice. Please note that members of the public are entitled to see and take copies of any comments you make and your comments may also be available to view on the internet.

Patrick Keyes
Head of Regulatory Services
Date: 12th December 2014
Published in the Romford Recorder: 12th December 2014

LONDON BOROUGH OF HAVERING

THE HAVERING (WAITING AND LOADING RESTRICTION) (CIVIL ENFORCEMENT AREA) (NO. 1) (AMENDMENT NO. **) ORDER 201*

THE HAVERING (DISC PARKING PLACES) (AMENDMENT NO. *) ORDER 201*

THE HAVERING (FREE PARKING PLACES) (AMENDMENT NO. **) ORDER 201*

- NOTICE IS HEREBY GIVEN that the Council of the London Borough of Havering, hereinafter called the Council, propose to make the above-mentioned Orders under sections 6, 45, 46, 49 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.
- The effect of the Waiting & Loading Restriction Order would be to impose waiting restrictions operative at any time on the lengths of streets specified in Schedule 1 to this Notice and to remove the existing advisory footway parking places on the lengths of Montgomery Crescent mentioned in that Schedule.
- The effect of the Disc Parking Places Order and Free Parking Places Order would be to remove the existing disc parking places and designate free parking places operative between 8.30 a.m. and 6.30 p.m. on Mondays to Saturdays inclusive, on the lengths of streets specified in Schedule 2 to this Notice, where vehicles may wait free of charge for a maximum period of 3 hours and where return to that same parking place would be prohibited for 2 hours.
- Copies of the proposed Orders, of the Orders being amended, together with the Council's statement of reasons for proposing to make the Orders and plans showing the locations and effects of the Orders can be inspected until the end of six weeks from the date on which the Orders are made or as the case may be, the Council decides not to make the Orders, during normal office hours on Mondays to Fridays inclusive, at Traffic & Parking Control, StreetCare, Mercury House, Mercury Gardens, Romford, Essex RM1 3SL.
- Any person desiring to object to the proposals or make other representation should send a statement in writing of either their objection or representations and the grounds thereof to the Group Manager, Traffic & Parking Control, StreetCare, Town Hall, Main Road, Romford, Essex, RM1 3BB, quoting reference LBH/765 to arrive by 9 January 2015.

Dated 12th December 2014

Published in the Romford Recorder: 12th December 2014

Graham White, Interim Head of Legal Services,

London Borough of Havering, Town Hall, Main Road, Romford RM1 3BD

SCHEDULE 1

Bennison Drive

- both sides, between the south-eastern kerb-line of Ewan Road and a point 15 metres south-east of that kerb-line;
- the north-east side, between a point 15 metres north-west of the north-western kerb-line of Cane Hill and a point 15 metres south-east of the south-eastern kerb-line of Cane Hill;
- the south-west side, between a point 15 metres north-west of the north-western kerb-line of Messant Close and a point 15 metres south-east of the south-eastern kerb-line of Messant Close.

Cane Hill, both sides, between the north-eastern kerb-line of Bennison Drive and a point 15 metres north-east of that kerb-line.

Collier Row Road

- the north side, between a point 27.6 metres east of the eastern kerb-line of Ramsden Drive and a point 27.2 metres west of the western kerb-line of Ramsden Drive;
- the south side, between the common boundary of Nos. 79 and 81/83 Collier Row Road and the common boundary of Nos. 101 and 103 Collier Row Road.

Ewan Road

- the north side, between a point 15 metres west of the western kerb-line of Watson Gardens and a point 15 metres east of the eastern kerb-line of Watson Gardens;
- the south-east side, between a point 30 metres south-west of the south-western kerb-line of Bennison Drive and a point 15 metres north-east of the north-eastern kerb-line of Bennison Drive.

Grey Towers Avenue, the east and north-east sides, between a point 1 metre north-west of the common boundary of Nos. 54 and 56 Grey Towers Avenue and a point 3 metres south of a point opposite the southern kerb-line of Grey Towers Gardens.

Hacton Lane

- the arm fronting Nos. 39 to 61 Hacton Lane, the south-west side, between a point 10 metres north-west of the north-western kerb-line of the east to west arm leading to the main carriageway of Hacton Lane and a point 10 metres south-east of the south-eastern kerb-line of that arm;

- the east to west arm leading from the main carriageway of Hacton Lane to the arm fronting Nos. 39 to 61 Hacton Lane, both sides of the entire arm;
- the north-east side, between a point 10 metres north-west of the north-western kerb-line of the east to west arm leading from the main carriageway of Hacton Lane to the arm fronting Nos. 39 to 61 Hacton Lane and a point 10 metres south-east of the south-eastern kerb-line of that arm.

Howard Road, Upminster, the south side, from a point 1.5 metres east of the common boundary of Nos. 132 and 134 Howard Road and a point 5 metres east of that common boundary.

Messant Close, both sides, between the south-western kerb-line of Bennison Drive and a point 15 metres south-west of that kerb-line.

Montgomery Crescent

- the north-west side, between a point 14.2 metres north-east of the south-western building line of Amptill House and a point 28.2 metres north-east of that building line;
- the south, south-east and south-west sides, bapo 14.2 metres north-east of a point opposite the south-western building line of Amthill House and the north-western building line of Oundle House.

Ramsden Drive

- the east side, between the northern kerb-line of Collier Row Road and a point 16.1 metres north of that kerb-line;
- the west side, between the northern kerb-line of Collier Row Road and a point 19.7 metres north of that kerb-line.

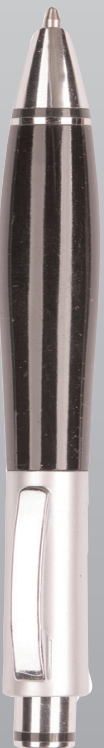
Watson Gardens, both sides, between the northern kerb-line of Ewan Road and a point 15 metres north of that kerb-line.

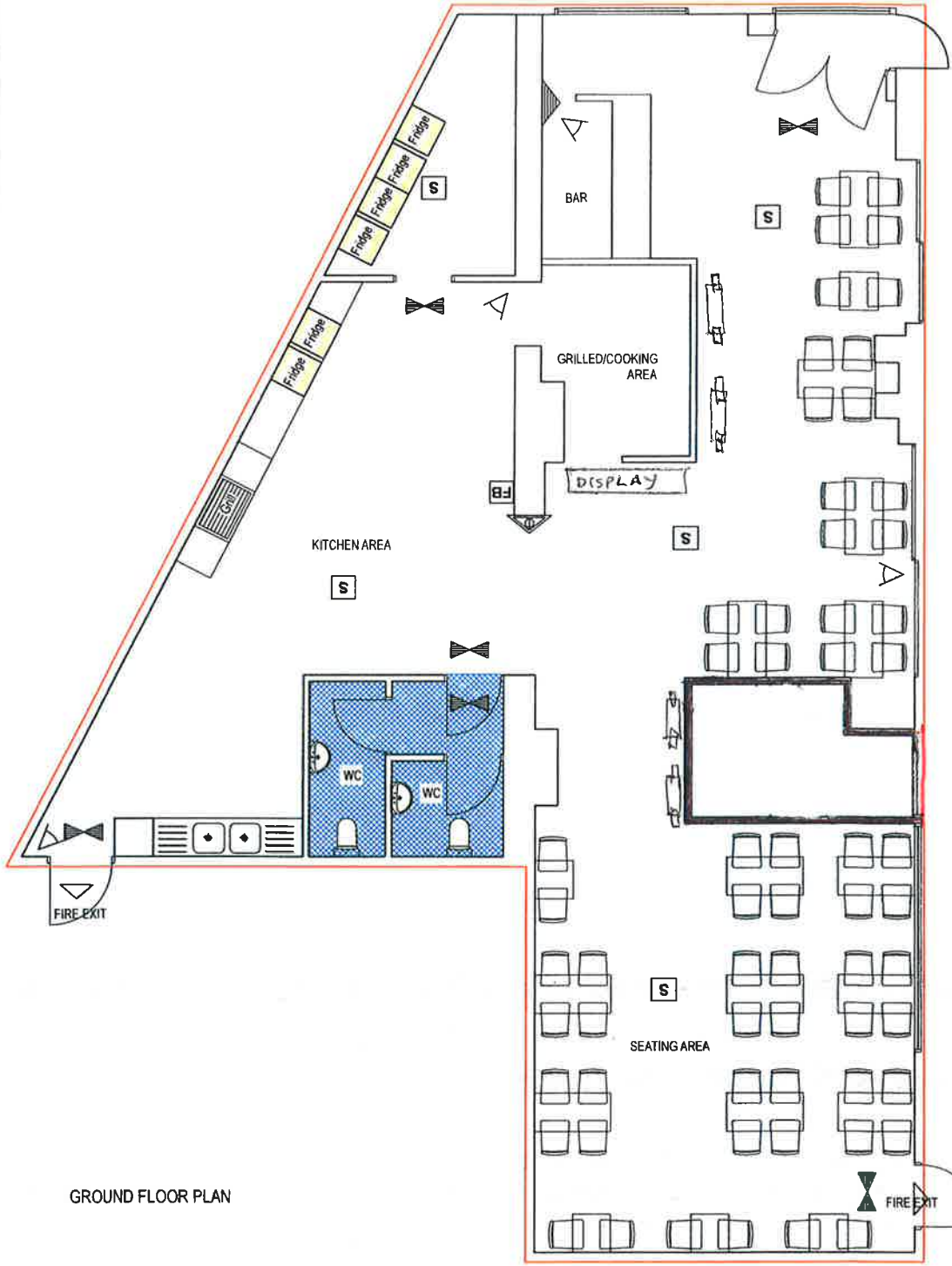
SCHEDULE 2

Manor Avenue

- the north side, from the common boundary of the Gidea Park Methodist Church and No. 1 Manor Avenue extending westward for a distance of 13 metres;
- the north side, from a point 16.7 metres west of the common boundary of the Gidea Park Methodist Church and No. 1 Manor Avenue extending westward for a distance of 10 metres.










Display public notices here. Call 08456714460



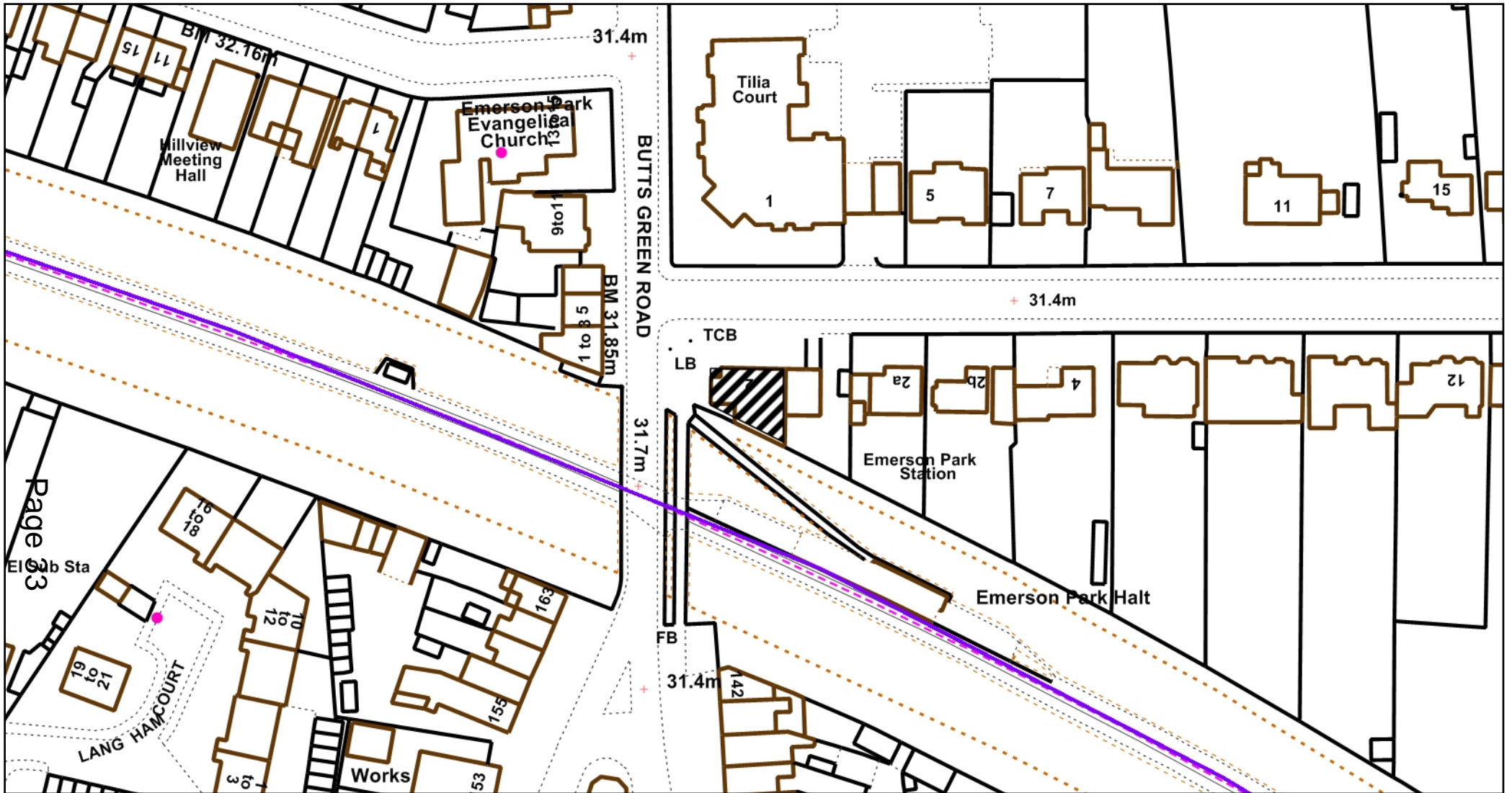


GROUND FLOOR PLAN

LEGEND

-  WC AREA
-  FRIDGES
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CCTV
-  POWDER FIRE EXTINGUISHER
-  FOAM FIRE EXTINGUISHER
-  FIRE BLANKET

2 BERTHER ROAD HORNCHURCH ESSEX RM11 3HS	
PROPOSED GROUND FLOOR	
SCALE : 1/100@A4	DATE : 01/07/14
REF. NO : E010714	



2 Berther Road N
↑





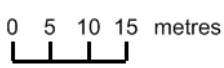


 The National Land & Property Gazetteer
 NATIONAL STREET GAZETTEER
 Ordnance Survey Licensed Partner

Scale: 1:1000
 Date: 19 December 2014
 Size: A4

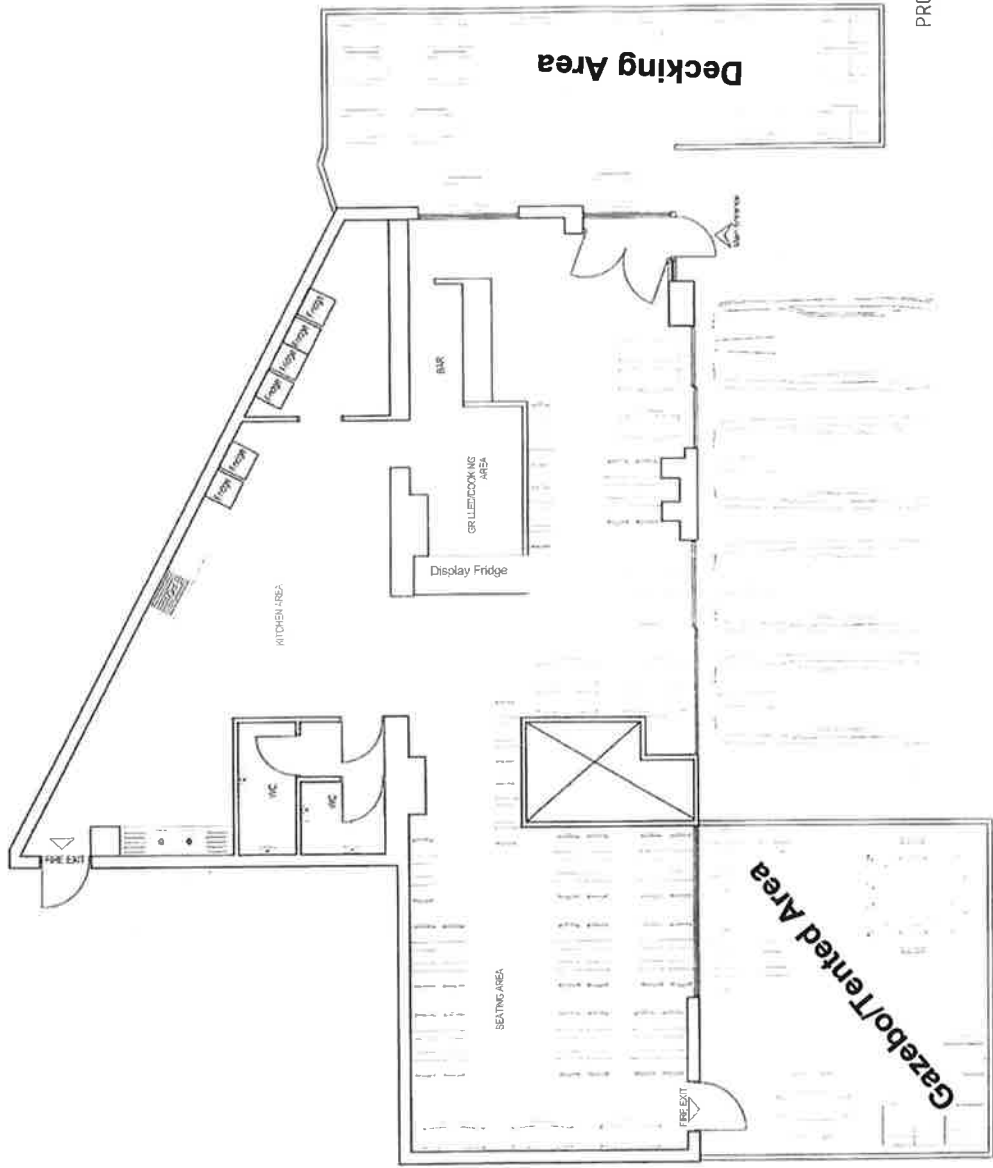




<p>2 Bertha Road</p>	
	<p>Scale: 1:1000</p> <p>Date: 04 December 2014</p> 

Butts Green Road

PROPOSED FLOOR PLAN
SCALE: 1/100



2
BERTHER ROAD
C/O: SCHURCH
EPOS
RM11 3HS
PROPOSED Ground Floor Plan
REF. NO.: KT-11062014-RM113HS-2
SCALE: 1/100@A3
DATE: 11/09/2014

Leiberman Law

Berther Road



Havering
LONDON BOROUGH

Representations from
Responsible Authorities

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

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

Romford Police Station
19 Main Road
Romford
RM1 3BJ
Telephone: 01708 432781
Facsimile:
Email: jason.rose@met.pnn.police.uk
www.met.police.uk
Your ref: **SHISH MEZE**

23rd December 2014

Police have been served an application by Shish Meze, 2 BERTHER ROAD, HORNCHURCH, RM11 3HS to vary their premises licence under the Licensing Act 2003. We wish to make objections to this application as we believe by granting the variations would undermine at least two of the four Licensing objectives, namely -

**The prevention of Public Nuisance
The Prevention of Crime and disorder**

The premise in question is situated in a mixed use area, primarily enclosed by residential premises. The venue is surrounded on all sides with private premises of a residential nature. Police have been made aware of complaints made to the local authority via residents regarding a number of issues to noise generated from dinners and service on the outside terrace. Some have complained about food smells emitting from the area into their residential premises.

Upon inspection of the application, no measures or steps are listed to inform police, local authority and other responsible agencies how they plan to uphold the "Public Nuisance" strand of the licensing act, the applicant mere states "**ALL WASTE GENERATED BY THE PREMISES WILL BE DEALT WITH APPROPRIATELY**". The application does not address the logistics of outside alcohol sales, nor does it address any other potential crime related issues, such as -

- * Is alcohol to be stored in the marquee / tented area? if so what measures are being put in place to Keep such stock safe.
- * What steps is the applicant putting in place relating to glassware outside the premises? How do they plan to prevent injury and potential instant arming outside the venue if glassware is served?
- * What further steps is the applicant putting in place to reduce the possibility of underage sales outside? How will they monitor ages of customers etc

This application causes police a number of concerns; it basically requests outside dining very close to residential premises, premises that in turn may be detrimentally affected by noise and food smell nuisances especially during the prolonged daylight hours of the summer months. Police note the requested terminal hour of 2300hrs and feel this is not appropriate for a premises set amongst residential premises. Such premises may have school children residing and noise nuisances, even loud voices may have an effect on sleep patterns.

Police could not support an application for the venue in its current format. We believe the majority of their customer base within these hours requested (2300hrs) may be pre loaded with alcohol from other venues with in the area. Police feel to dine outside where noise travels greater distances up until the requested terminal hour of 2300hrs would increase the risk of nuisance to local residents. Police feel the applicant needs to evidence steps he will put into place to minimise the impact on local residents in relation to noise and food odour nuisances.

Police are also under the impression that planning permission has not been obtained or granted for the current decking and marquee / tented areas. If this is the case then planning is being breached on a daily basis by the premises. Clarity needs to be sort from the applicant on this matter.

In summary police believe the requested outdoor activity does not run parallel to promoting the licensing objectives. If however the committee is mindful in granting such a variation, police believe a terminal hour between 2000hrs to 2130 hrs is a more acceptable end time for such activity. This will most certainly reduce the possibility of impacting residents during unreasonable hours.

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

Yours sincerely,

Pc Jason ROSE
Licensing Officer
Havering Borough



Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

memo

From: Marc Gasson-Noise Specialist

To: Paul Campbell-Licensing Specialist

Please call: Marc Gasson

Telephone: 01708 432777

Fax: 01708 432554

email: environmental.health@havering.gov.uk

Textphone ☎: 01708 433175

My Reference : MDG/016234

Your Reference :

Date: 16 December 2014

Licensing Act 2003-Application to Vary Premises Licence Oh My Cod Restaurant, 2 Berther Road, Hornchurch, Essex.

I refer to the above application and have concerns regarding the potential for noise disturbance to be caused to nearby residents due to customer noise arising from client's use of the external decking/seating areas of the premises.

In my opinion the use of these areas until a terminal hour of 23:00 hours will cause unacceptable levels of noise disturbance. Unless the applicant is willing to restrict the terminal hour for the use of the external area to say 20:00 hours the likelihood of noise disturbance will mean that I will be objecting to the variation.

I trust this clarifies my position

Marc Gasson
Noise Specialist



memo

From: PLANNING CONTROL SERVICE

To: Licensing Officer
Environmental Health

Please call: Bernie Long
Telephone: 01708 432684
Fax: 01708 43690
Email: victor.long@havering.gov.uk

My Reference: BL/

Your Reference:

Date 31 December 2014

Representations re Application for a Premises Licence (Licensing Act 2003) at 2 Berther Road, Hornchurch

The London Borough of Havering's Planning Service, being a responsible authority as set out in the Licensing Act 2003, wishes to make representations against the above premises in relation to a variation to the Premises Licence.

This objection refers to the prevention of crime and disorder, the prevention of public nuisance, and public safety all of which are statutory licensing objectives.

Site Description:

2 Berther Road Hornchurch is a restaurant premises which is situated on the north east corner of Butts Green Road. It was a former post office. The site has both indoor and outdoor seating areas and limited off street parking.

The most available parking is in Berther Road which is residential consisting of flats and houses.

The applicant is requesting that the outdoor seating areas be Licensed for the sale of Alcohol and food until 23 00hrs daily. Except Sunday which is until 22.30hrs.

Planning Consent

The Planning consent for this site is P 1178.14 was approved with conditions on 10 October 2014.

I draw your attention to Condition 1 which states:

“ The Internal areas of the premises shall not be used for the purposes hereby permitted other than between the hours of 1000 and 2200 on Monday to Friday and between 1000 and 2300 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used for the purposes hereby permitted other than between the hours of 1000 and 2200 on Monday to Sunday and Bank or Public holidays. The hours of operation shall be implemented unless agreed in writing by the Local Planning Authority.”

The Planning view is that the additional time if granted is likely to cause noise and disturbance to residents thereby causing a public nuisance . The licensing act does not state that proof is required of this it only that there is potential. Further that if the Licence were granted there would be conflict between Licensing and Planning rules.

I draw your attention to the Havering Licensing Policy namely,
LP007 Development Planning :-The council encourages applicants to ensure that planning consent for the intended use and hours of operation or otherwise have lawful planning status before making an application for a premises licence.

LP008 Noise .

LP011 Tables ,chairs and beer gardens

LP012 Hours

LP013 Hours

LP14 Hours

LP019 Adult Entertainment

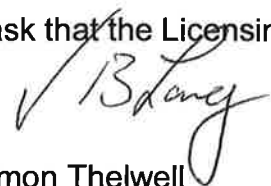
LP20 Adult Entertainment

LP021 Children

I draw your attention to the role of responsible authorities contained in the Licensing Act 2003 issued in June 2013 Paragraph 13.56 . This states that the applicant must observe the earlier closing time which is set by Planning.

I therefore ask that the Committee decline this application and that the applicant be advised of the relevance of the planning law.

I ask that the Licensing Committee consider this report as a valid representation.


Simon Thelwell
Projects & Regulation Manager

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Cohan Zedek
55 Stoke Newington High Street
London
N16 8BT

APPLICANT

Mr Bilal Nadir
96A North Street
Hornchurch
RM11 1SU

APPLICATION NO: P1178.14

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: Retrospective change of use of part of the ground floor from A1 to A3 use. Retention of new shopfront. Provision of outdoor seating areas.

Location: 2 Berther Road
Hornchurch

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

KT-18082014-RM113HS-1

KT-18082014-RM113HS-2

KT-18082014-RM113HS-3

KT-18082014-RM113HS-4

KT-18082014-RM113HS-5

KT-18082014-RM113HS-6

Site Location Plan (Scale 1:1250)

subject to compliance with the following condition(s):

Note to Applicants:

Please take the time to read the conditions stated below carefully. Some may require you to seek the Council's approval prior to works beginning on site. The approval process can take a further 8 weeks from the date of submission and you are advised to incorporate this into your timetable.

- 1 The internal areas of the premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays. The hours of operation shall be implemented unless agreed in writing by 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 Development Control Policies Development Plan Document Policy DC61.

- 2 A 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access shall be provided, set back to the boundary of the public footway. There shall be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

- 3 The area set aside for car parking as indicated on drawing number KT-18082014-RM113HS-2 shall be retained permanently for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

- 4 The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

INFORMATIVE(S)

- 1 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
- 2 The Applicant is advised that planning approval does not constitute approval for changes to

- 2 the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

Dated: 10th October 2014



Patrick Keyes
Head of Regulatory Services
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. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

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.
- (5) 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.

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.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.



Havering
LONDON BOROUGH

Interested Parties (Valid objections)

From: Licensing
Sent: 31 December 2014 15:37
To: Paul Campbell
Subject: FW: Re Anne's / shish meze

From: ATUL AGGARWAL [mailto:berther19@hotmail.com]
Sent: 31 December 2014 15:30
To: Licensing
Subject: Fwd: Re Anne's / shish meze

Atul Aggarwal.
Berther19@hotmail.com
07968158482
From iPad

Begin forwarded message:

From: ATUL AGGARWAL <berther19@hotmail.com>
Date: 31 December 2014 15:26:46 GMT
To: "licening@havering.gov.uk" <licening@havering.gov.uk>
Subject: Re Anne's / shish meze

Dear sir ,

Regarding the above application to extend the licensing hours for the premises at the corner of Berther Road .

I would strongly object to this request as I am sure will other residents.

This road is a quite residential road in an expensive area of Havering .

I have concerns about public nuisance ,as we have a number of other licence establishments all ready in the area and frequently hear them in the early hours of the morning, but they are not on the end of a family street with young children and families .

No family street should be exposed to 13 hrs drinking and with this outdoor smoking 7 days a week .

This situation may seem fit for a high street or a commercial area.

I have concerns about environmental impact with noise ,waste and traffic this will generate and the safety issues that traffic will bring and we have made a separate representation regarding this.

It is already difficult to drive into our street ,and there have been near misses with pedestrian crossing to get to the train stations especially in the morning and evenings.

There is a direct correlation between alcohol and crime and having been a victim on three occasions in the last 18 months, I do not wish to experience or place my young family and home at greater risk, and expose them to these particular habits.

Dr Atul Aggarwal.
19 Berther road
Berther19@hotmail.com

From iPad

From: sally bailey <sa9lly@yahoo.com>
Sent: 01 January 2015 19:41
To: Licensing
Subject: Paul Campbell - Extended licensing hours

Dear Paul

Re Shish Meze Restaurant extended licensing hours

We have been surprised to find out that the above restaurant In Berther Road has requested to extend their licensing hours, and would like to object.

This is after all a restaurant not a Public House and we do not see why it would need to serve alcohol at 10am.

The restaurant is already stretching the patience of the residents in the road with the problems that we are having with parking and general traffic, and now we find out that they wish to encourage people to start drinking with their breakfast.

There are plenty of places nearby that you can get a drink at that time of the morning if you so wish.

We have already witnessed 'road rage' from customers of the restaurant and feel that this could only fuel the problems, resulting in disturbances causing concerns for the safety of the general public walking in the street, the residents, and road users.

We trust that you will consider the residents of Berther Road when making your decision, and how it will be effecting the quality of our lives as neighbours of the Shish Meze.

Yours sincerely

Sally and Mark Bailey
25 Berther Road
RM11 3HU

From: Kevin Lenehan <kev@gunners.com>
Sent: 01 January 2015 22:37
To: licening@havering.gov.uk; Paul Campbell
Cc: CouncillorSteven.Kelly@HaveringGov.UK
Subject: LICENSING OBJECTION: Shish Meze Restaurant, Berther Road...

FAO: Mr Paul Campbell (Havering Council Licensing)
cc: Councillor Steven Kelly

Dear Mr Campbell,

Thank you for the opportunity to voice my sincere objection to the Licensing extension for the Shish Meze restaurant at the end of my road. If I struggle to fully articulate my severe concerns with regard to this license application, perhaps you would be kind enough to invite me to speak at the Council Meeting on 23rd January 2015...

We have lived in Berther Road for more than 12 years now, moving to #14 Berther Road on 2 June 2002 - which marked Queen Elizabeth's 50th anniversary. Ten years later in June 2012, marking her 60th anniversary, we closed the road off to hold a fabulous street party. The preparation leading up to the street party proved to be huge turning point for the residents here, galvanizing our community spirit like never before - with 2013 and 2014 proving to be marvelous times in the road, with subsequent social events spinning off from the street party.

Having now forged very tight friendships with our neighbours, we discovered a very high proportion to be running their own businesses, with some significant entrepreneurial spirits, explaining how they were able to afford to live in one of the most prestigious roads in the borough I guess.

Last night (New Year's Eve) I celebrated in the Shish Meze restaurant with my family and friends. The restaurant has proven a huge success during 2014 and one that we have closely supported. However it is essential that the restaurant proprietors "play the game" and realise where they are located - in an exclusive residential area. There is a time and a place for everything, this is Emerson Park - not late-night Romford nightlife, which is closely policed, with all licensed establishments located within a central area. Very nearby, within 200m, The Chequers Pub and Monty's Bar and located within a more commercial setting, whereas the Shish Meze restaurant is located within a complete residential setting.

So in writing to the Licensing division at Havering Council, I do so knowing that you represent our closest interests - with us paying the highest council tax in the borough. As we head into an election year, I am under no misconceptions whatsoever that the 150 people living in Berther Road will put up with any nonsense here. These are hard working, entrepreneurial business owners who want to support similar local business and political parties who actively do the right thing.

With specific reference to the rejection of this licensing application, my concerns are summarised below:

1/ Crime & disorder

- Already my neighbours have told me of examples of damage to their cars in the road.
- We have seen a flurry of house burglaries (with Police in attendance), where the increased 'foot traffic' to the road could have some correlation.

2/ Public safety

- As I said this is not Romford or Benidorm nightlife here, where already I have seen alcohol consumption equating to noise and broken glass. Enough is enough, this cannot be extended further, where one would fully expect further alcohol consumption to lead to violent and rowdy behaviour - not here, no thanks!
- If this ridiculous proposal were considered, where would it lead to? Bouncers to control drunken

behaviour. Remember this is NOT Hornchurch High Street, but 100% residential.

3/ Public nuisance

- In contrast, let us consider a long standing and very successful Emerson Park business - Spices Indian restaurant. They "get it" in terms of what the residents want and are happy to support - no rowdy drinking, but rather great food and service.

- Berther Road categorically DOES NOT WANT an all day boozier, selling alcohol for 13hrs/day for 7-days-a-week... Absolutely NOT!

4/ Child protection

- Our children travel home past the restaurant, using both the railway and bus stop past this focal corner. Therefore it is critical that we all appreciate the importance of our strong community here, where we do NOT want drinking, smoking, swearing, loud, violent & threatening behaviour here in the heart of our neighbourhood - no way, this isn't what we pay top dollar for...

As I said above, it is difficult to fully express ones feelings and objections in an email, therefore I would welcome the opportunity to do this in person, if this proves necessary.

I hope that I have been able to express my strong and sincere feelings of the importance of mutual respect. We live in a lovely community with hard-working business professionals wanting to support one another; that said, this is an outrageous proposition, beyond what is considered reasonable and must be rejected now.

Once again, I thank you for the opportunity to voice my concerns and look forward to hearing from you in due course.

Kind regards,

Kevin Lenehan
14 Berther Road
RM11 3HS

Kevin Lenehan
+44 (0)7771 841731

From: Licensing
Sent: 02 January 2015 11:25
To: Paul Campbell
Subject: FW: Licensing Objection

From: antonio.bms@talk21.com [mailto:antonio.bms@talk21.com]
Sent: 02 January 2015 10:53
To: Licensing
Subject: Re: Licensing Objection

Dear Mr Campbell

As requested my address is 10 Berther Road, Emerson Park, Hornchurch, Romford, Essex RM11 3HS.

Kind regards

Mr A Stewart

From: Licensing <Licensing@haverling.gov.uk>
To: "'antonio.bms@talk21.com'" <antonio.bms@talk21.com>
Sent: Friday, 2 January 2015, 9:07
Subject: RE: Licensing Objection

Dear Mr Stewart

The Licensing Act 2003 requires that you give your address for a representation to be valid
Please supply it as soon as possible as I must prepare my report today
Paul Campbell..

From: antonio.bms@talk21.com [mailto:antonio.bms@talk21.com]
Sent: 01 January 2015 18:28
To: Licensing
Subject: Licensing Objection

Attention Mr Paul Campbell

I write with regards to the Licensing Application submitted by Shish Meze Restaurant at 2 Berther Road, to extend their licensing hours.

Whilst, the residents of Berther Road are happy that number 2 Berther has been renovated and is now a much welcomed commercial amenity for the local community, it has become a nuisance to us the residence of Berther Road.

We have already had to write to the Local Authority, with regards to the difficulties being caused by the ever increasing numbers of cars, parking down what is the narrowest residential road in Emerson Park throughout the day.

I regretfully, feel that I have to strongly object to the Licensing Application to be open from 10am - 11pm seven days a week, I believe this to be wholly inappropriate for a restaurant located on the corner of , what was a quite and peaceful residential road.

The level of nuisance already being caused by customers of the restaurant by way of, inconsiderate parking, noise caused due to the slamming of car doors late at night throughout the working week, loud music from the cars and

intoxicated people shouting or speaking in raised voices, a license extension can only result in it being an even greater nuisance to us the residences. Already our friends and family when visiting us in the evenings or at weekends, more often than not have to find parking in near by streets as there is no where to park outside our homes.

The residents of Berther Road are a mixture of business owners and professionals who do not begrudge the owners of the restaurant their success however, the owners do now seem to be acting with little or no consideration of the negative impact their success is now having on their neighbors.

Kind regards

Mr A Stewart

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From: Edward Wickham <edward_wickham05@tiscali.co.uk>
Sent: 01 January 2015 12:33
To: Licensing
Subject: Shish Meze Restaurant extending licensing hours

Dear Mr Campbell,

The following residents of Tilia Court Berther Road Hornchurch, wish to object to Shish Meze Restaurant request for extending licensing hours to seven days a week, due to the public nuisance this will cause. It is very noisy during the week in the evening, and will obviously get worse during the weekend.

Mrs P Ausling No3 Tilia Court
Mr E.D. Wickham No 6 Tilia Court
Mrs C.A. Wickham No. 6 Tilia Court

From: Steve Jarrett <stevejarrett100@icloud.com>
Sent: 31 December 2014 19:53
To: Licensing
Subject: Shish Meze Restuarant - Berther Rd

FAO - paul Campbell

Paul,

I have noticed that thus restaurant has now requested to extend its opening hours from 10-11 7 days a week.

This restaurant opening has caused us as residence many issues as i expect you are aware.

Personally i live at number 13 Berther Rd (House name Krithia)

I struggle to get in and out of my drive most evenings unless its really late, other drivers using Berther Rd as a cut through often speed and make it extremely dangerous.

In addition we are often woke by the noise of people coming back to their cars late already , they stand and chat loudly, probably because they have had a drink, but netherless it is still a disturbance.

The house prices have massively reduced based on the traffic situation, the whole of Berther Rd has become a car park and not a safe one.

In truth i am flabbergasted as to why this was agreed in the first place, but they have now doubled in size and placed a tent/gazebo outside to increase the capacity even more.

I have just driven down the road and it took me 4 minutes to get half way down to cars being parked both sides and oncoming traffic, people having to back up.

The parking sometimes makes it impossible to get into Berther Rd from Butts Green Rd due to ongoing traffic and it creates a blockage at the entrance exit outside the restaurant.

I have electric gates and as i wait for them to open i block the road in both directions due to parking on both sides, on two occasions i have not been able to get out of my gates due to insufficient turning space and cars parked opposite.

We really need permit parking as this is just not acceptable.

My concerns are as follows :

Public Safety
Public Nuisance
Children safety trying to cross the road

What can be done to assist us as residents?

I await your reply

Contact Details

Mobile 07775 575865 or this email.

Can i attend your offices to discuss this further, what is the process here.

Thanks in advance and i look forward to receiving your response.

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