

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
25 June 2015 (10.30 - 11.45 am)**

Present:

COUNCILLORS

Conservative Group	Wendy Brice-Thompson
Residents' Group	Jody Ganly
East Havering Residents' Group	Linda Van den Hende (Chairman)

Present at the hearing were the applicant Mr Mehmet Keles, his agents Mr Kenan Kara, Mr Graham Hopkins and Ms Linda Potter

Mr Marc Gasson, Noise Specialist, Havering Environmental Health and two members of the public

Also present were Mr Paul Jones, Havering Licensing Officer, the Legal Advisor to the Sub-Committee and the clerk to the Licensing Sub-Committee.

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

No interest was declared at the meeting.

1 APPLICATION FOR A PREMISES LICENSE UNDER SECTION 17 OF THE LICENSING ACT 2003

PREMISES

Mirror Restaurant
3-7 Billet Lane
Hornchurch
RM11 1TS

APPLICANT

Mr Mehmet Ergun Keles
Mirror Restaurant
3-7 Billet Lane
Hornchurch
RM11 1TS

1. Details of Application

Mirror Restaurant is located in a parade of commercial outlets at the junction of Billet Lane and High Street in Hornchurch which comprises a part of the St Andrews ward. St Andrews ward is subject to a special licensing policy although the policy does not apply to restaurants. The site occupies three commercial units knocked into one large venue. A large decked area has been constructed at the front of the premises while the premises' frontage comprises gate fold doors. The commercial properties in this parade of shops have residential properties located above them.

The application for a premises license was submitted by Mr Mehmet Ergun Keles under section 117 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 7th May 2015.

At the hearing the sub-committee was informed that the details of Premises License was:

Supply of alcohol, live music, recorded music

Monday – Saturday 09:00 – 23:30
Sunday 09:00 – 23:00

Late night refreshments

Monday – Saturday 23:00 – 23:30

Hours premises open to the public

Monday –Saturday 09:00 – 23:30
Sunday 09:00 – 23:00

2. Grounds of Objection

There were two objection notices made against the premises licence, one from a responsible authority, namely Havering's Noise Specialist, Mr Marc Gasson, submitted on 7 May 2015. The other representation was made by an Interested Party

Both objections raise concerns under the Prevention of Public Nuisance

3. Details of Representations

Licensing Officer Paul Jones presented his report and updated the sub-committee on observations he made on 13 June 2015 when the restaurant was in operation under a Temporary Event Notice. He advised that on driving past the premises at approximately 22:50 two tables of patrons were seen to occupy the external decked area in apparent contravention of the premises user's voluntary undertaking to restrict this area's usage to 22:00. Having parked in a nearby car park the licensing officer approached the venue on foot. The external patrons' raised voices and laughter were clearly audible some 95 metres from the decked area. It emerged that there were two tables of patrons, six at each table, located at either end of the decked area. The patrons were seen to be consuming drinks, and no evidence of smoking was witnessed at this time.

Upon returning again at 23:30, one table was still occupied some 90 minutes after the voluntary undertaking to cease external activity. He expressed concern about the management of the premises. He also advised the sub-committee that an advert had been placed in local newspapers that belly dancers will be provided as entertainment. He enquired whether the Applicant would be modifying the application.

Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared and reiterated his written objection against the applications. He reminded the sub-committee that his representations had changed slightly in light of the amended terminal hours for regulated activities at the hearings when the Temporary Event Notices were considered, however, he still remained concerned about amplified music from within the premises even after consideration of the Noise Impact Assessment Report prepared by Sound Licensing Limited on behalf of the Applicant. He stated that:

Following the completion of a Noise Impact Assessment Report, Mr Gasson stated that he was content with the suggested recommendations in the report and felt that they would allay some of his concerns. He remained concerned about:

- Amplified music and from the venue particularly if the appropriate noise control measures are not in place.
- People noise from patrons using the outdoor seating area until the specified closing hours.

Mr Gasson pointed to a number of improvements and deficiencies highlighted in the report regarding the floors and windows. Mr Gasson pointed to the difficulties in the control of non amplified music like the pianists. Mr Gasson was concerned that the Applicant has not given assurances about the way that they will manage the music. Mr Gasson noted that he had recourse to the Environmental Protection Act. Mr Gasson stated that what was recommended in the report was brilliant and would resolve the issues but the outside area will require proper management and policing.

Having considered the Noise Impact Assessment Report during a short adjournment before Mr Gasson's representations, the Chair asked Mr Gasson for his professional opinion on the most effective method of addressing sound insulation issues identified in the Report. Mr Gasson advised the sub-committee that the installation of the Independent Ceiling will offer a better performance.

Miss Hanley stated that she lived 100 metres from the Restaurant at the back, and was concerned about the noise levels if the doors were left open and how far the noise would travel. The Sub-committee Chair asked her if she had felt reassured by the representations that Mr Gasson had made and the Report. Ms Hanley informed the sub-committee that some of her concerns had been addressed.

4. Applicant's response.

Mr G Hopkins, the representative of the applicant addressed the sub-committee and responded to the points made by Mr Gasson - Noise Specialist.

The Sub-Committee was informed that the acoustic engineer had been present at the restaurant on 13th June 2015, to carry out the assessment to ensure that the noise issues were all addressed. Mr Hopkins could offer no excuses other than the applicant was busy with the Acoustic Engineer at the time and so the time was overlooked. This was only one night and had not happened before, or after this date. Mr Hopkins knows he has to address this issues and he will put one person on the terrace. Mr Hopkins explained that Mr Kara was aware of the noise issues, and a noise limiter will be installed. The issue of advertising a Belly Dancer was an oversight and this had now been withdrawn.

The Licensing Officer accepted the reason but informed the Sub-Committee that on the 20th June, a week later, it was observed that 2 tables were occupied on the terrace area, one group were smoking, however the second group were observed in consuming red wine. This was at 23:40, outside of the licensable agreed times.

The following series of measure were offered:

- The terrace to close at 22:00 daily to patrons partaking in food and drink, thereafter only for smokers and no drinks/ food will be allowed
- A member of staff to be present on the terrace between 21:00 – 22:00 to ensure that patrons are aware of the condition

Mr Hopkins explained that 3-7 Billet Lane had been refurbished to a high standard, and was a restaurant only. Alcohol would only be supplied as ancillary to a table meal only. There would be no take-out service for alcohol. Mr Hopkins informed the sub-committee that the applicant was about to lodge all information that has been required by planning and that these were under consideration. Mr Hopkins invited the sub-committee to consider the application on its own merits. Mr Hopkins noted that there was an issue regarding the undertakings that had previously been given but reminded the sub-committee that there was an option to review the Licence. Mr Hopkins informed the sub-committed that the Applicant was offering conditions that will address the concerns of the interested parties. With the conditions the applicant will not be able to lose focus.

In response to an enquiry from the sub-committee, Mr Hopkins informed the Sub-Committee that the premise was fitted with a CCTV system, both inside and outside.

The capacity of the premise would be 178, including staff, facility for Taxi cab service, Challenge 25 and as the premises will be operating until 23:30 hours, there was still adequate public transport available.

Given the concerns raised by Mr Gasson and the Interested Party, the following condition was offered:

- If the Premises License is granted no live or recorded music will be permitted to be provided until the works specified in the acoustic report completed by Sound Licensing Ltd and submitted to the Licensing Authority have been completed to the written satisfaction of the London Borough of Havering's Noise Specialist.

5. Determination of Application

Consequent upon the hearing held on 25 June 2015, the Sub-Committee's decision regarding the application for a Premises License for Mirror Restaurant is as set out below, for the reasons stated:

The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.

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

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts Whether the granting of the Premises License would undermine any of the four licensing objectives.

- **Prevention of Public Nuisance**

The Sub-committee noted the concerns of the Noise Specialist and that of the Interested Party. The Sub-Committee also noted that the applicant had now undertaken a Noise Assessment and submitted that report to the Noise Specialist.

The sub-committee noted that there were two planning permission granted for the use of the premise. One for 5-7 Billet Lane, and one for 3 Billet Lane. It noted that condition limiting opening hours for 5-7 Billet Lane were from 1200 to 2300 Monday to Saturday with no opening on Sundays or Bank Holidays. Other conditions requiring certain details – e.g. fume extraction to be submitted prior to the use commencing had also not been submitted.

The sub-committee were concerned that the applicant had disregarded any voluntary undertaking in adhering to the hours agreed by the TENs previously granted.

6. Decision

Having considered the oral and written submissions from all parties in relation to the application, the decision of the Sub-Committee decide is to **Allow** the application with the following conditions in addition to all mandatory conditions.

- That the premises will operate as a restaurant and alcohol will only be served as ancillary to food. There will be no off-sales and no open containers taken off the premises.

- The terraced area will not be permitted to be used after 22:00 each day and from 21:00 a member of staff will be on site to ensure compliance; the exception will be for smoking.
- In accepting the Noise Impact Assessment Report and on advice from Havering's Noise Specialist it is required that all "works" outlined in the Noise Impact Assessment Report prepared by Sound Licensing Limited dated 21 June 2015 designed to satisfy the noise issues to be completed before live and recorded music can be played. The "works specified and required by the sub-committee as:
 - Independent ceiling – the following specification when installed should conservatively provide an additional 10-12dB airborne attenuation
 - Attach wall plates to the walls to give the shortest room span and run new ceiling joists between them.
 - Fix 100mm mineral wool (min. density 60kg/sq3) between the new ceiling joists, or drape it over them.
 - Line with 2 x 15mm acoustic plasterboard (min, mass 10kg/sqm), making sure the joists between the sheets in the first and second layer do not coincide.
 - Seal the perimeter and all other sound paths with flexible sealant.
 - To remove the existing ceiling speakers (make good the ceiling to existing specification)
 - Install replacement speakers on anti-vibration mounts or pads.
 - No speakers to be installed close to or directly facing the front façade.
 - Install an appropriate sound limiter to limit recorded and live music (e.g. Formula Sentry or SL2000) with warning lights on the front panel visible to all performers
 - Acoustic Consultant to calibrate sound limiter when all building work complete and sound system installed, and issue calibration certificate
 - Acoustic seals to be installed to the rear emergency exit doors
 - Door closers and Acoustic seals to be installed to main entrance doors
 - Consideration should be given to using the rear areas for live music.
 - Consultant to calibrate and inspect the sound limiters annually and issue calibration certificates to maintain licence conditions.

When the works are completed a report to be submitted to Havering's Noise Specialist and his written confirmation required before live and recorded music is played.

Chairman