

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 9 June 2015

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	REPORT OF THE LICENSING OFFICER	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Mirror Restaurant 3-7 Billet Lane Hornchurch RM11 1TS</p> <p>APPLICANT Mr Mehmet Ergun Keles Mirror Restaurant 3-7 Billet Lane Hornchurch RM11 1TS</p> <p>1. Details of Application</p> <p>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. The premises has yet to open and is currently being fitted out for the purpose of being a licensed premises. A premises licence application is currently on-going. 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 which presumably will be fully open during the warm weather. The commercial properties in this parade of shops have residential properties located above them.</p>
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		<p>The two TENs were submitted on the behalf of the premises user, Mr Mehmet Keles, by his licensing agent via the GOV.UK online submission facility. The TENs were received by Havering’s Licensing Authority on 22 May 2015.</p> <p>The first TEN sought to be able to provide licensable activity, i.e. live and recorded music, and the supply of alcohol for consumption on the premises, from 09:00 to 23:00 from 11th to 17th June 2015. The second TEN sought similar licensable activities and hours to be provided from 19th to 25th June 2015.</p> <p>Objection notice(s)</p> <p>Mr Marc Gasson submitted an objection notice against these TEN on behalf of Havering’s Environmental Health department. Mr Gasson’s concerns were in relation to the prevention of public nuisance licensing objective.</p> <p>2. Grounds of Objection</p> <p>There was one objection notice made against the TENs from a responsible authority, namely Havering’s Noise Specialist, Mr Marc Gasson, submitted on 28 May 2015.</p> <p>Under the Licensing Act 2003 as amended, the Police and Environmental Health have three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).</p>

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		<p>3. Details of Representations</p> <p>Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared and advised the Sub-Committee that following discussions with the applicant’s agent the applicant had agreed to remove all regulated entertainment from his application and therefore Mr Gasson was now withdrawing his representation.</p> <p>Mr Gasson also advised that a noise assessment test was due to be carried out in the premises week commencing 15 June 2015 and the results of the test would be lodged with the Environmental Health department by 18 June 2015.</p> <p>4. Applicant’s response.</p> <p>Mr G Hopkins, the representative of the applicant addressed the sub-committee and confirmed his client’s intention to remove the regulated entertainment element of the application. There would be no recorded or live music. Only alcohol was to be served during the hours.</p> <p>Mr Hopkins also confirmed that the applicant had agreed to closing the outside seating area at 22.00 hours each evening.</p> <p>5. Determination of Application</p> <p>Consequent upon the hearing held on 9 June 2015, the Sub-Committee’s decision regarding the application for two Temporary Event Notices for Mirror Restaurant is as set out below, for the reasons stated:</p>

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		<p>The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.</p> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <p>Agreed Facts Whether the granting of the Temporary Event Notice would undermine any of the four licensing objectives.</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <p>The Sub-committee noted that Mr Gasson, the noise specialist representing the Environmental Health department had withdrawn his objection.</p> <p>6. Decision</p> <p>Having considered the oral and written submissions of the applicant and the withdrawal of the representation from the noise specialist in relation to the application, the decision of the Sub-Committee was to Grant the application as per applied for.</p>

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		<p>7. Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.</p> <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
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A2		