



# Haverling

LONDON BOROUGH

## LICENSING SUB-COMMITTEE UPMINSTER KEBAB HOUSE

### AGENDA

<b>10.30 am</b>	<b>Monday 18 January 2016</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

**COUNCILLORS:**

Linda Van den Hende (Chairman)  
Robert Benham  
Reg Whitney

**For information about the meeting please contact:  
Wendy Gough - 01708 432441  
wendy.gough@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: Licensing Act 2003

**5 REPORT OF THE LICENSING OFFICER (Pages 7 - 46)**

Application for a new premises licence is made by Seyit Guzel under section 17 of the Licensing Act 2003 in respect of Upminster Kebab, 127 Avon Road, Upminster RM14 1RQ

**Andrew Beesley**  
**Committee Administration Manager**

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# LICENSING SUB-COMMITTEE

# REPORT

18 January 2016

**Subject Heading:**

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

**Report Author and contact details:**

**Wendy Gough (01708) 432441**  
**e-mail: [wendy.gough@onesource.co.uk](mailto:wendy.gough@onesource.co.uk)**

Members are advised that, when considering application for 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 7 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

18 January 2016

Subject heading:

Upminster Kebab

127 Avon Road

Application for a premises licence

Arthur Hunt, Licensing Officer

5<sup>th</sup> floor Mercury House

x 3585

Report author and contact details:

This application for a new premises licence is made by Seyit Guzel under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 25 November 2015.

### Geographical description of the area and description of the building

The premises is in a terrace of seventeen (17) ground floor retail units with residential accommodation above close to the junction of Avon Road with Front Lane in Cranham. It is to be located in a retail unit that was previously occupied by The St Francis Hospice charity. Other than the Golden crane public house, all other properties surrounding the premises are residential.

Avon Road is served by the 248 bus. Upminster railway and underground station are some 1.6 km away.

A map of the area is attached.

### Details of the application

The applicant seeks the below licensable activities which he requests last until 01 January 2045.

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	01:00

<b>Late Night Refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Friday & Saturday	23:00	02:00

<b>Hours open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	02:00

In mediation with the Police the applicant varied the requested hours to :-

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	23:00

<b>Hours open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	12:00	23:00
Friday & Saturday	12:00	23:30

However, in agreeing to the above hours, the applicant made no reference to the changing of the hours for Late Night Refreshment from 02:00. This needs to be clarified with the applicant. A copy of the E Mail trail is attached to my report.

In the sections devoted to detailing seasonal variations and non-standard timings on the form, the same entry has been submitted "Same as usual". There is no explanation of what this means, thus it is unclear what the applicant is requesting.

There are contradictory conditions within the application regarding the protection of children for harm section, which will be expanded by Mr Campbell in his representation.

### **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 4 December edition of the Romford Recorder.

There were some mistakes in the notice initially displayed at the premises. This was pointed out to the agent who submitted the application on behalf of Seyit Guzel. The notices were changed and correctly displayed eventually.

### **Summary**

There were four (4) representations against this application from responsible authorities.

### **Details of representations**

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder

- The prevention of public nuisance
- The protection of children from harm
- Public safety

### **Responsible authorities' representations**

Paul Campbell on behalf of the Licensing Authority makes a representation against the application based on all four of the Licensing Objectives.

John Giles, Havering Health and Safety, has submitted a representation covering the prevention of public nuisance and public safety objectives.

Sam Cadman for Planning and Marc Gasson for the Environmental Health (Noise) team, submit representations under the prevention of public nuisance objective.

There were no representations from any other responsible authority.



Arthur Hunt,  
Licensing Officer

Hi Dear Belinda,

Thank you for your email

I have spoken to the applicant and he is happy to accept following

Opening times until 23:30 Friday and Saturday

Alcohol Service Time: 23:00 Friday and Saturday as you have recommended so we can finalise this matter.

Kind Regards

Ali Kosele

**Alko Design**

2 Cheapside, North Circular Road  
London, N13 5ED

[www.alkogroup.co.uk](http://www.alkogroup.co.uk)

[akosele@alkogroup.co.uk](mailto:akosele@alkogroup.co.uk)

T: 0772 333 1891

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From: [Belinda.Rooney@met.pnn.police.uk](mailto:Belinda.Rooney@met.pnn.police.uk)

To: [alikosele@hotmail.com](mailto:alikosele@hotmail.com)

CC: [Jason.J.Rose@met.pnn.police.uk](mailto:Jason.J.Rose@met.pnn.police.uk)

Subject: RE: New premise licence - Upminster Kebab House, 127 Avon Road, Upminster  
RM14 1RQ

Date: Tue, 22 Dec 2015 09:02:38 +0000

Mr Kosele,

Thanks for your response, I have yet to run it by the Inspector and the other licensing officer for their views and I will get back to you today, it still may be that we will request that the premise close at 23:30 as stated.

Regards

**Belinda Goodwin 695kd**

**Licensing Officer - Metropolitan Police - Havering**

Met Phone **712804** | Direct **01708 779162** or **01708 432781** | Fax **01708 432554**

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX**

**RM1 3BJ** or **5th Floor, Mercury House, Mercury Gardens, RM1 3SL**

E mail - [Belinda.goodwin@met.pnn.police.uk](mailto:Belinda.goodwin@met.pnn.police.uk)

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**necessary.**

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**From:** ali kosele [<mailto:alikosele@hotmail.com>]

**Sent:** 21 December 2015 16:52

**To:** Goodwin Belinda'B' - KD

**Cc:** [Paul.Campbell@havering.gov.uk](mailto:Paul.Campbell@havering.gov.uk); Rose Jason J - KD

**Subject:** RE: New premise licence - Upminster Kebab House, 127 Avon Road, Upminster RM14 1RQ

Dera Ms Belinda

Sorry for not being able to respond your calls

In regards to your conditions and concerns that you have raised relating to tabove site

The applicant is happy to reduce the

Opening hours until 12:30am Friday and Saturday

Alcohol Service Time until 23:30pm on Friday and Saturday

Apart from these he is completely agree and accept your conditions that you have stated in your email below

Regards

Ali Kosele

**Alko Design**

2 Cheapside, North Circular Road

London, N13 5ED

[www.alkogroup.co.uk](http://www.alkogroup.co.uk)

[alikosele@alkogroup.co.uk](mailto:alikosele@alkogroup.co.uk)

T:0772 333 1891

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From: [Belinda.Rooney@met.pnn.police.uk](mailto:Belinda.Rooney@met.pnn.police.uk)

To: [alikosele@hotmail.com](mailto:alikosele@hotmail.com); [Paul.Campbell@havering.gov.uk](mailto:Paul.Campbell@havering.gov.uk)

CC: [Jason.J.Rose@met.pnn.police.uk](mailto:Jason.J.Rose@met.pnn.police.uk)

Subject: New premise licence - Upminster Kebab House, 127 Avon Road, Upminster RM14 1RQ

Date: Mon, 21 Dec 2015 12:15:10 +0000

[Mr Kosele,](#)



I need you to respond to me by the end of play today please, on the mobile number 07825735383 with regards to the e-mail below. I have tried calling on the numbers that you have provided on the application and I cannot get through to speak to anyone. Or e-mail me back with your thoughts as I will need it in writing, thank you.

Regards

**Belinda Goodwin 695kd**

**Licensing Officer - Metropolitan Police - Havering**

Met Phone **712804** | Direct **01708 779162** or **01708 432781** | Fax **01708 432554**

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX**

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**From:** Goodwin Belinda'B' - KD  
**Sent:** 18 December 2015 10:46  
**To:** 'alikoesele@hotmail.com'  
**Cc:** 'Paul Campbell'; Rose Jason J - KD  
**Subject:** New premise licence - Upminster Kebab House, 127 Avon Road, Upminster RM14 1RQ

Mr Guzel and Mr Kosele,

I am the Police licensing officer for the borough of Havering. I have looked at the application that you have submitted and have real concerns over the terminal hours that you are asking for. This is a residential area with premises directly above the venue and directly opposite. The local public house. A terminal hour of 23:30hrs would be more acceptable to Police and would uphold the four licensing objectives in a more robust way.

I would like to start a negotiation process at this time to see if we can come to a conclusion for all, as it stands Police will object to the current terminal hour of 0200hrs.

I would also like to see added the following conditions

**A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint**

made by a resident or neighbour of noise nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions taken to deal with the call. The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises. The premises daily register shall also record all incidents in relation to the use of any force by staff or door supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed and details of the staff members involved.

A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage. Drinks for consumption outside of the premises shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)

The premises licence holder shall implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

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 made available to a relevant responsible authority when called upon.

A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport.

The premises frontage shall be kept tidy at all times.

I am out of the office now for most of the day and will not be back until Monday 21st December 0800hrs, if you can get back to me by this time with your thoughts, I have tried calling the number that you have provided 07810495952 and it says that this number is no longer in use, if you can provide me with another one so that I can call you Monday I would appreciate it.

Regards

**Belinda Goodwin 695kd**

**Licensing Officer - Metropolitan Police - Havering**

Met Phone **712804** | Direct **01708 779162** or **01708 432781** | [Mob 07825735383](tel:07825735383) /

Fax **01708 432554**

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ** or **5th Floor, Mercury House, Mercury Gardens, RM1 3SL**

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**Havering**  
LONDON BOROUGH

Copy of Application

\* required information

## Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

127 AVON ROAD

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

SEYIT

\* Family name

GUZEL

\* E-mail

alikosele@hotmail.com

Main telephone number

07810495952

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

*Continued from previous page...*

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

### Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

### Postal Address Of Premises

Building number or name	<input type="text" value="127"/>
Street	<input type="text" value="AVON ROAD"/>
District	<input type="text" value="REINHAM"/>
City or town	<input type="text" value="LONDON"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="RM14 1RQ"/>
Country	<input type="text" value="United Kingdom"/>

### Further Details

Telephone number	<input type="text" value="07723331891"/>
Non-domestic rateable value of premises (£)	<input type="text" value="7,900"/>

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No



Continued from previous page...

### Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name	<input type="text" value="127"/>
Street	<input type="text" value="AVON ROAD"/>
District	<input type="text"/>
City or town	<input type="text" value="LONDON"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="RM14 1RQ"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail	<input type="text" value="alikosele@hotmail.com"/>
Telephone number	<input type="text" value="07810495952"/>
Other telephone number	<input type="text"/>

## Section 5 of 19

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

ITS A TRADITIONAL A3/A5 TURKISH RESTAURANT KEBAB HOUSE WITH ALCOHOL SERVICE

*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

SAME AS USUAL

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS USUAL

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

SAME AS USUAL DAYS

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS USUAL DAYS

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Continued from previous page...

**Enter the contact's address**

Building number or name	FLAT 10, ALMA HOUSE
Street	SEBASTAPOL ROAD
District	
City or town	LONDON
County or administrative area	
Postcode	N9 0PT
Country	United Kingdom
Personal Licence number (if known)	LN/000004207
Issuing licensing authority (if known)	HARINGEY COUNCIL

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

SAME AS USUAL DAYS

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS USUAL DAYS

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

OUR MAIN OBJECTIVES ARE PROTECT THE PUBLIC AND PREVENT THE NUISANCE DURING THE ANY LICENSABLE ACTIVITIES.

b) The prevention of crime and disorder

1- A digital CCTV system must be installed in the premises complying with the following criteria:

- Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- Cameras viewing till areas must capture frames not less than 50% of screen.
- Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- Cameras must capture a minimum of 16 frames per second.
- Be capable of visually confirming the nature of the crime committed.
- Provide a linked record of the date, time and place of any image.
- Provide good quality images – colour during opening times.
- Operate under existing light levels within and outside the premises.
- Have the recording device located in a secure area or locked cabinet.
- Have a monitor to review images and recorded picture quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Have signage displayed in the customer area to advise that CCTV is in operation.
- Digital images must be kept for 31 days.
- Police will have access to images at any reasonable time.

The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

c) Public safety

- 1- The maximum number of persons on the premises at any one time shall not exceed as shown on plans tables and chairs.
- 2- Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as ancillary to table meals.
- 3- Alcohol shall not be supplied otherwise than to persons taking table meals for consumption by such persons as ancillary to the meal.
- 4- Should the premises remain open for non-licensable activities customer shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.
- 5- At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities / from opening to until closing time.

d) The prevention of public nuisance

1- The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately 50m, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.



*Continued from previous page...*

- 2- All external doors and windows to be kept closed but not locked whilst live or recorded music is being played.
- 3- The external area at the front of the premises shall be designated for the use of smokers from 12:00 hours until closing time on 23:00 There shall be no more than 1 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.
- 4- At the conclusion of all regulated entertainment events a suitably worded announcement shall be made to the customers, requesting that they behave in a quiet manner whilst they are leaving the premises.
- 5- Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
- 6- Staff shall actively discourage patrons from congregating around the outside of the premises.
- 7- The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
- 8- Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
- 9- Litter bins and wall mounted ashtrays shall be provided outside the premises.
- 10- All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 12:00 hours.
- 11- Deliveries will not be made to the premises between the hours of 18:00 and 07:00

e) The protection of children from harm

- 1- All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
- 2- All training relating to the sale of alcohol and times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 3- The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
- 4- A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
- 5- No one under the age of 18 years shall be permitted to enter the premises unless accompanied by an adult.
- 6- Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.

*Continued from previous page...*

7- Children under the age of 18 are not permitted in the areas of licensable activities

8- Those under the age of 18 shall only be allowed on the premises to dine in the restaurant area and only when accompanied by an adult.

9- Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and be accompanied by an adult.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 - £100

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls, or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature.

The costs associated with these licences will be met by Central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number of attendance at any one time.

Capacity 5000 to 9999 - £1,000.00

Capacity 10000 to 14999 - £2,000.00

Capacity 15000 to 19999 - £4,000.00

Capacity 20000 to 29999 - £8,000.00

Capacity 30000 to 39999 - £16,000.00

Capacity 40000 to 49999 - £24,000.00

Capacity 50000 to 59999 - £32,000.00

Capacity 60000 to 69999 - £40,000.00

Capacity 70000 to 79999 - £48,000.00

Capacity 80000 to 89999 - £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

ALI KOSELE

Page 30

Continued from previous page...

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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### Legal and Public Notices

#### WINIFRED ELIZABETH HELLER (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 83 Parkstone Avenue Hornchurch Essex RM11 3LP, who died on 14/11/2015, are required to send particulars thereof in writing to the undersigned Solicitors on or before 12/02/2016, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice.

**HUGH JAMES**  
Hodge House 114-116 St Mary Street  
Cardiff CF10 1DY

7458186

#### LICENSING ACT 2003 NOTICE OF APPLICATION FOR A NEW PREMISES LICENSE

Notice is hereby given that SEYIT GUZEL has applied to Licensing Authority Havering London Borough Council for a New Premises Licence to permit:

**Sale of Alcohol**  
From 12:00 to 23:00pm (Sunday to Thursday), 12:00 to 01:00am (Friday to Saturday)

**Late Night Refreshment:** 11:00 to 23:00pm (Sunday to Thursday), 11:00 to 02:00am (Friday to Saturday)

For the premises: UPMINSTER KEBAB HOUSE  
Situating at 127 AVON ROAD, UPMINSTER, RM14 1RQ

Any Persons living or involved in a business or bodies representing them who wish to make a representation against the application, must do so by specifying the grounds of their representation to The Licensing Team, Havering London Borough Council, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD.

**WITHIN TWENTY EIGHT (28) DAYS FROM THE DATE OF THIS NOTICE.**

Such representation must be received in writing by: Day/Month/Year, clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003.

It is an offence liable on conviction to fine up to £5000 under section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application.

**REPRESENTATION STARTS DATE: 25/11/2015, END DATE: 23/12/2015**

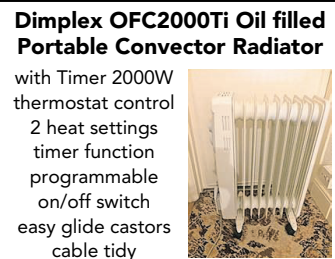
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telephone **07487 711288**



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**Telephone - 07487 711288**



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from single pieces to sets or whole layouts. Best Price Paid.  
07771 741948  
**MOST OTHER TOYS CONSIDERED**

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Tel. 07044820576 (DAGENHAM)

**DVD sets - Big Bang Theory, Rocky, Lethal Weapon, £5 each Tel. 07044877969 (UPMINSTER)**

**ELECTRIC HOB,** nearly new and in excellent condition and gas hob £99 Tel. 07044895724 (LONDON)

**DAVINA** cross trainer display functions, £50  
Tel. 07044899829 (ROMFORD)

**EASTGATE** Withersea 1960s 9" fawn tree trunk vase, £320 Tel. 07044877969 (UPMINSTER)

**ELECTRIC HOB,** new £55 Tel. 07044895724 (LONDON)

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ARCHANT







Upminster Kebab, 127 Avon Road



Scale: 1:1250  
 Date: 17 December 2015  
 Size: A4



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

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 Ordnance Survey 100024327



**Havering**  
LONDON BOROUGH

Representations from  
Responsible Authorities



## Public Protection

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

Havering Licensing Authority  
Town Hall  
Main Road  
Romford  
RM1 3BB

**Telephone: 01708 432766**  
Fax: 01708 432554  
email: paul.campbell@havering.gov.uk  
Textphone ☎: 01708 433175

Date: 23 December 2015

Your Reference:  
My Reference: 17439

### Upminster Kebab House, 127 Avon Road, Cranham, Upminster, RM14 1RQ

As a responsible authority within the definitions of the Licensing Act 2003 the Licensing Authority makes a representation against the application for a premises licence at the above venue.

My objection is based on the four licensing objectives, The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.

The London Borough of Havering Statement of Licensing Policy – Licensing Policy 012 states the times that licensable activity will normally be permitted they are

- Until 23.30hrs in residential areas
- Until 00.30hrs in mixed use areas
- No limits in leisure areas

The initial application was for

- Supply of alcohol on a Friday and Saturday to 01.00hrs
- Late Night Refreshment on a Friday and Saturday to 02.00hrs
- And the premises to be open on a Friday and Saturday to 02.00hrs

The applicant after negotiation with the police have now reduced their hours of operation to

Supply of alcohol ending at 23.00hrs each day

The premises closed at 23.00hrs Sunday to Thursday and 23.30 on a Friday and Saturday.

These hours now comply with Havering's Statement of licensing Policy

Some points of the application still need clarification to prevent public nuisance and protect children from harm.

**Public Protection** Bringing together Environmental Health & Trading Standards



Live and recorded music is mentioned in the operating schedule but not applied for in the application. (live music is deregulated until 23.00hrs on licensed premise)

Is there going to be music?

Is it just background music?

Is it just music covered by the de-regulation?

The smoking area at the front of the premises which is actually the pavement is going to be limited to one person at a time but there is no mention on how this is going to be managed by the persons working. This smoking area is directly below the windows of the flats above.

How will this be controlled?

The application contradicts itself as far as children are concerned

- *5- No one under the age of 18 years shall be permitted to enter the premises unless accompanied by an adult.*
- *6-Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.*
- *7- Children under the age of 18 are not permitted in the areas of licensable activities*
- *8- Those under the age of 18 shall only be allowed on the premises to dine in the restaurant area and only when accompanied by an adult.*
- *9- Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and be accompanied by an adult.*

The application is asking for all of the premises to be licensed, I do not understand what the application is stating so possibly staff trying to operate to these conditions would also be confused.

The application is asking for Late Night Refreshment for indoors only so this is not a take away venue application.

There is no mention in the negotiations with the police of Late Night refreshment hours being reduced to the earlier time but would seem logical that it should be in line with the new closing times.

This point needs to be clear to all concerned.

I respectfully ask that the Licensing Sub-Committee consider my representation and in line with the London Borough of Havering Statement of Licensing Policy and clarify the points I have mentioned so everyone is clear as to what is actually being applied for before considering this application.

Yours faithfully



Paul Campbell

Licensing Specialist for the London Borough of Havering



## Public Protection

Mercury House, Mercury Gardens  
Romford RM1 3SL

## memo

From: Marc Gasson-Environmental Protection  
Officer

To: Licensing Team (Paul Campbell)

**Please call: Marc Gasson**

**Telephone: 01708 432777**

**Fax: 01708 432554**

**email: [environmental.health@havering.gov.uk](mailto:environmental.health@havering.gov.uk)**

**Text Relay for the deaf, speech impaired  
or hard of hearing: 18001 01708 432777**

**My Reference : MDG/017439**

**Your Reference :**

**Date: 27 November 2015**

### **Licensing Act 2003-Application For A Premises Licence. Upminster Kebab House, 127 Avon Road, Cranham, Essex.**

I refer to the above application and would object to the premises operating after 23:00 hours on any day due to the potential for public nuisance for the following reasons:-

1. The close proximity of residential properties to the premises in question, both the flats above and those opposite.
2. The likelihood of patrons congregating outside the premises, thereby noise from raised voices, vehicle noise and car audio systems causing significant noise disturbance to nearby residents, particularly with the proposed hours of opening until 02:00 hours on Friday and Saturday nights.

I trust this clarifies my position

Marc Gasson  
Environmental Protection Officer

"Upminster Kebab House", 127 Avon Road, Upminster, RM14 1RQ

### Summary

This written representation is submitted to object to the licence application in connection with the property known as "Upminster Kebab House", located at 127 Avon Road, Upminster, RM14 1RQ. This is raised in direct relevance to the licensing objection specific to the "Prevention of Public Nuisance".

### Site description:

The site is situated on the north side of Avon Road, on the ground floor of a parade of shops, located within a 3-storey building. The site is located in very close proximity to many residential homes, with the top 2 floors of the building being residential units in the form of flats. There are residential flats located opposite the site in Avon House and Avon Court, as well as residential homes nearby in Kennet Close, Moultrie Way, and to the east and the west along Avon Road.

### Consideration for representation.

A planning application was recently submitted under reference P1317.15 for the "*Erection of single story rear extension and change of use from A1 [shop] to A3/A5 [restaurant with some takeaway].*" This was granted on 23<sup>rd</sup> October 2015, and there were several conditions attached to the development, including:

2. The ground floor premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 23:00 on any day including Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

In granting this planning permission [P1317.15] for the use of the premises, consideration was given to the prevention of public nuisance; and most notably to the local residents located in close proximity. The application to vary the licence seeks to have the use operating outside of the times recently approved by planning; which have not been appealed against or challenged / changed. As this is the case, planning would object to the application as it seeks to have use operating past these approved times until the late hour (being open until 02:00hrs); and would be contrary to the licencing policy 007. As such, granting a licence with the hours applied for would increase the noise and activity in the late evening / early morning (when there is a lower ambient noise level in the area) to a level that has not been prevalent to the distress of the local residents and to the general public. Therefore allowing these times applied for is deemed unacceptable and neighbourly; and contrary to Licencing policy 008. Furthermore, allowing alcohol to be served until the late evening / early morning may increase the chance of persons under the influence loitering in the nearby areas causing anti-social behaviour; which may be especially prevalent given the large pedestrianized areas close to the premises; most notably outside Avon House and Avon Court.

The only way that the concerns of planning services would be alleviated would be to grant a conditional licence; limiting the opening hours to those stated in the planning condition above, and adding additional restrictions using the model conditions set out under Havering's licencing policy (Conditions PN1-PN23).

It must also be noted that any unauthorised development or use would be liable for enforcement action (including operating / opening outside of hours conditioned by a planning application), which may include the service of a Breach of Condition notice and / or prosecution.

**LONDON BOROUGH OF HAVERING**

**TOWN AND COUNTRY PLANNING ACT 1990**

**AGENT**

Mr tarik shekerzade  
159a Scotland Green Road  
Enfield  
EN3 4RB

**APPLICANT**

Mr tarik shekerzade  
Westpole Properties Ltd  
159a Scotland Green Road  
Enfield  
EN3 4RB

**APPLICATION NO: P1317.15**

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:** Erection of single story rear extension and change of use from A1 to A3/A5

**Location:** 127 Avon Road  
Upminster

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

Avon-01  
Avon-02  
Avon-03  
Avon-04  
OS sitemap

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

Reason:-

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

- 2 The ground floor premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 23:00 on any day including Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 4 No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 5 Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 6 Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

7

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority.

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:-

To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

8 a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason:-

To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

#### INFORMATIVE(S)

- 1 A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
- 2 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.

Dated: 23rd October 2015



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](http://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.



**Licensing Act 2003 representation pro-forma**

Should you wish to comment on a licence application this form intended to help you. Please feel free to attach additional sheets.

You do not have to make any comment, and comments may be made in support of as well as against the application, providing they refer to one or more of the licensing objectives. We require your personal details, as we are unable to accept anonymous representations. (See below about the Licensing Authority withholding personal details)

**Premises Name and address:** \_\_Upminster Kebab House , 127 Avon Road \_\_\_\_\_

**Your Name:**\_\_John Giles\_Health and Safety Officer \_\_\_\_\_

**Your Address:**\_\_Public Protection, London Borough of Havering, Mercury House, Mercury Gardens,\_Romford, Essex. \_\_\_\_\_

**Email:**\_\_john.giles@havering.gov.uk. \_\_\_\_\_

**Telephone:**\_\_ \_\_\_\_\_

Please comment on the below licensing objectives relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed:

**Public Nuisance**

The application is in a parade of shops with residential premises above.

Havering's Statement of Licencing Policy suggests that the terminal hour in a mixed use area should be 00.30. The premises directly fronts onto the road with residential properties opposite and above the premises. The premises is likely to generate noise from the dispersal of customers leaving and driving away from the premises and from smokers who congregate outside to smoke.

There are no details on the plan of the ventilation provision. This type of premises can cause a smell nuisance by the use of charcoal if the ventilation is insufficient.

**Crime and Disorder**

**Protection of Children from Harm**

**Public Safety**

The proposed arrangements at the premises as shown on the submitted plan are insufficient for the safe preparation of food in that there is an inadequate preparation area and no wash hand basin in the cooking area to prevent cross contamination from raw to cooked food and the potential for food poisoning. The plans as submitted would not meet with food safety legislation.

I wish my identity to be kept anonymous /No –

We can withhold personal details where there is a genuine reason to do so; if you wish your name and address details to be withheld then please explain the reason:

[Empty box for providing reasons for withholding details]

Copies of this representation will be sent to the applicant, or their agent/solicitor, including name and address details (but other personal contact information such as telephone numbers and email addresses will be removed) unless you have specifically requested anonymity. Copies of this representation will be included in a report that will be available to the public and will be published on the internet.

**Please ensure name and address details completed above**

Return to:

Licensing, London Borough of Havering, C/O Town Hall, Main Road, Romford RM1 3BD

or send by email to: [licensing@haverling.gov.uk](mailto:licensing@haverling.gov.uk)