

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
24 February 2016 (2.30 - 3.00 pm)**

Present:

COUNCILLORS

Linda Van den Hende (Chairman), Keith Roberts and Frederick Thompson.

Present at the meeting were Mr Eugen Movilau (applicant), Mr Quraish Adamally (applicant's representative), Mr Csoba Biro (applicant's representative), Paul Jones, Licensing Officer and Philip Jones, Planning Officer.

Also present were the Council's Legal Advisor and the Clerk to the Sub-Committee.

All decisions were taken with no votes against.

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

2 LUCKY DREAMS 888, 15 TADWORTH PARADE, HORNCHURCH, RM12 5AS - APPLICATION FOR PREMISES LICENSE

PREMISES

Lucky Dreams 888
15 Tadworth Parade
Hornchurch
RM12 5AS

DETAILS OF APPLICATION

The application for a premises license was made under section 17 of the Licensing Act 2003 ("the Act")

APPLICANT

ZS and EU Restaurant Ltd
15 Tadworth Parade
Hornchurch
RM2 5AS

1. Details of requested licensable activities

The application was to permit the following licensable activities:

Live music*		
Day	Start	Finish
Friday and Saturday	16:00	20:00

*It was noted that live music provided during these hours at this premises would not constitute a licensable activity.

Recorded music**; supply of alcohol (on premises)		
Day	Start	Finish
Monday to Thursday	11:00	22:00
Friday	11:00	23:00
Saturday	10:00	23:00
Sunday	11:00	21:00

**It was noted that recorded music provided during these hours at this premises would not constitute licensable activity.

Hours premises open to the public		
Day	Start	Finish
Monday to Thursday	09:00	22:00
Friday & Saturday	10:00	23:00
Sunday	11:00	21:0

With regard to the provision of live music the operating schedule contained the following submission:

Live music might be provided on special holiday events but will be between 16:00pm and 20:00pm. This might extend on the 31st October/ 24th December and 31st December and we will write to council to obtain approval for those individual events outside the personal license issued.

Such ad hoc approval would not be permissible in these circumstances; any non-standard timings would have to be defined at the application stage for inclusion on the licence.

2. Promotion of the Licensing Objectives

The application acted in accordance with regulation 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulation 2005 relating to the advertising of the application. The required public notice was installed in the 22nd January 2016 edition of the Romford Recorder.

Further to mediation between the applicant and the Licensing Authority and the applicant and the Police, amendments to the operating schedule were submitted during the application's consultation period and included within the Licensing Officer's report.

3. Details of Representations

Valid representations may only address the four licensing objectives.

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

There were no representations against the application from interested persons.

There was one representation against the application from a responsible authority. However, at the meeting the Planning Authority, who had made representations, indicated that mediation had taken place prior to the hearing, and agreement with the applicant had been sought to discharge the conditions attached to the original planning application which was approved in 2006. It was suggested that a new planning application would be received by the Planning Authority within 2 - 4 weeks.

Responsible Authorities

Chief Officer of Metropolitan Police ("the Police"): None

Licensing Authority: None

Planning Control & Enforcement: One

Public Protection: None

London Fire and Emergency Planning Authority ("LFEPA"): None

Health & Safety Enforcing Authority: None

Public Health: None

Children & Families Service: None

The Magistrates Court: None

4. Determination of Application

Following the decision from the Planning Authority to withdraw their representation the Sub-Committee wished to seek clarification on some areas of the application.

The Planning Authority informed the Sub-Committee that the premises had been granted planning permission in 2006 for change of use to A5 use (Takeaway). The premises had been operating as a takeaway from 2008 to 2012 and 2014 to 2015, with no issues. The Planning Authority would consent to the application for the A3 use (restaurant) as this was considered to be less disruptive to neighbouring residents. It was noted however that within the conditions the hours of operation would be acceptable to the Licensing Authority however the planning permission stated that the opening times for Sunday would be 17:00 – 22:00, which was contradictory to the licensing application, which requested 11:00 – 21:00. Therefore a variation for planning would need to be applied for.

Mr Adamally (the applicant representative) stated that they would comply with the planning application and would operate a good restaurant and would complete a variation to ensure that the application was lawful.

The Sub-Committee noted the changes in conditions following mediation with the Licensing Authority and the Police, as included in the addendum to the Licensing Officers report, with the suggestions that condition 14 was contradictory. Given that the outside area, which was suggested would be used for smokers, was the public highway, this would be very difficult to enforce, therefore it was agreed by all parties that the second sentence of condition 14 should be removed.

The applicant assured the Sub-Committee that they would ensure only a maximum of 3 smokers would be allowed outside of the premises and that signage would be displayed.

Decision

Consequent upon the hearing on 24 February 2016, the Sub-Committee's decision regarding the application for a premises license for Lucky Dreams 888, 15 Tadworth Parade, Hornchurch, RM12 5AS.

The Sub-Committee **RESOLVED** to grant the premises license with both the mandatory conditions and those set out in the addendum and agreed on 22 January 2016 and 2 February 2016 with the change to condition 14 as agreed at the hearing to read:

“No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or glass bottle, whether empty or containing any beverage”.

The Sub-Committee suggested that the applicant should not operate outside of the agreed hours approved by planning as they would be in breach planning conditions.

Chairman