MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
9 March 2016 (10.30 am - 12.05 pm)

Present:

COUNCILLORS

Conservative Group	Linda Trew
Residents' Group	John Wood
East Havering Residents' Group	Linda Van den Hende (Chairman)

Present at the hearing were Mr Haseebullah Rahmatullah - applicant, Mr Graham Hopkins - applicant representative. Police Licensing Officers PC Oisin Daly and Belinda Goodwin, Marc Gasson - Havering Noise Specialist Officer, Mr Sam Cadman – Planning Enforcement and Havering Licensing Officers Paul Jones and Arthur Hunt.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was disclosed at this meeting.

3 **APPLICATION TO VARY A PREMISES LICENCE - HOT AND TASTY CHICKEN & PIZZA 140 SOUTH STREET, ROMFORD, RM1 1TE**

PREMISES
Hot & Tasty Chicken
140 South Street
Romford
Essex
RM1 1TE

APPLICANT
Joyan Ltd
140 South Street
Romford
Essex
RM1 1TE

1. Details of Application

The application to vary a premises licence had been made by Joyan Ltd under section 34 of the Licensing Act 2003.

The current premises licence hours were:

Recorded music		
Day	**Start**	**Finish**
Monday to Saturday	11:00	01:00
Sunday	11:00	00:00

Late night refreshment		
Day	**Start**	**Finish**
Monday to Saturday	23:00	01:00
Sunday	23:00	00:00

2. Details of Application

Recorded music		
Day	**Start**	**Finish**
Monday to Thursday	11:00	02:00
Friday & Saturday	11:00	04:00
Sunday	11:00	00:00
Sundays of bank holiday weekends, Christmas Eve, New Year's Eve	11:00	04:00

Late night refreshment		
Day	**Start**	**Finish**
Monday to Thursday	23:00	02:00
Friday & Saturday	23:00	04:00
Sunday	23:00	00:00
Sundays of bank holiday weekends, Christmas Eve, New Year's Eve	23:00	04:00

Hours premises open to the public		
Day	**Start**	**Finish**
Monday to Thursday	11:00	02:00

Friday & Saturday	11:00	04:00
Sunday	11:00	00:00
Sundays of bank holiday weekends, Christmas Eve, New Year's Eve	11:00	04:00

3. Promotion of the Licensing Objectives

The applicant had 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 29 January 2016 edition of the Havering Yellow Advertiser.

The Sub-Committee noted from the Licensing Officer's report that halfway through the consultation period the applicant had submitted an undated and signed document for consideration entitled 'Cumulative Impact Zone (CIZ) Statement' in which it was stated that 'the applicant was seeking the restoration of the hours previously enjoyed prior to the Review bought against the previous owners'. The CIZ Statement suggested that the extension to the hours of operation at the premises 'would not add to negative cumulative impact but would in fact reduce it.'

All licensed premises in Havering were subjected to Havering's new Licensing Policy which had come into force on 7 January 2016. The area in which this premises was located resided is a designated Cumulative Impact Zone (CIZ). Licensing policy 2 addressed the CIZ thus:

Licensing Policy 2

The Licensing Authority had adopted a special policy relating to cumulative impact in relation to:

- Romford town centre within the ring road
- St Andrews Ward

The policy created a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that would add to the existing cumulative impact, would normally be refused unless the applicant could demonstrate why the operation of the premises would not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives. The exception to this policy would be for applications for restaurants where alcohol was sold ancillary to a table meal and the terminal licensing hour was in line with the policy.

The application in section M had indicated that the existing conditions were to remain in force and were *considered to be adequate* to aid the promotion of the licensing objectives during the extended terminal hours for the provision of recorded music and late night refreshment to 02:00 during the week and 04:00 at the weekend.

On 6 March 2016, the applicant's agent had requested to amend the application accordingly:

- The requested extended standard hours were amended to Thursday to Saturday until 02.00 only;
- The requested nonstandard timings for Bank Holiday Sundays, Christmas Eve and New Year's Eve remain until 02.00.
  A request for extended hours Monday to Wednesday was withdrawn.

The applicant had also offered the following conditions:

1. A number will be published in the shop window for residents to call with any concerns details of which and the outcome are to be recorded in the premises daily register;
2. A flyer / note with the shop phone number on inviting residents in the flats above to contact the shop with any concerns will be delivered to the flats above the shop.

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 four representations against this application from responsible authorities; namely the Police, Havering's Licensing Authority, Havering's Planning Service and Havering's Environmental Health Department.

PC Belinda Goodwin - Metropolitan Police. PC Goodwin's objection related to the prevention of crime and disorder, the prevention of public nuisance and public safety.

Mr Marc Gasson - Noise Specialist officer, had made representation against the application on the behalf of Havering's Environmental Health Department. Mr Gasson's representation related to the prevention of public nuisance.

Mr Arthur Hunt - Licensing Officer, had made representation against the application on behalf of Havering's Licensing Authority. Mr Hunt's objection related to the prevention of crime and disorder and the prevention of public nuisance.

Mr Samuel Cadman - Planning Enforcement, following notification of the amendment to the operating schedule, Mr Cadman had withdrawn the

representation, stating that as the hours were now in line with the planning conditions set out in P01360.04, Planning Services were happy to withdraw the representation to the variation to the licence application.

4. Details of Representations

Chief Officer of Metropolitan Police ("the Police"):

Police Sergeant Stephen Mangham addressed the Sub-Committee reaffirming the representation he had made in the agenda pack. Sergeant Mangham noted that the applicant had revised his operating schedule which was welcomed as a good compromise but the Sub-Committee was informed that the Police would suggest that the premises closing time remain at 01:00 hours although the venue was quite well run

Sergeant Mangham had stated that Romford Town Centre was a busy centre with several late night drinking venues which were situated around Romford Train station on South Street. The size of the night time economy was second only to the West End for footfall into the various venues.

It was stated that policing the town at night presented various complications from a Police point of view with licensing, violent crime, public safety and counter terrorism being some of the issues facing police officers. The Sub-Committee was informed that the Police faced a struggle by 02:00 hours when a lot of officers were away from the Centre following arrests and often, by 04:00 hours, there were just three or four officers left policing the South Street hub. This meant that these officers had to cover the safe dispersal of over one thousand (1000) people who exit the nightclubs onto the street in a very short space of time from around 03:45 to 04:30 hours.

Sergeant Mangham was of the view that another late trading take away would become a focus for persons looking to get late night food and drink as well as getting a mini cab. This had the potential to attract an increase in violent crime in the immediate area commensurate with the kind of increases seen in and around other late/ end of night food venues.

There would be an increased risk to the public in the final hours of the evening and over burden the existing policing of the night time economy. Thus Sergeant Mangham could not support that the hours of trading for Hot and Tasty be extended.

PC Belinda Goodwin

PC Goodwin - Havering Licensing Officer appeared before the Sub-Committee and re-iterated the points she had raised in her objection which were as follows:

The premises were situated in the heart of the transport hub in Romford town centre within a row of shops including a mini cab station that had

residential flats above. There were also a large block of flats that sit behind the venue with a car park in between.

There were a high volume of off licences and take away restaurants in the area which fell under the licensing policy 2016 (2) which was a specific policy relating to cumulative impact in relation to Romford Town Centre.

The Policy stated that the applicant had to demonstrate why the operation of the premises involved would not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives, PC Goodwin was of the view that the application had not addressed this issue.

The local Town Centre Team had expressed concerns regarding the issues that would arise from the terminal hours being agreed which could be impactful. The fact the premises was in the centre of the transport hub could add to the dispersal and congregation of persons within the area increasing the likelihood of anti-social behaviour and adding to crime and disorder. This congregation of persons was contrary to the transport hub acting as the final level of dispersal for persons leaving Romford Town Centre.

In the immediate vicinity of the venue were bus stops leaving to all areas of Havering and beyond and one of the largest cab companies in the town centre. Although there were Taxi Marshalls within the area their efficiency was debatable, there had been a robbery reported at one of the bus stops where a young male had been held against his will at a bus stop by the suspect, whilst the other suspect went to the victims ATM to withdraw cash from his account.

The area was also frequented by a local gang known as “The Station Crew” and these premises would be another venue where they may target the vulnerable who were often intoxicated and became easy “victims” for these members.

Although the venue was situated in the Town Centre there had been noise and anti-social behaviour complaints recorded from residents of Charrington Court. If the venue was allowed to open to the terminal hour it could encourage patrons to congregate in the area and interfere with residents going to work or just trying to go about their day to day business.

The impact of allowing the premises to open till later on the local Police service would be quite detrimental. Officers had to deal with patrons leaving the pubs and clubs from 01.00 hours to 04.00 hours and worked really hard in getting them away from the centre as efficiently and as safely as possible, if there was yet another take away open to a later time then this would prove a lot harder to do. The Police had incidents on a regular basis past 01.00hrs that were generated from the restaurants and take away venues that become hot spots for violent disorder and general anti-social behaviour.

The Havering Licensing Officer made reference to a further report that was submitted which outlined intelligence data detailing 57 crimes that were

linked to the vicinity of 140 South Street, within 200 metre radius for a six month period between 1 September 2015 and 28 February 2016.

The Police made mention that a recent application for a Temporary Event Notice to remain open till 04:00 hours had been rejected at a Sub-Committee hearing. PC Goodwin added that before her time in this position another TEN to operate till 03:00 hours had been unchallenged.

The Police were also of the view that an application seeking additional hours without being able to evidence effective dispersal at the current hours was unacceptable.

PC Goodwin concluded commenting that the Police Service could not cope with another business in the Town Centre having later opening hours. The Police were of the opinion that the variation was financially driven, the Sub-Committee was also informed that since the premises returned to its present closing hours of 01:00 hours, no incident had been recorded against the premises.

Licensing Authority – Mr Hunt had reiterated the issues outlined in the submitted representation that raised concerns in relation to the prevention of public nuisance and the prevention of crime and disorder licensing objectives.

The Sub-Committee was informed that the premises was better run than under the previous owner but the location of the premises was the issue.

Mr Hunt stated that if the premises was permitted to open for longer hours, they would have to deal with intoxicated customers for a longer period, thus the possibility of further crime and disorder increased.

The Licensing Authority contended that any increase in hours could lead to the potential to cause residents further nuisance.

It was the opinion of the Licensing Authority that this application does not meet the threshold set out in Havering's Licensing Policy 2:-

The Policy created a rebuttable presumption that an application for new premises licences, club premises certificates, or variation applications that would add to the existing cumulative impact, would normally be refused, unless the applicant was able to demonstrate why the operation of the premises involved would not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives.

The Sub-Committee was informed that the Licensing Authority had received the mailed conditions and had agreed that they were appropriate but required some re-wording in conjunction with the Police.

Public Health - Mr Gasson, the Havering Noise Specialist officer appeared before the Sub-Committee and reiterated the points detailed in the representation.

The Sub-Committee was informed that the applicant had submitted the following statement with regards to addressing the licencing objective on "prevention of public nuisance"

1. We will operate our business in a responsible manner and actively promote the licensing objectives at all times.
2. All existing conditions to remain in force and are considered to be adequate.

The information was limited and in Mr Gasson's opinion failed to address the licensing objective for the following reasons:

1. The noise from patrons congregating outside the premises.
2. The noise created by patrons staying later into the early hours of the morning in the Town Centre and in larger numbers. Although the applicant had no control of their patrons once they are away from the premises the fact that the premises is open till later is the reason why the problems are arising to a later and much more unsociable hour.

The Havering Noise Specialist Officer had stated that the potential problems associated with the application was compounded by the fact that there were a significant number of residential properties in close proximity to the premises in question; flat directly above the premises and above adjacent shops in the parade, flats in Charrington Court, South Street and flats and houses in surrounding streets i.e. South Street, Victoria Road and Regarth Avernue.

The Sub-Committee was informed that any extension in the licensing hours would potentially result in an increase in the length of time residents were exposed to potentially unacceptable levels of noise and also that this level was going to be louder as there were a larger number of patrons producing that noise.

Mr Gasson had stated that given these reasons, the application goes directly against Licensing policies 2, 7, 14 and 16 and also failed to address the concerns with regards to the "prevention of public nuisance".

5. Applicant's response.

The applicant's agent, Mr Graham Hopkins, had addressed the Sub-Committee and lead the applicant in narrating a racial incident that took place on 11 January 2016 which was on-going with the Police. The Police had been given the CCTV and the matter was going to court at the end of March. The security around the counter area had been improved so that nobody can get inside.

The Sub-Committee was informed that the past history of the premises does not involve the current owner, Mr Rahmatullah. The applicant since taking

over the premises had installed a door and a cover to shield staff from the public and wanted a level playing field to operate. It was stated that the premises previously had a licence to operate till 02:00 hours.

The Sub-Committee was informed that the applicant was in regular liaison with resident above the premises and Mr Rahmatullah intended to distribute flyers to all resident providing them with a direct contact number to raise any concern. The residents were his customers. No residents had complained about the later operating times.
Mr Hopkins informed the Sub-Committee that the vicinity of the premises was a fairly noisy area and was of the opinion that residents were aware of the noise in the surrounding area.

The Sub-Committee noted that the applicant had submitted a dispersal policy and informed that staff training had also been revised.

The applicant's agent confirmed that a previously applied for TEN in June 2015 for the terminal hour of 03:00 hours had not received any objections from the responsible authorities for an event which went well. The applicant was shocked by the incident in July 2015 and had taken steps to protect his staff and customers since the incident. Mr Rahmatullah was doing things that promoted the licensing objectives. The premises does not play music. The current licence conditions required that door supervisor was present on specific days. There would also be a member of staff to direct customers to the bus stop and cab rank when the door supervisors were not at the shop. The applicant had undertaken his own risks assessment and had a good CCTV system which was checked every day. The applicant wanted to work with the Responsible Authorities.

The Sub-Committee was informed that the current menu would be operated until 23:00 hours when a revised electronic menu would be available. There would be no sitting down after 23.00 hours.

Mr Hopkins was of the view that opening the premises till later would not lead to an increase in anti-social behaviour or to a problem in the dispersal of people form the Town Centre.

The applicant's agent commented that there were at least four other takeaways in the vicinity of his premises that had extended licensable hours until 04.00 hours.

6. Determination of Application

Consequent upon the hearing on 9 March 2016, the Sub-Committee's decision regarding the application to vary a premises licence for Hot & Tasty Chicken, 140 South Street, Romford, Essex, RM1 1TE was as set out below, for the reason stated.

The Sub-Committee was obliged to determine the application 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.

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which were:

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

- The prevention of public nuisance

The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.

- The prevention of crime and disorder

The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.

- Public Safety

The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.

7. Decision

The Sub-Committee having considered all representations and having taken particular account of the Police evidence on the impact on crime and disorder should another fast food outlet be granted extended hours; taking into account Licensing Policy 2 and the Cumulative Impact Statement offered by the applicant, the Sub-Committee was not convinced that the information satisfactorily covered how any adverse impact on the licensing objectives would be addressed. The Sub-Committee noted that a dispersal policy had been offered which required further work in conjunction with the Licensing Authority and the Police. In all these circumstances, the Sub-Committee agreed to adjourn the hearing for two months to enable all parties to undertake further negotiation.

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Chairman