

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
15 February 2016 (10.30 - 11.30 am)**

Present:

COUNCILLORS

Conservative Group

Residents' Group

East Havering Residents' Group Linda Van den Hende (Chairman)

Independent Residents Group Keith Roberts

UKIP Group Phil Martin

Present at the meeting were Mr Haseebullah Rahmatullah (applicant), Marc Gasson (Havering's Protection Team) and PC Belinda Goodwin.

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 APPLICATION FOR A TEMPORARY EVENT NOTICE FOR HOT AND TASTY CHICKEN 140 SOUTH STREET, ROMFORD, ESSEX RM1 1TE

PREMISES

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

APPLICANT

Mr Haseebullah Rahmatullah
140 South Street
Romford
Essex

RM1 1TE

1. Details of Application

The Provision of Late Night Refreshment		
Day	Start	Finish
Saturday 20/02/2016	01:00	04:00
Sunday 21/02/2016	01:00	04:00

In real terms if permitted this would allow the premises to continue trading from Friday night (19/02/2016) until 04:00 Saturday morning (20/02/2016) and from Saturday night (20/02/2016) until 04:00 Sunday morning (21/02/2016).

Objection notice(s)

Under the Licensing Act 2003 as amended, the police and Environmental Health had three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).

The application was made on line on Thursday 4 February and accepted by the licensing authority on Friday 5 February, Environmental Health's representation was received by the licensing authority on Monday 8 February 2016 and the police representation received on Tuesday 9 February 2016.

2. Grounds of Objection

There were two objection notices made against the TENs from responsible authorities.

Havering's Noise Specialist, Mr Marc Gasson, submitted an objection on 8 February 2016 on the grounds of the prevention of public nuisance.

PC Belinda Goodwin submitted an objection on 9 February 2016 on the grounds of the prevention of crime and disorder, public safety and prevention of nuisance.

3. Details of Representations

Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared before the Sub-Committee and re-iterated the points he had raised in his objection which were as follows:

The applicant had submitted the following with regards to addressing the licencing objective “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.

This information was limited and in Mr Gasson’s opinion failed to address his concerns with regards to the following:-

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 were away from the premises the fact that the premises was open till later was the reason why the problems were arising to a later and much more unsociable hour

The potential problems associated with the application were compounded by the fact that there were a significant number of residential properties in close proximity to the premises in question.

1. There were flats directly above the premises and above adjacent shops in the parade.
2. Flats in Charrington Court, South Street.
3. Flats and houses in surrounding streets ie South Street, Victoria Road and Regarth Avenue.

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 these levels were going to be louder as there were a larger number of patrons producing that noise.

Given the reasons detailed above, the application goes directly against licensing policies 2, 7, 14 and 16 and also failed to address Mr Gasson’s concerns with regards to the “prevention of public nuisance”. In effect any extension in hours was only likely to exacerbate the noise disturbance experienced by nearby residents. As this was the likely case and the applicants operating schedule did not address Mr Gasson’s concerns, Public Protection asked that the Licensing Sub-Committee refuse the application to for a Temporary Event Notice.

PC Goodwin 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 was 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, the application had not shown this.

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 that by allowing the premises to open later would have on the local police service would be quite detrimental. Officers had to deal with patrons leaving the pubs and clubs from 01.00hrs to 04.00hrs and worked really hard in getting them away from the town 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.

PC Goodwin concluded by commenting that the police service could not cope with another business in the town centre having later opening hours and that she was not confident that the applicant would comply with additional conditions on the TEN.

4. Applicant's response.

The applicant, Mr Haseebullah Rahmatullah, addressed the Sub-Committee and commented that he did not believe that his premises opening later would lead to an increase in anti-social behaviour or to a problem in the dispersal of people from the town centre.

The applicant commented that there were at least two other takeaways in the vicinity of his premises that had extended licensable hours until 04.00hrs and that the food he sold was prepared in a much shorter time span than say someone purchasing a kebab from another shop.

Mr Rahmatullah commented that previous incidents of crime and disorder that had taken place in and around his premises had taken place under a previous ownership regime and that there had been no incidents in around his premises since he had taken over the business approximately fifteen months ago.

The applicant confirmed that he had applied for the Temporary Event Notice (TEN) to prove to the Sub-Committee his ability to be able to efficiently run his business to a later terminal hour prior to having an already submitted application, for an extended premises licence, heard by the Sub-Committee in the next few weeks.

The applicant also confirmed that he had previously applied for a TEN in June 2015 which had been acknowledged by the Licensing Authority but had not received any objections from the responsible authorities. The previous TEN had been for the terminal hour of 03.00hrs.

The applicant also confirmed that there was a typographical error in his application that stated that the maximum number of customers on the premises was to be twenty five this was in fact supposed to be ten.

In response to a question regarding the table and chairs in the premises, the applicant confirmed that all tables and chairs were removed from the dining area and tied up after 23.00hrs.

Mr Rahmatullah also confirmed that a door supervisor was employed between the hours of 23.00 and 01.00 on Thursday, Friday and Saturday evenings and on Sunday evenings prior to a Bank/Public holiday and on Christmas and New Year's Eve.

The applicant was asked by the Sub-Committee to explain the additional steps that he would take to address the concerns of the responsible authorities between the hours of 01.00 and 04.00.

The applicant commented that he was investing in digital menus and simplifying his menu to ensure customers were served more promptly leading to easier dispersal. The choice of menu options would be reduced from fifty to ten. He would also no longer be serving pizza. Customers were

not allowed to stand and eat in the shop and the door supervisor moved customers on from outside the premises. Additional staff were also being employed to cut down on queues from forming on the premises. Serving customers quickly would minimise the impact of people being in the area as they could get a cab or bus and leave the area quickly. If the police advised them to take additional measures, they would take their advice and implement.

5. Determination of Application

Consequent upon the hearing held on 15 February 2016, the Sub-Committee's decision regarding the application for a Temporary Event Notice for Hot and Tasty Chicken is as set out below, for the reasons 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.

6. Decision

Having considered the oral and written submissions of the applicant and the representations from the responsible authorities in relation to the application the Sub-Committee considered that to grant an extension to the late night refreshment licence from 01.00hrs to 04.00hrs would delay the dispersal of patrons from the town centre which would have a potential adverse impact on the prevention of crime and disorder objective as police resources would be adversely impacted on. In addition given the proximity of residential accommodation to the premises there would be an adverse impact on the prevention of public nuisance objective. The applicant did not show how any impact to the cumulative impact section of the policy would be mitigated against. The Sub-Committee therefore decided to **refuse** the Temporary Event Notice application.

Chairman