



# Haverling

LONDON BOROUGH

## LICENSING SUB-COMMITTEE UPMINSTER KEBAB HOUSE (RECONVENED)

### AGENDA

<b>10.30 am</b>	<b>Monday 14 March 2016</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

**COUNCILLORS:**

Robert Benham  
Linda Van den Hende (Chairman)  
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 INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any 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 UPMINSTER KEBAB HOUSE, 127 AVON ROAD, UPMINSTER, RM14 1RQ (Pages 7 - 12)**

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

14 March 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.



Copy of Application

## Upminster Kebab House / Clarified Application

Requested hours for the sale of alcohol daily all week. (on sales only)

12.00 to 23.00

Opening hours 12.00 to 23.30 daily all week.

### Revised Conditions

#### General

WE WILL OPERATE OUR BUSINESS IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.

THE RESTAURANT WILL OPERATE STRICTLY AS A RESTAURANT AT ALL TIMES. A TAKE AWAY SERVICE WILL BE AVAILABLE FOR CUSTOMER COLLECTION.

#### Prevention of Crime and Disorder

1) A) A CCTV SYSTEM COVERING THE INTERIOR & EXTERIOR OF THE PREMISES WILL BE INSTALLED TO CURRENT METROPOLITAN POLICE / HOME OFFICE STANDARDS AND SHALL BE KEPT OPERATIONAL AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC.

B) IT SHALL BE CAPABLE OF TAKING A HEAD & SHOULDERS SHOT OF PERSONS ENTERING THE PREMISES, OF RECORDING IMAGES TO AN EVIDENTIAL STANDARD IN ANY LIGHT AND BE CAPABLE OF STORING IMAGES FOR A MINIMUM OF 31 DAYS.

C) ALL STAFF WHO MAY WORK FRONT OF HOUSE SHALL BE TRAINED TO OPERATE THE CCTV SYSTEM AND DOWNLOAD IMAGES.

D) AT LEAST ONE MEMBER OF STAFF TRAINED TO OPERATE THE CCTV SYSTEM & DOWNLOAD IMAGES SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC. FOOTAGE SHALL BE SHOWN TO THE POLICE / AUTHORISED COUNCIL OFFICERS AND SCREENSHOTS PROVIDED TO THEM ON REQUEST. COPIES OF DOWNLOADED IMAGES SHALL BE PROVIDED TO THE POLICE / AUTHORISED COUNCIL OFFICERS ON A USB STICK, CD OR OTHER ACCEPTABLE MEANS AS SOON AS POSSIBLE AND IN ANY CASE WITHIN 24 HOURS OF THE REQUEST

2) CHALLENGE 25 SHALL BE OPERATED AS THE PROOF OF AGE POLICY. (SEE SECTION E CONDITION 1 FOR FULL DETAILS.)

3) ALCOHOL MAY ONLY BE SOLD TO CUSTOMERS SEATED AT A TABLE TAKING A FULL TABLE MEAL WITH ALL SERVICE BY WAITING STAFF ONLY. CUSTOMERS MAY BE SERVED ALCOHOL BEFORE, DURING AND AFTER THEIR MEAL.

4) NO VERTICAL CONSUMPTION OF ALCOHOL / DRINKING AT THE BAR WILL BE PERMITTED WITHIN THE PREMISES.

5) NO DRINKS, BOTTLES OR GLASSES MAY BE REMOVED FROM THE PREMISES.

6) ALL STAFF WHO WORK FRONT OF HOUSE WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND BE GIVEN REFRESHER TRAINING EVERY SIX MONTHS. WRITTEN TRAINING RECORDS WILL BE KEPT FOR EACH STAFF MEMBER AND BE PRODUCED TO POLICE & AUTHORISED COUNCIL OFFICERS ON REQUEST. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE & CHECKING IT, MAKING & RECORDING A REFUSAL, AVOIDING CONFLICT & RESPONSIBLE ALCOHOL RETAILING.

7) THE LAST ORDER FOR FOOD SHALL BE TAKEN 15 MINUTES BEFORE THE TERMINAL HOUR ON ANY DAY.

8) AN INCIDENT BOOK SHALL BE KEPT AT THE PREMISES, AND MADE AVAILABLE TO THE POLICE OR AUTHORISED COUNCIL OFFICERS, WHICH WILL RECORD THE FOLLOWING:

- A) ALL CRIMES REPORTED,
- B) LOST PROPERTY,
- C) ALL EJECTIONS OF CUSTOMERS,
- D) ANY COMPLAINTS RECEIVED,
- E) ANY INCIDENTS OF DISORDER,
- F) ANY SEIZURE OF DRUGS OR OFFENSIVE WEAPONS,
- G) ANY FAULTS IN THE CCTV,
- H) ANY REFUSAL IN THE SALE OF ALCOHOL.
- I) ANY VISIT BY A RELEVANT AUTHORITY OR EMERGENCY SERVICE
- 9) NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/ EXIT DOOR AND SERVERY (AS APPROPRIATE) ADVISING CUSTOMERS:
  - A ) THAT CCTV & CHALLENGE 25 ARE IN OPERATION;
  - B) ADVISING CUSTOMERS OF THE PROVISIONS OF THE LICENSING ACT REGARDING UNDERAGE & PROXY SALES;
  - C) OF THE PERMITTED HOURS FOR LICENSABLE ACTIVITIES & THE OPENING TIMES OF THE PREMISES;
  - D) THAT NO DRINKS, BOTTLES OR GLASSES MAY BE REMOVED FROM THE PREMISES;
  - E) ASKING SMOKERS TO BE QUIET WHILE OUTSIDE;
  - F) ASKING CUSTOMERS TO RESPECT RESIDENTS, LEAVE QUIETLY AND NOT TO LOITER OUTSIDE THE PREMISES OR IN THE VICINITY.
- 10) A MAXIMUM OF SIX SMOKERS WILL BE ALLOWED OUTSIDE THE FRONT OF THE PREMISES AT ANY TIME. STAFF WILL MONITOR THE OUTSIDE AREA INCLUDING CUSTOMER CONDUCT REGULARLY BOTH PHYSICALLY AND BY USE OF THE CCTV. SUITABLE RECEPTACLES WILL BE PROVIDED FOR SMOKERS USE.
- 11) A MINIMUM OF 2 STAFF WILL BE ON DUTY IN THE RESTAURANT AT ANY TIME.

## Public Safety

A FIRE RISK ASSESSMENT AND EMERGENCY PLAN WILL BE PREPARED & REGULARLY REVIEWED. STAFF WILL BE GIVEN APPROPRIATE FIRE SAFETY TRAINING

## Prevention of Public Nuisance

- 1) THE AREA OUTSIDE OF THE PREMISES SHALL BE KEPT TIDY AT ALL TIMES AND BE SWEEPED AT CLOSE.
- 2) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/ EXIT DOOR AND SERVERY (AS APPROPRIATE). SEE SECTION B CONDITION 9 FOR FULL DETAILS.
- 3) NO DELIVERIES WILL BE RECEIVED OR RUBBISH INCLUDING BOTTLES OR GLASS REMOVED FROM THE PREMISES BETWEEN 20.00 & 07.00.
- 4) ANY MUSIC PLAYED WILL ONLY BE PLAYED AT BACKGROUND LEVEL.
- 5) A MAXIMUM OF SIX SMOKERS WILL BE ALLOWED OUTSIDE THE FRONT OF THE PREMISES AT ANY TIME. STAFF WILL MONITOR THE OUTSIDE AREA INCLUDING CUSTOMER CONDUCT REGULARLY BOTH PHYSICALLY AND BY USE OF THE CCTV. SUITABLE RECEPTACLES WILL BE PROVIDED FOR SMOKERS USE.
- 6) A PHONE NUMBER WILL BE DISPLAYED ON THE RESTAURANT WINDOW FOR RESIDENTS TO CALL WITH ANY CONCERNS. DETAILS OF ANY CALLS / COMPLAINTS TOGETHER WITH THE OUTCOME WILL BE RECORDED IN THE INCIDENT BOOK.

## Protection of Children From Harm

- 1) CHALLENGE 25 SHALL BE OPERATED AS THE PROOF OF AGE POLICY AND ONLY A VALID PASSPORT, PHOTO DRIVING LICENCE, HM FORCES PHOTOGRAPHIC ID CARD OR PROOF OF AGE CARD WITH THE PASS LOGO OR HOLOGRAM ON IT MAY BE ACCEPTED AS PROOF OF AGE.
- 2) ALL REFUSALS OF THE SALE OF ALCOHOL SHALL BE RECORDED IN THE REFUSALS SECTION OF THE INCIDENT BOOK. THE INCIDENT BOOK SHALL BE KEPT AND PRODUCED TO

POLICE & AUTHORISED COUNCIL OFFICERS ON REQUEST –SEE SECTION B CONDITION 8 FOR FULL DETAILS.

3) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/ EXIT DOOR AND SERVERY AS APPROPRIATE– SEE SECTION B CONDITION 9 FOR FULL DETAILS.

4) NO CHILDREN OR YOUNG PERSON UNDER THE AGE OF 18 WILL BE ALLOWED TO CONSUME ALCOHOL AT ANY TIME.

5) ALL STAFF WHO WORK FRONT OF HOUSE WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND BE GIVEN REFRESHER TRAINING EVERY SIX MONTHS. WRITTEN TRAINING RECORDS WILL BE KEPT FOR EACH STAFF MEMBER AND BE PRODUCED TO POLICE & AUTHORISED COUNCIL OFFICERS ON REQUEST. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE & CHECKING IT, MAKING & RECORDING A REFUSAL, AVOIDING CONFLICT & RESPONSIBLE ALCOHOL RETAILING.

6) WRITTEN TRAINING RECORDS WILL BE KEPT FOR ALL STAFF MEMBERS AND MADE AVAILABLE TO POLICE OR AUTHORISED COUNCIL OFFICERS ON REQUEST.

7) UNLESS AN EPOS SYSTEM WITH AN AUTOMATIC PROOF OF AGE CHECK REMINDER INCORPORATED IN IT IS IN USE A MANUAL PROMPT WILL BE DISPLAYED BY THE TILL(S) TO REMIND STAFF TO CHECK PROOF OF AGE WHERE APPROPRIATE.

















8) NO UNACCOMPANIED CHILDREN UNDER 16 WILL BE ALLOWED ON THE PREMISES AFTER 20.00.

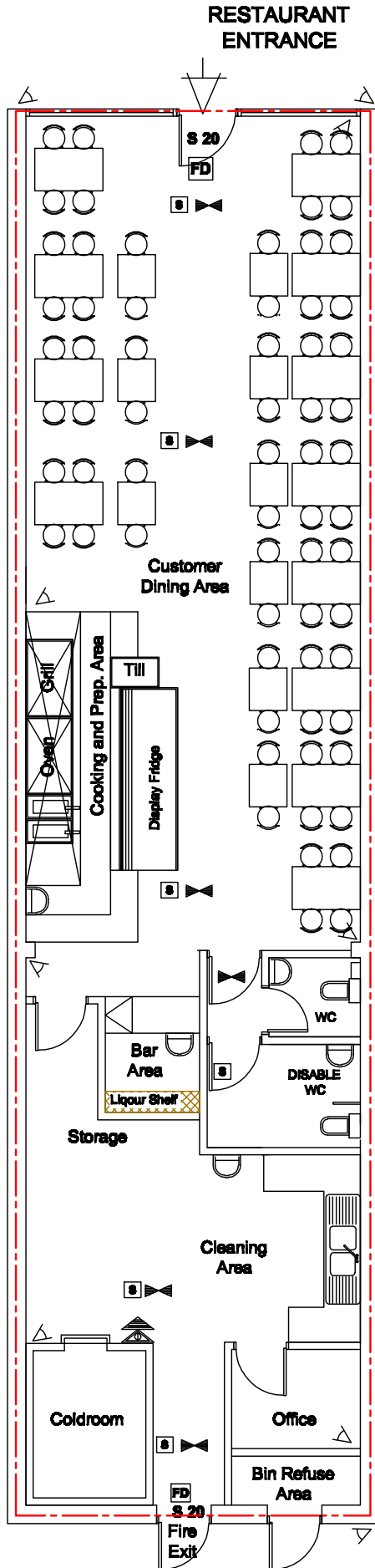


**Havering**  
LONDON BOROUGH

## Plans

# LEGEND

-  **WC AREA**
-  **FRIDGE**
-  **LIQUOR SHELF**
-  **AMBIT OF LICENSED PREMISES**
-  **SAFETY LIGHTS**
-  **SMOKE DETECTOR**
-  **CARBON DIOXIDE FIRE EXTINGUISHER**
-  **9 LT. WATER FIRE EXTINGUISHER**
-  **FIRE ESCAPE KEEP CLEAR**
-  **CCTV**
-  **INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)**
-  **FIRE BLANKET**
-  **FAN 6lt/s**
-  **FIRE ALARM BELL**
-  **FIRE DOOR**
-  **FIRE SWITCH PANEL**



**Alko** | **Design & Build Ltd**

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PROJECT : PREMISES LICENCE

DRAWING TITLE: Floor Plans

PROJECT ADDRESS : 127 Avon Road  
Upminster, RM14 1RQ

SCALE : 1:100, A/100 @ A4    DATE : Oct./2015

Drawing No : SY15-01