

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
12 May 2016 (10.30 - 10.50 am)**

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's representative, James Rankin – Police Legal representative, Police Licensing Officers PC Oisin Daly and Belinda Goodwin, Marc Gasson - Havering Noise Specialist 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.

Councillor Dilip Patel was also present for parts of the hearing.

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.

2 APPLICATION TO VARY A PREMISES LICENCE - JOYAN LTD T/A HOT AND TASTY CHICKEN AND PIZZA

PREMISES

Hot and Tasty Chicken & Pizza
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 that 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 the premises was located resided was 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 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 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:

- That the requested extended standard hours be 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 would be published in the shop window for residents to call with any concerns details of which and the outcome was 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 would be delivered to the flats above the shop.

4. 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 the 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, 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 as set out in P01360.04, Planning Services were happy to withdraw the representation to the variation to the licence application.

5. Details of Interim 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, 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.

6. Representation at Reconvened hearing

The Sub-Committee was informed that following the adjournment the applicant's representatives and interested parties to the hearing had utilised the opportunity offered to negotiation and agree to the dispersal policy.

It was noted that all Responsible Authorities were now satisfied with the offered dispersal policy and had no further objections to the variation sought.

7. Determination of Application

Consequent upon the hearing on 12 May 2016, the Sub-Committee's decision regarding the application to vary a premises licence for Hot and Tasty Chicken & Pizza, 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 the 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

8. Decision

The Sub-Committee having heard that all responsible authorities concerned with the application were now satisfied with the dispersal policy was now prepared to grant the variation to the premises licence along with the following conditions offered by the applicant representatives.

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

The Sub-Committee also determined that a signed and dated copy of the dispersal policy be submitted to the Licensing Authority.

Chairman