



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE

GUVNERS GRILL (REVIEW)

AGENDA

10.30 am	Thursday 9 June 2016	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Dilip Patel (Chairman)
Keith Roberts
John Wood

**For information about the meeting please contact:
James Goodwin Tel. No. 01708 432432
james.goodwin@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)

5 GUVNERS, ST GEORGES HOUSE, 2 EASTERN ROAD, ROMFORD RM1 3QF - APPLICATION TO REVIEW THE PREMISES LICENCE (Pages 7 - 54)

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

9 June 2016

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

James Goodwin – Committee Officer
01708 432432
James.goodwin@havering.gov.uk

REPORT OF THE CLERK

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (REVIEW OF LICENCE)

This is a hearing to consider an application for a review of a licence under section 51 of the Licensing Act 2003. 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 member 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 review application or any representation.
- 3.2 During this representation validation meeting, no decision will have been made or discussion held regarding the substantive merits of the review 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 party requesting the review 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 on 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 party requesting the review of the licence
- 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 whose premises is the subject of the licence review.

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 made under the Licensing Act 2003 where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.
 - Other reviews of premises licenses where the Sub-Committee must make a determination within 28 days of the end of the statutory consultation period.

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.

**LICENSING
SUB-COMMITTEE****REPORT**

Date 9 June 2016

Subject heading:**Guvners, St Georges House,
2 Eastern Road, Romford RM1 3QF
Application to review the premises
Arthur Hunt, Licensing Officer
5th floor Mercury House
x 3585****Report author and contact details:**

This application to review a premises licence is made by PC Oisin Daly under section 51 of the Licensing Act 2003 (the Act). The application was received by Havering's Licensing Authority on 19 April 2016.

Geographical description of the area and description of the building

Guvners is a premises that is licenced for Late Night Refreshment located in Romford town centre at the junction of Eastern Road and South Street. (A copy of the licence is attached for information). Thus making it close to Havering's main transport hub: buses, trains and taxis all terminate at this geographical point. This area is also Havering's most significant crime 'hotspot'. The area might be considered one of mixed use based upon the presence of commercial and residential properties.

Comments and observations on the application

The application was submitted in accordance with the provisions of s.51 of the Act. The grounds for the review are that the premises' management has a lack of regard towards the promotion of the licensing objectives, in particular the prevention of crime and disorder and public safety.

Requirements upon the Licensing Authority

The provisions of s.51 of the Act dictate that the Licensing Authority undertake certain functions with regard to a premises licence review application. To this end a suitably worded public notice was placed at the premises. The same notice was also installed at Havering's Town Hall notice board on Main Road and also made available on Havering's website. A copy of the notice is attached for reference.

When determining an application for a premises licence review s.52(3) of the Act requires that the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in s.52(4) as it considers necessary for the promotion of the licensing objectives. These steps are:

- (a) to modify the conditions of the licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor
- (d) to suspend the licence for a period not exceeding three months
- (e) to revoke the licence

Summary

There were no representations received from interested persons.

There were three representations made by responsible authorities supporting this application.

Responsible authorities' representations

Licensing Officer Paul Jones makes representation in support of the Police application to review this premises licence. Mr Jones' representation details a number of issues with Havering's licensing policy. Thus seemingly indicating that the premises is failing to promote the licensing objectives.

Alice Peatling, on behalf of Havering's Children and Young People Services, supports the application.

Samuel Cadman of Havering's Planning Enforcement Team also supports the application because of the persistent breach of planning by the premises, thus prompting the representation under the prevention of public nuisance licensing objective.

Arthur Hunt
Licensing Officer
London Borough of Havering



Premises licence number

011736

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Wacky Bagels
St Georges House, 2 Eastern Road, Romford, RM1 3QF**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

**Sunday to Wednesday – 23.00 to 03.00
Thursday to Saturday – 23.00 to 05.00**

The opening hours of the premises

**Sunday to Wednesday – 22.00 to 03.00
Thursday to Saturday – 22.00 to 05.00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Ansar Sabir
93 Grangewood Street, East Ham, London, E6 1HB**

1 of 3

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Mandatory Conditions

N/A

Annex 2 – Conditions consistent with the operating schedule

CCTV will be in use at the premises

Food consumption is off the premises only

Annex 3 – Conditions attached after a hearing by the Licensing Authority

A properly and fully operational CCTV system shall be in place and maintained to a satisfactory standard. The system is to meet Police agreed standards.

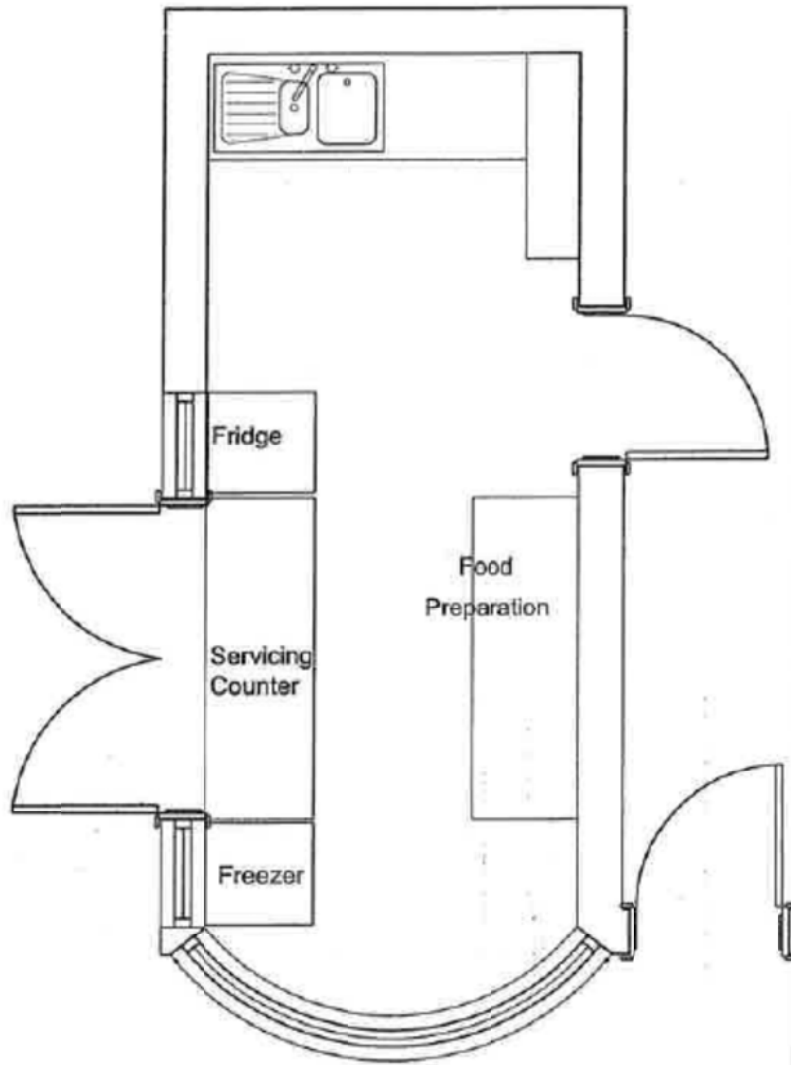
The premises shall provide and maintain litter bins.

Prominent, clear notices shall be displayed requesting that customers respect the needs of local residents and leave the premises and the area quietly.

The premises licence holder will implement a written dispersal policy to prevent customers from congregating outside the premises and the immediate vicinity, and move customers away from the area in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour and crime and disorder. The policy shall be approved in writing by the licensing authority.

Annex 4 – Plans

Full Plans held by the London Borough Of Havering licensing section
Plans shown not to scale





Part B

Premises licence summary

Premises licence number

011736

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

**Wacky Bagels
St Georges House, 2 Eastern Road, Romford, RM1 3QF**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

**Sunday to Wednesday – 23.00 to 03.00
Thursday to Saturday – 23.00 to 05.00**

The opening hours of the premises

**Sunday to Wednesday – 22.00 to 03.00
Thursday to Saturday – 22.00 to 05.00**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Name, (registered) address of holder of premises licence

**Mr Ansar Sabir
93 Grangewood Street, East Ham, London, E6 1HB**

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

State whether access to the premises by children is restricted or prohibited

N/A



Haverling
LONDON BOROUGH

**LICENSING ACT 2003
APPLICATION FOR A
PREMISES LICENCE REVIEW**

Guvners Grill

St Georges House 2 Eastern Road Romford RM1 3PJ

Notice is hereby given that an application has been made by PC Oisin Daly to the Licensing Authority of the London Borough of Havering to review the premises licence of the premises detailed above.

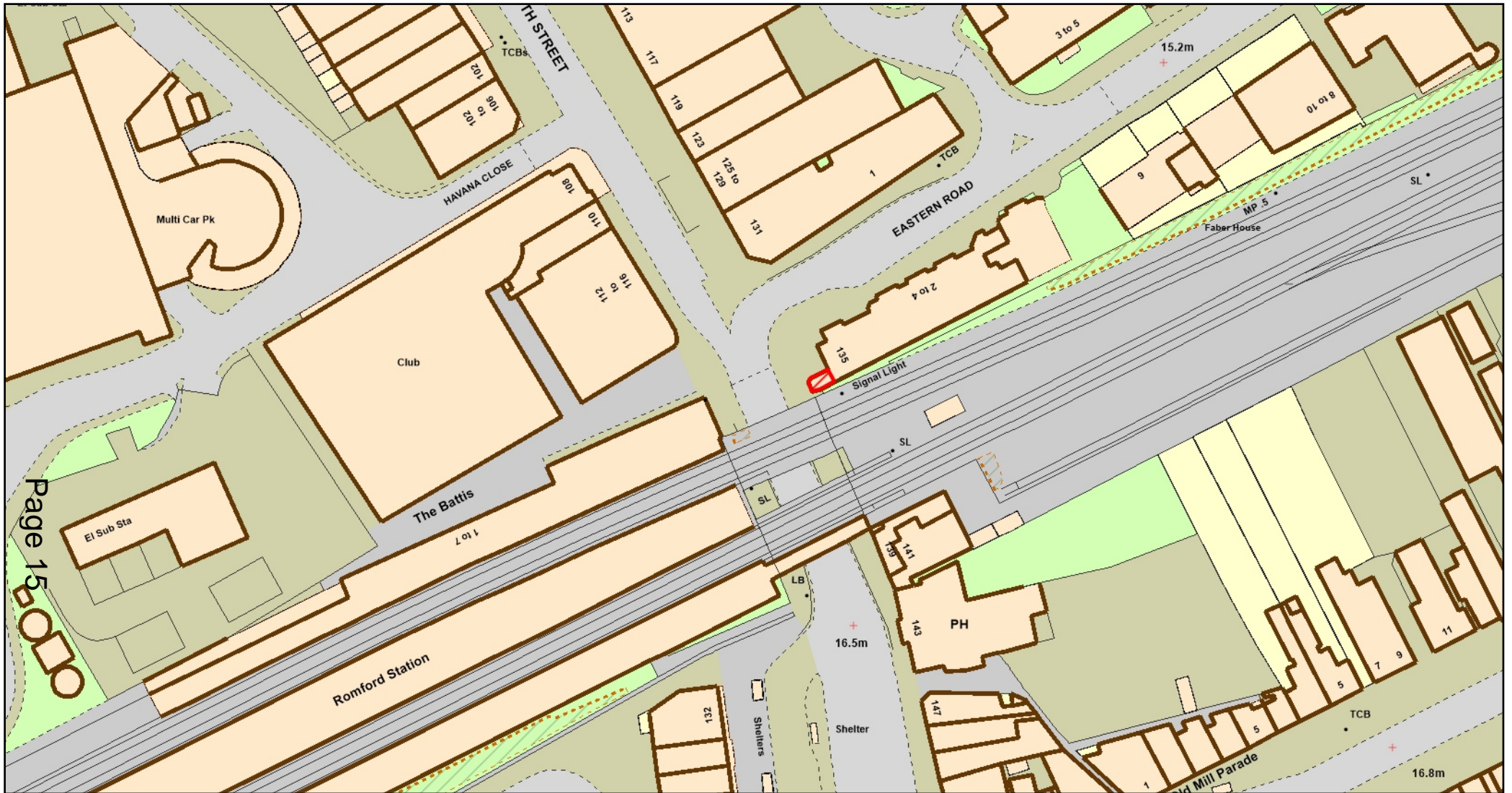
GROUND FOR REVIEW

A series of incidents at the premises have raised serious concerns further to the promotion of the licensing objectives.

Any interested person or responsible authority wishing to make representation on this matter must do so in writing to: Licensing Authority c/o Town Hall Main Road Romford RM1 3BD between 20th April 2016 & 17th May 2016.


The public register of Havering's Licensing Authority containing the grounds for this review may be inspected by appointment at the above address by telephoning 01708 432777 Monday to Friday 09:00hrs to 17:00hrs or at www.haverling.gov.uk.


It is an offence to knowingly or recklessly make a false statement in connection with an application for a review. On summary conviction a person is liable to a fine not exceeding level 5 on the standard scale (currently £5000).




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Guvners Grill N
↑



Scale: 1:1000
Date: 21 April 2016
Size: A4




 London Borough of Havering
 Town Hall, Main Road, Romford, RM1 3BD
 Tel: 01708 434343

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 Ordnance Survey 100024327

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I PC Oisin Daly 364KD

(Insert name of applicant)

Apply for the review of a premises licence / club premises certificate under section 51 / 87 of the Licensing Act 2003 for the premises described in Part 1 below:

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Guvners Grill, (formerly Wacky Bagels) 2-4 Eastern Road

Post town ROMFORD

Post code (if known) RM1 3PJ

Name of premises licence holder or club holding club premises certificate (if known)

Ansar SABIR

Number of premises licence or club premises certificate (if known)

11736

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

x

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC Oisin DALY 364KD, Metropolitan Police, Romford Police Station, Main Road, Romford, Essex, RM13BJ
Telephone number (if any) 01708779162
E-mail address (optional) oisin.daly@met.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The Prevention of crime and disorder:

The premises licence holder was recently involved in an incident where he and a group of others chased a male down the road following the male breaking a TV at the venue. The male had ran away having pushed a Perspex panel which in turn caused a TV to fall off the wall. The male had had an altercation with Guvners' staff as he believed one of the staff had threatened to stab his girlfriend. The CCTV at the venue was of a poor quality and did not record the incident.

The venue operates in contravention of a planning restriction preventing trading past 22:30hrs.

The venue has had a lone worker at the premises during its busiest period with no method of controlling queues or dispersal in line with its licence conditions.

Public Safety:

The premises licence holder and manager of Guvners, Ansar Sabir, has been charged with two serious sexual offences. He is due in court on the 09th May 2016. This case is ongoing and as such the exact nature of the offences and details of the case cannot be disclosed. These offences cause the police grave concerns about the suitability of Sabir to be in a position of trust around vulnerable individuals.

It was highlighted to police that in Feb 2016 the venue was using screwdrivers pushed into the ground to hold the doors open. These items would form an immediate and potentially lethal weapon should an aggressor choose to remove them from the ground.

Police Licensing Officers have made numerous attempts to arrange a meeting with Mr SABIR to discuss breaches of Planning law and his suitability to operate the venue. On the 26th Feb 2016 Mr SABIR did not attend a pre-arranged meeting, cancelling at the last minute. Further correspondence ensued and Police made themselves available on multiple dates. Mr SABIR stated that he could not attend any meeting before 1700hrs. This clearly did not display a willingness to address Police concerns or show a commitment to work with us with a view to promoting the licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 3)

The Prevention of crime and disorder:

03rd April 2016 -

Crime ref: 5405446/16

Police were called to the venue at approx 0030hrs on the 03/04/2016, Ansar Sabir had called police as he had followed a male to a nearby road, the male had allegedly broken a TV at the stall. The suspect was identified and ran from police into a block of flats.

An altercation had occurred at the venue with a lone member of staff and the suspects girlfriend, the member of staff had told the suspects girlfriend to go away or they would “slap them”, the suspect misheard the staff member and thought they said “Stab them”. The suspect has then pushed a Perspex panel which in turn has caused the TV to fall off the wall.

Sabir did not want to substantiate any allegations and wanted the cost or replacement of the TV instead. Sabir is described as being irate and agitated. Officers describe the CCTV as unclear, stating it does not show the TV falling off the wall.

Offences contrary to the Town and Country Planning Act 1990:

Information was received by Police from LBH Planning that Wacky Bagels had a new closing time of 22:30hrs.

The venue has had a change of name, however, is still in the control of the same premises licence holder, Mr Ansar SABIR.

On the 22nd October 2015 the premises licence holder, Mr SABIR, was issued with an enforcement notice by LBH giving him 30 days to cease trading past 22:30 (notice attached in docs).

Mr SABIR has ignored this notice and continues to trade in contravention of the Town and Country Planning Act 1990. This is evidenced by police in supporting statements (attached in docs).

29/04/2015: KDRT00308992

Whilst on routine patrol I noticed Guvners takeaway outlet was still open and serving at 0420hrs on Sunday 19/04/2015

At approx 2300hrs the same day the venue was open and serving customers when I was approached by the owner Mr Ansar SABIR who said he had been outside the venue at approx 0440hrs when a disturbance had broken out between customers waiting in the queue.

07/11/2013: KDRT00291371

Information received from the Planning department at the London Borough of Havering stating that

Wacky Bagels
2-4 EASTERN ROAD
ROMFORD
ESSEX

Has a new closing time from 01/11/2013 of 22.30 hours

The premises was checked whilst on duty and was found to be open and operating; the first time was at 23.15 hours, the premises was open and had a queue of 4 people, the owner Mr Ansar SABIR was present at the time

The second occasion was at 0005 hours, again the premises was open, there were no persons queuing for food or drinks.

Drug Offences:

31/08/2014: CRIS 5412962/14 - Cannabis Possession

Whilst investigating a separate offence at the venue Ansar SABIR was found to be in possession of cannabis whilst on duty.

On the 10th September 2015 he received a caution for this offence.

05/05/2012: CRIS 5407050/12 - Cannabis Possession

On Friday at 2240 Ansar SABIR, the owner of WACKY BAGLES, came out of a door connected to the building where wacky bagels is. Ansar SABIR went to approach a car, officers could smell cannabis coming from him and a subsequent search found cannabis in his possession. He received a warning for this offence.

Public Safety:

10/04/2016: KDRT00319431

On Sunday 10/04/16 Guvners takeaway was still open and serving hot food at 0445hrs

The doors were open, lights on, there was a large disorganised queue and people were walking off with hot food. There only appeared to be one member of staff working in the takeaway.

The owner Mr Ansar SABIR had been out drinking in the town and approached officers extremely drunk at about 0415hrs and then walked over to Guvners and the Imperial Offices.

Serious Sexual Offences: 5412962/14

Ansar Sabir was charged with two serious sexual offences whilst operating the premises.

He is due in court on the 09th May 2016.

Due to it being an ongoing investigation it is not possible to disclose details of the offence at this stage. Police have serious concerns regarding the owner having any association with the business.

To summarise, Police concerns with this venue are these:

- **The premises is situated within the heart of a CIZ at the borough's main transport hub**
- **The premises is located at the borough's most significant crime hot-spot**
- **The premises is operating in contravention of its Planning conditions**
- **The premises has CCTV which does not conform to its premises licence conditions and is therefore ineffective**
- **The premises licence holder has no means to manage queuing or dispersal**
- **The premises is owned and managed by an individual who has been found intoxicated and under the influence of drugs whilst seemingly in control of the venue**
- **Recent disorder has occurred at the premises and is likely to do so in the future without adequate staffing levels, queue control or dispersal of patrons**
- **The premises' owner and premises licence holder Mr Ansar SABIR is currently before the court alleged to have committed a serious sexual offence upon a vulnerable individual within this premises. This offence is alleged to have taken place during the early hours of the morning, hours Mr SABIR's premises licence permits him to provide licensable activity, but hours during which he contravenes his Planning permission to be open to the public.**

Conclusion

Given the issues identified above Police have grave concerns that the premises licence holder Mr Ansar SABIR will continue to consistently and repeatedly ignore his legal obligation to promote the licensing objectives in the same way that he ignores his legal requirement to comply with Planning law.

Given this premises' location at the borough's main transport hub and most significant crime hot-spot large numbers of vulnerable individuals, many under the influence of alcohol, arrive in the vicinity throughout the night. Mr SABIR's approach to his legal responsibilities causes the Police to anticipate that he will impact negatively upon the area and upon those vulnerable individuals.

Mr SABIR has demonstrated repeatedly, and continues to do so, his unwillingness to comply with the provisions of the premises licence he holds. It is for these reasons that the Police feel this licence should be revoked as we are of the belief that anything less would serve to fail to promote the licensing objectives at this venue.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Oisín Daly PC 364KD

.....

Date 19th April 2016

.....

Capacity Licensing Officer - Metropolitan Police - Havering

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

BREACH OF CONDITION NOTICE

ISSUED BY: HAVERING LONDON BOROUGH COUNCIL

TO: 1. Mr Sabir
Guvners Grill
2-4 Eastern Road
Romford.
RM1 3PJ

1. **THIS IS A FORMAL NOTICE** which is issued by the Council, under section 187A of the above Act because they consider that a condition imposed on a grant of planning permission, relating to the land described below has not been complied with. It considers that you should be required to comply with the conditions specified in this notice.

2. **THE LAND AFFECTED BY THE NOTICE**

The land and premises at Guvners Grill, 2-4 Eastern Road, Romford, RM1 3PJ shown hatched black on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by the Council on the 1st November 2013 for change of use to class A1/A5. Council reference P0897.13.

4. **THE BREACH OF CONDITION**

The following conditions have not been complied with:-

- (1) Condition 5 of P0897.13 which states:
The premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:30 Mondays to Sundays without prior consent in writing of the Local Planning Authority

5. **WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by taking the following steps:

- (1) The premises shall only be open between 1000 and 2230 on any day.

And

- (2) No customers shall be served on the premises between 2230 and 1000 the following day.

Time for compliance: 30 days beginning with the day on which the notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 22nd October 2015

Signed: 

Authorised Officer

On behalf of: The Mayor and Burgesses of the London Borough of Havering Town Hall
Main Road Romford RM1 3BD

WARNING

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates Court for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with the Planning Manager (Projects and Regulation), Mercury House, Mercury Gardens, Romford, RM1 3SL (01708 432685).

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC Lee DAVIES 403KD URN:

01	Kd		16
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 08/04/2016.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC Lee DAVIES 403KD attached to the ROMFORD TOWN CENTRE TEAM, one of our primary roles is that of enforcement of the night time economy in Romford town centre on weekend nights into the early mornings. I have been in my current role for nearly Ten (10) years.


During the time I have spent in my role I have been aware of a small take away venue called GUV'NORS on South Street at the junction with Eastern Road, Romford I am aware of this venue because it is one of the venues in the town centre that operate beyond midnight providing late night refreshment

This venue was open for business on Sunday 3rd April 2016 at 00:25 Hours and I am aware of this because there was an incident at the venue Cad 244 03/04/2016 refers,

I have included the main part of the crime report as evidence,

Police were called at approximately 0030hrs on 03/04/2016 by the owner of Guv'nors, SOUTH STREET, ROMFORD. He was alleging that an IC1 male had caused damage to his stall. The male had left the location so the owner Mr Sabir followed him to keep police updated on where he was. Officers located Mr Sabir and the suspect down REGARTH AVENUE, ROMFORD where the suspect ran off into WELLS COURT. The victim and police chased Sus1 on foot but he entered a private block of flats which officers could not gain access to.


Mr SABIR was quite irate and agitated. He eventually calmed down and explained that there was a lone female at his stall; the suspect's girlfriend got into a verbal argument with another female so one of the staff members at Guv'nors told them to go away or he would "slap them".

Signature:  Signature witnessed by:

Continuation of Statement of LEE DAVIES PC423KD

Sus1 thought the staff member had threatened to stab his girlfriend so he became annoyed and aggressive in defence of his girlfriend. In his anger he pushed the glass panel at the front of the stall; this caused an old television to fall off the counter and break.

 423KD

Signature:  423KD Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC Bennett 197KD

Age if under **Over 18** (if over 18 insert 'over 18')
Occupation:

POLICE OFFICER

This statement (consisting of: **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:
re:

Bennett 197KD

Date: *07/04/16*

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC Bennett attached to ROMFORD TOWN CENTRE TEAM, one of our primary roles is that of enforcement of the night time economy in Romford town centre on weekend nights into the early mornings. I have been in my current role for 2 years.

During the time I have spent in my role I have been aware of a small take away venue called GUV'NORS on South Street I am aware of this venue because I have dealt with incidents there during my time on Town Centre team.

This venue was open for business on Saturday 26th March 2016 at 0330hrs and I am aware of this because I saw customers being served, customers were queuing to be served, the lights were on and the front windows were open. The OPEN sign was illuminated and customers were walking away from the takeaway with hot food.

Additionally I can confirm that GUV'NORS is routinely open into the early hours every weekend that I work. I often notice that it is still trading after FICTION nightclub has closed after 0500hrs on a Saturday and Sunday morning. I know this because we routinely patrol the area of South Street outside GUV'NORS at this time and the takeaway still has customers outside and the lights are on. Customers walk away from the venue with hot food. The owner's car is often parked on the pavement outside GUV'NORS or in The Battis, at the side of the train station.

[Large handwritten signature]

Signature: *Bennett 197KD*

Signature witnessed by:

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning a licence application for the premises as detailed below.

Premises Name and address: Guvners Grill, 2-4 Eastern Road, Romford.

Your Name: Alice Peatling_

Organisation name/name of body you represent: Children and Young People Services

Your Address: _ Mercury House, Mercury Gardens, Romford _

Email: _alice.peatling@havering.gov.uk_

Contact telephone number _01708 433528

Policy Considerations

London Borough of Havering Children and Young People Services is making a representation in support of the application to review the premises licence submitted by the Metropolitan Police. Children and Young People support the review due to concerns regarding the premises licence holders ability to adhere to the licencing policy objectives (8, 10)

Representation

The premises licence holder of the venue being reviewed has been offered support and advice from the Metropolitan Police and the Licencing authority in relation to how the business can be run in compliance with planning regulations. Despite this the owner and licence holder, Mr Ansar Sabir has not made any positive improvements to the way in which he runs his business and this is of concern because of the possible impact this may have on vulnerable adults / previously relevant children.

Children and Young People Services is particularly concerned regarding the late night behaviour described within the Metropolitan Police review application. The London Borough of Havering has a statutory duty to protect children and young people from harm. This duty is extended when children that have been Looked After Children transition to adulthood. Looked after Children are vulnerable and this vulnerability does not dissipate because of the child's transition to adulthood. Children Services is supporting this application because every licence holder has a responsibility to ensure that their business is run in a manner that ensures the safety and protection of Havering's residents and visitors. Vulnerable young people must be safeguarded and the way in which this business is managed does not suggest that the owner is adhering to his responsibility to protect Havering's young adults from harm.

Complaint and Inspection History (if applicable)

Other documents attached

A. Spelling

Signed

Dated 6/5/2016

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning a licence application for the premises as detailed below.

Premises Name and address:	"Guvners Grill" (formerly Wacky Bagels), 2-4 Eastern Road, Romford, RM1 3PJ
Your Name:	Samuel Cadman
Organisation name / name of body you represent:	Havering Council's planning department
Your Address:	5 th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL
Email:	sam.cadman@havering.gov.uk
Contact telephone number:	01708 434798
Summary of representation:	To SUPPORT the review of the premises licence on the specific licencing objective "The prevention of public nuisance".

Policy Considerations:

The representation takes into account the following licencing policies as set out in the document titled "Statement of Licencing Policy" with effect from 7th January 2016:

Licencing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licencing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.

Licencing Policy 6

The Licencing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis

Licencing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licencing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice

- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

Representation:

An assessment by the planning services was undertaken in 2013 with relation to the use of the property as a takeaway, and the impact on the amenity of the local area was considered and subsequently conditioned (see the "Other documents attached" section for more details). As stated in the application to review the licence, the use of the property was conditioned as such:

- 5. The premises shall not be used for the purposes hereby permitted other than between the hours of 10.00 and 22.30 Mondays to Sundays without the prior consent in writing of the Local Planning Authority.*

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

There was no appeal against this planning condition when it was approved on 1st November 2013, and so it came into effect. There was a later planning application submitted (with reference P1667.15), which proposed to keep the late-opening hours. After an assessment by the planning department, this was refused.

Following complaints about the hours of operation, a planning enforcement case was opened (with reference ENF/45/14/) and following from investigation, it was seen that the hours of operation consistently exceeded the hours granted by the planning department. This was addressed with Mr Sabir, and after failed attempts to get him to comply with planning regulations, it was deemed reasonable and expedient to serve a Breach of Condition notice; which legally reinforces the requirement for the use to operate within the times stated in the planning condition above. This not only contravenes licencing policy 6, but as the planning department have had to take planning enforcement action, it directly contravenes the reasons for having licencing policy 6.

When considering the prevention of public nuisance, consideration should also be given to how an area is perceived; including the persons that operate and use the premises and any resulting crime which may have a detrimental impact on the character of an area. The evidence in the licence review application directly attributes criminal activity to this property, and as such the operation of the premises has had a detrimental impact on the perception of this area as a place to visit; causing a public nuisance. This has been reinforced with the issue of a Closure Order which was granted by Barkingside Magistrates Court on 5th May 2016 following an investigation into criminal activity occurring at this property.

Given the information stated above it is obvious that the operation of the premises contravenes Licencing policy 1, 6, 8 and 14, and it does not prevent a public nuisance. In this instance, it must be advised that the licencing committee take the recommendations by the licence review application and revoke the licence.

As previously mentioned, a planning enforcement investigation is still on-going with regards to the compliance with the planning regulations with further enforcement action considered; including prosecution action for non-compliance with a Breach of Condition notice.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken for the purposes of this representation.

I have attached the planning decision notices in the "other documents" section, but for clarity, the planning history is as such:

Application Number:	P1087.12
Description of proposal:	Provision of hot food take-away in addition to existing bagel/snack shop to provide mixed A1/A5 use.
Outcome:	Refused

Application Number:	P1532.12
Description of proposal:	Change of Use from A1 to mixed A1/A5 (snack food and hot food takeaway), the installation of an external extract duct and change of use of existing paved area for ancillary customer waiting/queing with 0.8m high boundary wall
Outcome:	Refused

Application Number:	P0897.13
Description of proposal:	Change of Use from A1 to mixed A1/A5 (snack food and hot food takeaway) with opening hours of 10am to 10.30pm only Monday to Sunday and the installation of an external extract duct.
Outcome:	Approved with conditions.

Application Number:	P1667.15
Description of proposal:	Variation of condition 5 of planning permission P0897.13 to change the permitted opening hours to 21:00-03:00 on Sunday to Wednesday and 21:00-05:00 on Thursday to Saturday - RETROSPECTIVE
Outcome:	Refused

Enforcement case reference:	ENF/45/14/
Nature of Breach:	Alleged breach of planning permission P0897.13 Re: opening hours
Status:	Notice served.

Other documents attached:

Attached to this document is the following:

- Decision notice for P0897.13
- Decision notice for P1667.15
- Breach of Condition notice; served under reference ENF/45/14/.

Signed**Dated:**

9/5/16.



Havering
LONDON BOROUGH

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr M Singh
DPL
Office 48
95 Wilton Road
London
SW1V 1BZ

APPLICANT

Mr A Sabir
2-4 Eastern Road
Romford
Essex
RM1 3PJ

APPLICATION NO: P0897.13

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Change of Use from A1 to mixed A1/A5 (snack food and hot food takeaway) with opening hours of 10am to 10.30pm only Monday to Sunday and the installation of an external extract duct

Revised Plans received 22.10.2013

Location: 2-4 Eastern Road
Romford

The above decision is based on the details in drawing(s):

1860/01 Rev B

1860/03 Rev B

1860/04 Rev B

subject to compliance with the following condition(s):

Note to Applicants:

Please take the time to read the conditions stated below carefully. Some may require you to seek the Council's approval prior to works beginning on site. The approval process can take a further 8 weeks from the date of submission and you are advised to incorporate this into your timetable.

- 1 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 3 All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 4 The development hereby permitted for the extraction duct must be installed and operated in accordance with the details as agreed by Environmental Health as set out in an email dated 03/10/2013 and the confirmation dated 04/10/2013 'P0897.13 - Wacky Bagels flue, 2 Eastern Rd, Romford'. The equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

The proposed extract duct as shown on the approved plans, adjacent to the railway line, shall be powder coated in matt black prior to installation.

Reason: -

To avoid the structure becoming an over dominant feature in the streetscene in compliance with Development Plan Document Policy DC61.

- 5 The premises shall not be used for the purposes hereby permitted other than between the hours of 10.00 and 22.30 Mondays to Sundays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 6 The development hereby permitted for the extraction duct must be installed and operated in accordance with the details as agreed by Environmental Health as set out in an email dated 03/10/2013 and the confirmation dated 04/10/2013 'P0897.13 - Wacky Bagels flue, 2 Eastern Rd, Romford'. The equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61
The proposed extract duct as shown on the approved plans, adjacent to the railway line, shall be powder coated in matt black prior to installation.

Reason: -

To avoid the structure becoming an over dominant feature in the streetscene in compliance with Development Plan Document Policy DC61.

INFORMATIVE(S)

- 1 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

Dated: 1st November 2013

P. A. Keyes

Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL



IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.



Havering
LONDON BOROUGH

**LONDON BOROUGH OF HAVERING
TOWN AND COUNTRY PLANNING ACT 1990**

AGENT
Mr M SINGH
OFFICE 48
95 WILTON ROAD
VICTORIA
LONDON
SW1V 1BZ

APPLICANT
Mr S SABIR
Guvners Grill Bar
Eastern Road
Romford
Havering
RM1 3PJ

APPLICATION NO: P1667.15

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **REFUSE PLANNING PERMISSION** for the following development :

Proposal: Variation of condition 5 of planning permission P0897.13 to change the permitted opening hours to 21:00-03:00 on Sunday to Wednesday and 21:00-05:00 on Thursday to Saturday - RETROSPECTIVE

Location: St Georges House
2 Eastern Road
Romford

The above decision is based on the details in drawing(s):

1860/01 Rev B
1860/02 Rev B
1860/03 Rev B
1860/04 Rev B


for the following reason(s):

- 1 The extended operating hours would result in a greater level of noise and general disturbance later at night and during the early morning, which would be seriously prejudicial to the amenity of adjacent occupiers and of the surrounding area in general. The proposal also gives rise to concern over the potential for a material increase in disorder, anti-social behaviour and other community safety issues in this location. Accordingly, the proposal is considered to be contrary to Policies DC23, DC55, DC61 and DC63 of the LDF Development Control Policies Development Plan Document..

INFORMATIVE(S)

- 1 Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it were given to the agent Mr Singh, via email on 20/1/2016.

Dated: 22nd January 2016



Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if there is a current or subsequent enforcement notice served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary, it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

BREACH OF CONDITION NOTICE

ISSUED BY: HAVERING LONDON BOROUGH COUNCIL

TO: 1. Mr Sabir
Guvners Grill
2-4 Eastern Road
Romford.
RM1 3PJ

1. **THIS IS A FORMAL NOTICE** which is issued by the Council, under section 187A of the above Act because they consider that a condition imposed on a grant of planning permission, relating to the land described below has not been complied with. It considers that you should be required to comply with the conditions specified in this notice.

2. **THE LAND AFFECTED BY THE NOTICE**

The land and premises at Guvners Grill, 2-4 Eastern Road, Romford, RM1 3PJ shown hatched black on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by the Council on the 1st November 2013 for change of use to class A1/A5. Council reference P0897.13.

4. **THE BREACH OF CONDITION**

The following conditions have not been complied with:-

- (1) Condition 5 of P0897.13 which states:
The premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:30 Mondays to Sundays without prior consent in writing of the Local Planning Authority.

5. **WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by taking the following steps:

- (1) The premises shall only be open between 1000 and 2230 on any day.

And

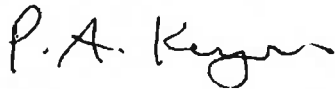
- (2) No customers shall be served on the premises between 2230 and 1000 the following day.

Time for compliance: 30 days beginning with the day on which the notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 22nd October 2015

Signed: 

Authorised Officer

On behalf of: The Mayor and Burgesses of the London Borough of Havering Town Hall
Main Road Romford RM1 3BD

WARNING

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates Court for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with the Planning Manager (Projects and Regulation), Mercury House, Mercury Gardens, Romford, RM1 3SL (01708 432685).

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE

Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning an application to review a premises licence for the premises detailed below.

Applicant: PC Oisin Daly
Premises: Guvners Grill St George's House 2 Eastern Rd Romford RM1 3QF

Name: Paul Jones
Organisation: London Borough of Havering Licensing Authority
Address: c/o Town Hall Main Road Romford RM1 3BD
Email: paul.jones@haverling.gov.uk
Telephone no.: 01708 432692

Objection summary: The premises has operated in contravention of planning law and in opposition to the conditional requirements of its premises licence since the licence was granted in August 2012. The premises licence holder therefore does not promote the licencing objectives during the provision of licensable activity, effectively operating illegally.

Policy considerations

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.

Licensing Policy 2

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

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

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

Licensing Policy 6

The Licensing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation or otherwise have lawful planning status before making an application for a premises licence. Every application, however, will be considered on its merits on a case by case basis.

Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

Public Houses and Bars	23:00 Sunday to Thursday 00:00 Friday and Saturday
Nightclubs	01:00 Sunday to Thursday 02:00 Friday and Saturday
Restaurants and Cafes	23:00 Sunday to Thursday 00:00 Friday and Saturday
Off licences	23:00 Monday to Sunday
Hot food and drink supplied by takeaways, fast food premises	00:00 Sunday to Thursday 01:00 Friday and Saturday
Hotel residents only	24 hours sale of alcohol for on sales only

Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23:30 in residential areas and 00:30 in mixed use areas.

These hours are not pre-determined and each application will be considered on its merits.

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the licensing policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements

Where there is a history of non-compliance associated with the premises applicants will need to establish evidence of improvement in management standards and procedures.

Licensing Policy 17

The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minutes, after the end of the time permitted for licensable activities. An application for a new late night premises licence or variation application will not normally be granted unless a proposed dispersal policy is included in the operating schedule.

Representation

Licensing Policy 1

With regard to this application the licensing authority has considered it in line with this policy. In so doing we can see that the following matters are pertinent:

- The premises is located in an area of cumulative impact, namely within Romford's ring road in the town centre
- The premises is a take away food premises operating throughout the night
- The premises is located at Havering's busiest crime hotspot and transport hub
- The views of the responsible authorities are such that the Police have raised concerns via this application while Planning has issued a closure notice to the premises' management
- The past compliance history of this site is such that it appears never to have complied with its planning requirements to the point where a closure notice has been issued against it
- The premises licence holder has not demonstrated a commitment to high standards of management as the premises does not have planning permission to operate past 22:30 yet has done so since the premises licence was granted in August 2012

It is for the reasons listed above that Havering's licensing authority is justified in supporting this application to review this premises licence.

Licensing Policy 2

Havering has a special policy with regard to cumulative impact within Romford town centre. This special policy was introduced based upon the proliferation of licensed premises within this area and the attendant problems associated with this density of licensed premises. While we accept that the licence was granted and therefore exists, such a position does not absolve the premises licence holder from his licensing responsibilities with regard to promoting the licensing objectives.

We recognise that the licensing objectives are not being successfully promoted at a premises which does not have legitimate planning permission to operate to the hours it currently operates, i.e. from 22:30 to the very early hours. Effectively, the premises licence holder commits a planning offence every time he opens beyond 22:30. Such activity does not promote the licensing objective requiring premises licence holders to *prevent* crime; essentially it does the opposite.

Licensing Policy 6

This policy's requirement that relevant planning permission should be in place is not in compliance at Guvners Grill; the closure notice issued by Havering's planning department is evidence of this failure.

Licensing Policy 7

Licensing policy 7's guideline terminal hours for take away food premises is midnight Sunday to Thursday and 01:00 Friday and Saturday. The premises' terminal hours are currently beyond these guideline hours as the premises licence terminal hours are 03:00 Sunday to Wednesday and 05:00 Thursday to Saturday. Given that the premises has hours outside those identified in this policy one might reasonably have expected the appropriate planning permission to have been sought to ensure full compliance with licensing and planning legislation; however, this has not been the case.

Licensing Policy 8

The premises licence holder fails to comply with the requirements of this policy. The issues raised with regard to licensing policy 17 which follows clearly demonstrate that this business is not run lawfully. As a result the premises licence holder is unable to provide a track record of compliance with legal requirements.

Licensing Policy 17

This policy and, indeed, an annex 3 condition imposed by Havering's 2012 licensing sub-committee, require a written dispersal policy to be implemented at the premises. Nearly four years after the premises licence was granted we have yet to be provided with a dispersal policy. Failure to comply with each of the conditions on a premises licence renders the licence in breach. A breached premises licence fails to authorise the provision of licensable activity identified on the licence. Therefore, not only does the premises licence holder commit a planning offence each time he operates beyond 22:30 he also commits a licensing offence each time he supplies late night refreshment while his licence is in breach. We might reasonably conclude that each and every sale of a hot food item made after 23:00 since August 2012 has been made illegally under planning law and illegally under licensing law.

Conclusion

As we can see, the premises licence holder has over a period of years refused to accept the legal requirements placed upon him with regard to activities at this premises. He has declined to comply with multiple strands of law since the licence was granted. Given the location of this premises at Havering's most significant crime hotspot, in an area of cumulative impact, we must reasonably ask ourselves whether the conduct of the premises licence holder is representative of the type of operator we want to encourage to run businesses in this borough.

We must also query whether this refusal to comply with local policies, and more importantly the law of the land, sends a positive message to other operators in the borough. Each premises must be treated equally. It becomes a difficult position to sustain if one premises is seen to be able to operate contrary to law while we enforce upon other premises.

We therefore request that the licensing sub-committee gives serious consideration to the continued existence of this licence.

Other documents attached

Not applicable

Signed *Paul Jones*

Licensing Officer

Dated 17th May 2016