


Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 12 September 2016

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

<p>A1</p>	<p>APPLICATION FOR A VARIATION TO A PREMISES LICENCE - SHISH MEZE, 2 BERTHER ROAD, HORNCHURCH, RM11 3HS UNDER SECTION 34 OF THE LICENSING ACT 2003.</p>	<div style="text-align: center;">  <p>Havering LONDON BOROUGH</p> <p>Licensing Act 2003 Notice of Interim Decision</p> </div> <p>PREMISES Shish Meze Restaurant 2 Berther Road Hornchurch RM11 3HS</p> <p>DETAILS OF APPLICATION</p> <p>The application for a variation of a premises license was made under section 34 of the Licensing Act 2003 (“the Act)</p> <p>APPLICANT Mr Bilal Nadir Gul 2 Berther Road Hornchurch RM11 3HS</p>
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		<p>1. Details of requested licensable activities</p> <p>Details of the application</p> <p>Current premises licence hours:</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol (internal areas)</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>10:00</td> <td>23:00</td> </tr> </tbody> </table> <p>All bank holidays, Valentines Day, Christmas Eve, New Year's Eve– 1000 00:00</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol (external areas)</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>12:00</td> <td>21:00</td> </tr> </tbody> </table> <p>Late Night Refreshment</p> <p>All bank holidays, Valentine's Day, Christmas Eve, New Year's Eve– 23:00 to 00:00</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Opening Hours</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td>10:00</td> <td>22:00</td> </tr> <tr> <td>Friday to Sunday</td> <td>10:00</td> <td>23:00</td> </tr> </tbody> </table> <p>(external area 21.00)</p>	Supply of alcohol (internal areas)			Day	Start	Finish	Monday to Sunday	10:00	23:00	Supply of alcohol (external areas)			Day	Start	Finish	Monday to Sunday	12:00	21:00	Opening Hours			Day	Start	Finish	Monday to Thursday	10:00	22:00	Friday to Sunday	10:00	23:00
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		<p>All bank holidays, Valentine’s Day, Christmas Eve, New Year’s Eve – 1000 to 00:00 (external area 21.00)</p> <p>Variation applied for:</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol (internal areas)</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">11:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3">Opening Hours</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">11:00</td> <td align="center">23:30</td> </tr> </tbody> </table> <p>2. Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertisements of the application. The required public notice was installed in the 3 August 2016 edition of the Yellow Advertiser.</p> <p>At the suggestion of the Licensing Authority it was put forward that Premises Licence Annex 2, Conditions 1,3,4,5,6 could be removed; this in line with the section 182 Licensing Act guidance issued by the Government. The applicant had agreed to this suggestion.</p> <p>3. Details of Representations</p>	Supply of alcohol (internal areas)			Day	Start	Finish	Monday to Sunday	11:00	23:00	Opening Hours			Day	Start	Finish	Monday to Sunday	11:00	23:30
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		<p>There were six representations against the application from interested persons. These representations were based on the grounds of Public Safety and the Prevention of public nuisance.</p> <p>There was a representation against the application from a responsible authority; Planning Enforcement based on the grounds of Prevention of public nuisance.</p> <p>4. Determination of Application</p> <p>Mr Sam Cadman representing the Council's Planning Services stated that a representation was placed on the application as the applicant had earlier indicated to vary the operating hours past the hours agreed on the planning condition.</p> <p>The planning condition detailed that the internal areas of the premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays.</p> <p>The Sub-Committee was informed that following the withdrawal of this part of the application Planning Services had no further objection to the remaining parts of the application; that was to licence two additional outside areas of the premises.</p> <p>Mr David Hopkins, a local resident addressed the Sub-Committee stating that he and other resident from Tilier Court were opposed to the application to vary the premises license for the additional area outside the premises on the grounds of Public Safety and the Prevention of public nuisance. He informed the Sub-Committee that his apartment overlooked the premises, that the premises was currently not abiding by its current licence to cease the use of the</p>

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		<p>outside area by 21:00 hours. Mr Hopkins stated that customers at the restaurant were still eating and drinking after 21:00 hours. He was of the opinion that extending the hours would mean noise from the premises emanating to his apartment and other residents. Mr Hopkins was of the view that the situation had only got worse since the original licence was granted. He also stated that it was impossible to have a quiet evening with the windows open in the spring and summer without the noise from the restaurant interfering especially on evenings when there was music in the restaurant in addition to the outside area the doors to the inside were kept open and people inside the restaurant talking clapping and singing happy birthday. The Sub-Committee was informed that there were customers outside the premises after 21:00 hours been served alcohol, people urinating in the street along the path in to the station. Mr Hopkins was of the opinion that the premises was not been well managed.</p> <p>In response the applicant's agent, Mr Graham Hopkins addressed the Sub-Committee stating that the premises was a popular and busy restaurant.</p> <p>Mr Hopkins confirmed to the Sub-Committee in answer to a question, that the application was, inter alia, for a variation of the premises licence to include an additional 2 external areas for the supply of alcohol and that the application to extend the hours for the supply of alcohol for the existing external area was not being pursued.</p> <p>The intention of the application was to bring the opening hours in line with the drinking hours. He added that in response to the photograph submitted by one of the objectors, the photograph indicated that all four parking bays were correctly in use. The Sub-Committee was informed that the application was only to licence the two additional areas specified in the drawings circulated at the meeting. The additional area will allow the premises to expand by 25 persons. The sub-Committee noted that the variation will bring the total capacity for the restaurant to 191.</p> <p>It was also the intention of the premises to operate the Challenge 25 as proof of age policy. In</p>

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		<p>reply to the issue raised by Mr Hopkins that customers were seen with drink in the outside area. Mr Graham Hopkins replied that the restaurant allowed for customers waiting for a table to be served drink as they wait for a table to be available. The premises was also in support of the parking restrictions on Berther Road.</p> <p>Mr Graham Hopkins informed the Sub-Committee that the premises was now aware of the need to provide additional toilets for its customers.</p> <p>Mr Graham Hopkins informed the Sub-Committee that there was no evidence of a public nuisance as the Police and the council’s Environmental Health (Noise) team had not raised an objection to the application. It was also the intention of the premises to have a staff member at the door to advise customers to leave the premises and surrounding areas quietly. Mr Hopkins stated that there was no date and time of the public nuisance incident detailed in the representation. It was also the intention of the premises to display a telephone number in the window of the restaurant for local resident to contact the premises in case there was an issue. He urged the Sub-Committee to grant the licensing hours for the additional areas as outlined.</p> <p>Further to a question by the Sub-Committee, Mr Hopkins stated that the premises would voluntarily offer to close doors and windows and cease the use of the outside area by 22:00 hours.</p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm

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		<p>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.</p> <p>In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <p>Having considered the written representations and oral responses, and having regards to the licensing objectives.</p> <p>The Sub-Committee was of the view that the application was unclear as the Licensing Officer’s report did not detail the application for consideration. The Sub-Committee was also of the view that the description in the advert placed in the Yellow Advertiser was unclear but during questioning Mr David Hopkins accepted that he was aware of the detail of the application. His and other residents from Tilier Court were opposed to the application to vary the premises license for the additional area outside the premises on the grounds of Public Safety and the Prevention of public nuisance.</p> <p>The Sub-Committee was of the view that there was a need to seek absolute clarity of the application from the applicant and Licensing Authority.</p> <p>Decision</p> <p>The Sub-Committee determined that there were a number of matters relating to the variation application that had now changed following the end of consultation and today’s hearing and the appointment of Mr Hopkins as the applicant’s agent. The Sub-Committee was of the view that the original application and what was outlined at the hearing had changed and an adjournment was necessary for the Licensing Authority to clarify the details of the application to</p>

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		vary the premises licence.. The hearing was adjourned for one month.
A1		
A2		