



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE SHISH MEZE

AGENDA

10.30 am	Monday 12 September 2016	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Dilip Patel (Chairman)
Linda Van den Hende
Linda Trew

**For information about the meeting please contact:
Taiwo Adeoye - 01708 433079
taiwo.adeoye@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF INTERESTS

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

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

Procedure for the hearing – Licensing Act 2013

5 APPLICATION FOR A VARIATION TO A PREMISES LICENCE - SHISH MEZE, 2 BERTHER ROAD, HORNCHURCH, RM11 3HS UNDER SECTION 34 OF THE LICENSING ACT 2003. (Pages 7 - 62)

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

REPORT

12 September 2016

Subject Heading:

**Procedure for the Hearing:
Licensing Act 2003**

Report Author and contact details:

**Taiwo Adeoye – Committee Officer
01708 433079**

Members are advised that, when considering an application to vary a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Location and facilities:

- 3.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 3.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

4. Notification of attendance:

- 4.1 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.

5. Procedural matters:

- 5.1 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.
- 5.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 5 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only

where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

The prevention of crime and disorder;

Public safety;

The prevention of public nuisance; and

The protection of children from harm.

6. Failure of parties to attend the hearing:

- 6.1 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.

7. Adjournments and extension of time:

- 7.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

8. Sub-Committee's determination of the hearing:

- 8.1 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.
- 8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.

8.3 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.

9. Power to exclude people from hearing:

9.1 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.

10. Recording of proceedings:

10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

11. Power to vary procedure:

11.1 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 Officer's Report



LICENSING SUB-COMMITTEE

REPORT

Date 12 September 2016

Subject heading:

Shish Meze Restaurant
2 Berther Road, Hornchurch, RM11
3HS

Report author and contact details:

Variation of a premises licence
Arthur Hunt, Licensing Officer
5th floor Mercury House
licensing@havering.gov.uk
01708 433585

This application for a variation to a premises licence is made by Bilal Nadir Gul under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 27 July 2016.

Geographical description of the area and description of the building

The premise is a restaurant located at the junction of Berther Road and Butts Green Road, Hornchurch.

It is a single level premises, which has residential properties in close proximity on two sides. It is directly next door to Emerson Park railway station and there is easy access to public transport bus routes in Butts Green Road.

A map of the area is attached.

Details of the application

Current premises licence hours:

Supply of alcohol (internal areas)		
Day	Start	Finish
Monday to Sunday	10:00	23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve– 1000 00:00

Supply of alcohol (external areas)		
Day	Start	Finish
Monday to Sunday	12:00	21:00

Late Night Refreshment

All bank holidays, Valentine's Day, Christmas Eve, New Year's Eve– 23:00 to 00:00

Opening Hours		
Day	Start	Finish
Monday to Thursday	10:00	22:00
Friday to Sunday	10:00	23:00

(external area 21.00)

All bank holidays, Valentine's Day, Christmas Eve, New Year's Eve – 1000 to 00:00
(external area 21.00)

Variation applied for:

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

Initially the application also sought to extend the supply of alcohol to the outside areas from 11:00 to 22:00 on Monday to Sunday.

This was subsequently withdrawn by the applicant on the 28 July 2016 (copy of E Mail below)

Comments and observations on the application

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 advertising of the application. The required public notice was installed in the Havering Yellow Advertiser on the 3 August 2016.

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 agreed to this suggestion.

Summary

There were 6 representations against this application from interested persons. These were initially rejected due to relevance. Having taken legal advice it was agreed to accept the representations.

There was 1 representation against this application from a responsible authority.
Planning Enforcement



Premises licence number

007098

Part 1 – Premises details

Postal address of premises

**Shish Meze Restaurant
2 Berther Road, Hornchurch, RM11 3HS**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Supply of alcohol (internal areas)

Monday to Sunday – 10:00 to 23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 10:00 to 00:00

Late night refreshment

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 23:00 to 00:00

Supply of alcohol (external areas)

Monday to Sunday – 12:00 to 21:00

The opening hours of the premises

Monday to Thursday – 10:00 to 22:00 (external area 21.00)

Friday to Sunday – 10:00 to 23:00 (external area 21.00)

**All bank holidays, Valentines Day, Christmas Eve, New Year's Eve
10:00 to 00:00 (external area 21.00)**

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

On supplies only

Part 2

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

Mr Bilal Nadir Gul
96A North Street, Hornchurch, RM11 1SU

Registered number of holder

N/A

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

Mr Bilal Nadir Gul

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

Mandatory conditions

1. **No supply of alcohol may be made under the Premises Licence;**
 - (a) **at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.**
2. **Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.**
3. (1) **The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) **In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—**
 - (a) **Games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
 - (i) **Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) **Drink as much alcohol as possible (whether within a time limit or otherwise);**
 - (b) **Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**
 - (c) **Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;**

- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) A holographic mark, or
 - (b) An ultraviolet feature.
 6. The responsible person must ensure that—
 - (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
 7. The admission of children, that is persons aged under 18, to the exhibition of any film shall be restricted in accordance with any recommendation made by the film classification body designated by section 4 of the Video Recordings Act 1984.
 8. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.
 9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Full details of this Mandatory Condition can be found at <http://www.legislation.gov.uk/ukdsi/2014/9780111109120>
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Annex 2 – Conditions consistent with the operating schedule

- 1. The intruder alarm system shall be monitored and connected to the Police.**
- 2. The premises licence holder shall maintain an incident register which shall include all occasions when alcohol has been refused to an underage individual or otherwise.**
- 3. The premises licence holder shall liaise with the local Police station regularly.**
- 4. The premises licence holder shall notify the appropriate authorities of any suspicious characters or activities.**
- 5. The premises licence holder shall ensure that the premises including externally is safe for public use is well lit and adequately signposted.**
- 6. The premises licence holder shall ensure that all staff are aware and alert and adequately trained.**
- 7. Children under the age of 18 are required to be accompanied by a parent or responsible adult.**

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

- 1. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and must be available to a relevant Responsible Authority when called upon.**
- 2. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.**
- 3. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.**
- 4. The premises licence holder shall develop a Child Protection Policy that is approved by Children and Young People's Services and all staff are trained on this policy with a record kept of such training.**
- 5. The premises shall operate a Challenge 21 policy.**
- 6. Alcohol should only be served ancillary to a meal consumed on the premises.**

Conditions attached at variation hearing 23/1/15

7. The sale of alcohol for consumption on the external seating areas shall be restricted to the following hours 12.00 hours to 21.00 hours Mondays to Sundays, all bank holidays, Valentine's Day, Christmas Eve and New Year's Eve.

8. PN11 Prominent, clear notices shall be displayed at *all exits / in the external areas*) requesting that customers respect the needs of local residents and leave the premises and the area quietly.

9. PN12 The external areas must not be used by customers after the hours of 21.00.

10. The sale and supply of alcohol for consumption in the outside areas shall be restricted to the areas shown on plan no. KT-11082014-RM113HS-2 and shall be supplied by waiter/waitress service only to persons seated at tables taking a meal.

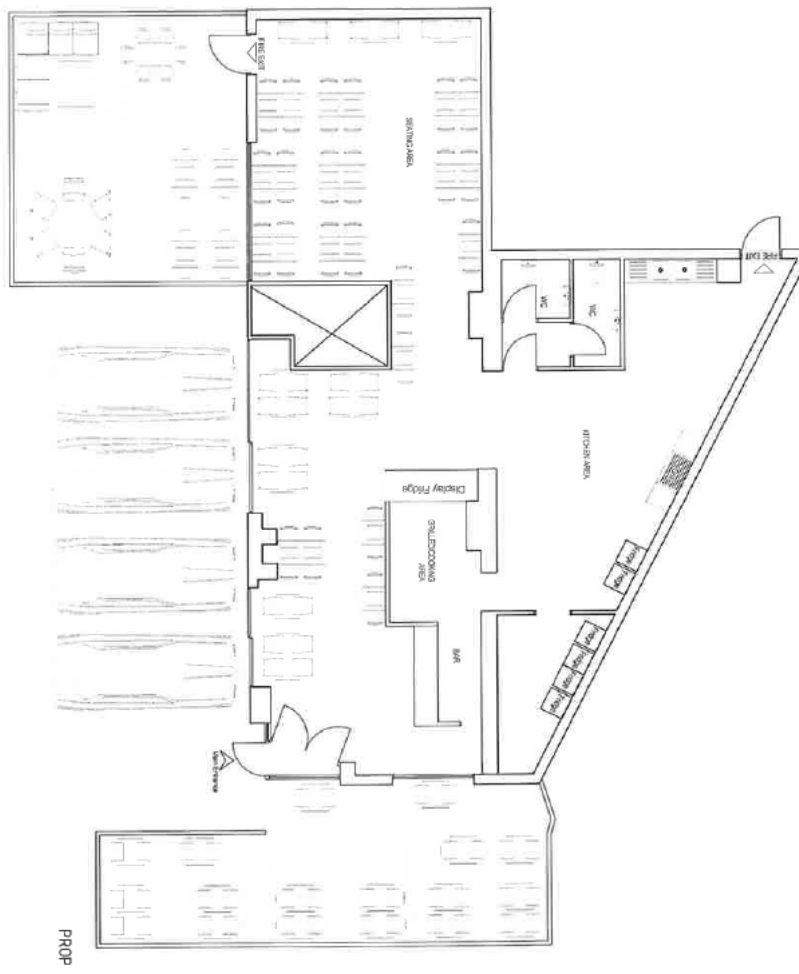
11. The premises licence holder shall ensure that any persons dining in the outside areas do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance.

12. There will be regular collection from and checking of outside areas and the perimeter of the premises for any glass from the premises.

13. A contact telephone number for the duty manager will be made available to residents in the immediate vicinity.

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





Part B

Premises licence summary

Premises licence number

007098

Premises details

Postal address of premises

**Shish Meze Restaurant
2 Berther Road, Hornchurch, RM11 3HS**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Supply of alcohol (internal areas)

Monday to Sunday – 10:00 to 23:00

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 10:00 to 00:00

Late night refreshment

All bank holidays, Valentines Day, Christmas Eve, New Year's Eve – 23:00 to 00:00

Supply of alcohol (external areas)

Monday to Sunday – 12:00 to 21:00

The opening hours of the premise

Monday to Thursday – 10:00 to 22:00 (external area 21.00)

Friday to Sunday – 10:00 to 23:00 (external area 21.00)

**All bank holidays, Valentines Day, Christmas Eve, New Year's Eve
10:00 to 00:00 (external area 21.00)**

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

On supplies only

Name, (registered) address of holder of premises licence

**Mr Bilal Nadir Gul
96A North Street, Hornchurch, RM11 1SU**

Registered number of holder

N/A

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

Mr Bilal Nadir Gul

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

Restricted



Havering
LONDON BOROUGH

Copy of Application

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name	33b GRAND PARADE
* Street	GREEN LANES
District	
* City or town	LONDON
County or administrative area	
* Postcode	N4 1LG
* Country	United Kingdom

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name	2
Street	BERTHER ROAD
District	
City or town	HORNCHURCH
County or administrative area	
Postcode	RM11 3HS
Country	United Kingdom

Premises Contact Details

Telephone number	01708475858
Non-domestic rateable value of premises (£)	21,000

Section 3 of 17

VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

- Yes
- No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

- Yes
- No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

TO CHANGE HOURS FOR SERVING ALCOHOL BOTH AT INSIDE AND OUTSIDE AREAS.
TO INCLUDE AREA PREVIOUSLY NOT INCLUDED ON PREMISES LICENSE. PLEASE SEE THE ATTACHED DRAWING.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes
- No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes
- No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
- No

Continued from previous page...

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

EXTERNAL SEATING AREA :
OPERATING HOURS AS FOLLOW;
MONDAY TO SUNDAY BETWEEN 11:00 AM TO 22:00 PM

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

EXTERNAL SEATING AREA :
OPERATING HOURS AS FOLLOW;
MONDAY TO SUNDAY BETWEEN 11:00 AM TO 22:00 PM

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

THE APPLICANT HASNT GOT THE ORIGINAL COPY OF THE LICENSE.

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

The applicant will accept the follow conditions.

The alcohol only will sale in operation hours and the alcohol will be consumed on the premises ONLY.

CCTV will be installed to the premises, installed the CCTV system that meet the standard in 'UK police requirements for digital CCTV system'.

Emergency lighting will be provided.

Smoke detector will be installed.

The premises operates the "challenge 25" the proof of age scheme.

The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours.

b) The prevention of crime and disorder

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

CCTV CONDITIONS

A CCTV system shall be installed, operated and maintained at the premises.

1. Cameras must be sited to observe the entrance and exit doors, the alcohol displays, and floor areas.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i. e. capable of identification.
3. Cameras viewing till areas must capture frames not less then 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Cameras must capture a minimum of 16 frames per second.
6. Be capable of visually confirming the nature of the crime committed.
7. Provide a linked record of the date, time, and place of any image.
8. Provide good quality images – colour during opening times.
9. Operate under existing light levels within and outside the premises.
10. Have the recording device located in a secure area or locked cabinet.
11. Have a monitor to review images and recorded picture quality.
12. Be regularly maintained to ensure continuous quality of image capture and retention.
13. Have signage displayed in the customer area to advise that CCTV is in operation.
14. Digital images must be kept for 31 days.
15. Police will have access to images at any reasonable time.
16. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

c) Public safety

The premises is not selling for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours. All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in a good order and in a safe condition.

d) The prevention of public nuisance

Continued from previous page...

Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
A specific taxi operator will be nominated for staff and customers use. The company's telephone number will be advertised to customers.
For public nuisance there will not allow any alcohol drink outside of the trading area.
All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months.

e) The protection of children from harm

We will be very strict to not sell alcohol to children and under age.
Any alcohol must be sold by DPS or a person authorised by the DPS at all times.
All staff who sells alcohol will be trained in the role by the DPS with regular refresher training.
Records of training will be kept and made available for examining officers of the relevant authorities.
Where a person appears to be under the age 25, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused.
Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25" proof of age scheme.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
Variation Fees are determined by the non domestic rateable value of the premises.
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 - £100.00
Band B - £4301 to £33000 - £190.00
Band C - £33001 to £87000 - £315.00
Band D - £87001 to £125000 - £450.00*
Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00
Band E - £125001 and over - £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00
Capacity 10000 -14999 - £2,000.00
Capacity 15000-19999 - £4,000.00
Capacity 20000-29999 - £8,000.00
Capacity 30000-39999 - £16,000.00
Capacity 40000-49999 - £24,000.00
Capacity 50000-59999 - £32,000.00
Capacity 60000-69999 - £40,000.00
Capacity 70000-79999 - £48,000.00

Continued from previous page...

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

ENDER CEMGIL

* Capacity

AGENT

* Date

27 / 07 / 2016
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

OFFICE USE ONLY

Applicant reference number

0692.16.SHISH

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

Classified

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Public Notices

GOODS VEHICLE OPERATOR'S LICENCE
 Dutton Scaffolding Services Ltd. of 1 Lincoln Road, Basildon, Essex SS14 3RD is applying for a licence to use Yard G2, Wick Place Industrial Estate, Brentwood Road, Bulphan, Essex RM14 3TJ as an operating centre for 4 goods vehicles and 0 trailers.

Owners or occupiers of land (including buildings) near the operating centre who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds LS9 6NF, stating their reasons within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's Office.

NOTICE OF APPLICATION FOR VARY A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003
 APPLICANT: BILAL NADIR GUL
 PREMISES: 2 BERTHER ROAD, RAINHAM RM11 3HS
 The proposed licensable activity is: THE SALE OF ALCOHOL ON THE PREMISES, MONDAY TO SUNDAY between 11:00 AM – 23:00 PM. (for additional seating area)
 Full details of the application can be inspected at the address noted below during normal business hours. Any representations by an interested party or responsible authority regarding this application can be made to: London Borough of Havering, Licensing Team, Mercury House, Mercury Gardens, ROMFORD, RM1 3RX.
 Website: www.havering.gov.uk
 Such representation must be received in writing by 24/08/2016, clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003.
 It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.00.

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BICYCLE Triumph, old lady style, basket front, carrier rear, okay condition, full working order, plus spares, £35 ono Tel: 01268 770469

VENETIAN BLIND Black wood 50mm slats W103cm D154cm £15. LAMP/BEDSIDE TABLE Black metal frame H66cm W30cm £5 Tel: 01708 459043

CANNON FREESTANDING GAS COOKER vgc, black, £40. BOSCH UNDERCOUNTER FRIDGE, white £25. Tel: 07490449400

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UPRIGHT FRIDGE/FREEZER white, full size, VGC, £80 ono, buyer collects. Basildon. Tel: 07915 063859

MAHOAGNY DINING TABLE & 6 CHAIRS £80. KING BED £80 Bunk beds inc. mattresses £100 Tel: 07783475322

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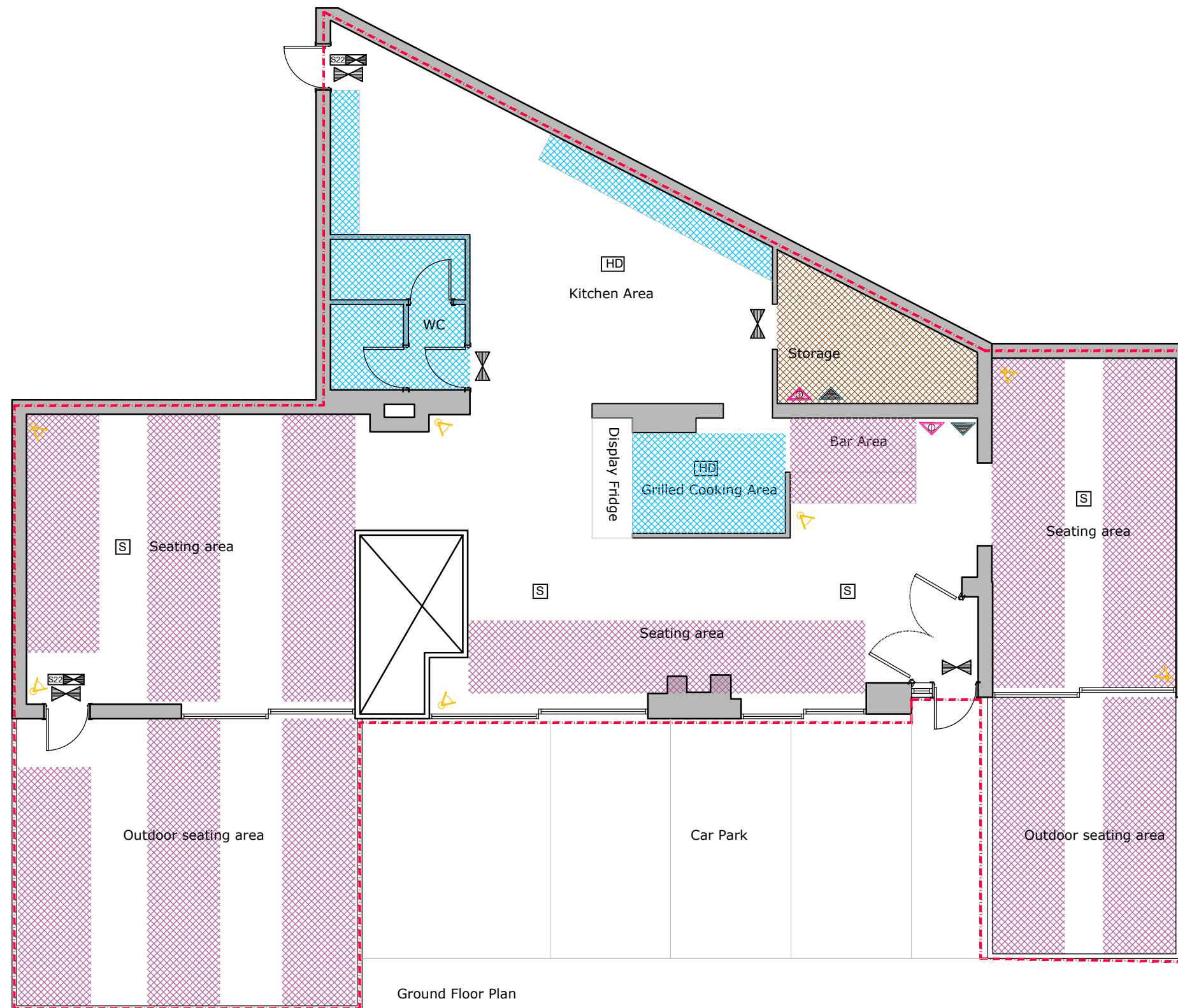
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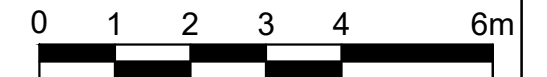
Map of the area



LEGEND

- AMBIT OF LICENSED PREMISES
- LIQUOR STORAGE
- LIQUOR SALES
- WC, PASSAGEWAY, ETC
- SAFETY LIGHTING
- S SMOKE DETECTOR
- S22 INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- S20 FIRE ESCAPE
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- FD30S 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM

TOTAL AREA: 278.9m²



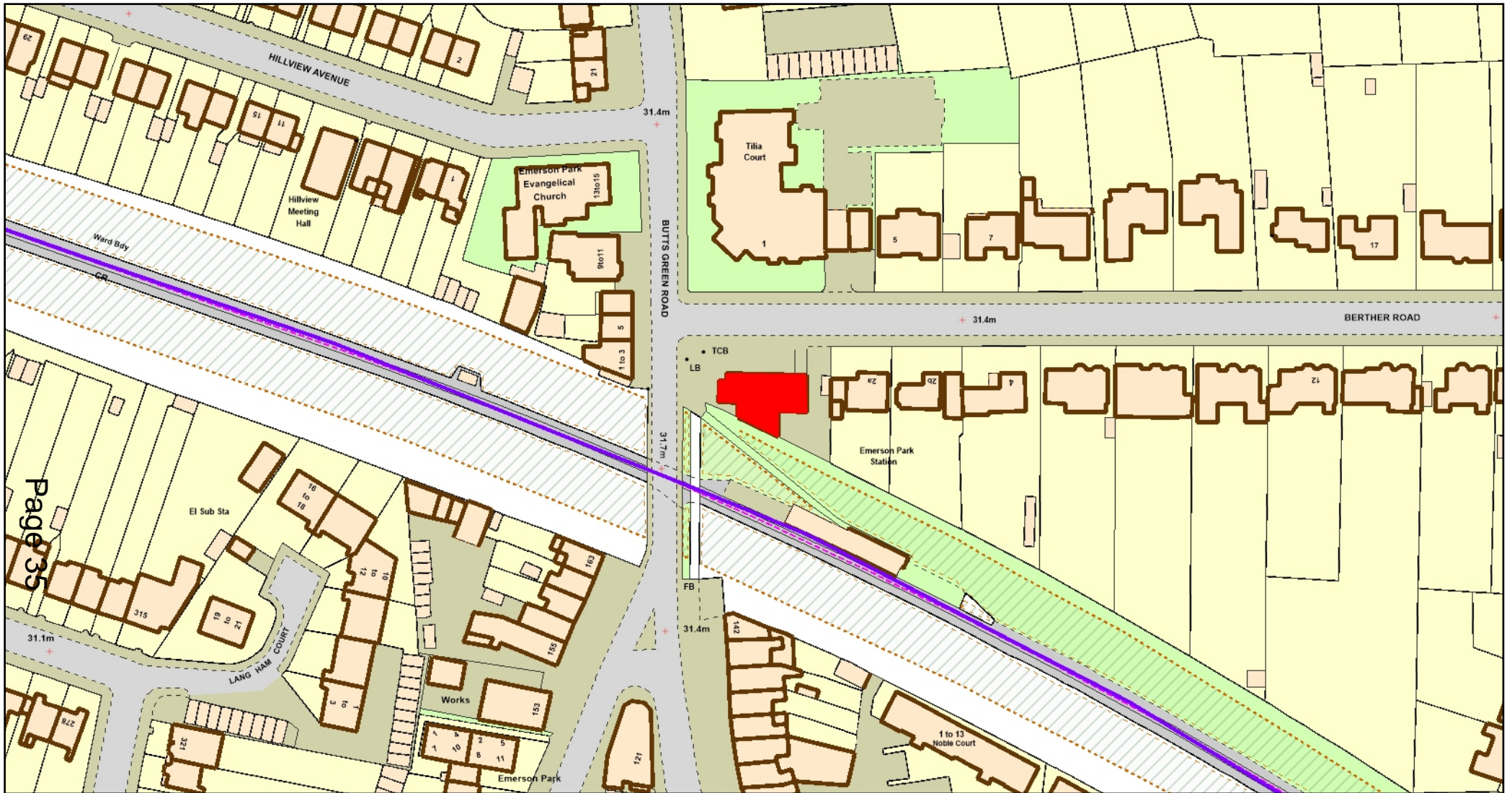
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- Notes
- 1- This drawing is not for construction
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 - 3- Dimensions are not to be scaled directly from drawings
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Client Mr. Nadir Gul	
Project 2 Berther Road, Emerson Park RM 11 3HS	
Scale 1/100@A3	Date 06/2016
Drawn By IM	Checked By AEC
Project No. 0000	Drawing No. A100
Revision -	
Drawing title Ground Floor Plan	



Shish Meze, 2 Berther Road



Scale: 1:1250
 Date: 28 July 2016
 Size: A4



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

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 Ordnance Survey 100024327

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Havering
LONDON BOROUGH

Interested Parties (Valid objections)

23 Berther Road
Hornchurch
Essex
RM11 3HU

Planning Applications
London Borough of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL

31st July 2016

Dear Sirs

Reference : Shish Meze Restaurant, 2 Berther Road, Hornchurch RM11 3HS

I write to formally object to the above planning application where the owner is applying to extend his licence to serve alcohol outside the restaurant for a longer period of time in the evening.

As one of a number of long suffering residents of Berther Road, having to put up with ongoing parking problems (since the last 2 years), noise, smells and increased litter in the road, I strongly object to any extension of the restaurant's current operating licence, which as you know is located in what was once a quiet residential area.

Allowing an extension of the licence to serve alcohol in an outside area will only exacerbate the existing issues noted above, which the residents are suffering daily for. I understand the current licence only allows alcohol to be served until 9.00 pm, but I personally have witnessed this being breached on a regular basis, and no action appears to be taken against him. To grant an extension would only give him the opportunity to again breach any new time limit and so severely impact the quality of life of the residents of the road with noise until the early hours.

Yours faithfully

Clive and Leanne Middleton

4, TILIA COURT,
BERTHER ROAD,
HORNCHURCH,
ESSEX,
RM11 3HU

Public Protection,
London Borough of Havering,
Mercury House,
Mercury Gardens,
Romford,
RM1 3SL.

31st July 2016

Dear Sirs,

Re : Ref : AGH/018223. Shish Meze Restaurant, 2, Berther Road, Hornchurch, RM11 3HS.

I would like to comment on the extended Licence Application as follows:

Berther Road has been turned from a quiet residential street to a practical war zone since the extension application for this restaurant was granted. We have been in negotiations with the Council for over 18 months regarding parking issues and have finally had parking bays installed; which when the patrons of the restaurant learn to read the signs, will return our road back into a place that we are proud to live.

Last Saturday; 23rd July the Shish Meze decided to have live music and opened all of their doors and windows so that the whole street and surrounding rounds could spend their evening suffering what could only be described as a war zone in Beirut. The music could be heard very loudly from as far away as 20 Herbert Road which is quite a distance.

The restaurant was serving alcohol out on their Veranda until closing time, despite the fact that their licence only permits this until 9pm. There were hoards of loud and obnoxious people swarming the pavement outside and due to the fact that there is only one Gents Toilet and one Female Toilet on the premises, there were men urinating in the road next to the entrance to the train station.

Customers leaving the restaurant and finding that they had been presented with a parking ticket were then shouting and screaming in the street and going back to the restaurant to complain. An angry group of young men then decided to attack one of the cars of a resident in Berther Road.

On Sunday morning; the mess in the street was an absolute disgrace as it was strewn with rubbish and broken glass.

Cont'd

I have elderly neighbours who's windows immediately face the Shish Meze. It is bad enough that they have to have their windows closed due to the smell of the restaurant and now find they need to barricade themselves in, closing their windows in the heat which still didn't keep out the noise and atrocious behaviour coming from the restaurant.

The Staff in the Restaurant themselves park straddling the pavement and a couple of weeks ago a Mother with a twin buggy was forced out into the road as she couldn't get past.

I live in very close proximity to the restaurant with my disabled child and fortunately was out for the evening, although totally shocked to hear the raucous as far away as Herbert Road on my walk home. Had I been home for the evening I would have had no hesitation in calling the Police on Speed Dial until they came and shut it down.

I am absolutely appalled that this application is being considered. This is Berther Road Hornchurch and not South Street Romford in case you hadn't noticed.

Yours in disgust.

Sandra Lyons

Arthur Hunt

From:
Sent: 05 August 2016 22:20
To: Licensing
Subject: Premises Licence Application Shish Meze Restuarant 2 Berther Road Hornchurch
RM11 3HS Ref AGH/018223

I wish to oppose the extension of permitted hours at the above premises in the premises licence application. My flat, 2 bedrooms and lounge overlook the premises. The existing hours until 2100 hrs outside means there are people eating and drinking until after 2100 hrs and extending the hours would mean it would continue later with all the existing noise. I wear 2 hearing aids and even without them can hear people in the restaurant so an extension to 2300 hrs would make sleeping even more of a problem as well as people leaving the restaurant at the later time. It should also be remembered that the restaurant is situated in a residential area. It is impossible to have a quiet evening with the windows open in the spring and summer without the noise from the restaurant interfering with that especially on evenings when there is music in the restaurant. In addition to the outside area the doors to the inside are open and the 150 or so people inside talking clapping and singing happy birthday etc adds to my discomfort. This would obviously increase if the application were granted. The situation has only got worse since the original licence was granted.

David Hopkins
13 Tilia Court
Berther Road
Hornchurch
Essex
RM11 3HU

Objections to licence applications

Objections to or support of an application are called representations.

Representations must clearly set out the likely effects the grant or variation of the licence would have on the promotion of at least one of the licensing objectives, and must clearly relate to the premises for which the application is being made.

The four licensing objectives are:

1. The prevention of crime and disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

It would be wise, therefore, to explicitly link one or more of the licensing objectives directly to the premises in question. In addition, the Licensing Authority can only consider representations that are not 'vexatious' or 'frivolous'. The Licensing Authority must determine whether a representation is vexatious or frivolous. A vexatious representation might be one that is based only upon a business rivalry, whilst a frivolous representation might be one that lacks seriousness.

A representation cannot be made anonymously, your name and address must be provided (which will become part of a public document), even if somebody else (e.g. a local MP or Councillor) is making the representation on your behalf. This is because the Licensing Authority needs to know how relevant an objection is in relation to the address and it is not being vexatious. It is also important that an applicant is able to respond to a representation, for example, if they believe that it is not a 'relevant' representation.

Relevant representations must be received within 28 days of the application being made and will normally result in a hearing by the Licensing Sub-Committee to determine the application. Only persons who have made a relevant representation are entitled to address the Sub-Committee.

Premises

Premises name*	Shish Meze Restaurant
Address (Line 1)*	2
Address (Line 2)	Berther Road
Address (Line 3)	
Town/City*	Hornchurch
Postcode*	RM11 3HS

Your details

Your name*	Michael & Janet White
Address (Line 1)*	
Address (Line 2)	
Address (Line 3)	
Town/City*	
Postcode*	
Email	
Telephone	

Comments

Please comment on the below licensing objectives relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed.

Public nuisance

The residents of Berther Road have already suffered from noise and disturbance due the current licence of 9pm being routinely breached. This has been further exacerbated recently with live very noisy 'music' until 11pm. Any extension is considered quite ludicrous. What I and the other already distressed residents of Berther Road cannot understand is why no action has been taken by the council for the continuing existing licence breach?

Crime and disorder

The residents of the road recently suffered from a live/late drinking episode which was followed by broken bottles in the road; shouting and swearing; plus Resturant customers attempting to damage a resident's car parked in their drive.

Protection of children from harm

This Resturant seats 120+ people in a residential road NOT a commercial high street. Increased noise and disturbance is contrary to the well being of children in the road whose sleep is already being disturbed. Moreover, any loud shouting and swearing later in the evening is certainly very frightening and intimidating for youngsters.

Public safety

The Resturant originally seated 30 people with one toilet. The council allowed it to extend to 120+ without any consultation with the residents of Berther Road and I still believe there is only one toilet; consequently this may explain why there have been reports on particularly busy evenings of men urinating on the pathway to Emerson Park Station. Also despite new parking restrictions, forced by the residents of the road, customers of the Resturant continue to park on double yellow lines which has previously caused several serious accidents.

I wish my identity to be kept anonymous
We can withhold personal details where there is a genuin
If you wish your name and address details to be withheld
then please explain the reason

Copies of this representation will be sent to the applicant,
(but other personal contact information such as telephone
have specifically requested anonymity. Copies of this repr
to the public and will be published on the internet.

Objections to licence applications

Objections to or support of an application are called representations.

Representations must clearly set out the likely effects the grant or variation of the licence would have on the promotion of at least one of the licensing objectives, and must clearly relate to the premises for which the application is being made.

The four licensing objectives are:

1. The prevention of crime and disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

It would be wise, therefore, to explicitly link one or more of the licensing objectives directly to the premises in question. In addition, the Licensing Authority can only consider representations that are not 'vexatious' or 'frivolous'. The Licensing Authority must determine whether a representation is vexatious or frivolous. A vexatious representation might be one that is based only upon a business rivalry, whilst a frivolous representation might be one that lacks seriousness.

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Premises

Premises name*	Shish Meze
Address (Line 1)*	2 Berther Road
Address (Line 2)	
Address (Line 3)	
Town/City*	Hornchurch
Postcode*	RM11 3HS

Your details

Your name*	Sally Bailey
Address (Line 1)*	
Address (Line 2)	
Address (Line 3)	
Town/City*	
Postcode*	
Email	
Telephone	

Comments

Please comment on the below licensing objectives relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed.

Public nuisance

To allow the serving of alcohol from 11.00 - 23.00 in the outside areas of the restaurant would cause more noise in a residential area, and would also allow for even more covers as more people could be served of an evening if allowed to sit outside and drink. More people standing on the street drinking and smoking as smoking is not permitted in the restaurant. The restaurant is already in breach of its existing license by serving alcohol in its outside areas after 9pm, and so I am sure by extending

Crime and disorder

the license would only cause further breaches. Also loud music/live music is played with no consideration of the residents of the road. I am sure that deregulation of the music license was based on the idea that premises concerned would not be situated in a residential street. More people being able to drink at the restaurant for longer would cause more disruption in the road. We are already subject to the noise of people leaving the restaurant at all times of the evening, and also subject to men using the surrounding area as a toilet due to lack of facilities in the restaurant itself.

Protection of children from harm

As stated this is a residential street and the children in the area should not have to be subject to groups of people sitting outside drinking at all times of the day and night.

Public safety

As a matter of safety, it can be very intimidating to have such a large group of people gathered at the end of your road drinking and singing. They also block the pavement when standing outside to smoke. We have increase traffic in the area, problems with parking and therefore a possible hindrance to any emergency vehicle.

I wish my identity to be kept anonymous

We can withhold personal details where there is a genuine
If you wish your name and address details to be withheld then please explain the reason

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Objections to licence applications

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3. The prevention of public nuisance
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Premises

Premises name*	Shish Meze
Address (Line 1)*	2 Berther Rd
Address (Line 2)	
Address (Line 3)	
Town/City*	Hornchurch
Postcode*	RM113HS

Your details

Your name*	Mr Gavin Levy
Address (Line 1)*	22 Hillview Avenue
Address (Line 2)	
Address (Line 3)	
Town/City*	Hornchurch
Postcode*	RM112DW
Email	
Telephone	

Comments

Please comment on the below licensing objectives relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed.

Public nuisance

Haverings current Licensing policy, Policy 7, states that the licensee, Mr Gul, is responsible for managing their premises within the guidance contained within the conditions of licence. I have no confidence in Mr Gul ensuring his staff will be adhering to the amended licence conditions because on the 5/8/16 at and between the hours of 2100 and 2130 I observed as many as 14 people openly drinking alcohol served to them from the restaurant outside Shish Meze. This was

encouraged by staff as a consequence of trying to appease customers who had booked a table that was not available at the requested time and other customers who were waiting for a spare table to become available. There is very limited waiting area within this restaurant and because it is a very busy establishment at the weekends this table changeover time, when diners are expected to vacate their table, always creates this specific and real problem .

Customers were able to buy drinks and have them charged to their up and coming table reservation enabling the restaurant to ignore the current conditions of license actively encouraging them to drink outside in an area that is not fit for this purpose. In addition how can the license ensure their challenge 25 policy is enforced if there is no visible contact with the patrons who are consuming alcohol outside the premises. The accumulation of people at or near the entrance means that the entrance doors are always open and has a detrimental effect on the means of escape as well as the increase in noise disturbance for the closest of residents

This congregation also totally obscures the , in my opinion too small, signage requesting that patrons leave quickly and quietly

As a consequence of allowing(encouraging patrons to drink outside of the premises the potential for glassware being readily available for instant arming.

N/A

As a consequence of the very limited waiting space inside the restaurant and the subsequent over spill outside during the changeover period it creates a real distraction for motorists approaching this busy limited view road junction.

The required visibility splay as required by the current licence is severely restricted.

Any patron reversing from the allocated parking spaces have a very restricted view when attempting to get onto the main thoroughfare

No

Crime and disorder

Protection of children from harm
Public safety

I wish my identity to be kept anonymous

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Objections to licence applications

Objections to or support of an application are called representations.

Representations must clearly set out the likely effects the grant or variation of the licence would have on the promotion of at least one of the licensing objectives, and must clearly relate to the premises for which the application is being made.

The four licensing objectives are:

1. The prevention of crime and disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

It would be wise, therefore, to explicitly link one or more of the licensing objectives directly to the premises in question. In addition, the Licensing Authority can only consider representations that are not 'vexatious' or 'frivolous'. The Licensing Authority must determine whether a representation is vexatious or frivolous. A vexatious representation might be one that is based only upon a business rivalry, whilst a frivolous representation might be one that lacks seriousness.

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Relevant representations must be received within 28 days of the application being made and will normally result in a hearing by the Licensing Sub-Committee to determine the application. Only persons who have made a relevant representation are entitled to address the Sub-Committee.

Premises

Premises name*	Shush Meze
Address (Line 1)*	2 Berther Rd
Address (Line 2)	
Address (Line 3)	
Town/City*	Hornchurch
Postcode*	RM113HS

Your details

Your name*	Gavin Levy
Address (Line 1)*	22 Hillview Avenue
Address (Line 2)	
Address (Line 3)	
Town/City*	Hornchurch
Postcode*	RM112DW
Email	
Telephone	

Comments

Please comment on the below licensing objectives relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed.

Public nuisance
 Crime and disorder
 Protection of children from harm
 Public safety

Extending the external footprint of the licensed area of this premises causes a serious issue with the means of escape as defined by the regulatory reform order. There are 2 designated S22 Fire exits
 The front exit leads out to an enclosed external seating area with no direct access to the public highway and

the one at the rear of the premises uses a route to the public highway which is almost totally blocked by cars parked adjacent to the premises during the busy weekend period. I believe this is a new and current problem as a consequence of the recent parking restrictions in Berther Rd. As this is not a designated parking area as per the submitted plans I believe it is an attempt from the staff to park there and free up the designated parking bays within Berther Rd. I have photographic evidence of this

This restriction of means that the , responsible person, as designated by the order is unable to provide safe means of escape as well as discharge their duty under the Disability Discrimination Act , primarily users of wheelchairs

This problem is a direct consequence of the restaurant expanding beyond its original footprint

In addition ,the proximity of the parking spaces at the front of the premises makes it vulnerable to any minor driving mishap there being no concrete bollards to refrain a vehicle that lurches forward from hitting the row of externally seated customers ,which runs across the outside of the premises and is not represented on the plan I have photographic evidence

In addition to this there is the question of the quality of air when seated so close to manoeuvring vehicles

No

I wish my identity to be kept anonymous

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Havering
LONDON BOROUGH

Representation from
Responsible Authority

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:	"Shish Meze", 2 Berther Road, Hornchurch, RM11 3HS
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 OBJECT to the proposed variations to the premises licence application on the specific licencing objective "The prevention of public nuisance".

<p>Policy Considerations:</p> <p>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:</p> <p><u>Licencing Policy 1</u></p> <p>In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:</p> <ul style="list-style-type: none"> • 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. <p><u>Licencing Policy 6</u></p> <p>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. However every application will be considered on its merits on a case by case basis</p> <p><u>Licencing Policy 8</u></p> <p>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:</p> <ul style="list-style-type: none"> • 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 2014 with relation to the use of the property as a restaurant, and the impact on the amenity of the local area was considered and subsequently conditioned (see the "Other documents attached" section for more information). This has been recently reviewed (and subsequently superseded) under the newer planning application P0152.15, which conditioned the use and operational hours of the premises. In both the use of the outside areas and the inside areas, the use was subsequently conditioned so that:

"3. 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. The hours of operation shall be implemented unless agreed in writing by 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."

The licence application seeks to vary the current licence to have the premises open past what has been approved by recent planning decisions. It must be noted that the current licence in effect has opening hours that are all in accordance with the planning conditions stated above. There have been several planning applications considered over the last few years, which indicates that the use of the premises has been seriously considered and subsequently conditioned to protect the amenity of the local residents; with no appeal made against the decisions taken by the Council's planning department. Given these recent decisions (and no great change in the premises' circumstances), it is unlikely that a planning application for the hours proposed in the licence would be granted. As such the application for the licence goes directly against Licensing Policy 6. However, as the planning and licencing regimes are separate I have considered the merits of the licence application below.

The licence application seeks to have the premises open from 11am to 11:30pm every day. It must be noted that there residential properties to the east along Berther Road, and an additional 19 flats in Tilia Court, which is to the north of the site. The use of the premises outside of what has been approved previously by the planning department would be considered unacceptable in terms of the amount of disturbance to the local residents, which was the reason for conditioning the planning applications to the times that they have been. The use of the premises beyond the hours stated in the planning conditions would cause an undue amount of disturbance, and will create a night-time use in a largely residential area. This licence application therefore demonstrates a lack of consideration for the local area, and demonstrates a lack of high standards of management which is expected under Licencing Policies 1, 8 and 14.

Given the arguments as set out above, the licence application goes directly against licencing policy, and the planning department's concerns on the prevention of public nuisance have not been alleviated though the

licence application. As this is the case, I ask that the licencing committee refuse the proposed hours, and that they keep the hours on the current licence. However, the planning department has no concerns with regards to introducing new areas of the premises to the licence. If the committee is not minded to do restrict the licensable hours, then the planning services would completely object to the application to vary the licence.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken.


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

Application Number:	P1178.14
Description of proposal:	Retrospective change of use of part of the ground floor from A1 to A3 use. Retention of new shopfront. Provision of outdoor seating areas.
Outcome:	Approved with conditions.

Application Number:	P0152.15
Description of proposal:	Single storey side extension.
Outcome:	Approved with conditions.

Other documents attached:

I have attached the decision notices for planning applications P1178.14 and P0152.15.

Signed 	Dated: 9/8/16
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LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Cohan Zedek
55 Stoke Newington High Street
London
N16 8BT

APPLICANT

Mr Bilal Nadir
96A North Street
Hornchurch
RM11 1SU

APPLICATION NO: P1178.14

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: Retrospective change of use of part of the ground floor from A1 to A3 use. Retention of new shopfront. Provision of outdoor seating areas.

Location: 2 Berther Road
Hornchurch

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

KT-18082014-RM113HS-1
KT-18082014-RM113HS-2
KT-18082014-RM113HS-3
KT-18082014-RM113HS-4
KT-18082014-RM113HS-5
KT-18082014-RM113HS-6
Site Location Plan (Scale 1:1250)

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 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. The hours of operation shall be implemented unless agreed in writing by 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.

- 2 A 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access shall be provided, set back to the boundary of the public footway. There shall be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

- 3 The area set aside for car parking as indicated on drawing number KT-18082014-RM113HS-2 shall be retained permanently for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

- 4 The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

INFORMATIVE(S)

- 1 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
- 2 The Applicant is advised that planning approval does not constitute approval for changes to

- 2 the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

Dated: 10th October 2014



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.

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Ian Stephenson
Groewood House
155 Abbs Cross Gardens
Hornchurch
Essex
RM12 4FS

APPLICANT

Mr N Gul
2 Berther Road
Hornchurch
Essex
RM11 3HS

APPLICATION NO: P0152.15

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: Single storey side extension

Location: 2 Berther Road
Hornchurch

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

14-094/1
14-094/2 Rev a
14-094/4

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** All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

- 3** The internal areas of the extension shall not be used as part of the existing restaurant use 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. The hours of operation shall be implemented unless agreed in writing by 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.

INFORMATIVE(S)

- 1** Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
- 2** A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

Dated: 2nd April 2015



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.

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