

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
4 October 2016 (10.30 - 11.00 am)**

Present:

COUNCILLORS

Conservative Group Dilip Patel (Chairman) and Linda Trew

**East Havering
Residents' Group** Linda Van den Hende

Present at the hearing were Mr Ender Cemgil, Demetrios Kyriacou and Gursel Saygilli for the premises/applicant. Also present were Mr Graham Hopkins & Ms Linda Potter - applicant representatives. In attendance was an objector – Mr Laurance Garrard, Police Licensing Officer PC Belinda Goodwin, Sam Cadman – Havering Planning Enforcement Service and Havering Licensing Officers Paul Campbell and Arthur Hunt.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interests were disclosed at the meeting

**3 APPLICATION TO VARY A PREMISES LICENCE - SHISH MEZE, 2
 BERTHER ROAD, HORNCHURCH, RM11 3HS. RECONVENED
 HEARING**

PREMISES

Shish Meze Restaurant
2 Berther Road
Hornchurch
RM11 3HS

DETAILS OF APPLICATION

The application to vary a premises license was made under section 34 of the Licensing Act 2003 ("the Act")

APPLICANT

Mr Bilal Nadir Gul
2 Berther Road
Hornchurch
RM11 3HS

1. Details of requested licensable activities

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 – 10:00 to 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

The Licensing Officer addressed the Sub-Committee and outlined the application as follows:

- To reduce the licensable hours,
- To increase the opening hours to align with the licensable hours (giving them 30 minutes of “drinking up time”)
- To change the premises plan to the one submitted with the application (plan 2)
- To remove Annex 2, Conditions 1, 3, 4, 5 and 6 from the premises licence.

2. Promotion of the Licensing Objectives

The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertisements of the application. The required public notice was installed in the 3 August 2016 edition of the Yellow Advertiser.

At the suggestion of the Licensing Authority it was put forward that Premises Licence Annex 2, Conditions 1,3,4,5and 6 could be removed; this in line with the section 182 Licensing Act guidance issued by the Government. The applicant had agreed to this suggestion.

3. Details of Representations

There were six representations against the application from interested persons. These representations were based on the grounds of Public Safety and the Prevention of public nuisance.

There was a representation against the application from a responsible authority; Planning Enforcement based on the grounds of Prevention of public nuisance.

4. Determination of Application

Mr Sam Cadman, Havering’s Planning Enforcement Officer addressed the Sub-Committee stating that his objection was based on the application as the applicant had indicated to vary the operating hours past the time agreed on the planning condition.

The planning condition detailed that the internal areas of the premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays.

The Sub-Committee was informed that the service was currently undertaking an enforcement investigation in relation to the opening hours that was contrary to the planning conditions. Mr Cadman stated that as such the representation stands as the premises was seeking to remain open for 30 minutes longer than the permitted hours.

In response to the Sub-Committee, Mr Cadman elaborated that anything beyond the current planning conditions warranted an objection from the service.

The applicant's agent, Mr Graham Hopkins addressed the Sub-Committee stating that the application for consideration was to allow the premises an additional 30 minutes of "drinking up time".

Mr G Hopkins confirmed to the Sub-Committee that once the application was granted the applicant would be seeking planning's approval to vary its planning conditions.

The Sub-Committee was also informed that the strip that was outside the premises was not for consideration as the premises had no intention for any licensable activities in the area.

Mr G Hopkins informed the Sub-Committee that it was the intention of the applicant to comply with the conditions of its licence.

The premises was in support of the parking restrictions on Berther Road, a staff member regularly advised customers not to park on the double yellow lines and also not to obstruct entrances to local residences driveways.

The Sub-Committee also noted that the premises was looking to provide additional toilets upstairs for its customers subject to a planning application.

Mr Graham Hopkins informed the Sub-Committee that it was also the intention of the premises to have a staff member at the door to advise customers to leave the premises and surrounding areas quietly, additional signage had been placed in the premises to advise customers to depart quietly and respect the neighbourhood.

Mr Hopkins stated that it was the intention of the premises to display a telephone number in the window of the restaurant for local residents to contact the premises in case there was an issue.

He urged the Sub-Committee to grant the additional licensing hours that were sought as outlined.

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Having considered the written representations and oral responses, and having regards to the licensing objectives. The Sub-Committee was satisfied with the application as presented by the Licensing Officer and with the applicant agent's in agreement.

The Sub-Committee also noted that the applicant had offered voluntary condition to allay the concerns of local residents.

Decision

The Sub-Committee therefore granted the application as applied for, subject to the following conditions set out below and the voluntary condition offered by the by the applicant.

- There shall be no consumption of alcohol within the external area after 21:00 hours
- All alcohol containers shall be removed from all external areas at that time.
- The applicant was reminded to adhere to the voluntary condition to close all windows and doors after 21:00 hours

Chairman