

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
6 January 2017 (10.30 am - 12.20 pm)**

Present:

COUNCILLORS

Conservative Group Dilip Patel (Chairman)

Residents' Group Jody Ganly and +Reg Whitney

An apology for the absence was received from Councillor Keith Roberts.
+Substitute member Councillor Reg Whitney (for Keith Roberts)

Present at the hearing were Mr Matthew Phipps – Applicant's Legal Representative, Mr Nick Clarke, Mr Jim Tarzey, Mr Luke Elford and Mr D Collins – Applicant's Representatives.

Mr Sam Cadman - Havering Planning Authority and Havering Licensing Officer Paul Jones were in attendance.

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

The Chairman reminded Members of the action to be taken in an emergency.

PREMISES

Las Iguanas
12 The Brewery
Romford
RM1 1AU

APPLICANT

Las Iguanas Ltd
1st Floor
163 Eversholt Street
London
NW1 1BU

1. Details of Application

The premises was located in the Brewery retail site in Romford's Town Centre. The entirety of the Brewery site is within Romford's Ring Road, therefore the application was subject to Havering's Licensing Policy 2 on cumulative impact.

Whilst the area at this location is commercial there are a number of residential properties adjacent to the Brewery located at Malthouse Place in close proximity to the premises.

Details of the application

The licensable activities sought are:

Late night refreshment		
Day	Start	Finish
Sunday to Thursday	23:00	00:30
Friday, Saturday, New Year's Eve, Sunday preceding a bank holiday Monday	23:00	01:30

Supply of alcohol (for consumption on and off premises)		
Day	Start	Finish
Sunday to Thursday	09:00	00:00
Friday & Saturday	09:00	01:00
New Year's Eve, Sunday preceding a bank holiday Monday	09:00	01:30

Hours premises open to the public		
Day	Start	Finish
Sunday to Thursday	09:00	00:30
Friday, Saturday, New Year's Eve, Sunday preceding a bank holiday Monday	09:00	01:30

Comments and observations on the application

During the application's consultation period the applicant modified the operating schedule to remove proposed condition 20 in respect of regulated entertainment. A statement further to Havering's cumulative impact policy was also submitted, this was attached to the report.

There was one representation against this application, from the Local Planning Authority.

2. Details of Representations

Havering's Planning Authority had made an objection to the proposed premises licence application on the prevention of public nuisance licensing objective.

Mr Cadman, for the Local Planning Authority (LPA) informed the sub-committee that planning permission had been granted for the change of use of the premises as restaurant and that the closing time was limited by a condition on the planning permission to 23:00 hours. Mr Cadman reiterated his representation to the Sub-Committee stating that the operating hours be restricted to 08:00 hours to 23:00 hours every day should the premises licence be granted. He added that following assessment of the proposed use and consideration of the planning application since the premises licence application was submitted, it was deemed necessary and expedient to restrict the operating hours accordingly.

The licence application proposed a terminal hour of 01:30 hours the next day on Saturday and Sunday evenings/nights, this would be introducing a night-time use in an area that had no late-night activity previously.

There were a large number of residential properties in close proximity to the premises in Malt House Place, and other residential properties in Logan Court.

Mr Cadman was of the view that introducing a late-night use would increase noise and activity in an area that had not been prevalent to the distress of local residents and other members of the public. Furthermore, allowing alcohol to be served until the late evening/night time may increase the chance of persons under the influence causing anti-social behaviour in the local area. This would also increase the noise in the late evening which would be detrimental to the local amenity and residents, as there was a lower ambient noise in the area at these times.

The Sub-Committee was informed that the premises was located within Romford's Cumulative Impact Zone (CIZ), and as such may have a negative impact on the area.

Mr Cadman was of the view that the premises licence application failed to promote the licensing objective of the prevention of public nuisance, and was therefore contrary to Policies 1, 6, 8 and 14. Havering Planning Authority's concerns on the prevention of public nuisance have not been alleviated through the licence application and as such the LPA would ask that the Sub-Committee grant a licence that restricts the hours of operation to a terminal hour of 23:00 hours on Sunday to Thursday, and Midnight on Friday and Saturday).

In response to the Sub-Committee's enquiry of terminal hours of other premises nearby, Mr Cadman stated that he was not aware of any other restaurant with the same terminal hour as proposed by the applicant as he was unable to ascertain the hours. Mr Cadman also indicated that there were conditions in the planning decision that addressed the issue of public nuisance licensing objective. The Sub-Committee and authority present were circulated copies of the Planning Decision for the premises.

3. Applicant's response.

The applicant's legal representative, Mr Phipps, addressed the Sub-Committee.

Mr Phipps stated that a pre-application consultation was undertaken with the Police Licensing and Havering Licensing Authority that had provided an introduction to the company prior to the submission of the application.

As a result the premises was able to offer conditions with its application in order to ensure that the premises operated in such a manner as to be unlikely to undermine the licensing objectives.

The dialogue with the authorities before the application being made, it was submitted, had been courteous.

The Sub-Committee was informed that the Las Iguanas restaurant chain had grown to 56 trading premises since its formation in 1991 across England and Wales. Las Iguanas operated restaurants in city and town centres country-wide. It was stated that none of the premises had the historic restaurant condition that made alcohol sales ancillary to taking a table meal at Las Iguanas because the restaurant were all set up to have a table meal.

The restaurants were in mixed locations; below offices and residential properties, located in shopping centres, listed building and had won awards for its décor, design and style.

The Sub-Committee was informed that the applicant was a business that invested in its people and had been recognised and accredited for its management team. It was also stated that at Las Iguanas the operation was based on a Brazilian and South American theme.

Mr Phipps stated that it was of genuine significance that there was no other representation against the licensing application apart from the Local Planning Authority.

It was stated that Las Iguanas was renowned for its own brand of beverage; the award-winning premium golden cachaça that was cultivated on Las Iguanas sugar cane fields in Brazil from where it is distilled and bottled to the UK.

The Sub-Committee was informed that the main sale of alcohol for off-site consumption was Cachaça in a sealed bottle costing about £23.

Mr Phipps stated that the applicant was familiar with the cumulative impact policy and had addressed it as was required by the Havering Licensing Policy on how the premises was to promote the Licensing objectives and CIZ policy on page 33 of the agenda pack. Mr Phipps conformed that he accepted that the premises licence application did not satisfy the exemption to the CIZ policy for restaurants with expected terminal hours.

Mr Phipps was of the opinion that the CIZ policy for Romford Town Centre was not relevant to this application as the relevant CIZ policy restricted it itself and was designed to address the licensing objective of the prevention of crime and disorder as a result of the historical experience of a high volume of alcohol related and night time economy violent crime and disorder unlike the CIZ policy for Harold Hill that referred anti-social behaviour which was specific to the prevention of public nuisance objective. The Sub-Committee was therefore informed that the Romford Town Centre CIZ policy had not been engaged as crime and disorder was not an issue with this application and there was no objection from the police to the application

The Sub-Committee was taken through the schedule of proposed conditions as it's related to the licensing objectives.

Mr Phipps stated as a condition of the licence sought 80% of the floor space of the premises would be laid out with tables at all times with waiter/waitress service.

The applicant legal representative addressed all the policy considerations detailed in the Local Planning Authority's objection.

The Sub-Committee noted that in response to the issue of past compliance history of current management, Mr Phipps indicated that none of the 56 outlets of Las Iguanas had been a subject of a licensing review but have had a regulatory concern at its Westfield and Brighton premises.

Mr Phipps was confident that the premises had demonstrated a commitment to high standards of management in its history and approach to this application.

It was stated that the application had demonstrated knowledge of the licensing objectives in its operating schedule as each of the licensing objectives had been addressed and the conditions offered addressed any concern that responsible authorities or the sub-committee may have and would like the opportunity to demonstrate its was able to run the business lawfully and in accordance with good business practises. It was added that Las Iguanas had a track record of compliance with legal requirements in its other 56 restaurants.

The Sub-Committee was informed that premises was committed to protecting the amenity of residents and businesses in the vicinity, Las Iguanas was not setting up to be a cause of a nuisance.

In summation Mr Phipps stated that the premises was satisfied that granting the application as requested including the offered conditions in the operating schedule would not undermine the licensing objectives and would in fact promote them. He added that this was a good application, good applicant and good operating schedule.

In response to a question, the Sub-Committee was informed that the application for late night refreshment was to enable the premises to offer 30 minutes drinking up time and offer hot drinks and deserts for sale.

In response to a question, the Sub-Committee was informed that outdoor area would be barred off and have three tables to seat six persons and also used as a smoking area.

Mr Phipps also responded that the premises was applying for a terminal hour of 01:30 hours but once the premises open, it would find its natural closing time.

The Sub-Committee was informed that that the Lakeside premises currently closed at 01:00 hours but had a terminal hour of 02:30 hours and also had SIA door supervisors as required.

The Sub-Committee was informed about 90% of its restaurants were licensed to operate until 01:00 hours but some of its restaurants do not operate until this hour such as Spitalfields, Chelmsford and Cambridge.

In response to a comment on drink driving and dispersal, Mr Phipps assured the Sub-committee that Las Iguanas operated with dispersal policy at other restaurant and on the point of drink driving, he was of the view that not everyone drinks whilst they are out and designated drivers was now a developing feature of life.

4. Decision

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

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Having considered the representations and submissions from the Planning Authority and the from the applicant's representative, and having regard to the licensing objectives and in particular the prevention of public nuisance licensing objective, the Sub-Committee **granted** the Premises Licence subject to the conditions offered on page 29 and 30 of the agenda and subject to the following additional conditions:

Provision of Late Night Refreshment		
Day	Start	Finish
Sunday to Thursday	23:00	23:30
Friday & Saturday	23:00	00:30 Next day
New Year's Eve, Sunday preceding a bank holiday Monday	23:00	01:30 Next day

Supply of Alcohol (for consumption on and off premises)		
Day	Start	Finish
Sunday to Thursday	09:00	23:00
Friday & Saturday	09:00	00:00
New Year's Eve, Sunday preceding a bank holiday Monday	09:00	01:30 Next day

Hours Premises Open to the Public		
Day	Start	Finish
Sunday to Thursday	09:00	23:30
Friday & Saturday	09:00	00:30 Next day
New Year's Eve, Sunday preceding a bank holiday Monday	09:00	01:30 Next day

- there shall be no consumption of alcohol in the outside area after 21.30 hours.
- No other alcohol shall be offered for off sales other than the cachaça in a sealed bottle.

Chairman