

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 21 December 2021

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

Part A – Items considered in public

A1	<p>APPLICATION FOR A PREMISES LICENCE CHICK"N"SHACK</p> <p>Licensing Act 2003 Notice of Decision</p> <p>PREMISES Chick'n'Shack 55 Whitehart Lane Romford RM7 8JB</p> <p>APPLICANT Mr Rajiban Raveendran</p> <p>The application for a premises licence is made by Mr Rajiban Raveendran under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 12 November 2021.</p> <p>Details of the application</p> <table border="1"> <thead> <tr> <th colspan="3">Late night refreshment</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> </thead> <tbody> <tr> <td>Monday to Sunday</td><td>23:00</td><td>01:00</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">Off-supplies of alcohol</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> </thead> <tbody> <tr> <td>Monday to Sunday</td><td>11:00</td><td>01:00</td></tr> </tbody> </table>	Late night refreshment			Day	Start	Finish	Monday to Sunday	23:00	01:00	Off-supplies of alcohol			Day	Start	Finish	Monday to Sunday	11:00	01:00	
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		<p>2003 and the Council's own Statement of Licensing Policy.</p> <p>The applicant acted in accordance with regulations governing the advertising of the application.</p> <p>Details of Representations</p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none">• The prevention of crime and disorder• Public safety• The prevention of public nuisance• The protection of children from harm <p>There were no representations against the application from any residents or businesses.</p> <p>There was one representation against the application from a responsible authority, namely Havering's Noise Team.</p> <p>Decision:</p> <p>The Sub-Committee have considered the application for a new premises licence for Chick n Shack, situated at 55 White Hart Lane Romford RM7 8JB, and representations against the application have been received from:</p> <ul style="list-style-type: none">- The Council's Noise Team, on the grounds of the prevention of public nuisance. <p>The Sub-Committee must promote the licensing objectives and must have regard to the</p>

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		<p>Secretary of State's National Guidance created under S182 of the Licensing Act and the Council's own Statement of Licensing Policy. Where relevant representations are made, the authority must hold a hearing and then take such steps, as it considers necessary for the promotion of the licensing objectives (section 18(3), LA 2003). These steps may include rejecting the application, or modifying the conditions to the extent that the authority considers necessary for the promotion of the licensing objectives</p> <p>Having considered and heard all of the evidence, the Sub-Committee grant the application as follows</p> <p>Premises Opening and Closing Times:</p> <ul style="list-style-type: none"> i) Sunday to Thursday from 10:00 to 23:00 ii) Friday & Saturday from 10:00 hours to 00:00 hours <p>Provision of the sale of alcohol, off sales only</p> <ul style="list-style-type: none"> iii) Sunday to Thursday from 11:00 to 23:00 iv) Friday & Saturday from 11:00 hours to 00:00 hours <p>Provision of late night refreshment</p> <ul style="list-style-type: none"> v) Friday & Saturday from 23:00 hours to 00:00 hours <p>In arriving to a determination, the Sub-Committee noted that the Council's Noise Team made representations against the application as a relevant authority. Responsible Authorities act as source of advice to Members, and on this occasion, the Sub-Committee heard that the Council's Noise team remain steadfast on that permitting licensable activities between the hours of 00:00 to 01:00 will undermine the licensing objective of Prevention of Public Nuisance. The Sub-Committee accepted that although the premises is situated within a parade of shops,</p>

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		<p>the premises finds itself in a quiet residential area. There are residential homes directly above and opposite the premises, who on the balance of probabilities, will suffer from noise nuisance caused by collection of takeaway after 23:00 hours between Sundays and Thursdays, and after the hours of 00:00 on Friday and Saturdays. There is no doubt in Member's mind that residents will suffer from sound pollution caused by delivery drivers attending and leaving the premises, from the vehicles used by the delivery drivers and from the likely congregation of delivery drivers awaiting to pick up orders from the premises. The Sub-Committee find that the hours refused are sensitive hours in which noise is further amplified and travels further given the nature and character of the location where the premises is situated.</p> <p>In response to the Council's Noise Team's submissions, the applicant stated that he is able to mitigate noise pollution by only permitting collection of deliveries at the rear of the property where there is a service road. The Sub-Committee were also told that the applicant is able to contact delivery partners regarding the conduct of their drivers and the applicant is able to control, to an extent, what type of vehicle is utilised by the delivery driver when attending the premises. The Sub-Committee welcomed this information however on balance find that residents will still suffer from noise pollution.</p> <p>In determining the application, the Sub-Committee considered if imposing further conditions on the licence would promote the licensing objective of prevention of public nuisance but found no conditions could tackle the issue of noise nuisance given the premises is situated in a residential area.</p> <p><u>Agreed conditions by the Applicant and the Council's Noise Team</u></p> <p>The following conditions were agreed by the applicant and the Council's Noise Team, following the letter of representations submitted by the Council's Noise Team.</p> <p>1) Noise from deliveries of stock.</p>

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		<p>No deliveries shall be received at the premises outside of the following hours:</p> <p>08.00-18.00 Monday-Friday</p> <p>08.00-13.00 Saturday</p> <p>No deliveries on Sunday, Public and Bank Holidays</p> <p>Reason: To prevent a public nuisance from deliveries at unreasonable times.</p> <p>2) Noise from waste collections</p> <p>No waste collections shall occur at the premises outside of the following hours:</p> <p>07.00-18.00 Monday-Friday</p> <p>08.00-13.00 Saturday</p> <p>No deliveries on Sunday, Public and Bank Holidays</p> <p>Reason: To prevent a public nuisance from waste collections at unreasonable times.</p> <p>3) Deliveries of food and alcohol</p> <p>No deliveries of food and alcohol shall be collected from the premises outside the licensable hours.</p> <p>Reason: To prevent a public nuisance from deliveries at unreasonable times.</p> <p>4) Signage</p>

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		<p>Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.</p> <p>Reason: To prevent a public nuisance from customer noise.</p> <p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
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A2		