

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 13 February 2023**

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

**Part A – Items considered in public**

<p><b>A5</b></p>	<p>APPLICATION TO VARY A PREMISE LICENSE - HOT AND TASTY</p>	<p>Licensing Act 2003 Notice of Decision</p> <p>PREMISES Hot &amp; Tasty, 140 South Street, Romford, RM1 1TE</p> <p>APPLICANT Mr Ali Demir</p> <p>1. Details of requested licensable activities This application to vary a premises licence is made by Mr Ali Demir under section 34 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 21st December 2022.</p> <p>Details of the application</p> <p>The application is for:</p> <p>Extension of hours for late night refreshment and recorded music - Late Night Refreshment: Thursday to Saturday from 23:00 to 05:00 Monday to Wednesday from 23:00 to 03:00 Sunday from 23:00 to 01:00 Recorded Music and Opening Hours: Thursday to Saturday from 11:00 to 05:00 Monday to Wednesday from 11:00 to 03:00</p>
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		<p>Sunday from 11:00 to 01:00 All existing conditions to remain.</p> <p>Representations There were two representations against this application from responsible authorities - the local authority and the Police.</p> <p>SUMMARY The Licensing Sub - Committee (“LSC”) has considered an application for the variation of the premises licence in respect of Hot &amp; Tasty, 140 South Street Romford RM1 1TE (“the premises”). The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under S.182 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>Decision: refused.</p> <p>The premises are situated in a Cumulative Impact Zone (“CIZ”). However, the Applicant had failed to address the rebuttable presumption that an application for a premises within a CIZ will be refused unless the applicant can show that the grant of the licence will not add to the cumulative impact of licenced premises in the area. The Applicant had not attempted to provide any detail to rebut the presumption in his written application.</p> <p>During the hearing, the Sub-Committee asked the Applicant several times what a CIZ is. The</p>

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		<p>Applicant did not know. The Sub-Committee was concerned that the Applicant, who had been at the premises for a year, did not know what a Cumulative Impact Zone is. The Sub-Committee was not persuaded by the Applicant’s submission that other premises licence holders probably don’t know what a CIZ is or that future staff training will cover this. The Sub-Committee was also concerned that the premises is in a significant crime “hot spot” and is in the main transport area for the borough. Extending the premises’ licensing hours, (which are already in excess of those set down in the council’s licensing policy), would encourage alcohol fuelled crowds to congregate in the area. This could lead to more crime and disorder and would hamper the dispersal of crowds from the area. The extended hours would cause a public nuisance in the area, including to the residents of the block of flats above the premises</p> <p>The Sub-Committee also felt that it had been unfortunate that the premises licence holder had not engaged with the council’s licensing officer who had written to the Applicant in on the 22nd December 2022.</p> <p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates’ Court within 21 days of notification of the decision.</p> <p>On appeal, the Magistrates’ Court may:</p> <ol style="list-style-type: none"> <li>1. Dismiss the appeal; or</li> <li>2. Substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. Make an order for costs as it sees fit.</li> </ol>
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<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
<b>A2</b>		