

Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 26 July 2024

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>A1</p>	<p>APPLICATION TO VARY A PREMISES LICENCE - MCKLUNKY'S, 185B HIGH STREET, HORNCHURCH RM11 3XS</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES McKlunky's 185b High Street Hornchurch RM11 3XS</p> <p>APPLICANT Mr Asif Khan</p> <p>Details of requested licensable activities This application to vary a premises licence is made by Mr Asif Khan under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 4th June 2024.</p> <p>The application seeks to permit the following licensable activity:</p> <p>Details of the application</p> <p>Current premises licence hours:</p> <table border="1" data-bbox="842 1241 1554 1385"> <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>Sunday to Thursday</td> <td>23:00</td> <td>00:00</td> </tr> <tr> <td>Friday and Saturday</td> <td>23:00</td> <td>01:00</td> </tr> </tbody> </table>	Late night refreshment			Day	Start	Finish	Sunday to Thursday	23:00	00:00	Friday and Saturday	23:00	01:00
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		<p>There were three representations against this application from responsible authorities. The Metropolitan Police, the Licensing Authority and Havering’s Environmental Health Department.</p> <p><u>Introduction</u></p> <p>1. The Licensing Sub-Committee (“LSC”) has considered an application for the variation of the premises licence in respect of “McKlunky’s”, a takeaway located at 185B High Street Hornchurch RM11 3XS (“the premises”).</p> <p>The current premises licence contains the following times in respect of late night refreshments:</p> <p><u>Late Night Refreshment</u></p> <p>Sunday to Thursday 23:00 to 00:00 Friday and Saturday 23:00 to 01:00</p> <p>2. The applicant sought to vary those hours to the following –</p> <p>Sunday to Thursday 23:00 to 00:00 Friday and Saturday 23:00 to 02:00</p> <p>and to extend the Non-standard timings as follows –</p> <p>Public holiday weekends: Sunday and Monday – 23:00 to 02:00</p>
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		<p>Christmas Eve, New Year’s Eve – 23:00 to 02:00</p> <p>3. In addition the Sub-Committee heard from the Applicant, Mr Asif Khan and his business partner.</p> <p><u>Decision</u></p> <p>4. Having considered the written evidence and the oral submissions made during the hearing the Sub-Committee decided that the application to vary the licence times as set out above should be refused.</p> <p><u>Reasons for the Decision</u></p> <p>5. The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under s182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.</p> <p>6. The premises is situated in the Hornchurch Cumulative Impact Zone (“CIZ”). The Applicant had offered to extend the hours that the SIA was present on the premises to 2am but the Sub-Committee was concerned that the Applicant was unable to explain what the purpose of a CIZ is. He stated that there are residents near the premises and so the conditions can’t be breached. He stated that there is a precedent as the licence was issued before he took over the premises. He also said that there is a Cumulative Impact Zone so there are strict rules and that “we want extra business”</p>

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		<p>7. The Sub-Committee noted the Licensing officer’s submissions that Hornchurch Town Centre houses the second biggest day and night time economy in Havering and that the 2018 Havering Community Safety Partnership report identified the High Street as the main hotspot for violence with injury offences.</p> <p>8. The Sub-Committee was therefore concerned that extending the premises’ licensing hours would encourage alcohol fuelled people to congregate in the area. This could lead to more crime and disorder and the extended hours would cause a public nuisance in the area, particularly to the residents in the vicinity of the premises.</p> <p>9. The Sub-Committee also noted the police objections to the variation and confirmed that the police were its main source of advice and guidance in respect of the night time economy and the promotion of the crime and disorder licensing objective.</p> <p>10. The Sub-Committee was concerned about the Police submissions that 4 breaches of the current licence conditions had been discovered by the police during a premises visit in March 2023. The Sub-Committee was also not persuaded by the Applicant’s submission that opening until 2am would take the pressure off other premises in the area</p> <p>11. The Sub-Committee also noted the concerns of the Environmental Health officer that even with the SIA remaining on the premises until 2am this would not deal with other public nuisance, for e.g. drunk people having loud conversations</p>

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		<p>outside the premises.</p> <p>12. In addition, the Sub-Committee noted that the proposed licensing hours were outside those set out in the council’s Licensing Policy. The policy stated at paragraph 12.1 that when dealing with new and variation applications the Licensing Authority may give more favourable consideration to applications with the following closing times –</p> <p style="padding-left: 40px;">Hot food and drink supplied by takeaways, fast food premises –</p> <p style="padding-left: 40px;">Midnight - Sunday to Thursdays</p> <p style="padding-left: 40px;">01:00 - Friday and Saturday</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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A1		
A2		