



# Haverling

L O N D O N B O R O U G H

## LICENSING SUB-COMMITTEE MCKLUNKY'S

### AGENDA

<b>10.30 am</b>	<b>Friday 26 July 2024</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

**COUNCILLORS:**

Philippa Crowder  
Jane Keane  
Nisha Patel

**For information about the meeting please contact:  
Taiwo Adeoye - 01708 433079  
[taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk)**

***Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.***

***Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.***

### **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

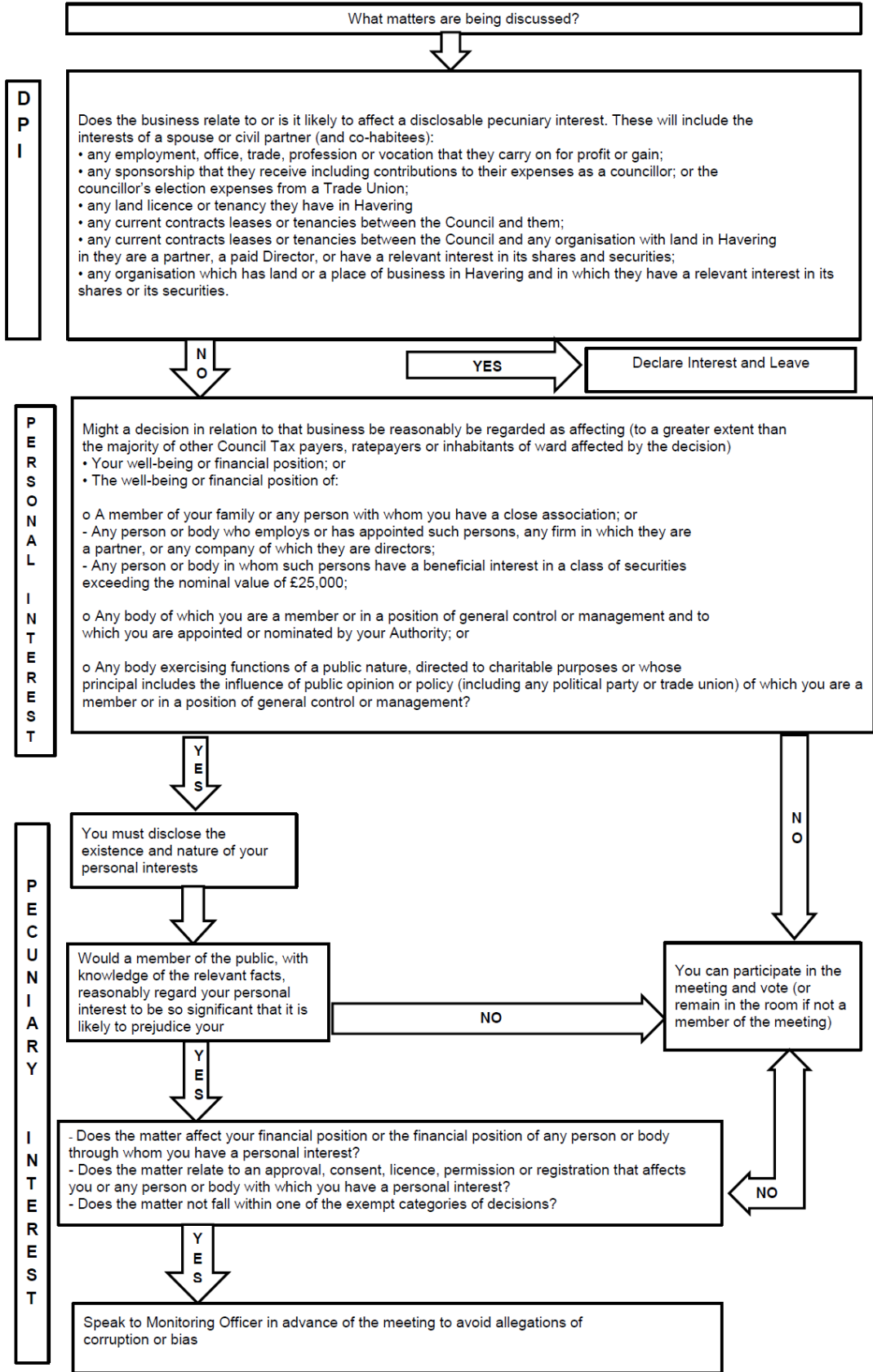
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## AGENDA ITEMS

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive

**2 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

**3 CHAIRMAN'S ANNOUNCEMENT**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

**4 REPORT OF THE CLERK (Pages 5 - 10)**

Document attached - To note

**5 APPLICATION TO VARY A PREMISES LICENCE - MCKLUNKY'S, 185B HIGH STREET, HORNCHURCH RM11 3XS (Pages 11 - 48)**

This application to vary a premises licence is made by Mr Asif Khan under section 34 of the Licensing Act 2003.

**Zena Smith**  
**Head of Committee and Election Services**



## LICENSING SUB-COMMITTEE

26 July 2024

## REPORT

**Subject Heading:**

**Procedure for the Hearing:  
Licensing Act 2003**

**Report Author and contact details:**

**Taiwo Adeoye – Committee Officer -  
01708 433079**

Members are advised that, when considering an application to vary a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

## **1. Membership of the Sub-Committee:**

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
  - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
  - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
  - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
  - 1.2.4 has a personal interest in the application.

## **2. Roles of other participants:**

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

## **3. Location and facilities:**

- 3.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 3.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

#### **4. Notification of attendance:**

- 4.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

#### **5. Procedural matters:**

- 5.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 5.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

##### **Introduction of the application:**

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

##### **Documentary evidence:**

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 5 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

### **Representations:**

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10-minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10-minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local Environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

### **Cross-Examination:**

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only



where it is necessary to assist it in considering the representations or application.

**Relevance:**

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

**The prevention of crime and disorder;**

**Public safety;**

**The prevention of public nuisance; and**

**The protection of children from harm.**

**6. Failure of parties to attend the hearing:**

- 6.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

**7. Adjournments and extension of time:**

- 7.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

**8. Sub-Committee's determination of the hearing:**

- 8.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.

- 8.2 The Sub-Committee will normally make its determination at the end of the hearing. The notice of the decision of the Sub-Committee will be circulated to all participants within five working days of the hearing.
- 8.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

**9. Power to exclude people from hearing:**

- 9.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
  - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

**10. Recording of proceedings:**

- 10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

**11. Power to vary procedure:**

- 11.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.



**Haverling**  
LONDON BOROUGH

Licensing Officer's Report

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# LICENSING SUB-COMMITTEE

# REPORT

26 July 2024

Subject heading:

**McKlunky's**  
**185b High Street Hornchurch RM11**  
**3XS**  
**Premises licence variation application**  
**Mr P Jones, Public Protection Officer**  
**licensing@havering.gov.uk**  
**01708 432777**

Report author and contact details:

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 4<sup>th</sup> June 2024.

## Geographical description of the area and description of the building

McKlunky's is a small take-away food shop located in Hornchurch town centre in a parade of purpose-built commercial outlets. Residential properties are located in the upper stories above the shops. The McKlunky's premises is predominantly a food preparation area with a small space in which a small number of customers may await their meal orders.



## Details of the application

Current premises licence hours:

<b>Late night refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	23:00	00:00
Friday and Saturday	23:00	01:00

<b>Hours premises open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	09:00	00:00
Friday and Saturday	09:00	01:00

Variation applied for:

<b>Late night refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	23:00	00:00
Friday and Saturday	23:00	02:00

<b>Hours premises open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	11:00	00:00
Friday and Saturday	11:00	02:00

## Non-standard timings

Public holiday weekends: Sunday and Monday – 23:00 to 02:00  
Christmas Eve, New Year's Eve – 23:00 to 02:00

## Comments and observations on the application

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 advertising of the application.

## Summary

There were no representations against this application from interested persons.

There were three representations against this application from responsible authorities, namely the Metropolitan Police, Havering's Licensing Authority and Havering's Environmental Health team.



## Part A

Premises licence number

10892

### Part 1 – premises details

Postal address of premises

McKlunky's  
185b High Street Hornchurch RM11 3XS  
01708 455351

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Late night refreshment

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday – 23:00 to 00:00  
Friday & Saturday – 23:00 to 01:00

The opening hours of the premises

Sunday to Thursday – 09:00 to 00:00  
Friday & Saturday – 09:00 to 01:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Not applicable

### Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Asif Khan  
15 Dudley Road Ilford IG1 1ET

Registered number of holder

Not applicable

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Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Not applicable**

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Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Not applicable**

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**Annex 1 – mandatory conditions**

- 1. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.**

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**Annex 2 – conditions consistent with the operating schedule**

- 1. CCTV covering the interior and exterior of the shop shall be installed and kept operational at all times the premises is open to the public.**
  - 2. The CCTV system shall be capable of taking a head and shoulders shot of persons entering the premises and be capable of storing images for a minimum of 31 days.**
  - 3. A member of staff capable of downloading images for the Police or authorised council officers shall be on duty at all times the premises is open.**
  - 4. Staff shall receive training for their role on induction and refresher training every six months. Training logs shall be kept. Training shall include acknowledging and serving customers in turn and avoiding conflict and/or disorder.**
  - 5. No alcohol shall be consumed on or permitted in the premises at any time during licensed hours and a notice shall be displayed on the premises to this effect.**
  - 6. No food may be consumed in the premises at any time during licensed hours.**
  - 7. An incident book shall be kept and produced to the Police or authorised council officers on request. All refusals of service of drunken or abusive customers, instances when Police are called or customers are disorderly shall be recorded in the incident book.**
  - 8. Management and staff shall actively discourage customers from loitering outside the premises.**
  - 9. There shall be a minimum of two staff after 21:00.**
  - 10. The outside tables and chairs shall be removed at 22:00.**
  - 11. An SIA licensed door supervisor shall be on duty from 23:00 to fifteen minutes after close on Friday and Saturday nights. At close the door supervisor shall ensure customers do not loiter outside the premises and that they are encouraged to leave the area in a quiet and orderly manner.**
  - 12. A fire risk assessment and emergency plan shall be prepared and regularly reviewed.**
  - 13. Notices shall be displayed by the exit door asking customers to leave quietly, not to loiter and to dispose of rubbish properly.**
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Annex 2 – conditions consistent with the operating schedule – contd.

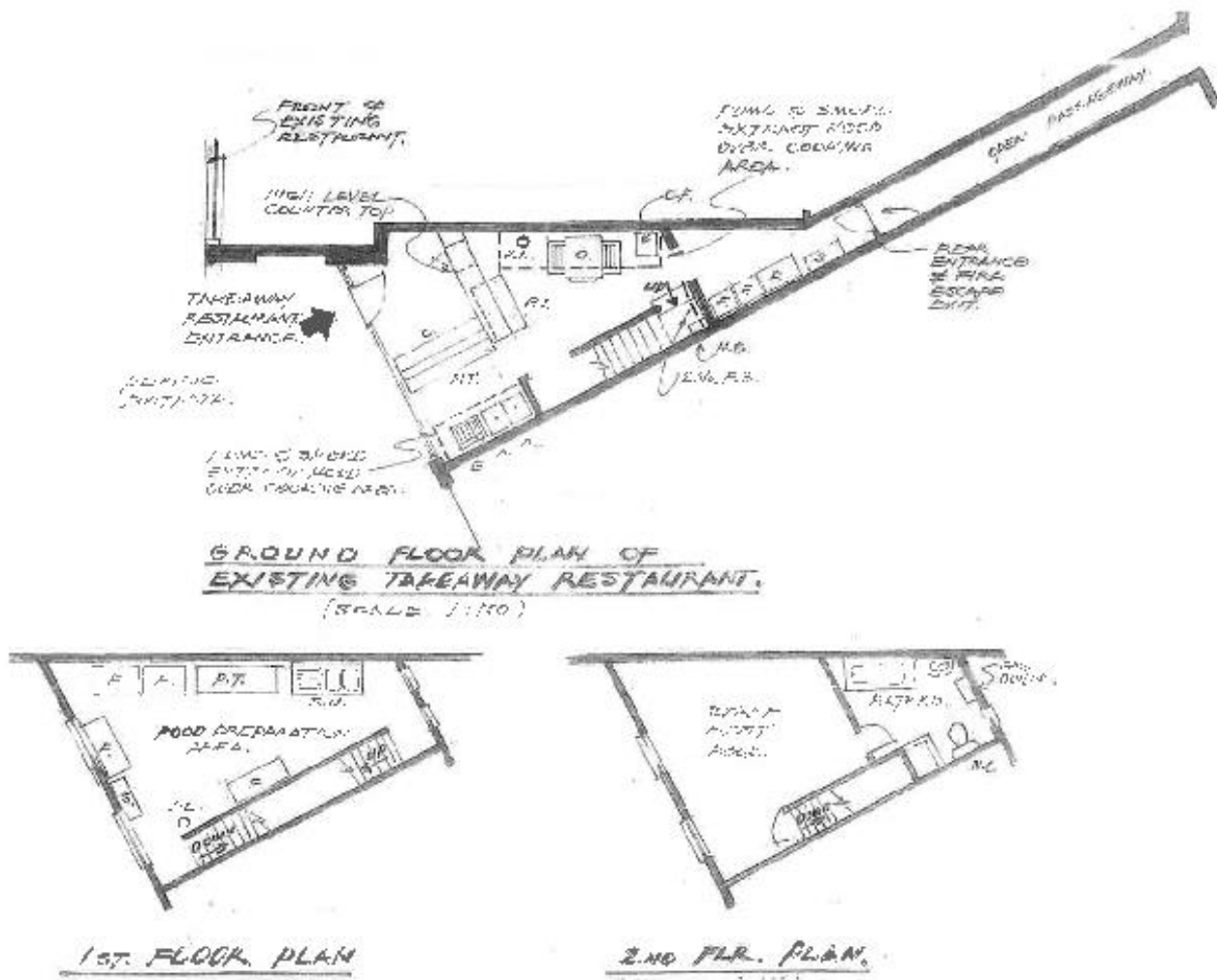
- 14. A litter bin shall be provided for customers' use.
- 15. The shop front shall be kept tidy at all times and swept at close of business.
- 16. No unaccompanied children shall be permitted in the premises after 21:00.

Annex 3 – conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – premises plans

Original premises plans are held by the Licensing Authority of the London Borough of Havering.





## Part B

### Premises licence summary

Premises licence number

10892

### Premises details

Postal address of premises

McKlunky's  
185b High Street Hornchurch RM11 3XS  
01708 455351

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Late night refreshment

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday – 23:00 to 00:00  
Friday & Saturday – 23:00 to 01:00

The opening hours of the premises

Sunday to Thursday – 09:00 to 00:00  
Friday & Saturday – 09:00 to 01:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Not applicable

Name, (registered) address of holder of premises licence

Mr Asif Khan  
15 Dudley Road Ilford IG1 1ET

Registered number of holder

Not applicable

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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Not applicable**

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State whether access to the premises by children is restricted or prohibited

**Restricted**

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COPY

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**Havering**  
LONDON BOROUGH

Copy of Application

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\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

CDPREM06/24

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Asif

\* Family name

Khan

\* E-mail

asif\_77@ymail.com

Main telephone number

07540 357171

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

* Building number or name	<input type="text" value="15"/>
* Street	<input type="text" value="Dudley Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="Ilford"/>
County or administrative area	<input type="text" value="Essex"/>
* Postcode	<input type="text" value="IG1 1ET"/>
* Country	<input type="text" value="United Kingdom"/>

### Agent Details

* First name	<input type="text" value="Charles"/>
* Family name	<input type="text" value="Denny"/>
* E-mail	<input type="text" value="charles@innpacked.com"/>
Main telephone number	<input type="text" value="07557 439591"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader  
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="04758209"/>
Business name	<input type="text" value="Innpacked Ltd"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="819087114"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Licensing Consultant"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.



Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	Suite F8
Street	10 Whittle Road
District	Ferndown Industrial Estate
City or town	Wimborne
County or administrative area	Dorset
Postcode	BH21 7RU
Country	United Kingdom

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	McKlunkys
Street	185b High Street
District	
City or town	Hornchurch
County or administrative area	Essex
Postcode	RM11 3XS
Country	United Kingdom

**Premises Contact Details**

Telephone number	07540 357171
Non-domestic rateable value of premises (£)	9,500

**Section 3 of 18**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

- Yes
- No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

- Yes
- No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

McKlunkys is a very well established takeaway in Hornchurch, well run by Mr Khan, who wishes to extend his hours for late night refreshment from 01:00 to 02:00 on Fridays and Saturdays plus Sundays and Mondays of Public Holidays, plus Xmas Eve and NYE. The existing premises licence (for late night refreshment only) has a set of comprehensive, clear and enforceable conditions, so I have only made minor adjustments. As the end time for late night refreshment is for the last actual supply of hot food/drink not the time of the transaction, the premises will be closed and locked by 02:00 at the very latest, so I propose SIA security, when on duty, will depart coincidentally with the premises being closed and locked up for the night

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes
- No

**Section 5 of 18**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes
- No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

### Section 8 of 18

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

### Section 11 of 18

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors  Outdoors  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Public holiday weekends: Sunday and Monday 23:00 - 02:00

Xmas Eve, NYE 23:00 - 02:00

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes
- No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I have enclosed the premises licence

*Continued from previous page...*

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Public holiday weekends: Sunday and Monday 23:00 - 02:00  
Xmas Eve, NYE 23:00 - 02:00

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. CCTV covering the interior and exterior of the shop is in place and kept operational at all times the premises is open to the public.  
2. The CCTV system is capable of taking a head and shoulders shot of persons entering the premises and capable of storing images for a minimum of 31 days.  
3. A member of staff capable of downloading images for the Police or authorised council officers shall be on duty at all times the premises is open.  
4. All staff receive training for their role on induction and this is backed up refresher training every six months with training logs kept up to date. Training shall include acknowledging and serving customers in turn and avoiding conflict and/or disorder.

b) The prevention of crime and disorder

5. No alcohol shall be consumed or permitted on the premises at any time during hours the premises is open to the public and a notice shall be displayed on the premises to this effect.  
6. No food may be consumed on the premises at any time during opening hours.  
7. An incident book shall be kept and produced to the Police or authorised council officers on request. All refusals of service of drunken or abusive customers, instances when Police are called or customers are disorderly shall be recorded in the incident book.  
8. Management and staff shall actively discourage customers from loitering outside the premises, with particular focus later in the evening.  
9. There shall be a minimum of two staff after 21:00 until close.  
10. The outside tables and chairs shall be removed by 22:00 every day.  
11. An SIA licensed door supervisor shall be on duty from 23:00 to close whenever premises are open beyond midnight. The door supervisor shall assist staff to ensure customers do not loiter outside the premises and to leave the area in a quiet and orderly manner and carry out age verification checks to prevent entry by unaccompanied under 18s.

c) Public safety

12. A fire risk assessment and emergency plan shall be prepared and regularly reviewed.  
13. The floor accessed by customers to order and collect food will be kept clear of tripping hazards and slipping hazards at all times.

d) The prevention of public nuisance

14. Notices shall be clearly displayed by the exit door asking customers to leave quietly, not to loiter in the vicinity of the premises and to dispose of rubbish properly using waste bins provided or take it home.  
15. A litter bin shall be provided for customers' use outside the premises.  
16. The shop front shall be kept tidy at all times and swept at close of business., and prior to opening each day.

e) The protection of children from harm

*Continued from previous page...*

17. No unaccompanied children (ie under 18s) shall be permitted to enter the premises after 21:00.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

190.00

### DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the

*Continued from previous page...*

\* Licensing Act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



## Representations from Responsible Authorities

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Licensing Authority  
London Borough of Havering

PC Chris Stockman  
East Area Licensing Team  
Romford Police Station  
19 Main Road  
Romford  
Essex  
RM1 3BJ  
Telephone:  
Email:stockman.christopher@met.pnn.p  
olice.uk  
26/06/2024

**Police Representation - Premises Licence Variation Application - McKlunky's, 185b High Street, Hornchurch, RM11 3XS**

Dear Licensing Authority

Police acknowledge receipt of a Premises Licence Variation Application for McKlunky's, 185b High Street, Hornchurch, RM11 3XS which we received on the 4<sup>th</sup> June 2024.

The application states the venue wish to extend the hours for **Late night refreshment** on:-

Friday, Saturday, Sunday & Mondays on public holidays, Christmas Eve and New Year's Eve from its current time of 01:00 hours to 02:00 hours.

On behalf of the Commissioner of Police of the Metropolis, consideration has been given to this application and Police object to the application in its current format under the following licensing objectives:-

**Prevention of Crime and Disorder, Public Safety & the Prevention of Public Nuisance**

Police have concerns that a venue operating until 0200 hours serving alcohol fuelled customers will result in crime and disorder, risk to public safety and anti-social behaviour (ASB).

The application doesn't appear to address the fact that the venue is within the Hornchurch Town cumulative impact zone (CIZ) and the terminal times in the application are beyond Havering Council's Licensing policy of 0100 hours for take away establishments.

Hornchurch Town Centre has a busy night time economy & the venue is situated in close proximity to other licensed establishments meaning intoxicated patrons from them will be attracted to the venue.

Having a venue operating until 0200 hours will attract customers after other licensed premises have closed and will lead to large intoxicated crowds to gather and loiter in a small area which will likely lead to disturbances & crime and disorder. This will in turn cause the safety of the public to be at risk because of violent crime and the injuries associated with such offences. Over recent years Police have experienced issues with crowds and disorder, which has involved persons intoxicated and acting in a violent as a result.

In February 2023 a verbal altercation between parties occurred at the venue and continued afterwards outside where the victim was slashed across the neck causing injuries consistent with grievous bodily harm (GBH). This offence occurred at 0146 hours.

Police conducted enquiries including viewing CCTV and identified a number of breaches of the venue's premises licence including the fact that the victim and suspects entered the venue after 0100 hrs along with other customers when the venue should have been closed. The venue was issued with a warning letter (attached) on that occasion but shows that an incident of crime and disorder has occurred at a time whereby the venue would be open if the variation was to be granted.

In addition a venue opening until 0200 hours will result in alcohol fuelled customers some perhaps using foul language due to intoxication loitering around the venue and resulting anti-social behaviour will cause a public nuisance for residents residing above the parade of shops the venue is located in and impact their quality of life.

In conclusion, Police believe the venue operating till 0200 hours will lead to crime and disorder, risk to public safety & public nuisance and at this time cannot support this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Stockman'. The signature is written in a cursive, flowing style.

PC Chris Stockman - East Area Licensing Team



Mr Asif Khan  
**REDACTED**

PC Chris Stockman  
East Area Licensing Team  
Romford Police Station  
19 Main Road  
Romford  
Essex  
RM1 3BJ

Email: **REDACTED**  
[www.met.police.uk](http://www.met.police.uk)

Our ref: McKlunky's 18/02/23  
Date 03<sup>rd</sup> March 2023

**Subject: McKlunky's & Bubble tea 185B High St, Hornchurch RM11 3XS – Warning Letter**

Dear Mr Khan

Thank you for attending Romford Police Station on Thursday 2<sup>nd</sup> March 2023.

The purpose of the meeting was to discuss a serious incident that occurred outside your premises on Saturday 18<sup>th</sup> February 2023 at 0146 hours.

As you are aware an altercation between the victim and suspect appeared to start inside your venue and continued shortly afterwards outside whereby the victim was slashed across the neck causing injuries consistent with grievous bodily harm (GBH).

As the Borough Licensing Officer I conducted enquiries including viewing CCTV and identified a number of breaches of your Premises Licence.

It appears the victim and suspect had entered your shop after 0100 hrs along with other customers, when your shop should have been closed. I note your licence states you must close at 0100 hrs on Friday and Saturday Night. This is unacceptable and must be addressed immediately.

Further to this, I identified the following breaches:-

Annex 2 conditions consistent with the operating schedule:-

**1. CCTV wasn't being kept for a minimum 31 days when the condition states:-**

The CCTV system shall be capable of taking a head and shoulders shot of persons entering the premises and be capable of storing images for a minimum of 31 days.

**2. Food was being consumed inside the venue when the condition states:- No**

food may be consumed in the premises at any time during licensed hours.

**3. No SIA licensed door supervisor was on duty when the condition states:-**

An SIA licensed door supervisor shall be on duty from 23:00 to fifteen minutes after close on Friday and Saturday nights. At close the door supervisor shall ensure customers do not loiter outside the premises and that they are encouraged to leave the area in a quiet and orderly manner.

**4. No notices were on display when the condition states:-** Notices shall be displayed by the exit door asking customers to leave quietly, not to loiter and to dispose of rubbish properly.

I have taken into account that you did call the London Ambulance Service and was seen on CCTV to administer First Aid to the victim.

During our meeting you advised me that the CCTV settings were incorrectly set which meant the recordings weren't saving to the correct hard drive. You showed me a picture of this and stated it had now been rectified enabling the system to keep footage for the minimum 31 days.

You also advised me notices were now on display at the exit of the venue asking customers to leave quietly, not to loiter and to dispose of rubbish properly and that customers would be advised that consuming food inside the premises during licensed hours wouldn't be permitted.

With regards to the SIA door supervisor you advised me that employing a door supervisor wasn't financially viable and door staff you had asked stated they wouldn't work for just 2 hours. As a result you advised me that you would be closing at 2300 hours at the weekends until such time that a SIA door supervisor could be found.

Please take this as a warning that you are not to operate outside your permitted hours and are to adhere to the licence conditions on your premises licence.

I will be monitoring your premises moving forward and any future breaches may result in further action.

Yours sincerely,

PC Chris Stockman - East Area Licensing Team



**From:** Mike Richardson <[REDACTED]>  
**Sent:** Monday, June 10, 2024 2:59 PM  
**To:** [REDACTED] <[REDACTED]>;  
Charles <[REDACTED]>  
**Cc:** Oisin Daly <[REDACTED]>;  
Licensing <[Licensing@havering.gov.uk](mailto:Licensing@havering.gov.uk)>  
**Subject:** SRU148093 - McKlunky's Premises Licence Variation

Dear Sirs

I refer to your recent application for the variation of the premises licence for McKlunkys', 185B High Street, Hornchurch. I am responding on behalf of the Council's Public Protection Unit, regarding the prevention of public nuisance.

I note that the application is to vary the hours of provision for late night refreshments on Friday and Saturday evenings only from 01.00 hours to 02.00 hours.

Whilst I appreciate the business case for extending the hours of operation, to enable the premises to serve pub and club goers towards the end of their evenings, I have some concerns regarding this proposal. Very few premises within the immediate vicinity of the premises are open at that time of night, and therefore customers will be attracted to the vicinity. There will be the inherent noise that will be generated by inebriated customers as they wait for their takeaway, . The impact from this will be most experienced by those residents who live above the commercial venues within the immediate vicinity of 185B High Street. Similarly, disturbance will be caused to local residents above (and possibly behind) the venue by the noise from the extract system serving the takeaway into the early hours of the morning.

There is no indication either about any mitigation for the noise that may be generated by delivery drivers in the early hours of the morning, as they pick up their orders.

I also note that the premises is within the Hornchurch CIZ, and no additional noise mitigation has been suggested to suggest that the requested extension outside of the Council's recommended hours within our licencing policy hours will not impact on the CIZ.

As such, I am making representations that the proposed extension until 02.00 hours on Friday and Saturday nights, with the additional hours for bank and public holidays, as well as Christmas and New Years Eve is not allowed. If you are able to suggest enforceable conditions to address the above concerns, I would be willing to reconsider the application and withdraw my representations.

Regards

**Mike Richardson**  
**Senior Public Protection Officer**  
**Environmental Health**  
Town Hall Main Road, Romford RM1 3BB

**From:** Charles <[REDACTED]>  
**Sent:** 24 June 2024 17:45  
**To:** Mike Richardson <[REDACTED]>  
**Cc:** [REDACTED]@met.pnn.police.uk  
**Subject:** Re: SRU148093 - McKlunky's Premises Licence Variation application  
**Importance:** High

Good afternoon Mike

I hope you are well.

As the authorised agent and licensing consultant on behalf of Innpacked Ltd for McKlunky's takeaway at 185b High Street in Hornchurch, I am responding to your correspondence of 10<sup>th</sup> June in which you have made a representation against the application based on The Prevention of Public Nuisance, namely risk of additional noise, which could result in additional issues for living in the local area to 185b High Street.

The variation application is for one additional hour to the permitted terminal hour for late night refreshment on Fridays and Saturdays from 01:00 to 02:00

The most notable amendment proposed to the conditions already in place for the premises, is the extension of hours for SIA security to the end of trading hours to 02:00 every Friday and Saturday, which has been successful in mitigating noise nuisance, and elevating the reputation of McKlunky's to one of the best run operations if not the best run operation in Hornchurch.

Furthermore a reduced menu is run after 23:30 excluding Peri items, to eliminate smoke, ensuring as a result the extraction system is 100% effective late at night.

As you will be aware, a number of late night bars and a night club are served by late night takeaways when customers leave their premises at or near closing time, who one could argue are making the most amount of noise when initially departing the premises where alcohol has been on sale, and this is largely mitigated by customers taking food on board before going home. It is our opinion that granting the extra hour on Fridays and Saturdays to McKlunky's will assist in this situation, rather than exacerbate the risk of noise nuisance late at night.

It is also our opinion that it is far better to licensed for late night refreshment than competitors operating potentially outside the hours granted on their licences.

McKlunkys does not offer deliveries late at night, and will continue not to do so in the interests of Prevention of Public Nuisance.

Finally, the area around McKlunkys is not densely populated by local residents, with most residents around 400 metres or more away from 185b High Street. Nevertheless, my client, Mr Khan, will continue to work proactively to promote the four licensing objectives within the local community and the police, and strive to enhance the area as a safe destination for a late night out with friends.

I have copied in this correspondence with Mr Chris Stockman, Borough Licensing Officer for the Metropolitan Police with whom we had dialogue regarding this application, prior to making our application.

I look forward to your response in the coming days.

Kind regards  
Charles Denny  
Licensing Consultant  
Innpacked Ltd  
[REDACTED]

---

**From:** Mike Richardson <[REDACTED]>  
**Sent:** 01 July 2024 23:46  
**To:** Charles <[REDACTED]>  
**Cc:** [REDACTED]@met.pnn.police.uk;  
Oisin Daly <[REDACTED]>;  
Licensing <Licensing@havering.gov.uk>  
**Subject:** RE: SRU148093 - McKlunky's Premises Licence Variation application

Dear Charles

Thank you for your email.

I appreciate the measures that have been suggested and added to the operating schedule to attempt to mitigate the prevention of public nuisance.

Regarding the proposed reduced menu, would this be using any extraction system? The noise and odour are of concern to me from this system, and your comments have not addressed my concerns adequately, particularly with regard to disturbance to those properties to the rear and above the site.

Whilst I do agree that late night refreshment licenced premises to provide food rather than unlicensed premises, with the adequate conditioned control, I do not feel that this is an adequate reason for the licencing policy for the Hornchurch CIZ to be overlooked. This would be dealt with by my licencing colleges if it is discovered that this practice is occurring.

I also agree that the area is not heavily populated, however there are residential properties who are above the surrounding shops who would be affected by noise until 2am from the establishment, who would be affected by a public nuisance caused by noise from customers and the extract system. There are residential properties within 50m of the rear of the property, which would be affected by noise and potential odour from the establishment, and residential properties approximately 20m across the road from McKlunky's.

Whilst I appreciate that you have suggested measures to mitigate the public nuisance that will be caused, by removing late night deliveries (which can be conditioned), and the employment of SIA staff later in the evening, I am not

convinced that this is sufficient to prevent a public nuisance from occurring in the vicinity of the premises, as it would attract customers to the part of the town centre which is less heavily used in the early hours, and the associated disturbance that is caused.

As such, I am unable to withdraw my representations at this time, and it may be that the licencing sub-committee will have to decide on this matter.

Regards

Mike

**Mike Richardson**  
**Senior Public Protection Officer**  
**Environmental Health**  
**Place Directorate**  
Town Hall Main Road, Romford RM1 3BB

## Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning an application for a temporary event notice for the premises as detailed below.

**Premises Name and address:** McKlunkys, 185b High Street Hornchurch, RM11 3XS

**Your Name:** Oisin Daly

**Organisation name/name of body you represent:** London Borough of Havering/Licensing

**Your Address:** C/O, Town Hall, Main Road, Romford, Essex, RM1 3BD

**Email:** Oisin.daly@havering.gov.uk

**Contact telephone number:** 01708 432555

**Summary of Objection:** Objection to an application for a variation to a premises licence as if granted likely to undermine the licensing objectives of the prevention of crime and disorder and public nuisance.

### Policy Considerations:

#### 9. Special Cumulative Impact Policy for Hornchurch Town Centre

9.1 Hornchurch Town Centre houses the second biggest day and night time economy in Havering. A cumulative impact policy was adopted for this area under the previous Statement of Licensing Policy adopted on 7th January 2016 which covered all of the St Andrews Ward.

9.2 In the Havering Community Safety Partnership report, London Borough of Havering Non Domestic Abuse Violence with Injury Problem Profile, May 2018, temporal analysis showed that 46% of VWI offences in Hornchurch occurred between 2100hrs and 0200hrs. 57% of offences occur on Friday, Saturday and Sunday.

9.3 It identified the main hotspot as the High Street which locates a number of bars and pubs. A large proportion of the offences were reported in, and in close proximity to, licensed pubs and clubs.

9.4 On the basis of the above evidence the Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and the provision of late night refreshment around the High Street is having a cumulative impact and undermining the licensing objectives. It is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives and a cumulative impact policy has been adopted in this area

#### 12. Licensing Hours

12.1 When dealing with new and variation applications the Licensing Authority may give more favourable consideration to applications with the following closing times:

Public Houses and Bars 23:00 hours Sunday to Thursday Midnight Friday and Saturday

Nightclubs 01:00 hours Sunday to Thursday 02:00 hours Friday and Saturday

Restaurants and Cafes 23:00 hours Sunday to Thursday Midnight- Friday and Saturday

Off licences 23:00 Monday to Sundays

Hot food and drink supplied by takeaways, fast food premises Midnight- Sunday to Thursdays 01:00 Friday and Saturday Hotel residents only 24 hours sale of alcohol for on sales only

12.2 Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.

12.3 The above hours are a guide and each application will be considered on it's own merits.

12.4 The above hours are intended to guide applicants on the Licensing Authority's expectations when preparing their operating schedules.

12.5 For applications within the above hours there is no presumption that the application will automatically be granted in all cases where a relevant representation has been made. If no representations are received, the application will be granted by the licensing authority under delegated powers.

12.6 Applicants who wish to provide licensable activities outside the hours specified above should ensure where relevant the operating schedule specifies detailed measures to militate against crime, disorder and public nuisance etc. taking into account:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place
- The adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
- Whether customers have access to public transport when arriving at or leaving the premises
- The proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

## **17. Noise**

17.1 The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will request appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

17.2 The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

17.3 The Licensing Authority expects that premises intended for the provision of noise-generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with premises structurally linked to would be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises adjoining residential properties may not be appropriate.

## Representation

This representation against the application is primarily based on the fact that the premises is situated within a cumulative impact zone and the public nuisance licensing objective is likely to be undermined.

The hours requested sit outside the recommended hours for late night refreshment premises.

The current licence authorises licensable activities until 01:00 on Friday and Saturday nights, this is currently in line with policy hours.

Any further extension of hours is likely to increase noise nuisance, specifically from the congregation and retention of patrons in and around the town centre. Whilst residents in the vicinity may have become accustomed to the current noise levels, any extension could cause additional disturbance.

At present the only later licensed premises for late night refreshment have provision for eating internally. This premises are solely a take away with a small area for customers to wait. It is likely that patrons will consume their food in the vicinity.

This could result in a congregation of patrons in around the premises, leading to noise and potential ASB. Since the majority of patrons in the area at that time of night will be under the influence of alcohol then there is a risk of crime and disorder through more persons being retained in the vicinity.

The applicant has only partially modified the existing conditions and has not provided any rebuttal of the current cumulative impact zone policy.

## Conclusion

Later hours could result in the licensing objectives being undermined for the reasons detailed above. The CIZ policy has proved to be effective yet there are still instances of anti-social behaviour, crime and disorder as well as nuisance in the High Street and late at night. The Licensing Authority respectfully ask the committee to consider refusing the application.

## Complaint and Inspection History (if applicable)

N/A

## Other documents attached

N/a

Signed

*Oisin Daly*

Dated: 25<sup>th</sup> June 2024