

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 2 September 2024

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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 FOR A PREMISES LICENCE - STATION PARADE LOUNGE, 1 STATION PARADE, HORNCHURCH, RM12 5AB</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Station Parade Lounge 1 Station Parade Hornchurch RM12 5AB</p> <p>APPLICANT Mr Asif Khan</p> <p>Details of requested licensable activities This application for a premises licence is made by Mr P Malaj under section 34 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 10th July 2024.</p> <p>The application seeks to permit the following licensable activity:</p> <p>Details of the application</p> <table border="1" data-bbox="842 1174 1554 1283"> <thead> <tr> <th colspan="3">Sale of alcohol</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Sunday to Saturday</td> <td>12:00</td> <td>23:00</td> </tr> </tbody> </table> <table border="1" data-bbox="842 1305 1554 1414"> <thead> <tr> <th colspan="3">Opening hours</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Sunday to Saturday</td> <td>07:00</td> <td>23:00</td> </tr> </tbody> </table>	Sale of alcohol			Day	Start	Finish	Sunday to Saturday	12:00	23:00	Opening hours			Day	Start	Finish	Sunday to Saturday	07:00	23:00
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		<p>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.</p> <p>The applicant amended the original operating schedule, the amended schedule was appended to the application.</p> <p>The following conditions were agreed with the Metropolitan Police Licensing Unit during the consultation period:</p> <ul style="list-style-type: none"> • Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal. • Alcohol shall be sold to customers by waiter/waitress service only. <p>The following conditions were also agreed with the Licensing Authority:</p> <p>1. CCTV:</p> <p>a) The CCTV system at the premises shall be maintained in working condition and shall record 24 hours every day.</p> <p>Recordings shall be retained for a minimum of 31 days and shall be made available to Police or Local Authority officers on request and shall be capable of identification and of evidential quality in any light conditions.</p>

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		<p>b) Staff working at the premises shall be trained in the use of the equipment and a log will be kept to verify this. At least one member of staff, so trained, shall be present at the premises at all times when it is open for licensable activities.</p> <p>c) There shall be signs displayed in the customer area to advise that CCTV is in operation.</p> <p>d) CCTV cameras shall monitor all areas of the premises that are accessible to members of the public including the area immediately outside the premises to monitor numbers and prevent crime and disorder.</p> <p>e) Should the CCTV become non-functional this shall be reported immediately to the Licensing Authority and the problem rectified as soon as practicable.</p> <p>2. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces / MOD photographic identity card with the bearer`s photograph on it or a Home Office approved proof of age card with the bearer`s photograph and the PASS logo / hologram on it will be accepted as proof of age.</p> <p>3. Staff Competence and Training:</p> <p>a) The Licensee shall keep a written record of all staff authorised to sell alcohol. The staff record shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police, on request.</p> <p>b) The Licensee shall ensure that each member of staff authorised to sell alcohol has received appropriate training on the law with regard to age-restricted products, proxy sales, and the licensable hours and conditions attached to the licence, including refresher training every six months, and that this is properly documented and training records kept. The training record (either written or electronic) shall be kept on the licensed premises and made available for</p>

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		<p>inspection by the Licensing Officer, Trading Standards or the Police, on request.</p> <p>4. A written refusals record will be kept as part of the Incident Book and made available to Police or Authorised Officers on request. The refusals record shall contain details of date & time, description of the person attempting to buy the age restricted products & the products that they were attempting to purchase, reasons why the sale was refused and the name and signature of the person refusing the sale. All staff are to be examined in the use of the refusal books. The refusals book is to be examined on a weekly basis by the premises licence holder / DPS and the date and time of each examination is to be endorsed in the book. Analysis of staff refusals and data such as the time / day is to be carried out by the premises licence holder / DPS on a weekly basis in order to predict trends and identify staff training and compliance issues. The premises licence holder or DPS shall sign and date their record of inspection.</p> <p>5. An Incident Book shall be kept at the premises and made available to the Police or Authorised Officers, which will record the following:</p> <ul style="list-style-type: none"> • All crimes reported; • Lost property; • All ejections of customers; • Any complaints received and the outcome; • Any incidents of disorder; • Any faults in the CCTV; • Any refusal or challenges of the sale of alcohol; • Any visit by a relevant authority or emergency service. Whenever Police are
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		<p align="center">called a CAD shall be obtained and recorded in the Incident Book</p> <p>6. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.</p> <p>7. All reasonable steps shall be taken by a dedicated member of staff to stop patrons congregating outside the premises.</p> <p>There were two representations made against the application by interested parties.</p> <p>1. The Sub-Committee have considered an application for new premises licence ‘Station Parade Lounge’ situated at 1 Station Parade, Hornchurch, RM12 5AB and representations against the application have been received from:</p> <p>a. A local resident on the grounds of the prevention of the crime and disorder, the prevention of public nuisance, the protection of children from harm and the promotion of public safety.</p> <p>b. The Royal British Legion on the grounds of the prevention of the crime and disorder, the prevention of public nuisance, the protection of children from harm and the promotion of public safety.</p>

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		<p><u>Legal Framework</u></p> <ol style="list-style-type: none"> 2. 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. These steps may include rejecting the application, or modifying conditions to the extent that the authority considers necessary for the promotion of the licensing objectives. 3. The Sub-Committee were cognisant Secretary of States’ section 182 guidance which says that ‘the authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.’ 4. The Sub-Committee were cognisant Secretary of States’ section 182 guidance, which states that they must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under section182
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		<p>of the Licensing Act 2003 when determining an application for a new premises licence.</p> <p>5. The Sub-Committee were cognisant of the Secretary of States’ section 182 guidance, which states that Responsible Authorities, in particular the Police, are members’ main source of advice, and guidance.</p> <p>6. The Sub-Committee were cognisant of the Secretary of States’ section 182 guidance which states that ‘beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law’.</p> <p>7. The Sub-Committee were cognisant of the Secretary of States’ section 182 guidance which states that licensing conditions ‘cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in</p>
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		<p>the immediate vicinity of the premises or as they enter or leave.’</p> <p>8. The Sub-Committee were cognisant of the Secretary of States’ section 182 guidance which states that all parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.</p> <p>9. The Sub-Committee were cognisant of the Secretary of States’ section 182 which states that the planning and licensing regimes involve consideration of different (albeit related) matters and that Licensing Committees are not bound by decisions made by a Planning Committee, and vice versa.</p> <p><u>Decision: Granted;</u></p> <p>10. The Sub-Committee noted that no Responsible Authority made representations against the application and that The Metropolitan Police and the Council’s Licensing Team had agreed conditions with the applicant for the promotion of</p>

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		<p>the four licensing objectives.</p> <p>11. During the hearing, the Sub-Committee heard from Havering Council’s case officer who read out his written report and further explained that Planning, Licensing and Pavement licensing are all separate regimes which their own respective framework. The officer clarified that the separate regimes are not contingent on each other and that a pavement licence can be obtained by an applicant irrespective of whether they are a licenced premises or not.</p> <p>12. The Sub-Committee then heard from the Royal British Legion. The Sub-Committee respectfully reminded the Royal British Legion that they are not permitted to introduce fresh evidence during the hearing and could amplify on their written representations. Nothing further material was added to what was already contained in the written representations.</p> <p>13. The Sub-Committee then heard from a local resident who talked through his written representations and amplifies his representations to raise concerns of</p>

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		<p>over-drinking at the premise, the need to protect children, the potential noise disruption from patrons of the premises and questioned how the agreed conditions will be used in practice to promote the licensing objectives.</p> <p>14. Turning to the applicant, the Sub-Committee noted that prior to the hearing, the applicant had worked positively with the Council’s Licensing Team, and the Police, to ensure the licensing objectives are not undermined. The applicant demonstrated a sound understanding of the licensing regime and also the council’s statement of licensing policy, demonstrating the applicant’s competency. The Sub-Committee noted that the applicant had written to all parties who made representations against the application to address their respective concerns and also lived and owns a separate business in the area for over 25 years, demonstrating the applicant’s knowledge of the area and challenges.</p> <p>15. The Sub-Committee resolved that conditions agreed by between the applicant and the responsible authorities were robust and promoted the licensing</p>

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		<p>objectives. The Sub-Committee found that the hours requested in the application was commensurate with the council’s statement of licensing policy and moreover, no evidence was presented to them to positively link crime or ASB to the premises or that in granting the licence should increase crime and ASB. The members were conscious that the application is for a café to permit the sale of alcohol only through a waiter service and as an ancillary to a substantive meal.</p> <p>16. Finally, the Sub-Committee were aware that should in the future any of the four licensing objectives be undermined by the premises, then residents, councillors and/or any responsible authority have the right to bring the matter before the members to review the licence.</p> <p><u>Agreed conditions and imposed by the members:</u></p> <p>1. CCTV:</p> <p>a) The CCTV system at the premises shall be maintained in working condition and shall record 24 hours every day. Recordings shall be retained for a minimum of 31 days and shall be made available to Police or Local Authority officers on request and shall be capable of identification and of evidential quality in any light conditions.</p>

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		<p>b) The Licensee shall ensure that each member of staff authorised to sell alcohol has received appropriate training on the law with regard to age-restricted products, proxy sales, and the licensable hours and conditions attached to the licence, including refresher training every six months, and that this is properly documented and training records kept. The training record (either written or electronic) shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police, on request.</p> <p>4. Refusals Record</p> <p>a) A written refusals record will be kept as part of the Incident Book and made available to Police or Authorised Officers on request. The refusals record shall contain details of date & time, description of the person attempting to buy the age restricted products & the products that they were attempting to purchase, reasons why the sale was refused and the name and signature of the person refusing the sale. All staff are to be examined in the use of the refusal books. The refusals book is to be examined on a weekly basis by the premises licence holder / DPS and the date and time of each examination is to be endorsed in the book. Analysis of staff refusals and data such as the time / day is to be carried out by the premises licence holder / DPS on a weekly basis in order to predict trends and identify staff training and compliance issues. The premises licence holder or DPS shall sign and date their record of inspection.</p> <p>5. Incident Book</p> <p>An Incident Book shall be kept at the premises and made available to the Police or Authorised Officers, which will record the following:</p>

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		<p>a) All crimes reported; b) Lost property; c) All ejections of customers; d) Any complaints received and the outcome; e) Any incidents of disorder; f) Any faults in the CCTV; g) Any refusal or challenges of the sale of alcohol; h) Any visit by a relevant authority or emergency service. Whenever Police are called a CAD shall be obtained and recorded in the Incident Book</p> <p>6. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.</p> <p>7. All reasonable steps shall be taken by a dedicated member of staff to stop patrons congregating outside the premises.</p> <p>8. Alcohol may only be supplied to customers who are engaging in a sit down substantial table meal, as an ancillary to that meal.</p> <p>9. Alcohol shall be sold to customers by waiter/waitress service only.</p> <p><u>Further conditions imposed by the Sub-Committee members:</u></p> <p>10. The premises is only permitted to make off sale alcohol to customers who are seated in outside area, directly in front of the premises, as defined and in accordance with the premises' pavement licence (Licence Number 27513), from 12:00 hours to 21:00 hours.</p>
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		<p>11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.</p> <p>12. Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed after 21:00 hours.</p> <p>13. Deliveries of alcoholic products to the premises shall only take place between Monday and Saturday, 8am to 6pm.</p> <p>14. All tables and chairs shall be removed from the outside area by 21:00 hours each day.</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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