



Havering
LONDON BOROUGH

Licensing Officer's Report



LICENSING SUB-COMMITTEE

REPORT

1 June 2015

Subject heading:

Mirror Restaurant
3-7 Billet lane Hornchurch RM11 1TS
Temporary event notice (TEN)
Paul Jones, Licensing Officer
5th floor Mercury House
01708 432692

Report author and contact details:

This TEN was submitted by Mr Mehmet Ergun Keles under section 100 of the Licensing Act 2003. The TEN was received by Havering's Licensing Authority on 14th May 2015.

Geographical description of the area and description of the building

Mirror Restaurant is located in a parade of commercial outlets at the junction of Billet Lane and High Street in Hornchurch which comprises a part of the St Andrews ward. St Andrews ward is subject to a special licensing policy. The premises has yet to open and is currently being fitted out for the purpose of being a licensed premises. A premises licence application is currently ongoing. The site occupies three commercial units knocked into one large venue. A large decked area has been constructed at the front of the premises while the premises' frontage comprises gate fold doors which presumably will be fully open during the warm weather. The commercial properties in this parade of shops have residential properties located above them.

A map of the area is attached.

Details of the TEN

This TEN was originally submitted on the behalf of Mr Keles via his agent with an intention to permit the provision of licensable activity from 2nd – 8th June 2015. This original submission was made void, however, as it was contrary to s.101(1)(a) of the Act which requires a minimum of 24 hours between TENs. A previously submitted TEN, or *TEN 'A'*, was to end on 1st June 2015. This second TEN, or *TEN 'B'*, was subsequently amended to reflect the current dates, i.e. 3rd – 9th June 2015.

TEN A was a late TEN and, apart from the dates, was identical in content to the standard TEN, *TEN B*. Both the Police and Havering's Noise Team submitted objection notices against *TEN A*. As a result, a counter notice was issued by Havering's licensing authority. *TEN A* is therefore not authorised and may not occur.

Further to the submission of this TEN, *TEN B*, discussions between Mr Keles' agent and the Police resulted in the receipt of a further amendment to the TEN in accordance with s.106 of the Act. This modification reduced the TEN's terminal hours from 01:00 to 00:30 and reduced the maximum capacity from 250 attendees to 180. These modifications addressed Police concerns. Havering's Noise Specialist apparently was not involved in the discussion between Mr Keles' agent and the Police. Havering's Noise Specialist had concerns at the TEN and submitted an objection notice.

Objection notice(s)

Mr Marc Gasson submitted an objection notice against this TEN on the behalf of Havering's environmental health department. Mr Gasson's concerns are in relation to the prevention of public nuisance licensing objective.

Observations

The role of the licensing sub-committee with regard to this TEN will be governed by the Act and, in particular, s.106A. This section clarifies at s.106A(2)(b) that *the relevant licensing authority may impose one or more conditions on the standard temporary event notice if the conditions are also imposed on a premises licence that has effect in respect of the same premises as the temporary event notice.*

This premises has yet to be licensed so there is currently no premises licence in force at the site. Therefore the sub-committee's role might appear to be either to authorise or to refuse to authorise the TEN as currently submitted, i.e. to permit the provision of live music, recorded music, late night refreshment and the supply of alcohol for consumption on the premises, as follows:

- From 3rd to 9th June 2015 inclusive
- From 09:00 to 00:30
- A limitation of 180 attendees (including staff)

The sub-committee's role in this matter is further clarified in the Guidance to the Act at paragraph 7.37.



Havering
LONDON BOROUGH

Copy of Application

* required information

Section 1 of 9

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

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

Your reference

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?

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

 Yes No**Applicant Details**

* First name

* Family name

* E-mail

Main telephone number

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

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

* Registration number

* Business name If your business is registered, use its registered name.

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

* Legal status

* Your position in the business

Home country 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	UNIT 17, ASHLEY HOUSE
* Street	ASHLEY ROAD
District	TOTTENHAM HALE
* City or town	LONDON
County or administrative area	
* Postcode	N17 9LZ
* Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	3-7
Street	BILLET LANE
District	HORNCHURCH
City or town	ESSEX
County or administrative area	
Postcode	RM11 1TS
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail
Telephone number
Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name
* Street
District
* City or town
County or administrative area
* Postcode
* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

The premises will be used as Restaurant, the alcohol will be on ground floor. The premises is located at 3-7 BILLET LANE. The licensable activities are SUPPLY OF ALCOHOL ON THE PREMISES, LIVE MUSIC, RECORDED MUSIC AND LATE NIGHT REFRESHMENT.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

NOT APPLICABLE

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

ON LICENCE

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

SUPPLY OF ALCOHOL ON THE PREMISES, LIVE MUSIC, RECORDED MUSIC AND LATE NIGHT REFRESHMENT.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
[\(see also guidance on completing the form, note 6\):](#)

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 7\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 8\)](#)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

09:00AM TO 01:00AM
ON 09/06/2015 THE ACTIVITY FINISH AT 23:59

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

250

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

LIVE MUSIC, FROM FROM 9:00 TO 01AM
RECORDED MUSIC FROM 9:00 TO 01AM

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 15\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

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CONDITION [\(See also guidance on completing the form, note 17\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.
This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION [\(See also guidance on completing the form, note 18\)](#)

* The information contained in this form is correct to the best of my knowledge and belief

Continued from previous page...

* I understand that it is an offence:

- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

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/temporary-event-notice/havering/apply-1> to upload this file and continue with your application.

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

From: Advance [mailto:advance.apl@gmail.com]

Sent: 18 May 2015 19:50

To: Paul Jones

Cc: Jason.J.Rose@met.pnn.police.uk

Subject: Re: TEN acknowledgement

Dear Mr Jones,

I would like to confirm couple of point agreed with Licensing Police Mr Rose,

1. The proposed closing hours will be 00:30 instead of 01:00.

2. The maximum number of people will be 180 people at anyone times.

I hope this will help to operate the premises during the proposed period.

Also I would like you to forward the TENs application sent on Last Thursday for 03-09/06/2015 to the Licensing Police and Noise team with proposed amendment.

Kind Regards

Kenan Kara

On 18 May 2015, at 10:22, Paul Jones <Paul.Jones@havering.gov.uk> wrote:

Dear Mr Kara

Please find attached the acknowledgement of your TEN for 03-09/06/15. I have accepted it even though you declined to complete section 9.

Kind regards

Paul Jones | Licensing Officer

London Borough of Havering | Communities & Resources

Mercury House, Mercury Gardens, Romford, RM1 3SL

t 01708 432692

text relay 18001 01708 432692

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Mirror Restaurant – TEN hearing 1st June 2015 – TEN amendments

At 19:50 on 18th May 2015 an amendment to the TEN submitted on 14th May 2015 was made after discussion with the Police. Police concerns were satisfied by this amendment.

From: Advance [[mail to: xxxx@gmail.com](mailto:xxxx@gmail.com)]
Sent: 18 May 2015 19:50
To: Paul Jones
Cc: Rose Jason J - KD
Subject: Re: TEN acknowledgement

Dear Mr Jones,

I would like to confirm couple of point agreed with Licensing Police Mr Rose,

- 1. The proposed closing hours will be 00:30 instead of 01:00.*
- 2. The maximum number of people will be 180 people at anyone times.*

I hope this will help to operate the premises during the proposed period.

Also I would like you to forward the TEN application sent on Last Thursday for 03-09/06/2015 to the Licensing Police and Noise team with proposed amendment.

*Kind Regards
Kenan Kara*

The amendment above was forwarded to Havering's noise specialist by the licensing authority at 08:28 on 19th May 2015. The amendment was not acceptable to the noise specialist.

.....

At 15:59 on 20th May 2015 the following amendment to the TEN was provided to Havering's noise specialist. The amended hours provided in this second amendment to the original TEN are in opposition to those previously agreed with the Police.

From: xxxx@gmail.com [[mail to: xxxx@gmail.com](mailto:xxxx@gmail.com)]
On Behalf Of Advance Planning
Sent: 20 May 2015 15:59
To: Marc Gasson
Cc: Paul Jones; Rose Jason J - KD
Subject: Mirror - TEN Representation 03-09/06/2015

Dear Mr Gasson

I am writing in relation to above premises, as like you are aware we made a TEN application for 03-09/06/2015.

I have been informed by licensing officer as you are made the representation.

We are consider to address the issue, we are proposing to amend the activities as follow;

OPENING HOURS

Sunday 09:00am-23:00

Monday-Saturday 9:00am-23:30

Late Night Refreshment:

Monday-Saturday 11:00pm -02:00am

Supply of alcohol, live music, recorded music and

Sunday 09:00am-23:00

Monday-Saturday 9:00am-23:30

The maximum people will be restricted to 180.

I hope this amendment will help to withdraw your representation in order to get grant the TEN application for 03-09/06/2015.

Kind Regards

Kenan KARA

This amendment has reduced the 00:30 terminal hour for regulated entertainment and the supply of alcohol from 00:30 to 23:30 but *increased* the terminal hour for the provision of late night refreshment from 00:30 to 02:00.

.....

At 17:49 on 20th May the following amendment to the TEN was provided to Havering's noise specialist.

From: xxxx@gmail.com [mailto:xxxx@gmail.com]
On Behalf Of Advance Planning
Sent: 20 May 2015 17:49
To: Marc Gasson
Cc: Paul Jones; Rose Jason J - KD
Subject: Re: Mirror - TEN Representation 03-09/06/2015

Dear Mr Gasson

I would like to confirm following amendment on previous email about TEN on 03-09/06/2015,

OPENING HOURS

Sunday 09:00am-23:00

Monday-Saturday 9:00am-23:30

Late Night Refreshment:

Monday-Saturday 11:00pm -23:30am

Supply of alcohol, live music, recorded music (Background Music) and
Sunday 09:00am-23:00
Monday-Saturday 9:00am-23:30

After our conversation with my client, he has confirmed that, there are sound insulation between ground and first floor. The building control officer has inspected and he is happy with the arrangement.

In order to control the level of noise, we are proposing to shut the folding door during the Live Music and there will be no sitting after 22:00 (daily) at outside sitting area.

In terms of Recorded Music, the music will be background music

In terms of Live Music, only Piano with Vocal Lounge, Classical, Chill-out, Ambient Etc.

The maximum people will be restricted to 178

I hope this amendment will help to withdraw your representation in order to get grant the TEN application for 03-09/06/2015.

Kind Regards

Kenan KARA

.....

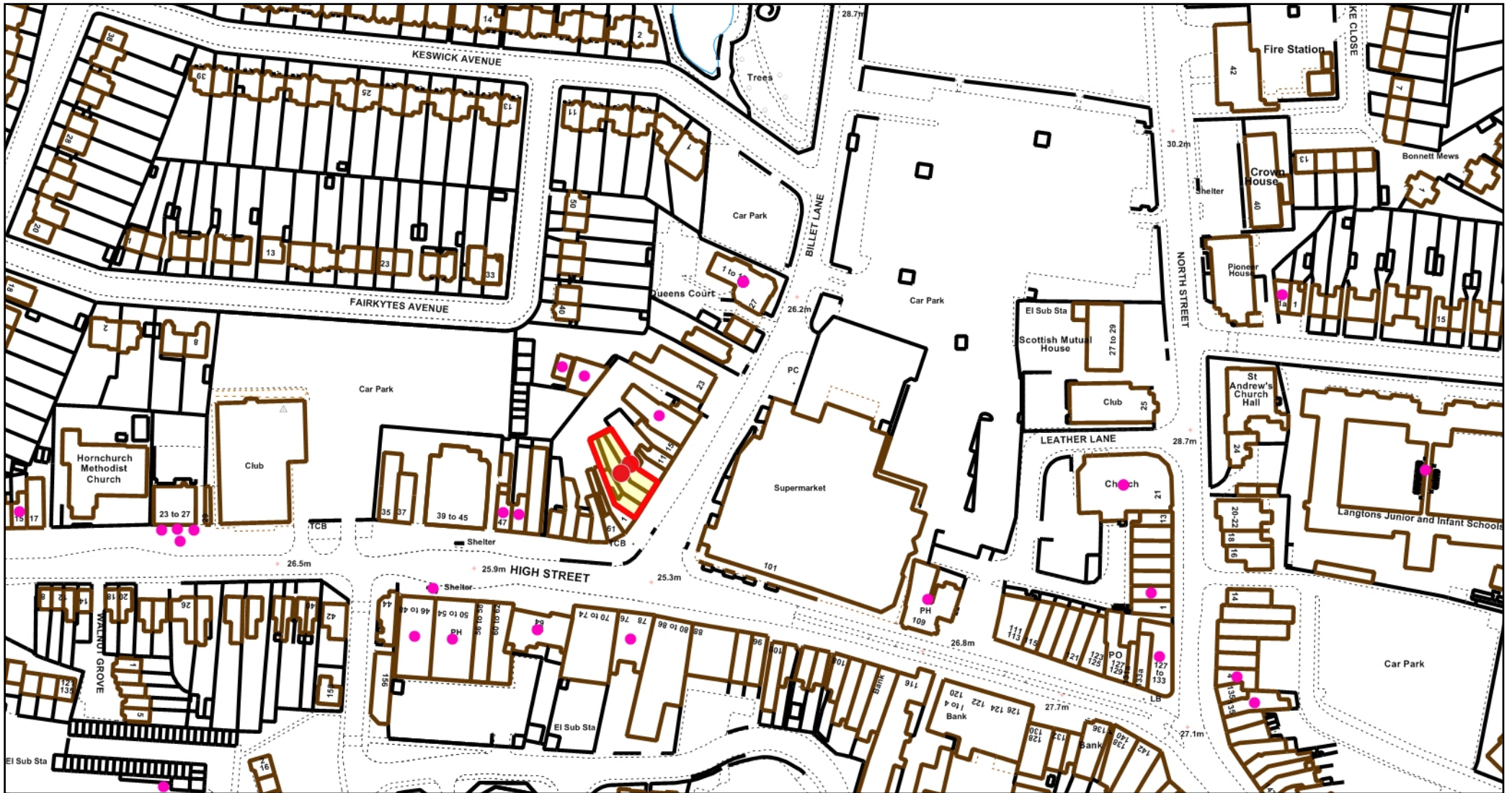
With regard to these amendments there are currently three versions. Version one was accepted by the Police. Based upon the version one offer the Police did not oppose the TEN, having previously opposed a late TEN submitted for hours identical to the original hours sought by this TEN.

At this stage I am unable to confirm which version will be the presiding version during the actual event. The premises user would need to provide clarity on this.

With regard to the apparent voluntary restrictions placed upon the provision of licensable activity by the premises user in version 3, these will not be enforceable as the licensing sub-committee is unable to impose conditions on this TEN. There is currently no premises licence in force at the site and thus the provisions of s.106A (2) (b), referred to in my report, do not permit the imposition of conditions by the sub-committee on a TEN. While the premises user may comply with his own voluntary conditions, there would be little which could be done should the premises fail to do so.

Paul Jones
Licensing Officer

21st May 2015



Mirror Restaurant



Scale: 1:2000
Date: 28 April 2015
Size: A4



London Borough of Havering
Town Hall, Main Road, Romford, RM1 3BD
Tel: 01708 434343

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Havering
LONDON BOROUGH

Representation from the Environmental Health
Responsible Authorities



Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

memo

From: Marc Gasson-Noise Specialist

To: The Appropriate Officer-Licensing Team

Please call: Marc Gasson

Telephone: 01708 432777

Fax: 01708 432554

email: environmental.health@havering.gov.uk

Text Relay for the deaf, speech impaired
or hard of hearing: 18001 01708 432777

My Reference : MDG/016709

Your Reference :

Date: 18 May 2015

Licensing Act 2003-Application For A Temporary Event Notice 03-09/06/2015 Mirror Restaurant, 3-7 Billet Lane, Hornchurch, Essex.

I refer to the above application detailed above and advise that I object to the application based upon my concerns in relation to the prevention of public nuisance.

I would raise concerns for the following reasons:-

1. The close proximity of residential properties to the application site. The closest homes are immediately adjacent to the application site those being above the commercial properties in Billet Lane. Residents are likely to experience unacceptable levels of noise from the following sources:-
 - Amplified music and from the venue, particularly if the appropriate noise control measures (ie noise limiter and lobbied exits) are not put in place.
 - Vehicle movements, the application site has no parking spaces which considering the proposed capacity for the venue will mean vehicles will be using the street to park in, potentially directly outside nearby residential properties exposing residents to unacceptable levels of noise particularly after the venue has closed at 01:00hours
 - People noise from both inside and outside the premises but particularly after the premises closes when patrons could be under the influence of alcohol.
 - People noise from patrons using the outdoor seating area
2. The application site is within a mixed use residential/commercial area and therefore the terminal hours for regulated activities for all days falls outside the recommended times stated within Havering's licensing policy 012.

Regulated activities will normally be permitted:

- *until 11.30 pm in residential areas*
- *until 00.30 am in mixed use areas*
- *no limits in leisure areas*

I trust this clarifies my position

Marc Gasson
Noise Specialist