



Havering

LONDON BOROUGH

Public Protection

Date: 2 March 2016
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My Reference: LIV/017439

Dear Sir/Madam

Licensing Act 2003 – Premises licence application **Upminster Kebab House, 127 Avon Road, Upminster, RM14 1RQ**

“At the Licensing Sub-Committee hearing on 18th January 2016 a decision was made to reconvene in 2 months the decision notice that was sent out stated:-

The Sub-Committee agreed that there were a number of areas that had now changed following the appointment of Mr Hopkins as the appointed agent. The Sub-Committee was of the view that the original application and proposed conditions had changed so much that could not make a decision and an adjournment was necessary for consideration of the representations.

Therefore the Sub-committee asked that the applicant and the responsible authorities meet to agree upon the way forward together with suggested conditions to be attached to the licence within a period of 2 months”

On 29th February 2016 (e-mail sent at 17:22 on 28/02/2016) I received by e-mail from Mr Hopkins it stated *“Following agreement by Mr Giles H&S Officer and the Food Safety Officer that the amended plan is accurate please find attached the amended application form and plan as agreed at the adjourned Hearing”*

The application form that was attached, was for the Upminster Kebab House at 127 Avon Road and made on behalf of Mr Seyit Guzel and that is where the similarities ended and could not be considered to be an “amended application” and can only be classed as a new application.

The differences include

- The applicants address has changed
- General description of the premises the new application mentions it will provide a Take Away Service for customer collection
- Late Night Refreshment is not being applied for
- The Supply of Alcohol on a Friday and Saturday have been reduced to 23:00 from 01:00
- The hours the premises are open have been increased to 23:30 Sunday to Thursday and reduced to 23:30 on a Friday and Saturday

In the operating schedule, which become conditions on any licence granted

- Again there is mention of a Take Away service on the new application

Public Protection Bringing together Environmental Health & Trading Standards

- The maximum number of persons shall not exceed those shown on the plans has been omitted on the new application
- The management to make subjective assessments of noise levels outside a the perimeter of the premises is omitted.
- External doors and windows to be kept closed is omitted
- Staff to discourage patrons from congregating is omitted
- Litter bins and wall mounted ashtrays is not mentioned
- Notices to advise customers has been added
- The number of permitted smokers outside the premises has been increased from one person to six people.
- Only one mention of children on the new application "No unaccompanied children under 16 will be allowed on the premises after 20:00"
- The plan of the premises differs from the original with an increase of covers on the new application

The new application checklist states that

- The fee has been paid – no fee has been paid
- Copies sent to responsible authorities – only some of the authorities were sent copies by the applicant, others were sent copies by the licencing officer.
- Consent of the DPS enclosed – this was not enclosed with the new application.
- They understand that they must now advertise the application – a revised application does not need to be advertised

It was 42 days after the hearing on 18th January that the "revised application" was received by the responsible authorities, which leaves 13 days (9 working days) before the re-convened hearing date of 14th March, this is insufficient time for the Authorities to consider an application that is so completely different from the original and leaves little time for any negotiation regarding possible conditions and also to submit them to the Licensing Sub-Committee prior to the hearing for them to consider.

The Government imposed a 28 day period on applications for a premises licence in which the responsible authorities can make representation on an application it is unreasonable for the applicant to ask that this be done in 13 days

In my opinion the applicant has not complied with the requirement on the decision notice of, agreeing with the responsible authorities the way forward and suggesting conditions.

The application form submitted on 29th February is so different from the original that it cannot be held as a revised application it is more a new application. The responsible authorities who did not make a representation on the original application have no opportunity to object to anything on the revised application and the public have not had the opportunity to see the proposed application, conditions or plan.

I believe this application should be refused and if a premises licence is still required at the venue a new application made following the set procedure, stating exactly what is proposed at the premises, that way the public and all of the responsible authorities have the opportunity to liaise with the applicant and/or make a representation.



Paul Campbell
Licensing Specialist