

## Licensing Sub-Committee

Appendix 4 - Representations from Responsible Authorities



Working together for a safer London

**Licensing Authority  
London borough of Havering  
Mercury House, Mercury Gardens  
Romford  
RM1 3SL**

PC 118 KD David Fern  
Romford Police Station  
19 Main Road  
Romford,  
Essex  
RM1 3BJ

Telephone: 01708 432781  
Email:  
David-  
anthony.fern@met.police.uk  
Date: 19th November 2012

Dear Sir/Madam,

Police wish to make representation against the application for a premises licence at TURKISH MANGAL, 160 Balgories Lane, Gidea Park, Romford.

Police feel that granting of such a licence would not promote the licensing objectives namely, Prevention of crime and disorder and public nuisance, Police feel the applicant has not successfully addressed these two objectives.

The premises are located within a residential area, with properties above and directly behind and to the side of the shop. The impact of adding traffic to the area at the times requested for late night refreshment would certainly impede on the quality of life for the local residents. This could be from people using the venue at the requested times, shutting of car doors, revving of the engines. Groups of people congregating and talking in the street, whom would create noise nuisance. Most takeaways also impact and littering and fouling in the area, with many disregarding rubbish on their way home.

I would suggest that after midnight, the patrons in the area are far from those who are buying the families dinner, and are more likely to be those under the influence of alcohol and certainly after 0100 hours. This premises falls within a mixed use area and it is the licensing policy to grant up to 0030, police feel that this is sufficient time taking into account the locality, character of the area.

Most people call the police when disorder erupts in the street, be this from noise of people, vehicles and or violence in the streets, allowing such premises to be open until 0230 hours would not promote the licensing act. I would suggest this would only add to the work of the police in the area and impact on the wider community.

The hours requested for the alcohol licence should be 1200 - 2300 hours, this would allow the applicant sufficient time to remove and lock the alcohol away, prior to commencing the late night refreshment take away only service. Police are against patrons remaining in the restaurant after 2300 hours and feel this would only be an aggregating factor from those patrons arriving after 2300 hours. The restaurant design and layout does not promote a flow of people or in a way to design out crime. It was suggested to the applicant that the table chairs be stacked and barriers to be in place, to assist in dispersal of patrons after 2300 hours. See the attached photograph for the layout of the premises.



It was discussed with the applicant during my visit there shall be no glass at the table's including bottle beers, all of which can be easily used as weapons. All alcohol will need to be decanted at the point of sale into plastic or polycarbonate drinking vessels. The restaurant is predominately a take away shop by design.

If the applicant wishes to change his application to 0030 hours for late night refreshment and 2300 hours for alcohol sales then the police will withdraw this representation.

Police feel the following additional conditions are appropriate for this venue if the committee are inclined to grant a licence.

- All tables and chairs shall be removed from outside the venue at 2300 hours daily.
- All tables and chairs inside the venue shall be rendered unusable after 2300 hours daily and must be stacked with barriers in place to prevent use by 2330 hours.
- From 2300 hours daily the premises will operate a take away service only.
- The supply of alcohol at the premises shall only be to a person seated taking a table meal and ancillary to their meal.
- The supply of alcohol shall be by waiter or waitress service only.
- No drinks shall be served in glass containers/vessels at any time.
- Prominent signage indicating the permitted hours for alcohol sales shall be displayed on entering the premises, where alcohol is on display and at the point of sale.
- Patrons shall not be permitted to take any alcohol off the premises.

The police licensing officer will continue to work with the applicant and their representative in an effort to develop the business and the community.

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely

David Fern,  
Police licensing Officer,  
Havering Borough.



**Havering**  
LONDON BOROUGH

**Public Protection**

Mercury House, Mercury Gardens  
Romford RM1 3SL

**Please call: Marc Gasson**  
**Telephone: 01708 432777**  
Fax: 01708 432554  
email: [environmental.health@havering.gov.uk](mailto:environmental.health@havering.gov.uk)  
Textphone ☎ : 01708 433175

**memo**

From: Marc Gasson-Noise Specialist

To: Licensing Team

My Reference : MDG/081535

Your Reference :

Date: 21 November 2012

**Licensing Act 2003-Section 17-Application For Premises Licence.  
Turkish Mangal, 160 Balgores Lane, Gidea Park, Romford, Essex.**

I refer to the above application and would object, due to the close proximity of residential properties both above and opposite the premises, to it being granted on the grounds of public nuisance unless the following conditions are accepted and included on the licence:-

1. The hours the premises are open to the public are to restricted to 08:00-00:30 hours (the following day) Monday to Sunday.
2. Late Night Refreshment to be restricted to between 23:00 hours and 00:30 hours (the following day) Monday to Sunday.
3. The supply of alcohol to be restricted to between 12:00 hours and 23:30 hours Monday to Sunday.

I trust this clarifies my position.

Marc Gasson  
Noise Specialist



**Simon Thelwell**  
**Planning Control Manager**  
**(Projects and Compliance)**

**Planning Enforcement**  
Mercury House, Mercury Gardens  
Romford RM1 3SL

## memo

From: PLANNING CONTROL SERVICE

To: Licensing Officer  
Environmental Health

**Please call: Bernie Long**

**Telephone: 01708 432684**

**Fax: 01708 43690**

**Email: victor.long@havering.gov.uk**

My Reference: BL/

Your Reference:

Date: 6 November 2012

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### **Representations re Application for Variation of a Premises Licence (Licensing Act 2003) at Turkish Mangal 160 Balgores Lane Gidea Park**

The London Borough of Havering's Planning Service, being a responsible authority as set out in the Licensing Act 2003, wishes to make representations against the above premises in relation to a variation to the Premises Licence.

This objection refers to the prevention of Public Nuisance by noise and disturbance likely to be caused to residents.

#### ***Relevant Planning History***

**P0666.10** Change of Use from A1 to A3 and provision of extraction flue (Decision Notice attached, which vide Condition 9 restricts hours of operation to 0800hrs -23.00hrs)

**P1320.12** Change to mixed use A3 and A5 (Restaurant and Take away)  
Received on 16/10/12

In June 2012 complaints were received from local residents alleging that the premises were breaching their hours of operation vide planning permission P0666.10, and operating part take away without the relevant planning permission.

This is still subject of an ongoing investigation and the operator in order to regularise the situation has submitted a planning application P1320.12.

It should also be noted that this planning application seeks to vary the hours

Monday-Thursday 0700.am -1130.pm

Friday – Saturday 0700.am - 0200.am

Sundays 0700.am – 1130.pm

Bank Holidays 0700.am -1130.pm

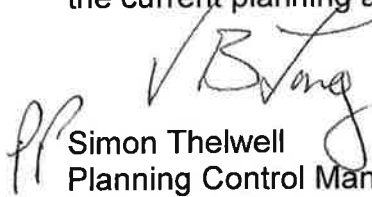
This is in a variance to this Licensing application.

The site, although near to Gidea Park Railway Station, and in a parade of retail units, including another take away outlet, is in a mainly residential area. There are flats above the units in this parade and other flats and housing near by.

It is thought that persons visiting the premises at the suggested hours in this Licensing application would either be pedestrians or persons arriving in vehicles. This would give rise to potential noise and disturbance by the slamming of car doors, shouting and radio noise.

I ask that the Licensing Committee consider this report as a valid representation.

I suggest that the Licence be refused at the outset or be deferred pending the outcome of the current planning application.

  
Simon Thelwell  
Planning Control Manager (Projects & Compliance)

Application P1320.12

Live or History Live

Parish / District

Cross Ref

Desc Mixed use A3 and A5

Location 160 Balgores Lane  
romford

Applicant Mr.M. Kaya

Agent Ms. A. Turkan

Committee/Delegated

Code

Officer E J G

Evert Grobbelaar

Recommendation

Date

2nd Recommend

Date

Decision

Date

Appeal Reference

Decision

Date

Prop/Site Links

Prop

TPO

Site

TPO

Consultees

Consultee Name

Despatch

Reply




P.E.  Fast Track

Held Details

Held Text

Held  Reason

Days

Article3

Dates

Received 16-10-2012

Accepted

Expiry

Sec 66

Amendment

Extension

Committee

Date Issued

DIP

Fee Details

Required

Received

Details

Cons Area

Listed

Cat

Sub Cat

Cat 1

Cat 2

**LONDON BOROUGH OF HAVERING**

**TOWN AND COUNTRY PLANNING ACT 1990**

**AGENT**

Mr P Slade  
38 Brookside  
Emerson Park  
Hornchurch  
Essex  
RM11 2RS

**APPLICANT**

Mr P Slade  
38 Brookside  
Emerson Park  
Hornchurch  
Essex  
RM11 2RS

**APPLICATION NO: P0666.10**

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

**Proposal:** Change of use from A1 to A3 and provision of extraction flue

**Location:** 160 Balgores Lane  
Gidea Park  
Romford

The above decision is based on the details in drawing(s):

1031-P-1

1031-S-1

subject to compliance with the following condition(s):

- 1** The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.



- 3** Before the uses commences a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, together with arrangements for refuse disposal. All refuse shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 4** Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

- 5** Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 6** Before the use commences suitable equipment to remove and / or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as discharge 1 metre above ridge at 15m/s. Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reasons:

To protect the amenity of occupiers of nearby premises.

- 7** Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 - 10dB and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 *Planning & Noise* 1994.

- 8** Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:

To protect the amenity of occupiers of nearby premises.

- 9 The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00am and 11:00pm on any day without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### INFORMATIVE(S)

INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

Dated: 16th July 2010



Patrick Keyes  
Head of Development and Building Control  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

**IMPORTANT** - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS  
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, [www.planning.inspectorate.gov.uk](http://www.planning.inspectorate.gov.uk)

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.



# Havering

LONDON BOROUGH

## Public Protection

Homes, Housing & Public  
Protection  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

The Appropriate Licensing Officer  
Licensing Authority  
London Borough of Havering  
Mercury House  
Romford  
RM1 3SL

Telephone: 01708 432692  
Fax: 01708 432554  
email: paul.jones@havering.gov.uk  
Textphone ☎: 01708 433175

Date: 7<sup>th</sup> November 2012

My Reference: PJJ/012205

Dear Sir

### Licensing Act 2003

#### **Turkish Mangal 160 Balgores Lane Romford RM2 6BS Premises licence application**

Further to the application detailed above this Licensing Authority makes representation against this application in its role as a responsible authority. Our representation is based upon the Licensing Authority's belief that the applicant will be unable to successfully promote the licensing objectives in relation to the prevention of public nuisance and the prevention of crime and disorder if the application is granted as submitted.

This premises is one of six shops in a short parade at the junction of Station Road and Balgores Lane in the Gidea Park area. Above those shops are residential properties. While it is understood that this junction contains shops as well as a railway station the area is predominantly residential in nature. Havering's Licensing Policy 012 states that an application for hours outside those defined by the policy will be considered on their merits, however, *regulated activities will normally be permitted: until 23:30 in residential areas and until 00:30 in mixed use areas.* If we consider the immediate vicinity to be a *mixed use* area the application seeks to surpass the 00:30 terminal hour by two further hours Thursday to Saturday.

The last train to arrive at the nearby Gidea Park Station does so at 01:25. This last flurry of late night pedestrians might reasonably be presumed to constitute the last 'busy' period of the night when local residents return to their homes from an evening out. This application, however, seeks to permit the premises to remain open to the public an hour beyond this cut off point. The result of this is the distinct possibility that those individuals returning to the area at this hour will not head directly home from the station but will stop at *Turkish Mangal* to purchase hot take-away food. Indeed, one might reasonably presume that those late night train passengers are a target market for this premises. The attraction of such an establishment in operation at this hour would delay the dispersal of those individuals, thus contributing to the potential to create public nuisance into the early hours.

Contd.

Further to this, the fact that the premises wishes to be open to customers for an hour after Gidea Park's last train has departed increases the possibility that late night customers will be attracted to the area whose only reason to be there is to purchase hot food. This also has the potential to contribute to public nuisance issues which may be generated by activities at the premises.

We should also remind ourselves that the nature of this area is *predominantly residential*. It is not a busy town centre with an established night time economy where premises of this nature may be more acceptably located. The economy at this location is almost exclusively day time.

The applicant has identified a number of steps in the application's Section M which he intends to adopt to promote the licensing objectives. Section M(d) identifies those steps the applicant intends to take to promote the prevention of public nuisance licensing objective. The applicant appears to rely in the main upon signage to request that patrons are considerate of the premises' neighbours. While this method may be effective to customers who are not under the influence of alcohol we must question the effect of a notice upon someone who may have returned from an evening consuming alcohol.

Additionally, the applicant intends to *actively discourage people from loitering outside the shop*. The application does not define what might constitute an *active discouragement* of loitering but the undertaking must be considered in the knowledge that the premises' staff have no jurisdiction over activities occurring on the public highway. While we might accept that the applicant may be fully prepared to intervene in a situation occurring outside the premises, there exists the potential that an intervention without legal authority could lead to more serious problems than noise nuisance.

Lastly, the Licensing Sub-Committee should be made aware that the applicant for this licence is currently in the process of being prosecuted for offences contrary to s.136 of the Act recently witnessed at the premises. Mr Kaya declined to act upon repeated warnings from this Licensing Authority to cease the illegal provision of late night refreshment from the premises. The Licensing Authority therefore had no alternative other than to seek a prosecution for the offences as witnessed.

While this Licensing Authority acknowledges Mr Kaya's eventual submission of an application to legalise the provision of licensable activity at the premises it might seem reasonable to question Mr Kaya's full commitment to the requirements of the Act. This Licensing Authority has witnessed repeated illegal activity at the premises, illegal activity which continued after warnings against continuing to do so had been given. The applicant's commitment to promoting the prevention of crime and disorder might therefore be legitimately questioned. Given that this application is also to include the supply of alcohol at the premises we are not entirely confident that the applicant is willing to abide by any hours or conditions attached to a premises licence here.

Contd.

This Licensing Authority is not wholly opposed to a premises licence being granted at this site. Indeed, the application seeks to establish the premises as a restaurant up until midnight; however, it also seeks to subsequently become exclusively a take-away food premises after this time. Take-away food premises have an entirely different dynamic to restaurant premises. While the supply of alcohol with table meals only is a convincing method of alcohol control the fact that the premises becomes a different type of operation at a given time causes this Licensing Authority some concern. The transitional period each evening surrounding the phase when the restaurant ceases to operate and the take-away only aspect commences has the potential for the alcohol supplies to continue beyond the legitimate terminal hour, particularly in light of Mr Kaya's previous history in relation to the provision of licensable activity at the premises.

Havering's Licensing Policy 015 indicates that *the past compliance history of current management* shall be taken into account when determining the application. We would therefore request the Licensing Sub-Committee, if minded to grant this application, gives serious consideration to any permitted hours which may be granted and ensure that conditions appropriate to the premises' risk are included on the licence in order that the applicant is able to manage that risk.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Jones', with a stylized flourish at the end.

Paul Jones  
Licensing Officer