



LICENSING SUB-COMMITTEE

REPORT

7 February 2013

Subject Heading:

Vary premises licence for Akash Tandoori
185 High Street Hornchurch RM11 3XS

Report Author and contact details:

Paul Campbell – Licensing Officer
01708 432777
licensing@havering.gov.uk

This application for a variation to a premises licence is made by Mr Irshadur Rahman under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 19th December 2012.

Geographical description of the area and description of the building

The premises are a single unit mid terrace venue with a restaurant on the ground floor.

The premises are located on the north side of High Street Hornchurch at the junction with Station Lane, all the surrounding premises are shops or businesses on the ground floor many have residential property above. Akash restaurant has a residential flat above it. Most other premises within the area are residential.

There are good public transport links to this part of the borough; there is a mini cab office nearby and the premise is within easy walking distance of Hornchurch Underground station.

The premises are situated in St Andrews Ward and as such is listed in the Havering Licensing Policy cumulative impact area.

A map of the area is attached to assist the committee.

The premises have been of concern to the Licensing Authority in relation to unlicensed activity which resulted in Licensing Officer Paul Jones issuing a warning letter on 12th November 2012 (copy attached) and a second on 19th November 2012 (copy attached). The premises failed a test purchase selling alcohol and late night refreshment to Mr Jones on 25th November at 00.25hrs which has resulted in a pending prosecution of the venue for unlicensed activity.

Licensing Sub-Committee, 7th February 2013

Since this date the premises have applied for four Temporary Event Notices

(TENs) amounting to 16 days

19/12/12 – 24/12/12 to 00.00hrs,

26/12/12 – 1/1/13 to 00.00hrs,

11/1/13 – 12/1/13 to 01.00hrs and

18/1/13 – 19/1/13 to 01.00hrs.

Details of the application

The current licence is for

Supply of Alcohol (on supply only)		
Day	Start	Finish
Monday to Saturday	10:00hrs	00:00hrs
Sunday	12:00hrs	23:30hrs

Variation applied for:

Live Music		
Day	Start	Finish
Monday to Saturday	10:00hrs	00:00hrs
Sunday	12:00hrs	23:30hrs

Recorded Music, Supply of Alcohol		
Day	Start	Finish
Monday to Thursday	10:00hrs	00:30hrs
Friday and Saturday	10:00hrs	01:30hrs
Sunday	12:00hrs	23:30hrs

Late Night Refreshment		
Day	Start	Finish
Monday to Thursday	23:00hrs	00:30hrs
Friday and Saturday	23:00hrs	01:30hrs
Sunday	23:00hrs	23:30hrs

Seasonal variations

There are no seasonal variations attached to this application.

Non-standard timings

The Non-Standard Timings applied for relate to all authorised licensable activities and ask to be licensed from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day. On Christmas Eve and Boxing Day except where they fall on a Friday or Saturday and the Sunday of each Bank Holiday weekend an additional hour for all licensed activities.

Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 26th December 2012.

Summary

There was one valid representation against this application from interested parties.

There were three representations against this application from responsible authorities.

Details of representations

Valid representations may only address the following licensing objectives:

The prevention of crime and disorder
The prevention of public nuisance
The protection of children from harm
Public safety

Interested parties' representations

The representation from the interested party falls mainly under the headings of crime and disorder and the protection of children from harm.

Responsible Authorities' representations

The responsible authorities outline the points they wish the Licensing Sub-Committee to consider.

There were no representations from the following responsible authorities:

The London Fire and Emergency Planning Authority
The Health & Safety Enforcing Authority
The Trading Standards Service
Planning Control & Enforcement
Children & Families Service
Health Service

12411

[Insert name and address of relevant licensing authority and its reference number (optional)]



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I MR IRSHADUR RAHMAN (Insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 002160

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description AKASH TANDOORI, 185 HIGH STREET, HORNCHURCH, ESSEX. RM11 3XS. Post town HORNCHURCH Postcode RM11 3XS

Telephone number at premises (if any) 01708 458624 Non-domestic rateable value of premises £22000

Part 2 - Applicant details

Daytime contact telephone number E-mail address (optional) Current postal address if different from premises address 185A HIGH STREET, HORNCHURCH, ESSEX. RM11 3XS Post town HORNCHURCH Postcode RM11 3XS

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? X Yes No

If not, from what date do you want the variation to take effect?

DD MM YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1) 1) TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL TO BE: MONDAY TO THURSDAY 10.00 TO 00.30 FRIDAY & SATURDAY 10.00 TO 01.30 SUNDAY 12.00 TO 23.30 2) TO ADD THE PROVISION OF LATE NIGHT REFRESHMENT FOR CONSUMPTION ON OR OFF THE PREMISES AS FOLLOWS: MONDAY TO THURSDAY 23.00 TO 00.30 FRIDAY & SATURDAY 23.00 TO 01.30 SUNDAY 23.00 TO 23.30 3) TO ADD LIVE MUSIC AS FOLLOWS (THE PROVISIONS OF THE LIVE MUSIC ACT 2012 APPLY TO THIS PREMISE): MONDAY TO SATURDAY 10.00 TO 00.00 SUNDAY 12.00 TO 23.30 4) TO ADD RECORDED MUSIC AS FOLLOWS: MONDAY TO THURSDAY 10.00 TO 00.30 FRIDAY & SATURDAY 10.00 TO 01.30 SUNDAY 12.00 TO 23.30 5) THE HOUR THE PREMISES CLOSE TO THE PUBLIC TO BE AS FOLLOWS (SO AS TO PROVIDE A CONSUMPTION PERIOD): MONDAY TO THURSDAY 01.00 FRIDAY & SATURDAY 02.00 SUNDAY 00.00 6) FOR ALL AUTHORISED LICENSABLE ACTIVITIES FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS ON NEW YEARS DAY. 7) ON CHRISTMAS EVE & BOXING DAY EXCEPT WHERE THEY FALL ON FRIDAY OR SATURDAY AND THE SUNDAY OF EACH BANK HOLIDAY WEEKEND AN ADDITIONAL HOUR FOR ALL LICENSED ACTIVITIES. 8) THE REMOVAL OF ALL EXISTING CONDITIONS (NUMBERED 1 TO 4) FROM ANNEX 2 OF THE CURRENT LICENCE & REPLACEMENT BY THOSE PROPOSED IN THE OPERATING SCHEDULE TO THE VARIATION.

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

[Empty box for number of people]

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	X
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	10.00			Please give further details here (please read guidance note 3) SOLO ARTISTS, DUOS (THE PROVISIONS OF THE LIVE MUSIC ACT 2012 APPLY BETWEEN 10.00& 23.00)	
Tue	10.00				
Wed	10.00		State any seasonal variations for the performance of live music (please read guidance note 4) NONE		
Thur	10.00				
Fri	10.00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00		1) FOR ALL AUTHORISED LICENSABLE ACTIVITIES FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS ON NEW YEARS DAY. 2) ON CHRISTMAS EVE & BOXING DAY EXCEPT WHERE THEY FALL ON FRIDAY OR SATURDAY AND THE SUNDAY OF EACH BANK HOLIDAY WEEKEND AN ADDITIONAL HOUR FOR ALL LICENSED ACTIVITIES.		
Sun	12.00				
		23.30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	00.30	Please give further details here (please read guidance note 3) CD'S, SINGERS BACKGROUND TAPES. THERE WILL BE NO DJ'S		
Tue	10.00	00.30			
Wed	10.00	00.30	State any seasonal variations for the playing of recorded music (please read guidance note 4) NONE		
Thur	10.00	00.30			
Fri	10.00	01.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) 1) FOR ALL AUTHORISED LICENSABLE ACTIVITIES FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS ON NEW YEARS DAY. 2) ON CHRISTMAS EVE & BOXING DAY EXCEPT WHERE THEY FALL ON FRIDAY OR SATURDAY AND THE SUNDAY OF EACH BANK HOLIDAY WEEKEND AN ADDITIONAL HOUR FOR ALL LICENSED ACTIVITIES.		
Sat	10.00	01.30			
Sun	12.00	23.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23.00	00.30	Please give further details here (please read guidance note 3) PROVISION OF HOT FOOD & DRINK IN THE RESTAURANT AND TAKE AWAY.		
Tue	23.00	00.30			
Wed	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NONE		
Thur	23.00	00.30			
Fri	23.00	01.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) 1) FOR ALL AUTHORISED LICENSABLE ACTIVITIES FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS ON NEW YEARS DAY. 2) ON CHRISTMAS EVE & BOXING DAY EXCEPT WHERE THEY FALL ON FRIDAY OR SATURDAY AND THE SUNDAY OF EACH BANK HOLIDAY WEEKEND AN ADDITIONAL HOUR FOR ALL LICENSED ACTIVITIES.		
Sat	23.00	01.30			
Sun	23.00	23.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Mon	10.00	00.30			
Tue	10.00	00.30			
Wed	10.00	00.30			
Thur	10.00	00.30			
Fri	10.00	01.30			
Sat	10.00	01.30			
Sun	12.00	23.30			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) 1) FOR ALL AUTHORISED LICENSABLE ACTIVITIES FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS ON NEW YEARS DAY. 2) ON CHRISTMAS EVE & BOXING DAY EXCEPT WHERE THEY FALL ON FRIDAY OR SATURDAY AND THE SUNDAY OF EACH BANK HOLIDAY WEEKEND AN ADDITIONAL HOUR FOR ALL LICENSED ACTIVITIES.		

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE		
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) 1) FOR ALL AUTHORISED LICENSABLE ACTIVITIES FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS ON NEW YEARS DAY.THE TERMINAL HOUR ON NEW YEARS DAY TO BE 02.00. 2) ON CHRISTMAS EVE & BOXING DAY EXCEPT WHERE THEY FALL ON FRIDAY OR SATURDAY AND THE SUNDAY OF EACH BANK HOLIDAY WEEKEND AN ADDITIONAL HOUR FOR ALL LICENSED ACTIVITIES.		
Mon	10.00	01.00			
Tue	10.00	01.00			
Wed	10.00	01.00			
Thur	10.00	01.00			
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	12.00	00.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
NONE

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
ALL CONDITIONS CURRENTLY IMPOSED (NUMBERED 1 TO 4) AT ANNEXE 2 OF THE EXISTING LICENCE TO BE REMOVED AND REPLACED BY THOSE PROPOSED IN THE OPERATING SCHEDULE TO THE VARIATION.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick as appropriate

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
THE SUMMARY PART 2 IS ENCLOSED. MR RAHMAN HAS MISLAID THE MAIN LICENCE. THE POLICE MISSING DOCUMENT REFERENCE NUMBER IS 99/3515970.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

WE WILL OPERATE OUR PREMISE IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.

b) The prevention of crime and disorder

THE PREMISES WILL BE OPERATED STRICTLY AS A RESTAURANT. ALCOHOL WILL ONLY BE SOLD AS ANCILLARY TO PERSONS TAKING A TABLE MEAL IN THE RESTAURANT WITH ALL SERVICE BY WAITING STAFF. PERSONS TAKING A TABLE MEAL MAY BE PERMITTED TO DRINK ALCOHOL BEFORE, DURING AND AFTER THE MEAL. THERE WILL BE NO DRINKING PERMITTED AT THE BAR AT ANY TIME. PERSONS COLLECTING A TAKE AWAY MEAL SHALL NOT BE SERVED ALCOHOL.
NOTICES WILL BE DISPLAYED STATING THAT NO DRINKS MAY BE TAKEN FROM THE PREMISES AT ANY TIME. STAFF WILL MONITOR DEPARTING CUSTOMERS FOR COMPLIANCE.
CCTV WILL BE INSTALLED AND KEPT OPERATIONAL AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC. THE SYSTEM WILL TAKE A HEAD AND SHOULDERS SHOT OF ALL PERSONS ENTERING THE PREMISES. IMAGES WILL BE MAINTAINED FOR A MINIMUM OF 31 DAYS AND BE MADE AVAILABLE TO THE POLICE OR AN AUTHORISED OFFICER ON REQUEST. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES SHALL BE ON DUTY AT ALL TIMES.
NOTICES SHALL BE PROMINENTLY DISPLAYED STATING THAT CCTV IS IN OPERATION.
ALL STAFF WILL BE TRAINED FOR THEIR ROLE INCLUDING THE OPERATION OF CHALLENGE 25 ON INDUCTION AND AT SIX MONTHLY INTERVALS. WRITTEN TRAINING RECORDS WILL BE KEPT.
CHALLENGE 25 WILL BE OPERATED AS THE PROOF OF AGE POLICY AND NOTICES DISPLAYED STATING THAT CHALLENGE 25 IS IN FORCE TOGETHER WITH THE PROVISIONS OF THE LICENSING ACT RELATING TO UNDERAGE & PROXY SALES.

c) Public safety

A FIRE RISK ASSESSMENT AND EMERGENCY PLAN WILL BE PREPARED & REGULARLY REVIEWED. STAFF WILL BE TRAINED IN RESPECT OF FIRE SAFETY.

d) The prevention of public nuisance

NOTICES WILL BE DISPLAYED BY THE EXIT ASKING CUSTOMERS TO RESPECT RESIDENTS, TO LEAVE QUIETLY AND NOT TO LOITER OUTSIDE THE RESTAURANT. NO DELIVERIES OR REMOVALS OF GLASS REFUSE SHALL TAKE PLACE BETWEEN 23.00 AND 08.00.
 ALL DOORS AND WINDOWS WILL BE KEPT CLOSED DURING REGULATED ENTERTAINMENT EXCEPT FOR ENTRY AND EGRESS.
 STAFF WILL CALL A CAB FOR CUSTOMERS ON REQUEST AND AT CLOSING TIME A MEMBER OF STAFF SEEING CUSTOMERS OUT WILL DIRECT THEM TO THE NEARBY CAB OFFICE.
 THE RESTAURANT FRONTAGE WILL BE KEPT TIDY AT ALL TIMES.

e) The protection of children from harm

A CHALLENGE 25 PROOF OF AGE POLICY WILL BE ADOPTED AND SIGNS PROMINENTLY DISPLAYED STATING THIS IS IN FORCE. ONLY A PHOTOGRAPHIC DRIVING LICENCE, VALID PASSPORT OR PROOF OF AGE CARD BEARING THE HOLDERS PHOTOGRAPH AND THE PASS HOLOGRAM / LOGO ON IT WILL BE ACCEPTED AS PROOF OF AGE.
 A HARD BOUND WRITTEN REFUSALS RECORD WILL BE KEPT AND MADE AVAILABLE TO THE POLICE OR AUTHORISED OFFICERS ON REQUEST.
 STAFF WILL BE TRAINED ON INDUCTION AND AT SIX MONTHLY INTERVALS IN THE OPERATION OF CHALLENGE 25. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE AND CHECKING IT, MAKING AND RECORDING A REFUSAL, AVOIDING CONFLICT & RESPONSIBLE ALCOHOL RETAILING. NO UNACCOMPANIED CHILDREN WILL BE PERMITTED ON THE PREMISES AFTER 21.00.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	17 /12/12
Capacity	AUTHORISED LICENSING CONSULTANTS

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

GT LICENSING CONSULTANTS,
 31A MILDMAY ROAD,
 ROMFORD,
 ESSEX.
 RM7 7DA

Post town	ROMFORD	Post code	RM7 7DA
Telephone number (if any)	07810 826778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
gtlicensingconsultants@googlemail.com			

Notes for Guidance

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.

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give 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 or the presence of gaming machines.

Selling something?

BARGAIN ADS UNDER £100

Call 0905 624 0595

Calls cost £1.02 per minute from a BT Landline. Other networks may vary, calls from a mobile could be considerably higher. Text BARGAIN (space) Advert up to a maximum of 150 characters and send to 83149. Texts cost £1.02 plus standard network rates. If you do not want to receive details on any other products or services, please text the word EXIT at the end of your message. (your advertisement will appear in the next available edition) We do not accept bargain ads under £100 by fax, post or in person.

BARGAIN ADS OVER £100

Call 01268 503 400

Minimum charge £9.00 • 9.00am-5.00pm

Business Advertising

By phone

Recruitment: **01268 503 420**

Classified: **01268 503 430**

Monday-Thursday 9.00-5.30

Fri day 9.00-5.00

Calls may be monitored

By post

Yellow Advertiser

Acorn House

Great Oaks, Basildon,

Essex SS14 1AH

By fax

01268 503 418

01268 503 419

01268 503 455

In person

Pop into our town centre office

Monday-Thursday 9.00-5.30

Friday 9.00-5.00

Acorn House, Great Oaks

Basildon

Birthday Memoriams

Happy Birthday

WENDY



We all love and miss
you so much.

1st January 1977 -

9th October 2010

XXX XXX XXX

Public Notices

Notice Of Application For A Variation Of A Premises Licence Under Section 34 Of The Licensing Act 2003.

NOTICE IS HEREBY GIVEN that Mr Irshadur Rahman has applied to the London Borough of Havering for a Variation of the Premises Licence for Akash Tandoori, 185 High Street, Hornchurch, Essex RM11 3XS as follows: 1) To extend the permitted hours for the sale of alcohol for consumption on the premises to be: Monday to Thursday 10.00 to 00.30, Friday & Saturday 10.00 to 01.30, Sunday 12.00 to 23.30. 2) To add the provision of Late Night Refreshment as follows: Monday to Thursday 23.00 to 00.30, Friday & Saturday 23.00 to 01.30, Sunday 23.00 to 23.30. 3) To add live music as follows (the provisions of the Live Music Act 2012 apply to this premise): Monday to Saturday 10.00 to 00.00, Sunday 12.00 to 23.30. 4) To add recorded music as follows: Monday to Thursday 10.00 to 00.30, Friday & Saturday 10.00 to 01.30, Sunday 12.00 to 23.30. 5) The hour the premises close to the public to be as follows (so as to provide a consumption period): Monday to Thursday 01.00, Friday & Saturday 02.00, Sunday 00.00. 6) For all authorised licensable activities from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day. 7) On Christmas Eve & Boxing Day except where they fall on Friday or Saturday and the Sunday of each Bank Holiday weekend an additional hour for all licensed activities. 8) The removal of all existing conditions (numbered 1 to 4) from Annex 2 of the current licence & replacement by those proposed in the operating schedule to the variation. The address of the licensing authority where the register is kept and the application may be inspected during normal business hours is Licensing Section, Housing & Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, Essex RM1 3SL or on the council's website: www.havering.gov.uk. Any representations by an other person or responsible authority must be received in writing by the licensing authority by 17th January 2013 stating the nature and grounds for making such representation. It is an offence under Section 158 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000.

MOUNTAIN BIKE UNISEX suitable teenager, includes fork & main frame suspension, plus 1 gears, 1yr old, as new, £40. **SEWING MACHINE** Singer, electric, automatic multi-stitch model, all accessories, carrying case, as new, £85. Tel: 01268 789 809.

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SPIDERMAN POGO STICK £5. 14IN BIKE, boys, blue & red, exe cond, £20. **BOYS BUG CAR BEDDING** 7 curtains, Next, £20. **GUINEA PIG CAGE**, 3 x 2 grid, gc, plus water bottle & bowl, £15. **PASTA MACHINE**, never used, £10. Tel: 01375 392798.

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DELL RED INSPIRON 10IN NETBOOK WITH CHARGER vgc, factory reset, windows XP, intel 1.5GHZ processor, £100. Tel: 01708 443 748.

TEFAL FOUR SLICE TOASTER as brand new, instructions, value almost £50, genuine xmas gift bargain only £10ono. Tel: 01702 353150.

SOFAS two, two seater, green leather, vgc, £50 ono. Tel: 01708 225639.

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GENUINE GENIE BRAS size 10, 16, 18, packs of three, black, white, nude, detachable pads, £25. Tel: 01268 761898.

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Bargain Buys

From: Councillor Georgina Galpin
Sent: 08 January 2013 17:25
To: Paul Jones
Subject: re application 12411 - Akash Restaurant - 185 High Street
Hornchurch

Hello Paul

I would like to lodge my objections to the above application for extended hours, add entertainment, extend opening hours, add seasonal variations and remove conditions

This venue is in the middle of the town centre, and above are flats, which clearly are occupied by families with young children, if you proceed to the rear of the properties, you will note from the entrances to the flats that there are families accommodating the flats above the shops and this restaurant.

With noise from patrons leaving, not everyone keeps to the rules and this would be difficult for the applicants to police, clearly this is against the protection of young children from harm, they will clearly be disturbed in the early hours of the morning, with school to attend the very next day

Extending hours for alcohol Mon-Thurs - 12.30am Sat 1/30am and Sun 11.30 is clearly not acceptable Live music and recorded till 1.30 Fri and Sat, when will these children ever be able to achieve necessary restful periods. Most of the bedrooms if not all face the front onto the High Street. even those opposite will be affected noise and voices carry.

The prevention of crime and disorder will be a problem with loud noise, music, patrons leaving the accommodation at all hours of the early morning, when people drink it is clear they become louder in voice, there may well be banging of car doors, tooting of cabs, and for those who decide to walk home, what route will they take, will they remain calm and quiet, not a chance, so each and every route they take, people will be affected.

Public safety is a concern as often arguments and disagreements follow drinking and we all know many result in fights, pushing and shoving.

So many stories of groups of people who have been drinking where they have ganged up on lone pedestrians, close by this venue are major bus stops, where at all times of the day and night/evening there are people waiting for transport.

Prevention of public nuisance is clearly covered in the above three issues, noise of the music, noise of car doors, noise of loud voices, noise of tooting cars, and what are the applicants going to offer that others are not already offering.

There are a large number of licensed venues, restaurants in Hornchurch, why are they trying to delve into the club/bar areas, with music to all hours. A concern is that venues that close earlier will most certainly attract those wishing to continue drinking for longer, will there be any monitoring or policing

internally to ensure that drink is only supplied with food, and does that mean that food will be served until 1.30am which in itself creates another issue that there will continue to be people on the premises for yet another hour to empty the premises and then to clear up

Surely this will create more problems in all areas, what about pay days, will staff not be more vulnerable with money in their pockets, I am sure that in such venues their wages are rarely paid into a bank account. Its very much a cash payment world. Will patrons leaving keep to the rules,.

There are most certainly less police visible in the Hornchurch area, especially if there are problems elsewhere in the borough, so this leaves the area very vulnerable in all manners.

Surely the saturation policy is valid in this area. The policy can be used if an applicant cannot prove with evidence that he or she will be providing something in addition, something extra to what other local suppliers are providing, and in this case this cannot be proved. This a simple restaurant wanting to get in on the act, they providing more and nothing less than other venues in the area, so there is no question that this application for variations and removal of conditions must be refused without a doubt.

Please let me know when the hearing takes place as I wish to speak against this application

Best wishes

Georgina Galpin



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: 14th January 2013

Police wish to make representation against the application to vary the premises licence for Akash Tandoori, 185 High Street, Hornchurch, RM11 3XS

The premise falls within the saturation zone of St Andrews ward, police feel that granting of additional hours has requested by the applicant will add to cumulative impact in this ward. This will have a negative effect on the licensing objectives; prevention of crime and disorder along with the prevention of public nuisance.

Allowing the premises to be open Friday and Saturday evenings until 0130 hours for licensable activity and to close by 0200 hours, will impact on an area under stress. This could be by the volume of patron's entering and leaving the premises, additional noise in the street created by people and vehicles, along with the potential for crime both on and off the premise, street urination, criminal damage and disorderly conduct in the streets. All which are seen often within this area at 0100 hours.

The majority of bars and restaurants close at 0100 hours within this area, allowing these premises to remain open will not assist in the dispersal of patrons from the saturation zone. There is no public transport at such hours. There are residential properties around this location and residents should not be subject to further noise and disturbance in the streets until 0200 hours and onwards.

Police would like to purpose the following hours to vary the application for the supply of alcohol, late night refreshment and recorded music.

Monday - Thursday 1000 - 0000

Friday and Saturday from 1000 - 0030

Sunday 1000 - 2330 this takes into account the mixed use within the ward.

The premises to close by:

Monday - Thursday 1000 - 0030

Friday and Saturday 1000 - 0100

Sunday 1000 - 0000

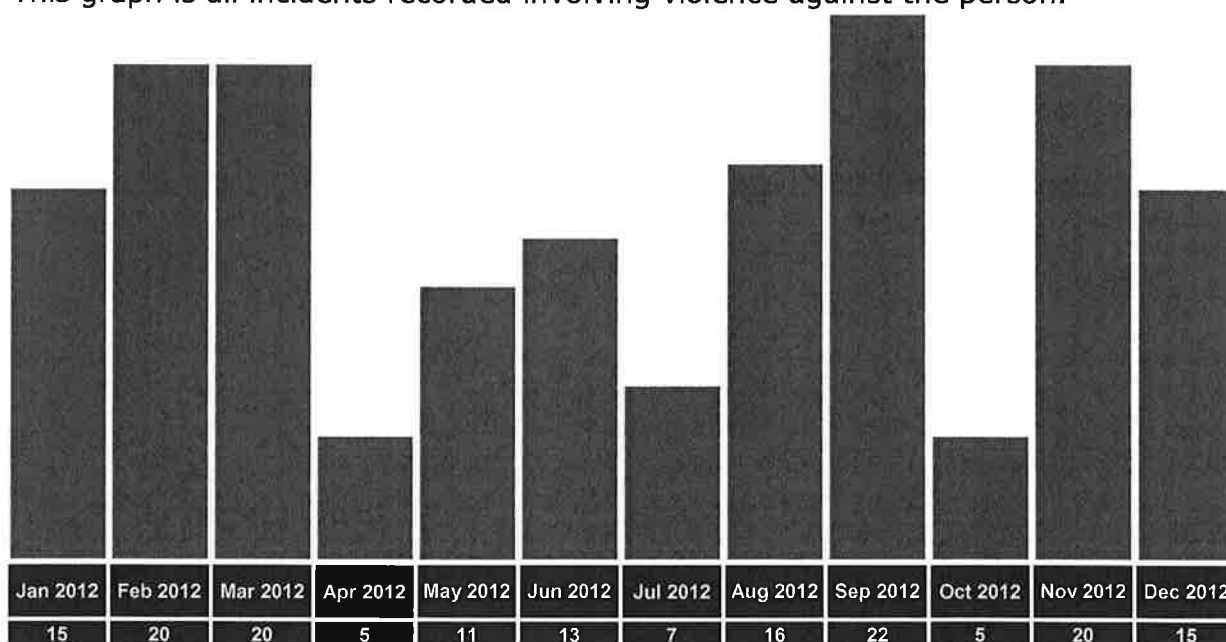
Police would like to further purpose a conditional that there will be a last admittance to the restaurant at mid night on Friday and Saturday evenings. This will allow the restaurant sufficient time to serve hot food and alcohol before closure. This will also assist in the dispersal of patrons within the area at 0100 hours. The noise disturbance to residents from patrons will be limited due to other venues also closing at such times and, residents will not be subject to further noise at 0200 hours and onwards.

The applicant's previous history of serving after time at the venue is of a concern to the police. Imposing a last admittance time will also ensure robust enforcement can be applied at the most vulnerable hours.

Police accept the request for non standard timings along with all the conditions purposed by the applicant.

I have attached some recent crime data for the ward.

This graph is all incidents recorded involving violence against the person.



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.



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

Textphone ☎: 01708 433175

memo

From: Marc Gasson-Noise Specialist

To: Paul Jones-Licensing Officer

My Reference : MDG/082123

Your Reference :

Date: 15 January 2013

Licensing Act 2003-Application to Vary Premises Licence.

Akash Tandoori, 185 High Street, Hornchurch, Essex.

I refer to the above application and would, due to the close proximity of residential properties both above and opposite, object to the application being granted unless the the times are ammended as follows:-

1. The supply of alcohol, provision of late night refreshment and recorded music to be restricted to the following times:-
 - 10:00 hours to 00:00 hours Monday to Thursday
 - 10:00 hours to 00:30 hours Friday and Saturday
 - 10:00 hours to 23:30 hours Sundays.
2. The hours the premises are open to the public should be restricted to the following times:-
 - 10:00 hours to 00:30 Monday to Thursday
 - 10:00 hours to 01:00 hours Friday and Saturday
 - 10:00 hours to 00:00 hours Sunday.
3. I would further suggest that no orders for food to be consumed in the restaurant be accepted after 00:00 hours on Friday and Saturday

These times proposed are in line with the Council's Licensing Policy 012 for mixed use areas which is as follows:

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated activities will normally be permitted:

- until 11.30 pm in residential areas

Public Protection Bringing together Environmental Health & Trading Standards

- until 00.30 am in mixed use areas
- no limits in leisure areas

I trust this clarifies my position.

A handwritten signature in black ink, appearing to read 'Marc Gasson', followed by a horizontal line extending to the right.

Marc Gasson
Noise Specialist



Havering
LONDON BOROUGH

Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

The Appropriate Licensing Officer
Havering Licensing Authority
Mercury House
Mercury Gardens
Romford
RM1 3SL

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

Date: 10th January 2013

My Reference: PJJ/012411

Dear Sir

Licensing Act 2003

Akash Tandoori 185 High Street Hornchurch RM11 3XS Premises licence variation application

Further to the 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*.

Akash Tandoori is located in Hornchurch's town centre in the St Andrews ward. This ward is subject to a cumulative impact policy in relation to licensed premises; however, restaurants are not included in the ambit of this specific policy. We suggest that there are a number of other policies which should be considered when determining this application.

Havering's licensing policy 012 in relation to the hours during which licensed premises may operate states thus:

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

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*

Contd.

This application seeks to permit the provision of licensable activity at the premises until 00:30 during the week and 01:30 at weekends while the premises intends to remain open to customers for an additional half an hour until 01:00 and 02:00 respectively. The extra half an hour is to permit the consumption of food and drink purchased previously. The area contains a mixture of commercial and residential properties and thus the application seeks to go beyond the generally accepted hours of policy 012 at weekends. We suggest that to provide licensable activity beyond the terminal hour of 00:30 for mixed use areas would add to the potential for public nuisance in this area during the provision of licensable activity – live music in particular – and when customers leave the premises.

In relation to the supply of alcohol at the premises the application at section J indicates that the supply of alcohol may be made for consumption *on* the premises only. Section M details the steps which are intended to be taken by the applicant to promote the licensing objectives. Undertakings detailed here in relation to the supply of alcohol include the provision that *no drinks may be taken from the premises*. Additionally, *persons collecting a take away meal shall not be served alcohol*. While these undertakings are commendable we must question the applicant's commitment to their implementation. A take away menu from the restaurant (please see copy included) indicates that various forms of "free" alcohol are delivered to customers' homes with take away set-meal deals. The mobile phone number provided on the menu is that of the applicant.

Supplying alcohol by retail sale requires a licence to authorise it while giving away alcohol does not. Alcohol supplied in such circumstances as detailed on this take away menu constitutes the sale by retail of alcohol as the cost of the so called "free" alcohol is included in the overall cost of the meal. Alcohol may only be considered to be given away free if such a supply is not dependent upon the purchase of some other service or article. Should such alcohol supplies be made it may reasonably be seen to be done so illegally as the premises licence does not permit *off* sales of alcohol. Equally, the applicant has not identified any measures in section M in relation to delivering alcohol to an address whereupon under-18s may be the recipients. Such matters might reasonably be seen to fail to promote the licensing objective in relation to the prevention of crime and disorder. The applicant's apparent failure to recognise these significant issues causes this Licensing Authority some concern.

Additionally, in relation to promoting the prevention of crime and disorder and as a matter of record, we are obliged to draw to the sub-committee's attention the fact that the applicant is currently in the process of being prosecuted by this Licensing Authority for recent licensing offences which took place at this premises. Given that this prosecution is currently *sub judice* we don't propose to detail the matter further suffice to say that this Licensing Authority has concerns that the applicant for this variation is not fully committed to the promotion of the licensing objectives. Therefore we suggest that the sub-committee takes into account the provisions of licensing policy 015 when arriving at a determination of this application, particularly the policy's requirement to consider the *past compliance history of current management*.

Contd.

To summarise, this Licensing Authority is not opposed in principle to this premises licence being varied. Indeed, restaurants in the St Andrews ward are exempted from licensing policy 017 in relation to cumulative impact in the area. Havering clearly seeks to encourage the establishment of restaurant premises in this zone in line with its overall licensing policy. As a Licensing Authority we fully support this tenet. A desire to encourage such business development, however, must be weighed against any potential impact an expansion to activities at a given premises may generate. We are duty bound to consider those residents and neighbours who may potentially be affected by licensable activity provided at a premises which goes beyond those hours Havering's licensing policy has identified as reasonable in this area. Our duty must be to identify the balance between the needs of the applicant and the needs of his neighbours.

Given the applicant's past compliance history and the application's desire to exceed the bounds of licensing policy 012 we would not be prepared to support this application in its current form. While an application for extended hours may be granted it should be done so only if the merits of the application convincingly demonstrate that an exception to the relevant policies is appropriate. We suggest that the application as submitted does not demonstrate a compelling argument for a relaxation of the provisions of licensing policy 012. Therefore, if the sub-committee is minded to grant the application, we would suggest that it may be appropriate to do so in line with policy 012. Additionally we would not oppose any terminal hour for the provision of late night refreshment which is in line with any alcohol supply terminal hour which may be determined.

I trust that this satisfactorily establishes our position.

Yours faithfully

Paul Jones
Licensing Officer

VEGETABLE THALI Hand cut vegetables, 10 types 3.30	Mushroom Bhaji 2.95
SALADES	Adoo Gobi 2.35
Boiled Rice	Bhindi Bhaji 2.35
Lemon Rice	Cauliflower Bhaji 2.35
Puase Rice	Sag Bhaji 2.35
Special Rice	Sag Aloo 2.35
Coconut Rice	Dahl Tarka 2.35
Spiced Rice	Chana Morsela 2.35
Fried Rice	Aloo Paratha 2.75
Paratha	CURRY DISHES
Stuffed Paratha	KURMA
Chapati	1.75
Kecmasa Nan	1.50
Peshwari Mah	1.75
Garlic Nan	1.95
Tikka Nan	1.75
Vegetable Nan	1.95
Parus	0.95
Papadom	0.40
Morsala Papadom	0.50
Raittha (Vegetarian)	1.25
Chips	1.50
Kecmas Paratha	1.95
ENGLISH DISHES	KASAMIR
Omelette	4.50
Mushroom or Chicken	5.50
Fried Mushroom & Omelette	4.90
Mixed Salad	2.00
Salon Steak	7.95
PICKLES	MALAYAN
Pickles	0.50
Mango / Olive	0.50
Lime Pickle Mib	0.50
Onion Chutney	0.50
Mangoes sauces	0.60
VEGETABLE SIDE DISHES	BHUNA
Mash Potato	2.75
Sag Parath/Matar Pasty	2.75
Mixed Vegetable Curry	2.95
Vegetable Bhaji	2.95



MINALOG Hand cut vegetables, 10 types 3.30	Vegetable Makhani 3.50
Fish Salmon Dish	Sag Prawan 5.50
Chicken	Mergl Tikka Matter 5.50
Milf	Murgi Tikka Matter 5.50
Prawn	Murgi Tikka Matter 5.50
Chicken Tikka	Chicken Bombay 5.50
King Prawan	Chicken Chilli Mosaic 5.50
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Salmon Fish	Chicken Chilli Mosaic 5.50
Tikka Morsala	Chicken Chilli Mosaic 5.50
Salmon Korma	Chicken Chilli Mosaic 5.50
Lash Podjin	Chicken Chilli Mosaic 5.50
Vegetable Poutine	Chicken Chilli Mosaic 5.50
Chicken Makhani	Chicken Chilli Mosaic 5.50

SET MEALS

SET MEAL FOR 1 PERSON
 Starter: Kebab Special
 Main Course: Bani
 Chicken Tikka Bhuna
 Side Dish
 Sag Aloo
 Rice or Nan
 9.50
 Free choice of Gula
 Free choice of drink

SET MEAL FOR 2 PERSONS
 Starter: Tandoori Fry
 Garlic Mushroom
 Main Course: Chicken
 Tikka Bhuna
 Side Dish
 Sag Aloo
 Rice or Nan
 19.50
 Free choice of drink

SET MEAL FOR 4 PERSONS
 Starter: Pepper Lamb
 Prawan Puri, Garlic
 Mushrooms, Tandoori
 Chicken
 Main Course: Chicken
 Tikka Makhani & Sag
 Prawan, Lamb Durriza
 Mix Vegetable Bhuna
 Side Dish: Chana
 Mushroom, Tarka Dahl,
 Peshwari Nan, Garlic
 Nan, 2 Murgis
 Bzau, 1 Prawn
 39.50
 Free choice of drink



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

Mr Irshadur Rahman & Mrs Rowshon Ara Khan
c/o Akash Tandoori
185 High Street
Hornchurch
RM11 3XS

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

Date: 12th November 2012

My Reference: PJJ/081346

Dear Sir/Madam

Licensing Act 2003
Premises Licence No. 2160
Akash Tandoori 185 High Street Hornchurch RM11 3XS
Formal Warning

As Havering's Licensing Officer for the Hornchurch area it is my responsibility to ensure that all premises, including currently licensed premises, comply with the provisions of this Act. Your premises detailed above is licensed under this Act and the premises licence is held jointly by you both.

The premises licence for *Akash Tandoori* permits the supply of alcohol to be made at the premises Monday to Saturday 10:00 to 00:00 and Sunday 12:00 to 23:30. Additionally the premises may remain open to patrons during the same hours. This also means that hot food supplies must cease at the premises at 23:00 each night as the licence does not permit the provision of late night refreshment.

Effectively, then, the last hot meal or hot drink may be supplied at 23:00 while alcohol may be supplied until midnight (or 23:30 on a Sunday). At this time the restaurant must be emptied of patrons.

On the evening of Saturday 9th November 2012 leading into 10th November I conducted a monitoring patrol and noted that your premises was still open at 00:30. Patrons were seen inside the premises eating what may reasonably be assumed to be hot food and drinking what was clearly seen to be alcohol. This is in breach of the permission your premises licence affords and as such constitutes a series of criminal offences contrary to s.136(1) of this Act.

Contd.

Additionally, I noted that a poster in your premises' window indicates that a live music act will be performing at the premises on 21st November 2012. You may be aware that the recent *Live Music Act 2012* came into force recently. As such live music is able to be provided without the requirement for a premises licence to authorise its provision as long as certain criteria are met. I have included a briefing note with this letter for your reference. As long as any live music is provided in accordance with the provisions of the *Live Music Act 2012* you will not breach your premises licence conditions. If, however, live music is provided outside its bounds, e.g. after 23:00, you will commit a criminal offence contrary to s.136(1) of this Act and further action will be likely to follow.

Therefore, please accept this letter as a formal warning to cease the illegal provision of licensable activity at your premises. Please familiarise yourself with the terms and conditions of your premises licence and ensure that you are fully compliant with its requirements. A failure to comply with all of its provisions will likely result in criminal offences being committed. For information purposes the maximum penalty which may be imposed upon a summary conviction for such an offence is £20,000 fine and/or six months imprisonment. Therefore, you can see that the law, and hence this Licensing Authority, takes such matters seriously.

If you feel that your premises licence no longer meets the needs of your restaurant you may seek a variation of the licence. Further information regarding this may be found here:

<http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/>

Any repetition of the matters listed above is likely to result in further action being taken against you, the ultimate outcome of which may be for the London Borough of Havering to seek a prosecution against you both as those responsible for the illegal provision of licensable activity at the premises.

If you require further clarification please do not hesitate to contact me.

Yours faithfully

Paul Jones
Licensing Authority



The Live Music Act 2012

The Live Music Act 2012 passed into law on 8th March 2012. It comes into effect from 1st October 2012.

The Act disapplies live music related conditions if the following criteria are satisfied:

- There is a premises licence or CPC in place permitting alcohol 'on supplies'
- The premises is open for the supply of alcohol for consumption on the premises
- Live music is taking place between 8am and 11pm
- The audience consists of no more than 200 people if the live music is amplified

Live amplified music also ceases to be classed as regulated entertainment if the above criteria are satisfied.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8am and 11pm regardless of the number of people in the audience.

There are a number of mechanisms in place for the protection of residents:

- Upon a review of a premises licence the Licensing Authority can determine that conditions on the premises licence relating to live music will apply even between 8am and 11pm
- If the premises licence does not currently authorise live music the Licensing Authority can add conditions to the premises licence as though the live music were regulated entertainment authorised by that licence, again to apply between 8am and 11pm
- The Licensing Authority can determine that live music at the premises is a licensable activity and live music can no longer be provided without permission on the premises licence or a TEN
- Existing noise legislation, e.g. Environmental Protection Act 1990, will continue to apply. The Live Music Act 2012 does not allow licensed premises to cause a noise nuisance

The Act also completely removes the requirement to licence entertainment facilities regardless of audience size. This means that dance floors, pianos made available for use by the public etc, will no longer be licensable come 1st October.



Havering
LONDON BOROUGH

Public Protection

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

Mr Irshadur Rahman & Mrs Rowshon Ara Khan
c/o Akash Tandoori
185 High Street
Hornchurch
RM11 3XS

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

Date: 19th November 2012

My Reference: PJJ/081346

Dear Sir/Madam

Licensing Act 2003
Akash Tandoori 185 High Street Hornchurch RM11 3XS
Premises Licence No. 2160
Final Warning

Further to my earlier warning letter of 12th November 2012 I note that the following issues are still unresolved.

On the morning of 17th November 2012 I observed that your premises detailed above was occupied by patrons who clearly had plated meals and alcohol on the table in front of them which they were consuming. As my previous letter indicated hot food and/or drink supplies must cease at your premises at 23:00. There is no provision for the supply of late night refreshment on premises licence no. 2160. The fact that patrons were observed consuming these meals an hour and a half after hot food supplies should have ceased suggests that late night refreshment was supplied after 23:00 and thus supplied illegally.

Equally, alcohol supplies should have ceased at 00:00 which is the time the premises licence requires that all patrons have left the premises. Quite clearly, this was not the case.

If you provide late night refreshment at your premises after 23:00 you will break the law. This will then place your premises licence in breach. Consequently any alcohol supplied between 23:00 and 00:00 will be done so illegally even though alcohol may normally be supplied under the authority of the licence until 00:00: the licence will have already been breached by the illegal late night refreshment supplies, thus negating the authority of the licence.

Contd.

You should be aware that if the matters detailed above recur I shall have no alternative other than to undertake further action against you as premises licence holders. This action will be likely to result in the London Borough of Havering seeking to prosecute you for offences contrary to s.136(1) of the Licensing Act 2003, i.e. knowingly carrying on a licensable activity from a premises otherwise than in an accordance with an authorisation. Please again be advised for information purposes that the maximum penalty for a s.136(1) offence is £20,000 and/or six months' imprisonment. The law, and hence this Licensing Authority, takes such matters seriously.

To confirm, this is Havering's final warning regarding these matters. I am afraid that any further illegal activity observed within your premises will likely proceed straight to prosecution. I therefore urge you to comply fully with all provisions of your premises licence.

If you require further clarification please do not hesitate to contact me.

Yours faithfully

Paul Jones
Licensing Officer



Havering
LONDON BOROUGH

Public Protection

Housing & Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Mr G Hopkins
GT Licensing Consultants
31a Mildmay Road
Romford
RM7 7DA

Telephone: 01708 432777
Fax: 01708 432554
email: licensing@havering.gov.uk
Textphone ☎: 01708 433175

Date: 20th December 2012

My Reference: PJJ/002160

Dear Sir/Madam

Licensing Act 2003
Premises Licence Number – 002160
Akash Tandoori 185 High Street Hornchurch RM11 3XS

Attached is the premises licence for the above address in accordance with the Licensing Act 2003.

You are reminded that the premises licence or a certified copy of the licence must be kept at the premises while the licence summary, known as Part B, must be displayed on the premises in a prominent position.

Full details of the Licensing Act regulations can be found on the Home Office website <http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/>

For further information relating to your licence please contact the Licensing Authority at the address detailed above.

Please note that the granting of a licence under this Act does not remove the need for any necessary consent under other legislation, such as the Planning Acts. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

Yours faithfully

Paul Jones
Licensing Officer



Premises licence number

002160

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Akash Tandoori
185 High Street Hornchurch RM11 3XS

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 23:30

The opening hours of the premises

As above

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

On supplies only

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

Mr Irshadur Rahman
185a High Street Hornchurch RM11 3XS
07772 566923

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

1 of 5

Signed
Paul Jones, Licensing Officer

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

**Mr Irshadur Rahman
185a High Street Hornchurch RM11 3XS
07772 566923**

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

CER 0911 – Ceredigion Council

Mandatory conditions

- 1. No supply of alcohol may be made under the premises licence:**
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- 3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following: activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –**
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –**
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;**
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–**
 - (i) the outcome of a race, competition or other event or process, or**
 - (ii) the likelihood of anything occurring or not occurring;**

Mandatory conditions – contd.

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
- 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – conditions consistent with the operating schedule

- 1. Alcohol shall not be sold or supplied except during permitted hours with the exception of:
 - (a) Good Friday 12:00 to 23:30;
 - (b) Christmas Day 12:00 to 23:30;
 - (c) New Year’s Eve except on a Sunday 11:00 to the start of permitted hours on the following day (or if there are no permitted hours on the following day midnight on 31st December);
 - (d) New Year’s Eve on a Sunday 12:00 to the start of permitted hours on the following day (or if there are no permitted hours on the following day midnight on 31st December).
- 2. Subject to the following exceptions no person shall except during the permitted hours listed above sell or supply alcohol for consumption on or off the premises or consume in or take from the premises any alcohol. The exceptions are:

Signed
Paul Jones, Licensing Officer

- (a) the consumption of alcohol:
 - (i) during the first twenty minutes after the permitted hours;
 - (ii) during the first thirty minutes after the permitted hours by persons taking meals on the premises provided that the alcohol is provided as ancillary to the meals;
 - (b) the taking of alcohol from the premises during the first twenty minutes after the permitted hours provided it is not supplied or taken in an open container;
 - (c) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
 - (d) the sale or supply of alcohol to or its consumption by any person residing in the licensed premises;
 - (e) the taking of alcohol from the licensed premises by a person residing there;
 - (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by such person at that person's own expense and consumption by those friends of alcohol so supplied;
 - (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence or the consumption of liquor so supplied if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
 - (h) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (i) the sale or supply of alcohol to any canteen or mess being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
3. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation.
4. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) he is the child of the holder of the premises licence;
 - (b) he resides in the premises but is not employed there;
 - (c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress;
 - (d) the bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

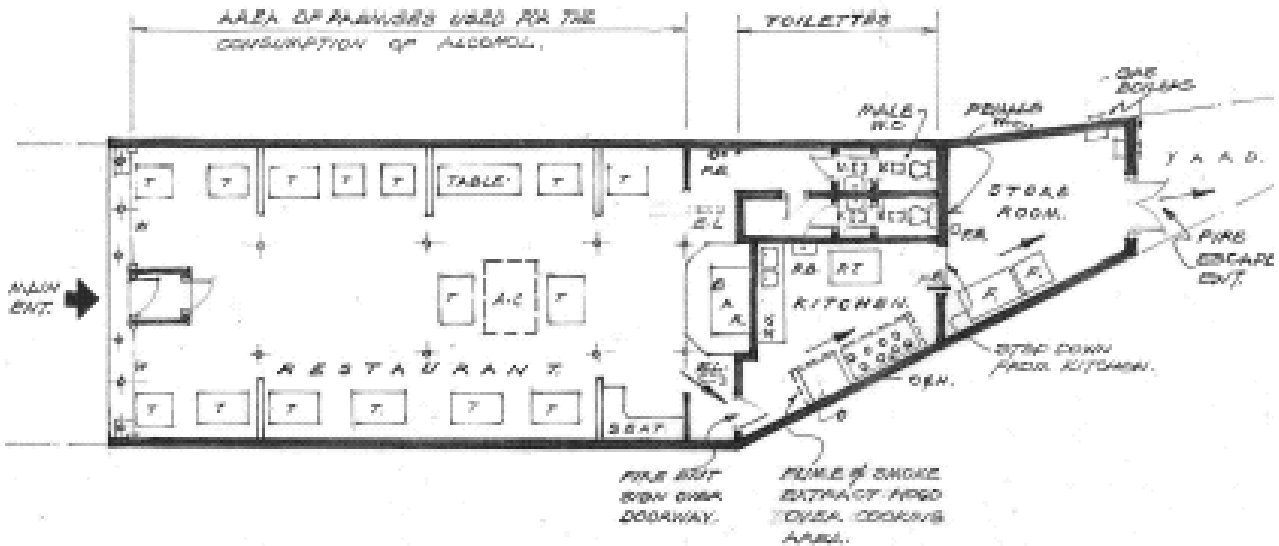
In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor; however, an area is not a bar when it is usual for it to be and it is set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

Not applicable

Annex 4 – premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:



Signed
Paul Jones, Licensing Officer

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Part B

Premises licence summary

Premises licence number

002160

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

**Akash Tandoori
185 High Street Hornchurch RM11 3XS**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 23:30**

The opening hours of the premises

As above

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

On supplies only

Name, (registered) address of holder of premises licence

**Mr Irshadur Rahman
185a High Street Hornchurch RM11 3XS**

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

1 of 2

Signed
Paul Jones, Licensing Officer

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

Mr Irshadur Rahman

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

Not applicable

2 of 2
