

BEFORE THE LICENSING SUBCOMMITTEE OF HAVERING COUNCIL

SUBMISSIONS

Regarding Application to vary premises licence for Shelly's Bar, 72 Station Lane, Hornchurch, RM12 6NA.

1. These applications are made in further support of the proposed proprietor's application to vary her premises licence.
2. The applicant applied to vary her existing premises licence as follows:
 - a. **Sale of alcohol**
 - Thursdays: 11:00 to 00:00
 - Fridays and Saturdays: 11:00 to 02:00
 - Bank Holidays and Sundays: 11:00 to 02:30
3. The premise lies in the Cumulative Impact Zone and as such, is subject to a rebuttable presumption that an Application for Variation will be refused, unless it can be demonstrated that granting the application would not add to the cumulative impact upon the licensing objectives in the area.
4. We contend that the applicant has provided a robust application, which demonstrates that there would be no cumulative impact on the licensing objectives.

Objections

5. Objections we received from Environmental Health, a resident (Mr Stephen Whiteman) and from Councillor Middleton.

Environmental Health

6. Environmental Health had concerns about noise nuisance and possible disturbance from patrons congregating outside of the venue. The applicant agreed with Environmental Health to add the following conditions to the premises licence:
 - a. The outdoor area of the venue is to be closed from midnight every day. No drinks are to be taken outside of the building after this time.
 - b. After this time, customers will be allowed outside of this area to smoke, or leave the premises.

On the basis of the agreed conditions, the Environmental Health Officer (Mike Richardson), withdrew his representations.

Stephen Whiteman

7. Mr Whiteman objects on the basis that the nightclub (referring to the applicant's premises), was already causing 'serious noise problems, with loud music playing until 1.00am.' Mr Whiteman states that the people using the club frequently walk along the alleyway next to his house, shouting, swearing and urinating. He states that he is unable to enjoy the comfort of his own home, that he and his family are kept awake at night and that they are unable to enjoy their own property.
8. In response to this objection, we believe that Mr Whiteman is confusing Shelly's Bar with other venues nearer to his home. Mr Whiteman gives his address as 25 Mill Park Avenue, Hornchurch, Essex, RM12 6HD. However, there are other venues which also open late, which are far more likely to be the source of noise nuisance to Mr Whiteman than the applicant's venue. In particular, the following premises are nearer to Mr Whiteman's home. Namely, The Cranley, Frankies Wine Bar and Vertigo. We enclose a map to assist members in this regard. As such, we contend that Mr Whiteman's objection cannot be given any weight in the hearing, since it is clear that he is most likely confusing patrons from other establishments, with that of the applicant's establishment.

Councillor Middleton

9. Councillor Middleton makes the following points in an email objection of 18 May 2022. We reproduce the bullet points set out by Councillor Middleton.
 - a. This establishment is in close proximity to a residential area;
 - b. The number of customers leaving this establishment in the early hours of the morning will have a detrimental impact on the residents' health and wellbeing. This will have a greater impact on babies and young children who live in the area;
 - c. There will be excessive noise both from the club and customers, particularly during the summer months when windows are left open;
 - d. There is insufficient policing to cover both Hornchurch and Romford at the same time if there is trouble;
 - e. As always, there is the likelihood of antisocial behaviour when customers are provided with extra drinking time;
 - f. The last means of public transport finishes at approximately 01001 pm, thereby leaving customers waiting for an available taxi;
 - g. There is no taxi rank in this area and therefore taxis will park on residential roads with engines running and radios blaring;
 - h. There are no public conveniences in this area for customers to use once they leave the premises. It is a fact that they will use the surrounding roads;
 - i. There will be an increase of litter in this area; and
 - j. Residents are being sent what can only be described as intimidating letters from the solicitors acting on behalf of Shelly's Bar.

10. With regard to Councillor Middleton's objections (and to Mr Whiteman's objections), it is denied that Shelly's Bar is the cause of the nuisance, or any antisocial behaviour. In this regard, we refer members to a statement from Mr Alex Lowry, who is a resident, living adjacent to Shelly's Bar (who actually lives near the premises in question). Mr Lowry denies any noise nuisance being generated from the applicant's premises. Mr Lowry is clear on the following points, since he has been living at his property from August 2021:

- a. He has never been disturbed by any noise generated from the applicant's premises;
- b. He has never experienced queues outside of Shelly's and customers have never blocked his entrance;
- c. He has never seen any antisocial behaviour from people leaving Shelly's bar in the early hours;
- d. Shelly's bar is just one of a number of establishments providing similar services; and
- e. Since patrons leave the other premises late at night, walking past Shelly's, it would make no difference as far as he is concerned, if the premises licence was varied as requested
- f. Granting an extension would be a positive move for the local area and economy.

11. A further supporting statement is provided by Mr Dan Marsh, who is also a local resident and a neighbour of the premises. Mr Marsh also maintains that he has never been disturbed by noise generated from Shelly's and he has never experienced queues outside of Shelly's. Mr Marsh makes a further point that the security presence, outside of Shelly's, is itself a positive factor, as it makes him feel safe and also helps to ensure that guests leave safely and quietly from the premises.

12. In relation to Councillor Middleton's objections, we would respond to Councillor Middleton's objections by taking each point in turn:

- a. *This establishment is in close proximity to a residential area;*

There is no evidence that residents who actually live next to Shelly's Bar, have any problems with the running of the premises. In fact, we have unchallenged evidence from neighbours of the premises, who confirm that the premises are not causing them noise nuisance.

- b. *The number of customers leaving this establishment in the early hours of the morning will have a detrimental impact on the residents' health and wellbeing. This will have a greater impact on babies and young children who live in the area;*

In view of the extensive measures in place, including the conditions agreed with Environmental Health Services, it is contended that there would not be a detrimental impact on residents' health and wellbeing. We would also, again, make the point that Mr Whiteman (the resident objector), lives some distance away from Shelly's Bar and appears to be confusing his experiences with patrons from another establishment.

- c. *There will be excessive noise both from the club and customers, particularly during the summer months when windows are left open;*

There is no evidence that there was any noise nuisance during the summer months when windows are supposedly left open. The (3) windows are kept closed and locked at all times in any event (and the applicant would be happy to make this a condition of the premises license).

- d. *There is insufficient policing to cover both Hornchurch and Romford at the same time if there is trouble;*

Members will be aware that Havering Council uses the services of Humm Security, which patrols and controls any antisocial behaviour in and around the town centre. As such, the policing issue is being effectively addressed by the Council.

- e. *As always, there is the likelihood of antisocial behaviour when customers are provided with extra drinking time;*

Whilst Councillor Middleton makes a generalised statement, members need to be pointed to evidence that these premises are generating particular concerns. There is no such evidence and in fact, the evidence before members confirms that the premises is making a positive contribution to experience of its neighbours.

- f. *The last means of public transport finishes at approximately 1 pm, thereby leaving customers waiting for an available taxi;*

There is no evidence that this is a problem. Members will also be aware that the use of taxi apps, such as Uber, or Bolt, are very popular nowadays and many patrons will simply call such a taxi from their mobile phone, if they so require.

- g. *There is no taxi rank in this area and therefore taxis will park on residential roads with engines running and radios blaring;*

There is no evidence that waiting customers has been an issue. We would also remind members that the premises enjoys a large forecourt and if members do have to wait, they can do so in the forecourt. The applicant is happy to agree to a condition that patrons waiting for a taxi must do so within the premises.

- h. There are no public conveniences in this area for customers to use once they leave the premises. It is a fact that they will use the surrounding roads;*

There is no evidence that patrons have been urinating in, or around, the premises, when they leave. This objection can be levelled at any licensed premises, but there is no basis to the notion that it applies in this instance.

- i. There will be an increase of litter in this area; and*

Once again, Councillor Middleton makes a general argument, unsupported by any evidence pertaining to this particular premises. There is no evidence that litter is an issue. The applicant does not sell serve food or other items which could become litter outside the premises and the applicant's staff collects drink bottles from patrons. As such this is not an issue for the applicant.

- j. Residents are being sent what can only be described as intimidating letters from the solicitors acting on behalf of Shelly's Bar.*

We are surprised that Councillor Middleton would regard the letters sent by the applicant's solicitors as intimidating. We can confirm that this firm, upon instruction, sent letters to Steven Whiteman and Councillor Middleton. We enclose a copy of both letters. These letters are far from intimidating, but rather seek to engage the objections raised by the respective objectors, to explore if there was a way in which they could be addressed, to avoid the need for a hearing. This practice is encouraged by the guidance under the Licensing Act 2003 and is good practice. As such, we refute any suggestion that this communication was in any way inappropriate.

W. Brown
Brown and Co Solicitors
18 July 2022