

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning an application for a review of a premises licence.

Premises Name and address: Licensing Act 2003 – Review of the premises licence for Array, 91 Shepherds Hill, Harold Wood, RM3 0NP

Your Name: David Dovey

Organisation name/name of body you represent: London Borough of Havering/Licensing

Your Address: C/O, Town Hall, Main Road, Romford, Essex, RM1 3BD

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Summary of Objection: Representation based upon the licensing objective of public safety being undermined.

Policy Considerations

18. Smoking, Drinking and eating outside

18.1 The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside, users can cause nuisance.

18.2 Where smoking, eating and drinking take place outside, the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:

- The location of outside areas to be available for use
- How the outside areas will be managed to prevent noise, smell and pavement Obstructions

18.3 The provision of tables and chairs outside the premises, either on the highway or private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.

Representation

I have considered the application and wish to make representations that the licensing objective of public safety is being undermined.

I have, attended several meetings along with other local authority officers from other departments and police colleagues, at the premises to discuss complaints regarding ongoing concerns of the operation of the Shisha venue.

The general public are invited to consume shisha along with food and drink. This structure is fully enclosed and does not comply with the Health Act 2006 section 2 (4) which states that premises are smoke-free only in those areas which are enclosed or substantially enclosed. The venue is enclosed because 50 percent of the structure is not permanently open. Openable windows and roofs are not taken into consideration as directed in the Act.

The general public and staff are therefore exposed to second hand smoke which is detrimental to health.

The management have been told in writing to open the structure to comply with the 50 percent rule. They did comply by removing the glass partitions but on a recent visit it has been reinstated. Therefore no longer complies with the Health Act 2006. Once the venue is compliant there will also be a considerable increase in noise, smoke, and smell nuisance.

I am working with the planning enforcement team to address the ongoing concerns with shisha at this premises. This is still ongoing.

Conclusion

Whatever the decision of the sub-committee, the health and safety team within Public Protection will continue to enforce compliance with the Health Act 2006.

Complaint and Inspection History (if applicable)

18th February 2022- complaint from a member of the public

20th February 2022- complaint from a councillor

Onsite meetings on 23rd February 2022, 19th April 2022, 27th June 2022, 20th July 2022, 8th August 2022, 27th September 2022, 21st October 2022.

Written warnings issued on 16th March 2022 and 22nd June 2022.

Other documents attached

Signed

David Dovey

Dated: Friday 1st November 2022