

## Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning a premises licence application for the premises as detailed below.

**Applicant:** Mr Ali Demir  
**Premises:** Hot & Tasty 140 South Street Romford RM1 1TE

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**Name:** Paul Jones  
**Organisation:** London Borough of Havering Licensing Authority  
**Address:** c/o Town Hall Main Road Romford RM1 3BD  
**Email:** paul.jones@haverling.gov.uk  
**Telephone no.:** 01708 432692

### Objection summary:

The premises is located in one of Havering's cumulative impact (CI) zones at the most significant crime 'hot-spot' in the borough; no attempt has been made to rebut the CI policy nor to provide any mitigation for the extended hours sought. The extended hours are outside Havering's licensing policy guideline hours when the licence already permits the premises to operate beyond our policy guideline hours.

### Policy considerations

6.3 For areas where a cumulative impact policy is adopted, it creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that will add to the existing cumulative impact, will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to cumulative impact and not impact adversely on the promotion of the licensing objectives. The exception to this policy may be for applications for restaurants where alcohol is sold ancillary to a table meal.

### 12. Licensing Hours

12.1 When dealing with new and variation applications the Licensing Authority may give more favourable consideration to applications with the following closing times:

#### Public Houses and Bars

23:00 - Sunday to Thursday  
Midnight - Friday and Saturday

#### Nightclubs

01:00 - Sunday to Thursday  
02:00 - Friday and Saturday

#### Restaurants and Cafes

23:00 - Sunday to Thursday  
00:00 - Friday and Saturday

#### Off licences

23:00 - Monday to Sunday

## Hot food and drink supplied by takeaways, fast food premises

00:00 - Sunday to Thursday

01:00 - Friday and Saturday

### Hotel residents only

24 hours sale of alcohol for on sales only

12.2 Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.

## Representation

1. This premises is located in Havering's main CI zone. Our CI policy, as detailed above, permits an applicant to rebut the policy. We would therefore expect some form of rationalisation provided in the application to indicate why the applicant is of the view that the variation sought would not contribute to CI. There has been no rebuttal statement provided for consideration. We are therefore unable to conclude that the premises will not add to CI and must assume that it will add to CI. In addition, the absence of a CI rebuttal statement suggests that the applicant is not convinced that CI will not be adversely affected if the application is granted.

2. The premises is located at the main Romford transport hub which is also its most significant crime 'hot-spot'. Extending hours at this location would have the potential to further delay the dispersal of post-club attendees and thus increase the likelihood of licensing objective failures.

3. Section 16 of the application is the area in which the applicant is able to provide additional steps which are felt will aid the promotion of the licensing objectives. The entry in section 16 states simply: "*Existing conditions will remain as it is.*" While it may be felt by the applicant that no additional steps are necessary, we might reasonably suggest that given the extended hours sought, i.e. an 05:00 terminal hour three nights a week, the premises seeks to be open during hours in which a separate customer base will be in attendance. This new customer base will have been potentially consuming alcohol for an additional three hours longer than the customers currently permitted to attend the premises.

4. The premises seeks to provide recorded music as a form of entertainment until 03:00 during the week and 05:00 at the weekend which is two hours longer during the week and three hours longer at the weekend than currently permitted. The fact that the premises is already able to provide musical entertainment until the early hours is a matter of concern as playing music in a take-away shop risks customers staying longer than they might ordinarily when ordering a take-away meal only; extending those hours to the aforementioned terminal hours risks making the premises a post-club 'destination' where nightclub activity might continue. There is also a risk that noise nuisance to surrounding properties to a later terminal hour will occur. In addition, there are currently no conditions on the licence addressing the prevention of public nuisance further to the provision of recorded music and none have been proposed to support this application. We might reasonably expect that playing recorded music to an audience until 03:00 three nights a week and until 05:00 three nights a week would warrant some consideration further to the promotion of the licensing objectives.

5. As detailed above, Havering's guideline terminal hours with regard to fast food take-away shops are 00:00 Sunday to Thursday and 01:00 Friday and Saturday. The current premises licence already exceeds these guideline hours. The application provides no

supporting information to indicate why the applicant is of the view that the extended hours sought will not result in licensing objective failures.

6. Paragraph 12.2 of Havering's licensing policy as detailed above indicates that consideration will be given to the type of area in which the premises is located. As mentioned before, this area is at the centre of the Romford CI zone, is the main transport hub for Romford and is Havering's most significant crime hot-spot. Large numbers of late night revellers arrive at this particular area in the early hours looking to make their way home. The extension of hours the application seeks risks delaying the departure and dispersal of these individuals. Large numbers of potentially intoxicated people queueing to buy fast-food has the potential to cause public nuisance also to lead to occurrences of crime and disorder which is contrary to the promotion of the licensing objectives.

### **Complaint and inspection history (if applicable)**

No complaints about the premises which are relevant to the provision of licensable activity have been received since 2017. We might therefore conclude that the current version of the licence is fit for purpose.

### **Summary**

I consider that this application is incompatible with Havering's licensing policy aims. There is a significant potential that granting the application as submitted would add to cumulative impact within Romford's ring road: indeed, no argument to the contrary has been provided by the applicant. Havering's CI policy as detailed above might therefore suggest that the application should be refused.

Given that the application is essentially to extend the premises' terminal hours there is little scope for compromise, particularly considering that the premises already has terminal hours later than our policy guideline hours.

We might reasonably expect that if this application were to be granted as submitted the other premises within this CI zone would feel compelled to apply to extend their hours to be able to compete. We might then see an 'hours creep' in the vicinity, a vicinity we should remember is one of mixed use, i.e. there are residential properties close to this premises and throughout this CI zone.

Based upon the minimal entries within it I am unable to support the application and neither can I see how extending the current terminal hours by a lesser amount than those hours sought as a form of compromise would be able to be justified.

**Signed** *Paul Jones*

**Dated** 22/12/22