

From: Mike Richardson <[REDACTED]>
Sent: Monday, June 10, 2024 2:59 PM
To: [REDACTED] <[REDACTED]>;
Charles <[REDACTED]>
Cc: Oisin Daly <[REDACTED]>;
Licensing <Licensing@havering.gov.uk>
Subject: SRU148093 - McKlunky's Premises Licence Variation

Dear Sirs

I refer to your recent application for the variation of the premises licence for McKlunkys', 185B High Street, Hornchurch. I am responding on behalf of the Council's Public Protection Unit, regarding the prevention of public nuisance.

I note that the application is to vary the hours of provision for late night refreshments on Friday and Saturday evenings only from 01.00 hours to 02.00 hours.

Whilst I appreciate the business case for extending the hours of operation, to enable the premises to serve pub and club goers towards the end of their evenings, I have some concerns regarding this proposal. Very few premises within the immediate vicinity of the premises are open at that time of night, and therefore customers will be attracted to the vicinity. There will be the inherent noise that will be generated by inebriated customers as they wait for their takeaway, . The impact from this will be most experienced by those residents who live above the commercial venues within the immediate vicinity of 185B High Street. Similarly, disturbance will be caused to local residents above (and possibly behind) the venue by the noise from the extract system serving the takeaway into the early hours of the morning.

There is no indication either about any mitigation for the noise that may be generated by delivery drivers in the early hours of the morning, as they pick up their orders.

I also note that the premises is within the Hornchurch CIZ, and no additional noise mitigation has been suggested to suggest that the requested extension outside of the Council's recommended hours within our licencing policy hours will not impact on the CIZ.

As such, I am making representations that the proposed extension until 02.00 hours on Friday and Saturday nights, with the additional hours for bank and public holidays, as well as Christmas and New Years Eve is not allowed. If you are able to suggest enforceable conditions to address the above concerns, I would be willing to reconsider the application and withdraw my representations.

Regards

Mike Richardson
Senior Public Protection Officer
Environmental Health
Town Hall Main Road, Romford RM1 3BB

From: Charles <[REDACTED]>
Sent: 24 June 2024 17:45
To: Mike Richardson <[REDACTED]>
Cc: [REDACTED]@met.pnn.police.uk
Subject: Re: SRU148093 - McKlunky's Premises Licence Variation application
Importance: High

Good afternoon Mike

I hope you are well.

As the authorised agent and licensing consultant on behalf of Innpacked Ltd for McKlunky's takeaway at 185b High Street in Hornchurch, I am responding to your correspondence of 10th June in which you have made a representation against the application based on The Prevention of Public Nuisance, namely risk of additional noise, which could result in additional issues for living in the local area to 185b High Street.

The variation application is for one additional hour to the permitted terminal hour for late night refreshment on Fridays and Saturdays from 01:00 to 02:00

The most notable amendment proposed to the conditions already in place for the premises, is the extension of hours for SIA security to the end of trading hours to 02:00 every Friday and Saturday, which has been successful in mitigating noise nuisance, and elevating the reputation of McKlunky's to one of the best run operations if not the best run operation in Hornchurch.

Furthermore a reduced menu is run after 23:30 excluding Peri items, to eliminate smoke, ensuring as a result the extraction system is 100% effective late at night.

As you will be aware, a number of late night bars and a night club are served by late night takeaways when customers leave their premises at or near closing time, who one could argue are making the most amount of noise when initially departing the premises where alcohol has been on sale, and this is largely mitigated by customers taking food on board before going home. It is our opinion that granting the extra hour on Fridays and Saturdays to McKlunky's will assist in this situation, rather than exacerbate the risk of noise nuisance late at night.

It is also our opinion that it is far better to licensed for late night refreshment than competitors operating potentially outside the hours granted on their licences.

McKlunkys does not offer deliveries late at night, and will continue not to do so in the interests of Prevention of Public Nuisance.

Finally, the area around McKlunkys is not densely populated by local residents, with most residents around 400 metres or more away from 185b High Street. Nevertheless, my client, Mr Khan, will continue to work proactively to promote the four licensing objectives within the local community and the police, and strive to enhance the area as a safe destination for a late night out with friends.

I have copied in this correspondence with Mr Chris Stockman, Borough Licensing Officer for the Metropolitan Police with whom we had dialogue regarding this application, prior to making our application.

I look forward to your response in the coming days.

Kind regards
Charles Denny
Licensing Consultant
Innpacked Ltd
[REDACTED]

From: Mike Richardson <[REDACTED]>
Sent: 01 July 2024 23:46
To: Charles <[REDACTED]>
Cc: [REDACTED]@met.pnn.police.uk;
Oisin Daly <[REDACTED]>;
Licensing <Licensing@havering.gov.uk>
Subject: RE: SRU148093 - McKlunky's Premises Licence Variation application

Dear Charles

Thank you for your email.

I appreciate the measures that have been suggested and added to the operating schedule to attempt to mitigate the prevention of public nuisance.

Regarding the proposed reduced menu, would this be using any extraction system? The noise and odour are of concern to me from this system, and your comments have not addressed my concerns adequately, particularly with regard to disturbance to those properties to the rear and above the site.

Whilst I do agree that late night refreshment licenced premises to provide food rather than unlicensed premises, with the adequate conditioned control, I do not feel that this is an adequate reason for the licencing policy for the Hornchurch CIZ to be overlooked. This would be dealt with by my licencing colleges if it is discovered that this practice is occurring.

I also agree that the area is not heavily populated, however there are residential properties who are above the surrounding shops who would be affected by noise until 2am from the establishment, who would be affected by a public nuisance caused by noise from customers and the extract system. There are residential properties within 50m of the rear of the property, which would be affected by noise and potential odour from the establishment, and residential properties approximately 20m across the road from McKlunky's.

Whilst I appreciate that you have suggested measures to mitigate the public nuisance that will be caused, by removing late night deliveries (which can be conditioned), and the employment of SIA staff later in the evening, I am not

convinced that this is sufficient to prevent a public nuisance from occurring in the vicinity of the premises, as it would attract customers to the part of the town centre which is less heavily used in the early hours, and the associated disturbance that is caused.

As such, I am unable to withdraw my representations at this time, and it may be that the licencing sub-committee will have to decide on this matter.

Regards

Mike

Mike Richardson
Senior Public Protection Officer
Environmental Health
Place Directorate
Town Hall Main Road, Romford RM1 3BB