

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 temporary event notice for the premises as detailed below.

Premises Name and address: McKlunkys, 185b High Street Hornchurch, RM11 3XS

Your Name: Oisin Daly

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

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

Email: Oisin.daly@havering.gov.uk

Contact telephone number: 01708 432555

Summary of Objection: Objection to an application for a variation to a premises licence as if granted likely to undermine the licensing objectives of the prevention of crime and disorder and public nuisance.

Policy Considerations:

9. Special Cumulative Impact Policy for Hornchurch Town Centre

9.1 Hornchurch Town Centre houses the second biggest day and night time economy in Havering. A cumulative impact policy was adopted for this area under the previous Statement of Licensing Policy adopted on 7th January 2016 which covered all of the St Andrews Ward.

9.2 In the Havering Community Safety Partnership report, London Borough of Havering Non Domestic Abuse Violence with Injury Problem Profile, May 2018, temporal analysis showed that 46% of VWI offences in Hornchurch occurred between 2100hrs and 0200hrs. 57% of offences occur on Friday, Saturday and Sunday.

9.3 It identified the main hotspot as the High Street which locates a number of bars and pubs. A large proportion of the offences were reported in, and in close proximity to, licensed pubs and clubs.

9.4 On the basis of the above evidence the Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and the provision of late night refreshment around the High Street is having a cumulative impact and undermining the licensing objectives. It is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives and a cumulative impact policy has been adopted in this area

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 hours Sunday to Thursday Midnight Friday and Saturday

Nightclubs 01:00 hours Sunday to Thursday 02:00 hours Friday and Saturday

Restaurants and Cafes 23:00 hours Sunday to Thursday Midnight- Friday and Saturday

Off licences 23:00 Monday to Sundays

Hot food and drink supplied by takeaways, fast food premises Midnight- Sunday to Thursdays 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.

12.3 The above hours are a guide and each application will be considered on it's own merits.

12.4 The above hours are intended to guide applicants on the Licensing Authority's expectations when preparing their operating schedules.

12.5 For applications within the above hours there is no presumption that the application will automatically be granted in all cases where a relevant representation has been made. If no representations are received, the application will be granted by the licensing authority under delegated powers.

12.6 Applicants who wish to provide licensable activities outside the hours specified above should ensure where relevant the operating schedule specifies detailed measures to militate against crime, disorder and public nuisance etc. taking into account:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place
- The adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
- Whether customers have access to public transport when arriving at or leaving the premises
- The proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

17. Noise

17.1 The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will request appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

17.2 The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

17.3 The Licensing Authority expects that premises intended for the provision of noise-generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with premises structurally linked to would be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises adjoining residential properties may not be appropriate.

Representation

This representation against the application is primarily based on the fact that the premises is situated within a cumulative impact zone and the public nuisance licensing objective is likely to be undermined.

The hours requested sit outside the recommended hours for late night refreshment premises.

The current licence authorises licensable activities until 01:00 on Friday and Saturday nights, this is currently in line with policy hours.

Any further extension of hours is likely to increase noise nuisance, specifically from the congregation and retention of patrons in and around the town centre. Whilst residents in the vicinity may have become accustomed to the current noise levels, any extension could cause additional disturbance.

At present the only later licensed premises for late night refreshment have provision for eating internally. This premises are solely a take away with a small area for customers to wait. It is likely that patrons will consume their food in the vicinity.

This could result in a congregation of patrons in around the premises, leading to noise and potential ASB. Since the majority of patrons in the area at that time of night will be under the influence of alcohol then there is a risk of crime and disorder through more persons being retained in the vicinity.

The applicant has only partially modified the existing conditions and has not provided any rebuttal of the current cumulative impact zone policy.

Conclusion

Later hours could result in the licensing objectives being undermined for the reasons detailed above. The CIZ policy has proved to be effective yet there are still instances of anti-social behaviour, crime and disorder as well as nuisance in the High Street and late at night. The Licensing Authority respectfully ask the committee to consider refusing the application.

Complaint and Inspection History (if applicable)

N/A

Other documents attached

N/a

Signed

Oisin Daly

Dated: 25th June 2024