



Havering
LONDON BOROUGH

Public Protection

London Borough of Havering
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Date: 3 September 2013

The Appropriate Licensing Officer
Licensing Authority
London Borough of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL

My Reference: AGH 12999

Dear Sir

Licensing Act 2003
Shell Romford, 203 Brentwood Road, RM1 2SL
Application to vary a premises licence

With regards to the above I can confirm that this Licensing Authority wishes to make representation against this application based upon our concerns in relation to the prevention of public nuisance and prevention of harm to children licensing objectives. If the premises are permitted to open for longer hours the possibility of causing nuisance to the neighbouring residential properties will increase. There is no mention in the operating schedule of measures that the applicant will take bearing in mind its close proximity to a secondary school.

The application

This application seeks overall to extend the hours during which licensable activity may be provided at the premises. Effectively the premises wish to be open 24 hours a day and provide Late Night Refreshment throughout the night i.e. 23:00 to 05:00.

Licensing policy 012 – hours

Havering's licensing policy 012 relates to the hours during which it is felt appropriate to provide licensable activity in given areas of the borough. Policy 012 is as follows:

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

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Regulated activities will normally be permitted:

- *until 11.30 pm in residential areas*
- *until 00.30 am in mixed use areas*
- *no limits in leisure areas*

This premise is surrounded by residential properties. There is no mention in the submitted operating schedule of how the applicant intends to minimise the inconvenience and nuisance to their residential neighbours with 24 hour trading.

Section 182 guidance to the Act – promoting the licensing objectives

Section 4(3) of the Act requires that a Licensing Authority, when carrying out its functions, has regard to its licensing policy as well as to the guidance issued under s.182 of the Act. This guidance also identifies certain expectations in relation to applicants.

Paragraphs 8.34 to 8.42 of the guidance to the Act address the steps required to promote the licensing objectives. A brief examination of these steps will demonstrate that the applicant has not fully addressed the promotion of the licensing objectives in line with the guidance, thus making it difficult for the Licensing Authority to support the application.

8.35 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

The premise is within 150 metres of Frances Bardsley School. Therefore this is an area in which children may congregate. It may be that the applicant has failed to identify any risk posed by the application. Equally, it may be that the applicant feels the application poses no risk to the local area. Both of these possibilities cause the Licensing Authority concern.

8.36 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

As mentioned previously the applicants proposed operating hours are addressed by Havering's licensing policy 012. The property is surrounded by residential properties and in line with the policy should only be allowed to operate until 23:30. As a Licensing Authority we might reasonably expect that the applicant would consider "why they

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consider the application should be an exception to the policy", but the applicant does not appear to address this issue.

Based upon our concerns detailed above this Licensing Authority is not in a position to be able to support an application to extend licensable activity at the premises outside those provisions identified in Havering's licensing policy 012.

Yours faithfully



Arthur Hunt
Licensing Officer



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memo

From: Marc Gasson-Noise Specialist

To: Arthur Hunt-Licensing Officer

Public Protection

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Romford RM1 3SL

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My Reference : MDG/086181

Your Reference :

Date: 10 September 2013

Licensing Act 2003-Application To Vary Premises Licence Shell Romford, 203 Brentwood Road, Heath Park, Romford, Essex.

I refer to the above application and would advise that for the reasons detailed below I am objecting to any extension of hours for licensable activities beyond their current hours:-

1. The Environmental Health Service has historically dealt with noise complaints from nearby residents concerning the noise from patrons attending the site during unsociable hours. Principally the noise is from vehicle engines, doors being slammed, car stereo systems and raised voices from patrons.
2. The closest residents are approximately 10 metres from the site with bedrooms of nearby flats overlooking the forecourt of the garage.
3. The noise of re Fridgeration and air conditioning plant is located at the boundary of the site some 15-20 metres from the nearest residential properties.

Any extension of hours would result in an increase in noise disturbance experienced by nearby residents.

I trust this clarifies my position

Marc Gasson
Noise Specialist