



## LICENSING SUB-COMMITTEE

## REPORT

16<sup>th</sup> October 2013

**Subject heading:**

**Hot & Tasty Chicken  
140 South Street Romford RM1 1TE  
Premises licence review  
Paul Jones, Licensing Officer  
Mercury House, ext. 2692**

**Report author and contact details:**

**This application to review a premises licence is made under s.167 of the Licensing Act 2003 (*the Act*) by Licensing Officer Arthur Hunt on behalf of the London Borough of Havering's Licensing Authority. The application was submitted on 19<sup>th</sup> September 2013.**

**Premises' details**

*Hot & Tasty Chicken* is a single-storey take-away food shop located in a parade of shops immediately adjacent to Romford Station. The area is predominantly commercial at this location although there are a number of residential flats above the shops in Victoria Road. The area immediately to the front of the premises is occupied by a filtered bus lane with attendant public shelters. Adjacent to the premises is a minicab office. The area therefore is a public transport hub and as such is occupied by large numbers of individuals waiting for public transport throughout the day. This is particularly evident late at night when individuals who have spent the evening consuming alcohol need to get home.

**Application to review**

Licensing Officer Arthur Hunt submits this application to review *Hot & Tasty Chicken's* premises licence, numbered 2199, in accordance with the provisions of s.167 of the Act. This section is enacted following a closure order made by the Metropolitan Police under s.161 and subsequently considered by Barkingside Magistrates' Court under the provisions of s.165 of the Act.

A s.161 closure order was made against *Hot & Tasty Chicken* by the Metropolitan Police on Saturday 4<sup>th</sup> May 2013 between 00:30 and 01:00. On Tuesday 7<sup>th</sup> May 2013 (Monday 6<sup>th</sup> May 2013 was a bank holiday), as required, the Metropolitan Police attended Barkingside Magistrates' Court to apply for the court to consider the closure notice in accordance with its duty under s.165. The court considered the closure order and determined that it would not exercise any of its rights to further modify the notice. The closure notice therefore expired 24 hours after its initial service.

S.165(4) requires the court to notify the Licensing Authority of its determination; however, this notification was not supplied to Havering until 19<sup>th</sup> September 2013 subsequent to repeated requests to do so from the London Borough of Havering and the Metropolitan Police. It was upon the receipt of the court's notification on 19<sup>th</sup> September 2013 that this review process was initiated.

### **Requirements upon the Licensing Authority**

The provisions of s.167(4) of the Act dictate that the Licensing Authority undertakes certain functions with regard to an application made under this section. To this end the Licensing Authority gave a copy of the application to the premises licence holder and each responsible authority. It also installed an appropriately worded public notice advertising this application at the premises, at Havering's Town Hall and on Havering's website inviting interested persons and responsible authorities to make representations against, or in support of, the application.

When determining an application for a premises licence review made after a s.161 closure notice has been given s.167 of the Act requires that the relevant Licensing Authority holds a hearing to consider the closure order, any order issued by the court under s.165(2) and any relevant representations made. There were no orders issued by the court with regard to the closure notice.

During the hearing the Licensing Authority must take any of the following steps it considers necessary to promote the licensing objectives [s.167(5)(b) & (6)]. These steps are:

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) *to remove the designated premises supervisor from the licence \**
- (d) to suspend the licence for a period not exceeding three months
- (e) to revoke the licence

Where the Licensing Authority takes a step as defined by (a) or (b) above it may provide that the modification or exclusion is to have effect for a specified period not exceeding three months [s.167(8)].

*(\* This premises licence does not authorise the supply of alcohol; therefore (c) will not apply in this instance.)*

### **Representations**

Although s.167 (10) entitles the premises licence holder to submit a representation to support his position he chose not to do so.

Havering's Licensing Officer Arthur Hunt makes representation in support of this review application. Mr Hunt is entitled to make a representation even though he is the individual who submitted the review application. The review application was dictated by the provisions of s.167 so, effectively, Mr Hunt's submission of the review was a simple administrative function. As the district officer with licensing responsibility for licensed

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premises within Romford Mr Hunt's representation is based upon the prevention of crime and disorder and public safety licensing objectives. Mr Hunt also details a series of licence breaches found to have taken place at the premises.

PC Jason Rose makes representation against this application on behalf of the Metropolitan Police. PC Rose's representation details the sequence of events which led to the s.161 closure order being made and further details the Police concerns in relation to promoting the licensing objectives.

Copies of all representations and supporting documentation are attached for reference.

Paul Jones  
Licensing Officer