



# Havering

LONDON BOROUGH

## Public Protection

London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

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

Telephone: 01708 433585  
Fax: 01708 432554  
email: [arthur.hunt@havering.gov.uk](mailto:arthur.hunt@havering.gov.uk)  
Textphone ☎: 01708 433175

Date: 24 September 2013

Dear Sir

**Licensing Act 2003**  
**Hot and Tasty Chicken, 140 South Street, Romford, RM1**  
**Review of premises licence**

With regards to the above I can confirm that the Licensing Authority wishes to make a representation to be considered by the Licensing Sub-committee when hearing this review; based upon our concerns in relation to the prevention of crime and disorder and public safety licensing objectives. The premises have been the subject of **Crime and Disorder** matters there having been a failure to comply with conditions on the Premises Licence and assaults reported at the premises. **Public Safety** the premises has operated without Door Supervisors as required by their premises licence.

### Crime and Disorder

Police have had reports of assaults on:-

**17 February 2013 at 12.30am – Grievous Bodily Harm** -a male received a fractured skull and had surgery to remove a blood clot at the premises. Police attended to investigate the matter and the premises had been cleaned and a denial that the assault had taken place. The CCTV was requested and to date has still not been provided.

**5 June 2013 at 01.40am - Actual Bodily Harm** - A male and female were assaulted by the same assailant in the premise. This spilled out onto the footway outside in the transport hub. The suspect was arrested. It took some 34 hours for the CCTV images to be produced.

Police have also dealt with other matters at the premises:-

**16th March 2013 at 12.05am** - Police intervened in an argument between staff and a group of males in the premises. One from the group of males was eventually arrested for a public order offence with his behaviour being observed by approximately thirty members of the public.

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**4th May 2013 at 12.30am** - This was when the Police became sufficiently concerned about the premises to utilise their powers under section 161 Licensing Act 2003 to close it.

## **Public Safety**

Havering's licensing policy 015 says that consideration should be given to the reviewed premise compliance history. Licensing policy 015 states:

*In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:*

- *the location of the premises and character of the area*
- *the views of responsible authorities*
- *the views of interested parties*
- *past compliance history of current management*
- *the proposed hours of operation*

Annex 2 of the premises licence contains the condition *The CCTV system shall be in operation at the premises at all times when the premises are used for licensable activities. Recorded tapes shall be kept for 28 days and be available for inspection by police and Council officers at all reasonable times.*

When police attended as a result of the aforementioned assault on the 17 February staff were unable to operate the system. To date no CCTV images have been supplied to the police.

When police attended as a result of the 6 June assault, the licence holder, Mr Hayadulla Turkmani and his manager Mr Ashmatullah Turkmani were unable to operate the CCTV system. They had to receive training from another member of staff. Police were able to obtain the CCTV images some 34 hours after the event.

Annex 2 condition 2 of the premises licence states, *Premises shall have a door supervisor on Friday and Saturday after midnight*

**28th April 2013 from 12.05am – 12.15am** – Licensing officers observed that there was no door staff in place. Mr Turkmani was spoken to on the night and informed that the requirement for door staff was a condition of his licence. If he continued to operate without SIA door staff in place he would be in breach of his premises licence. He replied that he didn't think that he needed them.

**4th May 2013 at 12.30am** – When police exercised the powers to close the premises, there were once again no SIA door staff on duty. This was a contributing factor in the decision of the police to close the premises.

**25 May 2013 between 02.03am and 02.20am** Police observed the premises operating passed their terminal hour of 02.00am. The staff were warned by the Police.

Havering's Licensing Policy 014 states:-

*Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.*

The Police have detailed in their representation that the incidents all appear to happen after 00:00. It may therefore be appropriate in line with Havering Policy 012 to reduce the premises hours to at least 00:30 because of the mixed residential/commercial use of the area.

It is also appropriate to refer the committee to Licensing Policy 018. The premise is situated within the ring road. Licensing Policy 18 states:-

*It is the LLA's policy to refuse applications in Romford within the ring road for pubs and bars, late night refreshment premises offering hot food and drink to take away, off licences and premises offering facilities for music and dancing other than applications to vary hours with the regard to licensing policy 012*

The policy goes further at Para 4.21:-

*Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact, and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.*

This premise, by the history detailed by the Police, has had a negative impact on the licensing objectives. There has been a history of violence and anti social behaviour related to the premises. Also there has been more than one incident of non-compliance with the current premises licence. This non-compliance has also attracted complaints from other premises within the locality, who detail a loss of business due to the premises remaining open passed its terminal hour. It also holds a prime position within the transport hub in South Street and any incident could therefore have a detrimental effect on late night transport facilities

I would therefore like to draw the committee's attention to Para 4.23:-

*Taking revised Guidance into account, and also the continued existence of some serious problems of nuisance in the Stress Area, the Licensing Authority may, in determining reviews of individual premises licences in a Stress Area, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where for special policies on cumulative impact will apply.*

The Licensing Authority would appeal to the Licensing Sub-committee to consider placing further conditions on the premises licence, in addition to those already proposed by the Police which are:-

- A reduction in trading hours for Late Night Refreshment to 0030hrs Monday - Saturday in line with local authority policy 012 "Regulated activities will normally be permitted until 0030am in mixed use areas" (Crime statistics support a reduction to 0030am)

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- A member of staff being able to operate the CCTV equipment MUST be on duty at all times the premises is open assisting police and authority in their enquiries.
- Capacity of 10 persons (Non Staff) inside the venue at any one time during the hours of 2300 until close.
- SIA badge holder should be on duty where the premises trade within their late night refreshment hours i.e. 2300 until close Fri and Saturday. (Currently midnight onwards)
- Removal of seats and tables from front of counter area to deter lengthy stays after 2300 hrs, assisting in dispersal.

We propose, in addition:-

- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
- A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day.
- The Premises Daily Register shall be readily available for inspection by an Authorised Person or Police throughout the trading hours of the premises.
- The Premises Daily Register shall also record details of any SIA door staff employed at the premises including their home address. Further, all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

Yours faithfully

Arthur Hunt  
Licensing Officer