

## **MINUTES OF LICENSING SUB-COMMITTEE**

Friday, 14 August 2020  
(11:32 am - 12:44 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Faraaz Shaukat and Cllr Glenda Paddle

### **3. Declaration of Members' Interests**

There were no declarations of interest.

### **4. H&Q Café Shop, 242 Bennetts Castle Lane, Dagenham - Application for a Grant of a Premises Licence**

Ms Rachel Taylor, Licensing Officer, introduced a report relating to an application for a premises licence in respect of H&Q Café Shop, 242 Bennetts Castle Lane, Dagenham, made by Mr Bekim Hyseni, the owner and Designated Premises Supervisor.

The application sought consent for the supply of on-site alcohol from 10.00am to 11.00pm, the provision of late-night refreshments from 11.00pm to midnight and opening hours of the premises between 6.00am and midnight, seven days a week. The plan of the premises showed an indicative layout providing for 36 covers comprising 6 internal seats, 22 in the rear garden and 8 on the pavement area at the front of the premises. The application was before the Sub-Committee as valid representations had been received from the Licensing Authority Responsible Officer and the three Becontree ward councillors, covering the three licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

It was noted that stemming from a conciliation meeting between the applicant's agent and the Licensing Authority Responsible Officer, a number of potential amendments to the application had been proposed. The potential amendments were to reduce the opening hours to 11.30pm, alcohol sales to 11.00pm, the end of use of the tables and seating at the front of the premises at 9.00pm and the end of use of the rear garden area at 10.00pm. The potential amendments were not, however, considered sufficient by the Becontree ward councillors to overcome all of their concerns and withdraw their representation and, in view of that, the applicant had withdrawn the potential amendments and wished for the application to be considered as submitted.

The Becontree ward councillors, Councillors Fergus, Saleem and Carpenter, spoke in turn on their concerns regarding the application. They explained that they were very supportive of new businesses wishing to establish themselves in Becontree ward and looked forward to visiting Mr Hyseni's premises in the future, however they had to balance that aspect and the benefits to the local economy against any potential negative impacts that may arise. A key concern was the proposed midnight opening hours of the premises, as they felt that there could be an increase in crime and disorder and public nuisance and a risk to public safety from increased road traffic, as the venue would be open later than any other licensed premises in the area. It was also pointed out that in addition to being in a

predominantly residential area that included sheltered accommodation, the premises was within 150-200 yards of Bennetts Castle Care Home and the rear garden area ran adjacent to the access road to the care home, which meant that any noise emanating from the use of the rear garden at the premises would very likely extend to the care home. As there were many elderly and vulnerable residents living in very close proximity, the ward councillors were of the opinion that the application, as it stood, could have a detrimental impact on local residents' quality of life and disturb their sleep, as well as being a cause for concern for care home staff leaving work late at night. In view of their concerns, the ward councillors were seeking a restriction to the opening hours to 11.00pm and alcohol sales limited to 10.00pm. Councillor Carpenter also clarified matters regarding the photos that she had supplied in support of the ward councillors' concerns (supplementary 1 to the main agenda pack).

Mr Richard Parkins, acting as the Licensing Authority Responsible Officer, spoke on the Licensing Authority's representation and the discussions with the applicant's agent that had led to the potential amendments to the applicant. Mr Parkins commended the quality of the application and explained that he would have been willing to withdraw his representation had the potential amendments been agreed. He would, however, also prefer to see conditions imposed on the sale of alcohol to restrict any sales to those eating a substantive meal, to protect against the possibility of the premises being turned from a food-based café into a drink-based bar.

Speaking in support of his application and responding to the representations, Mr Hyseni referred to the personal statement that he had submitted and his response to the photos (circulated as supplementary documents 2 and 3 to the main agenda pack). Mr Hyseni explained that his plans for the business were for it to be a focal point for the local community who would walk to the premises and, as a result, he did not envisage there being issues with increased traffic from people coming from outside of the area. He was very mindful of those living in the immediate area of the premises and would ensure that the business was properly run to minimise any negative impacts. He also pointed to the fact that no objections to his application had been submitted by local residents.

With regard to the timings for opening and alcohol sales contained in his application, Mr Hyseni stated that they were very important to the success of his plans for the business, which had already been severely impacted by the Covid-19 pandemic. He explained that he had been willing to compromise on the timings, as proposed during the conciliation meeting between his agent and Council officers, in order for his application to be approved without further delay and only withdrew those proposals because of the continued objections of local ward councillors. On the issue of Covid-19 restrictions, Mr Hyseni clarified that although Covid-19 regulations were not relevant to the consideration of the application, he could reassure all concerned that he was fully aware of his responsibilities and would ensure that the business was fully compliant at all times.

In response to questions from the Sub-Committee and the Licensing Authority Responsible Officer, several issues were clarified which included:

- The menu offer would include paninis, sandwiches, salads, burgers and hot beverages, in a similar style to Starbucks and other high street café chains;

- Patrons would be able to smoke in the rear garden and front pavement areas;
- Access to and from the premises would only be via the main entrance at the front, and not via the side gate to the rear garden;
- Mr Hyseni had past experience of working in similar establishments and he would also be supported by his nephew who had over seven years' experience; and
- Mr Hyseni explained how he would deal with difficult and/or unruly customers.

The Sub-Committee adjourned to deliberate at 12.15pm and reconvened at 12.41pm.

## **Decision**

The Legal Advisor to the Sub-Committee, Mr Rulewski, read the decision on behalf of the Sub-Committee.

The Sub-Committee had concerns that the application, if granted in full, would not adequately prevent the venue being used as a primarily drinking establishment and that the late hours of opening would give rise to disorder and public nuisance, particularly due to the proximity of the venue to a residential care home and the focus on outside areas for drinking.

The Sub-Committee therefore **resolved**, having considered all of the evidence submitted, the representations made and having regard to the Licensing Act 2003 and subordinate legislation, statutory guidance and the Council's licensing policy, to grant the application for a premises licence on the following terms:

- (i) The opening hours of the premises shall be from 6.00am to 11.00pm, Monday to Sunday (as a consequence, the application for the provision of late-night refreshments from 11.00pm to midnight, Monday to Sunday, was not granted);
- (ii) The sale of alcohol from 10.00am to 10.30pm, Monday to Sunday, only to be supplied to those purchasing a substantial plated meal;
- (iii) The end of use of the rear garden of the premises at 10.00pm each night; and
- (iv) The end of use of tables and chairs at the front of the premises at 9.00pm each night.

The Legal Advisor confirmed that written notification of the decision would be provided within five working days.