Title: Application to Vary Premises Licence - Café Hasi, 99 Longbridge Road, Barking, IG11 8TD

Report of the Strategic Director

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Report Author: Theo Lamptey, Service Manager  
Public Protection, Regulatory Services

Contact Details:  
Tel: 020 8227 5655  
E-mail: theo.lamptey@lbbd.gov.uk

Accountable Director: Jonathon Toy, Operational Director, Enforcement Services

Accountable Strategic Director: Fiona Taylor, Director of Law and Governance

Summary

An application to vary the existing premise licence was received on 21 December 2017 in respect of the premise trading as Café Hasi, 99 Longbridge Road, Barking IG11 8TB.

The application is opposed by four residents and by three responsible authorities. One representation received from a responsible authority has been conciliated. All other representations are being pursued.

The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.

Recommendation

That the Sub-Committee considers the content of this report and appendices, together with any oral submissions given at the hearing, and determines the application.

Reason(s)

Under the Licensing Act 2003 the Council, as a Licensing Authority for the area, has a duty to consider and determine each valid application submitted.

1. Introduction and Background

1.1 The Licensing Act 2003 (the “Act”) established the national licensing regime for

- The sale and supply of alcohol
- Regulated entertainment
• Late night refreshment

1.2 Under the Act, any person wishing to use any premises to provide one or more of the above licensable activities must firstly obtain a premises licence from the local licensing authority for the area. If the licence is intended to include the sale and supply of alcohol, then the licence must name a ‘Designated Premises Supervisor’ (DPS) who holds a personal licence issued by the local licensing authority for the area within which they live.

1.3 Applications for new premises licences and variations of existing premises licences are made subject to public consultation. During the consultation period, it is open to any ‘responsible authority’ or ‘other person’ to make representations concerning the application. Representations must relate to one or more of the four licensing objectives. These are:

• The prevention of crime and disorder
• Public safety
• The prevention of public nuisance
• The protection of children from harm

1.4 Where representations are received, and these are neither conciliated or withdrawn, then the local licensing authority must hold a public hearing to determine the matter.

2. Proposal and Issues

The Current Licence

2.1 The premises are located on the ground floor of 99 Longbridge Road, Dagenham, IG11 8TD and was originally established as a restaurant/bar with a function floor and kitchen to the rear.

2.2 Both the licence holder and the Designated Premises Supervisor (DPS), who holds overall responsibility for authorising alcohol sales made at the premises, is Qazim Sokoll. Qazim Sokoll holds a personal licence issued by the London Borough of Barking & Dagenham.

2.3 A copy of the current licence, including a plan of the original layout of the premises, is attached as appendix A to the agenda pack. Details of the current licensable activities and times are given below:

**Live Music**
Friday, Saturday and Sunday 19:00 to 00:30
Christmas Eve and New Year’s Eve 08:00 to 00:30

**Recorded Music**
Monday to Thursday 08:00 to 23:00
Friday to Sunday 08:00 to 01:00
Christmas Eve and New Year’s Eve 08:00 to 01:00

**Late Night Refreshment**
Friday, Saturday and Sunday 23:00 to 01:00
Christmas Eve and New Year’s Eve  23:00 to 01:00

**Supply of Alcohol**  
Monday to Thursday  08:00 to 23:00  
Friday, Saturday and Sunday  08:00 to 01:00  
Christmas Eve and New Year’s Eve  08:00 to 01:00

**The opening hours**  
Monday to Thursday  08:00 to 23:30  
Friday, Saturday and Sunday  08:00 to 01:30  
Christmas Eve and New Year’s Eve  08:00 to 01:30

2.4 The licence is also subject to mandatory conditions laid down in the Act and to additional conditions consistent with the original operating schedule submitted by the licensee. The premises licence sets out the range of measures currently in place to promote the four licensing, together with the mandatory conditions.

**The application under consideration**

2.5 On 21 December 2017, Qazim Sokoll applied for a variation to a premises licence in respect of the premises known as Café Hasi situated at 99 Longbridge Road, Barking, IG11 8TB. A copy of the application is attached as Appendix B to this report.

2.6 The variation application describes the premise as a restaurant. It seeks consent to:

- Extend the restaurant, function room area
- Move the bar to the back of the restaurant area
- Build a small platform/stage on the left of the restaurant
- Extend the rear external yard
- Vary the licensable activity hours

2.7 The variation application would see:

- An additional four days of live music Monday to 19:00 to 00:30 and Thursday 19:00 to 01:00. Amended times Friday to Sunday by 30 Minutes to 01:00. On Christmas Eve an increase of one hour from 00:30 to 01:30, on New Year’s Eve an increase of one and a half hours from 00:30 to 02:00. Christmas Day from 19:00 to 01:30 and New Year’s Day from 19:00 to 02:00
- Recorded Music reduced by one hour on a Friday from 01.00 to 00.00 and reduced by 30 minutes on a Saturday and Sunday from 01:00 to 00:30. Additional hour on a Thursday until 00:00. Christmas day and New Year’s day from 08:00 to 01:00
- The supply of alcohol Monday to Thursday remains unchanged from 08:00 to 23:00 and Friday to Sunday remains unchanged from 08:00 to 01:00. On New Year’s Eve, New Year’s Day, Christmas Eve and Christmas day the sale of alcohol is increased by 30 minutes from 01.00 to 01.30.
- Late night refreshment is unchanged with the exception of Christmas Day and New Year’s Day from 23:00 to 01:00
- The opening hours would see a decrease of 30 minutes on a Sunday from 01.30 to 01.00 and additional hours on Christmas Eve & Christmas Day and New Year’s Eve and New Year’s Day 08:00 to 02:00
2.8 The application also proposes a number of additional management controls which are set out in the operating schedule provided.

2.9 Members will wish to note that the proposed changes to the layout of the premises in terms of the bar area, platform stage and external seating area have already been implemented.

The representations

2.10 Representations were received from three responsible authorities and four residents.

The responsible authority representations

2.11 The ‘responsible authority’ representations were submitted by the Licensing Authority Responsible Authority Officer (LARAO), the Council’s Environmental Noise Protection team and from Public Health. The representations were made under three of the four licensing objectives dealing with the prevention of ‘crime and disorder prevention’, the ‘protection of children from harm’ and ‘public nuisance’. The representations do not oppose the application outright.

2.12 The representation received from the Environmental Noise Protection team relates to the licensing objective of the prevention of public nuisance, with regard to the potential impact of noise from the playing of live amplified music within the building and noise associated with the use of the outside area to the rear of the building during regulated entertainment. The representation raises a number of mitigation measures that could be employed by the licensee to deal with these concerns (the requirements are set out in appendix C1).

2.13 The representation received from Public Health relates to the licensing objective of the protection of children from harm, with regard to alcohol and its impact on young people. Public health does not raise any objection to the variation, however, there are considerations in relation to the alcohol and impact on public health that are recommended for inclusion in the risk mitigation plan to reduce potential harm (the requirements are set out in appendix C2).

2.14 The representation received from the Licensing Authority Responsible Authority Officer relates to the prevention of crime and disorder and protection of children from harm. The representation does not object to the grant of the application but raises concerns that the measures proposed by the applicant to promote the licensing objectives are unenforceable in the form set out in the application. The officer has proposed revised wording to strengthen the operating schedule and make the conditions enforceable. (the requirements are set out in appendix C3). All of the proposed conditions have been accepted by the applicant and the representation has been withdrawn on the basis of the acceptance. The agreed conditions deal with:

- CCTV
- Staff Training
- Staff continuation training
- Refusals book
Challenge 21
Written authorisation for alcohol sales

The representations from other persons

2.15 The representations received from other persons are from four local residents. The objections were raised under three of the four licensing objectives the prevention of crime and disorder, public safety and the prevention of public nuisance. The objections raise concerns around parking problems, disorder from anti-social behaviour and noise nuisance from entertainment.

2.16 Copies of the representations are attached as Appendix D to this report.

2.17 A conciliation meeting was offered between the residents, the applicant and their solicitor and the licensing team. The meeting was planned for Monday 26 February 2018 @ Midday at Café Hasi. The conciliation meeting did not take place as the basis of the meeting could not be agreed.

Premises History

2.18 The premise has been in operation and licensed by the Council as Café Hasi since 2006.

2.19 In 2012 the premise licence was transferred to the current licence holder Qazim Sokoli.

2.20 The licensable activities and times have remained the same from the initial grant of the licence up until the premises licence variation application under consideration was received.

2.21 Between 2011 and 2014 the premise was subject to a number of complaints concerning alleged noise nuisance and operating past licensable hours. However, these complaints were never substantiated and there have been no complaints received since 2014.

2.22 In October 2017 a visit by licensing officers to the premises noted that the approved licensed arrangements had been changed. This included the relocation of the bar; the introduction of a small, low, platform stage; and provision of decking, a canopy and some tables and chairs in the rear external yard area. The licensee was advised that a variation application was necessary, and this was consequently made.

Local area

2.23 A map of the local area is attached as Appendix E. There are a number of other licensed premises currently operating in the immediate local area. These are:

- Chunky Chicken, 70 Longbridge Road – licensed for late night refreshment to 01.00 Friday and Saturday nights and 00.00 Monday to Sunday
- Longbridge Snooker Hall, 70a Longbridge Road – Licensed for alcohol. Monday to Saturday 23.30 and Sunday 23.00
- K & H Stores, 77 Longbridge Road – Alcohol 7 days a week to midnight
• Pizza Go Go, 79 Longbridge Road – Licensed for late night refreshment to midnight 7 days a week
• Mali Restaurant, 80 Longbridge Road – Licensed for alcohol with live and recorded music to midnight 7 days a week
• Bengal Lancer, 84 Longbridge Road – Licensed for alcohol and recorded music. Midnight Monday to Saturday and 23.30 Sunday
• Pizza Hut, 89 Longbridge Road – Licensed for late night refreshment to midnight 7 days a week
• Abbey Mini-Market, 91 Longbridge Road – Licensed for alcohol to midnight Monday to Saturday and 23.00 on Sunday
• Goraya Restaurant, 93 Longbridge Road – Licensed for late night refreshment to 01.00 Monday to Thursday nights; to 02.00 on Friday to Sunday nights; and to 04.00 during Ramadan.

3. Options Appraisal

3.1 The Sub-Committee is advised that the hearing is of a quasi-judicial nature and representations from all parties, both written and verbal, will form part of the matters that are to be considered.

3.2 The Sub-committee is required to consider each application on its own individual merits with all relevant matters taken into account. Findings on issues of fact should be on the balance of probability.

3.3 Having considered the application, the representations and all relevant submissions, the Sub-Committee must decide what action is appropriate to promote the licensing objectives. In doing so the Sub-Committee may decide either to grant, part-grant or refuse the application.

3.4 Any licence granted must be made subject to the mandatory licence conditions established by the Act and to conditions consistent with the measures proposed by the applicant to promote the licensing objectives (as amended by any conciliation process).

3.5 Any licence granted may be subject to additional conditions considered appropriate by the Sub-Committee to promote the licensing objectives.

3.6 In reaching its decision, the Sub-Committee must have regard to:

• The Act
• Secondary regulations
• The Guidance issued to Local Licensing Authorities by the Home Office (current version April 2017)
• The Barking and Dagenham Statement of Licensing Policy for 2017-2022.

3.7 In the event that any party is aggrieved by the decision of the Sub-Committee, they have the right to appeal the decision to the Magistrates Court. Appeals may be made within 21 days of notification of the Sub-Committee’s decision.
4. Consultation

4.1 The application has been subject of public consultation in accordance with the statutory provisions. The application has been advertised by way of public notices placed in a local newspaper and displayed at the premises and notifications have been provided to all responsible authorities and ward councillors.

5. Legal Implications

Implications completed by:

5.1 The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.

5.2 Notice must be given of the Licensing Authority’s decision on this matter.

Public Background Papers Used in the Preparation of the Report:

None

List of appendices:

- Appendix A – Copy of the current premises licence and original plan
- Appendix B – Copy of the application with new layout plan
- Appendix C – Copy of the representations from responsible authorities
- Appendix D – Copy of the representations from local residents
- Appendix E – Local Map