

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 9 April 2015

Present:

Councillor Russell Mellor (Chairman)
Councillors Mary Cooke and Pauline Tunnicliffe

Also Present:

Councillor Michael Rutherford

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Russell Mellor was appointed Chairman for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 Licensing Sub-Committee Hearing - Bar Du Vin, 32, East Street, Bromley, Kent, BR1 1QU.

The Licensing Sub Committee made the following **decision** having regard to:

- the four licensing objectives,
- the Council's Statement of Licensing Policy 2011 – 2016,
- Guidance issued under the Licensing Act 2003
- Written and oral representations from the Applicant
- Written and oral representations from Metropolitan Police

The Licensing Sub Committee decided to **grant the application**, amended as follows:

The only changes to the licence now being applied for were:

1. Live music on Sundays from 12:00 to 22:00,
2. Recorded music on Fridays and Saturdays from 12:00 to 02:00,
3. Late night refreshments on Fridays and Saturdays from 23:00 to 02:00,
4. Supply of alcohol on Fridays and Saturdays from 11:00 to 01:30, and
5. Hours open to the public Fridays and Saturdays from 11:00 to 02:00

Subject to the additional condition that:

There should be a minimum of three SIA registered stewards on the premises from 20:30 until thirty minutes after the premises have closed to the public.

Reasons for decision:

The premises were situated in an area to which a special policy of cumulative impact applied. Government guidance stated that this created a rebuttable presumption that applications for the grant or variation of premises licenses which are likely to add to the existing cumulative impact would normally be refused or subject to certain limitations unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Police objected to the application on the basis of the impact in accordance with the special policy. An objection from the local planning authority, stating that the hours sought were in excess of the hours permitted in the premises' planning consent, was superseded by the applicant's decision to reduce the hours sought in order to comply with the planning consent. There were no other objections to the application.

As noted, the extra hours sought were reduced to those summarised above, namely an extra 1 ½ hours on Friday and Saturday nights.

The Police referred to the sharp increase in crime statistics over recent months and were of the opinion that this could be largely attributed to the extended hours which certain other premises had been allowed to open during that period. They were of the view that the premises were more of a wine bar than a restaurant as the night progressed and that this would lead to more problems than if it was a more traditional type of restaurant throughout its opening hours.

The Police advised that even the best run establishments would still have an effect on the cumulative impact in the surrounding area due to the pressure of numbers of people in the streets of this crime hot spot where alcohol was frequently involved in incidents of crime, both on the part of perpetrators and victims.

The applicant acknowledged the concerns of the Police and reasons for the special policy. They sought to demonstrate to the sub-committee that their proposals would not have a negative impact.

The extended hours sought had been reduced, thus lessening any potential impact. The applicant pointed out that in the immediate locality, there were a number of premises closing around midnight, with one closing at 01:00 and the large club premises downstairs from the application premises closing at 04:00. They would be the only premises closing at 02:00 and this would give a staggered exit which should help to lessen the cumulative impact. They pointed to the fact that they had utilised Temporary Event Notices to demonstrate that they could open to these hours without a detrimental effect.

The applicant explained that following the one incident which directly involved a customer, they had replaced their door stewards with a more experienced

company to prevent any recurrence of disorder. The Committee noted and welcomed the fact that the applicant had an arrangement with a local private hire company and that they had a dispersal policy.

The applicant explained that the type of establishment which they were aiming to provide was for a more mature customer who could spend a whole evening at the premises enjoying a meal and then entertainment, and that meals were available later in the evenings when more snack type food was popular. They explained that they generally had, from 20:30, two door stewards and one steward patrolling indoors and that they were very experienced in turning away potential customers if in their judgement, this was necessary to avoid disorder.

In summary, the sub-committee took the view that, by reducing the extended hours being sought and having a staggered exit hour, in addition to the steps already in place at the premises, and demonstrating this through the use of Temporary Event Notices, the applicant had done enough to rebut the presumption against the grant of the application. They therefore felt that their decision was reasonable and proportionate taking all the circumstances into account.

4 Licensing Sub-Committee Hearing - Royal Bell, 175, High Street, Bromley, Kent, BR1 1NN.

The Licensing Sub Committee made the following **decision** having regard to:

- the four licensing objectives,
- the Council's Statement of Licensing Policy 2011 – 2016,
- Guidance issued under the Licensing Act 2003
- Written and oral representations from the Applicant
- Written and oral representations from Metropolitan Police

The Licensing Sub Committee decided to **grant the application:**

Subject to the following conditions, agreed between the applicant and the Police, to address the Crime and Disorder objective:

1. The premises should have no fewer than two SIA Registered Door Supervisors, Thursday, Friday and Saturday or whenever alcohol was sold beyond 24:00 hours. The Door Supervisors must have started their shift by 20:00 and finish no earlier than the closing time of the premises. All must sign a register when performing duties at the premises. This register is to contain the full names, SIA badge numbers and contact details of that person.

2. The records referred to in condition 1 are to be made available on request to any Relevant Authority for the purposes of investigating or preventing crime or apprehending or prosecuting an offender.

3. The premises will have an approved, effective and well managed CCTV system, installed/maintained by an NSI – Nacoss Gold Standard / SSAIB registered installer. The system installed should be subject to a regular maintenance contract to ensure that it is always fully operational, as stipulated /recommended by the installer.

4. The CCTV system must be in working condition, in use and recording at all times that licensable activities were taking place (and whilst people remained on the premises). It must be able to record in all lighting conditions and the images recorded must be of a good evidential standard. These images must be kept on a secure database and be capable of being downloaded onto removable media. A member of staff must be present at all times who can both operate the system and supply copies of these images on request to either a Police, Council or other authorised officer. The recordings should be kept for a minimum of 31 days.

5. All staff would receive documented training in relation to the Licensing Act 2003, and the “challenge” policy--and the training should be repeated every 6 months. Records of this training and the written policies relating to it would be kept and made available to Police or Council Officers on request.

6. A dispersal policy was to be drawn up in consultation with Police and Council officers. Once agreed it was to be implemented in full. Considerations to include, but not limited to:(the monitoring of customers by door staff, hi visibility jackets, the pre-booking of minicabs / taxis, orderly dispersal of patrons). This policy should be reviewed on an annual basis to ensure it was still effective and should be updated as necessary.

7. A drug policy document was to be drawn up in consultation with Police and Council officers. Once agreed, it is to be implemented in full. Considerations to include, but not limited to:(the designing out of any flat surface within toilet cubicles, the placement of CCTV cameras, toilet checks by staff every hour) This policy should be reviewed on an annual basis to ensure it was still effective and should be updated if necessary.

8. The premises should adopt the “challenge 21” scheme whereby any person that appeared under 21 years of age had to prove that they were 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and / or ultraviolet feature. Examples of appropriate identification included passport, photo card driving licence, military ID, and proof of age card bearing the PASS hologram. In addition a refusals log should be kept and maintained. This log must be available to Police or Council officers on request.

Reasons for decision:

The premises are situated in an area to which a special policy of cumulative impact applies. Government guidance states that this creates a rebuttable presumption that applications for the grant or variation of premises licenses which are likely to add to the existing cumulative impact will normally be

refused or subject to certain limitations unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Police objected to the application on the basis of the impact in accordance with the special policy. There were no other objections.

The Police referred to the sharp increase in crime statistics over recent months and were of the opinion that this could be largely attributed to the extended hours which certain other premises had been allowed to open in the north of Bromley during that period. They advised that even the best run establishments would still have an effect on the cumulative impact in the surrounding area due to the pressure of numbers of people in the streets of this crime hot spot where alcohol was frequently involved in incidents of crime, both on the part of perpetrators and victims.

The Police pointed out that this was a large capacity premises which was currently shut, so the reopening could lead to a substantial number of people on the street at closing time.

The applicant acknowledged the concerns of the police and reasons for the special policy. They sought to demonstrate to the sub-committee that their proposals would not have a negative impact.

The applicant advised that it was his intention to carry out substantial, costly work to the premises to bring the listed building back to its former condition, including replacing the flooring which had been removed at first floor level in order to have an upper floor capable of use as a function suite rather than a dance floor balcony. He explained that his company had reopened a number of pubs which had previously fallen into disuse and disrepair in other areas, including areas which had been perceived as trouble spots. The aim of the company is to recreate traditional local pubs.

The applicant acknowledged that the business would be primarily a pub, but would also have an emphasis on good freshly prepared food, not at the lower end of the price spectrum, with a chef on the premises. The aim was to attract a wide range of well-behaved customers. He mentioned however, that the quality and pricing of the food on offer, together with the types of alcohol on sale and the type of music in the premises, was likely to attract a mature and responsible customer base.

With regard to the extension of time sought for licensable activities, the applicant explained that this was a modest extension of an hour to reflect the expectations of his potential customer base, and that conditions had been accepted with a view to minimising the potential impact.

The applicant sought to “tidy up” the existing licence which had become confused by changes over years of previous ownership and stated a willingness to work with the Police and other relevant authorities in order to address any concerns in respect of potential impact on the licensing

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objectives. He confirmed that he had accepted all of the conditions suggested by the Police in this respect.

In summary the sub-committee took the view that, in view of the proposals suggested for the effective management of the premises, and the acceptance of conditions agreed with the Police, the applicant had done enough to rebut the presumption against the grant of the application. They therefore felt that their decision was reasonable and proportionate taking all the circumstances into account.

The Meeting ended at 12.45 pm

Chairman