

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH



THE LONDON BOROUGH
www.bromley.gov.uk

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To: Members of the
LICENSING SUB-COMMITTEE

Councillors David Livett, Tony Owen and Michael Turner

A meeting of the Licensing Sub-Committee will be held at Bromley Civic Centre on
THURSDAY 10 AUGUST 2017 AT 10.00 AM

There will be a pre-meeting for Council Members and officers at 9.45am.

MARK BOWEN
Director of Corporate Services

A G E N D A

- 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**
- 2 DECLARATIONS OF INTEREST**
- 3 VARIATION OF THE PREMISES LICENCE FOR TWO TEN LIMITED--HIGH STREET BECKENHAM
Clock House**

Objections to the applications are referred to in the attached reports of the Director of Environmental Services.

The Chairman will request the names and addresses of those giving evidence together with the names of any representatives.

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London Borough of Bromley

Report No.
ES17032

PART 1 - PUBLIC

Agenda
Item No.

Title: **APPLICATION FOR A VARIATION OF THE PREMISES LICENCE AT TWO TEN LTD , 210 HIGH STREET BECKENHAM BR3 1EN**

Decision Maker: **Licensing Sub-Committee** Decision Date: **10th Aug 17**

Decision Type: Non-Urgent Non-Executive Non-Key

Budget/Policy Framework:

Chief Officer: Executive Director Environment and Community Services Nigel Davies

Contact Officer: Steve Phillips, Team Leader Licensing
Tel: 020 8313 4659 E-mail: steve.phillips@bromley.gov.uk

Ward: Copers Cope

1. SUMMARY

- 1.1 To consider the application made by Mr S Sadat for the Variation of the Premises Licence at Two Ten Ltd, 210 High Street Beckenham BR3 1EN as shown in **appendix 1**.
- 1.2 This premises sits within the Beckenham Town Centre Cumulative Impact Zone (CIZ)

2. RECOMMENDATIONS

- 2.1 Members are asked to decide on this application having received written and oral evidence. The options include: -
 1. Grant the applications as made.
 2. Grant the application as made but imposing conditions or restrictions
 3. Refuse the application.

1. COMMENTARY

- 3.1 SUMMARY OF LICENSING LAW - LICENSING ACT 2003.
- 3.2 The Licensing Act 2003 states that any premises in the London Borough of Bromley requires a licence / certificate issued by the Council (premises licence / club premises certificate) where the following activities occur:-

Provision of regulated entertainment

- a) plays. (Where the audience exceeds 500 people)
- b) films.
- c) indoor sporting events. (Where the audience exceeds 1000 people)
- d) boxing or wrestling entertainment.
- e) live music. (subject to the Live Music Act 2013 exemptions)
- f) recorded music.
- g) performances of dance. (Where the audience exceeds 500 people)

Provision of late night refreshment (between 2300hrs and 0500hrs).

Supply of alcohol (on and off sales).

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

Licences / Certificates may be issued subject to any terms, conditions or restrictions the Council feels are appropriate to address any or all of the four licensing objectives. The Council has previously agreed on 19th October 2015 Bromley's Statement of Licensing Policy for the Period 2016 – 2021. The Licensing Appeals Committee must consider the Statement of Licensing Policy and any Special Policy of Cumulative Impact currently in force when making any decisions in respect of these applications.

4.0 Information about the premises

- 4.1 Letters of objections attached at **appendix 2**
- 4.2 Current Premises Licence at **appendix 3**
- 4.3 History of the Premises at **appendix 4**
- 4.4 Maps / photographs of location attached at **appendix 5**

5.0 POLICY IMPLICATIONS

The Licensing Appeals Committee is a sub committee of the General Purpose and Licensing Committee. The decisions will have an impact on three of the key areas identified in the “Building a Better Bromley Strategy” these are

- Safer Communities
- A Quality Environment
- Vibrant thriving Town Centres

6.0 FINANCIAL IMPLICATIONS AND LEGAL IMPLICATIONS

Should the application be refused or granted with conditions the applicant, responsible authorities or interested party have the right of appeal to the Magistrates Court and then to the Crown Court. The cost of defending such an appeal would have to be met, but cannot be quantified at this time.

Non-Applicable Sections:	LEGAL IMPLICATIONS, PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Licensing premises file and computer records.

Appendix 1

(Application Form)



Bromley
Application to vary a premises licence
Licensing Act 2003

For help contact
 licensing@bromley.gov.uk
 Telephone: 0208 313 4218

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 17****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

9,460

Section 3 of 17**VARIATION**Do you want the proposed
variation to have effect as
soon as possible? Yes NoDo you want the proposed variation to have effect in relation to the
introduction of the late night levy? Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Two-Ten Restaurant Limited is situated at 210 High Street, Beckenham, Kent, BR3 1EN. It is a traditional restaurant that consists of 2 floors and an outdoor garden terrace.

The ground floor serves 32 covers, first floor serves 40 covers and the outdoor terrace serves a further 38 covers. In total the whole restaurant is able to serve 110 covers.

We would like to apply for a variation of the license we currently hold and expand our licensed area for the sale and consumption of alcohol. Currently we only have the ground floor licensed for the consumption and sale of alcohol. We would like to propose the sale and consumption of alcohol on the first floor, ground floor and the outdoor garden terrace.

We would also like to apply for regulated entertainment to be added to our license to enable us to screen films and other various productions to accommodate private hire functions, business conferences/meetings, private children's birthday occasions and to screen films for our customers whilst eating their meal. We already have a music and entertainment license.

We would like to run as a restaurant throughout the premises. We would like to be able to prepare and serve alcohol on the first floor, ground floor and in the outdoor terrace. However as a condition we would like to propose that in the outdoor terrace, the Shisha customers are able to drink alcohol without food should they choose to.

The outdoor garden will have background music ONLY, which we will turn off completely at midnight every night.

The whole premises will operate on a waiter to table service; no customers will be permitted to order alcoholic beverages from the alcohol preparation area/bar. Alcohol will be sold and consumed on the premises ONLY and only served by a waitress/waiter.

Continued from previous page...

We would like Regulated entertainment to be added to the license through out the WHOLE of the Premises.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the exhibition of films take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We would like to be able to screen films for our customers and private hire clients in order to run business conferences, children's birthday meals and party's which may include watching a film then food etc.

We would also like to host cinema nights in our outdoor garden terrace on weekdays. The customers can enjoy a film and food at the same time. Sound will not be amplified. All customers in attendance will be handed wireless earphones during their film in order to listen to the screening, therefore there would not to be any amplified music or sound in the garden terrace.

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve - 07:00 - 02:00
 Boxing Day - 07:00 - 02:00
 New Years Eve - 07:00 - 02:00

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
 No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes
 No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes
 No

Section 9 of 17

Continued from previous page...

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

I would like to propose the provision of recorded music both inside and outside, whether it be background level or amplified inside and out. These are for private hire event and functions. Also we need to be able to provide amplified music as well as background.

Continued from previous page...

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve - 07:00 - 02:00
 Boxing Day - 07:00 - 02:00
 New Years Eve - 07:00 - 02:00

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

Start

End

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

Start

End

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve - 07:00 - 02:00
 Boxing Day - 07:00 - 02:00
 New Years Eve - 07:00 - 02:00

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve - 07:00 - 02:00
 Boxing Day - 07:00 - 02:00
 New Years Eve - 07:00 - 02:00

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I would like to

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

- CCTV 24/7 RECORDING AT ALL TIMES
- MANGEMENT RESERVE THE RIGHT TO REFUSE ENTRY SIGNS.

c) Public safety

- CHECK ID, UNDER 25 RULE.
- FIRST AID ON ALL FLOORS AND AREAS

d) The prevention of public nuisance

- SIGNS STATING 'PLEASE LEAVE QUIELTY TO AVOID DISTURBING RESIDENTS'
- NO AMPLIFIED MUSIC PAST 00:30, INDOORS & OUDOORS.

e) The protection of children from harm

- ALL GUESTS WILL BE ASKED FOR PROOF OF AGE IF THEY LOOK UNDER 25 YEARS OLD.
- SIGNS WILL BE DISPLAYED FOR FIRST AID AND UNDER 25 RULE SIGNS WILL ALSO BE DISPLAYED.
- CCTV WILL BE RECORDING 24/7

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <http://www.voa.gov.uk/>

Continued from previous page...

business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name

* Capacity

Date (dd/mm/yyyy)

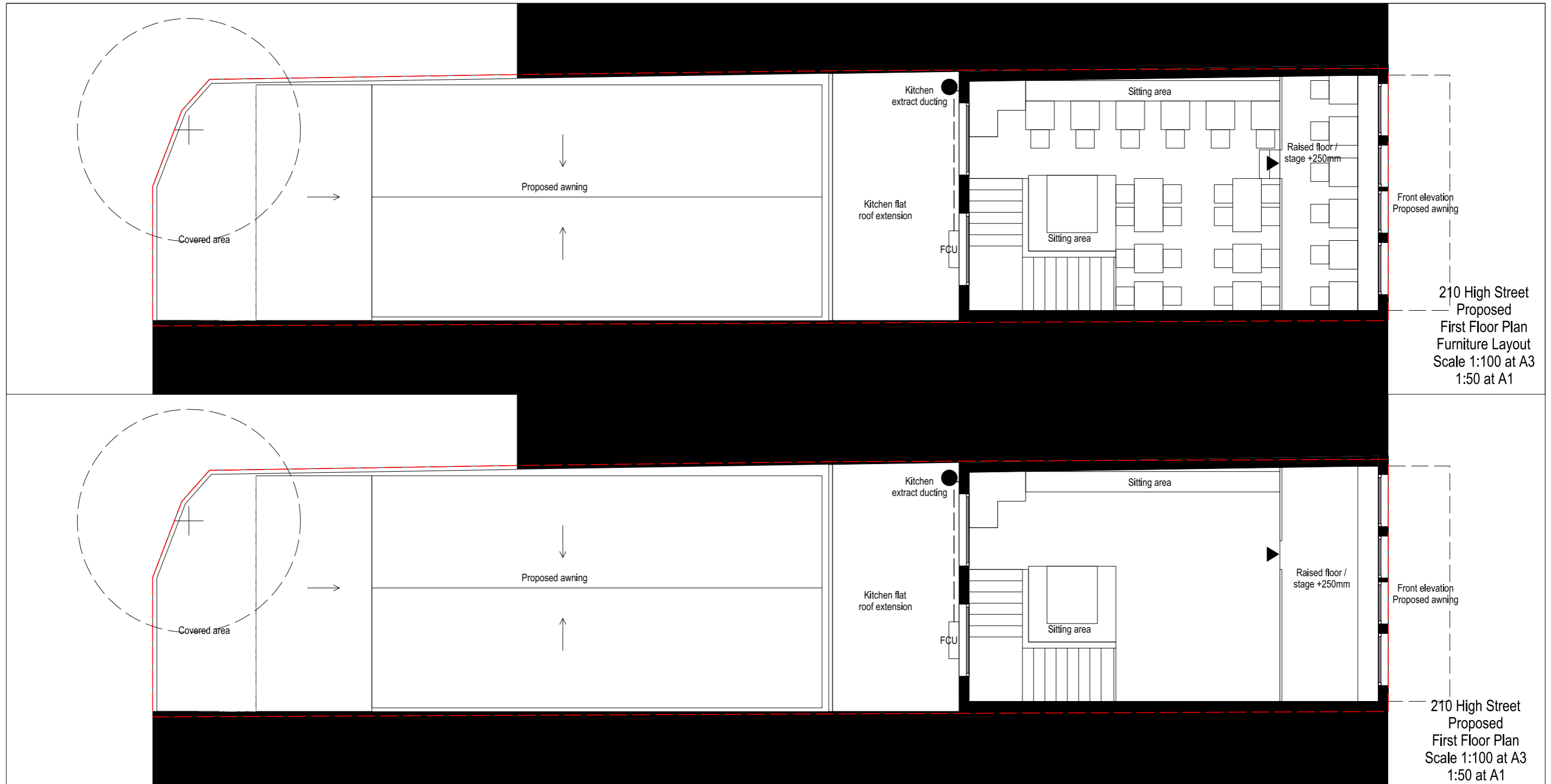
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bromley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION





Appendix 2

Application to vary a Premises Licence; Two-Ten restaurant 210 High Street Beckenham BR3 1EN

On 17th January 2017 Bromley Borough Police received a copy of an application made in respect of the above venue. It was submitted by Sayeed Sadat the director/owner of the business.

Bromley Borough Police would wish to object under the following licensing objectives;

The prevention of crime and disorder
Protecting children from harm

Current Situation

The premise that this application refers to is a former shoe shop that was granted a licence to operate as a restaurant on the ground floor only, in November 2016.

Personal experience of the venue

I met with Mr Sadat when he submitted his initial application. It was clear at this meeting that he wanted to run a restaurant bar, with more space given over to drinking and he wanted vertical drinking. He envisaged that the venue would be somewhere you would go to have a drink before attending a night club. He described it as a lounge. Mr Sadat was totally unaware that Beckenham is a cumulative impact zone. Following negotiations Mr Sadat decided his venue would operate as a restaurant and accepted suggested police conditions.

The venue commenced operating just before Christmas 2016. Over the Christmas, New Year period I am led to believe that the council received noise complaints from residents about Two-Ten. Research on social media appears to show a venue being used as a vertical drinking establishment with no tie to food and the sale and consumption of alcohol in the outside area which is unlicensed.

On Friday 6th January 2017 I visited the venue with Steven Phillips the team leader for Bromley council licensing. The purpose of the meeting was to discuss the issues. We met with Mr Sadat and his business partner Ms Reena Gosrani. We explained that the outside bar could not be used as it is unlicensed. We spent around two hours at the venue explaining the conditions on the licence and that they must be complied with. We talked about the lack of CCTV and Mr Sadat informed us it would be installed that afternoon. I advised Mr Sadat that it was likely we would carry out an inspection over the weekend.

On Saturday 7th January 2017 at about 21:00 hours I again attended the venue with Steven Phillips to conduct a licensing visit. The ground floor appeared to be operating as a restaurant. However I noticed customers attempting to enter the garden with alcohol and they had to be asked to go back inside by Ms Gosrani. A short while later customers could be seen standing in the restaurant drinking alcohol unchallenged. The owners thought this was acceptable as they had eaten earlier and were now talking to friends. The garden was being used in its entirety for shisha and smoking with the awning/roof covering the area. No one was eating in the garden but the bar was displaying alcohol and music was playing above what I consider to be background level. Customers were drinking outside but all drinks were decanted so it was

impossible to tell what was in the glasses without questioning. The owner was at pains to point out one customer who was sat drinking a bottle of wine claiming this was BYO. I served a Section 19 closure notice on the venue for the vertical drinking, drinking in the garden and for the alcohol on display in the garden.(Now cancelled). It became clear later in the visit that the bar in the garden was actually the bar for dispensing all drinks in the venue. As the closure notice was already served Mr Sadat and Ms Gosrani were advised that the use of this bar needed to stop immediately and all alcohol needed to be removed from display and the bar needed to be within the licensed area. We also advised that we would request the CCTV for parts of the weekend to check it was meeting the CCTV condition. The CCTV was requested in a letter from Steven Phillips but Mr Sadat was unable to provide it as he was having issues with the cloud storage.

On 28th January police and council again visited the venue to follow up on the CCTV. The CCTV was still not working and I subsequently issued the venue another closure notice for this. On this evening police noticed that there were under 18's in the shisha garden terrace. They were not drinking or eating and the owners advised that they had arrived just before us. The owner states he wants to run a traditional restaurant although the majority of the customers in the garden appeared to be there for shisha not food. The roof of the garden was closed and having now researched the law around smoking, the venue is breaching smoking laws and having children in this environment causes me concern for their health and wellbeing.

As of 21st February 2017 the CCTV for this venue is still not working and the owner/DPS is still failing to comply with his licence conditions. This is despite police and council support and guidance and two committee hearings for TEN objections where councillors have advised him of the need to fix his CCTV system and comply with his licence. At this point Mr Sadat is unable to download images from the system. What the system did show was that on Saturday 18th February 2017 at 0030 hours the rear garden area was open and appeared to be trading as a bar. The restaurant area was in darkness and gave the appearance that the venue was closed. This date had been refused at committee for a TEN. The DPS offered that this was drinking up. 210 should close at midnight and is a restaurant not a bar.

Cumulative Impact policy/Alcohol exclusion Zone

The High Street and the surrounding area are subject to a 'cumulative impact policy'. This premise is wholly within the area prescribed by the Council. This policy was introduced because of the high number of licensed premises which have impacted on the licensing objectives. The High Street is a 'hot spot' for crime and it is well known that the customers that use the licensed premises in this area are responsible for, if not the victims of, the high number of alcohol related assaults that take place. They are also involved in public disorder and issues round public nuisance.

These problems are normally associated with public houses and nightclubs. However other licensed premises, such as off licences and restaurants can also contribute to the issues to be found in this area.

This same area is subject to an 'alcohol exclusion zone'. This was brought in to combat the problems identified round street drinking, including young people who

drink alcohol on the way to, or between venues as a way of 'pre-loading'. Increasingly those making use of the night time economy are also drinking at home and are affected by alcohol before they arrive at their chosen venue. Both practises add to the level of drunkenness at the end of the evening.

The Application

In broad terms the application submitted by Mr Sadat is asking for the hours for the supply of alcohol, late night refreshment (LNR), and closing time to be extended. In addition he is asking for provision of films and recorded music. He has also asked that his conditions be removed or replaced.

Under section 3 of the application the applicant is asked to provide briefly the nature of the proposed variation. The applicant wrote;

Two-Ten Restaurant limited is situated at 210 High Street, Beckenham, BR3 1EN. It is a traditional restaurant that consists of two floors and an outdoor garden terrace. The ground floor serves 32 covers, first floor 40 covers and the outdoor terrace serves a further 38 covers. In total the whole restaurant is able to serve 110 covers.

We would like to apply for a variation of the licence we currently hold and expand our licensed area for the sale and consumption of alcohol. Currently we only have the ground floor licensed for the consumption and sale of alcohol. We would like to propose the sale and consumption of alcohol on the first floor, ground floor and the outdoor garden terrace.

We would also like to apply for regulated entertainment to be added to our licence to enable us to screen films and other various productions to accommodate private hire functions, business conferences/meetings, private children's birthday occasions and to screen films for our customers whilst eating their meal. We already have a music and entertainment licence.

We would like to run as a restaurant throughout the premises. We would like to be able to prepare and serve alcohol on the first floor, ground floor and in the outdoor terrace. However as a condition we would like to propose that in the outdoor terrace, the shisha customers are able to drink alcohol without food should they choose to.

The outdoor terrace will have background music only, which will turn off completely at midnight every night.

The whole premises will operate on a waiter to table service; no customers will be permitted to order alcoholic beverages from the alcohol preparation area/bar. Alcohol will be sold on the premises only and only served by a waitress/waiter.

Section 5 - provision of films (indoors and outdoors). This is a new addition to the licence; the applicant is asking for the following; Monday to Sunday between the hours of 07:00 and 01:00. The applicant states we would like to be able to screen films for our customers and private hire clients in order to run business conferences, children's birthday meals and party's which may include watching a film then food etc.

We would also like to host cinema nights in our outdoor garden terrace on weekdays. The customers can enjoy a film and food at the same time. Sound will not be amplified. All customers in attendance will be handed wireless earphones during their film in order to listen to the screening, therefore there would not be any amplified music or sound in the garden terrace. There are no seasonal variations but non-

standard timings asked for are 07:00 -02:00 hours Christmas Eve, Boxing Day and NYE.

Section 9 - provision of recorded music (both); another new addition to the premises licence. The applicant is asking for; Monday to Sunday between the hours of 07:00 and 01:00 the following day. There are no seasonal variations but non-standard timings asked for are 07:00 -02:00 hours Christmas Eve, Boxing Day and NYE.

Section 12 - provision of late night refreshment (LNR) (both); this activity is already found on the licence but the variation seeks to extend the hours and the licensable area. The applicant is asking for the following; Monday to Sunday between the hours of 23:00 and 01:00, which matches the supply of alcohol. There are no seasonal variations but non-standard timings asked for are 07:00 -02:00 hours Christmas Eve, Boxing Day and NYE.

The applicant adds we would like to be able to provide food and alcohol both indoors and outdoors for customers to enjoy until midnight. We propose the kitchen to close at 0100.

Section 13 - supply of alcohol (both); this activity is already on the licence, the applicant is seeking to increase the terminal hour and area. The applicant is asking for the following; Monday to Sunday between the hours of 23:00 and 01:00. This will add an extra hour to each trading day. There are no seasonal variations but non-standard timings asked for are 07:00 -02:00 hours Christmas Eve, Boxing Day and NYE.

Section 15 - hours premises are open to the public; the applicant is asking for the following; Monday to Sunday between the hours of 23:00 and 01:00. There are no seasonal variations but non-standard timings asked for are 07:00 -02:00 hours Christmas Eve, Boxing Day and NYE.

It is worth noting at this point that the times for opening/closing mirror the sale of alcohol and this means that potentially customers could purchase alcohol and then not be allowed to drink it, leading to unnecessary conflict and not something the police would recommend on an application.

General

The applicant appears to want to remove all of his restaurant conditions replicated below and replace them with self-styled ones that offer little in the way of guidance.

CCTV

- *The Premises will have an effective and well managed CCTV system, which must be maintained to ensure that it is always fully operational. The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain 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 securely and be capable of being downloaded onto removable media. A member of staff must be present who can both operate the system and supply copies of these images*

on request to a Police, Council or other authorised Officer. The recordings shall be kept for a minimum of 31 days.

Training

- *All staff will receive documented training in relation to the Licensing Act 2003, and the 'challenge 25' policy and the training shall be repeated every twelve months. Records of this training and the written policies relating to it will be kept and made available to Police or Council Officers on request.*

The Protection of Children from Harm

- *That the premises adopts the 'challenge 25 scheme' whereby any person that appears under 25 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include Passport, Photo card driving licence, military ID, proof of age card bearing the PASS hologram and biometric residence permit. In addition a refusals log be kept and maintained. This log must be available to Police or Council Officers on request.*

Incident Log

- *A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request.*

Sale/Serving of Alcohol

- These premises will operate as a restaurant. The sale of alcohol must be ancillary to the supply/consumption of food and will only be sold or supplied by waiter or waitress service under the following circumstances
 - *To those who are seated and are waiting for a substantial table meal*
 - *To those who are taking or have taken substantial table meal*There is to be no vertical drinking anywhere on the premises.

Prevention of public nuisance

- *A Sign will be placed within the premises asking customers to respect neighbours by leaving the premises quietly. (final wording to be decided by applicant)*

Police View

Police indexes have been checked looking at offences within the High Street, which involve violence and are connected to the night time economy by either time of night, alcohol or both. This venue is situated wholly within the cumulative impact policy area.

Violent crime continues to rise in Beckenham. In 2014 there were 94 recorded violent crimes connected to the NTE. In 2015 this rose to 99 and for 2016 the figure was 109. The figures do not include crimes found by this office after searching Local Authority CCTV and the Police CAD system looking for offences either not reported or attended by Police. The continuing rise is concerning and reinforces the importance of the CIP. Police continue to work with and take action against premises identified as contributing to the issues however a large proportion of disorder and violence cannot be attributed to any one premise.

Conclusion

The current premises licence is for a restaurant and contains police suggested conditions. Police did not object to it because of the type of establishment and the supply of alcohol being tied to food.

With the applicant now seeking to remove all the restaurant style conditions and offering very weak conditions in their place and the provision of amplified recorded music up until the venue closes, there would be nothing to stop the premises becoming a bar or a nightclub.

The Cumulative impact policy was brought into effect because the concentration of licensed premises in the High Street area was having a significant impact on the promotion of the licensing objectives. The policy is still relevant as disorder/violence and public nuisance is still evident either at or nearby to the pubs, club and restaurants to be found within the borders of the policy area. In fact it has increased/is increasing.

The effect of the cumulative impact policy is to create a 'rebuttable presumption' that applications for the grant or variation of premises or club licences (which are likely to add to the existing cumulative impact) will 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 the licensing objectives.

Police have identified that the applicant is failing to comply with his current licence conditions and are dealing with this outside of this process. However at best the applicant is naive to his responsibilities under the licensing objectives and at worst he is demonstrating blatant disregard for them, this will inevitably have a negative impact on the crime and disorder licensing objective. With this in mind police believe that this application should be refused.

Double, Paul

Subject: FW: 210 High St Beck

I am aware that there is a TEN hearing regarding this premises due to be heard on 30 Jan 2017, however I am greatly concerned about the license of these premises in general and would wish my concerns noted regarding the application to vary the current licence.

I would also wish to speak at any hearing before a Licensing Sub Committee that heard the application to vary the licence.

In regard to Protecting Children from Harm, I am concerned from images I have seen that under age drinking may be occurring on the premises, I can see no evidence of any Challenge 25 policy being in place, nor of training for staff regarding refusals and age of customers. I am also concerned that the noise levels generated by the premises are detrimental to children's sleep patterns where they live in the immediate surrounding area.

In regard to Public Nuisance I have the same concerns around noise levels impacting the lives of neighbours to these premises, particularly from the smoking area at the rear.

In regard to Public Safety, there are concerns around how the premises are laid out, escape in case of fire, and the wooden "garden" structure. Care does not seem to be being taken to ensure patrons are not too intoxicated to safely leave the premises and go home. There have been reports of fights and of customers approaching members of the public on leaving the premises.

In regard to Public Order it would appear the establishment is not being run as a restaurant for which a license was permitted with the sale of alcohol with a meal seated at tables. This premises is being run as a vertical drinking night club. Areas of the premises where alcohol sale is not permitted are being used for sale, equally areas where alcohol consumption are not allowed are being used by customers to drink in.

I trust that in the near future it will be possible for these issues to be discussed in front of a Licensing Sub Committee, in the mean time I trust Officers and the MPS will actively ensure that the existing license and conditions are being abided by.

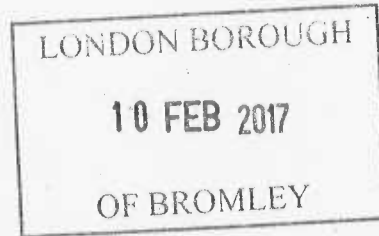
Cllr Steve Wells



Mr Steve Phillips
London Borough of Bromley
Licensing Department
Bromley Civic Centre
Stockwell Close
Bromley
Kent
BR1 3UH

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 9 February 2017
Our Ref 92/007035/ere



Dear Mr Phillips

FIRE SAFETY INSPECTION

Premises: Two-Ten Restaurant Limited, 210 High Street, Beckenham, Kent BR3 1EN

The Fire Authority has recently carried out an inspection of the above-mentioned premises.

During the inspection, deficiencies relating to public safety were noted. These matters are specified in the schedule attached to this letter. The Authority recommends that, before renewing the licence, you take action to ensure that the applicant has resolved these matters.

If there are specific fire safety matters about which you are concerned or you have any queries regarding this letter, please contact the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours sincerely

for Assistant Commissioner (Fire Safety)

Directorate of Operations
FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer Lee Harvey
Direct T 020 8555 1200 Ext. 32616/37609

Encl: FS01_08
FS03_01c

The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.



Mr Sayed Sadet
Two-Ten Restaurant Limited
210 High Street
Beckenham
Kent
BR3 1EN

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 9 February 2017
Our Ref 92/007035/ere

Dear Mr Sadet

REGULATORY REFORM (FIRE SAFETY) ORDER 2005: NOTIFICATION OF FIRE SAFETY DEFICIENCIES

Premises: Two-Ten Restaurant Limited, 210 High Street, Beckenham, Kent BR3 1EN

The Authority's Inspectors have recently carried out an inspection of the above-mentioned premises. During the inspection, it was noted that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. These matters need to be addressed in order to comply with Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order). The matters that need to be addressed, together with the Authority's recommendations about the actions you should take are explained in the attached schedule. We recommend that action should be taken by **4 May 2017**.

If you are in any doubt about what you need to do to comply with the Fire Safety Order; or if there is anything in the schedule that you do not understand or need further explanation of then please contact the Inspector named at the end of this letter. If you are dissatisfied in any way with the response given please ask to speak to the Team Leader quoting the above reference.

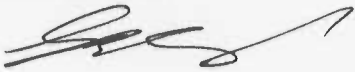
You may also wish to know that fire safety guidance for businesses can be found on the Authority's web-site at www.london-fire.gov.uk under the heading 'Fire safety at work'. Additionally, guidance on general fire precautions and how to comply with the Fire Safety Order can be found at www.Gov.uk under the heading 'Fire safety law and guidance documents for business'.

When undertaking fire safety works at your premises you may need to seek approval for what you are going to do. Examples of this would include:

- any building works for which you are obliged to notify or seek the approval of Building Control;
- if your premises have a listed heritage status, approval from the local authority conservation officer; or
- if your premises are licenced then you may need to consult the relevant licensing or approvals authority.
- It is your responsibility to consult the relevant bodies and obtain any necessary approvals.

I would ask you to note that as well as placing people at risk, operating premises without having adequate general fire precaution in place to remove or reduce fire risk and to ensure people can safely escape if a fire does occurs can result in a criminal offence being committed. This letter and its associated schedule are consequently issued without prejudice to any legal action the Authority may subsequently take regarding failures to comply with the Fire Safety Order.

Yours sincerely



for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer Lee Harvey

Direct T 020 8555 1200 Ext. 32616/37609

Enc: Form FS03_01b Legislation Extracts
Form FS03_01c Schedule
Form FS03_06 Definitions of standard terms
GN 66

cc.: Mr Steve Phillips, London Borough of Bromley, Licensing Department, Bromley Civic Centre,
Stockwell Close, Bromley, Kent BR1 3UH



SCHEDULE OF FIRE SAFETY AUDIT OBSERVATIONS

FILE 92/007035/ere
REFERENCE:

OCCUPIER/AGENT: Two-Ten Restaurant Limited

ADDRESS: 210 High Street
Beckenham
Kent
BR3 1EN

Article #	Issue	Action(s) to be taken
Article 9(1)	At the time of the audit you did not provide evidence that a fire risk assessment had been undertaken.	Carry out a fire risk assessment. (See guidance note No.66) In particular take into account the suitability of the means of escape from the first floor.
Article 11	At the time of the audit your preventative and protective measures had not been organised, monitored or reviewed where required.	Arrangements identified as not suitably addressed must be effectively organised, monitored or reviewed.
Article 21	At the time of the audit your employees had not been provided with adequate safety training. There was no evidence that staff have been provided with suitable fire safety training and what to do in an emergency by a competent person.	Provide your staff with adequate safety training. In particular fire awareness and how to assist with the implementation of the emergency procedures.
Article 18	At the time of the audit you had not appointed any competent person(s) to assist you in undertaking your identified preventive and protective measures. It was found that fire safety matters had not been considered by a competent person(s).	Appoint one or more competent persons to provide you with safety assistance. This can be achieved by engaging a competent person.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that the travel distance from the first floor to the final exit at ground floor is excessive. The steps from the rear final exit are short and steep.	Ensure adequate emergency routes and exits, for use by relevant persons in the premises, are available and can be safely and effectively used at all relevant times. This can be achieved by providing a protected route from the first floor or providing an additional exit from the first floor. Ensure that the rear steps outside the final rear exit are safe to use in an emergency e.g. install a handrail.
Article 15(1)	At the time of the audit your procedures to be followed in the event of serious and imminent danger were inadequate. It was found that there was no formalised procedures in place.	Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by recording your emergency plan which stipulates who is nominated to implement procedures.



Definitions of standard terms used in means of escape requirements

Fire Resisting

1. FIRE RESISTING means construction capable of resisting the action of fire for not less than thirty minutes under the prescribed conditions of test appropriate to such construction in accordance with the provisions of the current British Standard 476 and that:

- a) whatsoever is so designated gives effective separation between those parts of the premises on each side of it;
- b) where the word 'enclosed' is used in connection with this term, the room, escape route or other space so described is completely enclosed with walls, ceilings and floors of FIRE RESISTING construction except for that part of the enclosure consisting of a roof, external wall, or the lowest floor of a building;
- c) where the construction consists of or incorporates a door, the door together with its frame complies with Table A below and the door
 - i) is effectively self closing by means of an automatic self closing device other than rising butt hinges which should not be used for this purpose except in the case of an entrance door to a flat or maisonette and doors within such premises. As an alternative, where the door is to a duct, shaft or cupboard, it may be locked shut and provided with a notice to this effect;
 - ii) is free from any means of holding the door in an open position except, where permitted an electro-magnetic or electro-mechanical door holder device susceptible to smoke (as defined in the Building Regulations 1991). The approval of the Fire Authority must be obtained for any proposal to install a door holder and the device must be of a type which complies with the provisions of the current British Standard 5839: Part 3.
 - iii) is close fitting to both the frame and, where there are two leaves, between the leaves;
 - iv) is hung on hinges no part of which is made either of combustible material or of non-combustible material having a melting point less than 800°C;

v) is permanently marked 'Fire door keep shut' in a conspicuous position except whether the door is to a bedroom or to or within a dwelling (including a flat or maisonette);

vi) is imperforate except for the minimum perforations necessary for the fitting of locks and door furniture;

d) where the construction incorporates glazing, in addition to comply with this definition, the glazing is in a frame fixed shut.

2. Where existing ceilings, soffits, walls, partitions, floors and doorsets are not already FIRE RESISTING and are required to be made FIRE RESISTING the following constructions will be accepted as complying with the definition:

a) CEILINGS AND SOFFITS

The ceilings and soffits covered with lath and plaster in good condition, or with plasterboard or FIRE PROTECTIVE BOARDING with sheets closely butted together and securely nailed or screwed to joints/nogging pieces, as appropriate.

b) WALLS AND PARTITIONS

All perforations and gaps sealed with FIRE RESISTING construction. Partitions made flush with timber or FIRE PROTECTIVE BOARDING and covered with plasterboard, or FIRE PROTECTIVE BOARDING butted together, securely nailed or screwed in position.

c) DOORSETS

See Table B below.

Notes:

i) Protection to partitions, ceilings and doors shall be on the risk side, e.g. on the side remote from an escape route, or, in the case of a screen separating an escape route from the lower part of the building, on the side exposed to the lower part of the building. Where a lobby or screen is not carried up to the main ceiling and a false ceiling is provided to complete the separation, it may be necessary to protect the upper surface of the ceiling construction.

ii) Where the risk is on both sides, the construction shall be protected on both sides.



Fire Protective Boarding

3. FIRE PROTECTIVE BOARDING means a board approved for this purpose by the Fire Authority.

Attention is drawn to the desirability of effectively sealing the exposed surface of FIRE PROTECTIVE BOARDING by paint or other suitable methods and protecting exposed edges against damage.

Non Combustible Material

4. NON COMBUSTIBLE MATERIAL means material which satisfies the test for non combustibility prescribed in the current British Standard 476: Part 4 and is deemed to include plasterboard.

Protected Route

5. PROTECTED ROUTE means a route enclosed with FIRE RESISTING construction and which complies with the following conditions.

- a) service, ventilating and other similar ducts or shafts which pass into or out of the enclosure are FIRE RESISTING within the enclosure;
- b) cupboards are enclosed with FIRE RESISTING construction (except where premises are provided with a single staircase only, in which case cupboards are not accepted and must be taken out of use and sealed with FIRE RESISTING construction on the inside);
- c) no combustible storage is allowed other than in cupboards described in (b) above;
- d) stairs and landings are provided with handrails and are adequately guarded on any open side;
- e) sufficient and suitable artificial lighting is provided for the purpose of means of escape; and
- f) the linings have a surface spread of flame classification not inferior to 'Class 0' when tested in accordance with the provisions of the current British Standard 476: Part 7.

Note:

Lavatories and sanitary accommodation which are neither cloakrooms nor contain gas or portable heating appliances other than water heaters and incinerators may be contained within a PROTECTED ROUTE.

Inherently Non-Flammable Material

6. INHERENTLY NON-FLAMMABLE MATERIAL means material which, although non non-combustible and not submitted to a flame-proofing process nor provided with a flame resistant finish is, in fact, non-flammable throughout its thickness. The standard for fabrics is 'flameproof' when tested in accordance with the provisions of the current British Standard 5438. The standard for material other than fabrics is 'Class 1' surface spread of flame when tested in accordance with the provisions of the current British Standard 476: Part 7.

Durably Flame Proofed Fabric

7. DURABLY FLAME PROOFED FABRIC means flame-proofed fabric which after being submitted to a washing treatment remains flame-proof as determined by the method of test prescribed in the current British Standard 3120. Acceptable of such fabric is subject to the availability of an acceptable method of spot testing to detect and identify the flame-proofing compound.

Table A - Minimum requires for Construction and materials of doorsets capable of resisting the action of fire for a period of thirty minutes

1. Doors, including frames, are to be tested and installed in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 where the 'S' specification requires smoke stopping) and are to be certified as being capable of resisting the action of fire for a period of not less than thirty minutes as regards the passage of flame (integrity). There are no requirements as to stability or insulation for doorsets. Doors which met the requirements for resisting the action of fire in the British Standard in force at the time the door was manufactured will be accepted.

2. Doors which open into a corridor or lobby with enclosures capable of resisting the action of fire for a period of not less than thirty minutes may open in two directions provided a maximum clearance of 3mm is achieved at the meeting edges.

Any door capable of being opened in both directions shall be fitted with a vision panel of clear fire resisting glazing.



3. Glazing fixed shut may be incorporated in a door if it is capable of resisting the action of fire in accordance with the current British Standard 476: Part 22. Glazing should be fixed either;

- a) in timber frames with wood or metal beads or with a glazing compound in conjunction with springs or clips in panels not exceeding 0.4m² in area; or
- b) in metal frames with metal beads in panels not exceeding 1.2m² in area, all metal having a melting point not lower than 900°C;

The area of glazing shall also satisfy the provisions of any requirements in the accompanying schedule.

Table B - Upgrading existing doorsets to achieve a fire resisting standard of thirty minutes

1. In general, the upgrading of existing doorsets to achieve a standard of fire resistance of thirty minutes is not recommended except in the case of historic buildings. It is preferable that new doorsets are installed.

2. If a doorset is to be upgraded, a test report will be required confirming that the door and frame are capable of resisting the action of fire for not less than thirty minutes when tested in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 when the 'S' specification requires smoke stopping).

Cupboard doors required to be fire resisting

3. Cupboard doors of standard size shall be replaced with new doors capable of resisting the action of fire for not less than thirty minutes when tested in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 when the 'S' specification requires smoke stopping).

4. For cupboard doors of less than standard size, a suitable fire resisting door shall be cut to size and fitted with an intumescent strip channelled into the top, hinge and closing edges to resist fire when tested in accordance with the current British Standard 476: Part 22.

Double, Paul

From: Brewer, Sarah
Sent: 17 January 2017 15:30
To: Double, Paul
Cc: Pugh, Hedley
Subject: RE: Two-Ten Ltd 210 High Street Beckenham BR3 1EN

Dear Paul

The Public Health Nuisance Team objects to this variation due to the lack of measures proposed to prevent Public Nuisance.

There has been a noise abatement notice served on the premises.

Regards

Sarah

Sarah Brewer
Public Health Nuisance Team
London Borough of Bromley

Tel: 0208 313 4669
Fax: 0208 313 4450
Email: sarah.brewer@bromley.gov.uk
Web: www.bromley.gov.uk

From: Double, Paul
Sent: 17 January 2017 14:00
To: Stevens, Tim Cllr.; Smith, Diane, Cllr.; Mellor, Russell, Cllr.; Tickner, Michael, Cllr.; Wells, Stephen, Cllr.; Allen, Vanessa, Cllr.; Dunn, Ian, Cllr.; Phillips, Sarah, Cllr.; Collins, Alan, CLLR; Dean, Peter, Cllr.; Lehane, Paul; Andrea; Aspland, Sheila; Blackman, Hazel; ESD Planning Admin (Group); Fire Brigade; Fire Brigade - ; Health Safety (Group); Hancock, Ruth; Police; Public Health (Group); Stephenson, John; Vale, Robert; Wright, Sue
Subject: Two-Ten Ltd 210 High Street Beckenham BR3 1EN

Dear all,

We have received a variation for the above premise, this was submitted online. The deadline date is the 13th February 2017 if you would like to make representations.

Many thanks.

If I can be of further assistance, please contact me.

Kind regards

Paul Double

Paul Double
Licensing & Business Support Officer
London Borough Of Bromley

Double, Paul

Subject: FW: The Two Ten Restaurant, 210 High Street, Beckenham.

Subject: Re: The Two Ten Restaurant, 210 High Street, Beckenham.

Dear Mr Double,

Re: The Two Ten Restaurant, 210 High Street Beckenham.

I would like to make representations regarding the application for variation of premises license at the above mentioned location.

Public nuisance.

The result of the new proposals would cause a public nuisance.

The way in which the premises were being used since it's conversion to the Two Ten restaurant in December 2016, has already caused a noise nuisance due to the loud music which could easily be heard from the bedrooms of the houses it backs onto in The Drive. The residents, having problems sleeping and having their peace disturbed as a result. This was when the only provision allowed for was background and non amplified music to provide diners, confined to the front part of the restaurant on the ground floor, with an ambiance.

The new proposals ask for the music to be amplified and the areas for it's use to be extended to both the rear terrace area behind the main building and the 1st floor. The very idea of having amplified music in a terrace area with no soundproofing and open to the elements apart from an awning, shows a total lack of concern for anyone who would be subject to such a disturbance. It will cause a substantial disturbance to the surrounding residents. Amplified music from the 1st floor area would also be projected towards the houses it backs onto as there are windows there and whether opened or closed, these would not provide sufficient soundproofing.

This is a verbatim extract from the license application:

'I would like to propose the provision of recorded music both inside and outside, whether it be background level or amplified inside and out. These are for private hire event and functions. Also we need to be able to provide amplified music as well as background.'

The result of this will clearly be a noise nuisance far in excess of what has already been proved as intolerable. Totally unacceptable.

Preventing crime and disorder.

It is clear from the application that this restaurant, contrary to what is stated on page 3 of their application form, is not going to be a normal traditional restaurant. More like a club which also serves food.

The proposals made in the application, to promote the four licensing objectives, including prevention of crime and disorder, are laudable but insufficient. They are also the sorts of measures one would expect at a night club, as opposed to a restaurant: Effectively checking customers' ID, following the under 25 rule, signs asking for customers to keep the noise down, signs showing the right to refuse entry.

The intended clientele at the restaurant are not ones that just want a meal in Beckenham, or even a meal at all. There is clearly a strong priority in the minds of the owners to sell lots of alcohol. Why otherwise would they need two bars in the terrace area? There is currently also a bar on the first floor and although this is not labelled as such, is still included in the plans. Two or three bars in a small restaurant would not normally be necessary.

The intentions are clear. There may be an intention to serve customers drinks at their tables but there is also an expectation that customers will get their own drinks if they want to from one of the bars.

As such the potential for crime and disorder, due to the consumption of alcohol, is as great at the Two Ten Restaurant, as for any of the other such establishments already serving Beckenham. At present these are situated, in the main, at the other end of the High Street near Beckenham Junction Station. The location of the Two Ten Restaurant and it's potential disorder would bring the problem away from where it is currently isolated and therefore create a greater policing problem in Beckenham as a whole, as the problem will no longer be contained to one area but spread out over Central Beckenham.

Protection of Children from harm.

There is a proposal to hold children's parties in these premises.

A premises with two or three bars and shisha pipe smoking areas is clearly a totally inappropriate environment for children's parties.

Further representations supporting my objections.

Assuming the premises are run in the spirit and to the letter of what is proposed and the law, my objections and representations as above are valid.

It is clear from the application that there is an intention to use the premises for multiple purposes and therefore have been designed with the flexibility to easily adapt them from restaurant to bar, night club, corporate venue, cinema or party venue. My expectations, assuming there is a demand for such a venue, are that it will cause problems far in excess of what I have alluded to above. Problems which are further aggravated by the fact the licensee has already demonstrated a lack of concern for the conditions and rules laid down by licenses.

I hope the above is of assistance to you. I would be grateful if you could let me know if you are the correct person for me to send these representations to and if not, to let me know where I should send them.

Many thanks

Regards

Double, Paul

Subject: FW: Two Ten Restaurant, 210 High Street, Beckenham

Sent: 18 January 2017 22:11

To: Licensing

Subject: Re: Two Ten Restaurant, 210 High Street, Beckenham

Dear licensing,

I am writing in opposition to the proposed licensing for Two Ten Restaurant, Beckenham.

The restaurant has already constituted a public nuisance with regards to the noise. Even in the dead of winter with the windows closed, it was possible to hear the bass and the melody of the music being played. During warmer months, having music played every night in an establishment with sub-standard constructions and no sound proofing.

The noise also carried on until past 2am in the morning, which is totally unacceptable.

I do not agree with allowing a restaurant to manipulate the restrictions to allow them to carry on trading without the correct licensing, to the detriment of the local residents.

It is not safe to have a club in this area of the High Street when there is no Police coverage at present and is considered the more 'family' end of the High Street with chain restaurants and the cinema in close proximity.

Yours faithfully,

Beckenham BR3 1EQ

Double, Paul

Subject: FW: The Two Ten Restaurant, 210 High Street, Beckenham.

Dear Mr Double,

I agree with xx and would also like to object to the application on all of the points raised; I would like to add the following:

Public Nuisance:

- This business is not currently trading as a 'traditional' restaurant, as stated in the application. It's a bar and nightclub, with an unused restaurant at the front. In my opinion, it seems to be flouting the permitted development laws. I believe that it is meant to serve alcohol with a meal (only), but I've personally never seen anybody eating as I've walked past and all the evidence, including the Police visit and photos* sent by local residents to the Licensing team, back this up. The applicant even admits that he plans to use the terrace as a bar! On page 3 of the application he notes that... *"As a condition we would like to propose that in the outdoor terrace, the Shisha customers are able to drink alcohol without food should they choose to"*. This is surely not allowed under the permitted development and licensing laws! Shisha is not food/a substantive meal! This would effectively allow the respondent to revert the restaurant back to a 'nightclub' (as it was over the Christmas period)
- From our perspective, as residents living on The Drive, the rear of 210 High Street has always acted as a barrier to noise and light from the high street. This proposed licence would actually create noise and light during anti-social hours.
- The construction and layout of the 'restaurant' has not changed since the previous (recent) noise disturbances. The building, and especially the terrace, offers very little/no sound insulation. Over the Christmas period, we could hear the 'background' music from our bedroom at the back of our house EVERY NIGHT and were forced to move into another bedroom, at the front of our house, in order to get some sleep.
- The applicant does not appreciate/care that this property backs onto a residential area. He has previously ignored our pleas to reduce the volume of his 'background' music, after we reported the disturbance/nuisance. The applicant now wants to play amplified music – inside and out (noted on page 9 of the application), as well as the background music. This is certain to result in a greater/louder noise nuisance than before!
- I do not understand the need for amplified music in a restaurant – surely, properly regulated background music is sufficient, as it is for all other restaurants in Beckenham
- I also struggle to understand why Private hire functions, business conferences/meetings and private children's birthdays need amplified music? The venue is very small, so it should not need a PA system for business conferences/meetings. It is too close to the residents of The Drive to be used as a private disco (or similar), without proper sound insulation.
- The proposed hours extend too long into the night. Do people really eat a substantive meal after (say) 10PM?
- Having a temporary roof over the terrace, which can be removed during warmer times, will only add to these problems. Given our recent experiences, the venue is inadequately sound proofed for their current licence, let alone this variation to the license.
- I am not aware of any other restaurant in Beckenham that has a terrace that backs onto a well-established residential area
- Finally, and most importantly, the **applicant cannot be trusted as he has continually broken Bromley's Noise Nuisance rules and his licensing conditions**. Examples that I am aware of include:

- Breaking noise nuisance rules: Following the receipt of numerous noise complaints over the Christmas period, a statutory notice was issued on the morning of the 31st December in order to prevent any further occurrences. A Bromley Noise Officer then witnessed further noise problems on the evening of 31st December / morning of the 1st January (from my house)! This noise disturbance carried on until at least 2:30 AM.
- Breaking licensing conditions: 1) 'Vertical' drinking was observed by the police, which resulted in a Closure Notice; 2) The internal layout of the 'restaurant' did not conform with the current license, with the bar in an unlicensed area; 3) The unlicensed Shisha bar continues to be promoted (with cocktails, etc). on its 'M Rouge Beckenham's Facebook page

Protection of Children from harm:

- I have two sons aged 4 and 6. The 6 year old sleeps in one of our back bedrooms and he has been woken up by the noise disturbance from Two Ten on more than one occasion. It has been very hard for him to settle down/get back to sleep afterwards. The previous disruptions were caused during the Christmas holidays, so he could sleep in the next day. This will not be possible during school term time.
- The proposed hours (7AM until 1AM) mean that he/we would be disturbed at all hours of the day and night. Given our experiences over the Christmas period, we simply could not cope with the noise and rowdiness that this venue, in its current form, would create. My sons go to bed at 7PM and I go to bed at 10PM. Stopping amplified music on the terrace at midnight is totally unacceptable.

Crime and disorder:

- I live on The Drive and we suffer anti-social behaviour as a result of inebriated people every weekend (as well as during the week). Fast food wrappers are left in gardens, people vomit and urinate on driveways, cars are scratched and mirrors broken, plants are destroyed; the list goes on. This proposal would only add to the current problems that we experience.
- This venue is literally at the end of our garden. The proposed site is an area where currently very few people go and suddenly there could be unlimited members of the public with easy access to the rear of our property. This represents a security risk.

If this licensing application is allowed to go ahead I see no other option but to move out of the house we have lived in for 10+ years.

Kind regards,

Double, Paul

Subject: FW: Two Ten Restaurant, 210 High Street, Beckenham

From:

To: Licensing

Subject: Two Ten Restaurant, 210 High Street, Beckenham

Dear Licensing,

I am writing from the CBRA (Central Beckenham Residents' Association) on behalf of the residents of The Drive, Church Avenue and the surrounding roads. We are opposed to a license for alcohol for the premises at 210 The High Street, Beckenham.

1) The restaurant has been operating over the Christmas period as a club (vertical drinking establishment) rather than a restaurant. This encourages a completely different type of clientele compared to the normal restaurants in the area. Containing this different demographic is difficult when most of the clubs are at the other end of the High Street.

2) The noise from this premises has been excessive, and is totally unacceptable. There has been no regard for the local residents especially as the establishment intentionally plays loud music in a property which is not sound proofed.

3) The use of tobacco in confined spaces is also of concern especially as those using the shish pipes are probably unaware that they are inhaling tobacco.

4) There is no precedence of excessive noise in this area, so to break that threshold would open up a flood gate for other restaurants to start operating as clubs and therefore increase the noise pollution in the local area.

Yours faithfully,

CBRA

Double, Paul

Subject: FW: The Two Ten Restaurant, 210 High Street, Beckenham.

From:

Sent: 21 January 2017 07:28

To: Licensing

Subject: Re: The Two Ten Restaurant, 210 High Street, Beckenham.

Dear Mr Double,

I wholeheartedly agree with the two messages below. In this instance I don't think tweaks will either address the significant issues mentioned below or be respected by the business management.

Approving it as described would set a precedent that I can't believe you want and I don't see any exceptional reasons to stretch what you would ordinarily accept.

Specifically:

I object to this application as a resident who will be and is affected by this establishment which almost backs on to the end of my garden.

I object on the grounds of crime and disorder, public nuisance and protection of children from harm.

The points are already made well below

Public Nuisance:

This business is not currently trading as a 'traditional' restaurant, as stated in the application. It's a bar and nightclub, with an unused restaurant at the front. In my opinion, it seems to be flouting the permitted development laws. I believe that it is meant to serve alcohol with a meal (only), but I've personally never seen anybody eating as I've walked past and all the evidence, including the Police visit and photos* sent by local residents to the Licensing team, back this up. The applicant even admits that he plans to use the terrace as a bar! On page 3 of the application he notes that... "*As a condition we would like to propose that in the outdoor terrace, the Shisha customers are able to drink alcohol without food should they choose to*". This is surely not allowed under the permitted development and licensing laws! Shisha is not food/a substantive meal! This would effectively allow the respondent to revert the restaurant back to a 'nightclub' (as it was over the Christmas period)

From our perspective, as residents living on The Drive, the rear of 210 High Street has always acted as a barrier to noise and light from

the high street. This proposed licence would actually create noise and light during anti-social hours.

· The construction and layout of the 'restaurant' has not changed since the previous (recent) noise disturbances. The building, and especially the terrace, offers very little/no sound insulation. Over the Christmas period, we could hear the 'background' music from our bedroom at the back of our house EVERY NIGHT and were forced to move into another bedroom, at the front of our house, in order to get some sleep.

· The applicant does not appreciate/care that this property backs onto a residential area. He has previously ignored our pleas to reduce the volume of his 'background' music, after we reported the disturbance/nuisance. The applicant now wants to play amplified music – inside and out (noted on page 9 of the application), as well as the background music. This is certain to result in a greater/louder noise nuisance than before!

· I do not understand the need for amplified music in a restaurant – surely, properly regulated background music is sufficient, as it is for all other restaurants in Beckenham

· I also struggle to understand why Private hire functions, business conferences/meetings and private children's birthdays need amplified music? The venue is very small, so it should not need a PA system for business conferences/meetings. It is too close to the residents of The Drive to be used as a private disco (or similar), without proper sound insulation.

· The proposed hours extend too long into the night. Do people really eat a substantive meal after (say) 10PM?

· Having a temporary roof over the terrace, which can be removed during warmer times, will only add to these problems. Given our recent experiences, the venue is inadequately sound proofed for their current licence, let alone this variation to the license.

· I am not aware of any other restaurant in Beckenham that has a terrace that backs onto a well-established residential area

· Finally, and most importantly, the **applicant cannot be trusted as he has continually broken Bromley's Noise Nuisance rules and his licensing conditions**. Examples that I am aware of include:

o Breaking noise nuisance rules: Following the receipt of numerous noise complaints over the Christmas period, a statutory notice was issued on the morning of the 31st December in order to prevent any further occurrences. A Bromley Noise Officer then witnessed further noise problems on the evening of 31st December / morning of the 1st January (from my house)! This noise disturbance carried on until at least 2:30 AM.

o Breaking licensing conditions: 1) 'Vertical' drinking was observed by the police, which resulted in a Closure Notice; 2) The internal layout of the 'restaurant' did not conform with the current license, with the bar in an unlicensed area; 3) The unlicensed Shisha bar continues to be promoted (with cocktails, etc). on its 'M Rouge Beckenham's Facebook page

Protection of Children from harm:

- I have three children aged 6, 3 and 2 who can be disturbed by the music in winter when windows are closed. Summertime would be worse still.
- The proposed hours (7AM until 1AM) mean that he/we would be disturbed at all hours of the day and night. Given our experiences over the Christmas period, we simply could not cope with the noise and rowdiness that this venue, in its current form, would create. My sons go to bed at 7PM and I go to bed at 10PM. Stopping amplified music on the terrace at midnight is totally unacceptable.

Crime and disorder:

- I live on The Drive and we suffer anti-social behaviour as a result of inebriated people every weekend (as well as during the week). Fast food wrappers are left in gardens, people vomit and urinate on driveways, cars are scratched and mirrors broken, plants are destroyed; the list goes on. This proposal would only add to the current problems that we experience.
- This venue is literally at the end of our garden. The proposed site is an area where currently very few people go and suddenly there could be unlimited members of the public with easy access to the rear of our property. This represents a security risk.

The Drive, Beckenham

Double, Paul

Subject: FW: 210, High Street, Beckenham, BR3 1EN

Sent: 23 January 2017 12:08

To: Licensing

Cc:

Subject: 210, High Street, Beckenham, BR3 1EN

RE: 210 , HIGH STREET, BECKENHAM. BR3 1EN - Variation of License

As a resident living in close proximity, I write to object to the granting of the licensing variation applied for by the above business, operating under two names, "Two-Ten Restaurant" and "M'Rouge Sisha Garden".

My objections are as follows:

Public Nuisance

The Council and the Police are already aware of the problems that this establishment has caused for us residents since it began trading. The noise of music played very loud and into the small hours has made it very difficult for us to sleep at the back of our homes, whose gardens are but a few metres away from the back of the establishment.

It does seem that those running this venture, aware of the restrictions on vertical drinking that Bromley Council applied to Beckenham High Street, sought to get round those restrictions by pretending to be a restaurant selling alcohol with a meal and having some ambient music. The reality is a very different story. When I visited the premises in the early evening of the 29 of December 2016, the restaurant was empty, the only diner being a member of staff having his supper by the kitchen. The young manager took me over to the extension at the back, which is a long wooden construction, similar to a garden shed, with a canvas roof. It was clearly a nightclub, with lots of very young men around, drinking and smoking sisha pipes. There was also a table tennis table that nobody was using.

Although the front is that of a restaurant, there is little evidence of day-to-day restaurant activity going on at any given time. The very small menu is discouraging for those seeking to have a meal out with friends or family, being both unappealing and overpriced for this area. The kitchen is also very small and would struggle to cope with demand, should all the tables on the ground floor restaurant part ever be full of customers.

Both on the 30th and 31st of December myself and several of my neighbours had to call the Out-of-hours Noise Service as we could not sleep with our windows *closed*, such was the volume of the music emanating from the Sisha Garden premises. An enforcement notice served on the 31st of December was flouted, resulting in the music *blaring* across The Drive well after 2.30 am.

I notice there is a plan for a Stage on the first floor, which gives me particular concern. The awning roof and the wooden walls of the M' Rouge Sisha Garden, preserved in the plans, provide absolutely no sound insulation. It is suggestive of the blatant lack of consideration for residents of the applicant.

I have absolutely no doubt that if a variation of the existing license were to be granted, the public nuisance to us residents would be unendurable, particularly come summer when we like to sit out in our gardens and sleep with our windows open. I don't know how those with young children would be able to cope.

Preventing Crime and Disorder/ Public Safety

Having a bar/nightclub in the heart of Beckenham, operating until the early hours of the morning, would undoubtedly strain Police resources. There are a number of pubs in the vicinity and this new venue, would be the destination of choice for young people spilling out of those at closing time. There have been endless disturbances in The Drive caused by drinking in the High Street, particularly at weekends. These have included having one of my windows broken when a beer bottle was thrown against it; fights in the street between groups of drunken youths, damage to fences, cars and general shouting. The access lane behind Two Ten Restaurant/M'Rouge Sisha Garden, backs directly onto our gardens and I would be concerned about those who have been drinking, being able to access it and also our properties.

Protecting Children from Harm

During my visit on 29th December I was surprised at how the venue had managed to attract a considerable clientele of what seemed to be very young men. From the management's cavalier attitude and contempt for the Enforcement Notice served on them, I do not have any confidence in their supervising staff and would not trust them to vet the ages of patrons to prevent underage drinking and smoking. The Sisha garden is tucked away at the back and away from the public eye. Enforcement Officers and Police would need to make a special effort to monitor the premises for underage drinking and smoking. Sisha is actually a tobacco based product.

With regard to the children living nearby, quite aside from the loud music disturbing their sleep which in itself is harmful, they would be exposed to having a drinking establishment at the end of their gardens where they play. Some of the children also play behind our garages as this has always been a safe area for them to use and it would cease to be so, should this license be granted.

In conclusion, I would strongly object to the granting of this application as it does fly in the face of what constitutes "reputable and responsible trading", which is what Bromley Council seek to maintain and promote. As residents we look to the Local Authority to uphold these aims, and protect the community from anything that falls short of the standard, as this business clearly does, so that we can continue to enjoy our homes and the area we live in.

Yours faithfully

The Drive
Beckenham

Double, Paul

Subject: FW: Licensing at Two Ten Restaurant, 210 High Street, Beckenham

Subject: Licensing at Two Ten Restaurant, 210 High Street, Beckenham

Dear Sirs,

Ref: Two Ten Restaurant, 210 High Street, Beckenham

We understand that there are two applications in process relating to the above premises, one for a TEN and the other for variation of premises license. We wish to strongly object to these applications on the following grounds.

Public nuisance

These premises have already caused significant noise nuisance to us and our neighbours over the Christmas period whilst they were running previous “events” under TEN licences. We have been kept awake until after midnight by this noise on a number of occasions. It appears from the application that the licensee is looking to make this style of operation standard, with loud amplified music both indoors and on the rear terrace late into the night a permanent fixture (ref. *“I would like to propose the provision of recorded music both inside and outside, whether it be background level or amplified inside and out”*).

This is not acceptable given the location of the premises or their design:

- They are located backing onto a quiet residential neighbourhood
- The large outdoor terrace area is not and by definition cannot be sound proofed
- The upstairs rear of the property has window facing the residential neighbourhood that cannot provide adequate sound insulation

I note that the noise problems we have experienced to-date have been despite us having our own double-glazed windows closed. Any similar operation in the summer would effectively prevent us from opening our windows or taking pleasure in using our garden in the evening.

It appears to us that intention of the licensee is to run the premises primarily as a bar / club, with drinks served without food (ref. *“we would like to propose that in the outdoor terrace, the Shisha customers are able to drink alcohol without food should they choose to”*) and late into the night – well beyond normal restaurant hours. Recent experiences under the TENs over Christmas appear to support this view, as does the continued near-empty operation of the small front restaurant area versus the promotion of the rear terrace over January. This is not appropriate for premises in this location.

Preventing crime and disorder

The proposed operation of these premises with the late night sale of alcohol is likely to increase crime and disorder in our area. We have already heard of fights occurring as patrons leave the premises. With our home being a short walk away this brings the potential for such disorder literally to our doorstep.

Protection of Children from harm

Our baby’s room is also at the rear of the house. She notably slept less well on evenings when the previous noise disturbance occurred. Were such events to become more common, it would undoubtedly impact her ability to sleep long-term and therefore has the potential to impact her development.

Further representations supporting my objections

We would like to add that we have been extremely unimpressed with the behaviour to-date of the licensee. It would appear that he has already repeatedly broken Bromley’s Noise Nuisance rules and his licensing

conditions. Examples that we am aware of include failing to comply with a statutory notice issued over New Year; 'Vertical' drinking being observed by the police in contravention of the existing licence; not laying out the internals of the restaurant in accordance of the existing licence; and the unlicensed sale of tobacco-based Shisha products.

We would be grateful if you could confirm receipt of this email. If these comments should be additionally made elsewhere, please do let us know where we should send them.

Your faithfully,

The Drive, Beckenham

Double, Paul

Subject: FW: Two Ten Restaurant, 210 High Street, Beckenham

Sent: 27 January 2017 16:58

To: Licensing

Subject: Ref: Two Ten Restaurant, 210 High Street, Beckenham

Dear Sirs,

Ref: Two Ten Restaurant, 210 High Street, Beckenham

We understand that there are two applications in process relating to the above premises, one for a TEN and the other for variation of premises license. We wish to strongly object to these applications on the following grounds.

We have already had a really bad Christmas and new year due to noise that was coming from the property and having to report this to you. When you have small children it isn't good when the noise is it's loudest through my youngest ones bedroom.

I would just like to log my objection to the applications going ahead.

Many thanks

the drive Beckenham BR3 1eq

Double, Paul

Subject: FW: The Two Ten Restaurant, 210 High Street, Beckenham.

From:

Sent: 30 January 2017 13:01

To: Licensing

Subject: Fw: The Two Ten Restaurant, 210 High Street, Beckenham.

I would like to add one more residents voice to the below complaint regarding The Two Ten Restaurant on Beckenham High Street.

We live half way up The Drive from the High Street but still experienced disturbed sleep over the Christmas period. Our children (5 and 7) who sleep at the back of the house were most affected.

We too are concerned about the increase in anti-social behavior and at further noise disruption. We sleep at the front of the house and are regularly disturbed on Friday and Saturday nights by late night drinkers walking up our street. The back of the house is currently shielded from this but if the noise levels of Two Ten continue, then unfortunately this will no longer be the case.

We strongly object to this application on this basis.

Kind regards,

Double, Paul

From: Health Safety (Group)
Sent: 06 February 2017 12:17
To: Double, Paul
Subject: RE: Two-Ten Ltd 210 High Street Beckenham BR3 1EN

Hello Paul

I object to the application on the grounds of public safety. In that:-

1. The premise fails to display statutory "No Smoking" signs, contrary to Section 6 (1) of The Health Act 2006.
2. The premise sells Shisha tobacco products for consumption on the premises in a substantially enclosed area, contrary to Section 8 (1) of The Health Act 2006.
3. In carrying out the activity detailed in 2 above the premise exposes members of the public to a risk to their health from secondary Shish tobacco smoke, contrary to Section 3 of the Health & safety at Work (etc) Act 1974.

Kind regards

Jean Bywater
Health & Safety Inspector
Public Protection.

From: Double, Paul
Sent: 17 January 2017 14:00
To: Stevens, Tim Cllr.; Smith, Diane, Cllr; Mellor, Russell, Cllr.; Tickner, Michael, Cllr.; Wells, Stephen, Cllr; Allen, Vanessa, Cllr; Dunn, Ian, Cllr; Phillips, Sarah, Cllr; Collins, Alan, CLLR; Dean, Peter, Cllr; Lehane, Paul; Andrea; Aspland, Sheila; Blackman, Hazel; ESD Planning Admin (Group); Fire Brigade; Fire Brigade - ; Health Safety (Group); Hancock, Ruth; Police; Public Health (Group); Stephenson, John; Vale, Robert; Wright, Sue
Subject: Two-Ten Ltd 210 High Street Beckenham BR3 1EN

Dear all,

We have received a variation for the above premise, this was submitted online. The deadline date is the 13th February 2017 if you would like to make representations.

Many thanks.

If I can be of further assistance, please contact me.

Kind regards

Paul Double

Paul Double
Licensing & Business Support Officer
London Borough Of Bromley
paul.double@bromley.gov.uk
020 8313 4218

[REDACTED]
Beckenham
Kent, [REDACTED]

22 February 2017

Steve Phillips
Team Leader, Licensing
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley, BR1 3UH

By email steve.phillips@bromley.gov.uk; and
[REDACTED]

Dear Mr Phillips,

Re: Variation of Licence at 'Two Ten', 210 High Street, Beckenhma, BR3 1EN

I object to the above, on the following grounds:

1. Noise/rowdyism levels increase - residential area:

It should be noted that on this side of the High Street there are flats above all the shops in the close vicinity. It would almost certainly result in an increase in the noise/rowdyism levels, and be a nuisance to local residents late evenings/early mornings; and in particular their sleep could be disrupted.

2. Fire safety concern:

The charcoal used to heat the tobacco in the hookahs in the rear shisha garden area, is lit in a clay/ceramic container left unattended outside on the rear access road, and standing adjacent to the rear large wooden extension. This may be a fire risk, ie. the rear large wooden extension could be set on fire by this charcoal burner being left unattended.

There are electrical wires exposed on the outside of the rear large wooden extension, which may also be a fire hazard. Notwithstanding I am sure that the Fire Brigade authorities have expertise in this area, and will advise accordingly.

3. Encroachment on the rear right of way emanating from the large wooden extension:

The rear large wooden extension has encroached by about 1 metre on the boundary line of the right of way, which has restricted vehicular access for supplies to the rear of the Big Catch Restaurant at 202-204 High Street, and two other shops, ie. at 198-200 (under renovation) and 206 High Street (Costa Coffee). I have obtained legal advice in this regard: advised that I have acquired a prescriptive right of way easement, as it has been continuously used for a period in excess of 20 years without interruption or interference from a third party. Hence, this interference (restricted vehicular access) also gives me cause for concern, and may be an actionable nuisance.

It is appreciated that [REDACTED] is dealing with the proposed installation of the kitchen extraction hood and external ducting to the rear, and the above may have some bearing on this (hence this letter has been copied to her for her information only). Incidentally I was unaware of any of Sayed Sadat's planning applications.

If there is anything you wish me to expound on in the above, please do not hesitate to contact me on [REDACTED] (mobile).

I conclude that I wish to object to the variation of licence, on the grounds listed in the three areas listed above, ie. 1) noise/rowdyism, 2) fire safety and 3) encroachment on the right of way (restricted vehicular access) emanating from the rear large wooden extension.

Finally, I hope this letter will assist with any deliberations.

Yours sincerely,

[REDACTED]
[REDACTED]

cc. [REDACTED]

Appendix 3

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

16/00633/LAPRE

Signed

Paul Lehane
Head of Food Safety, Occupational Safety and Licensing

Licence Granted **16th November 2016** Issue Number **001**

This licence consists of **10** pages (Including Licence Summary)

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Two-Ten Ltd
210 High Street
Beckenham
Kent
BR3 1EN

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Late Night Refreshment

Where the licence authorises supplies of alcohol whether these are on and/or off sales

On the Premises only

The opening hours of the premises

Hours Open to the Public Every Day from 07:00 to 00:00

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Every Day from 07:00 to 23:40
Late Night Refreshment on Every Day from 07:00 to 00:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Two-Ten Ltd
210 High Street
Beckenham
Kent
BR3 1EN

Registered number of holder, for example company number, charity number (where applicable)

10369387 - Private Limited Company

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Full Name: Sayed Sadat
Address: 248 High Street Beckenham Kent BR3 1DZ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

DPS Licence Ref: 16/00823/LAPER issued by London Borough of Bromley

Mandatory Conditions

1. Supply of Alcohol:

(1). No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2). Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

2. Irresponsible Promotions:

(1). The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2). In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. Free Potable Water

(1). The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. Age Verification:

(1). The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2). The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. Minimum Measures:

(1).The responsible person must ensure that —

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— .

(i) beer or cider: ½ pint; .

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .

(iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. Permitted Price:

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii). D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii). V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i). the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2). The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. Films:

(1). The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2). In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

8. Door Supervision:

- (1). Any individual employed at the premises as a door supervisor must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Conditions consistent with the Operating Schedule

Held by the Licensing Authority: Stamped Reference Number: **16/00633/LAPRE**
Dated: **16th November 2016**.

General

This premise is licenced to operate as a traditional restaurant with no regulated entertainment.

The premise consist of a ground floor restaurant only with no external licensable area as shown on the referenced plan

Crime and Disorder

9. The Premises will have an effective and well managed CCTV system, which must be maintained to ensure that it is always fully operational. The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain 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 securely and be capable of being downloaded onto removable media. A member of staff must be present who can both operate the system and supply copies of these images on request to a Police, Council or other authorised Officer. The recordings shall be kept for a minimum of 31 days

10. All staff will receive documented training in relation to the Licensing Act 2003, and the 'challenge 25' policy and the training shall be repeated every twelve months. Records of this training and the written policies relating to it will be kept

11. A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request

12. These premises will operate as a restaurant. The sale of alcohol must be ancillary to the supply/consumption of food and will only be sold or supplied by waiter or waitress service under the following circumstances

- To those who are seated and are waiting for a substantial table meal
- To those who are taking or have taken substantial table meal

There is to be no vertical drinking anywhere on the premises.

Public Safety

No Conditions

Prevention of Public Nuisance

13. A Sign will be placed within the premises asking customers to respect neighbours by leaving the premises quietly. (Final wording to be decided by applicant)

Protection of Children from Harm

14. That the premises adopts the 'challenge 25 scheme' whereby any person that appears under 25 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include Passport, Photo card driving licence, military ID, proof of age card bearing the PASS hologram and biometric residence permit. In addition a refusals log be kept and maintained. This log must be available to Police or Council Officers on request.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Plans

Held by the Licensing Authority: Stamped Reference Number: **16/00633/LAPRE**
Dated: **16th November 2016**

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

16/00633/LAPRE

Signed

Paul Lehane

Head of Food Safety, Occupational Safety and Licensing

Licence Granted **16th November 2016**

Issue Number **001**

This licence summary consists of **2** pages

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Two-Ten Ltd
210 High Street
Beckenham
Kent
BR3 1EN

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Late Night Refreshment

The opening hours of the premises

Hours Open to the Public Every Day from 07:00 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/or off sales

On the Premises only

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Every Day from 07:00 to 23:40
Late Night Refreshment on Every Day from 07:00 to 00:00

Name, (registered) address of holder of premises licence

Two-Ten Ltd
210 High Street
Beckenham
Kent
BR3 1EN

Registered number of holder, for example company number, charity number (where applicable)

10369387 - Private Limited Company

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Full Name: Sayed Sadat

State whether access to the premises by children is restricted or prohibited

Not Applicable

Appendix 4

0208 313 4218
licensing@bromley.gov.uk

Our Ref: ehts/co/sp
3rd January 2017

Mr S Sadat
210 High Street
Beckenham
BR3 1EN

Dear Mr Sadat

**RE LICENSING ACT 2003
COMPLAINTS CONCERNING LICENSED PREMISES
Two-ten 210 High Street Beckenham BR3 1EN**

It is with some disappointment I find myself having to write to you in respect of your premises at 210 High Street Beckenham BR3 1EN.

This premise has a licence for the ground floor front section of the building only as a traditional restaurant. It was subject to a number of Temporary Events notices (Tens) over the Christmas and New Year period which covered both the upstairs and rear garden/patio area all of which have now expired.

In brief the history of your application and its progress through the licensing process was as follows:

1. The application for the premises licence was poorly submitted and was objected too by both the Police and Licensing Authority at the time.
2. To assist you both the police and ourselves had a meeting with you on 16th Nov 16 here at the council offices
3. A licensing visit was made to your premises on the evening of 9th Dec 16.
4. On both occasions you categorically stated your intentions to run as a traditional restaurant with entertainment limited to background music only. The definitions of both were clearly explained to you and you gave assurances that this was how you would run your premises moving forward.

It was also explained that if you wished to fully utilise the premises a further variation would be required to include the 1st floor and rear garden area within the restaurant based licence.

With your insistence that you "had to be open" in early December the police proposed a set of conditions which the licensing authority agreed would satisfy the concerns raised in both of the objections. This agreement lead to the licence being granted.

Following this a number of Tens were submitted to allow you full use of the premises until a full variation could be submitted and considered.

During this time you verbally made enquires about the use of the rear garden of the premises being used as a "Shisha Lounge". I remember clearly the advice given to you at the time and further information was sent electronic guidance in support of this enquiry.

To address the actual operation of the premises over the Christmas and New Year period for you information the following occurred.

As soon as you started to use your premises under the Tens this department started to received complaints about the noise and disturbance generate by its activities. It was of such concern that I contacted you by phone to discuss them 23rd Dec 16 giving you clear advice and notice that you were causing a problem with the activities at the premises. I also explained that you would be referred to the Councils 24/7 Call out Service for action should further complaints be made. Again you assured me you would not be a problem and would ensure no nuisance was caused.

Over the holidays period we appear to have received complaints on every occasion your premises was open and operating under its Tens. This became so problematic that a Statutory Noise Notice was served on your premises by hand on the morning of 31st Dec 2016. Despite this again a number of complaints were received to the call out service on the evening and early hours of New Year's Eve / New Year's Day. On this occasion the officer on call attended the site and witnessed a statutory nuisance within a complainant's property and to other residential properties in the vicinity.

Additionally over the holiday period a complainant had submitted a number of photographs taken from inside your premises showing you had failed to take on board the advice and guidance given in respect of "Shisha Lounges" and set up the rear area as a Shisha Lounge.

I think it is clear from all of the above that you have failed to take the advice and guidance given by this department. You have also failed to keep the promises and assurance about not being a nuisance to local residence and finally despite being served a statutory Environmental Protection Act 1990 Notice you continued to cause a nuisance to the residents and premises of the area.

In light of all the above I have no option but to consider the following in respect of you and your premises.

1. A review of the premises licence with a recommendation of suspension with extensive additional conditions.
2. Full objection to any Tens placed with refusal being recommended to Licensing Sub Committee at hearing
3. A full objection to any variation placed to extend the premises licence into the outside area.
4. A formal meeting to discuss all of the above to be arranged at the council offices.

You will be contacted in the near future as to what is going to be progressed from the above list once a case meeting has occurred between the Public Health Team, Metropolitan Police, Planning and Licensing Teams here at the council.

If you have any questions please do not hesitate to contact this team on either of the means shown on the header to this letter.

Yours sincerely

Mr Steve Phillips

Steve Phillips
Team Leader
Licensing

0208 313 4218
licensing@bromley.gov.uk

Our Ref: ehts/co/sp
9th January 2017

Mr S Sadat
210 High Street
Beckenham
BR3 1EN

Dear Mr Sadat

RE LICENSING ACT 2003
Two-ten 210 High Street Beckenham BR3 1EN

I am writing follow my letter of 3rd January 2017 and the two visits which occurred on Friday the 6th January and the evening visit of the 7th January 2017.

At the visit and meeting at your premises on Friday 6th January I was accompanied by Mr Colin Butcher from the Planning Team and PC A O'Donnell Police Licensing Officer. Attending from your premises were Ms Renna Gosrani (you fellow director at Two Ten), Mr "Ricky" Mirpuri and yourself.

Points from the Site meeting of 6th January 2017

Whilst I cannot comment on the Planning conversations had between Mr Butcher and you, I can clarify the points made by PC O' Donnell and myself.

1. I informed you of the history of events and actions taken by this department over the Christmas and New Year Period.
2. This included the service of a Statutory Notice under the Environmental Protection Act for noise nuisance and the subsequent witnessing of a breach of that notice by a colleague who was called to attend from Boroughs out of hours service.
3. I explained the action being considered for the breach at this time. They are formal prosecution or service of a fixed penalty notice. The Public Health Nuisance Team will be in contact you on this matter in the near future as it is now in their hands.
4. I hand served on you a further notice under the Environmental Protection Act to prevent any further breaches of noise nuisance from occurring.
5. PC O Donnell and I had a long conversation with your "Shisha Lounge" business partner Mr Mirpuri. He explained the process and that all of his products contained flavoured tobacco.
6. I informed Mr Mirpuri of the need for his products to be suitably marked as they contain tobacco products and failure to do so could be an offence under Trading Standards enforced legislation. An officer of that team will be following this matter up With Mr Mirpuri directly.
7. I explained that smoking legislation is clear as to where it can occur and in what circumstances. I informed you again that the way you are operating your smoking area/garden does not comply and it must be altered to meet the legal requirements.

8. I reminded you that it was fully explained in the guidance email sent to you in respect of "Shisha Lounges" (copy enclosed) and I further enclose guidance on smoking shelters for your information again now with this letter.
9. We discussed the garden bar and how it cannot be used as it is outside of the licenced premises and you assured me that it is only used for serving desserts for meals from. At the time of this meeting no alcohol was displayed and I questioned you on this as I had been supplied with photographs from one of the complainants and indeed your own web based information videos showing the garden bar fully stocked and in use.
10. As a group we then sat down and went through in detail the full premises licence and attached plan which was subsequently left with you at the end of the meeting.
11. I particularly highlighted the conditions you agreed to in getting your licence granted. Both PC O Donnell and I reinforced the message that you must comply with the full licence and its conditions before any licensable activity can occur. (I do not intend to go through the conditions again here as they are clear in the licence you now have in your possession).
12. We then discussed your options moving forward which included the use of Temporary Events Notices (Tens) and a full variation of your current premises licence.
13. In light of your history I made it clear that it is highly unlikely you will be granted any Tens for the garden but with control perhaps you could get some considered for just your 1st floor restaurant.
14. PC O Donnell made it clear the police are likely to object and I reinforced this with the fact that the Public Health Nuisances Team is also likely to place an objection.
15. You felt that you were being unjustly condemned by recent events and wanted to be given the opportunity to address this to make your points and position clear. I explained that this facility is available to you through the hearing process to the Licensing Sub Committee (this I then explained).
16. Any Tens (not a late submission) and any variation which receives objections will follow the hearing process and be placed before a Licensing Sub Committee for a decision.

The meeting concluded after nearly two hrs with both PC O Donnell and I asking if there was anything you were unclear on or if you had any questions before informing you that there will be a "during operation" visit over the weekend to follow up on what had been discussed.

On returning to the office I had a phone message to contact you as soon as possible to discuss further matters. On returning your call you made enquiries about giving your patrons the option of bring your own alcohol (byo). I advised that it would be very unwise to mix licensable activities and byo and the burden of proof as to where the alcohol actually came from would be very difficult matter to manage. Both PC O Donnell and I strongly advised against this in light of recent events, but I did clarify the position as to what is and is not licensable.

Points from the evening visit of 7th January 2017

PC O Donnell and I attended your site at approximately 2100hrs. We meet with both Ms Reena Gosrani and yourself. We explained the purpose of our visit and proceeded to inspect the premises in accordance with the premises licence and its conditions. The following points were seen and discussed at the time.

1. The Licenced Premises (ground floor front) was set up and operating as a traditional restaurant.

2. The “Bar” area shown and approved on the licenced premises plan appeared to have transformed into the kitchen with no alcohol provision. Whilst I thought this unusual at the time I did not question this as I assumed you were preparing the alcohol from an area in the rear of the kitchen for service in the licenced premises. I note this here as I this matter is raised later in this letter.
3. Throughout the time of the inspection several of the patron were seen to be standing around drinking alcohol PC O Donnell pointed this out to you as a breach of your licence at the time and subsequently served a Licensing Act Closure Notice identifying this matter.
4. The CCTV cameras were seen to be in operation but Ms Gosrani was unable to give us any information as to where the hard drive and recording equipment actually was. She indicated this matter was dealt with by you and you view the images on your mobile phone.
5. We drew your attention to the premises licence and the wording of the CCTV condition which you assured us was being complied with. In light of this please supply the following CCTV images and recording as identified below:
 - a. Friday Evening 2100hrs to 2200hrs all cameras
 - b. Saturday Evening 2100hrs to 2200hrs hrs all cameras
 - c. Saturday Evening 2330hrs to 0030hrs all cameras
 - d. Sunday Evening 2200hrs to 2300hrs all cameras

To be made available for collection by 1600hrs Thursday 12th January 2017. Please note this delayed request date for the CCTV is to give you some lea way as this is a new system for you. For future reference you must be able to do this and demonstrate as such on site at a visit by an authorised officer of the council or police officer on request.

6. The first floor was set up as a restaurant for full use with alcohol in a chill case, speakers playing music lit and burnings candles on all tables and wine glasses on the table. It was pointed out to you that this area is not licenced and as such cannot be used. Your explanation of this was that it was set up for a promotion photo shot and also for a prospective booking who wanted to see the set up. I remind you this area cannot be used for any licensable activity until a licence or permission is in place.
7. The garden area was being used as a Bar and “Shisha Garden” a number of patrons were in the garden smoking cigarettes and Shisha Pipes there was also a couple drinking alcohol in the first booth opposite the fully stocked and manned bar. Customers at other tables were drinking, but without questioning them, it was not clear what was contained in the glasses. You stated soft drinks. I did not see any food being served outside.
8. Regulated entertainment was taking place in the garden (Recorded Amplified Music). This cannot occur without a licence or permission. It must stop until an appropriate licence or permission has been granted.
9. The garden was fully enclosed by four walls with wooden roofing at each end and a large roof (your retractable canopy) fully extended save for a small gap to the wall down the right hand side.
10. I again found myself having to tell you that this is not acceptable as a smoking area for either Shisha or cigarettes under the wooden roofs at each end and in between with the canopy extended.
11. The people drinking the alcohol you explained were in fact your friends and they had byo. You asked us to question them on the matter. We declined as “staged” patron’s offer no evidence or proof of what is actually occurring. Both PC O Donnell and I re iterated the dangers of mixing licensable alcohol sale with byo and the problems with proof and legitimacy of sale.
12. The fully stocked and manned bar in th rear garden is not on licenced premises and is not licenced. Its use must stop immediately.

- 13 The display and supply of alcohol can only occur from your licenced bar shown on your licensing plan for the ground floor front internal restaurant. A copy of the stamped plan was attached to your premises licence left with you at our meeting of the 6th January 17, but is again enclosed with this letter.

I think that I speak for both PC O Donnell and I when I say that we have reached the end of our patience with you on all of these matters and any further breaches of the licence or unlicensed activity will be met with review or formal action.

You must submit a full variation if you wish to fully utilise your premises in line with your business plan and you will have to make your case to a Licensing Sub Committee in defence of any application made as it will inevitably receive a number of objections.

I would remind you this premises falls within the Beckenham Cumulative Impact Zone as such there is a presumption of refusal for any premises that will have a negative impact on the licensing objectives. You must meet this high standard if you are to have any chance of expanding your premise licence to cover the whole of your current site.

I would recommend you revisit the LB Bromley Licensing Policy and fully digest the relevant parts of it when making any future applications.

I strongly suggest you take the advice I gave you by opening up a dialog with both your local ward councillors (names supplied at the time) and the local residence that are in contact with them to try to build some bridges for the future of your premises and to get support for your future plans.

If you have any questions please do not hesitate to contact this team on either of the means shown on the header to this letter.

Yours sincerely

Mr Steve Phillips

Steve Phillips
Team Leader
Licensing

Encl

Licence Plan (Stamped approved)
Email of Shisha Bar Guidance
Home office Guidance on Shisha Bars
Smoke free Guidance (Home Office)

0208 313 4218
licensing@bromley.gov.uk

Our Ref: ehts/co/sp
30th January 2017

Mr S Sadat
210 High Street
Beckenham
BR3 1EN

Dear Mr Sadat

RE LICENSING ACT 2003
Two-ten 210 High Street Beckenham BR3 1EN

I am writing follow my joint visit to your premises on the evening of 28th January 2017 and my attendance at your premises on the morning of Monday 30th January 2017.

At the visit and meeting at your premises were PC A O'Donnell Police Licensing Officer and a colleague from the Metropolitan Police Service. Attending and spoken to at the time were Ms Renna Gosrani (you fellow director at Two Ten), and yourself.

Shisha and Smoking

1. I again informed you of breeches of the Health Act 2006 that were taking place as you were allowing the smoking of Tobacco products (Shisha) in an enclosed room fully covered by a roof.
2. This is the 4th Occasion that I have recording ad telling you about this issue including twice by letter.
3. I have supplied you with approved guidance on what is and is not allowed in respect of smoking under the Health Act 2006 and given you ample verbal advice and guidance on this matter.
4. You points about the weather and the need to close the roof are not relevant to this case as the law is very clear. You cannot smoke in the rear area of you premise with the roof in place.
5. This matter is now being passed to the Trading Standards and Health and Safety Team for the consideration of formal action being taken.
6. If on attendance at your premise again the roof is found to be closed any person found to be smoking will be served with a fixed penalty notice under the Health Act 2006.
7. The sale and supply of Tobacco products to children is equally serious and it was noted that two tables occupied by children (Under18s) had Shisha pipes on them. If they are found to be smoking these pipes additional offences would be occurring and you could face further separate action being taken.

Variation of the Premises Licence

8. I informed you that we had received a complaint from a resident of the area that at 1430 on Saturday the 28th January 2017 on passing your premises it was seen that you had failed to display the statutory blue notice of you intention to apply for a variation of your existing premises licence.
9. Your explanation of this was that at approx. 1700hrs that day you experienced a “hail storm” in Beckenham, which according to you “shredded” the poster which had been displayed on the outside surface of your front window.
10. Whilst the timings don't quite tally, I accepted your explanation but it fails to explain that why at 2200hrs on the Saturday evening the poster had not been replaced.
11. I explained that the statutory notice is a critical element of the application process and that it must be displayed for 28 consecutive days whilst your application is being considered. I further explained that failure will affect the validation of your application and could delay its consideration. You promised that the poster would be replaced by midday the following day (Sunday 29th).
12. On Monday 30th January I attended your premises at 0730hrs and found that no poster was on display. See attached computer Screen shot of image
13. In these circumstances I have no option but to declare your application to be invalid. It will remain invalid and (hold) until such time as confirmation is received that the poster has been replaced.

If you have any questions please do not hesitate to contact this team on either of the means shown on the header to this letter.

Yours sincerely

Mr Steve Phillips

Steve Phillips
Team Leader
Licensing

Encl : screen shot of no poster displayed



THE LONDON BOROUGH
www.bromley.gov.uk

LICENSING ACT 2003
SECTIONS 104 TO 107

COUNTER NOTICE TEMPORARY EVENT

On 29th January 2017 the licensing authority received from you, Mr S Sadat, 5x temporary event notices ("the notice") in respect of proposed temporary licensable activities due to take place between 14th Feb and 11th March 2017 at Two Ten, 210 High Street Beckenham, BR3 1EN. The Metropolitan Police served an Objection Notice on the licensing authority on 30th January 2017. The licensing authority is satisfied that the notice is valid and if your event were to take place the crime prevention objective would be undermined.


All parties agreed that a hearing of the Licensing Sub Committee was necessary and your case was considered at hearing on 15th February 2017. The decision of the Licensing Sub Committee was to prohibit your event from taking place, as it would undermine the crime prevention objective of the Licensing Act 2003.

Therefore your events are prohibited from taking place

A copy of this counter notice will be sent to the chief officer of police for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003 a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE		DATE	15/feb/17
	On behalf of the Licensing Authority		
Name of Officer Signing	Stephen Phillips		



The Government Standard

**PRESCRIBED FORM OF COUNTER NOTICE
(LATE TEMPORARY EVENT NOTICE)**

The prescribed form for a counter notice (late temporary event notice) is as follows:

LONDON BOROUGH OF BROMLEY
LICENSING TEAM
PUBLIC PROTECTION
CIVIC CENTRE
STOCKWELL CLOSE
BR1 3UH

Counter Notice (Late Temporary Event Notice) – Permitted Temporary Activities

On 29th January the licensing authority received from you, Sayed Sadat a late temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 10 – 11 February 2017 at Two Ten 210 High Street Beckenham Kent BR3 The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”).

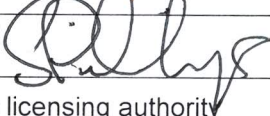
The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	Stephen Phillips 	DATE 1 st February 2017
On behalf of the licensing authority		
Name of Officer Signing	Stephen Phillips	



THE LONDON BOROUGH
www.bromley.gov.uk

LICENSING ACT 2003
SECTIONS 104 TO 107

COUNTER NOTICE TEMPORARY EVENT

On 17th January 2017 the licensing authority received from you, Mr S Sadat, a temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on 3rd to 5th February 2017 at Two Ten , 210 High Street Beckenham, BR3 1EN. The Metropolitan Police served an Objection Notice on the licensing authority on 18th January 2017. The licensing authority is satisfied that the notice is valid and if your event were to take place the crime prevention objective would be undermined.

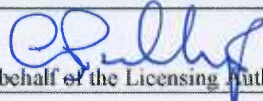
All parties agreed that a hearing of the Licensing Sub Committee was necessary and your case was considered at hearing on 30th January 2017. The decision of the Licensing Sub Committee was to prohibit your event from taking place, as it would undermine the crime prevention objective of the Licensing Act 2003.

Therefore your event is prohibited from taking place

A copy of this counter notice will be sent to the chief officer of police for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003 a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE		DATE	30/Jan/17
Name of Officer Signing	Stephen Phillips		



The Government Standard



Temporary Event – Objection Notice.
S. 104 Licensing Act 2003

Name: Andrea O'Donnell

Rank: Police Constable 908

Hereby gives notice of an objection on behalf of The Chief Officer of Police to Temporary Event Notice received:

From: Sayed Sadat

Date Received: 30th January 2017

Event Dates & Times: 15:00 – 23:39 hours on Tuesday 14th February, Friday 17th and Saturday 18th February, Friday 24th and Saturday 25th February, Friday 3rd and Saturday 4th March, Friday 10th and Saturday 11th March 2017

Location of Event: Two-Ten 210 High Street, Beckenham, Kent, BR3 1EN

It is the opinion of The Metropolitan Police Service that to allow the premises to be used in accordance with the Temporary Event Notice would undermine the crime prevention and protecting children from harm objective.

Reason: The Temporary Event Notice submitted by Two-Ten is of concern to Bromley Borough Police for the following reasons.

Geography

The premise is located in The High Street, Beckenham, and is nearby to numerous other licensed premises. This whole area is frequented by large numbers of people, many of whom are drunk by the end of the evening. The street can become busy as they look for food or seek to leave the area either on foot or on public transport.

There is a cab office nearby, which is already used by a great many people. In recent times the High Street, the Kebab shop and the travel hub of Beckenham Junction have been the Flashpoint for violence and disorder. Although some of this trouble can be attributed to customers of known venues, some of it cannot.

The High Street Beckenham and the surrounding area are subject to a cumulative impact policy (CIP). This is due to the number of licensed premises, their opening hours and the associated problems with crime and disorder. The High Street area is a 'hot spot' for crime and it is well known that the customers that use the licensed premises in this area are responsible for, if not the victims of, the high number of alcohol related assaults that take place. They are also involved in disorder and issues around public nuisance. Two-Ten is situated within this area.

Looking at crimes of violence recorded as happening in the High Street area, Police records show that there were 109 recorded crimes in 2016 connected to the night time economy by either time of night, alcohol or both. This is a slight increase when compared to 2015. The continued rise is of concern to police. This figure does not include unreported incidents/crimes found by this office (found on LBB CCTV for example). The offences include public order offences such as affray, and assaults ranging from common assault to GBH.

It is clear to police that this particular area of Beckenham which includes this venue, has a problem with drunken customers who seem intent on fighting each other. This venue is new to the area but it is likely it will feed into the nightclubs and area known locally as The Beckenham Triangle, which is a flash point for violence as patrons look to leave the area.

TEN Application

The permitted hours for the premises on the date asked for are as follows; Everyday 07:00 - 23:40 hours - this is subject to a 20 minute drinking up time on top of the permitted hours. The TEN mirrors the permitted hours but seeks to include the first floor and garden area of the venue which are currently not licensed to sell alcohol. This would increase the size of the venue by two thirds.

This TEN is described as to enable the applicant to serve alcohol to his customers on the first floor and the outdoor terrace of the property while the variation to the licence is being approved. The applicant states he would like the same conditions as on his current licence.

Venue History

Two-Ten only opened just before Christmas 2016. It was clear on meeting with the owner/DPS that he was new to licensing. He was not aware of the CIP for Beckenham and his vision was to run a lounge style restaurant/bar where people could come before going on to clubs. Following on from this Mr Sadat stated he would run his venue as a restaurant and accepted police conditions. However the licence applied for was only for the ground floor internal space. The outdoor area and the first floor were not applied for, so over the Christmas/New Years period the venue ran on TENS. These TENS, as I am led to believe, generated considerable public complaints to the LBB noise team, in relation to the use of the garden.

On 6th January 2017 I visited Two-Ten with Steve Phillips to discuss the issues. We discussed that the outside bar could not be used as it is not licensed. We spent a considerable amount of time explaining the conditions on the premises licence and that they must be complied with. It was noted that CCTV had not yet been installed but we were assured it would be completed that afternoon. I advised Mr Sadat that it was likely that a licensing visit would be conducted over the weekend.

On 7th January 2017 at about 21:00 hours myself and Steve Phillips attended the venue to conduct a licensing visit. The ground floor appeared to be operating as a restaurant. However I noticed customers attempting to enter the garden with alcohol and they had to be asked to go back inside. A short while later customers could be seen standing in the restaurant drinking alcohol unchallenged. The owners thought this was acceptable as they had eaten earlier and were now talking to friends. The garden was being used in its entirety for shisha and smoking with the awning/roof covering the area. No one was eating in the garden but the bar was displaying alcohol. Customers were drinking outside but all drinks were decanted so it was impossible to tell what was in the glasses without questioning. The owner was at pains to point out one customer who was sat drinking a bottle of wine claiming this was BYO.

I served a Section 19 closure notice on the venue for the vertical drinking, drinking in the garden and for the alcohol on display in the garden. It became clear later in the visit that the bar in the garden was actually the bar for dispensing all drinks in the venue. As the closure notice was already served Mr Sadat and Ms Gosrani were advised that the use of this bar needed to stop immediately and all alcohol needed to be removed from display and the bar needed to be within the licensed area.

CCTV footage was subsequently requested to check the events of that weekend and to check compliance with the CCTV condition. Mr Sadat was unable to provide a copy of the CCTV for that weekend due to issues with his cloud storage. This meant he was unable to comply with his CCTV condition which states;

The Premises will have an effective and well managed CCTV system, which must be maintained to ensure that it is always fully operational. The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain 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 securely and be capable of being downloaded onto removable media. A member of staff must be present who can both operate the system and supply copies of these images on request to a Police, Council or other authorised Officer. The recordings shall be kept for a minimum of 31 days.

On 28th January police visited the venue again to follow up the CCTV issue. The CCTV was still not working and the venue was served another closure notice. On the evening police noticed that there were under 18's in the shisha garden terrace. They were not drinking or eating and the owners advised that they had arrived just before us. The owner states he wants to run a traditional restaurant although the majority of the customers in the garden appeared to be there for shisha not food. The roof of the garden was closed and having now researched the law around smoking, the venue is breaching smoking laws and having children in this environment causes me concern for their health and wellbeing.

The garden bar appeared closed and customers did not appear to be drinking alcohol outside. I have now cancelled my original closure notice but at the time of writing I have still not had confirmation that the CCTV is working and this notice remains live.

I am also aware that the fire brigade have raised safety concerns for the first floor in the event of a fire.

Conclusion

The applicant is still failing to comply with the conditions on his licence despite repeated attempts to assist him. The applicant is also failing to comply with smoke free legislation; Steven Phillips has explained what needs to be complied with, he has provided the applicant and Mr Mirpuri,

the manager of the shisha garden, with literature on what the venue needs to do to comply with the law around smoking, 210 continues to break the law. On every visit by police and council the roof has been closed making the terrace an enclosed space. There are no, “No Smoking” signs displayed. No reminder notices displayed where customers receive tobacco of, “it is illegal to supply tobacco products to anyone under the age of 18”. There are no health warnings or age warnings on the water pipes.

Until the applicant complies with the conditions on his premises licence Police cannot support this TEN application to increase the size of his venue. In addition police would not support alcohol being consumed or sold in the terrace area until the applicant complies with smoking legislation. Police believe that the applicant is not taking his responsibilities to promote the licensing objectives seriously and he is attempting to run his venue as a bar with restaurant conditions.

This will inevitably have a detrimental impact on an area that is already subject to a CIP

Bromley Borough Police believe that with these TENs in place there is a strong likelihood that there will be a detrimental impact on the licensing objectives and it is asked that it be refused.

Signature: Andrea O'Donnell PC908PY



Environmental Services

Civic Centre, Stockwell Close, Bromley BR1 3UH

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Direct Line: 020 8313 4260

Email:

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Fax: 020-8313 4450

Internet: www.bromley.gov.uk

DX5727 Bromley

Our Ref: 17/00115/INIT

COF
[Handwritten signature]

TWO-TEN Restaurant Ltd
210 High Street
Beckenham
Kent
BR3 1EN
Attention: Mr S Sadat

9TH February 2017

Dear Mr Sadat

WARNING LETTER

AL FAKHER - MOLASSES

CONSUMER PROTECTION ACT 1987

CONSUMER PROTECTION – The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended)

TOBACCO & RELATED PRODUCTS REGULATIONS 2016

This Office has received information from our licensing colleagues within Public Protection that you are supplying the above shisha product from your premises situated at 210 High Street, Beckenham, Kent, BR3 1EN.

You can only sell shisha products which have been legally imported into the UK and have had their excise duty paid and comply with the above Regulations. Invoices for the products you purchase should be kept in the building, we made need your suppliers' details; if you paid less than £85 per Kg, the products will clearly not be legal.

The product which we have been notified you are supplying to customers (see enclosed picture) is not legal as it does not carry the same warnings on the packaging which you will see on a cigarette packet. If you cannot find a legal source of shisha tobacco, you will only be able to sell herbal shisha which must also carry a specified health warning.

Furthermore the labelling of any water pipes will have to carry the same written and picture warnings as mentioned above. It may be an option to provide a notice to the customer at the time of the supply of the Shisha giving the appropriate warnings.

If you fail to comply with the above labelling requirements you could have the shisha products seized by trading standards or customs officers and be prosecuted in the court. I have enclosed guidance notes for your information..

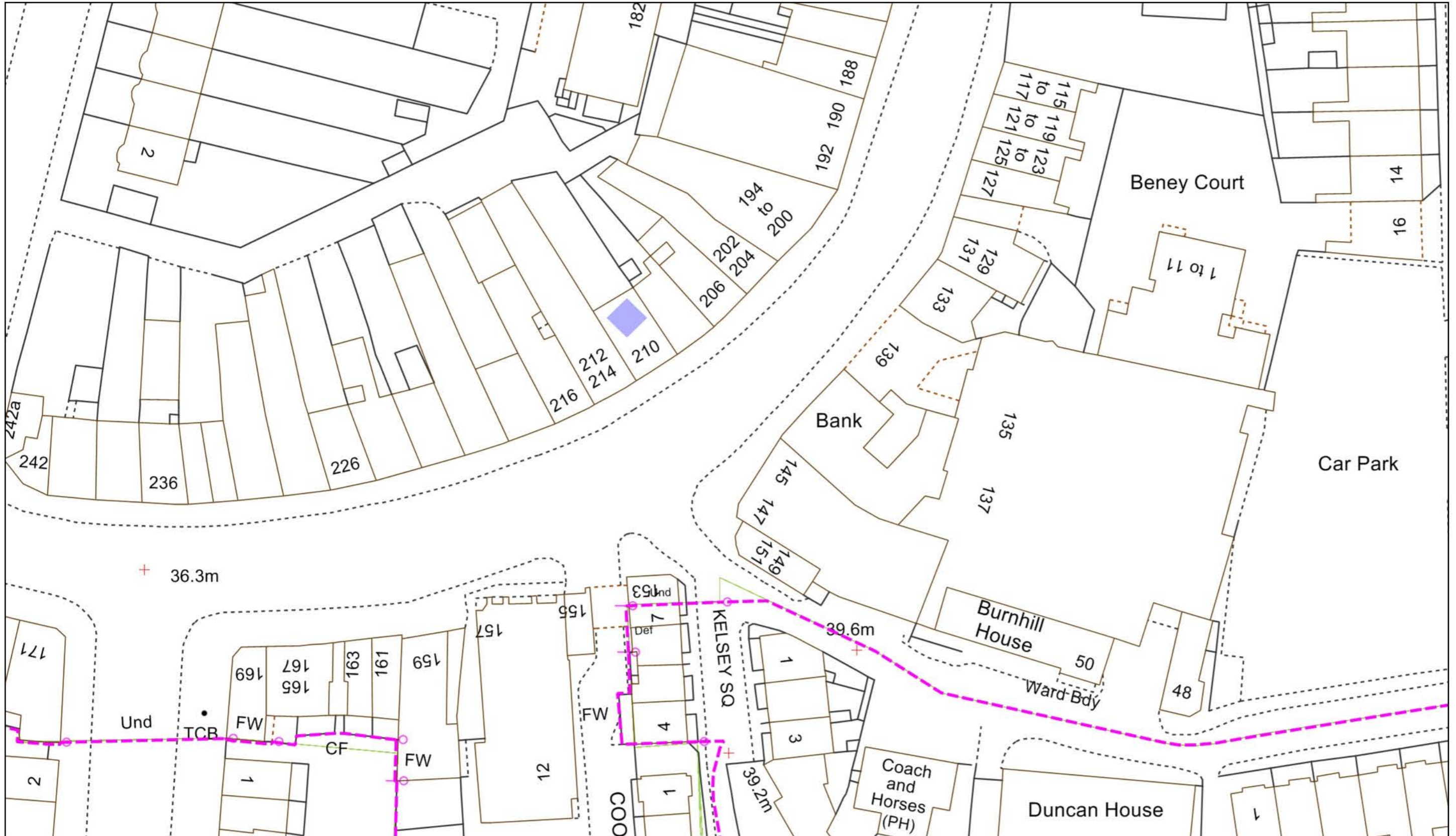
Yours sincerely,

Matthew Smith
Senior Consumer Protection Inspector

Appendix 5

Two Ten Licence Map

1:500



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