

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 2.00 pm on 27 April 2018

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillors Mary Cooke and Tony Owen

48 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett JP, was appointed Chairman.

THE CHAIRMAN TO MOVE THAT THE ATTACHED REPORTS, NOT INCLUDED IN THE PUBLISHED AGENDA, BE CONSIDERED AS A MATTER OF URGENCY ON THE FOLLOWING GROUNDS:

The Council has a statutory obligation to ensure that TENS applications are heard and dealt with in accordance with the statutory guidelines and urgently if required.

49 DECLARATIONS OF INTEREST

There were no declarations of interest.

50 Application for Two TENS at Patricks, 5 High Street, Beckenham, BR3 1AZ

The applications were for two temporary event notices for 7th May and 28th May 2018 from 01.00 hours to 02.30 hours with the premises cleared by 03.00 hours. Both applications were subject to an objection notice from the Metropolitan Police.

PC Andrea O'Donnell on behalf of the police explained that the business had recently operated some late night TENS which in the police's view had not been entirely successful and have had a detrimental impact on the crime and disorder licensing objective. She spoke to the written objection from the police as to incidents arising from late night TENS on 18th March 2018 and also on 31st March 2018. Concerns from the police had been raised by letter dated 18th April 2018. The letter set out concerns that the CCTV footage was overridden (in spite of a request for the footage made in good time), as to the supervision of an outside smoking area at the front of Patrick's, lack of management of the dispersal of Patrick's customers and the premises incident log not being completed. The Sub-Committee was shown CCTV evidence of issues arising outside of the premises to substantiate this evidence.

Mr Dicks, a Director, spoke to the Sub-Committee in support of his application. He had some 17 years' experience. The premises for many years

had operated under TENS. In the previous year, the business used its full entitlement to TENS with no incidents. The CCTV goes on a loop to a hard drive and the CCTV was not intentionally overridden. The incidents for the first occasion occurred at a time when a TENS was not in operation. His staff did intervene but he agreed did not supervise the outside smoking area. For the second occasion, part of the problems had arisen from two professional boxers who had visited the premises but caused mayhem in the area generally – they were strangers and not typical of his clientele. If issues arise, he seeks to manage without calling the police in case this is deemed to be a black mark. With reference to the incident log, no incident had occurred within the premises.

The Sub-Committee felt that the answers given to a number of their questions were unsatisfactory. They were concerned that the CCTV record had been lost even when requested by the police, that the incident log was incomplete, the apparent reluctance to the business to call the police, that the smoking area had not been inadequately supervised and the dispersal arrangement were also unclear. They were not satisfied that all these matters would be addressed by the dates requested. Members concluded the TENS applications would result in harm to the prevention of crime and disorder objective and should therefore be refused.

51 TENS Application for 210 Beckenham High Street

The application was for a temporary event notice for 9th June 2018 between 18.00 hours and 02.00 hours. If granted the hours of business would be extended for 1 hour between 9-10th June 2018 and would allow vertical drinking.

Ms Gosrani, the Designated Premise Supervisor, spoke to the Sub-Committee in support of the application. The TENS was sought to allow a private booking for a customer's 30th birthday party. A mix of family and friends would attend including grandparents, uncles and aunts with an expected age of between 20-70 years. The event would be by invitation only. The venue would provide a full 3 course meal catering in buffet style and the vertical drinking was sought to allow customer mingling. The one hour extension was to accord with the customer request. The outdoor terrace would be closed to customers at the usual licensed times and all music would be stopped outside as normal. Windows and doors would remain closed, cabs would be arranged for those that require them and customers could wait in the premises pending their collection.

PC Andrea O'Donnell addressed the Sub-Committee on behalf of the police. The venue had experienced numerous noise complaints from residents whose properties are close to the venue especially the garden area. Although the venue appeared to operate within the limits of its licence, noise from the venue was causing ongoing distress to local residents. There was a particular concern regarding the garden area. An extension to the permitted hours should therefore not be granted.

PC O'Donnell clarified that the reference to music coming from the garden on 13th April 2018, not being played through the noise limiter, should be removed from the police objection.

The Sub-Committee considered all the representations. They noted the event provided a full three course meal, was for a private party by invitation only for which a wide range of age groups were expected. Given the character of the event, Members concluded that the TENS could proceed without harm being caused to the Licensing Objectives.

Chairman