

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH



THE LONDON BOROUGH  
www.bromley.gov.uk

TELEPHONE: 020 8464 3333 CONTACT: Steve Wood  
*stephen.wood@bromley.gov.uk*  
DIRECT LINE: 020 8313 4316  
FAX: 020 8290 0608 DATE: 19 April 2018

To: Members of the  
**LICENSING SUB-COMMITTEE**

Councillors Mary Cooke and Tony Owen

A meeting of the Licensing Sub-Committee will be held at Committee Rooms -  
Bromley Civic Centre on **FRIDAY 27 APRIL 2018 AT 2.00 PM**

There will be a pre-meeting for Council Members and officers at 1.45pm.

MARK BOWEN  
Director of Corporate Services

## A G E N D A

### 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

### 2 DECLARATIONS OF INTEREST

**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.

### 3 APPLICATION FOR TWO TENS AT PATRICKS, 5 HIGH STREET, BECKENHAM, BR3 1AZ Copers Cope

**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.

### S4 TENS HEARING FOR 210 BECKENHAM HIGH STREET

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Report No.  
ES18041

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** LICENSING SUB-COMMITTEE

**Date:** FRIDAY 27<sup>TH</sup> April 18

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

**Title:** APPLICATION FOR TWO TEMPORARY EVENT NOTICES FOR THE 7<sup>TH</sup> AND 28<sup>TH</sup> MAY 2018 AT PATRICKS 5 HIGH STREET BECKENHAM

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

**Chief Officer:** Nigel Davies, Executive Director: Environment and Community Services

**Ward:** Copers Cope;

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1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.

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2. RECOMMENDATIONS

- 2.1 Members are asked to decide on this application having received written and oral evidence. The options include: -

1. Grant the temporary events notice as applied.
2. Grant the Temporary Event notice with conditions currently appearing on the Premises Licence.
3. Uphold the objections made by the Metropolitan Police and refuse the application by serving a Counter Notice.

Impact on Vulnerable Adults and Children

## 1. Summary of Impact:

When making decisions under the Licensing Act 2003 the Council is required to promote the licensing objectives, one of which is the protection of children from harm.

Corporate Policy

## 1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2016 to 2021.

## 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.
2. Ongoing costs: Non-Recurring Cost
3. Budget head/performance centre:
4. Total current budget for this head: £
5. Source of funding:

Personnel

1. Number of staff (current and additional): 2 Licensing Officers supported by 3.5 FTE admin
2. If from existing staff resources, number of staff hours:

Legal

1. Legal Requirement: Statutory Requirement: The Council is the Licensing Authority for the Licensing Act 2003. This is a Non-Executive function and is delegated to the General Purposes and Licensing Committee. Where representations are received about a licence application, it is referred to the Licensing Sub Committee for a hearing and decision.
2. Call-in: Not Applicable:

Procurement

1. Summary of Procurement Implications: Not applicable

Customer Impact

1. Estimated number of users/beneficiaries (current and projected) up to 5000: If this application is granted, the applicant Mr Patrick Dick will be the beneficiary of the Notice. Once a Notice is submitted it can be transferred by the holder to other people or businesses. When determining this application Members will also need to balance the benefits of holding the Notice against any adverse effects to local residents and businesses by considering the impact on the licensing objectives

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? NO. Ward Members are not notified of TENS applications specifically. They do however receive a weekly list of TENS for the upcoming three weeks for the whole borough as an FYI notification only.
2. Summary of Ward Councillors' comments: N/A

### Responsible Authorities Views

The following Responsible Authorities were notified about this application and their views sought

Responsible Authority	Date Notified	Comments (further details in Appendix 3)
Metropolitan Police	13 <sup>th</sup> April 18	17 <sup>th</sup> April 18
Planning Authority	N/A	
Trading Standards Service	N/A	
Public Health Nuisance Team	13 <sup>th</sup> April 18	Nil Return
Health & Safety Team	N/A	
Child Protection Team	N/A	
Fire Authority	N/A	
Public Health	N/A	

## COMMENTARY

### **.Licensing Act 2003.**

The Licensing Act 2003 states that any premises require 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 Bromley's Statement of Licensing Policy for the Period 2016 – 2021.

The Licensing Sub-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.

Members' attention is drawn to the following parts of the policy which are relevant to this application

Special Policy of Cumulative Impact

Where any premises are not licensed or their license does not permit an activity the Act provides for a person to give a Temporary Event Notice (TEN).

TENs are subject to limitations including

- a) Standard applications must be made a minimum of 10 working days before the event.
- b) Up to 10 late applications can be made between 9 and 5 days before an event.
- c) 15 applications can be made for any one premises in a year (Jan to Dec).
- d) An event can last UP TO 168 HRS (7 days).
- e) The maximum number of days in a year that can be permitted by TENs is 21.
- f) The maximum number of people attending an event is 499.

Where these conditions are met the Council must acknowledge the application on the following day.

Copies of an application are served on both the Police and the Public Health Nuisance Team. Either of these Responsible Authorities have 3 working days after the date of receipt to object to an application.

The application forms were submitted by Robert Tillen on 17<sup>th</sup> November 2015 ( Appendix1) for a standard TEN and the Police Objection (Appendix 2 ) was received on <sup>th</sup> November 2015..

Where an objection is made to a standard TEN the Council must hold a hearing to determine the application at least 24 hours before the start of the period covered by the TEN. Where objections are made to a late application the application is automatically refused.

## **Description of the Premises**

The premise sits on High Street Beckenham and is an Irish Themed Sports/ Music Bar. It currently holds a premises licence which can be found at appendix 3

## **Licensing History**

The premises have been in place since the Licensing Act 2003 came into force and has remained relatively unchanged in that time. It has been the subject to a number of Tens over this time. For many years and has suffered from sporadic complaints in respect noise to the rear of the premises but this has abated over recent times.

## **Details of the Application**

This application is for two temporary events notices for 7<sup>th</sup> and 23<sup>rd</sup> May 2018 from 0100hr to 0230hrs with the premises cleared by 0300hrs. Both notices are subject to an objection Notice from the Metropolitan Police..

A copy of each notice and the objection notices are contained in appendix 1 and 2

## **Representations**

During the consultation period the Council received an Objection Notice for each application from the Metropolitan Police.

## **IMPACT ON VULNERABLE ADULTS AND CHILDREN**

Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.

Businesses and the Council are required to promote these objectives in the way they operate or make decisions.

## **POLICY IMPLICATIONS**

Both the Licensing Act 2003 and the Gambling Act 2005 require the Council to prepare, consult on and publish statements of their licensing policy. These must be reviewed at least every 5 years under the Licensing Act and 3 years under the Gambling Act.

Members should make decisions in accordance with these policies but are free to depart from them with good reason.

The current policies are -

- Statement of Licensing Policy 2016 – 2021

[http://www.bromley.gov.uk/downloads/file/226/statement\\_of\\_licensing\\_policy\\_2016-2021](http://www.bromley.gov.uk/downloads/file/226/statement_of_licensing_policy_2016-2021)

- Statement of Gambling Policy 2016-2019

[http://www.bromley.gov.uk/downloads/file/325/gambling\\_policy](http://www.bromley.gov.uk/downloads/file/325/gambling_policy)

## **FINANCIAL & LEGAL IMPLICATIONS**

There are rights of appeal to the Magistrates Court against the decision of the Sub-Committee under both the Licensing and Gambling Acts. If an appeal were to be lodged there are costs associated with defending it. These are difficult to quantify and the Courts can award costs. In the event of a successful appeal we could pay the costs of the appellant as well as our own. Equally if we successfully defended an appeal, it is open to the Court to order our costs to be paid by the appellant.

- 6.2 Parties involved in a hearing before a Sub-Committee can also seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.
- 6.3 The Council has adopted a procedure for the conduct of hearings.

<b>Non-Applicable Sections:</b>	Personnel and Procurement implications
Background Documents: (Access via Contact Officer)	Soft File Computer based records



## Appendix 1

### TENs 7th May and Police Objection



**Bromley**  
**Application for a Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensing@bromley.gov.uk](mailto:licensing@bromley.gov.uk)  
 Telephone: 0208 313 4218

\* required information

### Section 1 of 9

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

Not Currently In Use

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?

Yes  No

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

### Applicant Details

First name

Patrick

Family name

Dick

E-mail address

patrick1@btinternet.com

Main telephone number

07767 678 198

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

Registration number

4111151

Business name

Patrick's

If your business is registered, use its registered name.

VAT number

GB 79223777

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

Legal status

Private Limited Company

*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 9****APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes  No

Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number 

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth **Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name Street District City or town County or administrative area Postcode Country

*Continued from previous page...***Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="patricks1@btinternet.com"/>
Telephone number	<input type="text" value="07767 678 198"/>
Other telephone number	<input type="text"/>

**Section 3 of 9****THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes  No

**Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Patrick's"/>
Street	<input type="text" value="5 High Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Beckenham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="BR3 1AZ"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither  Premises licence  Club premises certificate

Premises licence number	<input type="text" value="07/00626/LAPRE"/>
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**Location Details**

Provide further details about the location of the event

**Continued from previous page...**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

N/A

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

BAR

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

MAY BANK HOLIDAY MONDAY

**Section 4 of 9****LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 7](#)).

**Event Dates**

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 8](#))

Event start date

/  /   
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/  /   
dd mm yyyy

*Continued from previous page...*

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

01.00 - 02.30  
premises cleared by 3am  
3 door staff  
no admittance into premises after 00.30

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 10\)](#)

180

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

### Section 5 of 9

#### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

n/a

### Section 6 of 9

#### PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

*Continued from previous page...*

Date of issue  /  /   
 dd mm yyyy

Date of expiry  /  /   
 dd mm yyyy

Any further relevant details

**Section 7 of 9****PREVIOUS TEMPORARY EVENT NOTICES** ([See also guidance on completing the form, note 14](#))

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes  No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9****ASSOCIATES AND BUSINESS COLLEAGUES** ([See also guidance on completing the form, note 15](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

**Continued from previous page...**

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  
 b) Begins 24 hours or less after the event period proposed in this notice?
- Yes  No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  
 b) Begins 24 hours or less after the event period proposed in this notice?
- Yes  No

**Section 9 of 9****CONDITION** ([See also guidance on completing the form, note 17](#))

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**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.  
 This formality requires a fixed fee of £21

**DECLARATION** ([See also guidance on completing the form, note 18](#))

- \* The information contained in this form is correct to the best of my knowledge and belief
- \* I understand that it is an offence:
  - \* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

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



**Continued from previous page...**

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?"

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/temporary-event-notice/bromley/apply-1> to upload this file and continue with your application.

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

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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**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:** Patrick DICK

**Date Received:** Friday 13/04/2018

**Event Dates & Times:** 28/05/2018 01:00 to 02:30 hours premises cleared by 03:00

**Location of Event:** Patricks – 5 High Street, Beckenham BR3 1AZ

**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 and disorder and public safety objectives.**

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

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. Patricks is situated within this area.

Police have recently allowed Patricks to trial some late night TENs. It is police's view that these have not been entirely successful and have had a detrimental impact on the crime and disorder licensing objective;

On 18<sup>th</sup> March 2018 Patricks had a late night TEN in operation. A woman was assaulted at around midnight outside the location. She claimed to have been a Patricks customer. Council CCTV shows the fight occurring in the High Street between Patricks and O'Neills. From viewing the CCTV door staff appear unwilling to intervene in the fight and it escalates. Patricks did not call police to this incident and when police did arrive all available emergency response team officers were needed to restore order.

During the incident on the 18<sup>th</sup> customers can be seen entering Patricks after midnight. This was contrary to an undertaking given by the venue of no entry after midnight. This in police's view has encouraged people to loiter in the area rather than dispersing.

Police have a meeting booked with Mr Dick for 18/04/2018, to discuss this event and what happened.

On Saturday 31/03/2018 the following violent crimes reported relevant to the hours Patrick has requested;

0200 O/S Bridge Bar – Assault – male Patricks customer is seen on CCTV to assault a number of females in the area. He spits at one, pushes another to the floor and knocks another's food from her hands.

02:00 hours O/S O'Neill's – GBH – male involved in a fight at location. He sustained a swollen eye and a cut head. Witnesses thought a belt or bottle caused the injuries.

0300 O/S Regency Cars – Assault – male punched a taxi driver in the face and then began publicly urinating.

Police have also received complaints from residents in the area highlighting concerns over crime and disorder, noise and litter. A copy of their email is attached.

The permitted hours for the premises on the date asked for is ; Sunday 27<sup>th</sup> May 01:00 hours (Bank Holiday trading normally 23:00) subject to a 30 minute drinking up time on top of the permitted hours. The TEN seeks to increase permitted hours to 02:30 on Sunday night/ Monday morning (plus, a 30 minute drinking up period).

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 situated in the area known locally as The Beckenham Triangle, which is a flash point for violence as patrons look to leave the area.

This TEN is described as May Bank holiday. Patrick's is licensed to operate as a bar and as such does not have licensing conditions that reflect a late night venue. The venue appears to simply want to serve alcohol for longer. This will do no more than fuel already drunk customers. The timings asked for will put the customers of this venue on to the street at the most volatile time of the evening as customers from the late night venues attempt to make their way home. Dispersal options are limited and already stretched and by Patricks staying open later this is likely to exasperate this situation and put customer's safety at risk.

The venue has offered some undertakings to promote the licensing objective however on 18<sup>th</sup> March, at least one of the undertakings that Patrick's offered for that TEN was not honoured and a female customer was assaulted and a fight ensued outside the venue. The Easter weekend again saw disorder in the Triangle.

Bromley Borough Police believe that with this TEN 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**

## Appendix 2

### TENs 28th May and Police Objection



**Bromley**  
**Application for a Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensing@bromley.gov.uk](mailto:licensing@bromley.gov.uk)  
 Telephone: 0208 313 4218

\* required information

### Section 1 of 9

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

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Not Currently In Use

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?

- Yes  No

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

### Applicant Details

First name

Patrick

Family name

Dick

E-mail address

patrick1@btinternet.com

Main telephone number

07767 678 198

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

Registration number

4111151

Business name

Patrick's

If your business is registered, use its registered name.

VAT number

GB

79223777

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

Legal status

Private Limited Company

*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 9****APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes  No

Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number 

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth **Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name Street District City or town County or administrative area Postcode Country

*Continued from previous page...***Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

**Section 3 of 9****THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes                       No

**Address**

Is the address the same as (or similar to) the address given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither       Premises licence       Club premises certificate

Premises licence number **Location Details**

Provide further details about the location of the event



*Continued from previous page...*

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

N/A

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

BAR

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

MAY BANK HOLIDAY MONDAY

**Section 4 of 9**

**LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 7](#)).

**Event Dates**

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 8](#))

Event start date       /  /   
dd                      mm                      yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date         /  /   
dd                      mm                      yyyy

*Continued from previous page...*

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

01.00 - 02.30  
premises cleared by 3am  
3 door staff  
no admittance into premises after 00.30

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 10\)](#)

180

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

### Section 5 of 9

#### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

n/a

### Section 6 of 9

#### PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

*Continued from previous page...*

Date of issue  /  /   
 dd mm yyyy

Date of expiry  /  /   
 dd mm yyyy

Any further relevant details

**Section 7 of 9****PREVIOUS TEMPORARY EVENT NOTICES** ([See also guidance on completing the form, note 14](#))

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes  No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9****ASSOCIATES AND BUSINESS COLLEAGUES** ([See also guidance on completing the form, note 15](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

**Continued from previous page...**

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  
 b) Begins 24 hours or less after the event period proposed in this notice?
- Yes  No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  
 b) Begins 24 hours or less after the event period proposed in this notice?
- Yes  No

**Section 9 of 9****CONDITION** ([See also guidance on completing the form, note 17](#))

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**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.  
 This formality requires a fixed fee of £21

**DECLARATION** ([See also guidance on completing the form, note 18](#))

- \* The information contained in this form is correct to the best of my knowledge and belief
- \* I understand that it is an offence:
  - \* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

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

**Continued from previous page...**

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?"

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/temporary-event-notice/bromley/apply-1> to upload this file and continue with your application.

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

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) Next >



**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:** Patrick DICK

**Date Received:** Friday 13/04/2018

**Event Dates & Times:** 28/05/2018 01:00 to 02:30 hours premises cleared by 03:00

**Location of Event:** Patricks – 5 High Street, Beckenham BR3 1AZ

**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 and disorder and public safety objectives.**

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

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. Patricks is situated within this area.

Police have recently allowed Patricks to trial some late night TENs. It is police's view that these have not been entirely successful and have had a detrimental impact on the crime and disorder licensing objective;

On 18<sup>th</sup> March 2018 Patricks had a late night TEN in operation. A woman was assaulted at around midnight outside the location. She claimed to have been a Patricks customer. Council CCTV shows the fight occurring in the High Street between Patricks and O'Neills. From viewing the CCTV door staff appear unwilling to intervene in the fight and it escalates. Patricks did not call police to this incident and when police did arrive all available emergency response team officers were needed to restore order.

During the incident on the 18<sup>th</sup> customers can be seen entering Patricks after midnight. This was contrary to an undertaking given by the venue of no entry after midnight. This in police's view has encouraged people to loiter in the area rather than dispersing.

Police have a meeting booked with Mr Dick for 18/04/2018, to discuss this event and what happened.

On Saturday 31/03/2018 the following violent crimes reported relevant to the hours Patrick has requested;

0200 O/S Bridge Bar – Assault – male Patricks customer is seen on CCTV to assault a number of females in the area. He spits at one, pushes another to the floor and knocks another's food from her hands.

02:00 hours O/S O'Neill's – GBH – male involved in a fight at location. He sustained a swollen eye and a cut head. Witnesses thought a belt or bottle caused the injuries.

0300 O/S Regency Cars – Assault – male punched a taxi driver in the face and then began publicly urinating.

Police have also received complaints from residents in the area highlighting concerns over crime and disorder, noise and litter. A copy of their email is attached.

The permitted hours for the premises on the date asked for is ; Sunday 27<sup>th</sup> May 01:00 hours (Bank Holiday trading normally 23:00) subject to a 30 minute drinking up time on top of the permitted hours. The TEN seeks to increase permitted hours to 02:30 on Sunday night/ Monday morning (plus, a 30 minute drinking up period).

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 situated in the area known locally as The Beckenham Triangle, which is a flash point for violence as patrons look to leave the area.

This TEN is described as May Bank holiday. Patrick's is licensed to operate as a bar and as such does not have licensing conditions that reflect a late night venue. The venue appears to simply want to serve alcohol for longer. This will do no more than fuel already drunk customers. The timings asked for will put the customers of this venue on to the street at the most volatile time of the evening as customers from the late night venues attempt to make their way home. Dispersal options are limited and already stretched and by Patricks staying open later this is likely to exasperate this situation and put customer's safety at risk.

The venue has offered some undertakings to promote the licensing objective however on 18<sup>th</sup> March, at least one of the undertakings that Patrick's offered for that TEN was not honoured and a female customer was assaulted and a fight ensued outside the venue. The Easter weekend again saw disorder in the Triangle.

Bromley Borough Police believe that with this TEN 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**



## Appendix 3

### Current Licence

**LICENSING ACT 2003****Premises Licence  
London Borough of Bromley**

Premises licence number

**08/00758/LAPRE**

Signed

Paul Lehane  
Food, Safety and Licensing ManagerLicence Granted 24<sup>th</sup> November 2005                      Issue Number:                      **004**  
This licence consists of **8** pages (Including Licence Summary)**Part 1 – Premises Details****Postal address of premises, or if none, ordnance survey map reference or description**Patricks  
5 High Street  
Beckenham  
Kent  
BR3 1AZ**Where the licence is time limited the dates**

Not applicable.

**Licensable activities authorised by the licence**Sale or Supply of Alcohol  
Alcohol Off Sales  
Late Night Refreshment  
Films  
Live Music  
Recorded Music  
Performance of Dance  
Similar to Live, Recorded Music or Dance  
Facilities for Making Music  
Provision of Facilities for Dancing  
Entertainment similar to above

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

Both On and Off Supplies

**The opening hours of the premises**

From the start of permitted hours until 30 minutes after the end of permitted hours

**Opening times of the premise and the times the licence authorises the carrying out of licensable activities.**

Sale or Supply of Alcohol on Monday to Wednesday from 10:00 to 23:00

Sale or Supply of Alcohol on Thursday from 10:00 to 23:30

Sale or Supply of Alcohol on Friday from 10:00 to 01:00

Sale or Supply of Alcohol on Saturday from 10:00 to 01:30

Sale or Supply of Alcohol on Sunday from 10:00 to 23:00

Alcohol Off Sales Timings as above

Late Night Refreshment on Monday to Wednesday from 23:00 to 23:30

Late Night Refreshment on Thursday from 23:00 to 00:30

Late Night Refreshment on Friday from 23:00 to 01:30

Late Night Refreshment on Saturday from 23:00 to 02:00

Late Night Refreshment on Sunday from 23:00 to 23:59

Films on Thursday from 10:00 to 23:59

Films on Sunday from 10:00 to 23:30

Live Music Timings as for Films

Recorded Music on Monday to Wednesday from 10:00 to 23:00

Recorded Music on Thursday from 10:00 to 23:59

Recorded Music on Friday from 10:00 to 01:00

Recorded Music on Saturday from 10:00 to 01:30

Recorded Music on Sunday from 10:00 to 23:30

Performance of Dance Timings as for Recorded Music

Similar to Live, Recorded Music or Dance Timings as for Recorded Music

Facilities for Making Music Timings as for Recorded Music

Provision of Facilities for Dancing Timings as for Recorded Music

Entertainment similar to above on Thursday from 10:00 to 23:59

Entertainment similar to above on Sunday from 10:00 to 23:30

**Part 2**

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

Evan One Limited  
of  
5 High Street  
Beckenham  
Kent  
BR3 1AZ

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

04111151, Limited Company

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

Full Name: Mr Patrick Anthony Dick  
Address: 10, Overbury Avenue, Beckenham, Kent, BR3 1AZ.

**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: 05/02838/LAPER issued by London Borough Of Bromley

**Mandatory Conditions**

1. No sale of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every sale of alcohol under the premises licence must be authorised by a personal licence holder.
3. Any individual employed at the premises as a door supervisor must hold a current registration with the Security Industry Authority to operate in that capacity.

### **Conditions consistent with the Operating Schedule**

The premises must operate in accordance with the submitted application forms and are subject to additional conditions as specified with in Part 3 ( Operating Schedule) of the form held by the Licensing Authority dated 17th October 2006, 25th July 2007 and 26th June 2008.

#### **General**

This premises shall operate as a Public House.

4. Non Standard Timings listed below are allowed in addition to the normal permitted hours of this licence:-

- 23<sup>rd</sup>, 24<sup>th</sup>, and 26<sup>th</sup> December from 10:00 to 01:00
- 27<sup>th</sup> and 28<sup>th</sup> December from 10:00 to 23:59
- On New Year's Eve from the end of permitted hours on New Year' Evev to the start of permitted hours on the following day ( or if there are no permitted hours on the following day, midnight on the 31<sup>st</sup> December)

5. Non Standard Timings listed below are allowed in addition to the normal permitted hours of this licence:-

All Licensable Activities on Sundays preceding Bank Holidays until 01:00 the morning following. and for one extra hour on St.George's, St.Patrick's, St.Andrew's and St.David's days.

#### **Prevention of Crime and Disorder**

The premise has a CCTV system in place which has been installed and maintained in liason with the Metropolitan Police Service's Crime Prevention Officer. This system covers both the inside and outside of the premises, including coverage of the courtyard area.

10. SIA registered door supervisors shall be employed at the entrance to the premises after 2100 on Thursdays and on the 23<sup>rd</sup>, 24<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> of December

### **Conditions attached after a hearing by the Licensing Authority**

7. All windows and doors are to be kept closed when regulated entertainment is taking place, except for access and egress.

8. No admittance to the premises after 2300

9. Signs must be displayed on all exits requesting that the public should leave quietly.

11. The premises does have a courtyard where the consumption of alcohol is permitted. This area is closed to the public at 23:00 to reduce the risk of disturbance

12. Closed Circuit Television Cameras (CCTV) to be installed to cover the Courtyard

13 No regulated entertainment to take place in the Courtyard

14. No lighting other than that in situ on 17<sup>th</sup> January 2007 is to be installed to light the Courtyard without the prior approval in writing by or on behalf of the Licensing Authority.

15. The door staff that are employed at the premises shall supervise the Courtyard as required

### **Plans**

Held at the Licensing Authority Ref Number 05/02175/LAPRE  
Dated: 16<sup>th</sup> June 2005.

**LICENSING ACT 2003****Premises Licence Summary****Premises licence number****08/00758/LAPRE**

Signed

Paul Lehane  
Food, Safety and Licensing ManagerLicence Granted 24<sup>th</sup> November 2005  
This licence summary consists of **3** pagesIssue Number: **004****Premises Details****Postal address of premises, or if none, ordnance survey map reference or description**Patricks  
5 High Street  
Beckenham  
Kent  
BR3 1AZ**Where the licence is time limited the dates**

Not applicable.

**Licensable activities authorised by the licence**Sale or Supply of Alcohol  
Alcohol Off Sales  
Late Night Refreshment  
Films  
Live Music  
Recorded Music  
Performance of Dance  
Similar to Live, Recorded Music or Dance  
Facilities for Making Music  
Provision of Facilities for Dancing  
Entertainment similar to above

**The opening hours of the premises**

From the start of permitted hours until 30 minutes after the end of permitted hours

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

Both On and Off Sales

**The times the licence authorises the carrying out of licensable activities**

Sale or Supply of Alcohol on Monday to Wednesday from 10:00 to 23:00

Sale or Supply of Alcohol on Thursday from 10:00 to 23:30

Sale or Supply of Alcohol on Friday from 10:00 to 01:00

Sale or Supply of Alcohol on Saturday from 10:00 to 01:30

Sale or Supply of Alcohol on Sunday from 10:00 to 23:00

Alcohol Off Sales Timings as above

Late Night Refreshment on Monday to Wednesday from 23:00 to 23:30

Late Night Refreshment on Thursday from 23:00 to 00:30

Late Night Refreshment on Friday from 23:00 to 01:30

Late Night Refreshment on Saturday from 23:00 to 02:00

Late Night Refreshment on Sunday from 23:00 to 23:59

Films on Thursday from 10:00 to 23:59

Films on Sunday from 10:00 to 23:30

Live Music Timings as for Films

Recorded Music on Monday to Wednesday from 10:00 to 23:00

Recorded Music on Thursday from 10:00 to 23:59

Recorded Music on Friday from 10:00 to 01:00

Recorded Music on Saturday from 10:00 to 01:30

Recorded Music on Sunday from 10:00 to 23:30

Performance of Dance Timings as for Recorded Music

Similar to Live, Recorded Music or Dance Timings as for Recorded Music

Facilities for Making Music Timings as for Recorded Music

Provision of Facilities for Dancing Timings as for Recorded Music

Entertainment similar to above on Thursday from 10:00 to 23:59

Entertainment similar to above on Sunday from 10:00 to 23:30



**Name, (registered) address of holder of premises licence**

Evan One Limited  
of  
5 High Street  
Beckenham  
Kent  
BR3 1AZ

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

04111151, Limited Company

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

Full Name: Mr Patrick Anthony Dick

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

As stated by the operating schedule 06/00922/LAPRE Date: 17<sup>th</sup> October 2006

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Report No.  
ES18042

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** LICENSING SUB-COMMITTEE

**Date:** FRIDAY 27<sup>TH</sup> April 18

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

**Title:** APPLICATION FOR A TEMPORARY EVENT NOTICE FOR THE 9<sup>TH</sup> JUNE 2018 AT TWO TEN 210 HIGH STREET BECKENHAM BR3 1EN

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

**Chief Officer:** Nigel Davies, Executive Director: Environment and Community Services

**Ward:** Copers Cope;

---

1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this Temporary Events Notice application.

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2. RECOMMENDATIONS

- 2.1 Members are asked to decide on this application having received written and oral evidence. The options include: -

1. Grant the temporary events notice as applied.
2. Grant the Temporary Event notice with conditions currently appearing on the Premises Licence.
3. Uphold the objections made by the Metropolitan Police and refuse the application by serving a Counter Notice.

Impact on Vulnerable Adults and Children

1. Summary of Impact:

When making decisions under the Licensing Act 2003 the Council is required to promote the licensing objectives, one of which is the protection of children from harm.

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Corporate Policy

1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2016 to 2021.

2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration

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Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

Personnel

1. Number of staff (current and additional): 2 Licensing Officers supported by 3.5 FTE admin
  2. If from existing staff resources, number of staff hours:
- 

Legal

1. Legal Requirement: Statutory Requirement: The Council is the Licensing Authority for the Licensing Act 2003. This is a Non-Executive function and is delegated to the General Purposes and Licensing Committee. Where representations are received about a licence application, it is referred to the Licensing Sub Committee for a hearing and decision.
  2. Call-in: Not Applicable:
- 

Procurement

1. Summary of Procurement Implications: Not applicable
- 

Customer Impact

1. Estimated number of users/beneficiaries (current and projected) up to 499: If this application is granted, the applicant Mr Sayed Sadat will be the beneficiary of the Notice. Once a Notice is submitted it cannot be transferred by the holder to other people. When determining this application Members will also need to balance the benefits of holding the Notice against any adverse effects to local residents and businesses by considering the impact on the licensing objectives

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? NO. Ward Members are not notified of TENS applications specifically. They do however receive a weekly list of TENS for the upcoming three weeks for the whole borough as an FYI notification only.
2. Summary of Ward Councillors' comments: N/A

### Responsible Authorities Views

The following Responsible Authorities were notified about this application and their views sought

Responsible Authority	Date Notified	Comments (further details in Appendix 3)
Metropolitan Police	19 <sup>th</sup> April 18	19 <sup>th</sup> April 18
Planning Authority	N/A	
Trading Standards Service	N/A	
Public Health Nuisance Team	19 <sup>th</sup> April 18	Nil Return
Health & Safety Team	N/A	
Child Protection Team	N/A	
Fire Authority	N/A	
Public Health	N/A	

## **COMMENTARY**

### **Licensing Act 2003.**

The Licensing Act 2003 states that any premises require 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 Bromley's Statement of Licensing Policy for the Period 2016 – 2021.

The Licensing Sub-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.

Members' attention is drawn to the following parts of the policy which are relevant to this application

Special Policy of Cumulative Impact

Where any premises are not licensed or their license does not permit an activity the Act provides for a person to give a Temporary Event Notice (TEN).

TENs are subject to limitations including

- a) Standard applications must be made a minimum of 10 working days before the event.
- b) Up to 10 late applications can be made between 9 and 5 days before an event.
- c) 15 applications can be made for any one premise in a calendar year (Jan to Dec).
- d) An event can last UP TO 168 HRS (7 days).
- e) The maximum number of days in a year that can be permitted by TENs is 21.
- f) The maximum number of people attending an event is 499.

Where these conditions are met the Council must acknowledge the application on the following day.

Copies of an application are served on both the Police and the Public Health Nuisance Team. Either of these Responsible Authorities have 3 working days after the date of receipt to object to an application.

Where an objection is made to a standard TEN the Council must hold a hearing to determine the application within 7 days and at least 24 hours before the start of the period covered by the TEN. Where objections are made to a late application the application is automatically refused.

## **Description of the Premises**

The premise sits at 5 High Street Beckenham and consists of a ground and first floor restaurant with a garden terrace which is used for alcohol, food and additionally "Shisha" the premises is currently covered by a premises licence and this is shown in appendix 3

## **Licensing History**

The premises have been in place since late 2016 and been subject to a number of visits by the police and council licensing officers for a number of issues relating the operation of the premises and its compliance with its licence conditions.

It was subject to a review in March 2017 for continued breaches of licence conditions and the failure of the management to address the issues raised.

The premises has been the subject a number of noise related issues which have been investigated by the Public Health Noise Complaints team. They are currently working to resolve them with both the premises and the complainants.

The premises is currently operating under a permitted development planning permission which expires in Dec 18. The premises has had a number of planning applications in respect of this permission refused, although these are now subject to an appeal.

## **Details of the Application**

This application is for a temporary event notice for 9<sup>th</sup> June 2018 between 1800 and 0200hrs

Nature of the event (taken directly from the application)

*A client has booked an event with us and that is to use the venue for her 30th Birthday party, they will all be having food at the beginning of the evening which they have paid for and will be available for their guests and then carry on and go outside for Shisha and cocktails afterwards and also some will remain inside too. They have hired the whole venue.*

*Due to the number of guests she has invited, we have advised her that we will need to file a TENS because there will no doubt be a lot of socializing between the guests throughout the event and building which is split into 3 parts therefore there will be a lot of movement which is means at some cases there will be vertical drinking involved.*

*The guests are attending via invitation only and the venue will be hired out solely by the client. The event is a family oriented event and will take place from 6pm and they propose the event to finish at 2am, with last drinks served at 01:40.*

*The client is happy to close the outdoor terrace as normal (1am) & continue the event inside till 2am.*

*Summary of Request for TEN.*

*Extend Hours of Business for 1 Hour on 09/06/2018 - 10/06/2018*

*Allow Vertical Drinking in all areas. (Outside Terrace till 1am)*

The notice was subject to and objection notice from the Metropolitan Police.

A copy of the notice and the objection notice are contained in appendix 1 and 2

## Representations

During the consultation period the Council received an Objection Notice form the Metropolitan Police.

## IMPACT ON VULNERABLE ADULTS AND CHILDREN

Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.

Businesses and the Council are required to promote these objectives in the way they operate or make decisions.

## POLICY IMPLICATIONS

Both the Licensing Act 2003 and the Gambling Act 2005 require the Council to prepare, consult on and publish statements of their licensing policy. These must be reviewed at least every 5 years under the Licensing Act and 3 years under the Gambling Act.

Members should make decisions in accordance with these policies but are free to depart from them with good reason.

The current policies are -

- Statement of Licensing Policy 2016 – 2021

[http://www.bromley.gov.uk/downloads/file/226/statement\\_of\\_licensing\\_policy\\_2016-2021](http://www.bromley.gov.uk/downloads/file/226/statement_of_licensing_policy_2016-2021)

- Statement of Gambling Policy 2016-2019

[http://www.bromley.gov.uk/downloads/file/325/gambling\\_policy](http://www.bromley.gov.uk/downloads/file/325/gambling_policy)

## FINANCIAL & LEGAL IMPLICATIONS

There are rights of appeal to the Magistrates Court against the decision of the Sub-Committee under both the Licensing and Gambling Acts. If an appeal were to be lodged there are costs associated with defending it. These are difficult to quantify and the Courts can award costs. In the event of a successful appeal we could pay the costs of the appellant as well as our own. Equally if we successfully defended an appeal, it is open to the Court to order our costs to be paid by the appellant.

Parties involved in a hearing before a Sub-Committee can also seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.

The Council has adopted a procedure for the conduct of hearings.

<b>Non-Applicable Sections:</b>	Personnel and Procurement implications
Background Documents: (Access via Contact Officer)	Soft File Computer based records



## Appendix 1

### Temporary Events Notice



**Bromley  
Temporary Event Notice  
Licensing Act 2003**

For help contact  
[licensing@bromley.gov.uk](mailto:licensing@bromley.gov.uk)  
Telephone: 0208 313 4218

\* required information

**Section 1 of 9**

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 address

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

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

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

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 9**

**APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes  No

Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

**Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

 Yes
                 
  No

E-mail

Telephone number

Other telephone number

**Section 3 of 9****THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

 Yes
                 
  No
**Address**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

 Yes
                 
  No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

 Neither
         
 Premises licence
         
 Club premises certificate
Premises licence number **Location Details**

Provide further details about the location of the event

**Continued from previous page...**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

We intend to use the whole premises on the event.

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Restaurant

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

A client has booked an event with us and that is to use the venue for her 30th Birthday party, they will all be having food at the beginning of the evening which they have paid for and will be available for their guests and then carry on and go outside for Shisha and cocktails afterwards and also some will remain inside too. They have hired the whole venue.

Due to the number of guests she has invited, we have advised her that we will need to file a TENS because there will no doubt be a lot of socializing between the guests throughout the event and building which is split into 3 parts therefore there will be a lot of movement which is means at some cases there will be vertical drinking involved.

The guests are attending via invitation only and the venue will be hired out solely by the client. The event is a family oriented event and will take place from 6pm and they propose the event to finish at 2am, with last drinks served at 01:40.

The client is happy to close the outdoor terrace as normal (1am) & continue the event inside till 2am.

Summary of Request for TEN.

- 1) Extend Hours of Business for 1 Hour on 09/06/2018 - 10/06/2018
- 2) Allow Vertical Drinking in all areas. (Outside Terrace till 1am)

**Section 4 of 9**

**LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.  
[\(See also guidance on completing the form, note 7\).](#)

*Continued from previous page...*

### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 8\)](#)

Event start date  /  /   
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date  /  /   
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only  
 Off the premises only  
 Both

### Section 5 of 9

#### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

### Section 6 of 9

#### PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

*Continued from previous page...*

Do you currently hold a valid personal licence?  Yes  No

**Section 7 of 9****PREVIOUS TEMPORARY EVENT NOTICES** ([See also guidance on completing the form, note 14](#))

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?  Yes  No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9****ASSOCIATES AND BUSINESS COLLEAGUES** ([See also guidance on completing the form, note 15](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?  Yes  No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?  Yes  No

*Continued from previous page...*

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes  No

- a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?

**Section 9 of 9****CONDITION** ([See also guidance on completing the form, note 17](#))

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**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.

This formality requires a fixed fee of £21

**DECLARATION** ([See also guidance on completing the form, note 18](#))

- \* The information contained in this form is correct to the best of my knowledge and belief
- \* I understand that it is an offence:
  - \* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

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?"

Full name

Capacity

Date  /  /   
dd mm yyyy

[Add another signatory](#)

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/temporary-event-notice/bromley/apply-1> to upload this file and continue with your application.

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



**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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## Appendix 2

### Police Objection Notice



**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:** 19<sup>th</sup> April 2018

**Event Dates & Times:** 9<sup>th</sup> June 2018 1800 – 0200 hours

**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 public nuisance objectives.**

**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 is located at the Triangle, 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. This venue closing at 0200 hours will only add to dispersal problems in this area at a very volatile time of night for Beckenham.

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.

### **TEN Application**

The permitted hours for the premises on the date asked for are as follows; Saturday 12:00 - 00:40 hours - this is subject to a 20 minute drinking up time on top of the permitted hours. The TEN seeks to increase permitted hours by 1 hour, to 01:40 with 20 minutes drinking up time. The applicant has also stated the garden will close at 01:00 hours.

This TEN is described as a private 30<sup>th</sup> birthday party. The applicant wishes to allow guests to be able to drink vertically throughout the venue.

### **Venue History**

Two Ten has experienced numerous noise complaints from residents whose properties are extremely close to this venue especially the garden area. Although the venue appears to operate within the limits of its licence, noise emanating from this venue is causing ongoing distress to local residents.

These complaints are generally made to the council but I have been copied in to some of them. For example on 4<sup>th</sup> February the applicant held his own birthday party at the venue. This was a private event so not licensable but residents were disturbed by loud music being played from inside the venue and people noise in the garden at 0200 hours.

I am also aware that there was a noise complaint made about the venue on Friday 13<sup>th</sup> April 2018 with the council attended. It was the view of the attending officer that the music coming from the garden was not being played through the noise limiter.

### **Conclusion**

The venue is licensed to operate a traditional restaurant in keeping with this end of the High Street and its close proximity to residential homes. The licence is very generous and offers the owner of Two Ten a great deal of flexibility. Given the recent history of Two Ten and the ongoing complaints from residents;

Bromley Borough Police believe that with this TEN 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**

**From:** [Pugh, Hedley](#)  
**To:** [Andrea.O'Donnell@met.pnn.police.uk](mailto:Andrea.O'Donnell@met.pnn.police.uk); [Bywater, Jean](#); [Riley, Nigel](#); [Hennessy, Charlotte](#)  
**Cc:** [Phillips, Steve](#)  
**Subject:** RE: 210  
**Date:** 23 April 2018 16:59:46  
**Attachments:** [Copy of List of complaints for 210 with comp. detail removed.xlsx](#)

---

Hello Andrea,

As confirmed from our meeting earlier today Environment Health has concern in respect of the use of the external area at 210 Beckenham High Street. This was highlighted within my Planning Consultation in respect of Application Reference: 17/02755/FULL1 '*Retrospective application for introduction of external ancillary seating to the rear of the property to be used for the consumption of hot food. New fencing to rear and retractable canvas awning to be installed over part of the external area which is subject to an Appeal following refusal of planning permission*'. The pertinent concerns are given below:

I note the external area at 210 is enclosed by a structure comprising of deck boards mounted horizontally with larger gaps in between. As such the current arrangement offers no acoustic attenuation to noise arising from within the rear seating area from both patrons and amplified music for the neighbouring property whose noise sensitive curtilage is less than 5 metres away.

The position is exacerbated by the use of a canopy to enclose the area leading to an intensification of use, the consumption of alcohol which influences the noise level produced by patrons and the use of background noise, which in accordance with the Lombard effect, leads to an involuntary tendency of patrons to increase their vocal effort when speaking in loud noise to enhance the audibility of their voice.

In respect of noise complaints relating to 210 over the past fifteen months over forty four visits, to seven separate complaint addresses, have been made by Out of Hours (OOH) Officers – I have attached a summary of the complaints for your information.

Most recently Officers undertook visits in respect of complaints last Friday, Saturday and Sunday – I have copied this email to the Officers involved and request they provide a witness statement to you before Friday as agreed.

Hedley

**Dr Hedley Pugh**

Environmental Protection Manager

Environment and Community Services | **London Borough of Bromley**

020 8313 4764 | [hedley.pugh@bromley.gov.uk](mailto:hedley.pugh@bromley.gov.uk) | Civic Centre, Bromley, BR1 3UH

---

**From:** Andrea.O'Donnell@met.pnn.police.uk [mailto:Andrea.O'Donnell@met.pnn.police.uk]  
**Sent:** 23 April 2018 12:33

**To:** Pugh, Hedley  
**Subject:** 210

Dear Pugh

Jean informed me that she attended a noise complaint at 210 last weekend and in her opinion it was too loud. I am also led to believe that the council attended 3 times this weekend and again the noise readings were too high.

I am attending a committee hearing on Friday as I have objected to 210's TEN application for June. It would be really useful if I could be provided with details of these cases

Thank you in advance

Andrea O'Donnell  
Bromley Police Licensing  
020 8284 8743

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**Twitter:** @metpoliceuk

Uniform Ref	Date & Time Called in	Comp Address	Comp Complaint	Visited	Officer	Officer Comment
21784390	30.12.16 23:51		LAM	N	LG	Music Stopped
21784408	31.12.16 21:30		LAM	N	LG	Comp was out
21784402	31.12.16 22:49		LAM	Y	LG	Witnessed Music
21784387	30.12.16 23:45		LAM	Y	LG	SEE 21784401
21784401	31.13.16 20:58		LAM	Y	LG	SEE 21784402
21784406	01.01.17 02:26		LAM	Y	LG	SEE 21784402
21784389	03.01.17 09:53		LAM	Y	LG	SEE 21784402
21784383	29.12.16 23:25		LAM	N	LG	Music Stopped
21784853	27.01.17 23:44		LAM	N	JB	Comp didn't want a visit, advised to call earlier.
21784983	04.02.17 23:08		LAM	Y	NR	Could hear Music, not excessive, comp: louder earlier
21785250	18.02.17 23:29		LAM	N	JB	Comp didn't want a visit, inconvenient
21785252	18.02.17 21:43		LAM	N	JB	Comp didn't want a visit, Children asleep
21785486	04.03.17 22:00		LAM	Y	CH	No Notes
21785653	11.03.17 22:%£		LAM	Y	CH	No Notes
21785655	11.03.17 21:21		LAM	Y	JB	No Music just shouting
21786016	01.04.17 23:38		LAM	N	LG	Didn't answer phone, when officer called
21786009	01.04.17 23:17		LAM	N	LG	See 21786016



21786162	04.04.17 16:13	LAM	Y	JMc	visited comps, couldn't hear the music
21789011	10.08.17 23:31	LAM	N	SB	210 Not Open
21789404	26.08.17 20:21	LAM	Y	NR	Music would disturb sleep, music and talking at same level
21789416	26.08.17 22:11	LAM	Y	NR	SEE 21789404
21789403	27.08.17 00:32	LAM	Y	NR	SEE 21789404
21789680	08.09.17 23:44	LAM	N	JB	see 21789650
21789650	08.09.17 22:15	LAM	N	JB	Premiese was already closed, Arrived at 00:25
21789697	09.09.17 21:12	LAM	Y	CC/JB	Premiese was already closed, Arrived at 00:30
21789927	22.09.17 23:09	LAM	Y	NR	No response from comps, walked by alleyways at side of houses only bearly hear music
21789979	23.09.17 23:21	LAM	Y	NR	Could Hear Music at 16
21790354	15.10.17 00:06	LAM & Shouting	Y	CH	Music was quiet, noted shouting from another bar
21790688	02.11.17 23:18	LAM	N	JB	Too late to visit, premises will be shut
21790979	18.11.17 23:12	LAM	Y	JMc	Music not audible from The Drive, comp didn't return call
21791476	17.12.17 00:17	LAM	N	CH	Too late to visit, premises will be shut, advised to call eariler
21791467	16.12.17 23:18	LAM	N	CH	SEE 21791476
21791557	23.12.17 00:23	LAM	Y	NR	Music Bearly Audible from the Bathroom
21791555	22.12.17 23:41	LAM	Y	NR	Called comp Music stopped, advised to call earlier
21791596	28.12.17 22:22	LAM	Y	JB	No music at rear of premises

21791564	27.12.17 23:24	LAM	N	JB	Too late to visit, premises will be shut
21791571	03.01.18 23:09	LAM	N	JB	Told not to visit by comp
21891671	04.01.18 23:09	LAM	Y	JMc	No Music comps, knocked at comps, they pointed to an area (not 210) and said it must have stopped
21891836	12.01.18 23:08	LAM	Y	NR	No noise, there within 20 mins
21893266	06.04.18 22:33	LAM	Y	SB	SEE 21893205
21893263	06.04.18 18:24	LAM	Y	SB	SEE 21893205
21893205	07.04.18 00:10	LAM	Y	SB	visited no music, told comp to call in the next day
21893357	13.04.18 21:46	LAM	Y	JB	Could Bearly hear the music
21893373	13.04.18 21:56	LAM	Y	JB	Didn't want a visit. See 21893357


STATEMENT OF WITNESS

*(Criminal Justice Act 1967, s. 9; Magistrates Courts Act 1980, ss. 5A (3)(a), 5B  
Criminal Procedure Rules, r 27.1(1);)*

Statement of: Charlotte Hennessy  
Age of Witness: over 18  
Occupation of Witness: Environmental Health Officer

This Statement (consisting of one page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated: 24<sup>nd</sup> April 2018

Signature: 

- 
1. I am an Environmental Health Officer employed by The London Borough of Bromley since 2011. I work within the Environmental Protection Team. I hold an MSc Postgraduate degree in Environmental Health from the University of the West of England, a Postgraduate Diploma in Acoustics and Noise Control from London Southbank University and an Undergraduate Honours degree in Law from the University of Kent. I have a certificate of registration with Environmental Health Registration Board issued by the Chartered Institute of Environmental Health and am a member of the Institute of Acoustics (AMIOA). I am authorised by the Council to undertake a range of functions including those of Part III and Schedule 3 of the Environmental Protection Act 1990.
  2. On 22<sup>nd</sup> April 2018 I was working on the London Borough Bromley's Out of Hours Noise Service. At approximately 22:00 I was informed of two complaints which had been made regarding loud amplified music from Two-Ten, 210 High Street Beckenham. At approximately 22:25 I arrived at Two-Ten and walked down the alleyway to the rear of the premises. Amplified music was clearly audible at the boundary of the nearest neighbouring property. I noted that this was the dominant noise source in the area at this time.
  3. I visited the first complainant at their property. Music emanating from Two-Ten was audible in the complainant's downstairs living accommodation to a level which would be intrusive, especially from tracks with a bass beat.
  4. I then visited the second complainant's property. Music was not audible from inside with windows closed. I went into the complainant's garden and witnessed music at a level which was clearly audible. The level was such that songs could be identified as 'Shaggy. It wasn't me' and 'Blackstreet, No Diggity' from the patio close to the property. The weather on this day was pleasant and therefore the complainant should reasonably be able to use their garden at this time. I therefore considered that the level of the music emanating from Two-Ten constituted a Statutory Nuisance in the complainants garden.

Signed  .....

## Appendix 3

### Current Premises Licence

**LICENSING ACT 2003**

**Premises Licence  
London Borough of Bromley**

Premises licence number

17/00050/LAPRE

Signed

Paul Lehane  
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 16<sup>th</sup> November 2016

Issue Number **003**

This licence consists of **12** 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  
Films  
Live Music  
Recorded Music

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

Both On & Off Sales

**The opening hours of the premises**

Hours Open to the Public on Friday and Saturday from 09:00 to 01:00  
Hours Open to the Public on Sunday to Thursday from 09:00 to 00:00

**The times the licence authorises the carrying out of licensable activities**

Sale or Supply of Alcohol on Friday and Saturday from 12:00 to 00:40  
Sale or Supply of Alcohol on Sunday to Thursday from 12:00 to 23:40  
Late Night Refreshment on Friday and Saturday from 23:00 to 01:00  
Late Night Refreshment on Sunday to Thursday from 23:00 to 00:00  
Films on Friday and Saturday from 12:00 to 01:00  
Films on Sunday to Thursday from 12:00 to 00:00  
Live Music on timings same as Films  
Recorded Music on timings same as Films

**Part 2**

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

Two-Ten Ltd  
of  
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: Reena Gosrani  
Address: 433 Croydon Road Beckenham Kent BR3 3PP

**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: 17/00527/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: **16<sup>th</sup> November 2016**.

**General**

This premises is licenced to operate as a traditional restaurant

The premises shall consist of a restaurant on the ground floor, first floor and an external garden area as shown on the amended reference plan. The licenced area shall not include the first floor roof terrace.

The sale of Alcohol and Shisha( tobacco) products 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.

Seasonal Variations:

- New Year's Eve - Live Music, Recorded Music & Late Night Refreshment to finish at 02:00 the following day
- New Year's Eve - Sale or Supply of Alcohol to finish at 01:40 the following day
- New Year's Eve -Hours Open to the Public until 02:00 the following day.

**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. Crime prevention signs such as CCTV recording, no drugs policy, no intoxicated guests allowed, management reserve the right to refuse entry signs etc.

11. A log of all incidents will be kept and maintained. This log will be available to police or council officers on request. Relevant offenses will be reported to police in good time.

12. Every member of staff will be provided a 2 week training course of which they will learn the following:

Training guides and company policies will also be provided to the member of staff in written format.

- alcohol license conditions, procedures, objectives and log keeping.
- fire safety procedures, testing and log keeping.
- smoking legislations and rules on providing shisha for customers
- people & crowd management
- customer service and aid in dispersion of guests leaving - offering them taxis home etc.
- consequences in failing to apply the training.
- CCTV playback recording in case of police request.
- first aid and fire marshal training

13. Throughout the training they receive they will be competent enough to deal with any given situation therefore all areas of council requirements will be enforced.

Additional steps taken:

- training to be refreshed every 3 months to avoid mistakes.
- recap logs will be kept for all departments and available on request.

14. 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

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

16. Over 21's only policy in the outdoor dining area on Friday & Saturday night.

### **Public Safety**

No Conditions

### **Prevention of Public Nuisance**

17. The premises licence holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons to make as little noise as possible when leaving the premises.

18. Liaison with local taxi company to prioritise our venue & supply cars on demand to aid dispersal of customers & groups - cars will be allocated to park directly outside our venue for two-ten guests only on Friday & Saturdays, more taxis available on demand if needed. Staff are trained to ask every customer at the end of their stay whether they require a taxi. Should they require one they will be allowed to stay on the premises until taxi arrival.

19. Notices will be posted near exit routes stating that anybody caught or seen causing a nuisance or disturbance when leaving the restaurant will be refused future admission to the venue. A log will be kept.

### **Protection of Children from Harm**

20. 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.

21. We will ensure that each film screening abides by the age classification ratings.

### **Conditions attached after a hearing by the Licensing Authority**

22. All doors and windows shall be kept shut during regulated entertainment except to allow access and egress.

23. A noise limiting device shall be fitted. All external regulated entertainment must be channelled through the device. The maximum noise levels will be set by the London Borough of Bromley's Environmental Health Service and will be reviewed from time to time as appropriate.

*Note: The premises licence holder or nominated person will be responsible for engaging the services of a sound engineer or similar to assist with the setting and sealing of the equipment.*

24. The handling of kegs, bottles, cleaning equipment, bottle disposal and similar items externally off the premises shall not take place before 07.00 hours or after 22.00 hours.

25. The delivery of goods and the collection of waste are restricted to between the hours of 07.00 hours and 22.00 hours.

26. There shall be no new admission of the public after 00.30 hours following any Friday or Saturday night.

27. On Friday and Saturday nights all music to the external area shall be turned down at midnight and turned off completely at 00.50 hours.

28. Only customers over the age of 21 shall be admitted to the garden dining area after 21.00 hours on a Friday or Saturday

29. Free bottled water will be offered to customers leaving the venue after 00.30 hours following a Friday or Saturday.

30. Crime prevention signage relevant to the operational policies of the premises shall be displayed in a prominent position, for example relating to CCTV recording, drugs policy, management reserve the right to refuse entry.

The signage will include a reference to a policy whereby any person who causes a nuisance either on the premises or upon leaving may risk refusal of admission in the future

31. The licence holder shall ensure that they liaise with a local taxi company to provide vehicles from the venue on a priority basis. Staff will enquire if customers require a taxi.

32. Risk Assessments will be carried out for any privately booked functions, televised sporting events or any other special occasion and appropriate measures will be taken to negate any risk. The risk assessments will be kept in a log and this must be available to Police or Council Officers on request.

33. All shisha tobacco will be removed at 00.50 hours following a Friday or Saturday to aid dispersal.

## **Plans**

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

**LICENSING ACT 2003**

**Premises Licence Summary**

**Premises licence number**

17/00050/LAPRE

Signed

Paul Lehane  
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 16<sup>th</sup> November 2016

Issue Number **003**

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  
Films  
Live Music  
Recorded Music

**The opening hours of the premises**

Hours Open to the Public on Friday and Saturday from 09:00 to 01:00  
Hours Open to the Public on Sunday to Thursday from 09:00 to 00:00

**Non Standard Timings listed below are allowed in addition to the normal permitted hours of this licence:-**

**New Year's Eve** - Hours Open to the Public until 02:00

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

Both On & Off Sales

**The times the licence authorises the carrying out of licensable activities**

Sale or Supply of Alcohol on Friday and Saturday from 12:00 to 00:40

Sale or Supply of Alcohol on Sunday to Thursday from 12:00 to 23:40

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Films on Friday and Saturday from 12:00 to 01:00

Films on Sunday to Thursday from 12:00 to 00:00

Live Music on timings same as Films

Recorded Music on timings same as Films

**Non Standard Timings listed below are allowed in addition to the normal permitted hours of this licence:-**

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**New Year's Eve** - Sale or Supply of Alcohol to finish at 01:40

**Name, (registered) address of holder of premises licence**

Two-Ten Ltd of 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: Reena Gosrani

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

Not Applicable