

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 2.00 pm on 1 August 2018

### Present:

Councillor Pauline Tunnicliffe (Chairman)  
Councillors Michael Turner and Stephen Wells

### Also Present:

#### **56 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Cllr Tunnicliffe was appointed as Chairman for the meeting.

#### **57 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **58 APPLICATION FOR A NEW PREMISES LICENCE AT KENT HOUSE COFFEE AND FLOWERS, BECKENHAM, BR3 1JP**

#### **DECISION**

##### **1. INTRODUCTION:**

The Licensing Sub-Committee carefully considered the application for **a new premises licence at KENT HOUSE COFFEE AND FLOWERS BECKENHAM BR3 1JP**

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

- the four licensing objectives,
- the Council's current Statement of Licensing Policy
- Guidance issued under the Licensing Act 2003;  
The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended),
- Written and oral representations by the Applicant,
- Written and oral representations by Local Resident (s),
- Written representations by a Ward Councillor,

The decision of the Licensing Sub-Committee was as follows:

The Licensing Sub- Committee decided to **Grant** the premises licence as stated in the application bundle (agenda) and subject to the agreed conditions at the Hearing on the 1st August 2018.

##### **2. THE APPLICANT'S CASE:**

The applicants introduced themselves as a mother and son team who jointly owned the premises, Jill and Luke NiggeMann. The Designated Premises Supervisor (DPS) being Luke Alexander NiggeMann.

They had been in business for 5 months at the premises and had received good feedback from the residents and good reviews overall. They had noted some concerns which they would attempt to address where possible. They would also like to include a dry cleaning drop off service and sale of flowers at the premises.

There had been no objections made by the police.

The opening hours and licensing hours would vary as stated in paragraph 6 below.

### **3. OBJECTIONS AND SUPPORT TO THE LICENCE:**

There were written and oral representations from local residents and oral representation from three local residents at the hearing.

Letters of support are also in the application bundle. A support email (dated 31/7/2018) from a Ward Councillor was received by members of the licensing sub-committee prior to the hearing.

It was noted that there were no objections from the Metropolitan Police.

### **4. LOCAL RESIDENT'S REPRESENTATION:**

The Hearing continued with questions and answers at various intervals. The points of discussion can be summarised as follows:

Residents raised their concerns regarding the possibility of an increase in noise nuisance and antisocial behaviour due to the sale of alcohol. The fact that the above premises are located near a train station, and in close proximity to schools and a nursery and that young children may pass by on their way to or from school and possibly enter the premises. The opening times being from 12:00 noon, that the premises were located on a "blind spot" and could not be seen by the police. No crossover as a consequence of recent roadworks, located at a turning point etc.

Some of the resident's work on shift hours, and their sleep could be affected if there was noise emanating from the premises during that resident's sleeping time. Regarding a noise barrier between the application site and their residential homes, the applicant mentioned a possibility of providing a hedge to reduce any possible noise emanating from the above premises to the affected residents' house.

A note of appreciation was expressed for the applicants' efforts to changes made at the above premises; however, it was further mentioned by the resident that the applicants needed to actively listen to the residents/ neighbours. During a discussion regarding an ashtray located at the front of the above premises; the applicants offered to change the position of the ashtray at the front of the premises to locate it away from one of the resident's house.

Points raised were mainly of 'anticipatory' nature; (rather than being evidential based) relating to possible increase in noise levels , nuisance, possible antisocial behaviour and concerns on dispersal of the potential customers at the above premises.

### **5. THE WARD COUNCILLOR'S COMMENTS:**

The Ward Councillor Kathy Bance MBE sent an email (dated 31/7/2018) which mentioned that both her colleagues and herself had no objections to the application for the premises, and that they will look out for any further complaints if the licence is granted.

## **6. THE LICENCE**

**The details of the application for the new premises licence was noted in the agenda/application bundle (Pages 7 - 26 of 47).**

**Hours when the premises are open to the public: please refer to page 22 of 47**

The Hours that the premises are open to the public;

Mondays and Tuesdays : 07:00 to 19:00

Wednesdays to Fridays: 07:00 to 21:00

Saturdays: 07:00 to 18:00

Sundays: 10:00 to 18:00

Supply of alcohol standard day's timings (see page 21 of 47 in the application pack) and the Licensing hours include 30 minutes drinking up time before the closing time.

Mondays to Tuesdays: 12:00 Noon to 19:00

Wednesdays to Fridays: 12:00 Noon to 21:00

Saturdays and Sundays: 12:00 Noon to 18:00

Seasonal Variations for the supply of alcohol: as stated in the application

"Subject to seasonal variations to be confirmed, once the business is established".

Delivery Hours: from 10:00 hours to 19:00 hours and;

Empty bottles, cans etc. to be disposed: between 10:00 hours and 19:00 hours

At the hearing the Licensing Sub-Committee Chairman, the licensing Sub-Committee members and the licensing team leader interjected at various points at question time and during the discussion, and asked relevant questions and sought clarifications.

### **Agreed Condition(s)**

The Licensing Sub-Committee noted the steps which the applicant intended to take in order to promote the four licensing objectives as noted in the application bundle for the above premises licence please refer to paragraph M on page 23 – 24 of 47.

The applicants for the premises agreed to operate in accordance with the requirements of the Licensing Act 2003 (as amended) and the conditions attached to the premises licence.

At the Hearing the applicants agreed to conditions which are stated below, and were also read out by the Council's Licensing Team Leader:

#### **"Sale / Serving of Alcohol:**

The premises would operate primarily as a coffee shop. Food will be available at all times it is open to the public. The sale of alcohol will be ancillary to this primary activity. All of the usable licensed area will be given over to tables and chairs for the use of customers (not including access and the area immediately in front of the bar as per the plan submitted with this application.

The number of customers permitted to stand must not exceed 10.

- Waiter/Waitress service must always be available
- The venue will not stock or serve draft lagers or beers

**Training:**

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

**The protection of children from harm:**

- That the premises adopts the "Challenge 25 Scheme" whereby any person that appears under 25 years of age has to prove that 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 to be kept and maintained. This log must be available to Police or Council Officers on request.

**Incident Log:**

- A log for all incidents is to be kept and maintained, this shall include refused sales. This log must be available to the Police or Council Officers on request".

It was further suggested by the Licensing Sub-Committee and agreed by the applicant, that an additional condition be added as follows:

**"Delivery/Disposing Hours:**

Delivery hours: from 10:00 hours to 19:00 hours and; Empty bottles, cans etc. to be disposed: between 10:00 hours and 19:00 hours

A condition offered by the applicant and agreed by the Licensing Sub-Committee which is for the prevention of public nuisance:

**" Signs in the Premises:**

The applicants proposed and it was agreed a further condition regarding signs displayed in the premises. That signs will be displayed asking patrons to leave quietly when leaving the premises and to have consideration for the local community".

**Informative:**

The applicant as a gesture of good will, agreed to move the tobacco ashtray from the front of the premises; where it was currently located, to the opposite side at the front of the entrance to the premises..

**7. THE DECISION:**

The Licensing Sub-Committee decided to **Grant** the licence in relation to the above application for a new premises licence subject to the modifications (added conditions) at the Licensing Sub-Committee hearing. The Licensing Sub-Committee when deliberating took into consideration the following:

- a) All the licensing objectives, the relevant licensing policies and guidelines in relation to the application. It looked at the application as a whole, and all the steps which the Applicant intended to take to promote the licensing objectives.
- b) All points raised by all parties in the application bundle and at the Licensing Sub-Committee hearing.
- c) That the applicant agreed to all conditions as stated in paragraph 6 and in addition agreed to placing relevant signs in the premises to remind customers to leave the premises quietly so as to consider the local community.
- d) The Metropolitan Police did not object to the above application, nor was there any evidential information from the Police in the application bundle relating to the premises.
- g) The applicant's licensing hours and agreed conditions and informative as noted in paragraph 6.
- h) The applicant has agreed to all the relevant policies and conditions, and has shown good intention to uphold the licensing objectives and to listen to resident's concerns.
- i) The relevant Licensing Act provides for a review process for any licensing premises which can be utilised as and when required.

The Sub-Committee believes that the above mentioned reasons and conditions that are incorporated into the premises licence are necessary, in order to uphold all the licensing objectives. **In conclusion** the Licensing Sub-Committee in line with the relevant policies and guideline made the decision that; the above new premises licence application be **granted with the relevant conditions agreed at the Licensing Sub-Committee Hearing and as noted in the full decision.**

The parties had a right to appeal to the Magistrates' Court within 21 days from the date of this decision notice.

The Meeting ended at 4.00 pm

Chairman