

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 7 November 2018

Present:

Councillor Mary Cooke (Chairman)
Councillors Gareth Allatt and Robert Evans

Also Present:

Steve Philips, David Wray and Raheli Paris

4 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Mary Cook was appointed Chairman for the meeting.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 APPLICATION FOR A PREMISES LICENCE FOR A NEW PREMISES AT 'MICRO PUB' 187 SOUTHBOROUGH LANE, BROMLEY, BR2 8AR

DECISION

1. INTRODUCTION:

The Licensing Sub-Committee carefully considered the application for a **new premises licence at 'MICRO PUB' 187 SOUTHBOROUGH LANE, BROMLEY, BR2 8AR.**

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),

The Decision of the Licensing Sub-Committee was:

The Licensing Sub-Committee decided to Grant the premises licence subject to the agreed conditions at the Hearing on the 7th November 2018.

The hearing was conducted in a manner which the Chairman allowed in order to hear the views of all parties. At various intervals, questions were asked of the relevant parties in order to obtain more information and or clarification.

2. THE APPLICANT'S CASE:

The Applicant introduced himself and gave his background in the licensed trade and his long experience in the sale of alcoholic beverages. The Applicant mentioned that the Council had shown some encouragement towards the existence of Public Houses in the borough through the Draft Local Plan, and that his prospective clientele would most likely be middle aged persons attracted to the sale of locally brewed real ale, and accordingly a separate market to that currently provided for in the immediate vicinity.

The capacity of the venue was for up to 50 persons.

He said that there had been no objections made by the Metropolitan Police nor any other responsible authority.

In response to a Member's question, the Applicant stated that the application was for the above premises and the outside seating area immediately in front of the premises.

In response to a Member's question arising from this, the Licensing Team Manager, mentioned that there was no automatic use of the outside space and in relation to this a separate application would be required from the Council's Highways Division.

At the Hearing, the Applicant mentioned that when he moved into the area, he communicated to the residents his intention to open the above 'Micro Pub'. He mentioned that he had received positive comments from some of the residents. The Applicant said that he was seeking to work with the Council, the Metropolitan Police and local residents.

In response to comments made by the complainants, the Applicant offered to reduce the opening hours and restrict opening times to members of the public Mondays to Sundays from 12:00 noon to finish serving at 22:30 hours (with a supplemental half hour drinking up time).

Separately, with regard to the delivery/emptying waste/bottles hours, the Applicant offered to reduced hours: to start at 09:00hours to finish at 17:00 hours.

In response to concerns expressed by complainants that drinks would be taken onto the grass border in front of the premises and adjacent to the road, the applicant assured the Chairman that he would discourage such behaviour and volunteered a restriction for off sales of alcohol in sealed containers only.

The Applicant stated that he had seen and was aware of the Metropolitan Police's proposed conditions and agreed with the conditions.

The Licensing Sub-Committee Chairman mentioned that the applicant ought to ensure a full understanding of the stated requirements and not merely in the spirit of the requirements, as these would form part of any agreement to grant a licence. The applicant confirmed that this was acceptable to him.

3. OBJECTIONS AND SUPPORT TO THE LICENCE:

There were written and oral representations from local residents and oral representations from three local residents who attended the above hearing. Whilst there were no letters of support in the application bundle, the Applicant as previously mentioned, said he had received some positive feedback from the local residents.

It was noted that there were no objections from the Metropolitan Police nor from any responsible authorities.

4. LOCAL RESIDENTS' REPRESENTATION:

Three local residents spoke at the hearing (of which one had registered to speak prior to the Hearing on behalf of other local residents who were not able to attend the Hearing). The discussion can be summarised as follows:

Residents raised their concerns regarding the possibility of an increase in noise nuisance, smoking, parking, the opening hours, littering and possible dispersal issues and anti-social behaviour, as a result of sale of alcohol from the above premises.

Additionally, concerns were expressed that the premises were located in a residential area and children may walk by the pub on the way to and from school.

The point concerning smoking was discussed and the Licensing Team Manager interjected to explain that patrons could be encouraged to smoke within the area of the premises.

However, under normal circumstances, it was not illegal to stand and smoke in a public highway or street. Also, it was pointed out that Alcohol Exclusion Zones had been established in various parts of Bromley Borough, and that it was a discretionary power. Usually, where consumption of alcohol was not causing any problem, the police were less inclined to take any action.

Issues around lack of parking spaces were raised and discussed.

The residents also mentioned that they saw no need for another pub in the area.

The Applicant (in response to noise nuisance) said that, when he refurbishes the premises he would consider insulating the premises to reduce noise to residents' properties nearby. He had previously advised a Member in response to direct questioning that the residential flat above the trading unit would be for his own occupation and as such would not pose a nuisance.

The Applicant said that regarding parking, it was not anticipated that customers would drive to the proposed venue, and that it would not be his intention to encourage this in any event. On this point, the Chairman mentioned that without specific parking restrictions it would be entirely permissible for cars to be parked in the vicinity.

Furthermore, the application was for a new premises licence; hence, the points raised by local residents were mainly of 'anticipatory' nature; (rather than being evidentially based). Residents were reminded that the relevant Licensing Act did provide for a review of any licensed premises should the need arise. The review process was a sanction against any premises which caused problems; however it was important to note that this would have to be evidentially based.

Prior to closure of the Hearing, the Chairman asked all the parties if they had anything else they would like to mention before the Licensing Sub-Committee members deliberated. No further points were raised and each party summed up their points.

5. THE WARD COUNCILLORS' COMMENTS:

There were no objections nor representations to the application from Ward Councillors.

6. THE LICENCE

The details of the application for the new premises licence is noted in the agenda/application bundle (Pages: 7 of 32 to page 18 of 32).

Hours when the premises are open to the public: please refer to page 14 of 32 and the changes made at the Licensing Hearing are noted in the paragraph(s) below:

Agreed Conditions

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

It was noted by the Licensing Sub-Committee all the **steps which the Applicant intends to take in order to promote the four licensing objectives** as stated in the application bundle for the above premises licence please refer to **paragraph M on page 15 of 32**. Please note changes made at the above Hearing in the follow up paragraphs below the Police conditions.

At the Hearing, the Applicant agreed to the conditions proposed by the Metropolitan Police; which are stated below and which were circulated in the application bundle (pages 31 and 32) prior to the hearing.

CCTV

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

Signage

- *Signs will be placed within the premises, externally and in the car park*

area asking members/guests/ customers to respect neighbours by keeping noise down (wording to be decided by applicant). Also including venue's operating hours.

Incident Log

- A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request. Relevant offences will be reported to Police in good time.

The Protection of Children from Harm

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

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 six months. Records of this training and (company's name) written policies relating to it will be kept and made available to Police or Council Officers on request.

Staffing levels

- That a minimum of two staff members are within the licensable area of the premises (as indicated on the plans of the premises) whenever alcohol sales take place.

Prevention of Public Nuisance

- No waste of materials, including bottles and bins shall be moved, removed or placed in outside areas, between the hours of 2230 and 0800.
- The external drinking areas shall not be used after the hours of 2230, except for the use of the smoking areas, which will then be used by smokers only, but no drinks will be taken outside after the 2230 hours.

Safety

- Safety systems and appliances will be tested regularly and re-certified as required".

Conditions offered by the applicant which were agreed at the above Hearing are as follows:

- Times when the premises are open to members of the public, Mondays to Sundays starting from 12:00 Noon to finish at 22:30 hours (plus half an hour drinking up time)
- Off sale of alcohol shall be served in sealed containers only.
- Delivery/Waste of recyclable materials, including bottles shall be moved, removed, or placed in the outside area(s) between 09:00hours and 17:00hours

7. THE DECISION:

The Licensing Sub-Committee decided to **Grant** the licence application for a new premises licence, subject to the modifications (added conditions) made 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 above 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) The Metropolitan Police did not object to the above application.
- d) The Applicant agreed to all conditions including those proposed by the Metropolitan Police as stated in paragraph 6.
- g) The Applicant has agreed to reduce the opening hours, to serve off sale drinks in sealed containers, and to reduce hours on delivery and waste disposal to the outside area times.
- h) The Applicant 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 provided for a review process for any licensing premises which could be utilised as and when required.

The Sub-Committee believed that the above mentioned reasons and conditions that were incorporated into the premises licence were necessary, in order to uphold all the licensing objectives.

In conclusion, the Licensing Sub-Committee, in line with the relevant policies and guidelines, 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 above full decision.

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

The Meeting ended at 12.00 pm

Chairman