

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 26 August 2021

Present:

Councillor Stephen Wells (Chairman)
Councillors Robert Evans and Kira Gabbert

Also Present:

Councillor Nicky Dykes

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Stephen Wells was appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A NEW PREMISES LICENCE AT LIBERATION (ORA), 29A WIDMORE ROAD, BROMLEY, BR1 1RW

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

- The four licensing objectives,
- The Council's Statement of Licensing Policy 2012/1 – 2026,
- Guidance issued under the Licensing Act 2003
- Written and oral representations from the Applicant
- Written and oral representations from local business operator
- Written and oral representations from Ward Member
- Written representations from Local residents and business owners
- Written representations from Local Planning Authority, and
- Written representations from Metropolitan Police Authority

The Committee decided to **GRANT** the application:

The granting of the application was subject to the following conditions, (agreed between the Applicant, the Metropolitan Police Authority and Bromley Safeguarding Children's Partnership), to address the Crime and Disorder objective and the Protection of Children from Harm objective:

Install and maintain a CCTV system covering the entrances, internal areas and external areas of the premises. Recordings shall be stored for a minimum of 28 days and CCTV images shall be delivered to the

Police or Council Officers on request. One of these CCTV cameras should be installed at the entrance door--to provide head and shoulder images to an identification standard. The image should be captured of each person as they entered the premises.

Ensure a member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public and CCTV signage is clearly displayed.

A photographic ID computer based entry system is to be installed and maintained. It will be effectively managed and used to its full potential. The system is to be capable of sharing information with other venues. It will also be able to identify the authenticity of identity documents to a reasonable standard. The system will be in operation at all times that the venue is open and engaging in licensable activities. All patrons, staff, DJs, performers and ancillary staff that enter the premises will have their ID documents 'scanned in' or may have 'biometric' fingerprint membership once their details are recorded on the system. The details shall be stored for a minimum of 31 days and be made available on the request of a Police Officer for the purposes of preventing, detecting or investigating crime.

Persons refusing to supply identity documents or refusing to submit them for scanning into the photographic ID computer based system (club scan) will be refused entry (they shall also be refused entry if they refuse to pass through the system in any other way - photograph, fingerprint scan etc) (The club is to draw up a 'contingency plan' in the event of a club scan failure beyond their control - example; software failure).

A drug policy document is to be drawn up in consultation with Police and Council officers. Once agreed, it is to be implemented in full. (Consideration given to, but not limited to; the designing out of any flat surface within toilet cubicles, the placement of CCTV cameras to cover the public area of the toilets, two random toilet checks by staff every hour, and a record of checks/actions carried out, posters). This policy shall be reviewed on an annual basis to ensure it is still effective and shall be updated as necessary.

A dispersal policy document is to be drawn up in consultation with Police and Council officers. Once agreed it is to be implemented in full. Consideration given to, but not limited to; the monitoring of customers by door staff, the pre booking of mini cabs/taxis, orderly dispersal of patrons signage, DJ announcements, Hi-vis jackets). This policy shall be reviewed on an annual basis to ensure it is still effective and shall be updated if necessary.

The premises will purchase a bleed kit and ensure a sufficient number of staff at the premises are trained to use the kit. All staff shall be made aware of its location within the premises.

When the premises is operating as a nightclub there must be at least one member of staff on duty at all times that holds an up to date first aid certificate.

A comprehensive incident register shall be maintained at the premises. The DPS shall ensure that the details of incidents are added to the register within 24 hrs of any incident. The following details shall be recorded:-

- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended.

The premises shall deploy no fewer than 3 SIA Registered Door Supervisors on a Friday and Saturday night, at least one of which will be female. All must sign a register when performing duties at the premises. This register is to contain the full names, SIA badge numbers and contact details of that person.

If the premises are being used for a privately booked family or business event/function/celebration then a risk assessment will be carried out by management prior to any event taking place. If deemed necessary, then the premises shall employ the appropriate number of SIA Registered Door Supervisors. If door supervisors are not employed for the date in question, the management of the premises shall record the reason(s). The risk assessments will be made available to Police and Council Officers on request.

Targeted searches of customers entering the premises are to be carried out. These searches are to include the customer's person, wallets, purses, bags, and any other item carried by them. All searches to be carried out in sight of a CCTV camera. A hand held metal detector must be available for use by staff as needed. If any person is found in possession of drugs, weapons or items prohibited by the venue, these items must be seized and the person excluded. Police will be called in all cases where weapons or a substantial amount of drugs are recovered. Any person not submitting themselves to a search must be refused entry.

Signage to be displayed at exit points encouraging customers to respect our neighbours and leave quietly or similar.

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.

Persons shall not be admitted after 01.00.

Also subject to the following amendment and condition agreed with the Applicant at the hearing:

1. Late night refreshments to commence at 23:00, and
2. The premises will not operate as what could reasonably be described as “a nightclub” before 20:00 on any day **(All 4 Licensing Objectives)**.

Reasons for decision:

The sub-committee heard from the applicant that whilst they accepted that the application as published did, on the face of it, give rise to reasonable concerns such as those expressed by local residents and business operators, it was not their intention to operate in an irresponsible manner. It was explained that there was a valid licence in place for the premises, but there were practical business difficulties in simply transferring the current lease (which would be the normal practice when acquiring such a business).

The applicant explained that they had entered into discussions with police and the relevant authorities from a starting point of applying for what they commonly applied for in terms of hours and licensable activities in other premises run by them throughout the country. After discussing the concerns of the police in particular, it was agreed that they would vary their application to reflect the terms and conditions of the licence currently in place. For example, the application for off sales was removed, policies put in place and the hours of operation reduced to match the hours in the current licence. It was confirmed that the reduction in hours would also satisfy the objection from the Local Planning Authority.

The sub-committee was addressed by the local Ward Member and a local business owner, who expressed serious concerns particularly regarding the likely negative impact of the lengthy hours applied for and the potential for antisocial and criminal activity during such lengthy hours.

Discussions took place as to the likely operating model of the Applicant as the business developed. It was stated that the owners did not feel that Bromley town centre presented as a location where daytime “nightclub”

activity would be likely to be a viable business. The owner stated that whilst their primary business was that of a nightclub, it was unlikely that this would operate before 20:00 on any day. It was also stated that the owners were considering alternative activities during the daytime hours. Examples were given of Bar Mitzvah and business gatherings, and this is something which would be developed when the premises opened for business, which was stated as being some time away yet.

Following the discussions amongst the Applicant, the sub-committee and the objectors, the Applicant stated that they would agree to the imposition of a condition that the premises would not operate as a nightclub before the hour of 20:00 on any day. It was also clarified that, whilst the application sought to licence Late Night Refreshment from 10:00, this should be amended to the statutory provision of 23:00.

In summary the sub-committee took the view that, by the proposed management of the premises, and the acceptance of conditions agreed with the police, other relevant authorities and the sub-committee, the applicant had done enough to permit the granting of the application. They therefore felt that their decision was reasonable and proportionate taking all the circumstances into account.