

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 28 September 2021

Present:

Councillors Gareth Allatt, Kira Gabbert and Stephen Wells

4 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Stephen Wells was appointed Chairman for the meeting.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 APPLICATION FOR A NEW PREMISES LICENCE AT V&J BAR & RESTAURANT, 87 PENGE ROAD, PENGE, SE20 7UN.

DECISION:

1. 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 and her representative,
- Written and oral representations from local residents,
- Written and oral representations from Ward Members,
- Written representations from Local Planning Authority, and
- Written representations from Metropolitan Police Authority

The Sub-Committee decided to grant the application:

Subject to the following conditions, agreed between the applicant and the Metropolitan Police Authority to address the Crime and Disorder objective :

The Premises Licence Holder shall:-

1. Install and maintain a CCTV system covering the entrances, internal areas and external areas of the premises and recordings shall be stored for a minimum of 28 days; CCTV images shall be delivered to the Police or a Council Officer on request. One of these CCTV cameras shall be installed at

the entrance door to enable head and shoulders images (to identification standard) of each person entering the premises.

2. 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.

3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram and appropriate signage will be displayed inside the premises.

4. Alcohol shall only be sold ancillary to a meal.

5. There shall be no vertical drinking within the premises.

6. Ensure that all staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be held at the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 6 months.

7. Maintain a comprehensive incident register at the premises. The DPS shall ensure that the details of incidents shall be 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

8. Ensure that a refusals book or electronic system to record all refusals of sales shall be maintained on the premises and made available to the police and local authority upon request.

9. No beers, ale, lagers or ciders of 6% ABV or above will be sold on or off the premises.

10. There shall be no deliveries to public / communal areas or open spaces.

Also subject to the following additional conditions agreed with the Applicant at the hearing:

1. Outside areas will not be used after 21:00, except for smokers, who may use the front area of the premises, but not take any drinks outside when doing so.(Public Nuisance)

2. Access for customers to the rear garden may only be taken via the premises. (Public Nuisance)
3. No speakers for amplified music shall be affixed to the external walls. (Public Nuisance)
4. Deliveries from the premises will only be made using reputable companies, whose identification procedures will be subject to due diligence by the Premises Licence Holder (Protection of Children From Harm)
5. Licensable activities will cease at 22.30, with last delivery orders taken at 22.00, and the premises will close at 23:00, (Public Nuisance)

Reasons for decision:

It was noted that the Council's Planning Enforcement Team had progressed their investigations and were satisfied at the present time that the proposed use of the premises was for a restaurant rather than a bar. The applicant should, however, note that the grant of a licence does not imply any grant of planning permission which may at any time be required in terms of planning legislation. The applicant agreed that the inclusion of the word "Bar" in the name of the premises might give rise to an expectation that the premises comprised a bar rather than a restaurant and agreed to consider changing the name to something less potentially misleading.

Discussions took place in relation to the provision of the outdoor seating areas.

It was explained that there would be around 10 tables in the rear outside area, and two at the front. The applicant stated that there would be no regulated entertainment outside and that it was anticipated that the outside tables were unlikely to be heavily used in the winter as the only thing which they envisaged having there other than the tables and chairs, were perhaps a few umbrellas. The applicant offered to cease the use of the external area after 21:00 in order to address concerns of neighbouring occupiers. Discussion also took place as to the possibility of amplified music being introduced at a later stage in the operation of the premises which could foreseeably cause nuisance to neighbouring proprietors and the applicant confirmed that it was not their intention to provide speakers for outdoor entertainment.

Discussions took place regarding the practical arrangements for accessing the rear garden area. It was stated that this could be accessed without the need to go through the kitchen area. Access could be taken by way of a side corridor leading from the street to the garden, and to which occupiers of the premises and the residential units above had keys to open and lock the street entrance. Concerns were expressed to the effect that if the outer door leading from the pavement to the garden was kept unlocked, then this would give unfettered public access to the garden and also to the access to the residential units, and it was felt that this should therefore be restricted so that customers could only access the area through the premises.

Concerns were raised in relation to deliveries both to and from the premises. The applicant stated that deliveries to the premises could be made by carrying materials from a vehicle parked round the corner in order to avoid any encroachment on the approach to the pedestrian crossing. In relation to the potential disruption caused by delivery drivers collecting orders for home delivery, the applicant again referred to the possibility of parking round the corner, together with reference to an area outside a neighbouring premises which it might be possible to use for this purpose.

In respect of the potential for home delivery of alcohol with food orders, concern was raised that this might lead to under age purchases due to delivery methods which failed to check the age of the purchaser receiving the delivery. The applicant explained that it was not their intention to organise delivery by their own staff, but to use the services of Deliveroo or a similar company. It was explained that these companies have rigorous systems in place to check the age of the person to whom they are making deliveries. The applicant confirmed that they would familiarise themselves with these procedures and incorporate them into their own business.

The local Ward Member, and local resident expressed serious concerns in relation to the nature and viability of the business, particularly in an area with a number of existing restaurants and takeaways, but it was confirmed that the Sub-Committee could only deal with the matters as disclosed in the application and apply relevant licensing considerations and legislation. Concern was also expressed in relation to general crime and disorder issues in the area, which it was felt might be exacerbated by the grant of the licence. It was pointed out, however, that the Metropolitan Police Authority had engaged with the applicant to agree conditions on the licence which they felt would address any such concerns.

In summary the Panel took the view that, by the acceptance of conditions agreed with the police 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.