

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.30 am on 5 November 2021

Present:

Councillors Gareth Allatt, Nicholas Bennett MA J.P. and Robert Evans

Also Present:

Leigh Schelvis (on behalf of the Applicant), Tina Bullard (Applicant), Mr Wolfe (on behalf of Mr and Mrs Collins), Mr Frater, Ms Lee-Nichols and Mr Hardy.

- 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**
- 2 DECLARATIONS OF INTEREST**
- 3 APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE IMPERIAL ARMS, 1 OLD HILL, CHISLEHURST, BR7 5LZ**

Re: OUTCOME OF A HEARING:

APPLICATION TO VARY A PREMISES LICENCE: IMPERIAL ARMS, 1 OLD HILL, CHISLEHURST BR7 5LZ

The application to vary a Premises Licence at the above address was heard by the Licensing Sub Committee on 5th November 2021 and the outcome is detailed below.

Leigh Schelvis (on behalf of the Applicant), Tina Bullard (Applicant), Mr Wolfe (on behalf of Mr and Mrs Collins), Mr Frater, Ms Lee-Nichols and Mr Hardy.

Licensing decision –

1. The Panel has made the following decision having regard to:

- the four licensing objectives,
- the Council's Statement of Licensing Policy 2021 – 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 representations from Local Planning Authority, and
- Written representations from Metropolitan Police Authority

The application was originally for variations to the premises licence as set out in Part 3 of the application. However, at the hearing the applicant advised that it was now proposed that live and recorded music would cease at 23.00 hours on all days of the week and that the licence should reflect that change. The applicant also requested that the following changes to the application be made, namely that conditions 10 and 12 are to remain on the licence and condition 17 be amended to read that the external areas of the premises shall only be used for drinking between the hours of 10.00 to 22.00 hours on Mondays to Saturday and between 12.00 hours and 22.00 hours on Sunday and that no on-sale drinks to be taken by customers to an outside area of the premises after 22.00 hours.

(i) The case for the applicant

The applicant was represented by the Designated Premises Supervisor, Tina Bullard and the solicitor for the holder of the licence, Leigh Schelvis. They explained that the purpose was to update the conditions to reflect the amendments made to the Licensing act 2003 by the Live Music Act 2012. The aim was also to remove conditions dealt with by other legislation, which were outdated and, in their opinion, unenforceable or which were outdated and adversely affects the operation of the premises. Other changes sought to add new conditions or amend current conditions to reflect current trading practices and government guidance. The pub was managed by a good operator with the result that noise complaints had dramatically reduced. Three TENS had been applied for in April 2021 where the outdoor area had been used until 10pm with no noise complaints. When clearing the outdoor area staff were aware of the nearby residential properties and the need to keep disturbance to a minimum.

(ii) The case for the objectors

In addition to the written representations the Sub-Committee was addressed by local residents, Mr Wolfe (on behalf of Mr and Mrs Collins), Mr Fraser, Ms Lee-Nichols and Mr Hardy. They confirmed that the amendments to the application did go some way to resolve the original objections. However, the changes to condition 17 in respect of timing of the use of the outdoor area did still cause concern. We adjourned the hearing to allow discussion between the parties, but the parties were unable to agree the wording of the condition. The applicant felt that the outdoor areas could be used every day of the week until 10pm without harm to the licensing objectives.

Decision

That the amended application for a variation to a premises licence at the Imperial Arms, 1 Old Hill, Chislehurst, BR7 5LZ **be granted as follows:**

The reference to Live Music and Recorded Music be removed from the times the licence authorises the carrying out of licensable activities to accord with the application and in view of the provisions of the Live Music Act 2012.

The following conditions are to be removed on the Licence:

14. Anyone appearing to be drunk will not be admitted or served.
15. No regulated entertainment to take place after 23.00 hours on any Saturday other than Christmas Eve or New Year's Eve.
16. Details of a scheme to reduce the transmission of sound between the premises and the Old Court House, 3a, Old Hill shall be submitted to the Council within one month and shall be implemented within one month of its approval by the Council and permanently maintained thereafter.
18. No regulated entertainment to take place in the patio area of the premises.
19. All doors and windows are to be kept closed when regulated entertainment is taking place
21. There will be no new admittance to the premises after 22.00 hours

The following conditions will be added to the licence:

- A CCTV system must be in working condition, in use and recording at all times that licensable activities are taking place. The system must be maintained to ensure it is always fully operational. The images recorded must be of good evidential standard, allow for facial recognition of suspects, be able to record in all lighting conditions and be capable of being downloaded and supplied on request to either an Authorised Officer of the Council or a Metropolitan Police Officer. The recordings should be kept for a minimum of 31 days.
- All relevant staff within the business are to be 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 or authorised Council Officer upon request. Refresher training will be undertaken every 6 Months.

The following conditions will be amended:

Condition 13 will now read: A comprehensive incident register shall be maintained, at the premises. The details of incidents shall be added to the register within 24 hours 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

Condition 17 will now read: The external part of the premises shall only be used for drinking between the hours of 10.00 hours to 22.00 hours on Mondays to Saturday and between 12.00 hours and 22.00 hours on Sundays. No drinks supplied on an on-sale basis are to be taken from the inside to the external areas of the premises after 22.00 hours on any day.

Condition 23 will now read: The premises shall adopt 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 will be kept and maintained. This log must be available to Police or Council Officers on request.

Reasons for decision

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. Members noted that it was no longer sought to provide live or recorded music after 23.00 hours. The Live Music Act 2012 had introduced changes in the licensing regime for live and recorded music and that the applicant agreed conditions 10 and 12 should remain on the Licence. There had been a significant reduction in the complaints made concerning the premises. In terms of the use of the outside areas, Members concluded that with the amendments to condition 17 offered by the applicant, the application could be permitted. Members noted that there was no change sought to the time when the premises close, the TENS application in April had not generated noise complaints, the evidence indicated the premises were well managed and agreed with the applicant that there was merit in having a standard time for every day of the week when drinking must cease in the outside areas which would bring operational benefits.

Members concluded that with the agreed conditions, that the amended application could be permitted without harm to the licensing objectives.

Appeals against a decision of the Licensing Sub Committee

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub-committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.
2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.

- 3. It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent).**

If an appeal is not made now the licence can be “Reviewed” at any time by the Council on receipt of an application by any local resident/business or one of the “Responsible Authorities”

Reviews must be based on one or more of the four licensing objectives below

1. Prevention of crime and Disorder
2. Prevention of Public Nuisance
3. Public Safety
4. Protection of Children from Harm

The Meeting ended at Time Not Specified

Chairman