

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 1 December 2021

Present:

Councillors Gareth Allatt, Nicholas Bennett MA J.P. and
Kira Gabbert

Also Present:

Joint Applicants: Ms Kariss Forsyth-Foreman
Mr. Gregory Forsyth-Foreman

Local Residents:	None attended
Council's Head of Health Safety and Licensing	Steve Phillips
Council's Licensing Officer	Lee Slaney
Council's Lawyer	Raheli Paris
Council's Paralegal (In attendance as an observer)	Mashkhal Abdulkarim

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed as Chairman for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 Application for a Premises Licence at Real Ale Way Ltd 6 Chatterton Road Bromley BR2 9QN

The Licensing Sub-Committee carefully considered the application for a premises licence at 'THE REAL ALE WAY LTD' 6 CHATTERTON ROAD BROMLEY BR2 9QN.

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 representations by Local Resident (s),
- Written representations by the Metropolitan Police
- Written representations by the Child Protection Team

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

The Licensing Sub- Committee decided to **Grant the premises licence with amendments and subject to the agreed conditions at the Hearing on the 1st December 2021.**

THE APPLICANT'S CASE:

(i) The applicant introduced himself and outlined his background and experience in operating licensable premises, including those within the Bromley Borough. The applicant mentioned that the proposed trading premises would be a small 'Micro-Pub' which was intended to provide a relaxing atmosphere for the consumption of real ales. No lagers would be served, nor was it the intention to have gaming machines, or music. The average age of the target clientele would be between 50 -55 years old; such persons considered to be moderate in their drinking and responsible in their conduct.

The applicant mentioned that he was a responsible and experienced individual in the running of licensed premises, with two other units of a similar trading format to that proposed being currently traded.

At the Hearing there were discussions regarding the use of the outside space of the premises, possible noise nuisance, the hours for the sale of alcohol, the capacity of the premises and the clientele. The applicant stated that he was aware of potential issues, and had agreed to the proposed conditions suggested by the Metropolitan Police and the Child Protection Team. The Licensing Sub-Committee Members and the Head of Health Safety and Licensing asked the applicant various questions which the applicant responded to satisfactorily.

(ii) Points discussed at the hearing which resulted in forming part of the conditions for the licence at the premises were:

1. The hours for the supply of alcohol, be reduced by 15 mins to facilitate a "drinking up" time.
2. The New Year's Eve hours as proposed in the application.
3. The Designated Premises Supervisor was asked to submit his application for inclusion in the premises license as soon as possible.
4. The Metropolitan Police and the Child Protection Team's proposed conditions and the applicant's agreement with those conditions.

OBJECTIONS AND SUPPORT FOR THE LICENCE:

Written representations from local residents both in support and those objecting were submitted and included in the Licensing Sub-Committee Bundle. There were no oral representations from the residents.

It was noted that there were no objections from the Metropolitan Police nor from any responsible authorities and the applicant had agreed to the

conditions which were proposed by the Police and the Child Protection Team prior to the hearing.

LOCAL RESIDENTS' REPRESENTATION:

There were no local residents present at the meeting.

THE WARD COUNCILLORS' COMMENTS:

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

THE LICENCE:

Important information regarding the Licence referred to in the Licensing Sub-Committee bundle at various times are listed below for ease of reference:

- a) The details of the application for the premises licence
- b) The Representations and Objections
- c) Satellite image and street view of the premises
- d) Agreed changes from the Police and Child Protection Team (Appendix
- e) Details of the Current Premises Licences of adjacent and nearby premises

Agreed Conditions:

The applicant agreed to operate in accordance with the requirements of the Licensing Act 2003 (as amended), the conditions attached to the premises licence and to conditions agreed with the Police and the Child Protection Team.

Conditions which were agreed at the Hearing were as follows:

Child Protection Team Conditions:

- Any customer appearing to be under 25 (Challenge 25) should be asked to show appropriate id, the only forms of id acceptable are a passport, a photo driving licence or a pass accredited proof of age card scheme with hologram.
- Additionally, a refusals log for all incidents should be kept and maintained. This log must be available to police or council officers on request.

The Metropolitan Police conditions:

1. A CCTV system will be installed and maintained at the premises covering the entrance of the premises and licensed area; recordings shall be

stored for a minimum of 28 days and CCTV images shall be retrieved in a digital format and supplied to a Police or Council Officer on request.

2. Ensure that signage is displayed on the premises reminding customers that CCTV is in operation, or alternatively display (within the public area of the premises) live images from the premises CCTV system, for the purposes of crime prevention.

3. The licence holder shall notify the Police within 24 hours when they become aware that the closed-circuit television (CCTV) system provided by the premises is not in operation.

4. Ensure signage is displayed at the exit, reminding patrons to respect the neighbours and leave quietly, or similar words to that effect.

5. Ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed both inside the premises, and on the publicly accessible internet pages including social media controlled by the premises where that content promotes alcohol.

6. Maintain an incident register that that is accessible on the premises. The DPS, or a member of management 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 (or at least a description)
- Summary of incident
- Identification of any Emergency Services Personnel who attended
- Crime or appropriate reference number provided by the Emergency Services that relates to the incident and any linked incidents.

7. Ensure that a refusals record is maintained at the premises and that such a record shall be made immediately available for inspection by the Police or an authorised Officer of the Local Authority.

8. Licensable activity on premises will only take place within the red line of the plan.

9. The outside licensed area will be enclosed by a barrier at least three foot in height, excluding the areas of entry and egress, when the premises is open to the public.

Times when the premises are open to members of the public:

- Mondays to Thursdays starting from 12:00 Noon to 22:00 Hours
- Friday to Saturday starting from 12:00 Noon to 23:00 Hours
- Sundays starting from 12:00 Noon to 20:00 Hours

Times for the supply of alcohol to the public:

- Mondays to Thursdays starting from 12:00 Noon to 21:45 Hours
- Friday to Saturday starting from 12:00 Noon to 22:45 Hours
- Sundays starting from 12:00 Noon to 19:45 Hours

(the above hours for the supply of alcohol have taken into consideration the time for an opportunity to place last orders, 15 minutes prior to closure of the above licensing premises)

Seasonal Variation: New Year's Eve from 11:30 to 01:00 Hours

The Designated Premises Supervisor - to submit as soon as possible, his application for the inclusion in the premises license

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 agreed amendments and 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, and all the steps which the applicant intends to take to promote the licensing objectives.
- b) All points raised by the applicant in the application bundle and at the Licensing Sub-Committee hearing.
- c) It was noted that there were no residents in attendance at the above hearing.
- d) The Metropolitan Police did not object to the above application.
- e) That the applicant agreed to all conditions in the application bundle including those proposed by the Metropolitan Police and the Child Protection Team.
- f) That 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.
- g) 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.
- h) The relevant Licensing Act provides for a review process for any licensing

premises. The review process may 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 guidelines made the decision that the premises licence application be granted with the relevant conditions agreed at the Licensing Sub-Committee Hearing and as noted in the above full decision.

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