

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH



THE LONDON BOROUGH
www.bromley.gov.uk

TELEPHONE: 020 8464 3333

CONTACT: Steve Wood
stephen.wood@bromley.gov.uk

DIRECT LINE: 020 8313 4316

DATE: 12 July 2022

To: Members of the
LICENSING SUB-COMMITTEE

Councillors Nicholas Bennett MA J.P., Mike Botting and Keith Onslow

A meeting of the Licensing Sub-Committee will be held at Committee Room 1 -
Bromley Civic Centre on **WEDNESDAY 20 JULY 2022 AT 10.00 AM**

There will be a pre-meeting for Council Members and officers at 9.45am.

TASNIM SHAWKAT
Director of Corporate Services & Governance

A G E N D A

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

2 DECLARATIONS OF INTEREST

Objections to the applications are referred to in the attached reports of the Director of Environmental Services.

The Chairman will request the names and addresses of those giving evidence together with the names of any representatives.

3 VARIATION OF THE PREMISES LICENCE AT TUGRA, 44 STATION APPROACH, HAYES, BR2 7EJ Hayes and Coney Hall

4 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business

Schedule 12A Description

**5 CONSIDERATION OF A RELEVANT OFFENCE
FOR THE PERSONAL LICENCE HELD BY MR
SINNARASA HARIHALAN: NO 16/00557/LAPR
Penge and Cator**

Information relating to any
individual.

Report No.
ES20197

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: Wednesday 20th July 2022

Decision Type: Non-Urgent Non-Executive Non-Key

Title: APPLICATION FOR A VARIATION OF A PREMISES LICENCE
AT TUGRA 44 STATION APPROACH HAYES BROMLEY BR2
7EJ

Contact Officer: Steve Phillips, Head of Health Safety and Licensing
Tel: 020 8313 4659 E-mail: steve.phillips@bromley.gov.uk

Chief Officer: Colin Brand Director of Environment and Public Protection

Ward: Hayes And Coney Hall

1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.

2. RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee asked to determine this application having taken into account the Council's Statement of Licensing Policy 2016 to 2021 and written and oral representations by the applicant and objectors.

Members can

1. Grant the licence
2. Grant the licence with the addition of conditions necessary to promote any of the licensing objectives
3. Exclude from the scope of the licence any of the licensable activities to which the application relates
4. Refuse to specify a person in the licence as the premises supervisor
5. Reject the application

Impact on Vulnerable Adults and Children

1. Summary of Impact:

When making decisions under the Licensing Act 2003 the Council is required to promote the licensing objectives, one of which is the protection of children from harm.

Corporate Policy

1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2021 to 2026.

2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.
2. Ongoing costs: Non-Recurring Cost
3. Budget head/performance centre: Public Protection and Portfolio
4. Total current budget for this head: £2.4M
5. Source of funding: 2022/2023

Personnel

1. Number of staff (current and additional): 2 Licensing Officers supported by 4.5 FTE admin
2. If from existing staff resources, number of staff hours: Not applicable

Legal

1. Legal Requirement: Statutory Requirement: The Council is the Licensing Authority for the Licensing Act 2003. This is a Non-Executive function and is delegated to the General Purposes and Licensing Committee. Where representations are received about a licence application, it is referred to the Licensing Sub Committee for a hearing and decision.
2. Call-in: Not Applicable:

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. When considering and making a determination on this application Members need to balance the benefits of holding the licence against any adverse effects to the Public, Local Residents and Businesses by considering its impact against the licensing objectives

Ward Councillor Views

1. Have Ward Councillors been asked for comments? **Yes**. Ward Members were notified about the application by e-mail on 9th May 2022.
2. Summary of Ward Councillors' comments: Cllr Michael initially objected on the grounds of prevention of public nuisance and the protection of children from harm, but then subsequently withdrew the objection when informed of the amendments agreed with the police.

Responsible Authorities Views

The following Responsible Authorities were notified about this application and their views sought

Responsible Authority	Date Notified	Comments (further details in Appendix 2)
Metropolitan Police	9th May 2022	No objection if further conditions are added
Planning Authority	9th May 2022	No objection
Trading Standards Service	9th May 2022	No response
Public Health Nuisance Team	9th May 2022	No response
Health & Safety Team	9th May 2022	Objection received
Child Protection Team	9th May 2022	No response
Fire Authority	9th May 2022	No objection
Public Health	9th May 2022	No response

Residents and interested Parties

There were 2 objections received from members of the public in addition to the Health & Safety Team. 3 objections were received in total. The full details of the objections are contained in **Appendix 3**.

3. COMMENTARY

3.1. Licensing Act 2003.

The Licensing Act 2003 states that any premises requires a licence/certificate issued by the Council (premises licence/club premises certificate) where the following activities occur: -

Provision of regulated entertainment

a) Plays. (Where the audience exceeds 500 people)

b) Films.

c) Indoor sporting events. (Where the audience exceeds 1000 people)

- d) Boxing or wrestling entertainment.
 - e) Live music. (subject to the Live Music Act 2013 exemptions)
 - f) Recorded music.
 - g) Performances of dance. (Where the audience exceeds 500 people)
- Provision of late-night refreshment (between 2300hrs and 0500hrs).
- Supply of alcohol (on and off sales).

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

Licences/Certificates may be issued subject to any terms, conditions or restrictions the Council feels are appropriate to address any or all of the four licensing objectives.

The Council has previously agreed Bromley's Statement of Licensing Policy for the Period 2021 – 2026.

The Licensing Sub-Committee must consider the Statement of Licensing Policy and any Special Policy of Cumulative Impact currently in force when making any decisions in respect of these applications.

Description of the Premises

Taken from original licence application form submitted in 2016:

The premises is a Turkish restaurant on Station Approach in Hayes with a seating capacity of approximately 100 people, there are also 3 Indian restaurants on the same high street and my activities will be the same as these Indian restaurants.

There will be 1 disabled toilet and 3 toilets each for men and women to use.

Food will be cooked in the kitchen and served to customers at their tables, if the customers want alcoholic drinks such as beer, spirits, cocktails & wine then i wish to serve my customers with their choice of drink. The restaurant will have a bar with an attended barman at all times the restaurant is open.

The opening hours of the restaurant will be 5pm - 11pm, alcoholic drinks will not be sold individually. Alcohol will only be served to tables with a main course dish.

A satellite image and street view of the premises can be found at **Appendix 6**.

Licensing History

The premises licence was first granted on 30th January 2016.

The records show that 7 complaints relating to noise nuisance from loud music were received from neighbouring residents in the period between 23rd September 2021 and 13th May 2022. Some of these complaints allege that the premises was operating beyond its licensed hours, in breach of the premises licence.

On 26th April 2022 the premises was visited by Mr Tony Rose, Bromley Council Licensing Officer, in response to these complaints. Mr Rose spoke to Mr Caner Tunc and reminded him of his licensed times and conditions and advised that he must not breach any of these or cause a public nuisance.

On 27th April 2022 Mr Rose received an email from Mr Tunc asking to vary his licence to extend the hours of the licensable activities.

2 Temporary Event Notices have been received from the premises. The first was for 6th June 2022 to permit regulated entertainment and late night refreshment for 90 people to 00:15. The second was for 1st July 2022 to permit late night refreshment for 100 people to 23:59.

A summary of the complaints received can be found at **Appendix 5**.

Details of the Application

This is an application to vary the current licence by extending the licensed hours for the sale of alcohol on the premises, the performance of live and recorded music and the provision of late night refreshment.

		Current	Proposed
The supply of alcohol	Friday & Saturday	12:00 – 23:00	12:00 – 01:00
Live music	Friday & Saturday	19:00 – 22:00	19:00 – 23:00
Recorded music	Friday & Saturday	12:00 – 23:00	12:00 – 00:30
Late night refreshment	Friday & Saturday	N/A	12:00 – 00:30

A copy of the full application is contained in **Appendix 1**.

A copy of current licence is contained in **Appendix 2**.

NOTE: During the application process the Police stated that they would not object if the proposed hours were amended as follows:

- Opening hours Fri and Sat until 0000h
- Sale/supply alcohol Fri and Sat until 0000hrs
- Late night refreshment Fri and Sat until 0000hrs
- Recorded Music Fri and Sat until 0000hrs
- Live Music Fri and Sat until 2300hrs
- Last admittance to the premises will be at 2300hrs

The email detailing applicants agreement to these changes can be found in **Appendix 4**.

Representations

During the public consultation period the Licensing Authority received 4 representations against the application, one of which was withdrawn. Copies of the remaining 3 objections are contained in **Appendix 3**.

NOTE: Reference was made to the premises only having planning permission to operate until 23:00 in the objection from Health & Safety. Planning application form 14/03333/FULL2 for change of use from Class A1 (retail) to Class A3 (restaurant) states that the opening hours will be 6pm – 11pm. However, this was not recorded on the decision notice and there is no condition saying they can only be open for these hours.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Licensing regimes provide for additional controls through specific permissions to undertake activities. The Licensing Act 2003 contain 4 licensing objectives one of which is protect children from harm.

- 4.2 Businesses and the Council are required to promote this objective in the way they operate or make decisions.
- 4.3 Details of applications under the Licensing Act are referred to the appropriate safeguarding teams for comment as they are a designated responsible authority.

5. POLICY IMPLICATIONS

- 5.1 The Licensing Act 2003 require the Council to prepare, consult on and publish a statement of their licensing policy. This must be reviewed at least every 5 years under the Licensing Act.
- 5.2 Members should make decisions in accordance with these policies but are free to depart from them with good reason.
- 5.3 The current policy is -
- Statement of Licensing Policy 2021 to 2026

http://www.bromley.gov.uk/downloads/file/226/statement_of_licensing_policy_2021-2026

6. FINANCIAL & LEGAL IMPLICATIONS

- 6.1 There are rights of appeal to the Magistrates Court against the decision of the Sub-Committee under both the Licensing and Gambling Acts. If an appeal were to be lodged there are costs associated with defending it. These are difficult to quantify, and the Courts can award costs. In the event of a successful appeal, we could pay the costs of the appellant as well as our own. Equally if we successfully defended an appeal, it is open to the Court to order our costs to be paid by the appellant.
- 6.2 Parties involved in a hearing before a Sub-Committee can also seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.
- 6.3 The Council has adopted a procedure for the conduct of hearings.
- 6.4 Although the Council has a duty to consider its duties under the Equality Act 2010 generally, and more specifically under part 11 (Public Sector Equality Duty), this does not directly fall within the licensing objectives and will need to be considered on a case-by-case basis (in relation to accessibility) and enforcement (in relation to harassment).
- 6.5 Similarly, climate change action is not easily addressed under the licensing regime and can be considered either informally or under other regimes, such as planning (when considering new premises licence applications for example).

Non-Applicable Sections:	Personnel and Procurement implications
Background Documents: (Access via Contact Officer)	Soft File Computer based records

Appendix 1

Application Form



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We CANER TUNC
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	16/00121/LAPRE
-------------------------	----------------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
TUGRA AA STATION APPROACH HAYES BROMLEY			
Post town	BROMLEY	Postcode	BR27EJ

Telephone number at premises (if any)	02084629898
Non-domestic rateable value of premises	£ 18,750

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	info@tugrahayes.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD MM YYYY

--	--	--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The proposed variation is to extend our opening hours, live music hours, serving alcoholic beverage hours to meet increased public demand on weekends.

We would still be keeping with the ethos of the High Street as other venues are currently open past midnight on Fridays + Saturdays

- Opening hours 12:00 - 1:00 Fridays + Saturdays
- Sale + supply of Alcohol 12:00 - 1:00 Saturdays
- Live music 19:00 - 23:00 Fridays + Saturdays
- Recorded music 12:00 - 00:30 Fridays + Saturdays

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details (please read guidance note 5)</u>
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 6)</u>
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri	12pm	11pm	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	12pm	11pm			
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri	12pm	00:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	12pm	00:30			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri	12am	00:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	2am	00:30			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri	12pm	00:30			
Sat	12pm	00:30			
Sun			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>N/A</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p>
Tue			
Wed			
Thur			
Fri	12pm	01:00	
Sat	12pm	01:00	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The steps I am going to take to promote all four licensing objectives together are, increased and improved training for staff in regards to selling alcohol. As well as this I will enroll my staff on more courses such as first aid and security. Also I will make sure every member of staff will be able to use access and playback the CCTV to ensure the smooth running of the restaurant.

b) The prevention of crime and disorder

CCTV Cameras, increase staffing levels, all staff to be shown how to use CCTV, Challenge 25, Refusal log book, barring of people demonstrating anti social behaviour and finally a zero tolerance policy to drug use.

c) Public safety

Well trained staff(e.g. ask angela + first aid) Liaising with the police, increased lighting, increased fire safeguarding, clear and well marked emergency exits. As well as electrical testing, annual fire equip check, fire alarm and no glass allowed outside when smoking.

d) The prevention of public nuisance

Increased signage, move people on to avoid loitering, all windows and doors closed, lobbied main entrance, no external entertainment and liase with local taxi firm making sure there are plenty of taxis for when people leave.

e) The protection of children from harm

No children after 21:00, checking identification to serve alcohol, no children near the bar area, challenge 25 posters and enforcement of challenge 25 and finally no under 21s parties.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒
☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**




Signature	
Date	26/04/2022
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)



Post town		Post code	
Telephone number (if any)			

Appendix 2

Current Premises Licence & Plan

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

16/00121/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **30th January 2016**

Issue Number **004**

This licence consists of **10** pages (Including Licence Summary)

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Tugra
44 Station Approach
Hayes
Bromley
Kent
BR2 7EJ

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Live Music
Recorded Music
Similar to Live, Recorded Music or Dance

Where the licence authorises supplies of alcohol whether these are on and/or off sales

On the Premises only

The opening hours of the premises

Hours Open to the Public on Every Day from 12:00 to 23:00

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Every Day from 12:00 to 23:00

Live Music on Friday and Saturday from 19:00 to 22:00

Recorded Music on Every Day from 12:00 to 23:00

Similar to Live, Recorded Music or Dance on Saturday from 19:00 to 20:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Caner Tunc
44 Station Approach
Hayes
Bromley
Kent
BR2 7EJ

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable.

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Full Name: Caner Tunc

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

DPS Licence Ref: 19545 Issued by London Borough of Havering

Mandatory Conditions

1. Supply of Alcohol:

(1). No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2). every sale of alcohol under the premises licence must be authorised by a personal licence holder.

2. Irresponsible Promotions:

(1). the responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2). In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to— .

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. Free Potable Water

(1). The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. Age Verification:

(1). The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2). The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. Minimum Measures:

(1).The responsible person must ensure that —

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— .

(i) beer or cider: ½ pint; .

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .

(iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. Permitted Price:

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii). D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii). V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i). the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2). The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. Films:

(1). The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2). In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

8. Door Supervision:

- (1). Any individual employed at the premises as a door supervisor must
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Conditions consistent with the Operating Schedule

Held by the Licensing Authority: Stamped Reference Number:
16/00121/LAPRE - Dated: 30th January 2016

General

The premises is licenced to operate as a Turkish Restaurant with the sale of alcohol being restricted to no individual sale and to tables with a main course dish.

Seasonal Variations:

- Nil

Crime and Disorder

9. 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 a Police, Council or other authorised Officer. The recordings shall be kept for a minimum of 31 days.

10. Alcohol will only be sold / supplied by waiter or waitress service to those persons seated at tables or designated seating at the bar who is taking or who have taken a table meal and as an ancillary to that meal. There is to be no vertical drinking anywhere on the premises

11. Relevant staff will receive documented training in relation to the Licensing Act 2003, and the 'challenge 25' policy and the training shall be repeated every twelve months. Records of this training and any written policies relating to it will be kept and made available to Police or Council Officers on request.

Public Safety

No Conditions

Prevention of Public Nuisance

12. A sign will be placed within the premise asking customers to respect neighbours by keeping noise down (wording to be decided by applicant)

Protection of Children from Harm

13. 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.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Plans

Held by the Licensing Authority: Stamped Reference Number:
16/00002/LAPRE - Dated: 30th January 2016

LICENSING ACT 2003**Premises Licence Summary****Premises licence number****16/00121/LAPRE**

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **30th January 2016**Issue Number **004**This licence summary consists of **2** pages**Premises Details****Postal address of premises, or if none, ordnance survey map reference or description**

Tugra
44 Station Approach
Hayes
Bromley
BR2 7EJ

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Live Music
Recorded Music
Similar to Live, Recorded Music or Dance

The opening hours of the premises

Hours Open to the Public on Every Day from 12:00 to 23:00

Where the licence authorises supplies of alcohol whether these are on and/or off sales

On the Premises only

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Every Day from 12:00 to 23:00

Live Music on Friday and Saturday from 19:00 to 22:00

Recorded Music on Every Day from 12:00 to 23:00

Similar to Live, Recorded Music or Dance on Saturday from 19:00 to 20:00

Name, (registered) address of holder of premises licence

Mt Caner Tunc
of
53 Ascension Road
Romford
Essex
RM5 3RT

Registered number of holder, for example company number, charity number (where applicable)

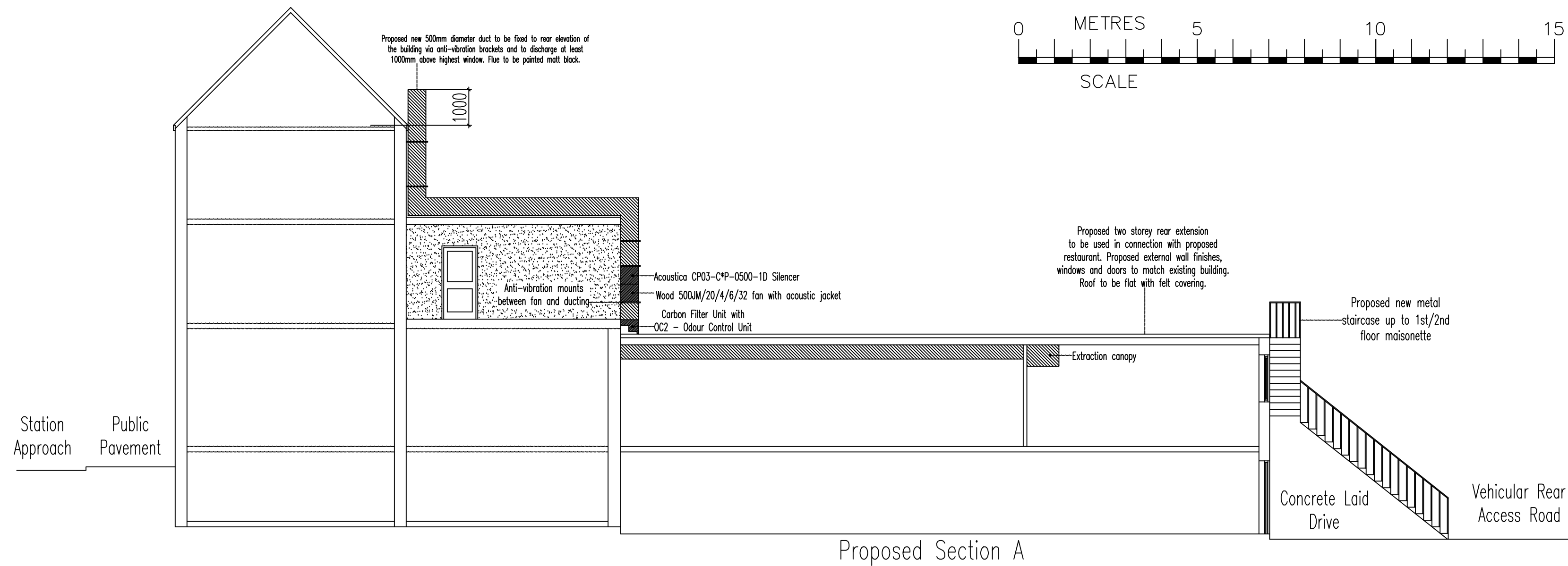
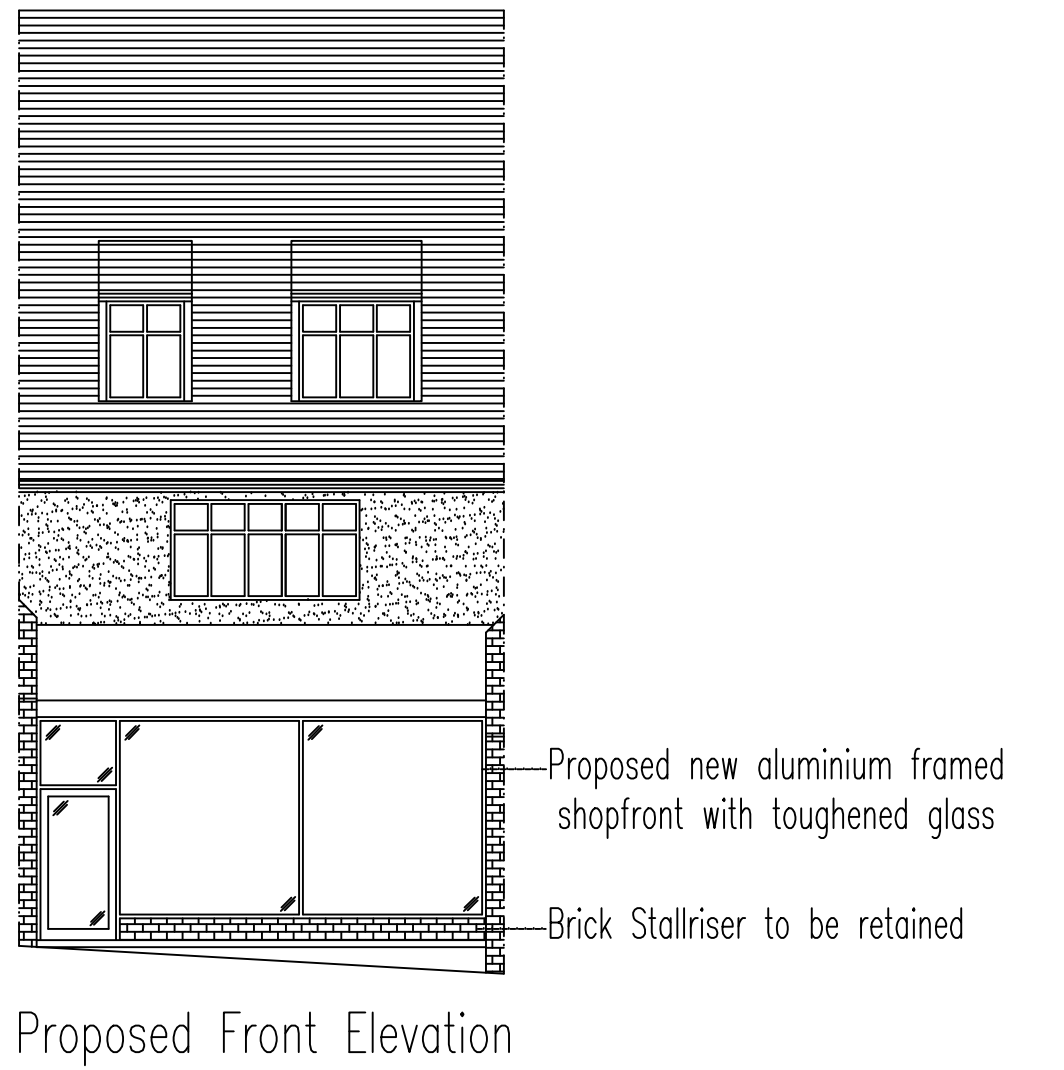
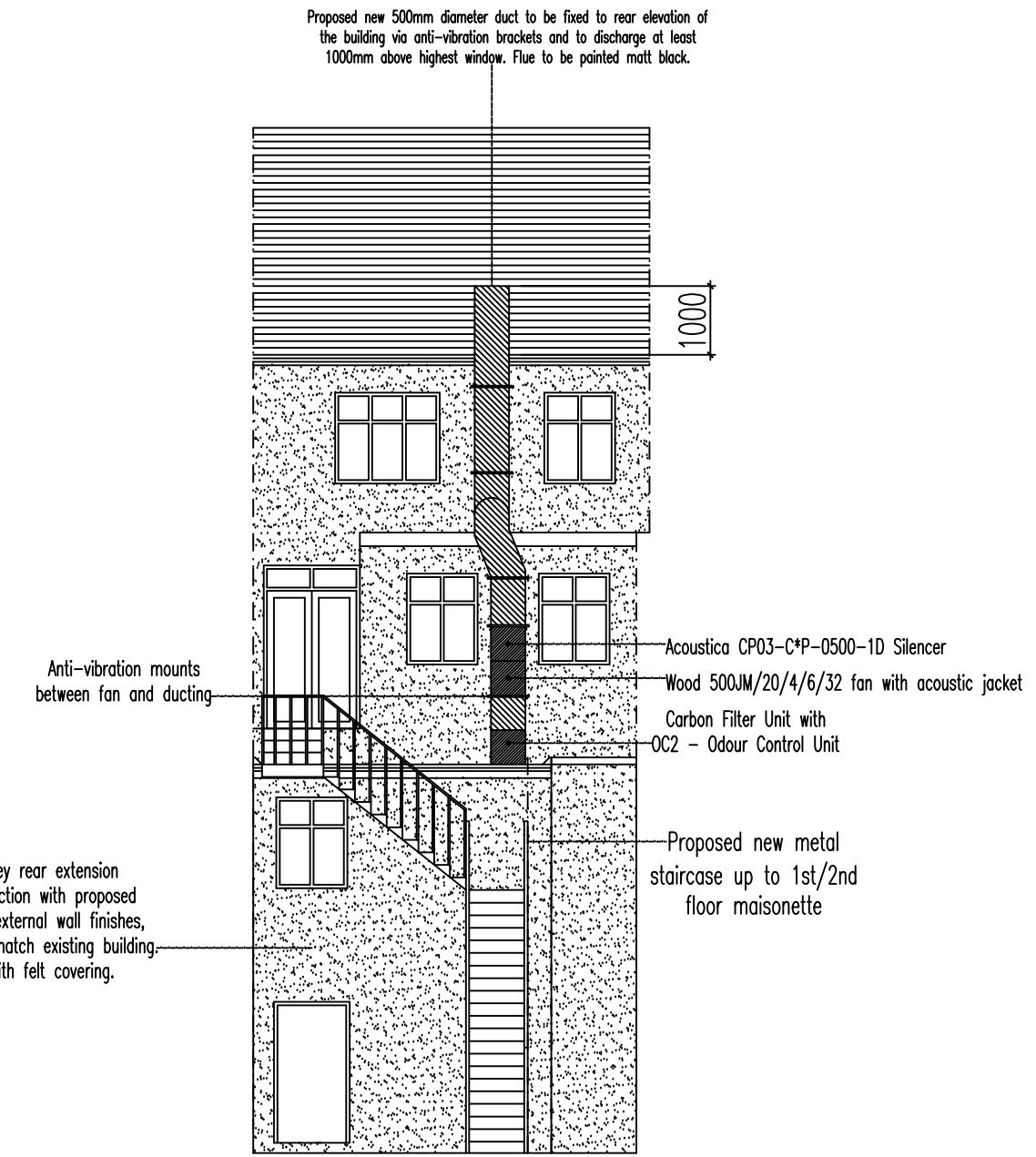
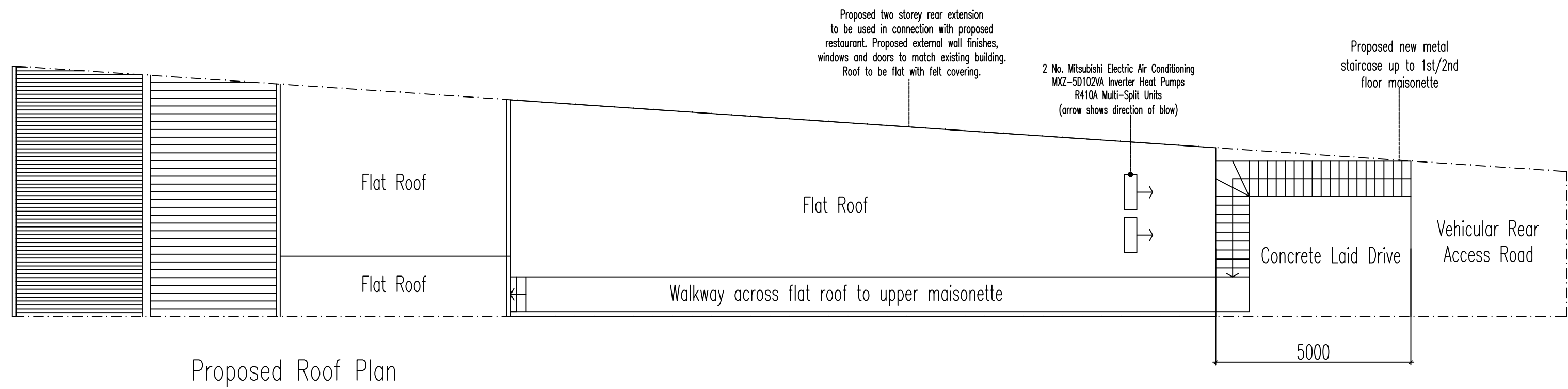
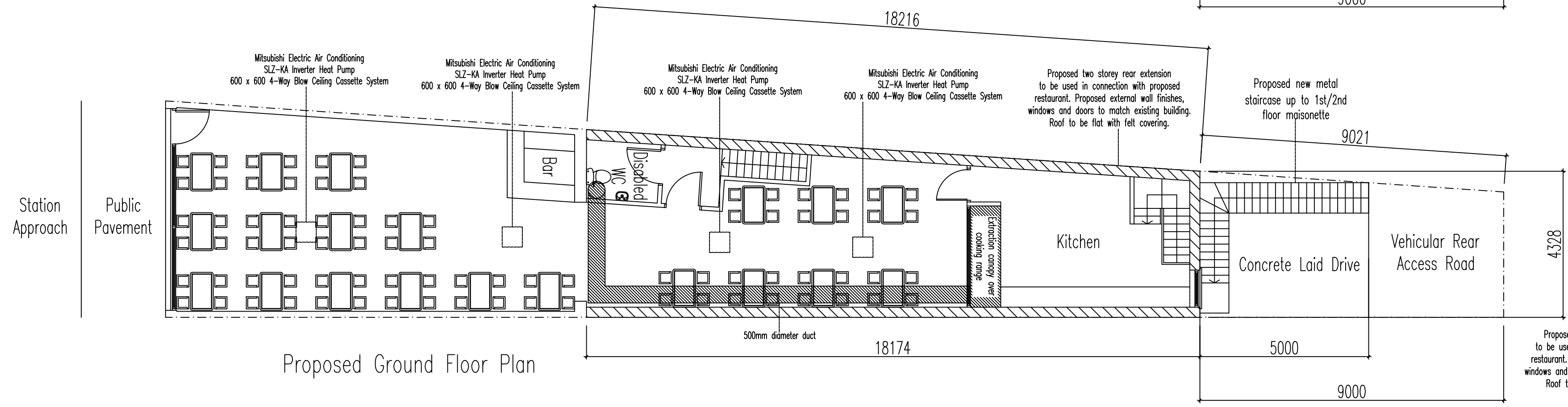
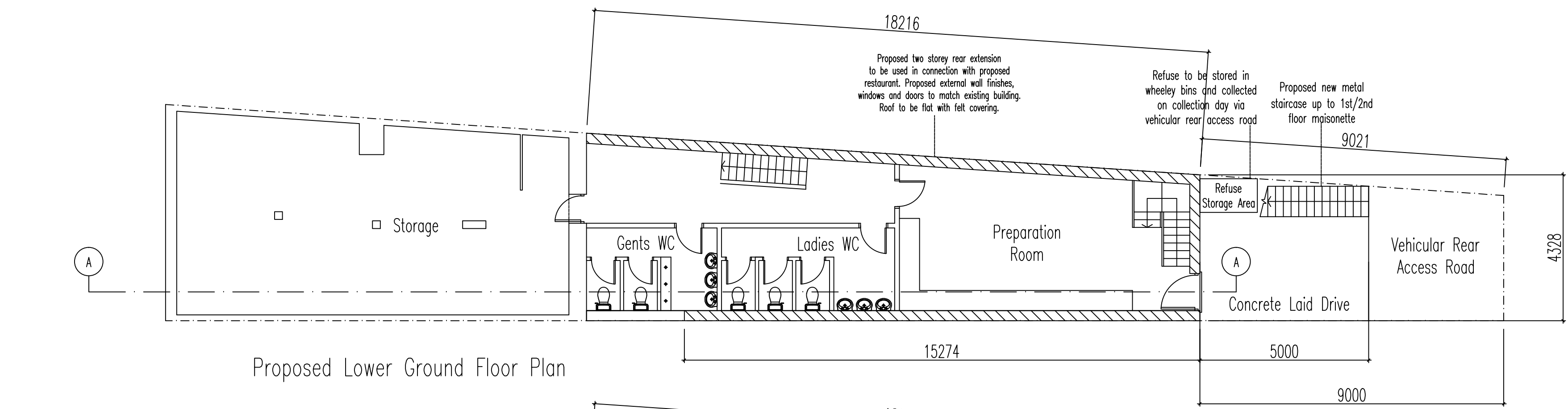
Not Applicable.

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Full Name: Caner Tunc

State whether access to the premises by children is restricted or prohibited

Not Applicable



REVISION DESCRIPTION DATE

CLIENT
Ihsan Potukoglu

JOB
44 Station Approach, Hayes, Bromley, BR2 7EJ

TITLE
Proposed Plans and Elevations

FH Property Services

Hillside
London Road
West Kingsdown
Sevenoaks
TN15 6EX
Tel: 020 8859 5999
Mob: 07949 928 170
Email: fethi.huseyin@yahoo.com

SCALE: 1:100 @ A1 D: FH C: FH DATE: April 2015

JOB NO.: 140703 DRAWING NO.: 02 REVISION:

Appendix 3

Objections

Responsible Authorities

1.

From: Health Safety (Group)

Sent: 11 May 2022 09:51

To: Licensing

Subject: RE: Full variation for - Tugra 44 Station Approach Hayes Bromley BR2 7EJ ref 22/00495/LAPRE

Hello Paul

I object to the application for variation of the licence at these premises.

The grounds for my objection are as follows:-

- The premises does not have planning permission to remain open after 23.00 on any day. Therefore the application to vary the opening hours and hours for service of alcohol, recorded music and late night refreshment are contrary to the premises current planning permission. To grant this application would be a breach of London Borough of Bromley's Licensing Policy.
- Seven complaints have been received from neighbouring residents between 23.09.2021 and 01.05.2022 regarding loud amplified music, both live and recorded at times outside those permitted by the existing licence. On three occasions these were complaints regarding excessively loud live music on weeknights. The current licence only permits live music on Fridays and Saturdays. Therefore there is anecdotal evidence that the premises are not complying with the conditions of their current licence. To extend the hours for opening, the sale of alcohol, live and recorded music and permit late night refreshment will cause Statutory Nuisance, harm and loss of amenity to the residents residing locally to the premises. This is contrary to the objective of prevention of public nuisance.

Kind regards

Jean Bywater
Health & Safety Inspector
Health & Safety & Licensing Team
Environment & Public Protection
London Borough of Bromley

Resident Objections

2.

Dear Sirs

**Re: Premises Licence number:- 16/00121/LAPRE
Tugra, 44 Station Approach, Hayes, Bromley BR2 7EJ**

I wish to object to the application to vary the premises licence in respect of the above property on the following grounds:-

1. The property in question is in a residential area and the extension of the licence will prevent residents who live above the nearby high street shops and other businesses from having quiet enjoyment of their homes. I represent a neighbouring property owner who has a tenant residing in a residential flat with children and they have already complained to the council regarding the noise levels at Tugra restaurant. It has been reported to me that Tugra restaurant are already playing loud music outside of the hours permitted under their current licence. I discussed the noise complaint with Jamie from the Noise/Public Protection Team at Bromley Council on 22/12/21 and I am very concerned that I will be unable to let my neighbouring property (which comprises of family accommodation) should this licence extension be granted.

2. The application submitted by Caner Tunc refers to other venues being “currently open past midnight on Fridays and Saturdays” but does not identify these venues or state whether they are situated next to family living accommodation as is the case with 44 Station Approach.

3. The extension of hours requested in respect of music, alcohol consumption and the venue closing time of 1am are akin to that of a nightclub and not a “restaurant” which is how the premises are described in section M(a) of the application. Furthermore the references in the application to anti-social behaviour, drugs and police contact being envisaged, additional security required and a bar on any children after 9pm in the restaurant all point to this venue resembling a nightclub. The noise will not end with the closure of the premises at 1am as people will loiter until their transport arrives and this issue is acknowledged in the application. There will be no incentive for the Applicant to deal with this issue once the premises have closed for the night.

4. The current licence states, “Alcohol will only be sold/supplied by waiter or waitress service to those persons seated at tables or designated seating at the bar who is taking or who have taken a table meal and as an ancillary to that meal. There is to be no vertical drinking anywhere on the premises.” The application to extend timings for the sale of alcohol, playing of music and extended opening hours does not fit with this licence condition.

5. If granted this licence will encourage other premises to apply for similar extensions, blurring the distinction between restaurants and nightclubs, which could open the floodgates for complaints of anti-social behaviour in this High Street to the council.

Finally, I am very surprised that neighbouring properties are not entitled to receive direct communication regarding this application. I have only just received a photograph of the Notice in the window of 44 Station Approach and yet if this application were successful it would have a very damaging effect on the business of neighbouring landlords of residential properties as it would be impossible to find families that would tolerate these noise levels.

3.

Hello,

PUBLIC NOTICE LICENSING ACT 2003

I would like to share my grievances regarding the application for the extension of the opening hours for the Tugra Restaurant at 44 Station Approach, BR2 7EJ.

I live XXXXXXXX and we have had to endure weekly late night noise coming from this premises virtually every Friday and Saturday evening, to the point where we are not able to watch tv or sit in our living room or invite guests over on those 2 days because of the noise of the live entertainment, whether it be belly dancing, karaoke nights or the Michael Jackson impersonator screaming at the top of his voice singing songs for over 2 hours. They are situated below properties where families live, above and on both sides of the restaurant.

When I moved here, I actually thought this premises was a restaurant, like most restaurants which serve drinks and food, however this establishment is more like a night club which loud drunk people spilling out in the street after midnight, smoking/drinking outside our home each weekend, this does not happen outside any other establishment along Station Approach. So you can understand my concerns on extending the opening hours licence for this place.

I would not mind if they could have some sort of sound proofing done to the property, that way we would not have to hear the full brunt of the music or live entertainment which usually starts around 10pm and ends well after midnight. This is a relatively quiet small high street in Hayes, with lots of other restaurants and pubs and I do believe they close their establishment at the usual time most do in Bromley, they do not have loud music each weekend, if they do then they are away from residential properties.

At present Tugra Restaurant tend to stay open later then they are licensed and have no care in the world about that because they have been able to get away with it . However, since I have started complaining on many occasions about this to Bromley Council, they have checked and have spoken to the owner and has an open case on them. The problem is the noise, there is no sound proofing and they have lots of live entertainment and play music very loud well into the early hours of Friday and Saturday. I have informed my landlord of the noise and the premises licence certificate and the estate agent who lets this property, so they are aware of this when getting tenants to live here.

I hope you will consider these points before granting them a licence to extend their hours.

Many thanks
, BR2 7EJ

Appendix 4

Police Amendments Agreed by Applicant

From: info@tugrahayes.co.uk
Sent: 31 May 2022 15:48
To: Licensing
Cc: ryan.mills
Subject: Fwd: Application for License Variation

Good Afternoon,

After a discussion with the police, I have understood there concerns and will be happy to accept there recommendations as shown below.

Would you be able to make the following changes to the variation request including the extra request of no entry after 11pm.

To clarify I agree to all the polices requests and changes to variation.

Thank you, wishing you a good day.

Caner Tunc
Tugra Restaurant
44 Station Approach
Bromley Hayes
BR2 7EJ

From: Ryan Mills
Subject: Application for License Variation
Date: 31 May 2022 at 15:02:11 BST
To: <info@tugrahayes.co.uk>

Dear Mr Tunc,

Thank you for the recent engagement in relation to your application to vary the Premise Licence for Tugra.

The police would be happy for the following changes as discussed with you to be made to your licence to allow :

1. Opening hours on Fri and Sat until 0000h
2. Sale/supply alcohol on Fri and Sat until 0000hrs
3. LNR on Fri and Sat until 0000hrs
4. Recorded Music on Fri and Sat until 0000hrs
5. Live Music on Fri and Sat until 2300hrs

We would also request that this condition is also added to the premise licence : Last admittance to the premises will be at 2300hrs

If you are in agreement please forward this email onto the council stating your agreement and Cc me in.

Any problems or concerns please give me a call

Kind regards
PC Mills 1789SN

Appendix 5

Summary of Nuisance Complaints

Summary of Complaints

Date	Complaint Details
23/09/2021	Amplified Music – Very loud performer singing in restaurant.
25/11/2021	Loud music, Michael Jackson impersonator singing very loudly
26/11/2021	Loud music coming from Turkish Restaurant, caller kept awake.
19/02/2022	Tugra Restaurant still playing loud music at 00:39, caller can't sleep.
09/04/2022	Tugra Restaurant continues to open and play loud music well after midnight. The restaurant bar stays open until well after 1am during the week.
26/04/2022 – Licensing Officers visit to premises to advise of complaints, licence times and conditions.	
01/05/2022	Sunday 10:23, Tugra Restaurant thinks it's a night club. Playing loud music.
13/05/2022	Tugra Restaurant playing live music at 11pm.

Appendix 6

Satellite Image & Photos of Premises

Satellite Image of Tugra Restaurant 44 Station Approach, Hayes BR2 7EJ



Street View of Tugra Restaurant 44 Station Approach, Hayes BR2 7EJ



This page is left intentionally blank

Agenda Item 5

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is left intentionally blank