

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH



THE LONDON BOROUGH
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DATE: 29 November 2022

To: Members of the
LICENSING SUB-COMMITTEE

Councillors Nicholas Bennett J.P., Kira Gabbert and Pauline Tunnicliffe

A meeting of the Licensing Sub-Committee will be held at Bromley Civic Centre on
WEDNESDAY 7 DECEMBER 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**
- 3 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT PIERLUIGI 86-90
HIGH STREET BECKENHAM BR3 1ED
Beckenham Town & Copers Cope**

**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.

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Report No.
ES20229

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: Wednesday 7th December 2022

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

Title: APPLICATION FOR A REVIEW OF THE PREMISES LICENCE
AT PIERLUIGI 86-90 HIGH STREET BECKENHAM BR3 1ED

Contact Officer: Jean Bywater, Health Safety and Licensing
Tel: 020 8461 7912 E-mail: jean.bywater@bromley.gov.uk

Chief Officer: Colin Brand Director of Environment and Public Protection

Ward: Beckenham Town and Copers Cope

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 2021 to 2026 and written and oral representations by the applicant and objectors.**

Members may

1. **Modify the conditions of the licence**
2. **Exclude a licensable activity from the scope of the licence.**
3. **Remove the Designated Premises Supervisor**
4. **Suspend the licence for a period not exceeding three months**
5. **Revoke the licence**
6. **Remove the exemptions provided by the Live Music Act 2012 to re-engage conditions related to regulated entertainment including live music as per Licensing Act 2003 Section 177A(4)**

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 25th August 2022.
2. Summary of Ward Councillors' comments: No comments received

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 3)
Home Office	25 th August 2022	Immigration Enforcement will not make any representations at this time
Metropolitan Police	25 th August 2022	See appendix 3
Planning Authority	25th August 2022	No representation received
Trading Standards Service	25th August 2022	No representation received
Public Health Nuisance Team	25th August 2022	See appendix 1 (application)
Health & Safety Team	25th August 2022	No representation received
Child Protection Team	25th August 2022	No representation received
Fire Authority	25th August 2022	Does not propose to make any representation.
Public Health	25th August 2022	No representation received

Residents and interested Parties

There were 4 representations received from members of the public. 2 in support of the application and 2 objecting to the application. The full details of the representations 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

The premises is a detached building, with the Licensed premises on the ground floor and residential accommodation above.

A satellite image and street view of the premises can be found in **Appendix 4**.

Licensing History

The premises licence was granted in November 2005. Within the Operating Schedule of the licence, detailed several measures that would be taken to prevent crime and disorder as follows: -

The sale and consumption of Late Night Refreshment shall finish at the time stated on the Licence and shall not have a further 30 minutes consumption time.

A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Bromley Council at all times whilst the premises is open.

Alcohol for consumption on the premises shall not be sold:-

Unless the premises have been structurally and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises;

On the premises otherwise than to persons taking table meals there and for consumption by such a person and as an ancillary to his meal save as a maximum of 12 persons at any one time.

Unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises

Off Sales :

Sold in sealed containers to customers whom have been provided with a table meal or a meal for take-away or delivery.

Sold to people seated in the external terrace and ancillary to a meal

A copy of the current licence can be found in **Appendix 2**.

Details of the Application

This is an application to review the premises licence following a number of complaints received by Public Protection over a period of two years, including offences under the Coronavirus Pandemic restrictions, which resulted in separate offences being pursued. The complaints were received from residents who live nearby and have been severely impacted by the licensable and non-licensable activities of the premises. There were also referrals from the Licensing Team and Metropolitan Police. The complaints resulted in a number of visits to the premises by Metropolitan Police Officers, Licensing Officers and Public Health Nuisance Team Officers, both during the working day and out of hours. Statutory Nuisance Notices have been served on the premises to abate the nuisance caused. Despite this, the premises have continued to operate in an uncontrolled manner. Breaches of the Statutory Nuisance notices have been witnessed.

A copy of the full application is set out **Appendix 1**

Representations

During the public consultation period the Licensing Authority received 5 representations 3 supporting the application and 2 against the application. Copies of these are contained in **Appendix 3**.

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 polices 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

Review Application Form

London Borough of Bromley

Application for the review of a premises licence or club premises certificate 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 **Steve Phillips**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Pier Luigi's Pasta Fresca (Also known as Pier Luigi's Restaurant Limited or Pier Luigi's) 86 - 90 High Street
--

Post town Beckenham	Post code (if known) BR3 1ED
----------------------------	-------------------------------------

Name of premises licence holder or club holding club premises certificate (if known)

Mr Pierluigi Bianchi

Number of premises licence or club premises certificate (if known)

20/00274/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Steve Phillips London Bromley of Council, Civic Centre, Bromley, BR1 3UH
Telephone number (if any) (020) 8313 4218
E-mail address (optional) steve.phillips@bromley.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

This application for the review of the premises licence at Pier Luigi's Pasta Fresca restaurant held by Mr Pier Luigi Bianchi, has been submitted as a result of a number of complaints received by this division over a period of two years. Including offences under the Corona Virus Pandemic restrictions, which resulted in separate offences being pursued.

The complaints have been received from residents who live nearby and have been severely impacted by the licensable activities and non-licensable activities from the premises. Additionally, there have been referrals from both the Licensing Team and Metropolitan Police.

The complaints have resulted in a number of visits to the premises by Licensing Officers, Metropolitan Police Officers, and Nuisance officers of the council both during the working day and out of hours. From a statutory nuisance stance under the Environmental Protection Act 1990. Statutory notices have been served on the premises to abate the nuisance being caused, despite this the premises has continued to operate in an uncontrolled way. This has resulted in the witnessing of Breaches of the nuisance notices and continued nuisance to residence of the area.

Ownership

The business has three registered directors Ms Irene Bianchi (who is also the Company Secretary) since 2010, Mr Marco Bianchi since 2017 and Mr Pier Luigi Bianchi since 2010. Although this detail has been established through the nuisance investigation it is not reflected in the premises licence which is held by an individual.

The Premises Licence 20/00274/LAPRE issue number 003 is held by Mr Pier Luigi Bianchi of 1 East Park Side Great Park Warlingham CR6 9PY Mr Pier Luigi Bianchi is also the Designated Premises Supervisor.

Location and Nature of the Business

Pier Luigi's Pasta Fresca is a traditional restaurant based on High Street Beckenham. The Premises holds a "Premises Licence" which is displayed at appendix A. To the side and rear aspects of the premises can be found residential properties the closest of which is within 20mts see the photo and maps contained in appendix B

Detail of the notices, complaints, visits and contact with this premises are displayed in appendix C

.

Recommendations

This premises has been given advice, guidance, and several warnings about the way in which they are operating the premises. All of Which are contained within appendix C

They continue to ignore advice and guidance and most recently enforcement notices issued to them.

This continued and flagrant disregard to the advice, guidance and enforcement activity of the responsible authorities has demonstrated that they are not willing to operate within the restrictions of the Licensing Act 2003 and the statutory nuisance provisions of the Environmental Protection Act 1990 s 80.

The current premises licence is not fit for purpose as it has remained unchanged since it

was converted under the provisions of the Licensing Act 2003 in November 2005.

- The Premises is actively causing a Public Nuisance in utilising the exemptions provided by the Live Music Act 2012.
- The premises is actively providing regulated entertainment without a premises licence permission after 2300hrs
- The premises is actively utilising unlicensed areas of the site for licensable activities as shown on the approved plan stamped ref 05/00890/LAPRE Dated - 24th November 2005

All the above has been pointed out to the premises licence holder yet no action or improvement has been undertaken.

Considering the attitude of management at this location to advice, guidance, and enforcement action I would ask the licensing subcommittee to consider the "BOLD" options available to you under the provision of the Licensing Act 2003 in respect of this review.

1. Revoke the Premises Licence
- 2. Suspend the premises Licence for a period of 3 months.**
- 3 Remove the exemptions provided by the Live Music Act 2012 in respect of Regulated Entertainment.**
- 4 Reduce the current hours of operation for licensable activities at the premises**
- 5 Remove the current Designated Premises Supervisor**
- 6 Apply a rigorous set of conditions to control the activities at this premises.**

Please provide as much information as possible to support the application (please read guidance note 3)

tick ✓ **yes**

Have you made an application for review relating to the premises before

Please

If yes please state the date of that application

Day Month Year

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

If you have made representations before relating to the premises please state what they were and when you made them

- | | |
|---|--------|
| tick ✓ yes | Please |
| <ul style="list-style-type: none"> • I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate <input checked="" type="checkbox"/> • I understand that if I do not comply with the above requirements my application will be rejected <input checked="" type="checkbox"/> | |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant, please state in what capacity.**

Signature *S Phillips*

Date24th Aug 2022.....

Capacity Nuisance, Anti-Social Behaviour, Health, Safety and Licensing Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Steve Phillips Nuisance, Anti-Social Behaviour, Health, Safety and Licensing Manager Bromley Council, Civic Centre, Stockwell Close	
Post town Bromley	Post Code BR1 3UH
Telephone number (if any): (020) 8313 4218	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) steve.phillips@bromley.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application

APPENDIX A

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

20/00274/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **24th November 2005** Issue Number **003**

This licence consists of **8** pages (Including Licence Summary)

Part 1 – Premises Details

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

Pierluigi's Pasta Fresca
86 - 90 High Street
Beckenham
Kent
BR3 1ED

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment

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

Both On and Off the Premises

The opening hours of the premises

From the start of permitted hours until 30 minutes after the end of permitted hours

The times the licence authorises the carrying out of licensable activities.

Sale or Supply of Alcohol on Monday-Saturday from 10:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 23:30

Alcohol Off Sales timings same as above

Late Night Refreshment on Monday-Saturday from 23:00 to 00:30 (Subject to Condition 14)

Late Night Refreshment on Sunday from 23:00 to 00:00 (Subject to Condition 14)

Part 2

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

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

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: Mr. Pierluigi Bianchi
Address: 1 East Park Side Great Park Warlingham CR6 9PY

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: TAND/PERS/05/040, issued by Tandridge City Council

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

General

Seasonal Variations:

9. Alcohol may be sold or supplied:
 - On Christmas Day: 1200 to 23.30.
 - On New Year's Eve, except on a Sunday, 11.00 to 00.00.
 - On New Year's Eve on a Sunday, 1200 to 23.30.
 - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Crime and Disorder

10. The sale and consumption of Late Night Refreshment shall finish at the time stated on the Licence and shall not have a further 30 minutes consumption time.

11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Bromley Council at all times whilst the premises is open.

12. Alcohol for consumption on the premises shall not be sold :

- Unless the premises have been structurally and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises;
- On the premises otherwise than to persons taking table meals there and for consumption by such a person and as an ancillary to his meal save as a maximum of 12 persons at any one time.
- Unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises

Off Sales :

- Sold in sealed containers to customers whom have been provided with a table meal or a meal for take-away or delivery.
- Sold to people seated in the external terrace and ancillary to a meal

Public Safety

No Conditions

Public Nuisance

No Conditions

Protection of Children from Harm

13. 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.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Plans

Held by the Licensing Authority Ref Number:**05/00890/LAPRE**
Dated - **24th November 2005**

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

20/00274/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **24th November 2005** Issue Number **003**

This licence summary consists of **2** pages

Premises Details

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

Pierluigi's Pasta Fresca
86/90 High Street
Beckenham
Kent
BR3 1ED

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment

The opening hours of the premises

From the start of permitted hours until 30 minutes after the end of permitted hours

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

Both On and Off the Premises

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Monday-Saturday from 10:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 23:30

Alcohol Off Sales timings same as above

Late Night Refreshment on Monday-Saturday from 23:00 to 00:30 (Subject to Condition 14)

Late Night Refreshment on Sunday from 23:00 to 00:00 (Subject to Condition 14)

Name, (registered) address of holder of premises licence

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

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: Mr. Pierluigi Bianchi

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

Not Applicable

APPENDIX B

Hall

TCB

43

45

Club

74

78

80

82

84

96

88 90 90a

LB

35.7m

9

10

5

to

8

33 to 44

15.81 m

17 to 32

1 to 16

92

Rokewood Apartments

94

96 to 98

Shelter

1a

49

51

53

55

57

59 to 63

65

67 69

71

Manor House

5



RENDZ-VOUS

AVAILABLE TO RENT
Brand new 1 & 2 bedroom apartments, all with private balconies or terraces.
Viewing by appointment only
020 8863 3387
acgm

020 8863 3387

PIERLUIGI'S











Appendix C



Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333
Direct Line: 0208 313 4659
Email: licensing.bromley.gov.uk

Internet: www.bromley.gov.uk
DX5727 Bromley

Our Ref: 20/00274/LAPRE

11th May 2021

Mr Pierluigi Bianchi,
1 East Park Side,
Great Park, Warlingham,
CR6 9PY

Dear Sir or Madam:

Re **The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (SI. 2021 No. 364)**

Pierluigi's Pasta Fresca 86/90 High Street Beckenham Kent BR3 1ED

Please find enclosed a fixed penalty notice in respect of Pierluigi's Pasta Fresca 86/90 High Street Beckenham Kent BR3 1ED.

The notice explains your rights and the actions you must take to prevent further formal action being taken against you on this matter.

Also enclosed is a copy of the prohibition notice served on you on the 21st of April 2021.

Both documents refer to breaches of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (SI. 2021 No. 364) that have taken place at your premises.

If you fail to comply with the restrictions placed on your premises by the attached Prohibition Notice further Fixed Penalty Notices will be served which incur further and larger fines which will require payment.

If you fail to comply with the Prohibition Notice again and further Fixed penalty notices are served serious consideration will be taken as to whether a full review of your premises licence is required for breaching the Public Safety licensing objective.

If you have any question or queries, please contact a member of the licensing team on 0208 313 4218.

Yours faithfully

Steve Phillips

Steve Phillips
Health Safety and Licensing Manager.

CC. Pierluigi's Pasta Fresca, 86 - 90 High Street, Beckenham, Kent, BR3 1ED

**The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021
(SI. 2021 No. 364)**

PROHIBITION NOTICE

Part A

To: Mr Pierluigi Bianchi, 1 East Park Side, Great Park, Warlingham, CR6 9PY

At: Pierluigi's Pasta Fresca, 86 - 90 High Street, Beckenham, Kent, BR3 1ED

Of: Pierluigi's Pasta Fresca

This Prohibition Notice is served under regulation 10(6) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (the "Regulations") and has

Immediate effect: Today : 21st April 2021

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, *Stephen Phillips* designated as a relevant person for the purposes of the Regulations by London Borough of Bromley, have reasonable grounds for believing that you are contravening a requirements in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent you from continuing to contravene those requirements.

Part B. Contravention of the restrictions

Mr Pier Luige Bianchi on 16th to the 18th April 2021 carried on the business and provided the service of :

- **Selling food and drink for consumption on the premises that was not served to a customer seated outdoors on the premises**
- **Having sold food or drink for consumption on the premises failed to take all reasonable steps to ensure customers remained seated outdoor whilst consuming food or drink on the premises.**

other than as permitted by the exceptions listed and being in contravention of regulation 7 and Part 2 of Schedule 2, paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

Particulars of the offence: On the weekend of 16th to 18th April 2021 video evidence was presented to the authority which clearly shows the substantially enclosed area of the premises to the front and side of the main structure being used for the sale and consumption of food and drink. Reasonable steps were not taken to ensure the customers remained seated at their tables throughout the service.

Customer could be seen standing and interacting with other tables and groups within the premises. Photographic still images of the activities are attached with this notice which show a "party atmosphere" taking place with stand dancing individuals as well as staff members not wearing any face masks. These activities in this location at this time are prohibited by the current regulations identified above.

This Prohibition Notice requires that you immediately cease the activities identified in Part B giving rise to the contravention of the Regulations. The measures specified below must be taken to prevent continued contravention of the Regulations:

Action Required:

You may sell food or drink for consumption on the premises ONLY IF:

- **the alcohol is ordered by, and served to, a customer who is seated outdoors on the premises, (“a” below) and**
 - **the person takes all reasonable steps to ensure that the customer remains seated outdoors (“b” below)**
- (a) The area in question is substantially enclosed in accordance with current Health Act guidance and cannot be used until alterations are undertaken and approved by this authority as being acceptable under said guidance.
- (b) Reasonable steps must include a written risk assessment as to how this is going to be achieved within the premises.

Part D. Consequences of non-compliance with this Notice, and with the Regulations

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence under regulation 11 of the Regulations, punishable by a fine on summary conviction in a Magistrates’ Court.

A fixed penalty notice may be issued in accordance with regulation 12 of the Regulations, or you may be prosecuted under regulations 11 and 18 of the Regulations.

Part E. Challenging this Prohibition Notice

If you consider that the Notice should not have been issued, you can make representations to London Borough of Bromley in writing outlining your reasons for challenging the Notice, within Fourteen (14) days of the date on this Notice.

Your challenge will be processed in accordance with the London Borough of Bromley’s Complaint Procedure:

https://www.bromley.gov.uk/info/200025/complaints/378/complaints_procedure

Contact: Mr Rob Vale Head of Service

This Notice remains in force even if you have raised a challenge.

Should the local authority’s review of your challenge determine that the Notice should not have been issued, you will be notified in writing that the Notice has been withdrawn.

Signed:

Date: 21st April 2021

Name in Capitals: STEPHEN PHILLIPS

Name and Address of Local Authority: London Borough of Bromley

Telephone: 0208313 4218

Email: licensing@bromley.gov.uk

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice.

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021
(SI. 2021 No. 364)

PROHIBITION NOTICE (NOTES FOR OFFICER)

Notes:

- *the activity that must cease and the action that must be taken needs to be clearly described.*
- *the requirement in the Notice must be necessary and proportionate in order to prevent continued contravention of the requirement identified; and*
- *the Notice must give a clear time and date as to when the activity must cease or other actions to cease contravention must be taken – ‘immediately’ (as suggested in the template) means on receipt of the notice*
- *a Step 2 restriction does not apply in relation to any specified premises, a specified event, or a specified gathering for which they are disapplied in a direction made by the Secretary of State under regulation 9 of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.*

Sample text for inclusion in **Part B** of the Prohibition Notice as appropriate, summarising the requirements that may be breached by businesses:

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 8(1) (Requirement to close premises and businesses – applies to restricted business or restricted service listed in paragraph 13(2) or (5), or is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (5)):

[insert person responsible] on the [insert date] carried on the business/provided the service of [insert business or service type] listed in paragraph 13(2) or (5), other than as permitted by the exceptions listed in paragraph 10, and being in contravention of regulation 7, and Part 2 of Schedule 2, paragraph 8(1), to The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4)):

[insert person responsible] on the [insert date] carried on a business/provided a service other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11 namely: [insert details] and being in contravention of regulation 7, and Part 2 of Schedule 2, paragraph 9(1), to The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(4) (Restrictions on service of food and drink for consumption on the premises – subject to the exceptions listed, this applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4) which serves alcohol for consumption on the premises):

[insert person responsible] on the [insert date] carried on the business/provided the service of:

- *[selling food or drink for consumption on the premises that was not ordered by a customer seated outdoors on the premises; or*
- *selling food or drink for consumption on the premises that was not served to a customer seated outdoors on the premises; or*

- *having sold food or drink for consumption on the premises, failed to take all reasonable steps to ensure that a customer remained seated outdoors whilst consuming the food or drink on the premises]*

other than as permitted by the exceptions listed, and being in contravention of regulation 7 and Part 2 of Schedule 2, paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(5) (Restrictions on service of food and drink for consumption on the premises – subject to the exceptions listed, this applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4) which does not serve alcohol for consumption on the premises):

[insert person responsible] on the [insert date] carried on the business/provided the service of selling food or drink for consumption on the premises, and failed to take all reasonable steps to ensure that the customer remained seated outdoors whilst consuming the food or drink on the premises, other than as permitted by the exceptions listed, and being in contravention of regulation 7 and Part 2 of Schedule 2, paragraph 9(5) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 12(1) (Business consisting of the provision of holiday accommodation):

[insert person responsible] on the [insert date] carried on the business consisting of the provision of holiday accommodation, except as permitted by paragraph 12(2), 12(3), 12(4), or 12(5), and being in contravention of regulation 7, and Part 2 of Schedule 2, paragraph 12(1), to The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

Sample text for inclusion in **Part C** of the Prohibition Notice as appropriate, summarising the requirements that may be breached by businesses and the associated actions that would be required:

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 8(1) (Requirement to close premises and businesses – applies to restricted business or restricted service listed in paragraph 13(2) or (5), or is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (5)):

Actions required:

- *Cease to carry on the business or provide the service (except as permitted by paragraph 10 of Part 2 of Schedule 2)*

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4)):

Actions required:

- *Close the indoor premises, or indoor part(s) of the premises, in which food or drink are provided for consumption on the premises; and*
- *Cease providing food or drink for consumption indoors on the premises*
- *Cease carrying on a business/providing the service of [insert details] other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11*

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(4) (Restrictions on service of food and drink for consumption on the premises – subject to the exceptions listed, this applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4) which serves alcohol for consumption on the premises):

Actions required:

You may sell food or drink for consumption on the premises ONLY IF:

- *The food or drink is ordered by, and served to, a customer seated outdoors on the premises; and*
- *You are taking all reasonable steps to ensure that the customer remains seated outdoors whilst the customer consumes the food or drink on the premises.*

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(5) (Restrictions on service of food and drink for consumption on the premises – subject to the exceptions listed, this applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4) which does not serve alcohol for consumption on the premises):

Actions required:

When selling food or drink for consumption on the premises you must take all reasonable steps to ensure that the customer remains seated outdoors whilst the customer consumes the food or drink on the premises.

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 12(1) (Business consisting of the provision of holiday accommodation):

Actions required:

- *Cease to carry on the business except as permitted by paragraph 12(2), 12(3), 12(4) or 12(5) which permits the business to provide accommodation in specified circumstances.*



THE LONDON BOROUGH

London Borough of Bromley

**The Health Protection (Coronavirus, Restrictions) (Steps) (England)
Regulations 2021 (SI. 2021 No. 364)**

FIXED PENALTY NOTICE

Date 11th May 2021

Ref: SP/FPN/21/001

Part A

To Mr Pierluigi Bianchi, 1 East Park Side, Great Park, Warlingham, CR6 9PY

At: Pierluigi's Pasta Fresca, 86 - 90 High Street, Beckenham, Kent, BR3 1ED

Trading as: Pierluigi's Pasta Fresca

This Fixed Penalty Notice is served under regulation 12(1) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Stephen Phillips, designated as an authorised person for the purposes of the Regulations by **London Borough of Bromley**, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

London Borough of Bromley may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

Part B. Amount of Penalty and period to pay

The monetary penalty you must pay is: £1,000.00 - *see notes overleaf*

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to: **London Borough of Bromley**

Civic Centre Stockwell Close Bromley BR1 3UH

Payment should be made by the following means: Contact L B Bromley Finance Department by telephone on 0208 603 3640 quoting payment code 580 400 8407 F0981 and stating the amount (£1,000.00) to be paid. Request an immediate receipt by email (otherwise it will not be supplied) and forward the receipt to licensing@bromley.gov.uk as proof of payment.

Part C. Grounds for imposing the Penalty

In relation to an offence under regulation 11(1)(d) of failing to comply with a prohibition notice given under regulation 10 (6).

Mr Pier Luige Bianchi on 8th May 2021 at approximately 16:15hrs officers of this authority observed your premises carrying on the business and provided the service of selling food and drink for consumption on the premises that was not served to a customer seated outdoors on the premises (see attached photographic evidence)

other than as permitted by the exceptions listed and being in contravention of regulation 7 and Part 2 of Schedule 2, paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to **London Borough of Bromley** in writing outlining your reasons for challenging the Notice, within **14 days** of the date on this Notice.

Your challenge will be processed in accordance with **London Borough of Bromley's** Complaints Procedure:

https://www.bromley.gov.uk/info/200025/complaints/378/complaints_procedure

Contact: : Rob Vale Head of Service Trading Standards & Commercial Regulation
Public Protection Division Civic Centre Stockwell Close Bromley BR1 3UH
rob.vale@bromley.gov.uk 020 8313 4785

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should not have been issued, you will be notified in writing.

Part E. Consequences of non-payment/ continued non-compliance

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Signed:

Date: 11th May 2021

NAME IN CAPITALS : STEPHEN PHILLIPS

London Borough of Bromley Civic Centre Stockwell Close Bromley BR1 3UH

Telephone: 0208 313 4218

Email: [licensing @bromley.gov.uk](mailto:licensing@bromley.gov.uk)

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice.

**The Health Protection (Coronavirus, Restrictions) (Steps) (England)
Regulations 2021 (SI. 2021 No. 364)**

FIXED PENALTY NOTICE (REVERSE)

NOTES on Part B. Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

Note: Unless otherwise specified "business restriction offence" means—

- a) *an offence under regulation 11(1)(a) of contravening—*
 - i. *a Step 1 restriction imposed by Part 2 of Schedule 1;*
 - ii. *a Step 2 restriction imposed by Part 2 of Schedule 2;*
 - iii. *a Step 3 restriction imposed by Part 2 of Schedule 3; or*
- b) *an offence under regulation 11(1)(d) of failing to comply with a prohibition notice given under regulation 10.*

For the purposes of determining the level of fine in relation to a business restriction offence, a fixed penalty notice issued to the person under the following Regulations is also to be treated as if it were issued in respect of a business restriction offence—

- a) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 12(7) of those Regulations;
- b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- e) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
- f) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
- g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations;
- h) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020;
- i) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020.



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Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Direct Line: 0300 303 8657

Email: ehs.customer@bromley.gov.uk

Internet: www.bromley.gov.uk

DX5727 Bromley

Our Ref: pp/ph/21/14282/NOILIC

28th May 2021

The Manager/Owner
Pierluigi
86 - 90 High Street
Beckenham
BR3 1ED

Dear Sir or Madame,

ENVIRONMENTAL PROTECTION ACT 1990 – ALLEGED NOISE NUISANCE
Address: 86 - 90 High Street, Beckenham, BR3 1ED

This Division has recently received a complaint about a nuisance from amplified music and customer clientele noise level at your premises. The information that I have been given is that on a regular basis, music is played at a very loud volume through-out the evening and customers are shouting being very vocal causing a disturbance to local residents.

At this stage I cannot confirm whether the complaint is justified, however, this Division does have a duty to look into all complaints received and so the purpose of this letter is to make you aware of the situation.

If it is reported to me that the situation has not improved, I will carry out a formal investigation, which may include noise monitoring using recording equipment and/or direct witnessing of the nuisance, including outside of office hours. This will help me decide whether further action is required by this Division. Following this if I find that no nuisance exists then no further action will be taken.

However, if I find that the complaint is justified and a Statutory Nuisance exists then I have a legal duty to serve an Abatement Notice under the above legislation. Failure to comply with this Notice may lead to equipment such as stereos being seized and prosecution in the courts. The courts can fine the person responsible for the nuisance an unlimited sum.

For further information visit: www.bromley.gov.uk/info/412/pollution_control-noise

Please make sure the music at your premises and customer clientele noise level is kept at a reasonable level. If you wish to discuss this further, please do not hesitate to contact this Division quoting the above reference number.

Yours sincerely

Public Health Nuisance Team

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From: Police Licensing Team,
Bromley Police Station
Bromley
BR1 1ER

To : Mr Pierluigi Bianchi
Pierluigis
86 - 90 High Street
Beckenham BR3 1ED

Thursday 10th June 2021

Dear Mr Pierluigi Bianchi

It has again come to our attention that Pierluigi's is not operating in compliance with the Covid Regulations. Customers have been seen on several occasions mixing between groups, with loud music forcing customers to raise their voices to be overheard, music and performances encouraging people to dance instead of remaining seated at tables, face masks not being worn, etc.

On Friday 4th June PC Dandridge visited with Mr Rose from Bromley Council and brought a video clip to your attention showing dancing to a recent live music performance at Pierluigis. CCTV was requested so the incident could be investigated further, however it has not been provided to date.

At this meeting advice was given, again, to the effect that Pierluigis must comply with the Covid regulations, and take all reasonable measures to stop customers mixing groups and dancing. This included stopping musical performances when customers were getting out of control and keeping down the noise level.

Advice was also given, again, to manage the customers and staff effectively in the restaurant's customer area.

So it was disappointing when the police were called the next day on Saturday 5th June 2021 about the loud levels of music, and customers dancing in Pierluigis.

At a meeting yesterday on Tuesday 8th June 2021 no CCTV was provided to PC Dandridge. We put to Sophia and Guy, who represented you, that we were very unhappy about the level of music, lack of customer control, and how Pierluigis continues to have ability or wish to control its customers in evenings at weekends. The premises seems to encourage customers to break the rules with activities that only encourage dancing, and disregard any actions to stop customers and staff not

complying when it is felt it is safe to do so without being caught out by the authorities.

In April 2021 we met and discussed the problems of covid regulation compliance when Pierluigis again came to notice after a period of closure forced by the latest lockdown. We had other occasions to discuss severe covid breaches in 2020.

Everyone present at the meeting in April from Pierluigis assured the police and council they were fully aware of the regulations and would stick to them in order to support not just legal compliance, but the fight against a disease that has effected so many people.

In that meeting you said you were present only in the kitchens and not in the customer areas of the business in the evenings. You were asked to come out of the kitchen more and manage your customers and staff more effectively and in compliance with the covid regulations. From that meeting we got the impression that the message had been received clearly, that mistakes were acknowledged, and a change would be put into effect immediately.

However the last 2 weeks have evidenced a continued disregard for the rules and safety of others, and we ask for some real change or a review of the license will be considered.

We have engaged with you and your premises for more than 12 months when breaches of the covid regulations at Pierluigis have been identified, but the violations have more blatant, and frequent over time, so something must be done now.

Therefore we ask you not only to commit to adhering to the legal requirements for operating your premises, but to voluntarily accept the following conditions to be added to the premises license to support the licensing objectives of preventing crime and disorder, preventing public nuisance, public safety and protecting children from harm.

We believe this will support your endeavours to operate the premises in the spirit of the license objectives.

Proposed (16) Conditions:

1. A CCTV system will be installed and maintained at the premises covering all the customers areas of the premises, including all customer and staff entrances and exits, and the outside of the premises. Recordings shall be stored for a minimum of 28 days and CCTV images shall be retrieved in a digital format and supplied immediately to a Police or Council Officer on request. There will be at least one person fully trained with operating the CCTV system at all times the premises is operating.
2. At least one CCTV camera shall be installed by the entrance door that enables face, head and shoulders images of a standard that will enable identification of each person entering and leaving the premises.

3. 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.
4. 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.
5. Ensure that signage is displayed by the main exit reminding anyone leaving the premises to 'please respect our neighbourhood and leave the premises quietly, thank you' or similar wording to this effect.
6. No open containers will be supplied ancillary to alcohol to take away customers.
7. All staff and management will receive training in their role prior to taking on any role within the business, and in relation to the Licensing Act 2003 and conflict management. This training to be recorded and refresher training carried out every 6 months (or earlier as necessary) and will also be recorded.
8. 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.
9. 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.
10. 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.
11. Alcohol will only be supplied ancillary to a substantial meal, whether for consumption on or off the premises. **To replace the existing condition 12.**
12. The premises will create a dispersal policy that will be agreed with the police and periodically reviewed as necessary. It will be intended to stop customers congregating outside the premises after leaving.

13. The premises will create a drug prevention policy that will be agreed with the police and periodically reviewed as necessary. It will be intended to prevent the consumption of illegal drugs on the premises by anyone.
14. Two SIA accredited security staff will be present at the premises on Friday and Saturday nights from 2000 hours until 30 minutes after closure, and at the same times on days that immediately precede a public bank holiday, and also on New Year's Eve and Christmas Eve too. All SIA staff 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.
15. Those records are to be made available on request to any Relevant Authority for the purpose of investigating or preventing crime or apprehending or prosecuting an offender.
16. The premises shall maintain an arrangement with a mini-cab/taxi company with a view to providing a service directly to the premises. The premises shall encourage their customers to use this service wherever possible.

Please indicate in writing (or email) by Friday 18th June 2021 if you will accept these conditions by way of voluntarily submitting a variation to the premises license and implementing the changes required.

We would expect the new CCTV system to be installed within 6 weeks of the date of this letter if this was voluntarily agreed.

Yours Sincerely

PC Edwin Sear 2157SN

PC Tina Dandridge 3560SN

Police Licensing Team



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Direct Line: 0208 461 7561

Email: samantha.boyle@bromley.gov.uk

Internet: www.bromley.gov.uk

DX5727 Bromley

Our Ref: pp/ph/21/14282/NOILIC

8th July 2021

Pierluigi Pasta Fresca
Mr Pierluigi Bianchi
86 - 90 High Street
Beckenham
BR3 1ED

Hand Delivered

Dear Mr Bianchi,

Notice of Intention to Bring Proceedings, Environmental Protection Act 1990
Address: Pierluigi's Restaurant Limited, 86 - 90 High Street Beckenham BR3 1ED

I am writing to you as the owner of the premises known as: Pierluigi's Pasta Fresca Restaurant Limited, 86 - 90 High Street Beckenham BR3 1ED.

Regarding: Loud Amplified Music

The nuisance from the above premises is such that a Statutory Nuisance as defined by Section 79(1) of the Environmental Protection Act 1990 is being caused. I have witnessed a Statutory Nuisance by means of recorded evidence over one night on Saturday 3rd July 2021. I have made the decision to defer from serving a notice for seven days from the date of this letter.

I am therefore giving you a Warning that if the Nuisance continues, I will be obligated to issue you with a Section 80 Abatement Notice. Failure to comply may lead to equipment being seized and there will be a prosecution in the courts. The courts can fine the person responsible for the nuisance up to an unlimited amount.

I hope that this course of action will not be necessary, and I would advise you to take such measures to ensure that the volume of your music does not cause a Noise Nuisance to local residents.

Should you wish to discuss this matter further please do not hesitate in contacting me.

Yours sincerely

Samantha Boyle

Samantha Boyle
Statutory Nuisance & Anti-Social Behaviour Enforcement Officer

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Director of Environment and Public Protection, Colin Brand



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Direct Line: 0208 461 7561

Email: samantha.boyle@bromley.gov.uk

Internet: www.bromley.gov.uk

DX5727 Bromley

Our Ref: pp/ph/21/14282/NOILIC

8th July 2021

Mr Peirluigi Bianchi
1 East Parkside
Greatpark, Walingham
CR6 9PY

Dear Mr Bianchi,

Notice of Intention to Bring Proceedings, Environmental Protection Act 1990
Address: Pierluigi's Restaurant Limited, 86 - 90 High Street Beckenham BR3 1ED

I am writing to you as the owner of the premises known as: Pierluigi's Pasta Fresca Restaurant Limited, 86 - 90 High Street Beckenham BR3 1ED.

Regarding: Loud Amplified Music

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Should you wish to discuss this matter further please do not hesitate in contacting me.

Yours sincerely

Samantha Boyle

Samantha Boyle
Statutory Nuisance & Anti-Social Behaviour Enforcement Officer

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Director of Environment and Public Protection, Colin Brand



Telephone: 020 8464 3333
Direct Line: 020 8313 4218
Email: licensing@bromley.gov.uk

Internet: www.bromley.gov.uk
DX5727 Bromley

Our Ref: 20/00274/LAPRE

8th July 2021

Mr Pierluigi Bianchi
Pierluigi's Pasta Fresca
86/90 High Street
Beckenham
Kent
BR3 1ED

Dear Sir/Madam

Pierluigi's Pasta Fresca Premises Licence, 20/00274/LAPRE

I am writing to advise you that under the licensing Act 2003 Regulated Entertainment must be authorised at any venue.

Before 11 pm some regulated entertainment has been deregulated so can take place.
After 11 pm all regulated entertainment must be authorised.

Your venue is allowing regulated entertainment to take place before and after 11 pm.
The London Borough of Bromley noise team are investigating complaints of statutory noise nuisance which have occurred after 11pm.
The Police have also evidenced regulated entertainment taking place after 11 pm.
The Premises Licence ref 20/00274/LAPRE does not authorise any regulated entertainment at any time and no other authority is in place

Enforcement action is being considered by agencies involved and will be dependant on ongoing compliance.

Operation of the premises is still restricted in relation to Coronavirus regulation. You have been found in breach of these regulations in relation to the volume of music and or entertainment at the venue.

Please respond to this letter within 14 days from the date of this letter.

Tony Rose.
Licensing Officer.
Environment and Public Protection Services.
Civic Centre, Stockwell Close, Bromley BR1 3UH.
Tel: 0208 461 7555
Tel: 0208 313 4218.
tony.rose@bromley.gov.uk
Web: www.bromley.gov.uk

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Licensing Team
London Borough of Bromley
Public Protection
Stockwell Close
Bromley
BR1 3UH

Our Ref: dd/lb/BIA001-1-0

2nd August 2021

For the attention of: Paul

By email only: licensing@bromley.gov.uk

Dear Sirs,

Pierluigis, 86-90 High Street, Beckenham, Kent BR3 1ED

We write with reference to the above and further to our conversation on Friday.

Thank you for confirming you will take a look at historic records regarding our client's original application made in 2005 to see whether there has been an omission to include recorded music when the application was made to grandfather over our client's existing rights.

We are instructed that prior to the second appointed date of 24th November 2005 recorded music was played at the restaurant, notwithstanding that playing of recorded music which is incidental to a non-entertainment activity, is not a licensable activity under the Act. However, there were safeguards and protections in place to allow for incidental music, notwithstanding, based on the information presently before us, the client should have had recorded music within his licence.

Once again, our David Dadds would like to thank the officer speaking to him on Friday in regards to this matter and we look forward to hearing from you at the earliest opportunity.

Yours faithfully

Dadds

DADDS LLP

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex, CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY

Authorised and regulated by the Solicitors Regulation Authority – Dadds LLP (OC358152) A list of members is open to inspection at the office





Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH
Telephone: 020 8464 3333 DX5727
Direct Line: 020 8313 4218
Email: licensing@bromley.gov.uk

Our Ref: 20/00274/LAPRE

03/08/2021

Dadds LLP
Ref: dd/lb/BIA001-1-0

Crescent House, 51 High Street, Billericay, Essex, CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY

Dear Sir or Madam

Re: Pier luigis, 86-90 High Street, Beckenham, Kent BR3 1ED

I have reviewed the current premises licence in place at this location and have attached a copy for your information. The previous version of the licence still contained the inherited conditions from the Licensing Act 1964 these are shown below:

Conditions

- 11. Entertainment may be provided by the reproduction of wireless (including television) broadcasts or of programmes included in any other service (within the meaning of the Broadcasting Act 1990)*
- 12. Entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound, the purpose of which is to provide background entertainment only.*
- 13. The incidental performance of live music. This is where it is incidental to another activity which itself is not entertainment or provision of entertainment facilities.*

These conditions are now redundant as effective changes to the Licensing Act 2003 have removed need for these to be shown on a licence. They are no longer licensing activities as they became a "right" for all licenced premises to have this facility.

I have reviewed the conversation application form from this premises and have attached scanned copies of the relevant pages. It clearly shows that whilst the premises were indeed licenced and had the grandfather right for back ground entertainment. There is no regulated entertainment shown on the application. I can therefore presume that this was not a licensable activity at the time.

On the information I have on this matter I am satisfied that the current Premises Licence (issue 3) is correct and shows the current entitlements for this premises.

If you have any questions, please do get in touch

Yours sincerely

Steve Phillips

*Health, Safety and Licensing Manager
Environment and Public Protection
0208 313 4218
steve.phillips@bromley.gov.uk
www.bromley.gov.uk*



Telephone: 020 8464 3333
Direct Line: 020 8313 4218
Email: licensing@bromley.gov.uk

Internet: www.bromley.gov.uk
DX5727 Bromley

Our Ref: 20/00274/LAPRE

18th November 2021

Mr Pierluigi Bianchi
Pierluigi's Pasta Fresca
86/90 High Street
Beckenham
Kent
BR3 1ED

Dear Sir/Madam

Licensing Act 2003.

Pierluigi's Pasta Fresca Premises Licence 20/00274/LAPRE

I am writing to you regarding Regulated Entertainment at the premises. You have previously been written to you regarding this matter letters dated 08/07/2021 and 03/08/2021. (No response received re 08/07/2021).

On Saturday 30/10/2021 noise officers were in the location of the premises in relation to noise complaints received about the premises. They were on scene prior to 2300 hours and stayed until approximately 2325 hours. During this time (after 2300 hours) Amplified music could clearly be heard as well as live music namely the playing of a saxophone and drums causing a nuisance to local residents (this is still being pursued by our Noise ASB nuisance team)

London Borough of Bromley (LBB) consider this to be regulated entertainment under the meaning within the Licensing Act 2003.

The premises have been spoken to and written to regarding unauthorised regulated entertainment at the premises and have not taken heed of warnings given. Our options are becoming very limited as operators are blatantly breaching the law set out by the Licensing Act 2003.

Unlicensed regulated entertainment must stop at the premises. LBB will seek a review of the premises licence to prevent this taking place on regular occasion at the premises if the operators of the premises are unable to comply with the restrictions.

Yours sincerely

Tony Rose.
Licensing Officer.
Health Safety and Licensing
Environment and Public Protection Services.
tony.rose@bromley.gov.uk
www.bromley.gov.uk

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STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Criminal Justice Act 2003, S.117)

STATEMENT OF: SARAH LOUISE NEWMAN

AGE OF WITNESS: Over 18

This statement (consisting of 3 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed: Sarah L Newman Date: 05/09/22

1. I qualified as an Environmental Health Officer (EHO) in July 1990 with a BSc. Hons in Environmental Health from Thames Polytechnic (now Greenwich University). I have been registered with the Environmental Health Officers Registration Board since that time. I also hold a post graduate Diploma in Acoustics and Noise Control from the Institute of Acoustics. Since becoming an EHO, I have worked almost exclusively in Environmental Health Services as an enforcement officer, team manager and senior manager. I have extensive experience of working in statutory nuisance and noise enforcement and have worked on out of hours noise and night-time economy enforcement teams at several previous employers.
2. I commenced working for the London Borough of Bromley in October 2021 and currently hold the position of Head of Service for Community Safety, Environmental & Domestic Regulation. Included in my service area is the Statutory Nuisance & Anti-Social Behaviour team. During the long-term absence of the team manager for that team, I am currently holding their duties and case management responsibility for the progress of an enforcement case regarding Pierluigi's at 86-90 High St, Beckenham, BR3 1ED.
3. On Saturday the 2nd of April 2021 I visited Beckenham, to assess the general impact of the night-time economy on the locality and to assess the noise impact of Pierluigi's Italian Restaurant at 86-90 High St, Beckenham, BR3 1ED in particular.
4. I arrived outside Pierluigi's at 22.07hrs. The front of the premises was not busy or noisy with only a handful of patrons and security staff present. The inside of the premises was busy with patrons dining and drinking at tables. I could clearly hear recorded dance music with a saxophone playing along. The amplified music was coming from a temporary

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Criminal Justice Act 2003, S.117)

CONTINUATION OF THE STATEMENT OF:

structure/covered area on the left-hand side of the main restaurant building. I walked down the vehicle access to the left of the premises running alongside the temporary structure/covered area. The structure, as far as I could ascertain, was made of clear semi-rigid plastic sheeting and plywood attached to a wooden frame. I was unable to see inside the temporary structure/covered area due to curtaining covering the inside of the clear plastic areas of the façade, however, it was evident that this area was the source location for the amplified music noise.

5. At 22.15hrs I stood in line with the façade of the two blocks of flats to the rear of Pierluigi's restaurant. Away from the roadside, the music noise was very loud in comparison to the background noise level and was similar to that which would be experienced in a youth oriented Mediterranean holiday resort. The 'Bassline style' dance beat (boink, boink, boink) and amplified music emanating from the premises were prominent over both road traffic and night-time patrons on the pavements in the area calling to each other as they moved between licensed premises. At 22.16hrs the saxophone stopped but the amplified dance music continued.
6. I did not enter any residential premises as I did not have any address details for the complainants associated with Pierluigi's with me, had made no specific appointments, and, due to the hour felt it was inappropriate to start knocking on doors. However, I was sure that the music noise was so prominent, and was at such a volume, that it was unreasonable, even in a location on the High Street of Beckenham. I was also sure that, unless the flats to the rear had specifically designed acoustic glazing of an adequate specification for shielding them against loud bass-driven amplified dance music, the residents of the flats were being subjected to a statutory nuisance due to noise in the habitable rooms overlooking the vehicle access and the rear of Pierluigi's restaurant.
7. I walked away from Pierluigi's in both directions along the High Street and the beat from their amplified music could be heard over 100yards away in both directions along the High Street.
8. For the avoidance of doubt, there was a premises across the road, My Place at 59-63 High St, Beckenham BR3 1AW, that was also playing music at volume, however, their music

Signed: Farah Newman

Page No. 2 of 3

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Criminal Justice Act 2003, S.117)

CONTINUATION OF THE STATEMENT OF:

was contained within the main built structure of their premises and was only audible on the pavement directly in front of their premises, with a noticeable increase in volume when the door to the premises opened to permit patron access and egress. The terrace to My Place was busy with 15 to 20 patrons smoking and chatting outdoors. There was some hubbub from these patrons but the noise from this premises was not unduly loud and the patrons were well behaved at that time.

9. At 22.20hrs I left High Street, Beckenham.

10. I was aware that the premises license and the Live Music Act derogation permitted Pierluigi's to undertake live and amplified music entertainment until 23.00hrs so, later in the evening, I returned to the High Street and undertook several drive-by inspections to assess if the music had been turned down to permitted conversational levels or had been turned off.

11. I drove past the frontage of Pierluigi's with my vehicle windows down at 23.10hrs, 23.18hrs, 23.23hrs and 23.28hrs. Pierluigi's frontage terrace was lightly populated, but the amplified music coming from the temporary structure/covered area had not reduced in volume from my earlier assessment and, during each of these checks, was causing similar neighbourhood impacts to those described earlier in this statement.

12. The frontage terrace at My Place had become busier with approx. 30, mainly standing, patrons on its frontage. The noise from patron voices on the terrace had increased with their numbers. Patrons were well behaved, but noticeably louder in volume at the times noted in paragraph 11 above.

13. At 23.30hrs I left site.

Signed: Jarrah L Newman (witness)

Date: 05/04/22

Signed: Jarrah L Newman



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH
Telephone: 020 8464 3333 DX5727
Direct Line: 020 8313 4218
Email: licensing@bromley.gov.uk

Our Ref: 20/00274/LAPRE

08/04/2022

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

Dear Mr Bianchi

**Re: Pier Luigi's, 86-90 High Street, Beckenham, Kent BR3 1ED
Licensing Act 2003: Unlicensed Regulated Entertainment.**

It has been brought to our attention that despite previous advice and guidance on the matter. You are allowing unlicensed regulated entertainment to occur at Pier Luigi's 86 /89 High Street, Beckenham, BR3 1ED.

Please find attached a copy of the letter sent to you in July 2021 where you were advised of your current position in respect of the regulated entertainment at your premises.

Despite this on the evening of Saturday 2nd April 2022 between the hours of 2200 and 2330. An officer of this department witness unlicensed regulated entertainment not only occurring but additionally at a level to be considered a statutory nuisance under the Environmental Protection Act 1991 Section 79(1).

You are fully aware of the matter relating to statutory nuisance as this is subject to an enforcement notice in place at your premises.

Your current premises licence (issue 3 attached) clearly identifies the activities authorised under it. As you can see no regulated entertainment provision exists. The current licence is attached as is the approved plan.

The plan identifies the licensable area to within the premises. It does show an area for outside bins, which I know has been utilised for an area the off sales provision of alcohol (see condition 12 Off Sales) can be consumed. But this is not within the licensable area of the site.

As you are aware the Live Music Act 2012 allowed certain activities to occur without the need for an authorisation under the Licensing Act 2003 up to 2300hrs on any night. This provision (exemption) only applies where a premises licence is in force. The area currently in use as identified by the visiting officer on Saturday 2nd April was the area

shown on the approved plans as being access to the bins and identified by condition (12 Off Sales) as an off sales area it is therefore outside of the licensable area.

That being the case the exemption provided for regulated entertainment under the Live Music Act 2012 do not apply as it is not licenced premises.

There are provisions for regulated entertainment outside of "licenced premises" but this only permits unamplified music.

Additionally having regulated entertainment beyond 2300hrs on any night is outside of the exemption provided by the Live Music Act 2012.

It is for the above reasons we believe you are having unauthorised regulated entertainment inside and outside of your premises.

As I referred to earlier these matters were identified by a visiting enforcement officer who has provided a witness statement to support their observations.

That being the case and looking at the history of advice and guidance given to you and members of your team at the premises consideration is now being given to the submission a review of the current Premises Licence under section 51 of the Licensing Act 2012.

We will be keeping close observations on your premises in respect of the above and undertaking further visits. This will be done to be able to provide evidence of compliance to the issues raised here. Or if you ignore the matters raised to provide additional evidence to the Licensing Sub Committee if the matter progresses to review.

To ensure compliance you must:

1. stop all external amplified entertainment as you have no authority for it.
2. stop all regulated entertainment at 2300hrs inside of your premises.

With the removal of the external amplified regulated entertainment and a reduction in music noise level inside the premises I am sure you can continue to operate without causing a statutory nuisance to residents of the area.

Yours sincerely

Steve Phillips

Health, Safety and Licensing Manager

Environment and Public Protection

0208 313 4218

steve.phillips@bromley.gov.uk

www.bromley.gov.uk

cc. Mr Bianchi, Pier luigi's, Pasta Fresca, 86 - 90 High Street, Beckenham, Kent,
BR3 1ED

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

20/00274/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **24th November 2005** Issue Number **003**

This licence consists of **8** pages (Including Licence Summary)

Part 1 – Premises Details

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

Pierluigi's Pasta Fresca
86 - 90 High Street
Beckenham
Kent
BR3 1ED

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment

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

Both On and Off the Premises

The opening hours of the premises

From the start of permitted hours until 30 minutes after the end of permitted hours

The times the licence authorises the carrying out of licensable activities.

Sale or Supply of Alcohol on Monday-Saturday from 10:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 23:30

Alcohol Off Sales timings same as above

Late Night Refreshment on Monday-Saturday from 23:00 to 00:30 (Subject to Condition 14)

Late Night Refreshment on Sunday from 23:00 to 00:00 (Subject to Condition 14)

Part 2

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

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

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: Mr. Pierluigi Bianchi

Address: 1 East Park Side Great Park Warlingham CR6 9PY

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: TAND/PERS/05/040, issued by Tandridge City Council

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

General

Seasonal Variations:

9. Alcohol may be sold or supplied:
 - On Christmas Day: 1200 to 23.30.
 - On New Year's Eve, except on a Sunday, 11.00 to 00.00.
 - On New Year's Eve on a Sunday, 1200 to 23.30.
 - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Crime and Disorder

10. The sale and consumption of Late Night Refreshment shall finish at the time stated on the Licence and shall not have a further 30 minutes consumption time.

11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Bromley Council at all times whilst the premises is open.

12. Alcohol for consumption on the premises shall not be sold :

- Unless the premises have been structurally and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises;
- On the premises otherwise than to persons taking table meals there and for consumption by such a person and as an ancillary to his meal save as a maximum of 12 persons at any one time.
- Unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises

Off Sales :

- Sold in sealed containers to customers whom have been provided with a table meal or a meal for take-away or delivery.
- Sold to people seated in the external terrace and ancillary to a meal

Public Safety

No Conditions

Public Nuisance

No Conditions

Protection of Children from Harm

13. 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.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Plans

Held by the Licensing Authority Ref Number:**05/00890/LAPRE**
Dated - **24th November 2005**

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

20/00274/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **24th November 2005** Issue Number **003**

This licence summary consists of 2 pages

Premises Details

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

Pierluigi's Pasta Fresca
86/90 High Street
Beckenham
Kent
BR3 1ED

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment

The opening hours of the premises

From the start of permitted hours until 30 minutes after the end of permitted hours

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

Both On and Off the Premises

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Monday-Saturday from 10:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 23:30

Alcohol Off Sales timings same as above

Late Night Refreshment on Monday-Saturday from 23:00 to 00:30 (Subject to Condition 14)

Late Night Refreshment on Sunday from 23:00 to 00:00 (Subject to Condition 14)

Name, (registered) address of holder of premises licence

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

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: Mr. Pierluigi Bianchi

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

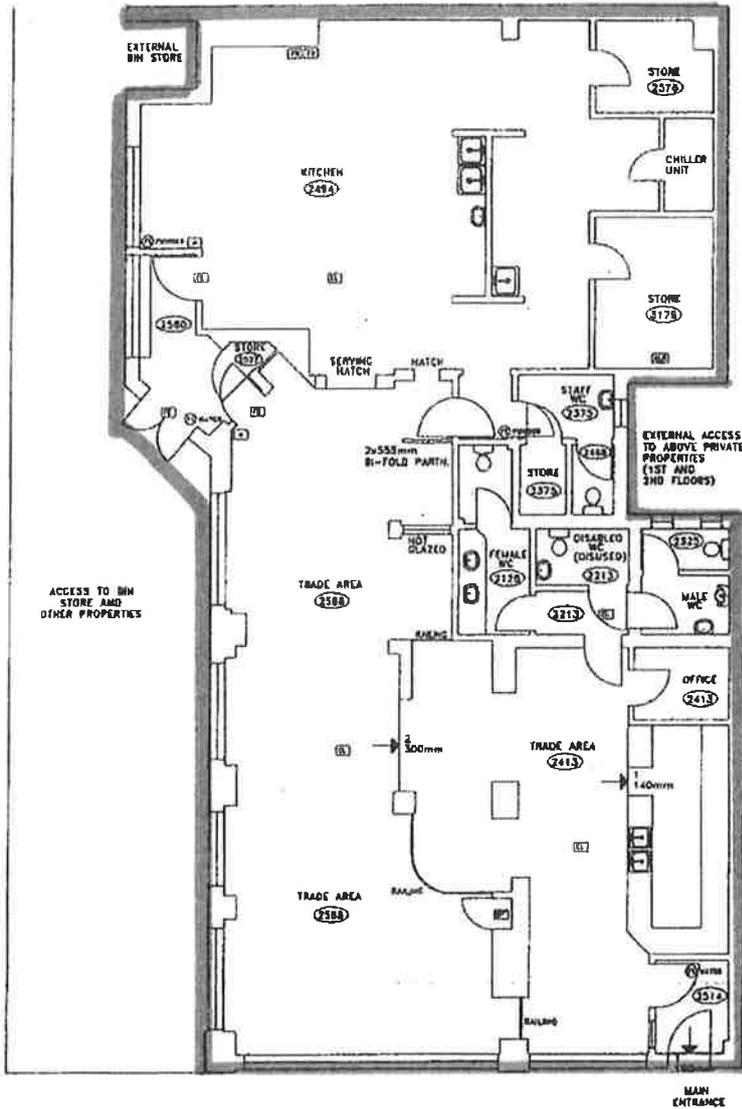
Not Applicable

SCHEDULE OF ADDITIONAL ACCOMMODATION:

- 1: Number of storeys of building. 3 storeys
- 2: Staff accommodation. 0 bedrooms
- 3: Letting rooms with mini bar. 0 rooms
- 4: Letting rooms without mini bar. 0 rooms

LEGEND

- CEILING HEIGHT
- WINDOW
- FIRE PLACE
- DOOR
- TOILET
- URINAL
- WASH HAND BASIN
- BOILER
- FIRE EXIT
- EMERGENCY LIGHT
- DISTRIBUTION BOARD
- SMOKE DETECTOR
- HEAT DETECTOR
- FIRE BLANKET
- FIRE EXTINGUISHER CO₂
- FIRE EXTINGUISHER FOAM
- FIRE EXTINGUISHER WATER
- FIRE EXTINGUISHER POWDER
- SPRINKLER OUTLETS
- DRY RISER
- WET RISER
- FIRE ALARM CALL POINT
- STEPS
- SINK UNIT
- AMUSEMENT WITH PRIZES
- BAR FLAP



LONDON BOROUGH OF BROMLEY
 LICENSING 1 of 1
 PLAN REF. OS/00890/UMPLE
 DATE 24th NOVEMBER 2005
 OFFICER SP.

PREMISES HAVE NO OUTSIDE DRINKING AREA OR PARKING
 BUILDING SURVEYED AREA = 270.2 SQ.M

SCALE 1:100
 GROUND FLOOR

South East Surveys
 Chartered Surveyors
 www.southeast-surveys.co.uk

Property Name		Pierluigi's	LICENSING SURVEY PLAN	
Drawing No.	Address	86-90 High Street Beckenham, Kent BR3 1ED	Date of Survey	Org. Scale AS SHOWN
1341-001			1/06/05	



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Direct Line: 020 8313 4218

Email: licensing@bromley.gov.uk

Internet: www.bromley.gov.uk

DX5727 Bromley

Our Ref: 20/00274/LAPRE

18th November 2021

Mr Pierluigi Bianchi
Pierluigi's Pasta Fresca
86/90 High Street
Beckenham
Kent
BR3 1ED

Dear Sir/Madam

Licensing Act 2003.

Pierluigi's Pasta Fresca Premises Licence 20/00274/LAPRE

I am writing to you regarding Regulated Entertainment at the premises. You have previously been written to you regarding this matter letters dated 08/07/2021 and 03/08/2021. (No response received re 08/07/2021).

On Saturday 30/10/2021 noise officers were in the location of the premises in relation to noise complaints received about the premises. They were on scene prior to 2300 hours and stayed until approximately 2325 hours. During this time (after 2300 hours) Amplified music could clearly be heard as well as live music namely the playing of a saxophone and drums causing a nuisance to local residents (this is still being pursued by our Noise ASB nuisance team)

London Borough of Bromley (LBB) consider this to be regulated entertainment under the meaning within the Licensing Act 2003.

The premises have been spoken to and written to regarding unauthorised regulated entertainment at the premises and have not taken heed of warnings given. Our options are becoming very limited as operators are blatantly breaching the law set out by the Licensing Act 2003.

Unlicensed regulated entertainment must stop at the premises. LBB will seek a review of the premises licence to prevent this taking place on regular occasion at the premises if the operators of the premises are unable to comply with the restrictions.

Yours sincerely

Tony Rose.
Licensing Officer.
Health Safety and Licensing
Environment and Public Protection Services.
tony.rose@bromley.gov.uk
www.bromley.gov.uk

Director of Environment and Public Protection, Colin Brand



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

DX5727

Direct Line: 020 8313 4218

Email: licensing@bromley.gov.uk

Our Ref: 20/00274/LAPRE

16/05/2022

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

Dear Mr Bianchi

**Re: Pier Luigi's, 86-90 High Street, Beckenham, Kent BR3 1ED
Licensing Act 2003: Unlicensed Regulated Entertainment.
Environmental Protection Act 1990 S80 (1)**

I am writing to advise you that despite the previous advice and guidance given by this department and the detailed advice given by myself in my letter to you of the 8th April 2022. You have failed to take on board matters of concern they raised.

This weekend on Saturday 14th May 2022 this department received an out of hours complaint about the activities occurring at your premises. Specifically, the Loud Amplified Music.

A visit was made by the on-call officer to your location where he witnessed a statutory nuisance occurring between the hours 22.55hrs and 23.30hrs. At which time he left the location with the music still being played at statutory nuisance levels.

It is very disappointing that despite all the advice given we are still finding such flagrant and conscious disregard of both the restriction of the Licensing Act 2003 and the Statutory Nuisance provisions of the Environmental Protection Act 1990(EPA90).

Now that we have again witnessed a statutory nuisance under the EPA90 we are duty bound to serve an abatement notice under S80 (1). This will follow shortly.

As you have failed to take advice as to what provisions for entertainment you can have at your premises and the ongoing nuisance you are causing to the residents. A Review of the Premises Licence will now be submitted for consideration by the Licensing Sub Committee of Bromley Council. This will follow shortly.

If you have any question please contact Licensing@bromley.gov.uk 0208 313 4659

Yours sincerely

Steve Phillips

Nuisance, ASB, Health, Safety and Licensing Manager

Environment and Public Protection

0208 313 4218

steve.phillips@bromley.gov.uk

www.bromley.gov.uk

cc. Mr Bianchi, Pier luigi's, Pasta Fresca, 86 - 90 High Street, Beckenham, Kent,
BR3 1ED

Appendix 2

Current Premises Licence

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

20/00274/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **24th November 2005** Issue Number **003**

This licence consists of **8** pages (Including Licence Summary)

Part 1 – Premises Details

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

Pierluigi's Pasta Fresca
86 - 90 High Street
Beckenham
Kent
BR3 1ED

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment

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

Both On and Off the Premises

The opening hours of the premises

From the start of permitted hours until 30 minutes after the end of permitted hours

The times the licence authorises the carrying out of licensable activities.

Sale or Supply of Alcohol on Monday-Saturday from 10:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 23:30

Alcohol Off Sales timings same as above

Late Night Refreshment on Monday-Saturday from 23:00 to 00:30 (Subject to Condition 14)

Late Night Refreshment on Sunday from 23:00 to 00:00 (Subject to Condition 14)

Part 2

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

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

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: Mr. Pierluigi Bianchi
Address: 1 East Park Side Great Park Warlingham CR6 9PY

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: TAND/PERS/05/040, issued by Tandridge City Council

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

General

Seasonal Variations:

9. Alcohol may be sold or supplied:
- On Christmas Day: 1200 to 23.30.
 - On New Year's Eve, except on a Sunday, 11.00 to 00.00.
 - On New Year's Eve on a Sunday, 1200 to 23.30.
 - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Crime and Disorder

10. The sale and consumption of Late Night Refreshment shall finish at the time stated on the Licence and shall not have a further 30 minutes consumption time.

11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Bromley Council at all times whilst the premises is open.

12. Alcohol for consumption on the premises shall not be sold :

- Unless the premises have been structurally and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises;
- On the premises otherwise than to persons taking table meals there and for consumption by such a person and as an ancillary to his meal save as a maximum of 12 persons at any one time.
- Unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises

Off Sales :

- Sold in sealed containers to customers whom have been provided with a table meal or a meal for take-away or delivery.
- Sold to people seated in the external terrace and ancillary to a meal

Public Safety

No Conditions

Public Nuisance

No Conditions

Protection of Children from Harm

13. 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.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Plans

Held by the Licensing Authority Ref Number:**05/00890/LAPRE**
Dated - **24th November 2005**

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

20/00274/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **24th November 2005** Issue Number **003**

This licence summary consists of **2** pages

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Pierluigi's Pasta Fresca
86/90 High Street
Beckenham
Kent
BR3 1ED

Where the licence is time limited the dates

Not applicable.

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Late Night Refreshment on Monday-Saturday from 23:00 to 00:30 (Subject to Condition 14)

Late Night Refreshment on Sunday from 23:00 to 00:00 (Subject to Condition 14)

Name, (registered) address of holder of premises licence

Mr Pierluigi Bianchi
of
1 East Park Side,
Great Park,
Warlingham,
CR6 9PY

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: Mr. Pierluigi Bianchi

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

Not Applicable

Appendix 3

Representations

Mrs. M. Ward
17, Chelford Road
Bromley
B51 5QT

RE: Letter for Pierluigi's Pasta Fresca 86-90 High Street Beckenham BR3 1ED

To Whom It May Concern,

I write in relation to the above concern for the restaurant notified as Pierluigi's Pasta Fresca. I write as a long-standing customer starting with my childhood years with my parents, siblings and now more recently with my own husband, our family and wider friendship group.

I am lucky enough to have used the above-named establishment for over 20 years and have many dear memories of my dearly departed mother enjoying numerous dinner parties here.

I have a whole lifetime worth of stories culminating most recently in my husband's 40th birthday with a group of sixteen of us where we had a most memorable evening with friends, and family, of all age groups.

Through my childhood years I was lucky enough to experience the love that food and family can bring and the joys that finding an establishment that shares these sentiments exactly.

I hope I am lucky enough to be able to continue to use this establishment for many years to come.

Many Thanks and Kind Regards,

Michele Ward

Bywater, Jean

From: Licensing
Sent: 30 August 2022 11:17
To: Bywater, Jean
Subject: FW: Pierluigi's Restaurant

Hi Jean

FYA

Natalie Robson
Admin Support Officer
Licensing Team
Bromley Council, Civic Centre, Stockwell Close, Bromley BR1 3UH
0208 313 4306
natalie.robson@bromley.gov.uk
www.bromley.gov.uk

Please not – My current working days are Monday - Thursday

-----Original Message-----

From: Vicki Bahra <vickibahra@hotmail.co.uk>
Sent: 28 August 2022 16:14
To: Licensing <licensing@bromley.gov.uk>
Subject: Pierluigi's Restaurant

[You don't often get email from vickibahra@hotmail.co.uk. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good afternoon Jean,

With regards to the notice on Pierluigi's Restaurant window on Beckenham High Street regarding licensing act 2003. I would not usually do this, but I feel so strongly about this issue I completely disagree with what you are suggesting and accusing - I have been coming to the restaurant for 5 years and it an incredible asset to Beckenham. It is extremely respectful, welcoming and a great family-run restaurant that I know people in the area love. I have always felt extremely welcomed and at home here and what is being suggested is totally untrue and I wanted to flag this.

I would like you to know that I totally disagree with this notice and I know many people would agree with me in saying this.

Thank you

Vicki

Licensing Act 2003 Section 51

Review of a Premises Licence

Pierluigi's Pasta Fresca
86-90 High Street
Beckenham BR3 1ED

Comments

Since the covered terrace structure to the side of the restaurant was erected during lockdown, the public nuisance (noise, litter, illegal parking, etc) has increased. This outdoor seating area has made a big difference and a bad impact on the neighbouring area.

1) Noise

The increased noise generated by the restaurant at the weekends (Friday & Saturday) when the DJ plays very loud music. The bi-folding doors are open fully onto the covered side terrace which allows the music to be heard as far back to my property (a fair distance behind the restaurant). The noise escaping from licensed premises interferes with my enjoyment of living at my property and my right to sleep. I can't have my windows or balcony door open during these times and this became unbearable during this very hot summer. If I don't wear my headphones the noise disturbs me watching the TV or listening to the radio. I never fall asleep before midnight on these nights because of the noise, although the restaurant is supposed to close at 11pm you still have customers hanging around (talking, laughing, and shouting) on the side terrace and on the pavement outside the restaurant. Then you have further disturbance from vehicles collecting the customers with slamming car doors to noise from car horns.

2) Litter

As the restaurant is non-smoking their customers use the side road to Rokewood Apartments as a smoking area and as the restaurant doesn't provide a bin the cigarette stubs are scattered everywhere. Also sometimes you have broken beer bottles, wine/Champaign corks littered on the approach road to Rokewood, and occasionally there has been small silver nitrous-oxide canisters but the restaurant staff do not clear this mess up. Every day the cleaner disposes of their dirty soapy mopped floor water onto the approach road to Rokewood Apartments (instead of pouring it down their own sink/drain) which makes it slippery and a health & safety issue.

3) Illegal Parking

The staff/doormen do not discourage (take a blind eye) to illegal customer parking. On a Friday/Saturday night there are cars parked on the pavement outside Rendezvous Café or in front of the car barrier to Rokewood Apartments (half on the pavement) blocking access for pedestrians.

4) Pavement Access

At times the pedestrian path (pavement) outside the restaurant is obstructed by a large amount of tables, chairs, planters (olive & lemon trees), roped barrier, heaters or large parasols, menu stand and customers queuing or people stopping to chat to customers sitting outside. This part of the High Street is already busy and occasional when the pavement is blocked by the above you have to step into the road.

Yours sincerely,

Angela Walker

28 Rokewood Apartments
92 High Street
Beckenham BR3 1DE

Bywater, Jean

From: Licensing
Sent: 22 September 2022 12:18
To: Bywater, Jean
Subject: FW: Licensing sub committee: Pierluigi's Pasta Fresca 86-90 Highstreet Beckenham BR3 1ED
Attachments: IMG_20210218_132801.jpg; IMG_20200320_205524.jpg; WhatsApp Image 2021-05-22 at 08.24.02.jpeg; google search.jpg

FYI

Kind Regards

Esther Devarajulu
Licensing and Business Support Officer
Licensing Department
Environment and Public Protection
Bromley Council, Civic Centre, Stockwell Close, Bromley BR1 3UH
0208 461 7546
esther.devarajulu@bromley.gov.uk
www.bromley.gov.uk

From: Kowalewski, Simon <simon.kowalewski@kcl.ac.uk>
Sent: 22 September 2022 11:24
To: Licensing <licensing@bromley.gov.uk>
Subject: Licensing sub committee: Pierluigi's Pasta Fresca 86-90 Highstreet Beckenham BR3 1ED

You don't often get email from simon.kowalewski@kcl.ac.uk. [Learn why this is important](#)

Hello, I'm writing as I've been subjected to anti social behaviour by patrons during the pandemic when I've walked past this establishment on weekend evenings and asked them to give me space and have been met with abuse in return.

This is mainly due to the restaurant allowing patrons to park on the pavement over double yellow lines whilst allowing patrons to drink and smoke all the way across the pavement thus forcing pedestrians into the road if they want to avoid confrontation, the illegally parked cars in front also cause congestion if you're driving through the Highstreet.

You can see this is you type 'Pierluigi's' into google and look the very first photo, planters were placed outside briefly back in February 2021 which would have prevented the parking but they were moved within hours of being placed down

When lockdown first occurred on 20/03/2020 I was eating in another establishment on the Highstreet on that evening but they closed early on advice from the Police who entered before 8pm yet I walked past Pierluigi's at 10pm and people were still inside dining, all the other establishments had closed early.

Most the social media from Christmas 2020 has now been removed but it shows massive unrest and multiple Police and then again on social media back in May 2021 when it spilled out into the streets

<https://twitter.com/mikeep6/status/1342957919848046594>

I don't believe it's appropriate to have outside dining on the pavement as its narrow so becomes a pinch point and also cars shouldn't be allowed to ignore the double yellow lines with impunity which further reduces the space whilst backing up traffic.

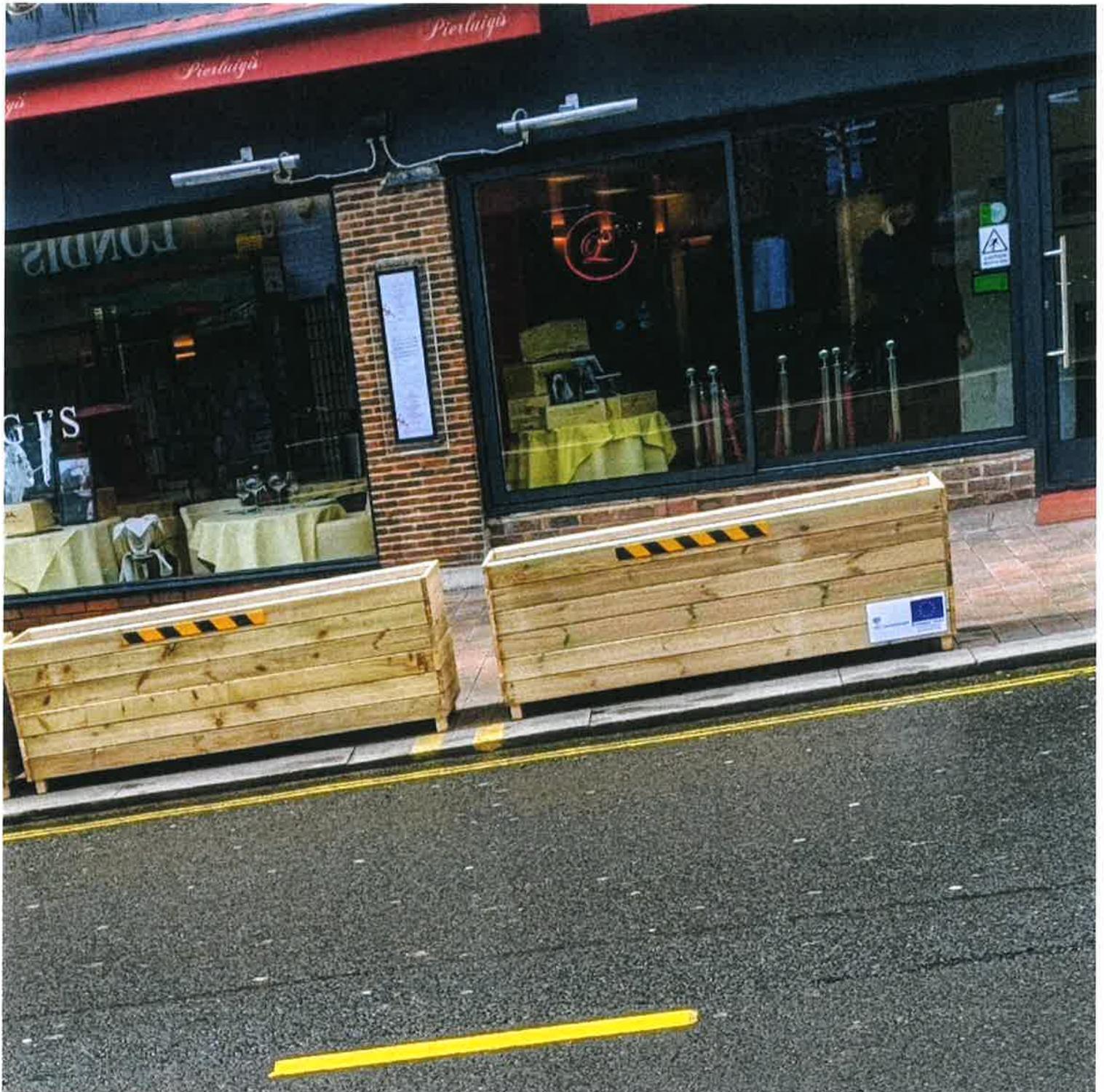
I've included four photos with this email, one of the lockdown on the very first night being ignored at 9:55pm when everywhere else on the highstreet has been shut, one in 2021 of smashed glass spread over the high street, one of the planters which were placed outside which would have solved the parking issues and finally a screenshot of the current google search showing an example of the parking which blocks the pavement.

Thanks, Simon.

Simon Kowalewski
Flat 18 Woodlands
34 Southend Road
BR35AA









Pierluigi's

[Website](#)

[Directions](#)

[Save](#)

[Call](#)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC SEAR 2157SN URN: 01 ZC 1061 15

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police OFFICER

This statement (consisting of: 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: PC Edwin SEAR 2157SN Date: 21/09/2022

Tick if witness evidence is visually recorded [] (supply witness details on rear)

This statement refers to the police engagement activity with Pierluigi's in Beckenham and the controlling management at the restaurant. Much of this activity I did myself, but sometimes other police officers provided accounts to me as the police licensing officer for Bromley Borough too.

Pierluigis has been operating in Beckenham for years and offered fine Italian cuisine with high standards of service under the Designated Premises Supervisor (DPS), Pierluigi BIANCHI.

The police first dealt with Pierluigis when premises license variation was proposed and applied for by the DPS in 2020 to remove the condition that drinks had to be served ancillary to meals. The police, like other relevant authorities, wanted to support the hospitality trade during the period of the coronavirus regulations, so did not object to the application, or ask for additional conditions. Pierluigis had always been a premises prior to 2020 that had been of no particular concern to the police. With the benefit of hindsight it appears that this variation was part of a wider change in the management of the premises and it's offering to customers later in the evenings, so it changed from being focussed purely as a food sales led restaurant to relying more on alcoholic drink sales later in the evenings on Fridays and Saturdays.

The police were required to engage, educate, explain and if necessary enforce the Coronavirus Regulations in 2020, and to respond to complaints about suspected breaches by the public. The police started to engage with a and visit Pierluigis management when complaints around suspected breaches of the rules around social distancing and not clearing the premises of the public before the 10pm cut off time at the premises came in Summer 2020. I spoke with Pierluigi and his son and restaurant manager, Marco BIANCHI, about this and how during visits to the restaurant sometimes in the evenings at weekends the outside terraces appeared excessively busy to allow social distancing. Many customers did not wear face masks either when walking around. The conversations the police had with the BIANCHIs were around reminding them of the rules and that it was the responsibility of the relevant persons on the premises to enforce them. They said they found telling people to stand apart quite challenging but

Signature: Signature witnessed by:

Continuation of Statement of **PC SEAR 157ZD**

assured the police they were fully aware of what was permitted.

In December 2020 uniformed police officers acted on information to attend Pierluigis when all hospitality venues had to be closed to the public, as per the coronavirus regulations. From the officer’s body worn video and accounts, an unlicensed doorman appeared to be guarding the entrance of the venue that was hosting a birthday party for one of their customers. He refused to permit the police to enter the premises and this delay meant people at the premises could run out the premises at the back and disperse before they were spoken with by the police. Marco BIANCHI was on the premises at the time. This resulted in a fixed penalty notice being given out, and a further meeting in March 2021, when the regulations permitted, with Marco BIANCHI to remind them of the rules. We were assured again that they would operate perfectly in accordance with the rules in future.

In April 2021 there were more complaints from the public about Pierluigis with no social distancing, groups mixing together and a lot of physical contact between customers to the police to investigate. Video evidence supported one complaint about dancing and musical entertainment being provided at Pierluigis in breach of the covid regulations. When the police visited the premises to investigate Marco BIANCHI told me that a customer had brought along a bongo drum and spontaneously started to play it which excited some customers in the restaurant to dance. The police found the premises had also not passed on contact details to the NHS track and trace team since the start of the pandemic, or displayed the required QR code at the front of the premises, so anyone who attended the premises would very likely not have been able to be contacted if they had come into contact with a covid carrier.

A prohibition notice was issued by the council following this. We were verbally assured, again, by Pierluigi and Marco BIANCHI that Pierluigis would operate in compliance with the regulations or allow people with musical instruments to enter the venue to reduce the likelihood of breaches of the covid regulations.

In May 2021 a member of the public provided video footage in a complaint that a bongo player and saxophonist was entertaining the customers inside the premises in breach of the covid regulations. The police met Marco and Pierluigi BIANCHI again reminding them of the seriousness of the covid pandemic, the necessity to follow the covid regulations to protect the public, and advised them the police were giving consideration to an application to review the premises license. During the course of this ongoing police engagement with the venue managers that had been going on for a year now, we had identified certain concerns in the running of the premises so I wrote a list of conditions that could be voluntarily applied for by the venue to be added to the premises license to help promote the license objectives. We received more verbal assurances they fully understood the covid rules, the conditions of their premises license, and what they were and were not permitted to do under these. Following the meeting there was a period when complaints stopped, but they started coming in again after a few weeks.

Complaints were received about the level of music up to 1am in the morning from Pierluigis from members of the public. We investigated and found evidence indicating night club musicians and DJs were being promoted as late night entertainment although the venue was not licensed as such. The police wrote to Pierluigi and Marco

Signature: Signature witnessed by:

Continuation of Statement of **PC SEAR 157ZD**

BIANCHI to voluntarily attend a police interview on suspicion of unlicensed entertainment at Pierluigis.

After this the number of complaints about Pierluigis suddenly dropped to zero, and police enquiries found they were keeping the music down. After several more weeks of this apparently compliant behaviour the police investigation was dropped since this it had appeared to achieve it's purpose: to stop unlicensed activity, i.e. regulated entertainment, as part of a stepped engagement approach.

In the summer of 2021 the covid regulations were stopped and the police engagement with the premises reduced as there were fewer rules to enforce. We were aware that Bromley Council continued to receive noise level complaints about Pierluigis so we support the council environmental health team's concerns about the noise levels at the premises.

Signature: Signature witnessed by:

Witness contact details

Home address: **C/O GIPSY HILL POLICE STATION**

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

.....

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC SEAR 157ZD**..... Station: **CROYDON**

Time and place statement taken: **04/02/15 2230HRS**.....



From: PC Edwin Sear,
Bromley Police Station
High Street,
Bromley BR1 1ER

To: Pierluigi Bianchi
86-90 High Street
Beckenham
BR3 1ED

Wednesday 8th September 2021

Re: Noise and unregulated activity

Crime reference: 3313139/21

Mr Pierluigi Bianchi

We have engaged extensively with you about problems at the restaurant for over a year with our colleagues from the council.

During the last year, following evidenced complaints from the public and police, we brought to your attention several breaches of the Health (Covid) Regulations, which demonstrated a failure to uphold the objectives of the premises license.

Then following complaints from the public generated from April 2021 about Pierluigis Restaurant's live music acts we responded by reminding you about the licensed hours, and what would be considered merely incidental and background music to licensed activity, and what is considered regulated entertainment. We advised you that Pierluigis Restaurant had no authority for regulated entertainment, though this was something that you could have applied for.

During this time the council issued a warning over the noise levels being generated by Pierluigis. Unfortunately this informal engagement, advice and warnings appeared to have no impact on the operation of the restaurant leaving us to reluctantly consider other options to enforce compliance.

We invited you to Bromley police station to provide an account under caution about unregulated activity, which you declined to do so. We did receive your letter from your solicitors denying the entertainment provided was regulated and saying it was incidental. We have been in contact with your solicitors and noted they have provided their own advice to Pierluigis on noise management. And it appears to have had a positive impact.

From the second half of July and throughout August we noticed a general overall improvement at Pierlugis with a steep reduction in complaints about unregulated activity.

We value the actions taken by Pierluigis which can be measured and seen as improvement. We hope the restaurant continues operating with the same regard moving forward and your own relationship / reputation with the community improves.

In response to the reduction in complaints received and what we would hope is the positive intervention of your legal team / licensing consultant, we feel that a proportionate response now is not to proceed down the enforcement route. As stated this would always be a last resort and on balance looking at the reduction in complaints we feel that the objective has been met.

However it must be stressed that this is not a time for complacency and the decision not to continue with enforcement has been made based on the police wanting to build a good working relationship with all businesses.

As the DPS of the premises and PLH you are accountable for the actions and decisions made by staff and managers under your employment, with that in mind I would encourage you to ensure that anyone empowered by yourself to make operational decisions is competent and well trained and informed with the operating schedule at the premises.

If you have any questions in relation to what authorities are required for Licensable Activities or are unsure as to what your current operating schedule allows, please reach out and ask the Council / Police Licensing Team or seek the professional advice from your legal team / consultant BEFORE making decisions to operate.

Yours Sincerely,

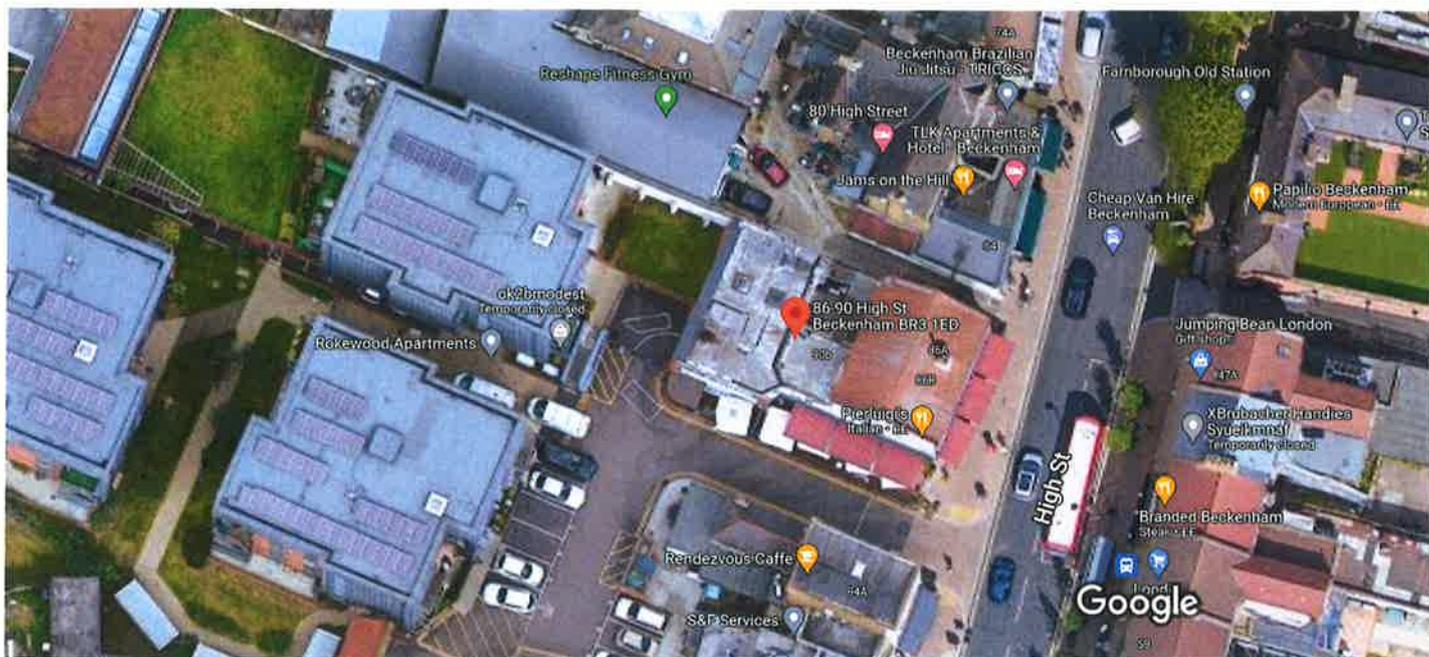
PC Edwin Sear 2157SN

Police Licensing Team

Email: SNMailbox-.LicensingBromley@met.police.uk

Appendix 4

Satellite Image & Photos of Premises



Imagery ©2022 Infoterra Ltd & Bluesky, Maxar Technologies, The GeoInformation Group, Map data ©2022 10 m



86-90 High St

Building



Directions



Save



Nearby



Send to phone



Share



86-90 High St, Beckenham BR3 1ED

Photos



Appendix 5

Guidance for Members Hearing a Review of a Premises Licence or Club
Premises Certificate

Guidance for Members hearing a Review of a Premises Licence or Club Premises Certificate

Licensing Act 2003 section 52 & 88 and Part 11 of the Secretary of States Guidance

The purpose of a Review

To ensure that the licence holder is promoting the licensing objectives, which are

1. Prevention of crime & disorder
2. Prevention of public nuisance
3. Protection of public safety
4. Protection of children from harm

Reviews can be brought by any Responsible Authority, individual, business or Ward Councillors on any of the licensing objectives

At a Review Members of the Sub Committee can

1. Modify licence conditions
2. Exclude a licensable activity from the licence
3. Remove the DPS from the licence
4. Suspend the licence for up to 3 months
5. Revoke the licence

Seriousness

After hearing the evidence at a Review hearing Members need to decide the level of seriousness of the failure to promote the licensing objective. This guide suggests factors which Members may consider to be 'aggravating' or 'mitigating' but it is not a definitive list and Members may identify other factors during a Review hearing.

Based on Members views as to seriousness and 'aggravating' or 'mitigating' factors the suggested 'starting Point' for the imposition of actions under Section 52 can be considered and varied 'upwards' or 'downwards'.

Members are advised to note 'aggravating' or 'mitigating' factors and ensure these are recorded in their reasoned decision.

Reviews Based on Crime & Disorder

(Matters referred to in Paragraph 11.29 of the secretary of States Guidance (April 2012))

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members in Bold
Manufacture sale or distribution of Class A drugs	<ul style="list-style-type: none"> • Large scale over a long period • Professional operation • Links to organised crime • 2nd Review 	<ul style="list-style-type: none"> • Small scale for a short period of time. • No links to organised crime • Licence holder genuinely unaware or had tried to deal with the problem 	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Sale or distribution of Firearms	<ul style="list-style-type: none"> • Large scale over a long period • Professional operation • Links to organised crime • 2nd Review 	<ul style="list-style-type: none"> • Small scale for a short period of time. • No links to organised crime • Licence holder genuinely unaware or had tried to deal with the problem 	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Underage sales affecting the health, educational attainment employment prospects or the propensity for crime	<ul style="list-style-type: none"> • Evidence of a significant impact / harm on a number of children • Associated with significant crime and / or disorder in the area • 2nd Sale • 2nd Review <p>See also section on underage sales in Protection of Children section</p>	<ul style="list-style-type: none"> • No evidence of a significant impact / harm on a number of children • Not associated with significant crime and / or disorder in the area <p>See also section on underage sales in Protection of Children section</p>	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence See also section on underage sales in Protection of Children section

Use of the premises for prostitution or pornography	<ul style="list-style-type: none"> • Associated with serious organised crime. • Involves children or trafficked women • 2nd Review • Large scale and for a long period 	<ul style="list-style-type: none"> • No association with serious organised crime. • No involvement with children or trafficked women • Licence holder genuinely unaware or had tried to deal with the problem • Small scale and for a short period 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Grooming of children by paedophiles	<ul style="list-style-type: none"> • Organised and large scale • Resulted in psychological harm • Resulted in actual physical abuse 	<ul style="list-style-type: none"> • Licence holder genuinely unaware or had tried to deal with the problem • No evidence of psychological harm • No evidence of actual physical abuse 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Use of premises for organised crime especially by gangs		<ul style="list-style-type: none"> • Licence holder genuinely unaware or had tried to deal with the problem 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Racist activity	<ul style="list-style-type: none"> • Condoned or encouraged by the Licence holder • Associated with organised groups or with organised crime 	<ul style="list-style-type: none"> • Licence holder genuinely unaware or had tried to deal with the problem 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Unlawful gambling or gaming			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Sale of smuggled alcohol or tobacco			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Crime and Disorder - Other matters			
Sale, distribution or use of Class B or C drugs	<ul style="list-style-type: none"> • Large scale over a long period • Professional operation • Links to organised crime • 2nd Review 	<ul style="list-style-type: none"> • Small scale for a short period of time. • No links to organised crime • Licence holder genuinely unaware or had tried to deal with the problem 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Other underage sales			See section on the Protection of Children from harm

<p>Breach of Licence conditions 1st occasion</p>	<ul style="list-style-type: none"> • Previous warnings ignored 	<ul style="list-style-type: none"> • Minor breach 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
<p>Breach of Licence conditions 2nd occasion</p>			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Reviews Based on Prevention of Public Nuisance

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
One off serious noise nuisance	<ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained 	<ul style="list-style-type: none"> • Short duration affecting limited number of people • Not deliberate • Full cooperation by licences 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
More than one serious noise nuisance or second Review for a similar matter	<ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained 		<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Deliberate and persistent noise / nuisance, anti social behaviour	<ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee 		<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

<p>Breach of Licence conditions 1st occasion</p>	<ul style="list-style-type: none"> • Previous warnings ignored 	<ul style="list-style-type: none"> • Minor breach 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
<p>Breach of Licence conditions 2nd occasion</p>			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Reviews based on Public Safety

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
One off failure to protect public safety / breach of a licence condition / A matter dealt with by an Improvement Notice	<ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained 		<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Repeated failures to protect public safety / Serious single failure or breach of condition / a matter dealt with by a Prohibition Notice	<ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained 		<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Deliberate / persistent placing of public / staff at risk	<ul style="list-style-type: none"> • Actual harm caused • Risk of significant harm • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained 	<ul style="list-style-type: none"> • No actual harm caused • Risk of minor injury • Cooperation 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

<p>Breach of Licence conditions 1st occasion</p>	<ul style="list-style-type: none"> • Previous warnings ignored 	<ul style="list-style-type: none"> • Minor breach 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
<p>Breach of Licence conditions 2nd occasion</p>			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Reviews Based Protection of Children from Harm

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
1 st time underage sale	<ul style="list-style-type: none"> • Poor Management • No effective challenge policy • Poor training • Deliberate • Significant financial gain 	<ul style="list-style-type: none"> • Effective challenge policy but a one off failure 	Vary conditions Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
2 nd Underage sale	<ul style="list-style-type: none"> • Failed to respond to previous sale • Deliberate • Significant financial gain • Failed other underage sales for age restricted products 		Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Permitting children to be in premises where there is drunkenness	<ul style="list-style-type: none"> • Younger children would be treated more seriously • Regular occurrence 	<ul style="list-style-type: none"> • Older children may be treated as being less serious • Infrequent occurrence 	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Exposing children to age restricted films	<ul style="list-style-type: none"> • Poor Management • no effective challenge policy • Poor training • Deliberate • Significant financial gain 	<ul style="list-style-type: none"> • Effective challenge policy but a one off failure 	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence

Exposing to entertainment of an adult , sexual, violent nature	<ul style="list-style-type: none"> • Poor Management & supervision • No effective challenge policy • Poor training • Deliberate • Significant financial gain 	<ul style="list-style-type: none"> • Effective challenge policy but a one off failure 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Permitting children to gamble	<ul style="list-style-type: none"> • Poor Management & supervision • No effective challenge policy • Poor training • Deliberate • Significant financial gain 		<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 1 st occasion	Previous warnings ignored	<ul style="list-style-type: none"> • Minor breach 	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 2 nd occasion			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

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