

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00am on 2 March 2023

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillors Robert Evans and Keith Onslow

Also Present:

10 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed Chairman for the meeting.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

The Chairman explained the procedure to be followed at the hearing. Mr Slaney updated Members that the application was for the sale/supply of alcohol and late night refreshment, Fridays/Saturdays to 00:00, use of outside areas to 22:30 and the premises closing 30 mins after licensable activity ceased.

Applicant's Case:

The Applicant explained that the reason for the application was to assist the business financially and that the extra hour could make a significant difference. Bills had increased and customers did not go out as often as they had done before. It had been agreed to limit the variation following police feedback. The objections were appreciated, however the business was professionally managed.

Questions to the Applicant:

The Chairman asked about the authorised hours under planning permission. The Applicant stated that they had never received these details, however he thought that there was no conflict. A Member asked about a picture in the agenda showing the premises advertised as a "Bar Restaurant". The Applicant replied that the business was a restaurant and that alcohol was only served with food. Mr Phillips asked about the number of covers and the applicant confirmed that in the rear garden it was approximately 30, and inside 15 or 16. The Applicant pointed out that the rear garden was not busy

most of the year due to the weather and it was nice to sit there only a few months a year. The applicant stated that there was usually only background music playing inside and there were no speakers outside. Members were provided with clarification as to the location of the kitchen and means of access to the rear garden.

Objectors:

Mr Phillips was the only objector present and explained that he would speak on behalf of the two responsible authorities who had raised concerns. Mr Phillips accepted there had been no complaints since opening and that the premises was well run. However, use of the outside areas until 22:30 would cause a nuisance for residents. The only mitigation would be the structure of the pergola, which offered almost no noise attenuation. The Applicant responded by saying the application would help regeneration and support the local area.

The Applicant confirmed there was no drinking up time outside and that he was not aware of any burning of materials outside. Members queried with Mr Phillips whether use of the outside to 2130 or 2145 might be acceptable. Mr Phillips considered there was a need to balance the needs of the business against the needs of residents. Ultimately retaining the 21:00 limit during the week but allowing longer on Fridays and Saturdays could be a reasonable compromise.

Summary of Decision:

Following an adjournment, Members returned and the Chairman announced the licence would be varied so as to allow: An extension to use of the outside areas on Sundays to Thursdays to 21:30 and on Fridays and Saturdays to 22:30. An extension to the hours for the sale and supply of alcohol on Fridays and Saturdays to 23:30. The provision of late night refreshments on Fridays and Saturdays to 23:30 An extension to the premises closing time on Fridays and Saturdays to 00:00.

The Chairman asked the Applicant to assure themselves and the Licensing Team that an extant planning permission was in place and, if not, to apply first. Reasons and full wording of variations to licence

The following are the reasons for the decision:

The Licensing Sub-Committee carefully considered the application for a variation to the premises licence at V&J Bar Restaurant 87 Penge Road, Penge SE20 7UN. In doing so, they had regard in particular to: • The four licensing objectives • The Council's current Statement of Licensing Policy • The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003 • The Home Office guidance on the licensing of late night refreshment • The application and all oral representations by the Applicant • All written and oral representations by objectors, including residents and the ward councillors. Members felt that the objectives of prevention of crime and

disorder, public safety and protection of children from harm would be satisfied. The main issue was the objective of preventing public nuisance. Members appreciated the concerns of residents and the close proximity of residential premises. They therefore decided that the variations sought by the Applicant would result in public nuisance.

Members also accepted the need to facilitate the viability of the business and how this might result in increased investment in the local area by others. They therefore did not agree that no changes at all should be made. Members instead concluded that more limited variations to the licence ought to be made. Any additional nuisance as a result would not be disproportionate or unreasonable so that the objective of preventing public nuisance would be promoted.

The licence was therefore varied as follows: Licensable activities authorised by the licence Add: Provision of late-night refreshments The times the licence authorises the carrying out of licensable activities Replace the existing with: Sale or Supply of Alcohol on Sundays to Thursdays from 11:00 to 22:30 and on Fridays and Saturdays from 11:00 to 23:30. Provision of Late-night refreshments Fridays and Saturdays from 23:00 to 23:30

The opening hours of the premises. replace the existing with: Hours Open to the Public on Sundays to Thursdays from 08:00 to 23:00 and on Fridays and Saturdays from 08:00 to 00:00 The times the licence authorises the carrying out of licensable activities. Replace the existing with: Sale or Supply of Alcohol on Sundays to Thursdays from 11:00 to 22:30 and on Fridays and Saturdays from 11:00 to 23:30 Provision of late-night refreshments on Fridays and Saturdays from 23:00 to 23:30 Conditions Replace 24 with: Sundays to Thursdays outside areas will not be used after 21:30. Fridays and Saturdays outside areas will not be used after 22:30. Replace 28 with: Sundays to Thursdays licensable activities will cease at 22:30, and the premises will close at 23:00. Fridays and Saturdays licensable activities will cease at 23.30, and the premises will close at 00:00.

Appeals against a decision of the Licensing Sub Committee:

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub-committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.

2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee. 3. It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent). If an appeal is not made now the licence can be "Reviewed" at any time by the Council on receipt of an application by any local resident / business or one of the "Responsible Authorities"

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

1. Prevention of crime and Disorder 2. Prevention of Public Nuisance 3. Public Safety 4. Protection of Children from Harm For more information on “reviews” contact the Licensing Team or see the Website www.bromley.gov.uk

Chairman