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DATE: 15 May 2023

To: Members of the

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Councillor Pauline Tunnicliffe (Chairman)

Councillor Colin Hitchins (Vice-Chairman)

Councillors Jessica Arnold, Nicholas Bennett J.P., Robert Evans, Kira Gabbert, Christine Harris, Mike Jack, Simon Jeal, Josh King, Jonathan Laidlaw, Tony Owen, Melanie Stevens, Harry Stranger and Sam Webber

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **TUESDAY 23 MAY 2023 AT 7.00 PM**

TASNIM SHAWKAT

Director of Corporate Services & Governance

*Copies of the documents referred to below can be obtained from*  
<http://cds.bromley.gov.uk>

### **A G E N D A**

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 30 MARCH AND 10 MAY 2023 (Pages 3 - 8)**
- 4 QUESTIONS**

In accordance with the Council's Constitution, members of the public may submit one question each on matters relating to the work of the Committee. Questions must have been received in writing 10 working days before the date of the meeting - by 5pm on Tuesday 9<sup>th</sup> May 2023.

Questions seeking clarification of the details of a report on the agenda may be accepted within two working days of the normal publication date of the agenda – by 5pm on Wednesday 17<sup>th</sup> May 2023.

- 5 **OUTSIDE BODY APPOINTMENTS 2023/24** (Pages 9 - 16)
- 6 **WORK PROGRAMME AND MATTERS OUTSTANDING** (Pages 17 - 22)
- 7 **LICENSING SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 2ND AND 9TH MARCH AND 5TH, 20TH AND 27TH APRIL 2023** (Pages 23 - 48)

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## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 7.00 pm on 30 March 2023

### **Present:**

Councillor Pauline Tunnicliffe (Chairman)  
Councillor Mike Botting (Vice-Chairman)  
Councillors Nicholas Bennett J.P., Kira Gabbert,  
Mike Jack, Josh King, Jonathan Laidlaw, Keith Onslow,  
Melanie Stevens, Harry Stranger and  
David Cartwright QFSM

### **47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Kathy Bance, Robert Evans (who was replaced by Councillor David Cartwright), Ryan Thomson and Sam Webber (who joined the meeting online).

### **48 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **49 QUESTIONS**

No questions had been received.

### **50 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2023**

In the third paragraph on page 4 (minute 37) the word “majority” was corrected to “minority.”

**RESOLVED** that the minutes of the meeting held on 16 February 2023 be confirmed.

### **51 CONSTITUTION WORKING GROUP Report CSD23039**

At its meeting on 6<sup>th</sup> July 2022 this Committee set up a Constitution Working Group to review the Council's Constitution – to simplify and improve the overall structure of the Constitution and to make recommendations for specific, detailed changes. The report presented some detailed changes for Members to consider and refer to full Council. It also made some suggestions that had not been considered at the Working Group regarding the full Council meeting to approve the budget and Council Tax each year.

Councillor Nicholas Bennett had chaired the Working Group and he presented the proposals. He recommended the following amendments –

- The proposal to limit the membership of Development Control Committee to no more than two members of the same ward was unnecessary.
- On motions, the following words should be removed in paragraph 13.6 (c) – “This becomes the substantive motion to which any further amendments are moved.”
- On call-in, the order of sub-sections and some of the wording be amended in paragraph 15.

Some Members raised objections to elements of the proposals, particularly around the limitations to call-in and petitions. However, the proposals were supported by the Committee with the changes set out above and referred to full Council.

**RESOLVED that Council be recommended**

**(1) To note that officers will report to a future meeting on proposals for the overall structure of the Constitution.**

**(2) The following changes be made to the Constitution in line with section 3 of the report and the wording set out in the appendix (to take effect for the 2023/24 Council year):**

- (a) The rules for questions be amended (as proposed in paragraphs 3.6 to 3.8 of the report.)**
- (b) The rules for motions be amended (as proposed in paragraphs 3.9 to 3.11 of the report and as amended above.)**
- (c) The rules for call-in be amended (as proposed in paragraphs 3.1-2 to 3.14 of the report and as amended above.)**
- (d) The Petition Scheme be amended (as proposed in paragraph 3.15 of the report.)**
- (e) The use of gender-neutral language in the Constitution be approved as proposed in paragraphs 3.16 of the report.)**
- (f) The additional of a special full Council budget and Council tax meeting be approved (as proposed in paragraphs 3.17 and 3.18 of the report.)**

**52 REPORTS FROM EXECUTIVE ASSISTANTS**  
Report CSD23037

As part of this Committee’s decisions in relation to the Members’ Allowances Scheme 2008/09, it was agreed that this Committee should receive an annual report from each of the Executive Assistants outlining the work they have undertaken over the past year in justification of the receipt of their allowance (currently £3,746pa in 2022/23). Appendix A to the report included reports from the two current Executive Assistants -

- Adult Care & Health - Cllr Mike Botting
- Sustainability, Green Services and Open Spaces –  
Cllr Thomas Turrell

The Committee noted that the purpose of the report related to the value of the Executive Assistant role in terms of the Member Allowances Scheme. However, it was considered that it was no longer necessary for this Committee to receive these reports and any scrutiny of Executive Assistants should be carried out by Policy Development and Scrutiny Committees.

**RESOLVED that**

- (1) The reports from Executive Assistants be received and noted.**
- (2) Reports from Executive Assistants will not be required by this Committee in future.**

**53 WORK PROGRAMME AND MATTERS OUTSTANDING**  
Report CSD23038

The Committee considered its work programme, including dates in 2023/24. The outstanding outside body appointments would be taken up in May as part of the annual review. The Chairman thanked the Members who had contributed to the two major projects to update the Council's Scheme of Delegation to Officers and the Constitution.

It was noted that Licensing and Appeals Sub-Committees were often made up from a limited pool of Members, and it was suggested that Members who were available to serve during the day should be encouraged to sit on this Committee.

**RESOLVED that the work programme be noted.**

**54 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 7 DECEMBER 2022**

The minutes of the Local Joint Consultative Committee meeting held on 7<sup>th</sup> December 2022 were received.

**55 LICENSING SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2023**

The minutes of the Licensing Sub-Committee meeting held on 8 February 2023 were received.

The Chairman thanked all members of the Committee for their work throughout the year and Councillor Nicholas Bennett led Members in thanking the Chairman.

*General Purposes and Licensing Committee*  
*30 March 2023*

The Meeting ended at 7.37 pm

Chairman

## GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the special meeting held at 8.19 pm on 10 May 2023

### Present:

Councillor Pauline Tunnicliffe (Chairman)  
Councillor Colin Hitchins (Vice-Chairman)  
Councillors Nicholas Bennett J.P., Kira Gabbert,  
Mike Jack, Josh King, Jonathan Laidlaw, Melanie Stevens,  
Harry Stranger, Sam Webber, Jessica Arnold,  
Christine Harris, Simon Jeal and Tony Owen

### Also Present:

Other members of the Council

## 56 PROPORTIONALITY OF SUB-COMMITTEES

**RESOLVED** that the proportionality of Sub-Committees be agreed as follows -

	SIZE	CONS	LAB	LDEM	CHIS	BH IND	IND
Industrial Relations Sub-Committee	7	5	2	-	-	-	-
Rights of Way Sub-Committee	7	5	2	-	-	-	-

## 57 MEMBERS OF SUB-COMMITTEES

**RESOLVED** that the Schedule of Members to serve on the Sub-Committees of the General Purposes and Licensing Committee be agreed as below.

**(i) INDUSTRIAL RELATIONS SUB-COMMITTEE** (to include Leader, Deputy Leader, Chairman and Vice-Chairman of the General Purposes and Licensing Committee.)

	Councillors
1	Cllr Colin Hitchins (CON)
2	Cllr Kate Lymer (CON)
3	Cllr Colin Smith (CON)
4	Cllr Michael Tickner (CON)
5	Cllr Pauline Tunnicliffe
6	Cllr Jessica Arnold (LAB)
7	Cllr Rebecca Wiffen (LAB)

**(ii) RIGHTS OF WAY SUB-COMMITTEE**

	Councillors
1	Cllr Jonathan Andrews (CON)
2	Cllr Simon Fawthrop (CON)
3	Cllr Adam Grant (CON)
4	Cllr Harry Stranger (CON)
5	Cllr Michael Tickner (CON)
6	Cllr Alisa Igoe (LAB)
7	Cllr Chris Price (LAB)

**58 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF SUB-COMMITTEES**

**RESOLVED** that the following Councillors be appointed as Chairman and Vice-Chairman of the Sub-Committees of the General Purposes and Licensing Committee.

Industrial Relations Sub-Committee	Cllr Colin Smith	Cllr Kate Lymer
Rights of Way Sub-Committee	Cllr Jonathan Andrews	Cllr Simon Fawthrop

The Meeting ended at 8.20 pm

Chairman



# Agenda Item 5

Report No.  
CSD23056

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Tuesday 23 May 2023

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

**Title:** OUTSIDE BODY APPOINTMENTS 2023/24

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Tasnim Shawkat, Director of Corporate Services and Governance

**Ward:** All

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1. Reason for decision/report and options

- 1.1 This report requests that the Committee, on behalf of the Council, considers the appointment of Council representatives to serve on a range of outside bodies and partnerships. Most appointments are made annually, following the municipal year, but a small number of appointments are for three or four year terms.
- 1.2 The draft schedule of nominations from the Groups is attached as Appendix A, but this is being updated and a final version will be circulated as soon as possible.

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2. **RECOMMENDATION**

**The Committee is recommended to consider the nominations made by the Groups in Appendix A and make appointments to outside bodies and partnerships**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

Transformation Policy

1. Policy Status: Existing Policy
  2. Making Bromley Even Better Priority:  
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 

Financial

1. Cost of proposal: Estimated Cost No Cost
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £366k
  5. Source of funding: Revenue budget
- 

Personnel

1. Number of staff (*current and additional*): 6
  2. If from existing staff resources, number of staff hours: Not Applicable
- 

Legal

1. Legal Requirement: None
  2. Call-in: Not Applicable: This is not an executive decision
- 

Procurement

1. Summary of Procurement Implications: Not Applicable
- 

Property

1. Summary of Property Implications: Not Applicable
- 

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
- 

Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable
- 

Customer Impact

1. Estimated number of users or customers (*current and projected*): Not Applicable
- 

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

- 3.1 The Committee is asked to make various appointments to partnerships and outside bodies on behalf of the Council. Most appointments are annual and follow the Council year, but there also a small number of longer appointments that run for three or four years. Some of the appointments on the list are, effectively, restricted to particular post-holders, while some are associated with particular wards in the borough.
- 3.2 The schedule of appointments to be made is attached at Appendix A. All groups have been invited to make nominations, and an updated version of the schedule will be circulated before the meeting.

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children/Policy/ Financial/Legal/Personnel/Procurement/Property/Health and Wellbeing/Carbon Reduction/Customers/ward Members
Background Documents: (Access via Contact Officer)	2022 Outside Bodies Report (GP&L Committee, 26 May 2022)

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**LONDON BOROUGH OF BROMLEY  
ANNUAL APPOINTMENTS TO OUTSIDE BODIES  
AND PARTNERSHIP BODIES 2023/24**

**(i) London Councils' Annual Appointments**

**Leaders' Committee**

(S.101 Joint Committee)

Cllr Colin Smith (*1 Representative*)

Cllr Kate Lymer (*1 of 2 Deputies*)

**London Councils Transport and Environment Committee (TEC)**

(Associated Joint Committee)

Cllr Nicholas Bennett or Cllr Alisa Igoe (*1 Representative*)

(*Up to 4 Deputies*)

**Grants Committee** (*Must be Executive Members*)

(Associated Joint Committee)

Cllr Kate Lymer

(*Up to 4 Deputies*)

**Greater London Employment Forum**

Cllr Pauline Tunnicliffe (*Representative*)

Cllr Colin Hitchins (*Deputy*)

**Lead Members for London Councils**

(*Normally Executive members or chairmen*)

Children & Young People, including Safeguarding, Schools, Education and Children's Social Care: Cllr Kate Lymer

Skills & Employment: Cllr Yvonne Bear

Communities, Empowerment and Inclusion: (?)

Economic Development/Business: Cllr Yvonne Bear

Crime and Public Protection: Cllr Angela Page

Arts/Culture, Tourism, Sport & Leisure: Cllr Yvonne Bear

Health and Social Care including Adult Services: Cllr Diane Smith

Housing & Regeneration: Cllr Yvonne Bear

Planning/Infrastructure/Development: Cllr Alexa Michael

Environmental Issues: (?)

Digital and Connectivity: (?)

Devolution and Levelling Up: (?)

Finance & Corporate Services: Cllr Christopher Marlow

**London Pensions CIV** (Shareholders Committee)

Cllr Keith Onslow or Cllr Simon Jeal (*1 Representative*)

Cllr Kira Gabbert (*Deputy*)

(ii) **Partnership Annual Appointments**

**Safer Bromley Partnership Strategic Group** (1)

*(Normally, relevant Portfolio Holder)*

Cllr Angela Page

**Safer Neighbourhood Board** (3)

Cllrs Alisa Igoe, Kathy Bance, Angela Page, David Cartwright & Colin Hitchins

**Bromley Economic Partnership** (1)

*(Normally, relevant Portfolio Holder)*

Cllr Yvonne Bear or Cllr Jeremy Adams

**Adult's Safeguarding Board** (5)

*(Normally, relevant Portfolio Holders and PDS Chairmen)*

Cllrs Colin Smith and Diane Smith (+3?)

Cllrs Jessica Arnold and Kevin Kennedy-Brooks

**Children's Safeguarding Board** (5)

*(Normally, relevant Portfolio Holders and PDS Chairmen)*

Cllrs Colin Smith and Kate Lymer (+3?)

Cllrs Ryan Thomson and Rebecca Wiffen

(iii) **Children, Education & Families Annual Appointments**

**Management Committee of Wood Lodge Living Skills Centre** (1)

Cllr Kira Gabbert

**Early Years Development & Child Care Partnership** (1)

Cllr Kira Gabbert or Cllr Rebecca Wiffen

**Bromley “Y” Project** (2)

Cllrs Felicity Bainbridge, Simon Jeal and Kate Lymer

**Mentoring Steering Group** (1)

Cllr Angela Page or Cllr Ryan Thomson (*Representative*)

(1 Deputy?)

(iv) **Environment & Community Services Annual Appointments**

**London Road Safety Council** (1)

Cllr Nicholas Bennett or Councillor Alisa Igoe

(v) **Renewal, Recreation & Housing Annual Appointments**

**The Crystal Palace Community Development Trust** (1)

(*Crystal Palace and Anerley ward*)

Cllr Ruth McGregor

**Newable Ltd** (1) (*formerly Greater London Enterprise – GLE*)

(?)

**London Youth Games** (1)

Cllr Kathy Bance or Cllr Sophie Dunbar

**Proactive Bromley** (2)

Cllr Kevin Kennedy-Brooks (+1?)

**Biggin Hill Airport Consultative Committee**

Representative of the Council as freeholder:

Cllr Christopher Marlow

(*Deputy?*)

Representative of Biggin Hill Ward:

Cllr Melanie Stevens

Cllr Sophie Dunbar (*Deputy*)

Representative of Darwin Ward:

Cllr Jonathan Andrews

Cllr Simon Fawthrop (*Deputy*)

(vi) **General Annual Appointments**

**Bromley Town Twinning Association** (3)

Cllr Kathy Bance and Kim Botting (+1?)

**Community Links Bromley** (2)

Cllrs Kathy Bance and Kevin Kennedy-Brooks

**Leadership Committee of the Bromley Community Fund** (1)

Cllr Alisa Igoe

(vii) **Four Year Terms** (2023-27)

**The Beckenham Parochial Charities** (2 of 6)

The Charity strongly recommends the re-appointment of long-standing trustee Mr Robin Mitchell. Cllr Michael Tickner and Mrs Gill Hollamby are also nominated.

**Nash College Local Advisory Board** (1)

Councillors Casey, Dunbar, Michael and Turrell have all expressed an interest in the role.



# Agenda Item 6

Report No.  
CSD23055

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** 23 May 2023

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

**Title:** WORK PROGRAMME AND MATTERS OUTSTANDING

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Tasnim Shawkat, Director of Corporate Services and Governance

**Ward:** All

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1. Reason for decision/report and options

- 1.1 This report summarises the Committee's work programme for the 2023/24 Council year and also covers matters outstanding from previous meetings.

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2. **RECOMMENDATION**

**Members are requested to consider and note their work programme for 2023/24 (Appendix B) and matters outstanding.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

Transformation Policy

1. Policy Status: Existing Policy:
  2. Making Bromley Even Better Priority:  
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 

Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £366k
  5. Source of funding: Revenue Budget
- 

Personnel

1. Number of staff (*current and additional*): 6
  2. If from existing staff resources, number of staff hours: Not Applicable
- 

Legal

1. Legal Requirement: None
  2. Call-in: Not Applicable: No executive decision is required.
- 

Procurement

1. Summary of Procurement Implications: Not Applicable
- 

Property

1. Summary of Property Implications: Not Applicable
- 

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
- 

Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable
- 

Customer Impact

1. Estimated number of users or customers (*current and projected*): Not Applicable
- 

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

- 3.1 Bromley Council operates under a “Leader and Executive” constitutional model, with most decision-making functions resting with the Leader, the Executive and Portfolio Holders. However, there are a number of functions which the executive side is prohibited from dealing with, for which Committees need to be appointed. In Bromley, the majority of these “non-executive” functions are the responsibility of Development Control Committee for town planning and related functions, Pensions Committee, Audit and Risk Management Committee, Standards Committee and this Committee for any other non-executive functions.
- 3.2 General Purposes and Licensing Committee fulfils the role of Licensing Committee under the 2003 Licensing Act (which requires a membership of between ten and fifteen councillors), but also deals with a range of other non-executive functions that cannot be dealt with by the Executive or do not fall within the terms of reference of other non-executive Committees. It therefore has a range of varied and sometimes unrelated responsibilities, including human resources, complaints, elections and appointments. The Committee’s Terms of Reference as set out in the Constitution are set out at Appendix A.
- 3.3 The Committee’s role is very different to that of a PDS Committee, in that it has decision-making powers, many of which are delegated to a number of sub-committees -
- Appeals Sub-Committee
  - Industrial Relations Sub-Committee
  - Licensing Sub-Committee
  - Local Joint Consultative Committee
  - Rights of Way Sub-Committee

These sub-committees have decision-making powers within their own terms of reference, and in some cases only meet when issues arise that require a decision from Members.

- 3.4 The Committee has six scheduled meetings each year, plus a special meeting after the Council’s annual meeting to appoint its Sub-Committees. The meetings for the 2023/24 Council year are set out in Appendix B, along with the reports anticipated for each meeting.
- 3.5 At the Committee’s last meeting appointments to two “outside bodies” were deferred, until the new Council year if necessary. These were for Nash College and for two appointments to the Beckenham Parochial Charities – these issues are dealt with in the report on this agenda. There are no other matters outstanding to report.

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Legal/Procurement/Property/Carbon Reduction/Local economy/Health & Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Previous Work Programme Report – to meeting on 16/2/23

**General Purposes and Licensing Committee  
Terms of Reference**

- 2.01 **General Purposes and Licensing Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)
- (a) Electoral issues
  - (b) Making byelaws
  - (c) Staffing matters
  - (d) Open Government
  - (e) Complaint Procedures
  - (f) Member appointments
  - (g) Health and Safety
  - (h) Licensing of births, deaths and marriages
  - (i) Licensing matters, including, where appropriate, determining cases relating to individual licenses
  - (j) Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town & Country Planning Act 1990)
  - (k) Any non-executive function not delegated elsewhere or reserved to Council.

**General Purposes and Licensing Committee**  
**Work Programme 2023/24**

**10<sup>th</sup> May 2023** *(following the annual Council meeting)*

Appointment of Sub-Committees

**23<sup>rd</sup> May 2023**

Appointments to Outside Bodies

Work Programme & Matters Outstanding

**11<sup>th</sup> July 2023**

Industrial Relations Sub-Committee

Work Programme & Matters Outstanding

**21<sup>st</sup> September 2023**

Work Programme & Matters Outstanding

**8<sup>th</sup> November 2023**

Teachers Pay Policy 2023/24 - Centrally Based Staff

Annual Complaints Report and Annual Ombudsman's Letter 2022/23

Live Streaming of Meetings

Work Programme & Matters Outstanding

**6<sup>th</sup> February 2024**

Pay Award 2024

Pay Policy Statement 2024/25

Members Allowances Scheme 2024/25

Programme of Meetings 2024/25

Work Programme & Matters Outstanding

**10<sup>th</sup> April 2024**

Work Programme & Matters Outstanding

*Draft Minutes from Sub-Committee meetings are received for information at each meeting.*

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## 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](http://www.bromley.gov.uk)

Chairman

## **LICENSING SUB-COMMITTEE**

Minutes of the meeting held at 10am on 9 March 2023

### **Present:**

Councillor Keith Onslow (Chairman)  
Councillors Mike Botting and Robert Evans

### **Also Present:**

Councillor Nicholas Bennett J.P. and Councillor Mark Brock

### **13 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Councillor Onslow was appointed Chairman.

### **14 DECLARATIONS OF INTEREST**

With respect to the application concerning the Railway Hotel, Note: Councillors Brock and Bennett declared a personal interest in that they had eaten at the premises.

### **15 APPLICATION FOR A NEW PREMISES LICENCE AT L A SPORTS CLUB, ST DUNSTAN'S LANE, BECKENHAM, BR3 3SS**

The Application:

The applicant sought a premises licence for the supply of alcohol within a renovated pavilion for both on and off sales from 11.00 to 23.00 on Monday to Saturday and from 11.00 to 22.00 on Sunday. The premises being open to the public from 08.00 to 23.30 Mondays to Saturday and 08.00 to 22.30 on Sunday.

The case for the applicant:

The applicant's consultant, Mr Mayhew advised that the applicant was a private company owned by four families. The site was currently used by three football teams for children's and young persons' football. It was mainly used on Saturday and Sundays. The club house needed refurbishment and to raise funds, a licence to supply alcohol at the pavilion was being sought. Many of the bookings would be from members of the club, but not exclusively so. The pavilion would not just be limited to football use and could be hired for a wide range of purposes. It was explained that the clubhouse, when refurbished, could be used by up to 150 persons, although this would be dependent on a fire risk assessment.

Mr Mayhew explained that his client had carefully considered the large number of objections. Some of the objections, in his submission, were not a matter for licensing. There were complaints about inconsiderate parking in the nearby streets and also traffic conflicts due to the narrow nature of St Dunstan's Lane, backing onto Wickham Way. While public safety was a licensing objective, Mr Mayhew pointed out that the applicant had no control over parking issues outside of the site. Likewise, if persons were currently loitering in the area, this could not be related to the application. With reference to concerns about school children from the nearby schools passing the site, the applicant managed football for children and young persons and had child protection policies in place. Environmental issues and issues concerning the planning designation of the surrounding area as an area of special residential character were not for the licensing hearing.

Mr Mayhew said the objections had been carefully considered by the applicant. In addition to the agreed police conditions, the applicant had put forward 27 additional conditions for consideration. The car park could hold about 50 cars which was reasonable for the property. The hours were usual hours for a licensed premises. A dispersal policy could minimise the risk of nuisance when patrons left the premises.

(ii) The case for the objectors

In addition to the written representations, the sub-committee was addressed by a representative of the Park Langley Residents Association. She pointed out the proximity of nearby residential properties in Wickham Way. The residents were already subject to noise within their houses from the use of the playing fields. This would be likely to worsen if the supply of alcohol was permitted. She was concerned that there was not a sufficient link with the sporting function of the site and the proposal could be described as for entertainment venue. There had been a dramatic increase in traffic using St Dunstan's Lane since the applicant took ownership of the site. Another resident felt the application would be a "trojan horse," allowing the use of the site to change from a use connected with sport. A further resident confirmed she could hear noise from the playing of football in her sitting room.

Reasons for decision

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. Members noted the positive steps being taken by the applicants to encourage football by children and young persons. They noted that the pavilion building was in need of refurbishment and that funds needed to be raised for this. They also noted that the sporting use was a longstanding one which should be supported. Current traffic issues seemed to arise outside the site and were difficult for the applicant to control.

Members also noted the evidence that the current use did cause some disturbance to nearby residential properties. They felt that the application, by introducing new activities onto a difficult site, both in terms of the nearness of

residential properties and access, would increase the potential for nuisance to nearby residential properties in Wickham Way. Members were particularly concerned that new activities would be introduced well into the evening when the occupiers of those nearby properties, might reasonably expect a higher degree of peace and quiet.

When balancing all of the considerations, Members concluded that the application could be permitted without harm to the Licensing objectives, but only if the hours within which alcohol could be supplied was restricted to between 11am and 6.30pm.

#### Decision

That the application for the grant of a premises licence at L A Sports Club, St Dunstan's Lane, Beckenham BR3 3SS be permitted subject to the following conditions:

1. That alcohol shall only be supplied between the hours of 11.00 and 18.30 on any day
2. Where amplified live music or recorded music is played windows and doors will be kept shut
3. All external doors to the premises shall remain closed except for entrance and egress

#### **16 APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE AT THE RAILWAY HOTEL, RED LODGE ROAD, WEST WICKHAM, BR4 OEW**

The application

The application was to vary the licence as follows:

1.Amend the terminal hour of the sale of alcohol and late night refreshment on Friday and Saturday to midnight; 2.Amend the terminal hour for opening hours to permit 30 minutes drinking up time; 3.Amend the start time of the sale alcohol and opening hours on Sunday to begin from 10:00 (currently 12:00); 4.Remove the restrictions set out in condition 9 which related to the times when alcohol may be sold, as these conflicted with the usual for the sale of alcohol. Condition 9 & 9a - f to be removed. Condition 9g to be retained. 5.Remove conditions 10 & 10a – j which contain outdated conditions and narrative from the Licensing Act 1964. 6.To add conditions as set out in the operating schedule of the application form.

(i) The case for the applicant

Members were advised that a number of TENS had been granted between August and September 2022 until midnight with 30 minutes drinking up time. No complaints had been made. A consultation meeting had been held with local residents. The applicant had a large number of licensed premises and the variation sought for Friday and Saturday evening was not unusual. The

additional ten minutes drinking up time sought, accorded with more modern licensing practice and would allow a more orderly dispersal of customers. Councillor Brock was asked by the applicant to speak in favour of the proposal.

(ii) The case for the objectors

There was a sole objector, Councillor Bennett. He addressed the Sub-Committee and referred to the residential nature of the area, in particular with a nearby elderly persons' home in Red Lodge Road. In his opinion, the area was not suitable for extended hours. He had also visited the premises during the last two weeks and observed possible breach of licensed conditions in terms of closing hours.

Reasons for decision

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. They did not feel there was sufficient evidence for them to conclude that the application would cause public nuisance. Members agreed that with the agreed condition concerning keeping the doors and windows shut, the application could be permitted without harm to the licensing objectives. Members noted that the police and the environmental health officer had not raised an objection. Nor had there been objections from members of the public. Although a concern had been raised about a possible breach of licensing closing hours, the Licensing Team had not raised an objection.

Decision

That the application for a variation of the premises licence be granted as applied for subject to the condition:

After 11pm, doors and windows at the premises shall be kept closed except for access and egress.

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 5 April 2023

### Present:

Councillor Keith Onslow (Chairman)  
Councillors Pauline Tunnicliffe and Kathy Bance MBE

### 17 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Keith Onslow was appointed as Chairman for the meeting.

### 18 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 19 APPLICATION FOR A VARIATION TO THE PREMISES LICENCE AT CROWN INN, SCHOOL ROAD, CHISLEHURST, BR7 5PQ

The Licensing Sub-Committee carefully considered the application for the variation of a Premises Licence at Crown Inn, School Road, Chislehurst, BR7 5PQ.

The Licensing Sub-Committee has made the following decision having regard to: - the four licensing objectives, - the Council's current Statement of Licensing Policy (as amended) - Guidance issued under the Licensing Act 2003 (as amended); The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (as amended), - Written and oral representations from the Applicant, - Written and oral representation from local residents - Representation from a ward Councillor - Written representation from the - Written representations from the Metropolitan Police.

#### **The Decision of the Licensing Sub-Committee was::**

**On the 5th April 2023, the Licensing Sub-Committee having considered the application as a whole, decided to Grant the application to vary the licence as stated in the relevant application.**

The application included additional Metropolitan Police conditions agreed by the applicant. The conditions stated in the original licence remain in place.

#### **THE APPLICANT'S CASE:**

The applicant mentioned that the application was to vary the current premises licence and plan to include an outside bar (to operate annually between 1st March and 1st November) The bar would be managed when it was open at all

times until the closing time of 21:00 hours. The bar's operating hours are from 12:00 Noon to 21:00 hours.

The applicant stated that there were various refurbishments at the premises which included the installation of the outside bar and reorganising the space to have toilet facilities both inside and in the outside space. Noise has been a factor when the works were on-going. The applicant mentioned that there was no intention to increase the number of persons attending the premises.

The applicant said that the outside bar would alleviate the pressure on the inside bars, so as to create a better environment for the guests who stayed at the hotel. Furthermore, the applicant said that he did not feel that the outside bar would cause an increase in customers. When asked about live music in the garden area, the applicant responded that the intention was to play acoustic music, or occasionally, when assisting charities at fundraising events, to change the music then, but always taking into consideration the noise level.

The applicant mentioned that he was aware that the current premises licence did allow the premises to hold live music. The applicant expressed that he was aware of the option to request (Temporary Events Notice) TENS if and when required. The applicant also mentioned the fact that the Metropolitan Police conditions had been agreed. On the point regarding complaints made to the premises regarding noise, the applicant mentioned that most of the noise complaints were during the time when the premises was undergoing refurbishment. One of the members of the Licensing Sub-committee highlighted to the applicant the importance of following through on complaints which arose and to resolve them satisfactorily. That way, the premises would make progress in building a good neighbourly relationship with the residents. The applicant said that he intended to work well with residents and would want to see the residents come to the premises.

#### **OBJECTIONS AND CLARIFICATIONS RELATING TO THE VARIATION OF THE LICENCE:**

At the hearing, two persons objecting to the licence spoke to Licensing Sub-Committee, a resident and a Ward Councillor. The objections can be summarised as follows; Noise nuisance and disturbance during delivery hours. There was a mention about the closing time for the outside bar to be 19:00 hours. It was further mentioned that the trees surrounding the licensing premises may not be sufficient to prevent or buffer the noise emanating from the premises. Noise from the premises due to refurbishing works. Noise during delivery hours and the alarm going off.

The applicant said that there were some teething problems with the alarm and that the noise issue was primarily because of the works at the premises. The concern about the frequent change of staff (managers) at the premises was discussed. The objectors had a chance to present their statement and to ask the applicant questions.



A question was asked on how the premises intended to engage with the residents. The applicant responded that the required formalities had been followed. Furthermore, the premises intended to listen to the residents. The applicant mentioned that there was an invitation to the residents (clients) for a 'freebees' at the premises. The premises would like to keep a good relationship with the residents and its customers. The applicant said he may consider having quarterly meetings with the residents to listen to their concerns.

The Licensing Sub-Committee at the Hearing listened to all parties, asked relevant questions, and accordingly asked for clarification when necessary.

### **THE VARIATION:**

The Licensing Sub-Committee having considered the application as a whole, the proposed and agreed conditions between the metropolitan police and the applicant, decided to vary the licence. The Licensing Sub-Committee varied the Licence to allow the installation of an outdoor bar in the rear garden area of the premises as follows

- Alteration to current plans to include an outside bar area ( as per submitted plans)
- Bar to operate daily from 12:00 Noon to 21:00 hours
- All other current provisions and times to remain the same.

Police conditions agreed by applicant

- A CCTV system will be installed and maintained at the premises and will include covering the bar areas and entrances 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.

- 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.

- Ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed inside the premises.

- Ensure that all relevant staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be available from the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 6 Months (or earlier as necessary).

- 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 hours 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

- 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. The conditions in the original licence remain in place. The Licensing Sub-Committee further noted as stated on page 23 , the applicant's steps which he intends to take in order to promote the four licensing objectives

### **THE DECISION:**

The Licensing Sub-Committee decided Grant the application to vary the above premise as applied for plus the agreed conditions between the Metropolitan Police and the applicant.

- a) The Licensing Sub-Committee considered all the licensing objectives, the relevant licensing policies and guidelines relating to the above application.
- b) The Licensing Sub-Committee considered the application; both the written and oral representations, and all the steps which the applicant intends to take to promote the licensing objectives.
- c) The applicant has mentioned that he has good intention to uphold the licensing objectives, accepted the additional Metropolitan Police conditions which promote the licensing objectives.
- d) The relevant Licensing Act provides for a review process for a licensable premises which may be utilised as and when required.

The Sub-Committee believed that the reasons and conditions attached to the premises licence were necessary, in order to uphold all the licensing objectives.

In conclusion the Licensing Sub-Committee in line with the relevant policies and guideline made the decision that; the above variation of the premises licence application be granted as applied for.

### **20 APPLICATION FOR A VARIATION TO THE PREMISES LICENCE AT FIREAWAY PIZZA ,53 CHISLEHURST ROAD, CHISLEHURST, BR7 5NP**

The Licensing Sub-Committee carefully considered the application for a premises licence at Fireaway Pizza, 53 Chislehurst Road, Chislehurst BR7 5NP.

**The Licensing Sub-Committee made the following decision having regard to:**

- The four licensing objectives,
- The Council's current Statement of Licensing Policy (as amended)

- Guidance issued under the Licensing Act 2003 (as amended); The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (as amended),
- Written and oral representations from the Applicant,
- Written and oral representation from local residents
- Representation from Ward Councillors
- Written representations from the Public Health Nuisance Team
- Written representations from the Metropolitan Police

**The Decision of the Licensing Sub-Committee was:**

The Licensing Sub-Committee, on the 5th April 2023, considered the application as a whole, and decided to **Grant the licence subject to the amendments made at the Licensing Sub-Committee Hearing, the following conditions were added :**

**That after 23:00 hours:**

- (i) the premises should use electric vehicles i.e scooter(s); and**
- (ii) to have a staff member managing the entry to the premises.**

**The additional Metropolitan police conditions agreed by the applicant** see Appendix 4 pages 59 to 60 of the application bundle). Link: [Cttee Report Fireaway Pizza v1.2.pdf](#)

Summary of the Hearing:

## **1. THE APPLICANT'S CASE**

The Applicant's agent summarized the application, that it was for Late Night Refreshment (LNR). It was not for the sale of alcohol. The applicant was requesting hours for LNR until 03:00 hours. The premises would use electric vehicle(s) after 23:00 hours. The restaurant doors would close at 23:00 hours. Notices (regarding the opening and closing hours) would be placed to inform all individuals seeking entry to the restaurant (especially after 23:00 hours). There would be a member of the staff who would manage the door. There would be a delivery driver and an electric scooter would be used for deliveries.

The Applicant mentioned that whilst the premises formed part of a chain, it was a family business. The Applicant desired to work harmoniously with the community and would like dialogue to that effect. The catering business was currently struggling due to the current economic factors, the war and the rise in fuel prices. The Applicant fully accepted the Metropolitan Police Conditions noted in appendix 4 of the application bundle. The Applicant mentioned that the Fireaway was a franchise and had extensive experience of running licensable premises.

The Public Health Nuisance Team proposed operating hours for Late Night Refreshment (LNR) :

Sunday to Thursday - from 23:00hours to close at 00:00 hours

Friday to Saturday from 23:00hours and close at 01:00hours

Additional conditions were agreed with the Metropolitan Police by the Applicant, appendix 4 pages 59 to 60 Link: [Cttee Report Fireaway Pizza v1.2.pdf](#)

The Applicant expressed that the preferred hours for LNR as follows:

Sunday to Thursday - from 23:00hours to close at 01:00 hours

Friday to Saturday - from 23:00hours and close at 03:00hours (and mentioned the willingness to negotiate closing time of 02:00am)

The Applicant's representative responded to a question relating to the entry point to the premises, saying that there is only one entry access to the above premises.

A member of the Licensing Sub-Committee asked about the issues regarding litter and whether the complaints had been resolved. The Applicant said he was not aware of any and that he would ensure that the litter issue was monitored rectified. Additional waste bins would be added if required.

Another member of the Licensing Sub-Committee asked about how the premises would distinguish how it looked when it was open for business (as a restaurant) and when the restaurant is closed and only the delivery was available.

The Applicant responded by saying that the premises staff would ensure that there was a Notice(s) which was clearly displayed, and it would also ask the customers to leave the restaurant quietly. The premises would update their apps and websites with any new information.

The Licensing Sub-Committee were informed by the Applicant's representative that a member of the staff would be managing / having sight of the entry door to the premises between 23:00 and the time the premises closed. The points relating to the increase of trade was queried and the applicant responded that it was not anticipated that there would be a huge increase, or that the increase would not be manageable. The Applicant intended that the extra hours being sought would assist in keeping the business steady. Regarding the electric scooter(s), the Applicant said that if the business did well, a second electric scooter would be added.

In summing up, the Applicant's representative acknowledged the importance for the applicant to seek to integrate, and to be part of the local community. That where there are any concerns, they should be raised. The management ought to deal with the complaints and concerns.

## **2. REPRESENTATIONS, CONCERNS AND CLARIFICATIONS RELATING TO THE APPLICATION**

The Council received a total of fifty-nine objections from residents, responsible authorities, and a Ward Councillor and one representation in support. At the hearing, two residents and a Ward Councillor spoke in objection to the application.

The objections can be summarised as follows, noise nuisance, litter, disturbance during delivery hours, and concerns in frequent change of the managers of the premises. The viability of the business (which is not a licensing concern), and the possible substantial increase in trade if the trading hours were increased.

Regarding the issues raised in objection to the application, in summary, the applicant's representative responded as follows:

Noise nuisance, disturbance at the premises: That the applicant would like to have a good neighbourly relationship with the residents. That they would inform the company(ies) delivering goods to the premises, to respect the neighbours and deliver within the agreed delivery hours. The Applicant's representative said that the premises will use electric vehicles, a quieter means of transport. Food would be delivered after 23:00 hours until the close of trading hours. The EV scooter would be used for delivery of food from the premises.

The applicant stated that there would be an in-house staff member managing the door after 23:00hours until the time the premises closed. The lights in the restaurant would be dimmed (as there are no shutters since the premises is located in a conservation area). Notices would clearly be displayed at the door to deter any person(s) wanting to enter the restaurant after 23:00 hours.

The Applicant's representative said that the Applicant did not expect a huge increase in trade, that the extra hours being requested would assist to increase the premises income. That it would cater for shift workers, (night trade), hence the need to try a different business model.

The premises would find out more information regarding litter issue and provide an extra waste bin(s) where necessary. The Applicant's representative would take note of all the concerns and relay them to the Applicant and will ask him to ensure that he engaged with residents and build a good neighbourly relationship with them.

## **3. THE APPLICATION:**

The Applicant's requirements for the application were noted as follows:

### **Opening Hours for the Late-Night Refreshment**

- (i) The Applicant's preferred times:

Sunday to Thursday	23:00 to 01:00
Friday to Saturday	23:00 to 03:00

(ii) The Public Health Nuisance Team preferred times

Sunday to Thursday	23:00 to 00:00
Friday to Saturday	23:00 to 01:00

The Licensing Sub-Committee having considered the application as a whole, plus the agreed conditions between the Metropolitan Police and the Applicant, decided to grant the licence.

(iii) **The Licensing Sub-Committee granted the above Premises License as follows:**

<b><u>Sunday to Thursday</u></b>	<b><u>23:00 to 01:00</u></b>
<b><u>Friday to Saturday</u></b>	<b><u>23:00 to 02:00</u></b>

**The Licensing Sub-Committee added the following conditions :**

**That from 23:00 hours:**

- (a) the premises should use electric vehicles i.e scooter(s);  
and**
- (b) to have a staff member managing the entry to the premises.**

**The additional Metropolitan Police conditions agreed by the applicant** see pages 59 to 60 of the application bundle). Link: [Cttee Report Fireaway Pizza v1.2.pdf](#) ( see below)

**Conditions agreed with the Metropolitan Police:**

- Ensure that signage is displayed by the main entrance/exit points reminding anyone leaving the premises to 'please respect our neighbourhood and leave the premises quietly' or similar wording to this effect.
- All of the delivery drivers shall be instructed to enter and leave their vehicles quietly and considerately, not to leave engines running to park considerately and at all times to have in mind our neighbours (particularly residential occupiers).
- The shutters will be closed at all times that customers are not permitted to be on the premises. From 2300hrs onwards, where the venue you operate as a delivery service only.

- 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 24hrs of any incident. The following details shall be recorded:

- o Date
- o Time
- o Location
- o Persons concerned (or at least a description)
- o Summary of incident
- o Identification of any Emergency Services Personnel who attended
- o Crime or appropriate reference number provided by the Emergency Services that relates to the incident and any linked incidents. (This is just a slight variation in the wording submitted by yourself in the Public Safety © Section)

The Metropolitan Police added a condition stating that shutters would be closed after 23:00. However, the Licensing Sub-Committee recognized the fact that the premises does not have shutters, was in a conservation area and the addition of shutters may contravene planning laws. The applicant did agree that all efforts would be made to make the premises appear closed after 23:00hrs and that staff would ensure that no members of the public could access the premises.

#### **4. THE DECISION:**

The Licensing Sub-Committee decided Grant the application to vary the above premises License as amended, plus the additional conditions and to include the agreed conditions between the Metropolitan Police and the applicant (see paragraph 4 (iii) above).

- a) All the licensing objectives, the relevant licensing policies and guidelines relating to the above application were considered by the Licensing Sub-Committee.
- b) The Licensing Sub-Committee considered the application as a whole; both the written and oral representations, and all the steps which the applicant intends to take to promote the licensing objectives.
- c) The Applicant's representative stated that would uphold the licensing objectives, and accepted the additional Metropolitan Police conditions which promote the licensing objectives.
- d) The relevant Licensing Act provides for a review process for a licensable premises which may be utilized as and when required.

Therefore, the Licensing Sub-Committee believed that the reasons and conditions attached to the premises licence were necessary, in order to uphold all the licensing objectives. The Licensing Sub-Committee in line with the relevant policies and guidelines made the decision that: the above

*Licensing Sub-Committee*  
*5 April 2023*

variation of the premises license application be **granted subject to the amendments made at the above Hearing as noted in this full decision.**



## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 20 April 2023

### Present:

Councillor Nicholas Bennett J.P. (Chairman)  
Councillors Keith Onslow and Pauline Tunnicliffe

### 21 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed Chairman for the meeting.

### 22 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 23 Premises Licence Application by S & A Entertainment Ltd for The Taste of the Caribbean Festival at Croydon Road Recreation Ground, BR3 3FD

#### The Application:

Application for a new premises licence for the 'Taste of the Caribbean Festival 2023'.

This was a proposed 2 day festival on the 1st and 2nd of July 2023 from 10:00 hours to 20:00 hours. The event would take place in an enclosed area of the public park on Croydon Road Recreation Ground. It was intended that qualified security staff and stewards would manage the area. The application was in respect of the provision of late-night refreshment.

The application was described as similar to a country fare or a fun-fair, a family event for the young and old. There would be a Metropolitan Police stand at the park.

This would be the second consecutive year that the event was planned to take place at the same venue. Last year it was a one day event. The event was intended for all age groups and would be family focused. There would be food stalls, a bar, arts and craft, children's play area, medical tent and other stalls and activity areas within the designated area of the park.

Details of the Event Management Plan were noted in the application bundle. There would be live music on a small stage with amplified music, (not from established artists), and background music played by a DJ in between the acts. Music would be played on both days of the event. The anticipated

number of attendees would vary between the two days, but approximately not more than 3,000 people at the same time.

The Applicant's Case:

The Applicant, Damien McClean, began by thanking the Council and residents for another opportunity to bring the event to Bromley. The Applicant mentioned that he had experience in managing events and had managed the previous event last year. The event would only use 50% of the public park. The rest of the park would remain available to members of the public. The Applicant mentioned that the festival was different to other festivals where music and famous artists were the focus and main attraction. This event, however, lended itself to entertain as well as to breakdown social barriers, and to cater for a demographic which was overlooked.

The activities would include, food traders, arts and craft, competitions, puppet shows, stilt walkers etc. Ticket holders would be informed that there was no parking and that they should use public transport. There would be a 'Disney style' queuing system. The Applicant was agreeable to the additional Metropolitan Police Conditions and other necessary conditions. A leaflet (flyer) would be sent to the residents living in the vicinity of the park. The leaflet would contain details of a complaint hot line number. Some of the responses to questions to the Applicant were incorporated into the additional conditions. For example, noise nuisance and how it would be monitored, rapid response, hygienic cleaning, parking and taxi pick-up points. With regards to access to free drinking water etc. There were some other points which were raised which did not directly relate to the Licensing Objectives.

The Licensing Sub-Committee was informed by the Council's Health, Safety and Licensing Manager that a further meeting to agree the event plan would take place to conclude the fine details as required.

The Objectors' Case:

The Licensing Sub-Committee received written and oral submissions from three residents. Their concerns can be summarised as follows: Noise which would emanate from the park, the layout plan and the location of the music stage, how best to minimise the noise levels, the use of the park for the festival for two days being far too long, the excessive music that was played (last year) and whether that would be repeated. Questions were also raised regarding the number of persons attending the event (and how that would be monitored), anti-social behaviour, the operational hours of the festival, litter, the disruption as a whole, including when setting up prior to the event and when dismantling equipment after the event, security, and ticket sales.

Some questions from the residents centred on the previous festivals and points which did not relate to the licensing objectives nor to the current application. The Licensing Sub-Committee listened to all parties and to the relevant responses from the applicant.

Reasons for Decision:

The Licensing Sub-Committee considered the application as amended at the hearing, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. Members of the Licensing Sub-Committee concluded that the concerns raised would not justify a refusal of the application. The Applicant had previously held the event successfully in 2022. Furthermore, at the Licensing Sub-Committee, the Applicant showed a willingness to work with the responsible authorities to promote the licensing objectives. There were reasonable methods that would be adopted to control and monitor the numbers attending the event.

The Applicant accepted the relevant conditions, including those which alleviated parking issues. There was sufficient accessible public transport; those attending the festival would be encouraged to use public transport. Designated pick up and drop off points and a rapid response hygienic cleaning were also considered and thereafter formed part of the licensing conditions.

Decision:

The Licensing Sub-Committee decided that the application for a premises licence for Taste of the Caribbean Festival 2023, for a 2 day(s) festival, on the 1st and 2nd of July 2023 from 10:00 hours to 20:00 hours **to be permitted as amended at the above Licensing Sub-Committee Hearing**. The premises licence was subject to the relevant conditions as follows:

The recommended Metropolitan Police Conditions in Appendix 5 and, to the following conditions which were added at the Licensing Sub-Committee Hearing:

- 1: The supply of the name and qualifications of the responsible noise management person, as well as the supply of the equipment to be used by the responsible noise management person.
2. An application being made to the Council for a traffic management order for measures to be considered in the following streets, namely Westfield Road, Cedars Road, Durban Road, Belmont Road, Gowland Place, Whitmore Road, Bramerton Road, Croydon Road from the A234 to Bramerton Road, Hayne Road from A234 to Cedars Road and Village Way and; 3. All publicity for the event to include details of public transport to the event by train, bus and tram.
4. Designated pick up and drop off points shall be provided for those that arrive and depart by taxi.
5. A rapid response hygienic cleaning team shall be provided to deal with complaints from the above mentioned surrounding roads.

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## **LICENSING SUB-COMMITTEE**

Minutes of the meeting held at 10.00 am on 27 April 2023

### **Present:**

Councillor Nicholas Bennett J.P. (Chairman)  
Councillors Robert Evans and Kira Gabbert

### **Also Present:**

#### **1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Councillor Nicholas Bennett was appointed as Chairman.

#### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest

#### **3 Review Hearing for Devrim Management T/A Embass Local 5 Station Approach Lower Sydenham SE26 5FD**

##### **Licence holder's request for adjournment:**

The current licence holder requested a 6-week adjournment in order to allow time for preparation. He had assumed that the new licence holder (Elsa Retail Limited) would be present, but on Monday his solicitor had told him that the transfer of the licence had not been valid because of the review application.

Following a brief adjournment, the committee members returned and the Chairman announced that the request for an adjournment was denied and the hearing would proceed. Adequate notice of the hearing had been given. The new licence holder ought to have been aware.

##### **Applicant's Case:**

The Applicant provided the following chronology:

Following an underage sale, the licence was reviewed on 22 June 2022 when it was suspended for one month and an additional condition imposed that a personal licence holder be present at all times. There was a 'Challenge 25' sale on 21 September 2022, when no ID was requested, and on 14 February 2023 an underage sale was made. At an inspection visit on 16 February 2023 several licence breaches were identified. After the licence was transferred, a challenge 25 test in April 2023 was passed as the customer was asked for ID. Licence holder's case:

The Licence holder said there was nothing he could say. He admitted his guilt, which is why he had applied to transfer the licence.

Questions to the licence holder:

The Chairman asked what actions had been after the previous suspension. The licence holder replied that a till prompt had been added. The WKD bottle sold to the minor did not have a bar code, so did not prompt.

In response to questions concerning the presence of a personal licence holder, Mr Tasyurdu explained that his son, who had a licence, had been present at the inspection on 16 February 2023. Ismail Akkiz also had a personal licence and had worked on 14 February 2023. Mr Akkiz was not present when the underage sale was made, so must have gone to the cash and carry. Ata Bulent was in charge in his absence, but he did not have a personal licence. He had been trained and authorised to train others, but had been in the toilet when the sale had been made.

Licensing Officer's case:

The licensing authority supported the request for revocation based on the previous history of events. Mr Slaney emphasised that support that had been provided but there had been a lack of engagement by the business.

Questions to the Licensing Officer:

There were none. The licence holder said the points made were valid. It was right that he had failed to supervise.

Final comments from licence holder:

He stated he was very sorry and that if Members were going to punish someone, it should be him. He would be grateful if the licence were only suspended for a few months.

### **Summary of decision:**

Following an adjournment, Members returned and the Chairman announced the licence would be revoked.

### **Reasons:**

The following are the reasons for the decision:

The Licensing Sub-Committee carefully considered the application for a review of the premises licence at Embas Local, 5 Station Approach, Lower Sydenham, London, SE26 5FD. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Council's Guidance for Members hearing a Review of a Premises Licence
- The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003

- The application and oral representations by the Applicant and licensing officer
- Oral representations by the Licence Holder

Members noted that the basis for the application was that the licensing objective of protecting children from harm was not being met.

Members took into account the absence of the current licence holder and how the Challenge 25 test in April 2023 had been passed.

The lack of engagement was serious and the suspension in 2022 had not resulted in effective improvement. Those were factors which resulted in Members not being confident that another suspension would lead to the promotion of the licensing objectives.

The previous history, multiple breaches of condition, failed Challenge 25 tests and underage sales demonstrated systematic failures by those involved in the business, including Ali Tasyurdu and Ismail Akkiz (the current designated premises supervisor).

It was completely unacceptable to sell alcohol to children. The failure to protect children from such harm was caused by irresponsible operation of the premises. The premises licence was therefore revoked.

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