

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:**

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

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.**