

# BABBACOMBE ROAD RESIDENTS' ASSOCIATION

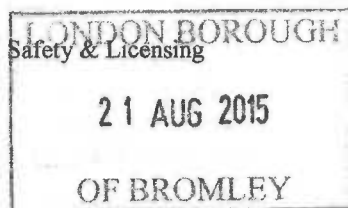
Incorporating: Babbacombe Road, Station Road, Mitchell Way, High Tor Close, Holligrave Road, Ronalds Road & Glebe Road

Babbacombe Road  
Bromley  
Kent, BR1 3LR

Tel: [REDACTED]

Date 20th August 2015

Paul Lehane  
Head of Food Safety, Occupational Safety & Licensing  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH



Dear Paul Lehane,

**COMMENTS ON:  
DRAFT STATEMENT OF LICENSING POLICY 2016 to 2021 Licensing Act 2003**

Having read the draft Statement of Licensing Policy 2016 to 2021 we make comment as per attachment.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Paul Lehane".

[REDACTED]  
(chairman) Babbacombe Road Residents' Association:

# BABBACOMBE ROAD RESIDENTS' ASSOCIATION

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## COMMENT ON: DRAFT STATEMENT OF LICENSING POLICY 2016 to 2021 LICENSING ACT 2003

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DATE 20th August 2015

CONTACT These comments have been submitted on behalf of the Babbacombe Road Residents' Association, where contact may be made to the chairman – ~~XXXXXXXXXX~~  
Babbacombe Road, BR1 3LR phone ~~XXXXXXXXXX~~ [brra@btinternet.com](mailto:brra@btinternet.com).

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1. Page 6 of draft – Fundamental Principle – para 4 under sub heading Late night Levy & Early morning order.

With businesses becoming more active in creating a 24 hour economy within the Town Centre we feel it unwise that it is not considered necessary to address this issue. It is not enough to just say that you will be “monitoring” this trend.

At least one operation in East Street already operates until 5am (Vu Vu), a Planning Application submitted by INTU for cinemas and cafes/restaurants to operate through the night will bring in further night-time activity and, it is understood, the BID currently being reviewed by Town Centre businesses will be working on introducing further night time activities.

We, therefore, would prefer to see the Licensing activities controlled by Bromley Council to become far more pro active in dealing with this trend than is suggested in this draft.

2. Page 6 of draft – Fundamental Principle – para 5 under sub heading Late night Levy & Early morning order.  
Page 23 - Dispersal

We appreciate the limitations that any licensing authority has when legislating on businesses controlling their customers after leaving their premises, but we consider this to be an issue that needs greater thought.

Whilst this draft recognises the problem by referring to other mechanisms whereby the issues may be addressed, we feel now is the time to make businesses take greater responsibility in dealing with unruly customers on leaving their premises. For instance we understand that customers from one of the establishments in East Street, have been known to leave smashed bottles, rubbish and cigarette butts along the stretch of East Street where these establishments are sited. Is it not possible, therefore, for the licensing law to take account of “unruly behaviour by its customers to within, say 50 yards of the establishment”. This would at least make the operators aware of their responsibility within the local community.

**3. Page 23 – LICENSING HOURS – Sale of Alcohol for Consumption on the Premises**

A few years ago we understood that the Police recommended a staggered dispersal of customers from pubs within a locality, so that there was never a serious problem of large groups of drinkers all dispersing into the local community at the same time. We are unsure if this is still the preferred option from the Police and if it is, how you intend to license the increasing number of operators who will be operating in the Town Centre. We feel greater clarity needs to be given to the wording in this section.

**4. Page 50 APPENDIX C - ...special policy of Cumulative Impact within Town Centres**

There have been previous efforts by the Council in restricting the number of licences, where alcohol is sold and consumed, to within the town centre. This, however, seems not to have been adhered to since applications have been approved beyond the point where we understood the maximum had been reached.

Therefore, we seek greater clarity to be given within this section on what is understood to be the maximum number of licences beyond which the Cumulative Impact would prove detrimental to the town centre community.

**5. Page 34 & 35 – ALCOHOL PUBLIC HEALTH**

It is worrying to read that around 25% of all drinkers within Bromley are categorised as either High Risk or of an Increased Risk of becoming a High Risk drinker. Calculating this out to an amount of 30,000 and considering that town centres attract more customers than elsewhere in the borough, we take the opinion that a Licensing Policy needs to have a more robust approach to Town Centre applications than those outside the town centres.

By considering the points we have made above and taking action to meet our requests may help local communities such as ours, to feel that they are being considered and listened to.



## Environmental Services

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Our Ref: ehts/co/pml

26 August 2015

[REDACTED]  
(Chairman Babbacombe Road Residents Association

[REDACTED] Babbacombe Road

Bromley

Kent BR1 3LR

Dear [REDACTED]

Comments on the draft statement of Licensing Policy 2016-2021

Thank you for your letter dated 20 August and the comments on the draft policy.

These will be included in my report to the General Purposes and Licensing Committee on 17 September.

In response to your points I would make the following observations.

1. The comments regarding 'monitoring' only related to the introduction of the Late Night Levy and Early Morning Restriction Orders. These have been considered but Councillors have decided they are not necessary or appropriate to the Borough at this time.

The Council does keep the policy under constant review and if circumstances change the policy is updated as necessary during its 5 year lifetime.

2. I acknowledge this is a difficult issue. Under the Act licence holder cannot be held directly responsible for the behaviour of customers when they are off their premises. The Guidance issued by the Secretary of State (Par 2.20) states that

'Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

In practice however both the Police and the Council do take in account and act on the effect of disorderly behaviour by customers. The Police recently brought a formal 'Review' of the licence for VuVu because of drunkenness and associated crime and disorder in the area

3. We are still adopting an approach to closing hours based on individual applications and staggered closing hours.

4. The cumulative impact policy is still in place and Members have expressed a wish for it to remain so. Whilst the policy creates a presumption for refusal it is open to a Licensing subcommittee to allow an application where they are satisfied that the promotion of the licensing objectives would be adversely affected. We are required to consider each application individually. We cannot set a numerical limit on the number of licences that can be held in a particular area.

5. I note your comments on the potential scale of high risk drinkers. Whilst colleagues in Public Health are now 'Responsible Authorities' and are included in all consultations for licence applications it is very difficult for them to raise specific representations, particularly when health is not one of the four 'licensing objectives. As the law stands the Council can only respond to concerns that relate to the four licensing objectives. We asked for Public Health to contribute to the policy as means of beginning to raise awareness about the wider impact of alcohol on the health of the community.

Yours sincerely

Paul Lehane

  
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