

Report No.
ES17069

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 12 September 2017

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

Title: LICENSING UPDATE - SEPTEMBER 2017

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
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Chief Officer: Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To update Members on decisions made by the Licensing Sub Committee between 14 June and 24 August 2017,

2. **RECOMMENDATION(S)**

Members are asked to note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Licensing of premises under the Licensing Act 2003 provides for the protection of children from harm and the Gambling Act 2005 aims to protect children and vulnerable adults from harm or exploitation.
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Corporate Policy

1. Policy Status: Existing Policy: The Council adopted a Statement of Licensing Policy under the Licensing Act 2003 for the period 2016 to 2021. We also adopted a policy in relation to the Gambling Act 2005 covering 2016-2019. Members of the Licensing Sub Committee use these policies as a framework when making decisions on individual applications.
 2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection and Safety Portfolio Budget
 4. Total current budget for this head: £1.963m
 5. Source of funding: Existing Revenue Budget 2017 / 2018
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Personnel

1. Number of staff (current and additional): Licensing Team – Two licensing officers and 3.5 fte admin.
 2. If from existing staff resources, number of staff hours: Not applicable
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Legal

1. Legal Requirement: Statutory Requirement: The Council is the 'Licensing Authority' under the Licensing Act 2003 and is responsible for the grant, variation, renewal, refusal of licences and their enforcement. The Council has published a statement of its Licensing Policy for 2016 to 2021.
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: Not applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Estimated number of users/beneficiaries (current and projected): The Council licences approx. 900 premises for the

sale of alcohol, issues about 1000 TENs a year, has over 3000 personal licence holders and 50 Gambling premises,

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. Decisions made by Licensing Sub committees between 14 June and 24 August 2017.
- 3.2 The General Purposes and Licensing Committee (GP&L) are responsible for overseeing a wide range of licensing and permitting schemes. Officers have delegated authority to deal with non-contentious applications, but where relevant representations are received against any application, or where an application may be refused or subject to conditions it must be referred to a licensing subcommittee for a public hearing and determination.
- 3.3 General Purposes and Licensing committee delegate the responsibility for determining individual applications to a Sub Committee. Subcommittees are made up from any three Members of the GP&L Committee.

Since 14 June 2017 licensing subcommittee has determined 4 applications

Langtry's /Bridge Bar High Street Beckenham. Application for a Temporary Event Notice

- 3.4 The application for a TEN (Temporary Event Notice) was heard on 14 June 2017. The TEN sought to extend the operation of the club from 02.00 to 04.00 on 18 June 2017.
- 3.5 The Metropolitan Police objected to the TEN. They were concerned that the longer hours would lead to an increase in drunkenness and that that it would be detrimental to the licensing objectives.
- 3.6 The Sub Committee consisting of Cllrs Nicholas Bennett JP (Chairman), and Cllrs Kim Botting and Mary Cooke allowed the TEN to continue--iving the following reasons.
- 3.7 This is an application for a single Temporary Event Notice at the premises for an additional 2 hours opening beyond the current 2am limit for the cessation of licensable activities. The Metropolitan Police objected on the ground that the operating of the premises in accordance with the Temporary Event Notice would undermine the Crime and Disorder objective.
- 3.8 The Police highlighted the likely impact on the incidence of violent crime and disorder of a venue emptying after customers had been drinking alcohol for an additional 2 hours. Reference was also made by the police to crime statistics in the area known as the Beckenham Triangle, in which the premises are situated.
- 3.9 Police agreed that the premises were well run, but that, notwithstanding this, the fact remained that an extra 2 hours of drinking time was likely to fuel trouble, particularly in an area where public transport options are limited and police resources are very stretched.
- 3.10 The licence holder's representative confirmed that this is a single application, which follows other TENS in April and May, to which police objections were withdrawn. The April Temporary Event in particular was identical to the current proposal, and, after the withdrawal of police objections, had gone ahead without incident. The sub-committee's attention was drawn to the steps proposed (including the adoption of all current licence conditions) in order to mitigate the impact on the Crime and Disorder objective. It was confirmed that there would be no entry after 1am, in order to avoid migration problems. In addition, a letter of support from a local taxi company was produced, detailing arrangements to be in place at the time of the event to aid dispersal of customers, and confirmation that customers leaving in the early hours would be channelled out of the premises via the door which does not open onto the main trouble point of the High Street.

3.11 In the circumstances, the sub-committee decided that it was fair and proportionate to allow the Temporary Event to proceed as the licence holder had demonstrated that they had taken sufficient steps to mitigate any adverse effect on the Crime and Disorder objective.

The Application to vary the premises licence for Langtry's / Bridge Bar

3.12 This application to extend the hours of operation for the club from 02.00 to 04.00 on Friday and Saturday nights was determined by Cllrs Nicholas Bennett JP (Chairman) and Cllr Rideout QPM CVO and Cllr Theresa Te on 27 July 2017

51 objections were received from local residents and the police.

3.13 The subcommittee granted the application to 03.00 and added the following conditions

- On any night that the premises trades beyond 2am it shall have no fewer than 8 SIA registered door supervisors working at the venue, who shall remain on duty until 30 minutes after the venue closes.
- There shall be no off-sales from the venue, and no drinks may be taken outside by customers.
- The venue shall not offer cut price alcohol promotions.
- The upper and lower floors of the premises shall be closed sequentially, at least 30 minutes apart from each other.
- No customers under the age of 21 shall be admitted to the premises.
- Save for emergency egress, all exits after 2.30am shall be through the station park entrance.
- Following closure of the premises, all security staff shall be deployed to marshal the vicinity in hi-vis jackets to promote a quiet and rapid dispersal of customers.
- Following close of the premises, it will remove any empty vessels from the station car park.
- The premises shall maintain a dedicated telephone line which residents can call at any time up to half an hour after closing time of the premises.
- The premises licence holder shall hold a meeting with the local community at least quarterly. Details of the meeting shall be provided to local residents association and shall be clearly displayed at both entrances to the premises.

Jamaica Basic Schools Foundation. Crystal Palace Park

3.14 The application for a 1 day Premises Licence for a charity fun day in Crystal Palace Park, including live and recorded music and the sale of alcohol was heard on 27 July 2017 by Cllr Nicholas Bennett JP (Chairman) and Cllrs Charles Rideout QPM CVO and Alan Collins.

3.15 The event has been run successfully for about 10 years in Crystal Palace Park but last year more people attended than were anticipated and there were policing issues.

- 3.16 Having heard the applicant's case and the objections the panel decided to refuse the application and gave the following reasons;

the sub-committee carefully considered the application and felt that the applicant had not put in place sufficient measures for an event which may be attended by up to 7000 people, to promote the four licensing objectives. The sub-committee was concerned that the organisers of the event had not learnt from the problems encountered in 2016 which led to the police closing the event early. Despite advice from the Council over the course of many months, dating back to December 2016, the applicant had not put in place measures necessary for the application to be granted. In particular well thought out plans for the protection of public safety, the protection of children from harm, prevention of public nuisance and crime and disorder were not in place. The sub-committee therefore felt that their decision was reasonable and proportionate taking all the circumstances into account.

**Two Ten High St Beckenham – application to vary the Premises Licence.
10 August 2017**

- 3.17 The premises at Two Ten High St. Beckenham was granted a licence on 16 November 2016 following an unopposed application. Very soon after this the Council started to receive complaints about the premises from local residents. Licensing Officers and colleagues from the Public Health Complaints Team investigated and among other things it was found that the premises were operating outside the terms of their licence. They were licenced to operate as a restaurant with alcohol being sold ancillary to food but most customers were not eating and were drinking in the rear garden whilst smoking shisha pipes. As a consequence an application was made to vary the licence on 10 January 2017.
- 3.18 This was due to be heard by the Licensing Sub Committee on 5 April but adjourned to 26 April to be heard after an application by the Police to Review the licence. The Review was brought for the failures to comply with the licence conditions identified following the residents' complaints.
- 3.19 On 26 April the Subcommittee heard the Review application and decided to suspend the licence for 3 months and remove the DPS from the licence. In light of this the application to vary the licence was adjourned to 10 August 2017.
- 3.20 The variation sought to permit the sale of alcohol throughout the premises, adding the first floor and the garden terrace to the existing ground floor area. They also wanted to add the ability to screen films and for shisha customers in the garden terrace to be able to consume alcohol without having to have a meal.
- 3.21 The Subcommittee consisting of Cllrs Owen (Chairman), David Livett and Michael Turner agreed to allow a partial variation.

Screening of films.

Sunday to Thursday midday to midnight. Fridays and Saturdays midday to 01.00 the following day

Live music

Sunday to Thursday midday to midnight. Fridays and Saturdays midday to 01.00 the following day

Recorded music

Sunday to Thursday midday to midnight. Fridays and Saturdays midday to 01.00 the following day

Late night Refreshment

Sunday to Thursday 23.00 to midnight. Fridays and Saturdays 23.00 to 01.00 the following day

Supply of Alcohol

Sunday to Thursday midday to 23.40. Fridays and Saturdays midday to 00.40 the following day

The premises would remain open to the public Sunday to Thursday 09.00 to midnight. Fridays and Saturdays 09.00 to 01.00 the following day

The licence conditions were amended

- (i) The following conditions shall also be added to the licence further to the prevention of public nuisance objective.

All doors and windows shall be kept shut during regulated entertainment except to allow access and egress.

A noise limiting device shall be fitted. All external regulated entertainment must be channelled through the device. The maximum noise levels will be set by the London Borough of Bromley's Environmental Health Service and will be reviewed from time to time as appropriate. The premises licence holder or nominated person will be responsible for engaging the services of a sound engineer or similar to assist with the setting and sealing of the equipment.

The handling of kegs, bottles, cleaning equipment, bottle disposal and similar items externally off the premises shall not take place before 07.00 hours or after 22.00 hours.

The delivery of goods and the collection of waste are restricted to between the hours of 07.00 hours and 22.00 hours.

There shall be no new admission of the public after 00.30 hours following any Friday or Saturday night.

On Friday and Saturday nights all music to the external area shall be turned down at midnight and turned off completely at 00.50 hours.

Only customers over the age of 21 shall be admitted to the garden dining area after 21.00 hours on a Friday or Saturday

Free bottled water will be offered to customers leaving the venue after 00.30 hours following a Friday or Saturday

Crime prevention signage relevant to the operational policies of the premises shall be displayed in a prominent position, for example relating to CCTV recording, drugs policy, management reserve the right to refuse entry. The signage will include a reference to a policy whereby any person who causes a nuisance either on the premises or upon leaving may risk refusal of admission in the future

The licence holder shall ensure that they liaise with a local taxi company to provide vehicles from the venue on a priority basis. Staff will enquire if customers require a taxi.

Risk Assessments will be carried out for any privately booked functions, televised sporting events or any other special occasion and appropriate measures will be taken to negate any risk. The risk assessments will be kept in a log and this must be available to Police or Council Officers on request.

All shisha tobacco will be removed at 00.50 hours following a Friday or Saturday to aid dispersal.

(ii) The existing conditions shall be amended as follows:

General conditions: The first 'general' condition is amended to read this premises is licenced to operate as a traditional restaurant. The second 'general' condition is amended to read the premises shall consist of a restaurant on the ground floor, first floor and an external garden area as shown on the amended reference plan. The licenced area shall not include the first floor roof terrace.

Condition 13 on the premises licence is to be replaced with the following:
The premises licence holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons to make as little noise as possible when leaving the premises.

The remaining conditions on the licence shall remain in full effect. For the avoidance of doubt condition 12 shall remain in full force and it will not be possible for customers who wish to smoke tobacco (shisha or otherwise) to do so if they are not taking or have taken a substantial table meal.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 Under the Licensing Act 2003 there are four licensing objectives, one of which is 'the protection of children from harm'. Vulnerable adults and children are given protection under the Gambling Act 2005 through the licensing objective of "protecting children and other vulnerable adults from being harmed or exploited by gambling. In making decisions Members must promote these objectives.

5. POLICY IMPLICATIONS

5.1 The Council is required to prepare statements of licensing policy under both the Licensing Act 2003 for alcohol, regulated entertainment and late night refreshment, and under the Gambling Act 2005.

6. FINANCIAL IMPLICATIONS

6.1 Decisions by Members sitting on a Licensing Sub Committee can be challenged by way of an appeal to the Magistrates Court, or exceptionally to the High Court. This carries a potential risk of legal costs but these cannot be quantified.

7. LEGAL IMPLICATIONS

7.1 Members are exercising a quasi-judicial administrative function when determining applications as a Licensing sub Committee. Hearings are open to the public and must be fair. In making decisions Members need to be mindful of the legal requirements relating to the

particular licensing regime, official guidance and the Councils own policies. Decisions can be formally challenged.