

Report No.
ES18013

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: Wednesday 31 January 2018

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

Title: APPLICATION FOR THE VARIATION OF THE PREMISES
LICENCE AT LA RASCASSE 63 HIGH STREET BECKENHAM

Contact Officer: Steve Phillips, Licensing Officer
Tel: 020 8313 4659 E-mail: steve.phillips@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director: Environment and Community Services

Ward: Copers Cope;

1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.
-

2. RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee asked to determine this application having taken into account the Council's Statement of Licensing Policy 2016 to 2021 and written and oral representations by the applicant and objectors.

Members can

1. Grant the application
2. Grant the application but impose restrictions and conditions
3. Refuse the application.

Impact on Vulnerable Adults and Children

1. Summary of Impact:

When making decisions under the Licensing Act 2003 the Council is required to promote the licensing objectives, one of which is the protection of children from harm.

Corporate Policy

1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2016 to 2021.

2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Public Protection and Safety Portfolio Budget
 4. Total current budget for this head: £2.122m
 5. Source of funding: Existing Revenue Budget 2017/18
-

Personnel

1. Number of staff (current and additional): 2 Licensing Officers supported by 3.5 FTE admin
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: The Council is the Licensing Authority for the Licensing Act 2003. This is a Non-Executive function and is delegated to the General Purposes and Licensing Committee. Where representations are received about a licence application, it is referred to the Licensing Sub Committee for a hearing and decision.
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): If this application is granted, the applicant Catherine Loddo will be the sole user and beneficiary of the licence. Once a licence has been granted it can be transferred by the holder to other people or businesses. When determining this application Members will also need to balance the benefits of holding the licence against any adverse effects to local residents and businesses by considering the impact on the licensing objectives

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes. Ward Members were notified about the application by e-mail on 21st Nov 17
2. Summary of Ward Councillors' comments: Cllr S Wells responded positively to this application his comments are contained in appendix 4

Responsible Authorities Views

The following Responsible Authorities were notified about this application and their views sought

Responsible Authority	Date Notified	Comments (further details in Appendix 3)
Metropolitan Police	21 Nov 17	14 th Dec 17
Planning Authority	21 Nov 17	
Trading Standards Service	21 Nov 17	
Public Health Nuisance Team	21 Nov 17	
Health & Safety Team	21 Nov 17	
Child Protection Team	21 Nov 17	
Fire Authority	21 Nov 17	
Public Health	21 Nov 17	

3. COMMENTARY

3.1.Licensing Act 2003.

The Licensing Act 2003 states that any premises require a licence/certificate issued by the Council (premises licence/club premises certificate) where the following activities occur:-

Provision of regulated entertainment

- a) Plays. (Where the audience exceeds 500 people)
- b) Films.
- c) Indoor sporting events. (Where the audience exceeds 1000 people)
- d) Boxing or wrestling entertainment.
- e) Live music. (subject to the Live Music Act 2013 exemptions)
- f) Recorded music.
- g) Performances of dance. (Where the audience exceeds 500 people)

Provision of late night refreshment (between 2300hrs and 0500hrs).

Supply of alcohol (on and off sales).

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

Licences/Certificates may be issued subject to any terms, conditions or restrictions the Council feels are appropriate to address any or all of the four licensing objectives.

The Council has previously agreed Bromley's Statement of Licensing Policy for the Period 2016 – 2021.

The Licensing Sub-Committee must consider the Statement of Licensing Policy and any Special Policy of Cumulative Impact currently in force when making any decisions in respect of these applications.

Members' attention is drawn to the following parts of the policy which are relevant to this application

Special Policy of Cumulative Impact

Description of the Premises

The premises sits on Beckenham High Street as shown on the map and photos displayed at appendix 5. The premises operates as a sit down traditional restaurant and wine bar. The premises is split as shown on the plan attached to the premises licence shown in appendix 2. The premises also benefits from an extensive rear garden with retractable covering and also a front pavement area used for drinking and dining.

Licensing History

The premises have been in place since the Licensing Act 2003 came into force and has remained relatively unchanged in that time. It has been the subject of a small number of complaints over the years none of which were serious and persistent in nature. The premises were last visited in July 2017 by Licensing and Police. A copy of the police letter in respect of that visit is attached at appendix 6

The current licence is shown at Appendix 2.

Details of the Application

This application is to extend the retail sale of alcohol, late night refreshment and recorded music by 1 hr as shown on the application form.

A copy of the full application is set out Appendix 1

Representations

During the public consultation period the Council received 01 representation against the application and 1 in support. Copies of these are contained in appendix 3 and 4

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.
- 4.2 Businesses and the Council are required to promote these objectives in the way they operate or make decisions.
- 4.3 Details of applications under both Acts are referred to the appropriate safeguarding teams for comment.

5. POLICY IMPLICATIONS

- 5.1 Both the Licensing Act 2003 and the Gambling Act 2005 require the Council to prepare, consult on and publish statements of their licensing policy. These must be reviewed at least every 5 years under the Licensing Act and 3 years under the Gambling Act.
- 5.2 Members should make decisions in accordance with these policies but are free to depart from them with good reason.
- 5.3 The current policies are -
 - Statement of Licensing Policy 2016 – 2021
http://www.bromley.gov.uk/downloads/file/226/statement_of_licensing_policy_2016-2021
 - Statement of Gambling Policy 2016-2019
http://www.bromley.gov.uk/downloads/file/325/gambling_policy

6. FINANCIAL & LEGAL IMPLICATIONS

- 6.1 There are rights of appeal to the Magistrates Court against the decision of the Sub-Committee under both the Licensing and Gambling Acts. If an appeal were to be lodged there are costs associated with defending it. These are difficult to quantify and the Courts can award costs. In the event of a successful appeal we could pay the costs of the appellant as well as our own. Equally if we successfully defended an appeal, it is open to the Court to order our costs to be paid by the appellant.
- 6.2 Parties involved in a hearing before a Sub-Committee can also seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.
- 6.3 The Council has adopted a procedure for the conduct of hearings.

Non-Applicable Sections:	Personnel and Procurement implications
Background Documents: (Access via Contact Officer)	Soft File Computer based records

Appendix 1

Application Form



Application to vary a premises licence under the Licensing Act 2003

LONDON BOROUGH

20 NOV 2017

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

OF BROMLEY

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We CATHERINE LODDO

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

0501798LAPER

Part 1 – Premises Details

LA RASCASSE 63 HIGH STREET		
RESTAURANT & BAR		
Beckenham		BR3 1AW

Telephone number at premises (if any)	02083257289
Non-domestic rateable value of premises	£ 36,500 32250.00

Part 2 – Applicant details

Daytime contact telephone number	07733228906		
E-mail address (optional)	catherine@larascasse.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2) TO EXTEND OUR ALCOHOL LICENSE SALES IN OUR PREMISES FROM 12 MIDNIGHT TO ONE AM

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	12AM	12PM			
Tue	12AM	12PM			
Wed	12AM	12PM	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur	12AM	12PM			
Fri	12AM	12PM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	12AM	12PM			
Sun	12AM	10PM			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – <u>please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12PM	12AM	Please give further details here (please read guidance note 5)		
Tue	12PM	12AM			
Wed	12AM	12AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	12PM	12AM 1AM			
Fri	12PM	1AM	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	12PM	1AM			
Sun	12PM	10:30PM			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	12PM	12AM			
Tue	12PM	12AM			
Wed	12PM	12AM			
Thur	12PM	11AM 1AM			
Fri	12PM	1AM			
Sat	12PM	1AM			
Sun	12PM	10:30PM			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	12PM	12AM	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Tue	12PM	12AM	
Wed	12PM	12AM	
Thur	12PM	12AM 1AM	
Fri	12PM	1AM	
Sat	12PM	1AM	
Sun	12PM	10:30PM	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

WE WISH TO HAVE THE OPPORTUNITY TO EXTEND OUR ALCOHOL SALES UNTIL 1 AM FRIDAYS & SATURDAYS AND THURSDAYS

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Strong management controls and effective training of all staff
 a/ no selling of alcohol to underage people
 b/ no drunk and disorderly behavior on the premises area
 c/ vigilance in preventing the use and sale of illegal drugs at the retail area
 d/ no violent and anti-social behaviour
 e/ no any harm to children
 Challenge 25"
 CCTV system installed .

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises
 A clear and legible notice outside the premises indicating the normal hours which licensable activities are permitted.
 Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
 Not selling of alcohol to drunk or intoxicated customers.
 Custom will not be sought by means of personal solicitation outside or in the vicinity
 Prevention and vigilance in illegal drug use at the retail unit area & outside.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.
 Well trained staff adherence to environmental health requirements.
 Training and implementation of underage ID checks.
 A log book or recording system shall be kept upon the premises that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
 All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained in good condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.
 Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
 Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to Customers will be asked not to stand around loudly talking in the street outside the premises.
 Customers will not be admitted to premises above opening hours.

e) The protection of children from harm

Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID if they wish to buy alcohol.
 Well trained staff about requirement for persons' identification, age establishment etc.
 All the details provided in Training Record Book available the retail unit.
 Log Book will be kept upon the premises all the time.
 Nothing belong existing Health & Safety requirements.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	20TH NOVEMBER 2017
Capacity	company director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			

Appendix 2

Current Premise Licence

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

17/00583/LAPRE

Signed

Paul Lehane
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 24th November 2005

Issue Number: **004**

This licence consists of **10** pages (Including Licence Summary)

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

La Rascasse
59-63 High Street
Beckenham
Kent BR3 1AW

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment
Recorded Music

Where the licence authorises supplies of alcohol whether these are on and/or off sales

Both On and Off Sales

The opening hours of the premises

Hours Open to the Public on Monday-Saturday from 12:00 to 00:30
Hours Open to the Public on Sunday from 12:00 to 00:00

The times the licence authorises the carrying out of licensable activities.

Sale or Supply of Alcohol on Monday-Saturday from 12:00 to 00:00
Sale or Supply of Alcohol on Sunday from 12:00 to 23:30
Alcohol Off Sales timings Same as for Sale or Supply of Alcohol
Late Night Refreshment on Monday-Saturday from 23:00 to 00:00
Late Night Refreshment on Sunday from 23:00 to 23:30
Recorded Music on Sunday to Tuesday from 12:00 to 23:30
Recorded Music on Wednesday to Saturday from 12:00 to 00:00

Outside Bar – rear of premise:

Sale or Supply of Alcohol on Sunday-Thursday from 12:00 to 22:00
Sale or Supply of Alcohol on Friday-Saturday from 12:00 to 23:00

Street trading tables – front of premise:

Sale or Supply of Alcohol on every day from 12:00 to 22:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Miss Catherine Denise Loddo
of
63A High Street Beckenham Kent BR3 1AW

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable.

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Full Name: Catherine Loddo
Address: 63A High Street Beckenham Kent BR3 1AW

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

DPS Licence Ref: 05/00308/LAPER issued by London Borough Of Bromley

Mandatory Conditions

1. Supply of Alcohol:

(1). No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2). Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

2. Irresponsible Promotions:

(1). The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2). In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— .

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. Free Potable Water

(1). The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. Age Verification:

(1). The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2). The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. Minimum Measures:

(1). The responsible person must ensure that —

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— .

- (i) beer or cider: ½ pint; .
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
- (iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. Permitted Price:

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2). The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. Films:

- (1). The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

- (2). In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

8. Door Supervision:

- (1). Any individual employed at the premises as a door supervisor must
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Conditions consistent with the Operating Schedule

General

9. Alcohol shall not be sold:

- (a) unless the premises have been structurally and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises;
- (b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- (c) unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises.

10. Conditions 14, 15 and 16 do not apply to the shaded area within the plan held by the Licensing Authority Ref Number: 12/00352/LMPRE Date: 27th June 2012

11. Intoxicating Liquor shall be sold or supplied to persons seated by waiter/waitress service only.

12. Alcohol and food may be consumed during the first 30 minutes after the end of the above periods, provided the alcohol was sold for consumption as an ancillary to their meals

13. Section 68

Alcohol shall only be supplied to persons taking table meals in the premises, and the consumption of intoxicating liquor, which is supplied as follows:

- (a) In a part of the premises usually set apart for the service of such persons, and
- (b) For consumption by such a person in that part of the premises as an ancillary to his meal

14. Substantial refreshment shall be available throughout the premises during permitted hours.

15. Non-alcoholic beverages (including water) shall also be available during permitted hours.

Seasonal Variations

16. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Crime and Disorder

17. A refusals record in either soft or hard form must be kept of all age related sale refusals. This must be available for inspection on request by an Authorised Officer of the Council or a Metropolitan Police Officer.

18. CCTV cameras / system must be in working condition, in use and recording at all times that licensable activities are taking place. The system must be maintained to ensure it is always fully operational. The images recorded must be of good evidential standard, allow for facial recognition of suspects, be able to record in all lighting conditions and be capable of being downloaded and supplied on request to either an Authorised Officer of the Council or a Metropolitan Police Officer. The recordings should be kept for a minimum of 31 days.

CCTV system installed to monitor the outside area

Public Safety

No conditions

Prevention of Public Nuisance

19. All doors and windows to remain closed whilst regulated entertainment is taking place (except to allow access & egress).

20. No regulated entertainment to take place in the outdoor areas of the premises

21. Staff will be trained in asking customers to use the premises in an orderly & respectful manner

Protection of Children from Harm

22. A “Challenge 25” scheme shall be implemented at the premises. This Scheme must be approved by the Council. No sale of age restricted products shall take place save in accordance with the scheme.

23. Where it is necessary to request proof of age it shall be proven by either the production of a passport, driving licence or Government-approved PASS (Proof of Age Standards Scheme) Accredited cards.

Conditions attached after a hearing by the Licensing Authority

N/A

Plans

Held by the Licensing Authority Ref Number:
17/00583/LAPRE Dated 14th September 2017

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

17/00583/LAPRE

Signed

Paul Lehane
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 24th November 2005

Issue Number: **004**

This licence summary consists of **2** pages

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

La Rascasse
59-63 High Street
Beckenham
Kent BR3 1AW

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Alcohol Off Sales
Late Night Refreshment
Recorded Music

The opening hours of the premises

Hours Open to the Public on Monday-Saturday from 12:00 to 00:30
Hours Open to the Public on Sunday from 12:00 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/or off sales

Both On and Off Sales

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Monday-Saturday from 12:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 23:30

Alcohol Off Sales timings Same as for Sale or Supply of Alcohol

Late Night Refreshment on Monday-Saturday from 23:00 to 00:00

Late Night Refreshment on Sunday from 23:00 to 23:30

Recorded Music on Sunday to Tuesday from 12:00 to 23:30

Recorded Music on Wednesday to Saturday from 12:00 to 00:00

Outside Bar – rear of premise:

Sale or Supply of Alcohol on Sunday-Thursday from 12:00 to 22:00

Sale or Supply of Alcohol on Friday-Saturday from 12:00 to 23:00

Street trading tables – front of premise:

Sale or Supply of Alcohol on every day from 12:00 to 22:00

Name, (registered) address of holder of premises licence

Miss Catherine Denise Loddo

of

63A High Street Beckenham Kent BR3 1AW

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable.

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Full Name: Catherine Loddo

State whether access to the premises by children is restricted or prohibited

Not applicable

Appendix 3

Objections

Application for Variation Premises Licence - La Rascasse 63 High Street BR3 1AW

On 22nd November 2017 Police received a copy of an application made in respect of the above premises, from the owner of the venue Catherine Loddo, for a Variation to the Premises Licence under the provisions of the 2003 Licensing Act.

Current Situation.

The premise is located in High Street, Beckenham, and is nearby to several other licensed premises including Friends of Mine, Slug and Lettuce, Q Bar, O'Neill's, Time Bar, Patrick's, and Kaplan Kebabs. This whole area is frequented by large numbers of people, many of whom are drunk by the end of the evening. The street can become busy as they look for food or seek to leave the area either on foot or on public transport.

There is a cab office nearby, which is already used by a great many people. In recent times both the High Street, the Kebab shop and the travel hub of Beckenham Junction have been the flashpoint for violence and disorder. Although some of this trouble can be attributed to customers of known venues, some of it cannot.

The High Street Beckenham and the surrounding area are subject to a cumulative impact policy (CIP). This is due to the number of licensed premises, their opening hours and the associated problems with crime and disorder. The High Street area is a 'hot spot' for crime and it is well known that the customers that use the licensed premises in this area are responsible for, if not the victims of, the high number of alcohol related assaults that take place. They are also involved in disorder and issues around public nuisance. La Rascasse is situated within this area.

Home Office Guidance on a CIP states it creates a rebuttable presumption that applications for grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The London Borough of Bromley's statement of licensing policy 2016 – 2021 states; Beckenham Town Centre is currently operating in a way which promotes the licensing objectives however the balance of licence type, timings and diversity is currently optimised for this area and any applications for new licences or variations will be considered very carefully to ensure the current status quo is not jeopardised.

Crime

There have been 85 recorded violent crime in High Street Beckenham linked to the night time economy for 2017 up to 4th December 2017. 17 of these crimes happened between midnight and 0059 hours, 12 between 0100 hours and 0159 hours and 28 between 0200 hours and 0259 hours. These are the peak times for dispersal in this area. The other 28 crimes happened after 2000 hours but before midnight or after 0300 hours.

In the last six months there have been 5 incidents at the venue

03/06/2017 at 2038 hours a woman smashed a bottle and started a fight at the location, the suspect then pushed a female's face into the floor.

06/07/2017 anonymous allegation of drug use at venue

17/07/2017 at 2300 hours door staff refused entry to a male who had left and then tried to re-enter. The male started shouting racial abuse at the door staff and knocked a phone out of one of their hands. The manager did not want to provide a statement to police about the incident and the camera covering the front of the venue was not working.

04/08/2017 police visit and intervention with venue. (letters attached)

11/11/2017 2310 hours female at location smashed a glass and threatened customers. Female left prior to police arrival.

12/11/2017 0010 hours venue was in the process of closing when customers from another venue start to try and push their way into venue and start fighting. (CCTV available).

13/11/2017 2103 hours drunk aggressive male threatening staff at location

As can be seen the venue does already add to the CIP. Extending the hours customers can drink will do no more than fuel already drunk customers.

The Application.

The application seeks to extend its trading hours from what is currently 0000 Thursday, Friday and Saturday with a half hour drinking up time to 0100 hours last sale of alcohol and a closing time that mirrors that. The application also seeks to increase late night refreshment to 0100. It can be seen from the hours requested the terminal hour for the sale of alcohol mirrors completely the time the premises are too close to the public. This means customers making use of this venue, could quite legally purchase alcohol right up to closing time and then find that they are unable to drink it on the premises. This could lead to one of several scenarios; that of the customer downing their drink in one, the customer attempting to leave the premises with the alcohol to be drunk elsewhere or more worryingly, staff finding themselves in conflict with the customer who has legally bought a drink but now finds they are unable to drink it. A situation engineered by the premises.

Police would suggest that the last alcohol be served to a customer using the venue, is at least twenty (20) minutes prior to the premises closing. This would allow plenty of time for its consumption and remove the possibility of any tension arising from the mirrored times.

The venue currently trades primarily as a restaurant and the current conditions on the licence reflect this. These include but are not limited to;

12. CCTV cameras / system must be in working condition, in use and recording at all times that licensable activities are taking place. The system must be maintained to ensure it is always fully operational. The images recorded must be of good evidential standard, allow for facial recognition of suspects, be able to record in all lighting conditions and be capable of being downloaded and supplied on request to either an Authorised Officer of the Council or a Metropolitan Police Officer. The recordings should be kept for a minimum of 31 days.

13. *Conditions 14,15 and 16 do not apply to the shaded area within the plan held by the Licensing Authority Ref Number: 12/00352/LMPRE Date: 27th June 2012*

14. *Intoxicating Liquor shall be sold or supplied to persons seated by waiter/waitress service only.*

15. *Alcohol and food may be consumed during the first 30 minutes after the end of the above periods, provided the alcohol was sold for consumption as an ancillary to their meals*

16. Section 68

Alcohol shall only be supplied to persons taking table meals in the premises, and the consumption of intoxicating liquor, which is supplied as follows:

(a) In a part of the premises usually set apart for the service of such persons, and

(b) For consumption by such a person in that part of the premises as an ancillary to his meal

17. *Substantial refreshment shall be available throughout the premises during permitted hours.*

20. *Alcohol shall not be sold:*

(a) unless the premises have been structurally and bona fide used, or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises;

(b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

(c) unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises.

The applicant has stripped out these conditions and offered a new set. The conditions offered in part replicate offences set out in the 2003 Act, such as; no selling of alcohol to under age people and not selling alcohol to drunk customers, these should not be offered as conditions.

The applicant has also offered conditions that are ambiguous and would be difficult to enforce, such as; Strong management controls, effective training and well trained staff.

With the new conditions offered there would be nothing to stop the venue trading as a vertical drinking establishment

Conclusion

Police do not believe that the applicant has demonstrated that there will be no negative cumulative impact on the licensing objectives.

Police would have expected with an increase in hours and trading in a CIP the applicant would have sought to retain its current conditions and offer additional ones to reflect the additional hours requested not to remove them all and offer weaker conditions.

Bromley Borough Police oppose the increase in hours put forward by the applicant. It is a busy venue and with longer hours will be putting people onto the streets who would have had an increased opportunity to drink. They would then find themselves competing for travel and food options with other drunk customers; this can only lead to conflict.

Police ask that the application be refused.

Appendix 4

Support

From: [Wells, Stephen, Cllr](#)
To: [Devarajulu, Esther](#)
Cc: [Mellor, Russell, Cllr](#); [Tickner, Michael, Cllr](#); [Payne, Ian, Cllr](#)
Subject: Re: La Rascasse 59-63 High Street Beckenham Kent BR3 1AW
Date: 13 December 2017 15:51:24

I think we all know the premises well and also know it is well run. Given below I would not suggest this modest increase in licensable activity time, (given what is going on up the road) warrants any objection.
Esther, if Mike and Russell agree I suggest this is granted by Officers.
Steve Wells

On 13 Dec 2017, at 08:33, "Devarajulu, Esther"
<Esther.Devarajulu@bromley.gov.uk> wrote:

Dear Cllrs

This is a follow up email to inform you that to date, we have not received any objections against this application.

If I can be of further assistance, please contact me.

Kind Regards

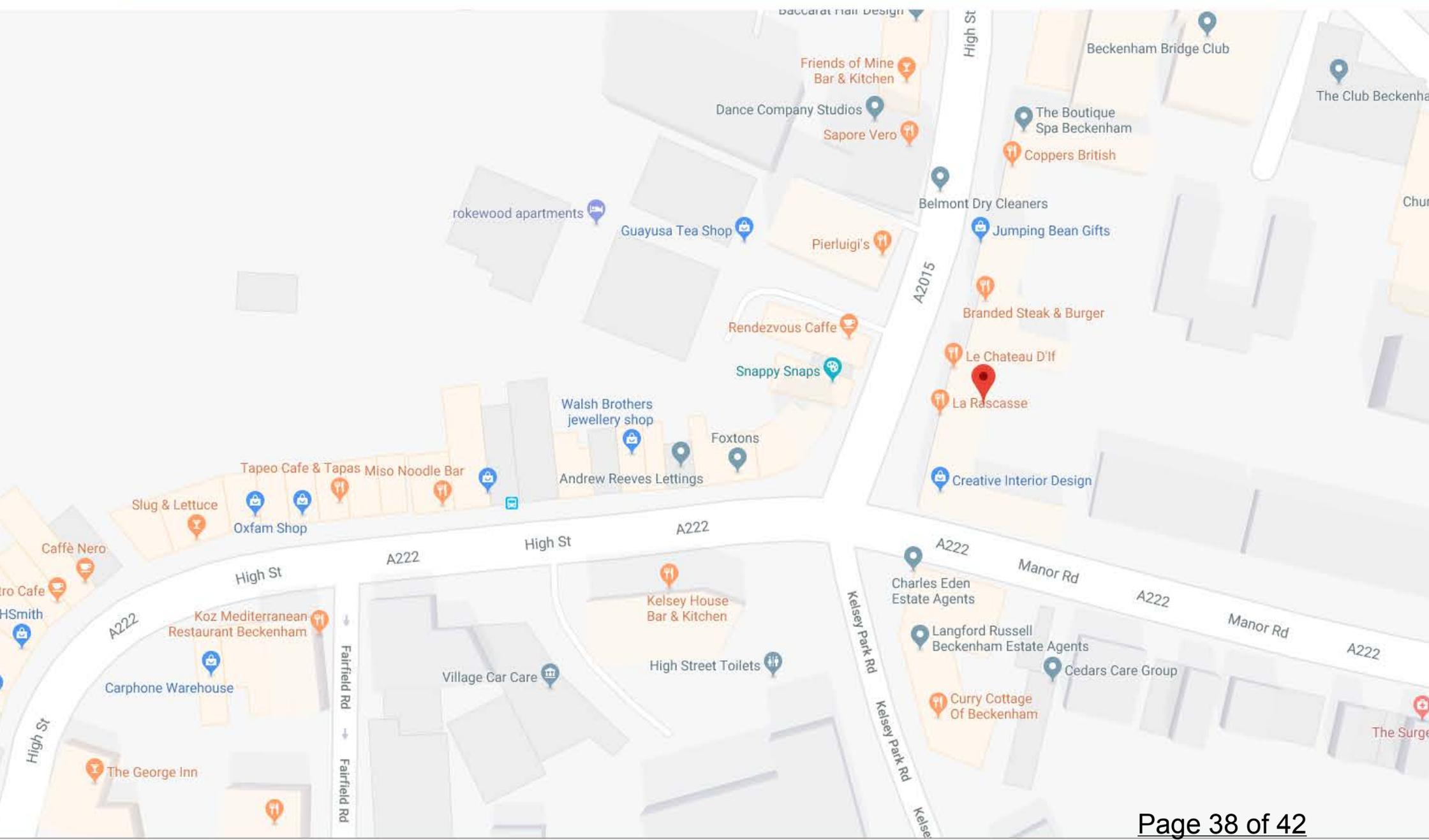
Esther Devarajulu

Mrs Esther Devarajulu
Licensing & Business Support Officer
London Borough of Bromley
✉ esther.devarajulu@bromley.gov.uk
☎ 0208 461 7546
🌐 www.bromley.gov.uk

 please don't print this e-mail unless you really need to

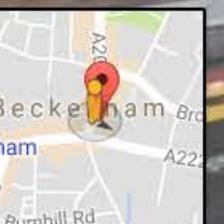
Appendix 5

Map and Photos



Google recommends using Chrome
Try a fast, secure browser with updates built in

94 High St
Beckenham, England
Google, Inc.
Street View - Sep 2017



Appendix 6

Letter from Police

Catherine Loddo
La Rascasse
59-63 High Street
Beckenham
Kent
BR3 1AW

**PY - Bromley Borough
Licensing**

Bromley Police Station
High Street
Bromley
BR1 1ER

Telephone: 0208 284 8743

Facsimile:

Email:

Andrea.O'Donnell@met.police.uk

www.met.police.uk

Your ref:

Our ref:

4th August 2017

Dear Catherine

Following on from a visit by myself and Lynne Cregeen, from the council licensing team, yesterday. This letter is to explain our findings and what action you need to take to address them.

You were not in possession of the plastic part of your personal licence and you only have the paper part. You need to apply to the council immediately for a new card. It is an offence to not be able to produce your licence.

You were not able to produce your refusals log, although you state you have one. It is a condition on your licence to have a refusals log and be able to produce it, so if you can't locate it you need to implement a new one.

We then discussed your front outside space and its use. It had been reported to police that a male was openly sniffing drugs at one of the tables at the front. You appeared shocked by this allegation, but agreed that you will make your staff aware and keep a closer eye on the area. We also discussed that you cannot use the front outside space for the sale or supply of alcohol, as although you have a pavement licence this area is not licenced for alcohol. My self and Lynne explained that you would need to submit a variation to get this area licenced.

We then checked your CCTV you were able to operate the system and it stores for 31 days but the cameras are not good enough to, "allow for facial recognition of suspects". It is normally the cameras at the entrance and exit that provide these images. The natural light from the window was having an adverse effect on the camera covering the bar entrance. You are in the process of installing cameras to cover your pavement area so you advised you will address this at the same time.

Thank you for taking the time to meet with us and the positive way you responded to the highlighted issues. Could you advise this office when the issues are rectified and in any case by 5th September 2017 and I will arrange to conduct another visit.

Yours

Andrea O'Donnell PC908
Licensing Bromley Borough Police