

Report No.
ES18049

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: WEDNESDAY 15TH AUGUST 18

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

Title: APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE AT BP CONNECT , PERRY STREET, CHISLEHURST BR7 6HA

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: CHISLEHURST

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:
 4. Total current budget for this head: £
 5. Source of funding:
-

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:
-

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 BP Oils Limited 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 26th April 2018
2. Summary of Ward Councillors' comments: No Councillors responded to this application

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	26 th April 2018	No Responce
Planning Authority	26 th April 2018	No Responce
Trading Standards Service	26 th April 2018	No Responce
Public Health Nuisance Team	26 th April 2018	No Responce
Health & Safety Team	26 th April 2018	No Responce
Child Protection Team	26 th April 2018	No Responce
Fire Authority	26 th April 2018	No Responce
Public Health	26 th April 2018	No Responce

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

Page 31 of 54 applies to Garages and Motorways service areas a copy of this page is contained at appendix 6

Description of the Premises

The premise sits on Perry Street in Chislehurst and is shown in the google maps image in appendix 5. It comprises of a petrol forecourt store selling a broad range of groceries, household products and alcohol. The premise has operated since the commencement of the Licensing Act 2003 and has had a licence since 2005. The current premises licence shown in appendix 2.

Licensing History

The premise was subject to a similar application for 24/7 opening in 2014 which was subsequently granted following a hearing of the licensing subcommittee with amended hours. A copy of the decision notice from that hearing is contained within the premise history in appendix 4.

The current licence is shown at Appendix 2.

Details of the Application

- 1.To extend the hours for the sale of alcohol to 24 hours a day 7 days a week.
- 2.To remove all 6 conditions under the title 'Crime and Disorder' of the premises licence.
- 3.To replace the above conditions with the conditions in boxes b to e of Section 16 of this application

A copy of the full application is set out Appendix 1

Representations

During the public consultation period the Council received 6 representations against the application. Copies of these are contained in appendix 3

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



Bromley
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@bromley.gov.uk
 Telephone: 0208 313 4218

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

- Is the applicant's business registered in the UK with Companies House? Yes No
- Registration number
- Business name If the applicant's business is registered, use its registered name.
- VAT number Put "none" if the applicant is not registered for VAT.
- Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

137,000

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible? Yes NoDo you want the proposed variation to have effect in relation to the
introduction of the late night levy? Yes NoYou do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at Perry Street, Chislehurst, BR7 6HA to be varied as follows:

1. To extend the hours for the sale of alcohol to 24 hours a day 7 days a week.
2. To remove all 6 conditions under the title 'Crime and Disorder' of the premises licence.
3. To replace the above conditions with the conditions in boxes b to e of Section 16 of this application.

Section 4 of 18**PROVISION OF PLAYS**[See guidance on regulated entertainment](#)Will the schedule to provide plays be subject to change if this application to
vary is successful? Yes No**Section 5 of 18****PROVISION OF FILMS**[See guidance on regulated entertainment](#)Will the schedule to provide films be subject to change if this application to
vary is successful? Yes No

Continued from previous page...

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Continued from previous page...

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises sell alcohol and other age restricted products.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

1. The hours for the sale of alcohol are currently restricted to as follows:

Monday to Sunday: 0600 to 0000

2. 'The 6 conditions set out under the title 'Crime and Disorder' of the premises licence.

The above restrictions and conditions would be removed as a consequence of the proposed variation.

Continued from previous page...

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

Continued from previous page...

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bromley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date








Date and time submitted

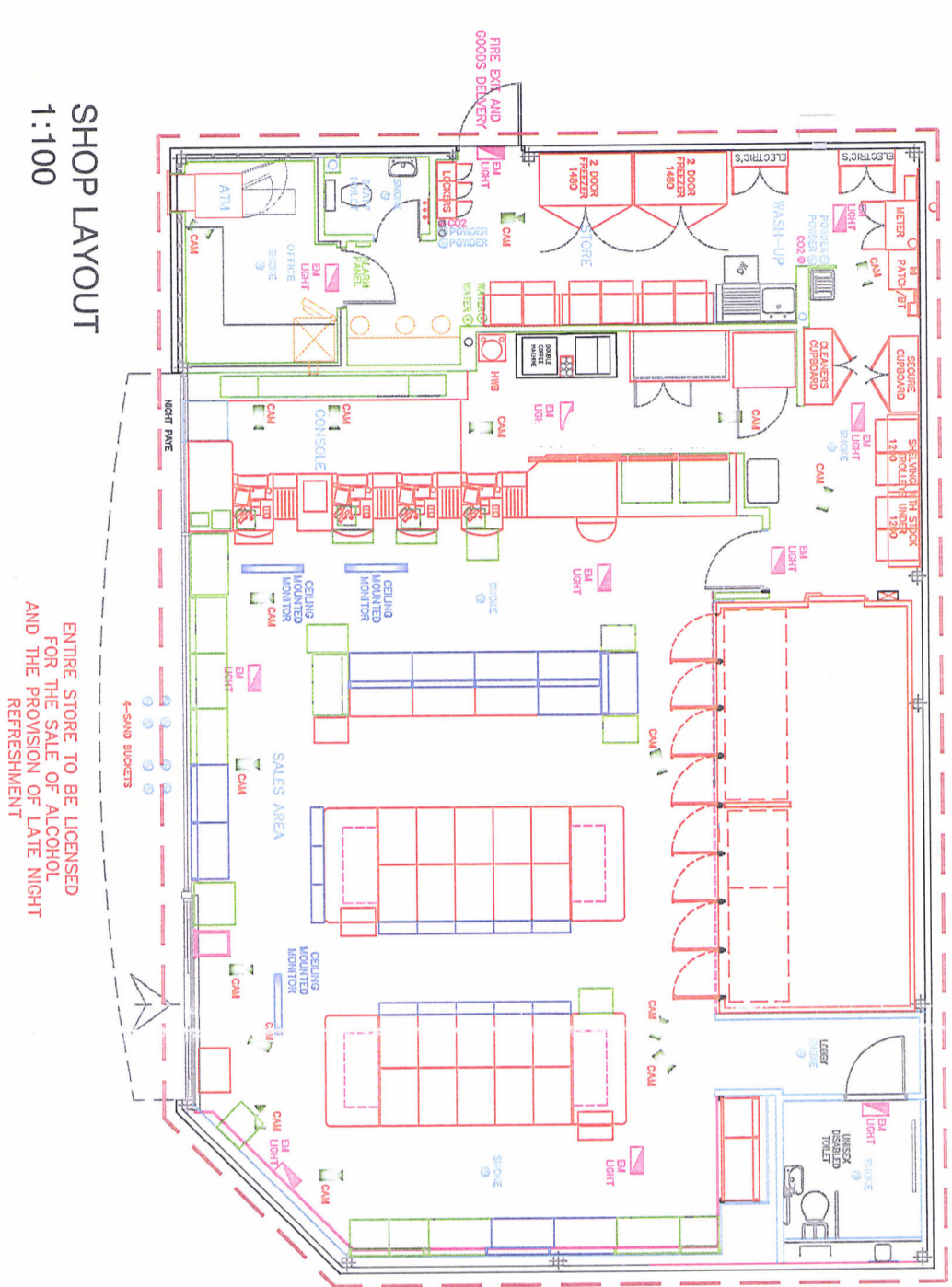
Approval deadline

Error message

Is Digitally signed

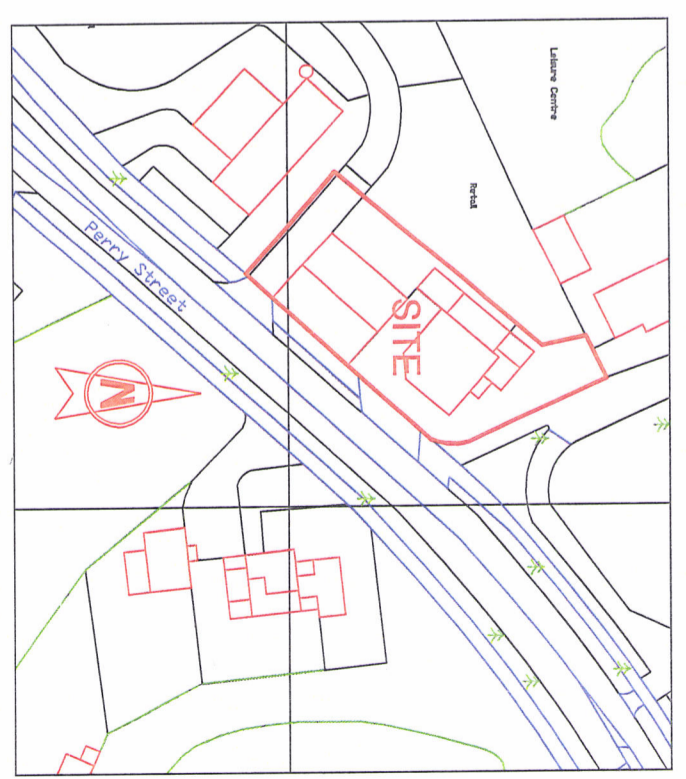
< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) Next >

- KEY**
-  EMERGENCY LIGHTING
 -  PROTECTED CAMERA
 -  NEW LCD CEILING MONITOR
 -  EXISTING CEILING MONITOR
 -  POWDER EXTINGUISHER
 -  CO2 EXTINGUISHER
 -  SMOKE DETECTOR



SHOP LAYOUT
1:100

ENTIRE STORE TO BE LICENSED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT



SITE OS LOCATION MAP 1:1250

Rev	Date	Revision
REVISION APPROVAL		
OWNER	NAME & SIGNATURE	DATE
RETAIL A & D MGR		



BP OIL UK LTD
Asset Development
Wilton Gate House,
500/600 Wilton gate,
Central Milton Keynes, UK.
01908 853000
01908 853628

PERRY STREET 3F CONNECT
BROMLEY, CHISLEHURST
KENT - BR7 6HB

DRAWN: MAIERAU	DATE: MAR 2013	FILE:	DRAWING No	REV
DESIGN APPROVED: S.CHEETHAM	DATE: MAR 2013	10493 - 79	10493 - 79	-
SCALE: 1 : 100@A3	DIMENSIONS IN: MM			

OS GRID REF EAST NORTH

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BP OIL UK LTD, ASSET DEVELOPMENT, 500/600 WILTON GATE WEST, MILTON KEYNES, MK9 1ES

Appendix 2

Current Premise Licence



THE LONDON BOROUGH
www.bromley.gov.uk

LICENSING ACT 2003

Premises Licence London Borough of Bromley

Premises licence number

14/00223/LAPRE

Signed

Paul Lehane

Head of Food Safety, Occupational Safety and Licensing

Licence Granted **24th November 2005** Issue Number **002**

This licence consists of **8** pages (Including Licence Summary)

Part 1 – Premises Details

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

Perry Street SF Connect
Perry Street
Chislehurst
BR7 6HA

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Late Night Refreshment

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

Off Supplies Only



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The opening hours of the premises

The Opening hours of the premises are 00:00 to 00:00 Every day

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

Sale or Supply of Alcohol on Every Day from 06:00 to 00:00
Late Night Refreshment on Every Day from 23:00 to 05:00

Part 2

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

BP Oil UK LTD.
of
Witan Gate House,
500-600 Witan Gate,
Milton Kenyes,
Buckinghamshire.
MK9 1ES
Tel: 01908853000

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

00446915, Limited Company

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

Full Name: Upul Ekanayake
Address: 204 Dumbreck Road Eltham London SE9 1RH



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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: WK/200511216 issued by London Borough Of Greenwich

Mandatory Conditions

1. No sale of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every sale of alcohol under the premises licence must be authorised by a personal licence holder.
3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.
4. 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.
5. 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 (1);
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 where -
 - (i) P is the permitted price,





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- (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 (2).

6. 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.

7. (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.

Conditions consistent with the Operating Schedule

8. The premises must operate in accordance with the submitted application form and is subject to additional conditions as specified within, Part 3 (Operating Schedule) of the Form.

Stamped Reference Number **14/00223/LAPRE** Date: **19th March 2014**



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General

None

Crime and Disorder

15. CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose

16. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.

17. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available within a reasonable time, subject to compliance with Data Protection legislation, to the police for inspection on request."

18. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

19. The system will display, on any recording, the correct time and date of the recording.

20. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

Public Safety

None

Prevention of Public Nuisance

None





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Protection of Children From Harm

21. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

22. Induction training which must be completed and documented prior to the sale of alcohol by the staff member.

Refresher / reinforcement training at intervals of no more than 6 months.

23. Training records will be available for inspection by a police officer or other authorised officer on request.

24. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book / register. The book / register will contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.

25. This book / register will be available for inspection by a police officer or other authorised officer on request.

26. An incident book / register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises;
- details of occasions when the police are called to the premises.

27. This book / register will be available for inspection by a police officer or other authorised officer on request.

Conditions attached after a hearing by the Licensing Authority

See conditions 15-27

Plans

Held by the Licensing Authority Ref Number: **14/00223/LAPRE**

Date: **19th March 2014**





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

Off Supplies Only

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Every Day from 06:00 to 00:00
Late Night Refreshment on Every Day from 23:00 to 05:00

Name, (registered) address of holder of premises licence

BP Oil UK LTD.
of
Witan Gate House,
500-600 Witan Gate,
Milton Kenyes,
Buckinghamshire.
MK9 1ES

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

00446915, Limited Company

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

Full Name: Upul Ekanayake

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

Not Applicable





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LICENSING ACT 2003

Premises Licence Summary

Premises licence number

14/00223/LAPRE

Signed

Paul Lehane
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 24th November 2005 Issue Number 002

This licence summary consists of 2 pages

Premises Details

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

Perry Street SF Connect
Perry Street
Chislehurst
BR7 6HA

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Late Night Refreshment

The opening hours of the premises

The Opening hours of the premises are 00:00 to 00:00 Every day



Appendix 3

Objections

From: [ESD Planning \(Group\)](#)
To: [Licensing](#)
Subject: Comments for Licensing Application 18/00304/LAPRE
Date: 27 April 2018 10:41:41

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:41 AM on 27 Apr 2018 from Mr Chris Johnson.

Application Summary

Address: Perry Street Service Station Perry Street Chislehurst BR7 6HA

Proposal: Premises Licence

Case Officer: Steve Phillips

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Child Protection
- Crime and Disorder
- Noise Disturbance
- Opening Hours
- Parking
- Public Nuisance
- Public Safety
- Traffic

Comments: 10:41 AM on 27 Apr 2018 We are objecting to this license application on the grounds that if granted it will:

Cause further disturbance to us and our children with late deliveries and noise from customers on the forecourt at night. This is something we have complained about since M&S have been established at the garage.

Increase the unruly behaviour we experience with people purchasing alcohol from the garage late at night.

Allowing a service station to sell alcohol during the night would increase the risk of drink driving.

What duty of care would the garage be able to provide people that are purchasing the alcohol as it is served through a night pay window?

Increase the litter of discarded bottles and cans we already suffer.

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:21 PM on 22 May 2018 from

Application Summary

Address: Perry Street Service Station Perry Street Chislehurst BR7 6HA

Proposal: Premises Licence

Case Officer: Steve Phillips

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime and Disorder
- Noise Disturbance
- Public Nuisance

Comments: 1:21 PM on 22 May 2018 We are affected every day by the noise disturbance coming from the BP service station. We were woken at 2am last week by someone on the forecourt sounding their car horn excessively. Often at the weekends there is a lot of noise late at night. This will get more frequent with the proposed licensing hours. If the member of staff on duty refuses to serve a customer who may be drunk, therefore fulfilling their duty of care, they will not leave quietly! The deliveries are supposed to be between 7am and 9pm. Every morning they begin early. I do not see how an establishment which cannot even stick to their permitted delivery times should be allowed a 24 hour alcohol licence.

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:36 PM on 22 May 2018 from.

Application Summary

Address: Perry Street Service Station Perry Street Chislehurst BR7 6HA

Proposal: Premises Licence

Case Officer: Steve Phillips

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Committer Type: Local Resident

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime and Disorder
- Noise Disturbance
- Parking
- Public Nuisance
- Public Safety
- Traffic

Comments: 12:36 PM on 22 May 2018 To whom it may concern,

I am writing to register my objection to the application for the new 24 hours sale alcohol license application 18/00304/LAPRE - Perry Street Service Station Perry Street Chislehurst BR7 6HA.

The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

The BP Perry Street Petrol Station lies within a residential Conservation Area and in walking distance from two schools. Enabling the premises to sell alcohol 24 hours daily 7 day a week, would be totally detrimental to the licensing aims and objectives.

Leas Green, our small lane, already has a problem with people parking there to consume alcohol. Granting a 24hour sale licence would only make matters worse bringing more people down our lane and make safety an issue. Residents in this area will suffer noise nuisance, antisocial behaviour, littering and more at all hours of the day and night.

If this application is granted, the garage will be one of 5

venues within a 15min driving radius and the only one in Chislehurst to sell alcohol 24/7. Also, as it is not situated on the High Street, the majority of customers drive to it, any late night customers will have been already drinking and driving!

In view of the above, I would like to urge Bromley Council to refuse this application as it very wisely did before.

Also, I am very surprised that as residents who objected to the previous unsuccessful application, we were not notified through a letter, I do buy my petrol from the specific garage but, did not see the application notice.

Yours faithfully,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:08 PM on 23 May 2018 from.

Application Summary

Address: Perry Street Service Station Perry Street Chislehurst BR7 6HA

Proposal: Premises Licence

Case Officer: Steve Phillips

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Local Resident

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime and Disorder
- Noise Disturbance
- Parking
- Public Nuisance
- Public Safety
- Traffic

Comments: 10:08 PM on 23 May 2018 To whom it may concern, I would like to object to the 18/00304/LAPRE application for a 24-hour alcohol sales licence variation for the Perry Street BP Garage. Apologies for late comment, I have been unwell.

Four years ago, the same garage applied for this licence and the application was rejected.

To have any venue selling alcohol in the early hours is an open invitation for antisocial behaviour and noise disturbance. Adding to that the access of the garage by car, as it is not centrally located, it creates an alcohol drive-in, frequented by already intoxicated drivers.

At the moment, the garage sells alcohol from 7 in the morning until 12 at midnight which logically, should be more than sufficient for anyone to buy all the alcohol "needed", I truly do not understand the purpose of extending an already wide sales window.

At the moment, most of the licensing authorities' reviews were instigated by the police, citing crime and disorder, public nuisance and public safety.

I believe all those reasons to be true and valid and I would like to add excessive littering and cars parking on our street to consume alcohol and increased traffic in the area.

I am therefore, objecting the 18/00304/LAPRE

application.
Yours Sincerely,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:03 PM on 22 May 2018 from

Application Summary

Address: Perry Street Service Station Perry Street Chislehurst BR7 6HA

Proposal: Premises Licence

Case Officer: Steve Phillips

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime and Disorder
- Noise Disturbance
- Public Nuisance
- Public Safety

Comments: 1:03 PM on 22 May 2018 Considering that steps are being made throughout the UK to control anti-social behaviour caused by excessive drinking I would think the last thing we need is a 24 hour petrol garage selling alcohol. It will increase the noise nuisance, which is already considerable; the damage to our property and litter and empty bottles being left around the end of our road. Not to mention it often being used as a urinal! There is a Tesco superstore about a mile away with a 24 hour licence, surely that satisfies the local need.

From: [ESD Planning \(Group\)](#)
To: [Licensing](#)
Subject: Comments for Licensing Application 18/00304/LAPRE
Date: 23 May 2018 22:47:51

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:47 PM on 23 May 2018 from Mrs Frances Head.

Application Summary

Address: Perry Street Service Station Perry Street Chislehurst BR7 6HA

Proposal: Premises Licence

Case Officer: Steve Phillips

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Local Resident

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime and Disorder
- Noise Disturbance
- Parking
- Public Nuisance
- Public Safety
- Traffic

Comments: 10:47 PM on 23 May 2018 I am writing in connection with the planning application with reference 18/00304/LAPRE. I wish to object to this application as it will have and adverse impact to the area. Inviting inebriated drivers in an otherwise mainly residential area, after the 12pm sales time that the garage has been granted already, will inevitably bring more unwanted traffic, noise and antisocial behaviour. I have been living in my property in Leas Green for many years now and we have had a number of break-ins, mostly by young men. I personally suffered recently, a very horrendous break-in to my property with the perpetrators looking for money and alcohol. We definitely do not wish for more of such "traffic". Nor for more parked cars on our small road with people consuming alcohol. The application for a 24/7 alcohol license was rejected previously in 2014. I am positive that the council will act in the same responsible way as they did before and reject this application. Thank you for taking my objections under consideration.

Kind regards,

Frances Head

Appendix 4

Premises History

LICENSING SUB-COMMITTEE

Outcome of the meeting held on 16th June 2014 at 10.00am.

Present:

Councillors Russell Mellor, Charles Rideout and David Livett.

Also present:

Councillor Ian Payne.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. APPOINTMENT OF CHAIRMAN

Councillor Russell Mellor was appointed Chairman for the meeting.

3. Application for a variation of the Premises Licence for "BP Connect", Perry Street, Chislehurst, Kent, BR7 6HA.

Decision:

1. The Panel has made the following decision having regard to:

- the four licensing objectives,
- the Council's Statement of Licensing Policy 2011 – 2016
- Guidance issued under the Licensing Act 2003
- Written and oral representations from the Applicant
- Written representations from Local Residents
- Written and oral representations from Metropolitan Police
- Written and oral representations by Local Ward Councillor

The panel decided to grant the application, amended by the applicant as follows:

Hours for supply of alcohol shall be 6am to midnight, 7 days a week.

Subject to the following conditions:

1. All conditions in operating schedule, with the exception that condition number 3 listed in part b) of section M of the application shall be amended to read as follows:-

Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available within a reasonable time, subject to compliance with Data Protection legislation, to the police for inspection on request."

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher / reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book / register. The book / register will contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.

This book / register will be available for inspection by a police officer or other authorised officer on request.

4. An incident book / register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises;
- details of occasions when the police are called to the premises.

This book / register will be available for inspection by a police officer or other authorised officer on request.

Reasons for decision:

This is an application for a variation of an existing licence. Police concerns were raised in respect of the primary use of the premises, but it was pointed out that a discussion could not take place on this point as this is not an application for a new licence, and the sub-committee should limit its consideration to the impact of the grant of the variation sought, upon the licensing objectives.

The applicant reduced the hours sought in the variation application from 24 hours, 7 days a week, to 6am to midnight, 7 days a week.

The applicant explained that the renewed premises would comprise a “Marks and Spencer” convenience store on the site of the former “BP Connect” shop. It would have 3 - 4 senior staff who will be qualified to act as Designated Premises Supervisors.

The Police and Ward Councillor expressed concerns that, whilst there had been no major problems identified with the premises to date, that there was an element of antisocial behaviour which could escalate if the licensing hours were extended. They also expressed concern regarding the protection of

children passing or entering the premises during the extended hours which were sought.

The relevant legislation, government guidance and case law tell us that each case must be considered on its individual merits and that decisions must be evidence based and not speculative. Guidance also states that unless a good reason is demonstrated to the contrary, licensing hours in shop premises should seek to match the opening hours for the premises.

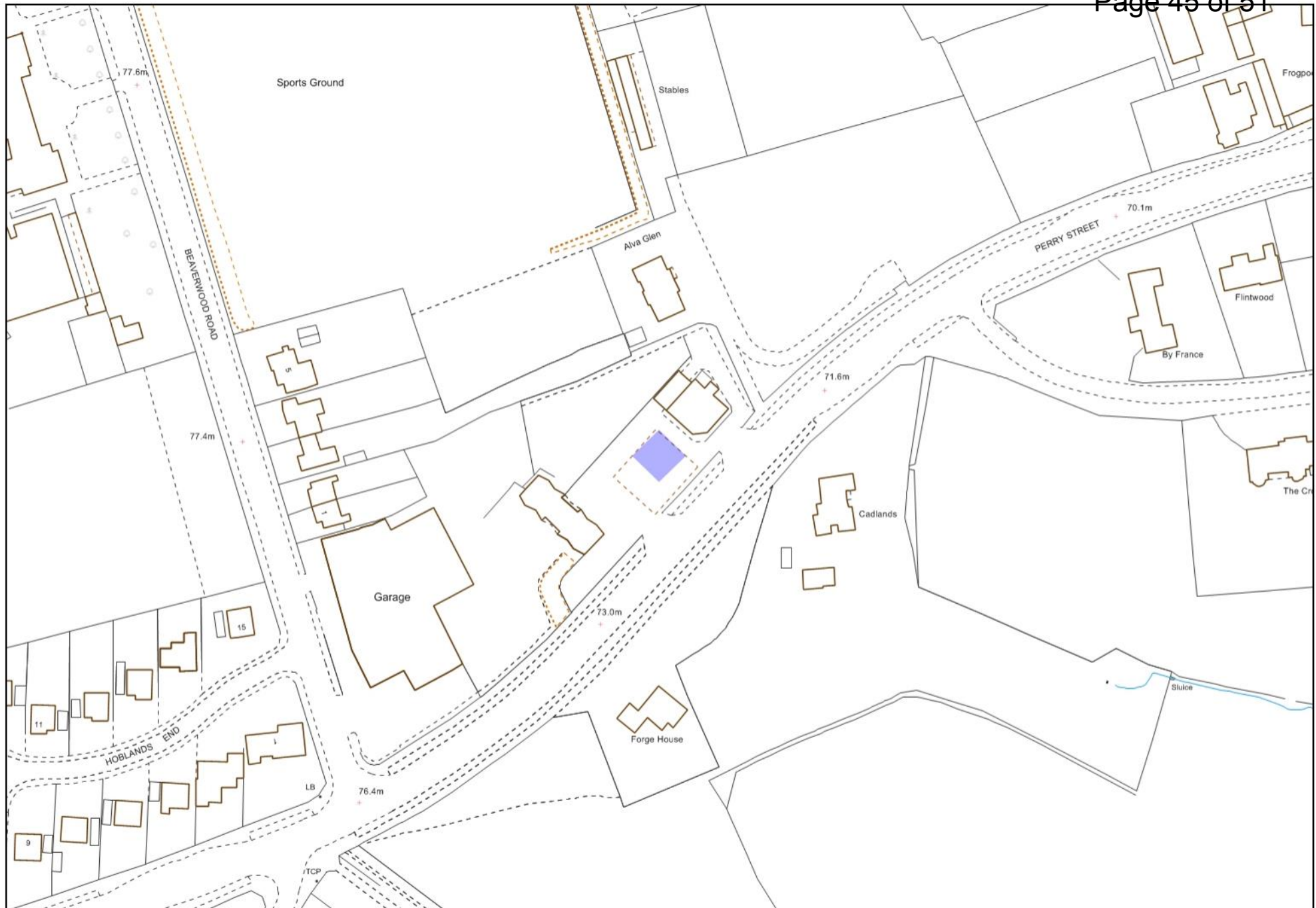
Whilst the Police did not feel that they could consent to the variation in light of their reservations on matters generally, they did come to an agreement as to acceptable conditions for the promotion of the licensing objectives, if the sub-committee was minded to grant the application.

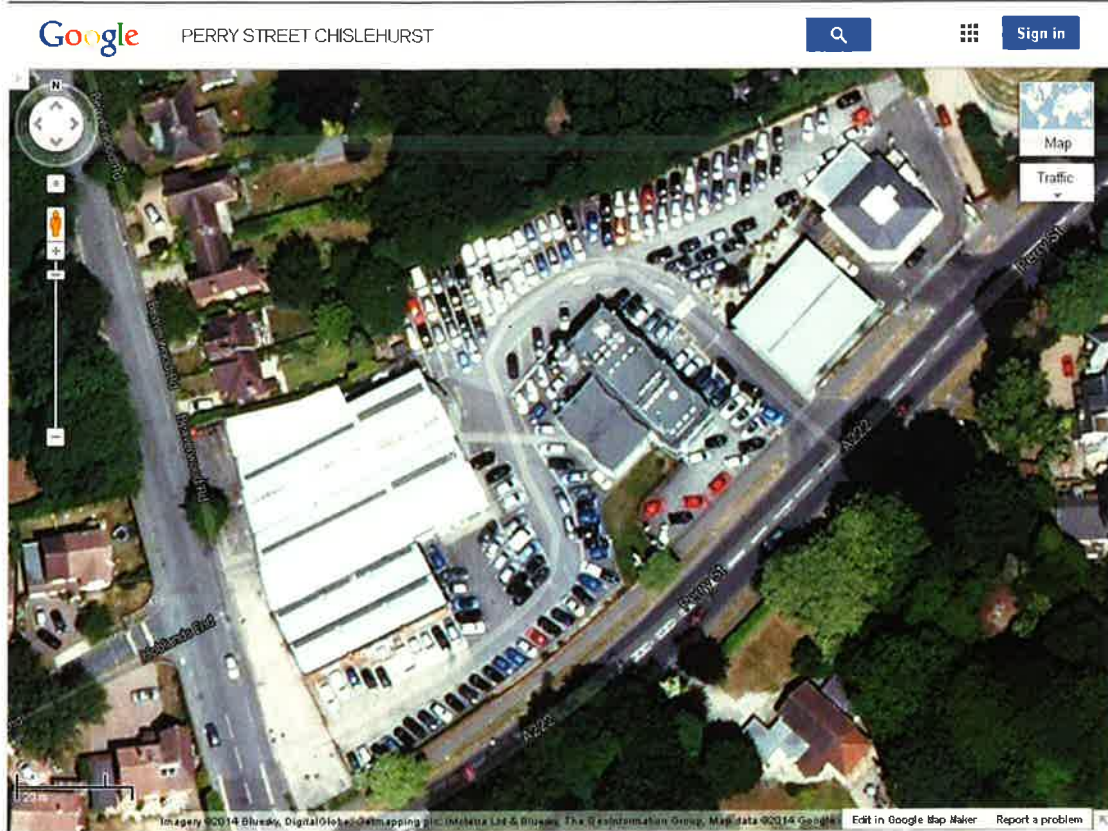
Whilst the sub-committee accepts the concerns of local residents and police, they took the view that there was insufficient evidence to show that the granting of the variation as amended, with appropriate conditions, would have a significantly detrimental effect upon the Licensing Objectives. The committee therefore took the view that the granting of the amended variation was reasonable and proportionate in the circumstances.

The meeting ended at 11.20am.

Appendix 5

Map and Photos











Appendix 6

Current Policy(Extract)

Late Night Refreshment with Alcohol for consumption off the premises

The Licensing Authority is concerned about the potential for crime and disorder and public nuisance from premises that remain open late for the sale of late night refreshment and where alcohol is sold for consumption off the premises.

Where such applications are received the Licensing Authority will consider them very closely and will expect the applicant to satisfy them that the grant of the licence would have no detrimental impact on the promotion of the licensing objectives.

Garages and motorway service areas

Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles; and
- the maintenance of motor vehicles.

It is for the Licensing Authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) of the Licensing Act 2003 which must accompany the application.

