

Report No.  
ES 20129

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** LICENSING SUB-COMMITTEE

**Date:** THURSDAY 21<sup>ST</sup> OCTOBER 2021 at 10:00

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

**Title:** APPLICATION FOR A VARIATION TO A PREMISES LICENCE  
AT THE IMPERIAL ARMS 1 OLD HILL, CHISLEHURST BR7 5LZ

**Contact Officer:** Steve Phillips, Head of Health Safety and Licensing  
Tel: 020 8313 4659 E-mail: [steve.phillips@bromley.gov.uk](mailto:steve.phillips@bromley.gov.uk)

**Chief Officer:** Colin Brand Director of Environment and Public Protection

**Ward:** Chislehurst

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1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine whether to uphold or dismiss the objections placed against this application.
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2. RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee are asked to determine this application having taken into account the Council's Statement of Licensing Policy 2021 to 2026, written and oral representations by the applicant and objectors.

Members can

1. Grant the licence
2. Grant the licence with the addition of conditions necessary to promote any of the licensing objectives
3. Exclude from the scope of the licence any of the licensable activities to which the application relates
4. Refuse to specify a person in the licence as the premises supervisor
5. Reject 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.

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## 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 2021 to 2026.

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

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## 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 Portfolio
  4. Total current budget for this head: £2.4 m
  5. Source of funding: Revenue Budget 2021/2022
- 

## Personnel

1. Number of staff (current and additional): 1 Licensing Officer 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
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Customer Impact

1. When considering and making a determination on this application Members need to balance the benefits of holding the licence against any adverse effects to the Public, Local Residents and Businesses by considering its impact against 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 17<sup>th</sup> August 2021.
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 <b>Appendix 2</b> )
Metropolitan Police	17 <sup>th</sup> August 2021	No objections.
Planning Authority	17 <sup>th</sup> August 2021	No response.
Trading Standards Service	17 <sup>th</sup> August 2021	No response.
Public Health Nuisance Team	17 <sup>th</sup> August 2021	<b>Objected.</b> See report.
Health & Safety Team	17 <sup>th</sup> August 2021	No objection.
Child Protection Team	17 <sup>th</sup> August 2021	No objections on the provision that additional conditions were accepted by the applicant. See report.
Immigration (Home Office)	17 <sup>th</sup> August 2021	No Response.
Fire Authority	17 <sup>th</sup> August 2021	No Objection.
Public Health	17 <sup>th</sup> August 2021	No Response.

Residents and interested parties

In addition to the objection by Public Health Nuisance Team, 13 further representations were received from the general public, making **13** objections and **1** representation in support of the application.

These representations are contained within **appendix 2**.

**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 2021 to 2026.

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.

### **Description of the Premises**

The premises is an 18<sup>th</sup> century pub that sits on the corner of Old Hill and Mill Place. The surrounding properties are mostly residential with another pub, The Ramblers Rest also nearby.

A satellite image and street view of the premises can be found in **appendix 3**.

### **Licensing History**

The current licence holders took over the pub in 2012, at which time this department was receiving numerous complaints relating to noise and anti-social behaviour.

In May 2012 a hearing was held by the Licensing Sub-Committee to consider an application to vary the premises licence. A number of conditions were added as a result of the hearing to address the problems with nuisance and anti-social behaviour.

The number of complaints has reduced over time and there have been very few complaints in the last 5 years, see figures below.

2012	38		2016	11		2020	1
2013	13		2017	0		2021	0
2014	26		2018	1			
2015	6		2019	0			

## Details of the Application

This is an application to vary the existing premises licence. The existing premises licence can be found in **Appendix 4**

The proposed variation is mainly to extend the use of the courtyard area from 21:00 to 22:30. The proposed variation is also intended to remove old, outdated conditions and replace them with updated conditions that reflect the amendments made to the Licensing Act 2003 by the Live Music Act 2012. The proposed variation also reflects current trading practices and government guidance, whilst ensuring that the licensing objectives are fully promoted.

The current times of licensable activities of: -

Sale or Supply of Alcohol on Monday to Wednesday from 10:00 to 23:00

Sale or Supply of Alcohol on Thursday from 10:00 to 23:30

Sale or Supply of Alcohol on Friday and Saturday from 10:00 to 00:00

Sale or Supply of Alcohol on Sunday from 12:00 to 22:30

Live Music on Sunday from 16:00 to 19:30

Live Music on 2 Saturdays per month from 19:00 to 23:30

Recorded Music on Monday-Saturday from 10:00 to 23:00

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

Will be changed to: -

Sale or Supply of Alcohol times will not change

Live Music on Monday to Saturday 10:00 to 23:15

Live Music on Sunday from 12:00 to 23:00

Recorded Music on Monday-Saturday from 10:00 to 23:15

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

### The following conditions will be removed:

10. This premises shall operate as a Public House with on and off sales, the sale of food and regulated entertainment.

12. In the indoors part of the area which had been added to the licensable area (the former restaurant area), alcohol may only be served with food.

14. Anyone appearing to be drunk will not be admitted or served. • **Paragraph 1.16 of the Revised Guidance issued under section 182 of the Licensing Act 2003 states that conditions should not duplicate other statutory requirements, other duties or responsibilities placed on the employer by other legislation. S140 - 143 of the Licensing Act 2003 creates offences relating to this condition.**

15. No regulated entertainment to take place after 23.00 on any Saturday other than Christmas Eve or New Year's Eve.

16. Details of a scheme to reduce the transmission of sound between the premises and the Old Court House, 3a, Old Hill shall be submitted to the Council within one month and shall be implemented within one month of its approval by the Council and permanently maintained thereafter.

18. No regulated entertainment to take place in the patio area of the premises.

19. All doors and windows are to be kept closed when regulated entertainment is taking place

21. There will be no new admittance to the premises after 22.00

**The following conditions will be added to the licence:**

- A CCTV 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.
- All relevant staff within the business are to be trained in relation to the Licensing Act 2003 and conflict management. Training records shall be held at the premises and made available for inspection by the police or authorised Council Officer upon request. Refresher training will be undertaken every 6 Months.

**The following conditions will be amended:**

Condition 13: An incident log for all incidents is to be kept and maintained. This log must be available to Police or Council officers on request.

This will now read: A comprehensive incident register shall be maintained, at the premises. The details of incidents shall be added to the register within 24 hrs of any incident. The following details shall be recorded: -

- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended

Condition 17: There will be no drinks to be taken out to any external part of the premises after 21.00, and no smoking in the courtyard area after 21.00

This will now read: The courtyard area shall only be used between the hours of 10:00 and 22:30 Monday to Saturday and 12:00 and 22:00 on Sunday.

Condition 23: The premises will adopt the "challenge 25" scheme whereby any person that appears under 25 years of age has to prove that they are over 18 by providing identification by means of passport, photographic identity drivers licence or identification card provided by the proof of age standards scheme (PASS) and bearing the PASS logo. In addition a refusals log will be kept and maintained. This log must be available to the Police or Council officers on request.

This will now read:

The premises shall adopt the 'challenge 25 scheme' whereby any person that appears under 25 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include Passport, Photo card driving licence, military ID, proof of age card bearing the PASS hologram and biometric residence permit. In addition, a refusals log will be kept and maintained. This log must be available to Police or Council Officers on request.

**NOTE:** During the mediation process the applicant agreed to the following: -

- **No recorded or live music will be provided after 23:00.** Conditions 16, 18 & 19 relate to the provision of music, the Live Music Act 2012 suspends all conditions relating to live & recorded music on licensed premises between the hours of 08:00 – 23:00, therefore these conditions are not relevant or enforceable.
- **The courtyard area shall only be used until 22:00**
- **To leave in conditions 10 & 12.**

Full details of the application are contained in **Appendix 1**.

## **Representations**

During the public consultation period the Licensing Authority received **13 objections** and **1 representation in support** of the application.

These representations are contained within **Appendix 2**.

## **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. In this instance The Bromley Safeguarding Children Partnership stated that they would not object on the provision that a Challenge 25 policy is adopted and a refusals log is kept and maintained.

## **5. POLICY IMPLICATIONS**

- 5.1 The Licensing Act 2003 require the Council to prepare, consult on and publish a statement of their licensing policy. These must be reviewed at least every 5 years.
- 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 policy is -
  - Statement of Licensing Policy 2021 to 2026

[http://www.bromley.gov.uk/downloads/file/226/statement\\_of\\_licensing\\_policy\\_2021-2026](http://www.bromley.gov.uk/downloads/file/226/statement_of_licensing_policy_2021-2026)

## 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.

<b>Non-Applicable Sections:</b>	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

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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.

**Imperial Arms Enterprise Ltd**.....  
*(Insert name(s) of applicant)*

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

#### Premises licence number

12/00244/LAPRE

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Imperial Arms 1, Old Hill			
Post town	Chislehurst	Postcode	BR7 5LZ

Telephone number at premises (if any)	020 3w605 7899
Non-domestic rateable value of premises	£23,750

#### Part 2 – Applicant details

Daytime contact telephone number	0203 605 7899		
E-mail address (optional)	imperialarms@sky.com		
Current postal address if different from premises address	same		
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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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)

The proposed variation is to remove old outdated conditions and replace them with updated conditions that reflect the amendments made to the Licensing Act 2003 by the Live Music Act 2012. The proposed variation also reflects current trading practices and government guidance, whilst ensuring that the licensing objectives are fully promoted.

The current times of licensable activities of: -

Live Music on Sunday from 16:00 to 19:30

Live Music on 2 Saturdays per month from 19:00 to 23:30

Recorded Music on Monday-Saturday from 10:00 to 23:00

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

Will be changed to: -

Live Music on Monday to Saturday 10:00 to 23:15

Live Music on Sunday from 12:00 to 23:00

Recorded Music on Monday-Saturday from 10:00 to 23:15

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

The following conditions will be **removed**:

10. This premises shall operate as a Public House with on and off sales, the sale of food and regulated entertainment.

12. In the indoors part of the area which had been added to the licensable area (the former restaurant area), alcohol may only be served with food.

14. Anyone appearing to be drunk will not be admitted or served.

15. No regulated entertainment to take place after 23.00 on any Saturday other than Christmas Eve or New Year's Eve.

16. Details of a scheme to reduce the transmission of sound between the premises and the Old Court House, 3a, Old Hill shall be submitted to the Council within one month and shall be implemented within one month of its approval by the Council and permanently maintained thereafter.

18. No regulated entertainment to take place in the patio area of the premises.

19. All doors and windows are to be kept closed when regulated entertainment is taking place

21. There will be no new admittance to the premises after 22.00

The following conditions will be **added** to the licence:

- A CCTV 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.
- All relevant staff within the business are to be trained in relation to the Licensing Act 2003 and conflict management. Training records shall be held at the premises and made available for inspection by the police or authorised Council Officer upon request. Refresher training will be undertaken every 6 Months.

The following conditions will be **amended**:

**Condition 13:** An incident log for all incidents is to be kept and maintained. This log must be available to Police or Council officers on request.

**This will now read:** A comprehensive incident register shall be maintained, at the premises. The details of incidents shall be added to the register within 24 hrs of any incident. The following details shall be recorded: -

- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended

**Condition 17:** There will be no drinks to be taken out to any external part of the premises after 21.00, and no smoking in the courtyard area after 21.00

**This will now read:** The courtyard area shall only be used between the hours of 10:00 and 22:30 Monday to Saturday and 12:00 and 22:00 on Sunday.

**Condition 23:** The premises will adopt the “challenge 25 “scheme whereby any person that appears under 25 years of age has to prove that they are over 18 by providing identification by means of passport, photographic identity drivers licence or identification card provided by the proof of age standards scheme (PASS) and bearing the PASS logo. In addition a refusals log will be kept and maintained. This log must be available to the Police or Council officers on request.

**This will now read:**

The premises shall adopt the 'challenge 25 scheme' whereby any person that appears under 25 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include Passport, Photo card driving licence, military ID, proof of age card bearing the PASS hologram and biometric residence permit. In addition a refusals log will be kept and maintained. This log must be available to Police or Council Officers on request.

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**

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			



D

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

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	10.00	23.15			
Tue	10.00	23.15			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed	10.00	23.15			
Thur	10.00	23.15			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	10.00	23.15			
Sat	10.00	23.15			
Sun	12.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon	10.00	23.15						
Tue	10.00	23.15						
Wed	10.00	23.15				<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	10.00	23.15				<u>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</u> (please read guidance note 7)		
Fri	10.00	23.15						
Sat	10.00	23.15						
Sun	12.00	23.00						

G

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

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 7)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>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</b> (please read guidance note 7)		

K

<p><b>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</b> (please read guidance note 10).</p> <p>None</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<b><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></b> (please read guidance note 7)

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.

Conditions 10, 12, 14, 15, 16, 18, 19 & 21.



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.

result of the proposed variation:

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

**We have installed and upgraded a 9 camera CCTV system so we can see all areas of the outside on both our phones and screens.**

**All our staff are trained to a high degree on the conditions of our license with regard to potential noise and disturbance to our neighbours.**

**We have a challenge 25 policy as we are over 21s unless with family. We actively promote ourselves as a family friendly, food led pub. We are not a sports pub.**

**We have a very strict drugs policy which our staff are trained in and anyone seen taking or dealing in drugs is barred for life and police called if appropriate**

**All windows are closed and doors will be closed when live music is on which goes through a noise limiter set by the Council officers**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

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	Tina Bullard
Date	13/08/2021
Capacity	Licensee

**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)

<p><b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)</p>			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
 Imperialarms@sky.com

### Notes for Guidance

**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.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.
    - 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.
  - 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:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - 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;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give 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.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give 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 or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

## Appendix 2

### Representations & Objections

**ANONYMISED REPRESENTATIONS FOR IMPERIAL ARMS****Objection 1 - Statutory Nuisance & Anti-Social Behaviour Team**

Dear Licensing,

It is not obvious why the applicant has asked for times over and above the standard provision for premises with an audience that does not exceed 500 people.

Previously, tighter requirements reflect the location of the Public House in a predominately low traffic residential area with adjacent sensitive properties.

No recent complaints regarding noise but this has been a period of Covid-19 restrictions (there has been complaint regarding Covid-19 requirements).

I object to the changes proposed.

- The premises is within a predominately low traffic residential area with adjacent (even adjoining) sensitive properties. The changes if adopted would significantly increase the potential for public nuisance (as defined by the Licensing Act 2003) or even statutory nuisance (as defined by the Environmental Protection Act 1990).
- The proposed changes look to minimally exceed the basic entitlements to have music up to 23.00 hours associated with a venue licenced for the sale of alcohol having less than 500 customers. While also looking to remove safeguards such as keeping recorded and live music inside with the doors and windows closed (condition 19.). This is not in line with the Revised Guidance issued under section 182 of the Licensing Act 2003.
- The previous limits on the use of the small external space {condition 17. [as is] 18.} had been established to address an issue relating to the impact of outside noise. The relaxation of these conditions will do little for the business but again significantly increase the potential for public nuisance (as defined by the Licensing Act 2003).

Yours sincerely,

Michael Dunn

Noise Officer

Statutory Nuisance & Anti-Social Behaviour Team

**Objection 2**

I write in objection to the above license extension for the Imperial Arms, Chislehurst. I have attempted on numerous occasions to submit the comment to the application directly on your website. However, it keeps on returning an error message without confirming the issue. Therefore, please find below my objection and the grounds of the objection.

I object to the proposed changes to the licence on the grounds of prevention of public nuisance owing to the proposed increase hours of operation of the courtyard/patio and the current noise emanating from the premises. Specifically, we are deeply concerned



by the proposed extension of licensing activities in the courtyard/patio (Mon-Sat until 22:30 and Sun until 22:00); the removal of condition 18 whereby regulated activity is not permitted in the patio area; the removal of condition 19 whereby doors and windows are to be kept closed during regulated entertainment; the amendment of condition 17 whereby drinks are not permitted to be taken to external parts of the premises after 21.00 and smoking permitted in the courtyard after 21.00.

The proposed changes listed above cause great concern for myself and my partner who live directly opposite the pub and patio area. We are already regularly disrupted by the day to day running of the pub, the noise from regulated activities on the premises when their windows and doors are closed, and our windows are closed. Our house is approximately 5 meters from the front entrance of the Imperial Arms, and our bedroom directly faces and sits above the patio/courtyard area. When live music is being played, the sound is augmented, and we have to close both windows and put in ears plugs to be able to muffle the sound. This makes our ability to sleep challenging. We can clearly hear the words spoken or sung by the entertainer(s) and the sounds of the instrument(s) being played. We can also hear the applause and cheers of the pub customers, as well as them singing/cheering along to music. Additionally, when the front door of the pub is left open, the sound increases further and makes sleep impossible. Therefore, the removal of the requirement for the pub windows and doors being closed is unacceptable.

Additionally, of particular concern is the proposed amendment and extension of hours during which the courtyard can be used for drinking, eating and regulated activities. The patio/courtyard of the pub is about 3 meters from our bedroom window, which is in an elevated position above the pub's patio/courtyard. From our bedroom we can clearly hear the conversations of customers in the patio, even more so as the evening goes on, customers drink more and become in particularly high spirits singing, joking and laughing. We are also regularly disrupted by customers smoking outside the entrance of the pub and patio after 21:00 which prevents us from sleeping. Therefore, we can only imagine the disturbance that will be caused to us from the courtyard being operational to the proposed later times. This will make getting sound rest extremely difficult and will contribute to our stress and anxiety both during the week and weekends.

I would like to note that my partner and I have been very amenable to the current operations of the Imperial Arms. My father was a publican for 20 years, and I understand the difficulties of running a pub in a residential area, so have never submitted complaints to the council or to the landlord. We particularly empathise with the challenges of the past year on landlords and therefore have tolerated regular disruption to our rest, sleep and impact on our wellbeing. However, I am compelled to object to the above changes because this will have a significant detrimental impact on the quality of myself and my partner, our right to enjoy our own home, to open our windows in the summer and to be able to sleep at a reasonable hour. We welcome a councillor visiting our property to see the close proximity to the Imperial Arms.

Please can you confirm receipt of this email and that it will be reviewed accordingly with the Imperial Arms licence extension application?

I object to the proposed changes to the licence on the grounds of prevention of public nuisance owing to the proposed increase hours of operation of the courtyard/patio and the current noise emanating from the premises. Specifically, we are deeply concerned by the proposed extension of licensing activities in the courtyard/patio (Mon-Sat until 22:30 and Sun until 22:00); the removal of condition 18 whereby regulated activity is not permitted in the patio area; the removal of condition 19 whereby doors and windows are to be kept closed during regulated entertainment; the amendment of condition 17 whereby drinks are not permitted to be taken to external parts of the premises after 21.00 and smoking permitted in the courtyard after 21.00.

### **Objection 3.**

I am writing to object to the request by the Imperial Arms pub to change their operating conditions.

I live locally and am concerned about the negative impact this will have on the neighbours.

We are already disturbed and inconvenienced by The Ramblers Rest and their guests.

Allowing The Imperial Arms to make their proposed changes will not be a welcome change. The area surrounding the two pubs is entirely residential and the added noise and parking congestion will be entirely unwelcome.

As things are, drunk people wander around making noise, which really is an intrusion when you are in bed and trying to sleep. The drunken people urinate and vomit in the surrounding areas and leave their wine and beer glasses littered around.

Please do not allow these proposed changes, the majority of neighbours are very concerned and distressed by this.

### **Objection 4.**

As a resident living in close proximity to the above Public House I feel that my personal wellbeing would be less harmonious as it is as now. For example, when working a late shift and returning home I expected a good night's sleep. Having people in the courtyard drinking and partying until after 11pm is not acceptable. I have witnessed a fight outside my property that started from the Imperial Arms when they had a bouncer on their door, it was not pleasant and rather frightening, even though the said fellow did step in. As for drunks being served that I am against this is a family neighbourhood area. I appreciate that the pub has to make a living but live entertainment twice a month is not too much to ask, and keeping the windows shut I think is just a courtesy. I have to put up with their clients smoking outside my house, their clients children running outside as well, so let's not push the boat too far!

**Objection 5.**

I feel that the proposed changes will have a detrimental effect on this highly populated residential family orientated community Due to the close proximity of the pub to the neighbouring houses. The changes will result in disruption to residents at unsociable hours which and will undoubtedly spoil the peaceful character of this quiet area.

**Objection 6.**

I am very concerned that this was almost missed. A tiny sign on one side of the pub that was only visible when the table umbrella was removed within the last couple of days is quite shocking especially when they are requesting a late music licence in a quiet residential area. It's also incredibly hard to find the application online.

The courtyard restaurant in particular has absolutely no sound proofing and their windows are a barely from mine. when they have live music the noise already leaks through the windows and roof and is clearly heard in my property even with the TV on. It's only bearable because of the strict conditions in place which means it's an occasional noise nuisance and they are asking for all of these to be removed. Does this mean that this is now becoming a music venue and not a restaurant as that is how it reads!

Apologies for this email but as you can imagine I am incredibly concerned due to the noise nuisance that this will create

My objection is based purely on the noise nuisance and anti-social behaviour that the change in licence will inevitably bring.

I am particularly concerned with noise from the current restaurant as I am already greatly affected by the occasional events when they occur due to the very close proximity of my house to the restaurant The restaurant has inadequate soundproofing so even with my doors and windows shut with ear plugs in, I can hear the music word for word. Its bearable only at the moment as music events are infrequent and there is no entertainment allowed on the patio area, so it functions mainly as a restaurant and not as a music venue.

However, the thought of this being on a daily basis with no respite is incredibly frightening and will be detrimental to both my well-being and my mental health. Coupled with the fact that are now asking for music to be able to be played from 10am until 11.15 it will quickly become a noise nuisance. I feel that no venue that has no sound proofing and is merely metres away from houses in a very quiet residential street should be granted a late music licence. No one should have to put up with music and noise after 11pm.

In addition, the conditions that they have asked to be removed makes for very grim reading:

In the courthouse restaurant alcohol may only be served with food.

Anyone appearing to be drunk will not be admitted or served

No regulated entertainment to take place after 11pm.

All doors and windows to be kept shut when entertainment is taking place.  
No regulated entertainment to take place in the patio area.

The Reason that this is currently not a noise nuisance or does not attract anti-social behaviour is because it functions under quite strict conditions, removing these will condemn us to a life of abject misery.

It already has a late alcohol licence so coupled with the fact it will be the only place that can play late music you can imagine the amount of people that will descend on a quiet residential street and the noise it will create.

Particular worrying is the request to remove the following condition: Anyone appearing to be drunk will not be admitted or served.

That does not sound like a request by a responsible licensee to me and is actually quite shocking as I understood that in law you cannot serve anyone that appears to be intoxicated, therefore it is clear to what kind of venue they are thinking of running and what will be inflicted on us. There are children living right by the pub and this is something they should not have to witness.

The current conditions that the restaurant and courtyard garden function under were put in place to ensure that a building ill-equipped to deal with loud music would not become a party venue in a middle of a quiet residential area and this is now what they are asking for.

I also object to people being outside after 10pm again due to a potential noise issue. The area is too small for people to gather and noise carries due to the fact that this is a particularly quiet area and there is no road traffic to absorb the noise.

I beg you to take into considerations my fears and concerns as by granting this variation in licence you will be condemning the residents to a life of misery. Already by the fact that this variation in licence has been applied for by the licensee already shows a scant regard to the lives of the people in the area.

### **Objection 7.**

Changes to the current times of licensable activities-

The pub is situated extremely close to families and homes.

To increase the timings of licensable activities would exacerbate the existing noise pollution already caused by the venue. This would have a significant and detrimental effect on families not just within the immediate vicinity of the venue but also nearby.

Not only will it increase the already noisy and sometimes rowdy drunken noise problems, including urination and litter on residential streets, there will also be increased mess and crowds 7 days a week.

Condition 2 regarding alcohol only being served with food in the restaurant area-

The removal of this clause potentially means an increase in more pub goers therefore causing even more noise in a pub that already causes a lot of noise and disturbances to local residents and families.

Condition 14 – Anyone appearing to be drunk will not be admitted or served.

I am shocked that they want to remove this condition. It seems morally wrong. No public house should be allowed to continue serving someone who appears drunk. This is to safeguard that person. If that person, when drunk, has a propensity towards violence then continuing to serve them alcohol will increase their chances of becoming violent towards fellow pub goers and the general public. Or if that person becomes so drunk and is then thrown out of the pub, due to closing time, it will be unsafe for them to make their own way home. They would be vulnerable to all sorts of things if they happen to chance upon a bad person. Surely the pub should act responsibly and deny them alcohol for the good of themselves and everyone else. To remove this clause just feels so wrong.

Condition 16 – regarding a scheme to reduce the transmission of sound between the premises and the Old Court House

I would be interested in seeing what scheme the venue is suggesting to reduce the transmission of sound between the 2 premises as currently sound and, in specific noise disturbance and pollution, is a huge problem. The Old Court House definitely has no sound proofing and I'm unsure how much sound proofing the actual main premise / pub has as you can hear everyone in it when it's open.

Condition 17: There will be no drinks to be taken out to any external part of the premises after 21:00, and no smoking in the courtyard area after 21:00

The outside drinking and smoking, and often incessant and loud conversations that accompany both activities, is what causes the most noise pollution. To remove this so that pub goers can stay out all night drinking and smoking will just add to the noise issue. Keeping it at 21:00 seems reasonable to both the venue and for local and nearby residents.

Condition 18 – No regulated entertainment to take place in the patio area of the premises

The removal of this clause will once again increase the already problematic issue of noise caused by the pub and its customers.

If the entertainment were to take place in the patio area (ie outside area) of the premises then that would cause such overwhelming noise issues that it would become pretty intolerable for local residents and families to get on with their lives in a way that isn't often disturbed by extremely loud and unwanted noise from this venue and their customers.

Condition 19 – All doors and windows are to be kept closed when regulated entertainment is taking place.

This is so exasperating because yet again another clause which affects the already huge noise problem is being requested to be removed. It would be a carnage of noise if the doors and windows were to be opened during relegated entertainment because live entertainment and music is so noisy. This noise would permeate every single home meaning no one can relax and get on with their lives because their lives are being drowned out by this regulated entertainment. Nothing can drown out live

entertainment if you live in close proximity to the venue. Not headphones. Not ear buds. Nothing. Why should local residents, who are now spending more time than ever working from home due to Covid, have to be subjected to this? And who can concentrate on their jobs, take conference calls, do meetings remotely if there is this sort of noise constantly? And what about residents who have kids and babies? How are those babies and kids expected to sleep through the increased noise levels caused by relegated entertainment?

The area is mostly residential, and residents should be afforded some peace and quiet within their own homes. Of course, we expect some level of noise from traffic, passers by, the venue/pubs but not to the level that the pub is suggesting.

The removal of this clause also conflicts with condition 16 where the venue is saying that they have a scheme to reduce the transmission of sound but what is the point of having this scheme, or soundproofing put in, if you're just going to open the windows and let all the noise out???? It makes no sense and makes me think that the venue doesn't care about how these requests will affect local families and residents. All the points they want to remove have a massive impact on the noise problem that residents are having to deal with every day.

I would like to make some other points.

Please note that the venue is situated in a small conservation area. The emphasis on regulated entertainment suggests that it now wants to become some sort of music venue. However, there is no suggestion from them as to how they will maintain the conservation area if crowds of people descend on the area to attend these regulated entertainment events. How will the increased mess/street litter generated by increased crowds be cleaned up? What long term damage will be caused to the conservation area with increased numbers trampling all over it. What measures are being put in to preserve the conservation area? Will there be an issue with parking if more people are expected to come? Will there be antisocial behaviour as a result of these increased crowds? What about potential problems with rowdy behaviour from potential drunk revellers? How safe will residents feel if all this is happening on their front doorstep due to the proximity of the pub and residential properties.

Please also note that there was an issue with this pub regarding all the aforementioned problems, before it had to be regulated under strict conditions. These strict conditions have been the only thing that has enabled local and nearby residents to live their lives without it being completely taken over by what events the pub is putting on and all the noise generated by their customers.

And, finally, I just want to repeat that everyone should be entitled to some level of peace and quiet when they come home and close their front door. The removal of the above clauses and changes to the current times of licensable activities decimates this. It can make it intolerable to some people (depending exactly on how close they are to the pub) to be able to live their lives without noise pollution affecting their day to day. Live music and entertainment, with all the accompanying PA and audio-visual equipment, is extremely loud. Often the volumes can be damaging to the ears over a period of time. So, to have that forced on you, within your own home, is quite a depressing thought. No one should be subjected to that sort of noise level on a day to

day / 7 days a week basis. A friend of mine lives a mile away from a park that occasionally holds live music events. It's a huge park and yet they can hear all and any music events from their flat. Some of the homes near the pub are literally next door to the pub, some are 4 metres away, others 10 metres and so forth and so on. So fairly close.

And this is why I object to the removal of the above conditions. I think what is currently in place is fair to both the venue and residents. And even though the noise and mess is still an issue however it is manageable. To remove them would cause substantial and detrimental effect to the quality of life of local residents. For some residents it could even bring on all sorts of mental health issues. Imagine living somewhere where the noise from your local pub is so loud that it drowns out what you're doing and interferes with the simplest of things that a lot of us take for granted in our own homes. Like being able to have a conversation on the phone, watching a film on the sofa etc... All this would impossible if it coincides with a relegated entertainment event. Also important is maintaining the conservation area that the venue is located within and keeping its unique charm.

### **Objection 8.**

My objection is primarily centred around the public nuisance of noise pollution and concerns over crime and disorder concerns relating to extending hours.

The current times of licensable activities of: - *Live Music on Sunday from 16:00 to 19:30 Live Music on 2 Saturdays per month from 19:00 to 23:30 Recorded Music on Monday-Saturday from 10:00 to 23:00 Recorded Music on Sunday from 12:00 to 23:00* is acceptable, but I disagreed it is acceptable for residents to have to put up with the potential of nuisance noise 7 days a week until 11-11.15. The residential houses are extremely close to the public house, and I fail to see how one business can be more important than the lives of residents who have lived in this area for many years and have paid a lot of money for their homes.

I also have concerns regarding public protection and crime due to the possibility of disorder in the area with extra hours of drinking. Property and vehicle damage has occurred in the past from intoxicated patrons who do not live in the area, I feel this would clear exacerbate the issue.

I understand that the current restrictions on the licensing were put in place a number of years ago for good reason and I fail to understand how these reasons have altered since then.

I am concerned about the removal of the following clauses in particular:

*10 This premises shall operate as a Public House with on and off sales, the sale of food and regulated entertainment. – why, is it going to be a music venue/club in a highly populated residential area??*

*14. Anyone appearing to be drunk will not be admitted or served. – Why would this be removed? For public protection purposes surely this should not be allowed anyway.*

*15. No regulated entertainment to take place after 23.00 on any Saturday other than Christmas Eve or New Year's Eve. Are residents expected to put up with noise pollution after 2300, why is this necessary for this business to have this removed?*

*18. No regulated entertainment to take place in the patio area of the premises. – If entertainment was allowed in the patio area this would (without question) absolutely be a public nuisance, we would all hear this all over the area. Music can currently be heard played inside, its completely unacceptable for the people in the area to be expected to put up with this.*

This is a close community and I wholeheartedly support local businesses and I understand it's been a difficult time within hospitality but the current situation with the current restrictions appear to work well, I understand its someone's livelihood, I just don't think one person's business is more important than numerous residents that have invested significant money in their properties, I know I wouldn't consider purchasing a property that had a venue in close proximity that was allowed to play outside music every night, it's unnecessary and unacceptable. Please ensure someone comes to look around the area and you will completely understand the concerns that have been raised are reasonable.

### **Objection 9.**

Not only are we concerned about this new application for the Imperial Arms Pub on Old Hill we object to the hours of the music running past 11 as the music is disturbing from the Bistro and we certainly do not want the conditions removed to having to serve alcohol with food as we feel this will encourage antisocial behaviour, more noise and louder events.

The noise from current live acts/entertainment/bands/events does travel through the thin Bistro walls but this is bearable because it's currently once a month or less not daily as per the application.

The aftermath of people leaving the pub/s after hours can be disbursing and a later license if approved could lead to midnight and this is not ideal if up before 6am for work this can result also in anti-social behaviour that can change the dynamic of the lovely area.

We would like to point out the application online does not match that advertised on the small poster in the pub window.

And the meeting set up to discuss this on a Saturday morning for Q&A was not widely advertised. They can advertise food, up and coming events but not this on social media.



One of our neighbours informed us via virtual messages and a handwritten letter through each front door of the up-and-coming application which was very helpful.

This is something the landlord/s of the pub could have done as well as the tiny poster in the window!

This area is a very quiet and peaceful neighbourhood, and we would very much like our thoughts taken into account with the plans reading they want to become a music venue over a Bistro/Restaurant with a reminder of the thin walls and travel of sound. Our other big concern is that once one application is accepted then longer hours and extended past midnight could be applied for in the future again this concerns us what anti-social behaviour could follow.

I am sure we are not the only property this could affect. Thank you for taking the time to read our concerns.

### **Objection 10.**

I am objecting to any changes to licensing, live music and extended opening times, this would be more noise and it will cause me to lose sleep, also not be able to park my car, because more people would use the car park.

### **Objection 11.**

I am apposing to the current changes.

Live Music on Monday to Saturday 10.00 to 23.15

Live music on Sunday from 12 to 23.00

Recorded music on Monday to Saturday from 10.00 to 23.15

condition 12. this condition should not be removed.

condition 14. this condition should not be removed.

condition 15. this condition should not be removed

condition 18. this condition should not be removed.

condition 19. this condition should not be removed.

condition 21. this condition should not be removed.

condition 17. this condition should not be removed (drinks outside and smoking outside courtyard area are taking place now)

Apposing to Then courtyard area shall only be used between the house of 10.00 and 22.30 Monday to Saturday and 12.00 to 22. Sunday.

The application is confusing, the application only mentions live music and recorded music and amending current conditions, but I note that the Licensing application is different.

We live in a conservation and residential area and will not tolerate public nuisances. We do not require a late-night music venue which will bring huge problems with noise, mess crowds and parking problems around the immediate area. Their customers are

always parking on our private driveway which stipulates that is private parking. I have been into the public house on numerous occasions and have felt very nervous to ask them to please move their cars and on some occasions I have been threatened.

They also obstruct our entrance, and we are not able to drive on to old hill safely. Although there are double yellows, they seem to ignore this. Letters from imperial arms were posted to only selected address. The application was only visible on the roadside of the pub and can only be seen if no one were sitting outside hence I did not see the application but was only informed by a neighbour of the application last week. I note that the application was put forward on 13th August. I feel the imperial arms have misled us.

### **Objection 12.**

I would like to kindly register my concerns (as a resident) re the proposed variations - and in particular the suggested changes in times for licensable activities of Live and Recorded Music.

The implementation of these changes would present a daily increase in the level of noise pollution from within the parameters of the premises - with no restrictions (i.e., patio area being in use for regulated entertainment and doors and windows not being kept closed). This would impact on day-to-day life including the ability to work and sleep etc. It would also be uncomfortable to know that there were no restrictions being placed on its visiting patrons (i.e., anyone appearing to be drunk could still be admitted and served, new admittance after 22:00 allowed etc).

### **Objection 13.**

My objections are several and have not really changed from when the current variation was implemented.

The pub is a back street pub that is located very near residential houses with limited outdoor space. Their doors and windows are situated very close to residents houses and often overspill of drinkers brings loud and boisterous noise

Their outdoor space was limited to certain restrictions on the basis of reducing and avoiding anti-social behaviour. This included ensuring the consumption of alcohol outside on the street/ pavement was limited to 9pm every night.

The removal of the restriction of live or recorded music outside in their small courtyard would bring a lot of unpleasant noise this quiet residential area. With the houses being so close together small noises are often amplified by the echo effect so you can imagine what loud music would be like.

We are all as a nation suffering following the covid pandemic and many people are still restricted to houses and feeling the effect of long periods of down-time. We should do everything we can

In particular I would like to object to:

- The current times of licensable activities of the live music being able to be played as early as 10am. This could mean a 13-hour cycle of recorded music from their public and work areas (the kitchen) every day of every week.
- The use of the outdoor area for live and recorded music.
- Any suggested or implied removal of the restriction on drinking outside after 9pm
- Any suggested or implied use of the restaurant area to have any form of amplified music

The anti-social behaviour that pub has caused during their time here has been immense. Only during the last few years has it got any better with the reduction in how they use live/recorded music.

More events bring different types of people to the area which causes disruption. This is not Chislehurst high street it is a quiet residential street.

Drug dealing and taking is still an issue in the area as the police have previously admitted. No pub is without these issues, but when you have young families living close with drug taking outside their backdoors it is not a nice feeling.

Changes to the times, the use or the restrictions will cause issues.

I implore you to consider the many local residents rather than the few pub dwellers. We have enough problems with the same people drinking every day and feeling entitled to do what they want on our doorsteps.

## Representation in support of application

### Application Summary

Address: 1 Old Hill Chislehurst Kent BR7 5LZ

Proposal: Premises Licence

### Comments Details

Commenter Type: Local Resident

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: We have read the Licencing Submission carefully and have NO objections.

## Appendix 3

Satellite image &  
street view of the premises





## Appendix 4

### Current Premises Licence & Plan

**LICENSING ACT 2003****Premises Licence  
London Borough of Bromley**

Premises licence number

**12/00244/LAPRE**

Signed

Paul Lehane  
Food, Safety and Licensing ManagerLicence Granted **24<sup>th</sup> November 2005** Issue Number: **006**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**Imperial Arms  
1 Old Hill  
Chislehurst  
Kent  
BR7 5LZ**Where the licence is time limited the dates**

Not Applicable.

**Licensable activities authorised by the licence**Sale or Supply of Alcohol  
Alcohol Off Sales  
Films  
Live Music  
Recorded Music



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

Both On and Off Supplies

**The opening hours of the premises**

Hours Open to the Public on Monday to Wednesday from 10:00 to 23:30  
Hours Open to the Public on Thursday from 10:00 to 00:00  
Hours Open to the Public on Friday and Saturday from 10:00 to 00:30  
Hours Open to the Public on Sunday from 12:00 to 23:00

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

Sale or Supply of Alcohol on Monday to Wednesday from 10:00 to 23:00  
Sale or Supply of Alcohol on Thursday from 10:00 to 23:30  
Sale or Supply of Alcohol on Friday and Saturday from 10:00 to 00:00  
Sale or Supply of Alcohol on Sunday from 12:00 to 22:30  
Alcohol Off Sales Timings Same as for Sale or Supply of Alcohol  
Films on Monday from 19:30 to 23:00  
Films on Wednesday and Thursday from 19:30 to 23:00  
Films on Friday and Saturday from 10:00 to 23:00  
Live Music on Sunday from 16:00 to 19:30  
Live Music on 2 Saturdays per month from 19:00 to 23:30  
Recorded Music on Monday-Saturday from 10:00 to 23:00  
Recorded Music on Sunday from 12:00 to 23:00

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Imperial Arms Enterprise Limited  
of  
1 Old Hill  
Chislehurst  
Kent  
BR7 5LZ

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

Limited Company

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

Full Name: Tina Elizabeth Rose Bullard  
Address: Imperial Arms Old Hill Chislehurst BR7 5LZ

**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: 12/00532/LAPER issued by London Borough Of Bromley.

**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 responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. (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.

7. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

8. Where a premises licence authorises the exhibition of films:

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

9. 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.

### **Conditions consistent with the Operating Schedule**

This premises must operate in accordance with the submitted application form and is subject to additional conditions as specified with part 3 ( operating schedule) of the form held by the Licensing Authority dated 28<sup>th</sup> February 2012 and the application form Stamped Reference Number: 06/01004/LAPRE Dated: 24th August 2006.

### **General**

10. This premises shall operate as a Public House with on and off sales , the sale of food and regulated entertainment.

11. Non Standard Timings and seasonal variations listed below are allowed in addition to the normal permitted hours of this licence:-

- **Live Music on Christmas Eve until 00.00 and New Years Eve until 01.00.**
- **Sale of Alcohol on Christmas Eve until 00.00 and New Years Eve until 01.00.**

12. In the indoors part of the area which had been added to the licensable area (the former restaurant area), alcohol may only be served with food.

**Crime and Disorder**

13. An incident log for all incidents is to be kept and maintained. This log must be available to Police or Council officers on request.

14. Anyone appearing to be drunk will not be admitted or served.

**Public Safety**

None specified.

**Prevention of Public Nuisance**

15. No regulated entertainment to take place after 23.00 on any Saturday other than Christmas Eve or New Years Eve.

16. Details of a scheme to reduce the transmission of sound between the premises and the Old Court House, 3a, Old Hill shall be submitted to the Council within one month and shall be implemented within one month of its approval by the Council and permanently maintained thereafter.

17. There will be no drinks to be taken out to any external part of the premises after 21.00, and no smoking in the courtyard area after 21.00

18. No regulated entertainment to take place in the patio area of the premises.

19. All doors and windows are to be kept closed when regulated entertainment is taking place

20 Signs will be placed within the premises and externally asking customers to respect neighbours by keeping noise down.

21. There will be no new admittance to the premises after 22.00

22. The provision of the recorded music permitted above is subject to the installation of a hard wired noise limitation device which is set and sealed to the satisfaction of the London Borough of Bromley Environmental Health Department.

**Protection of Children from Harm**

23 .The premises will adopt the “challenge 25 “scheme whereby any person that appears under 25 years of age has to prove that they are over 18 by providing identification by means of passport, photographic identity drivers licence or identification card provided by the proof of age standards scheme (PASS) and bearing the PASS logo. In addition a refusals log will be kept and maintained. This log must be available to the Police or Council officers on request.

24. All staff will receive documented training in relation to the Licensing Act 2003 and the “challenge 25” policy and the training shall be repeated every six months. Records of this training and written policies relating to it will be kept and made available to Police or Council officers on request.

**Conditions attached after a hearing by the Licensing Authority dated 18<sup>th</sup> May 2012**

See above.

**Plans**

Held by the Licensing Authority Ref Number stamped:  
**12/00244/LAPRE Dated: 18<sup>th</sup> May 2012**

**LICENSING ACT 2003****Premises Licence Summary****Premises licence number****12/00244/LAPRE**

Signed

Paul Lehane  
Food, Safety and Licensing Manager

Licence Granted **24<sup>th</sup> November 2005** Issue Number: **006**

This licence summary consists of **3** pages

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

Imperial Arms  
1 Old Hill  
Chislehurst  
Kent  
BR7 5LZ

**Where the licence is time limited the dates**

Not Applicable.

**Licensable activities authorised by the licence**

Sale or Supply of Alcohol  
Alcohol Off Sales  
Films  
Live Music  
Recorded Music

**The opening hours of the premises**

Hours Open to the Public on Monday to Wednesday from 10:00 to 23:30  
Hours Open to the Public on Thursday from 10:00 to 00:00  
Hours Open to the Public on Friday and Saturday from 10:00 to 00:30  
Hours Open to the Public on Sunday from 12:00 to 23:00

**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 to Wednesday from 10:00 to 23:00  
Sale or Supply of Alcohol on Thursday from 10:00 to 23:30  
Sale or Supply of Alcohol on Friday and Saturday from 10:00 to 00:00  
Sale or Supply of Alcohol on Sunday from 12:00 to 22:30  
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Live Music on Sunday from 16:00 to 19:30  
Live Music on 2 Saturdays per month from 19:00 to 23:30  
Recorded Music on Monday-Saturday from 10:00 to 23:00  
Recorded Music on Sunday from 12:00 to 23:00

**Name, (registered) address of holder of premises licence**

Imperial Arms Enterprise Limited  
of  
1 Old Hill  
Chislehurst  
Kent  
BR7 5LZ



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

Limited Company

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

Full Name: Tina Elizabeth Rose Bullard

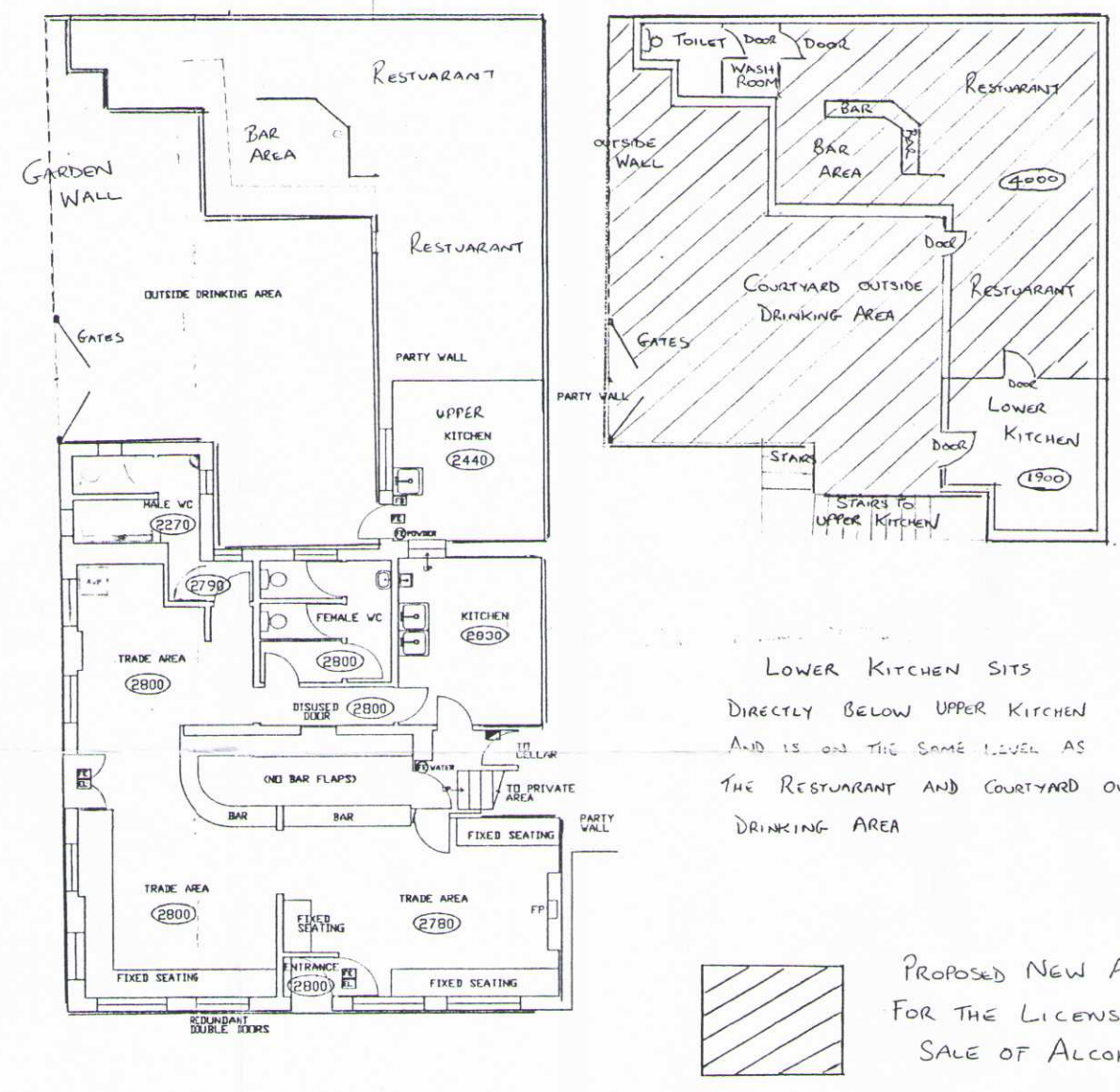
**State whether access to the premises by children is restricted or prohibited**

See Operating Schedule Ref Number 06/01004/LAPRE Dated: 24<sup>th</sup> August 2006.

SCHEDULE OF ADDITIONAL ACCOMMODATION:  
 1: Number of storeys of building. 2 storeys  
 2: Staff accommodation. 4 bedrooms  
 3: Letting rooms with mini bar. 0 rooms  
 4: Letting rooms without mini bar. 0 rooms

- LEGEND
- (2600) CEILING HEIGHT
  - WINDOW
  - FP FIRE PLACE
  - DOOR DOOR
  - TOILET TOILET
  - URINAL URINAL
  - WASH HAND BASIN WASH HAND BASIN
  - BOILER BOILER
  - FIRE EXIT FIRE EXIT
  - EMERGENCY LIGHT EMERGENCY LIGHT
  - DISTRIBUTION BOARD DISTRIBUTION BOARD
  - SMOKE DETECTOR SMOKE DETECTOR
  - HEAT DETECTOR HEAT DETECTOR
  - FIRE BLANKET FIRE BLANKET
  - FIRE EXTINGUISHER CO<sub>2</sub> FIRE EXTINGUISHER CO<sub>2</sub>
  - FIRE EXTINGUISHER FOAM FIRE EXTINGUISHER FOAM
  - FIRE EXTINGUISHER WATER FIRE EXTINGUISHER WATER
  - FIRE EXTINGUISHER POWDER FIRE EXTINGUISHER POWDER
  - \* SPRINKLER OUTLETS
  - DRY RISER DRY RISER
  - WET RISER WET RISER
  - FIRE ALARM CALL POINT FIRE ALARM CALL POINT
  - STEPS STEPS
  - SINK UNIT SINK UNIT
  - AMUSEMENT WITH PRIZES AMUSEMENT WITH PRIZES
  - BAR FLAP BAR FLAP

SCALE 1:100



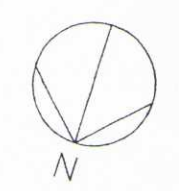
LOWER KITCHEN SITS DIRECTLY BELOW UPPER KITCHEN AND IS ON THE SAME LEVEL AS THE RESTURANT AND COURTYARD OUTSIDE DRINKING AREA

PROPOSED NEW AREA FOR THE LICENSED SALE OF ALCOHOL

— LICENSED AREA.

BUILDING SURVEYED AREA = 113.0 SQ. M  
 ■ LOCATED IN PRIVATE AREAS  
 ■ LOCATED AS SURVEYED  
 SCALE 1:100  
 GROUND FLOOR

LONDON BOROUGH OF BROMLEY  
 LICENSING 1 of 1  
 PLAN REF. 12/00244/LAPRE  
 DATE 18th MAY 2012  
 OFFICER LAG



INDICATIVE ONLY  
 SCALE 1:1250

R13 015

Property Name		LICENSING SURVEY PLAN	
Property ID	Imperial Arms PH	Date of Survey	Drp. Scale
3142311/232	Old Hill Chislehurst BR7 5LZ	03/11/04	AS SHOWN