

Report No.
ES20226

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: Monday 24th October 2022

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

Title: APPLICATION FOR NEW PREMISES LICENCE AT DOUGH
ARTISAN BAKEHOUSE, 210 HIGH STREET, BECKENHAM
BR3 1EN

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

Chief Officer: Colin Brand Director of Environment and Public Protection

Ward: Beckenham Town and Copers Cope

1. Reason for report

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

2. **RECOMMENDATIONS**

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

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.

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

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: £2.4M
 5. Source of funding: 2022/2023
-

Personnel

1. Number of staff (current and additional): 1 Licensing Officer supported by 4.5 FTE admin
 2. If from existing staff resources, number of staff hours: Not applicable
-

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. 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 first notified about the application by e-mail on 29th July 2022.
2. Summary of Ward Councillors' comments: 2 Ward Councillors made comments with regard to this application.
Cllr Chloe-Jane Ross objected on the grounds that the granting of the licence would be contrary to the Town Centre's cumulative impact policy and that use of the garden area would disturb nearby residents.
Cllr Will Connolly objected on the grounds that the granting of the licence would be contrary to the Town Centre's cumulative impact policy and that use of the garden area would disturb nearby residents.

The full details of the Ward Councillors' objections are contained in **Appendix 3**.

Responsible Authorities Views

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

Responsible Authority	Date first Notified	Comments (further details in Appendix 3)
Metropolitan Police	29 th July 2022	No objection if further conditions are added
Planning Authority	29 th July 2022	No response
Trading Standards Service	29 th July 2022	No response
Public Health Nuisance Team	29 th July 2022	No response
Health & Safety Team	29 th July 2022	Objection received
Child Protection Team	29 th July 2022	No response
Fire Authority	29 th July 2022	No response
Public Health	29 th July 2022	No response

Residents and interested Parties

There were 28 further objections received from members of the public.
The full details of the objections are contained in **Appendix 3**.

3. COMMENTARY

3.1. Licensing Act 2003.

The Licensing Act 2003 states that any premises requires 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 – 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 located in a long row of shops on a busy High Street with more shops on the opposite side of the road.

The premises is a two-story terraced property with residential properties to the rear. The premises plan is shown at the end of **Appendix 1** after the application form.

A satellite image and street view of the premises can be found in **Appendix 5**.

Licensing History

This is a new licence application.

A licence was previously issued at this premises to Two-Ten Ltd in November 2016. In March 2017 the Metropolitan Police applied for the Review of Premises Licence alleging the DPS's failure to comply with the conditions of the premises licence, since the 6th January 2017. This was contrary to the prevention of crime and disorder, the prevention of public nuisance and the prevention of children from harm licensing objectives. In this case the licence was suspended for 3 months and the DPS was removed from the licence.

On 15th October 2018 the Licensing Authority applied for the review of premises licence on the crime and disorder and protection of children from harm licensing objectives. On this occasion the licence was revoked. Whilst an appeal against this decision was made, it was subsequently withdrawn.

A copy of this licence and the hearing outcome notices are contained in **Appendix 2**.

Details of the Application

This is an application for a premises licence for the provision of films, live music, recorded music, late night refreshment and the supply alcohol both on and off the premises.

The provision of films Monday to Sunday between	10:00 – 00:00
The provision of live music Monday to Sunday between	10:00 – 00:00
The provision of recorded music Monday to Sunday between	10:00 – 00:00
The supply of alcohol Monday to Sunday between	10:00 – 00:00
The provision of late night refreshment Monday to Sunday	until 00:00

A copy of the full application is contained in **Appendix 1**.

NOTE: During the application process the Police requested conditions which the applicant has accepted. These are shown in **Appendix 4**.

Representations

During the public consultation period the Licensing Authority received **31** objections to the application.

Copies of all the representations 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. The Licensing Act 2003 contain 4 licensing objectives one of which is protect children from harm.
- 4.2 Businesses and the Council are required to promote this objective in the way they operate or make decisions.
- 4.3 Details of applications under the Licensing Act are referred to the appropriate safeguarding teams for comment as they are a designated responsible authority.

5. POLICY IMPLICATIONS

- 5.1 The Licensing Act 2003 require the Council to prepare, consult on and publish a statement of their licensing policy. This must be reviewed at least every 5 years under the Licensing 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 policy is -
 - Statement of Licensing Policy 2021 to 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. The Agenda for the Licensing Sub Committee hearing reflects this and is shown at **Appendix 6**
- 6.4 Although the Council has a duty to consider its duties under the Equality Act 2010 generally, and more specifically under part 11 (Public Sector Equality Duty), this does not directly fall within the licensing objectives and will need to be considered on a case-by-case basis (in relation to accessibility) and enforcement (in relation to harassment).
- 6.5 Similarly, climate change action is not easily addressed under the licensing regime and can be considered either informally or under other regimes, such as planning (when considering new premises licence applications for example).

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

Appendix 1

Application Form & Premises Plan



Bromley
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Beckenham Shop	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?

- Yes
 No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Carina
* Family name	Lepore
* E-mail	
Main telephone number	+ _____
Other telephone number	

Include country code.

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

Are you:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant 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	11166075
Business name	DOUGH ARTISAN BAKEHOUSE LIMITED
VAT number	GB 325532028
Legal status	Private Limited Company

If your business is registered, use its registered name.

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

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

The country where the headquarters of your business is located.

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 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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 **Further Details**Telephone number
Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name
 Street
 District
 City or town
 County or administrative area
 Postcode
 Country

Contact Details

E-mail
 Telephone number
 Other telephone number
 * Date of birth / /
dd mm yyyy
 * Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

Retail shop on a high street with outside seating areas in the front and back. Shop operates in the hospitality sector serving hot and cold drinks along with a wide range of food.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

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.

Unamplified

State any seasonal variations for the exhibition of film

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

Films will be generic but may be relative to the season i.e christmas films at christmas

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

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

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Music maybe amplified depending on performance

State any seasonal variations for the performance of live music

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

Music will be generic but will be seasonal. I.E Christmas music at christmas time

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

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THURSDAY

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End

FRIDAY

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SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

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.

music potentially will be amplified

State any seasonal variations for playing recorded music

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

Seasonal

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

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THURSDAY

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FRIDAY

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End

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End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

State any seasonal variations

Continued from previous page...

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 late night refreshments at different times from those listed in the column on the left, list below

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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 in the column on the left, list below

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
 dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

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

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 etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
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 in the column on the left, 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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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)

Continued from previous page...

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

the premises adopts 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 be kept and maintained. This log must be available to Police or Council Officers on request.

b) The prevention of crime and disorder

A C.C.T.V. system has been installed

Recordings will be maintained for an appropriate period of time

A notice will be displayed at the entrance to the premises advising that C.C.T.V. is in operation.

We will never operate above our capacity limit

We have a proof of age policy

c) Public safety

Exit doors are regularly checked to ensure they function satisfactorily.

We have conducted a suitable Fire Risk Assessment

Adequate and appropriate First Aid equipment and materials are available on the premises

d) The prevention of public nuisance

Doors and windows will be kept closed when regulated entertainment is taking place.

The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas is not permitted.

e) The protection of children from harm

The premises operates a proof of age policy

the premises adopts 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 be kept and maintained. This log must be available to Police or Council Officers on request.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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 21 of 21**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.

Premises Licence 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 £87000 £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 your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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 (£)

190.00

DECLARATION

Continued from previous page...

- * 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 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/apply-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 LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Beckenham Shop"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Appendix 2

Licence issued to Two-Ten Ltd
210 High Street, Beckenham &
Review Outcome Notices

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number 17/00050/LAPRE

Signed

Paul Lehane
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 16th November 2016 Issue Number **003**

This licence consists of **12** pages (Including Licence Summary)

Part 1 – Premises Details

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

Two-Ten Ltd
210 High Street Beckenham Kent BR3 1EN

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Late Night Refreshment
Films
Live Music
Recorded Music

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

Both On & Off Sales

The opening hours of the premises

Hours Open to the Public on Friday and Saturday from 09:00 to 01:00
Hours Open to the Public on Sunday to Thursday from 09:00 to 00:00

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Friday and Saturday from 12:00 to 00:40
Sale or Supply of Alcohol on Sunday to Thursday from 12:00 to 23:40
Late Night Refreshment on Friday and Saturday from 23:00 to 01:00
Late Night Refreshment on Sunday to Thursday from 23:00 to 00:00
Films on Friday and Saturday from 12:00 to 01:00
Films on Sunday to Thursday from 12:00 to 00:00
Live Music on timings same as Films
Recorded Music on timings same as Films

Part 2

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

Two-Ten Ltd
of
210 High Street Beckenham Kent BR3 1EN

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

10369387 - Private Limited Company

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

Full Name:

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:

Mandatory Conditions

1. Supply of Alcohol:

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

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

2. Irresponsible Promotions:

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

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

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

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

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

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

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

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

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

3. Free Potable Water

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

4. Age Verification:

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

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

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

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

5. Minimum Measures:

(1). The responsible person must ensure that —

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

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

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

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

6. Permitted Price:

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

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

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

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

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

where -

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

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

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

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

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

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

(4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2). The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. Films:

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

OR

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

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

8. Door Supervision:

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

Conditions consistent with the Operating Schedule

Held by the Licensing Authority: Stamped Reference Number: **16/00633/LAPRE**
Dated: **16th November 2016**.

General

This premises is licenced to operate as a traditional restaurant

The premises shall consist of a restaurant on the ground floor, first floor and an external garden area as shown on the amended reference plan. The licenced area shall not include the first floor roof terrace.

The sale of Alcohol and Shisha(tobacco) products must be ancillary to the supply/consumption of food and will only be sold or supplied by waiter or waitress service under the following circumstances

- To those who are seated and are waiting for a substantial table meal
- To those who are taking or have taken substantial table meal
- There is to be no vertical drinking anywhere on the premises.

Seasonal Variations:

- New Year's Eve - Live Music, Recorded Music & Late Night Refreshment to finish at 02:00 the following day
- New Year's Eve - Sale or Supply of Alcohol to finish at 01:40 the following day
- New Year's Eve -Hours Open to the Public until 02:00 the following day.

Crime and Disorder

9. The Premises will have an effective and well managed CCTV system, which must be maintained to ensure that it is always fully operational. The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain on the premises). It must be able to record in all lighting conditions and the images recorded must be of a good evidential standard. These images must be kept securely and be capable of being downloaded onto removable media. A member of staff must be present who can both operate the system and supply copies of these images on request to a Police, Council or other authorised Officer. The recordings shall be kept for a minimum of 31 days

10. Crime prevention signs such as CCTV recording, no drugs policy, no intoxicated guests allowed, management reserve the right to refuse entry signs etc.

11. A log of all incidents will be kept and maintained. This log will be available to police or council officers on request. Relevant offenses will be reported to police in good time.

12. Every member of staff will be provided a 2 week training course of which they will learn the following:

Training guides and company policies will also be provided to the member of staff in written format.

- alcohol license conditions, procedures, objectives and log keeping.
- fire safety procedures, testing and log keeping.
- smoking legislations and rules on providing shisha for customers
- people & crowd management
- customer service and aid in dispersion of guests leaving - offering them taxis home etc.
- consequences in failing to apply the training.
- CCTV playback recording in case of police request.
- first aid and fire marshal training

13. Throughout the training they receive they will be competent enough to deal with any given situation therefore all areas of council requirements will be enforced.

Additional steps taken:

- training to be refreshed every 3 months to avoid mistakes.
- recap logs will be kept for all departments and available on request.

14. 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 twelve months. Records of this training and the written policies relating to it will be kept

15. A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request

16. Over 21's only policy in the outdoor dining area on Friday & Saturday night.

Public Safety

No Conditions

Prevention of Public Nuisance

17. The premises licence holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons to make as little noise as possible when leaving the premises.

18. Liaison with local taxi company to prioritise our venue & supply cars on demand to aid dispersal of customers & groups - cars will be allocated to park directly outside our venue for two-ten guests only on Friday & Saturdays, more taxis available on demand if needed. Staff are trained to ask every customer at the end of their stay whether they require a taxi. Should they require one they will be allowed to stay on the premises until taxi arrival.

19. Notices will be posted near exit routes stating that anybody caught or seen causing a nuisance or disturbance when leaving the restaurant will be refused future admission to the venue. A log will be kept.

Protection of Children from Harm

20. That the premises adopts 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 be kept and maintained. This log must be available to Police or Council Officers on request.

21. We will ensure that each film screening abides by the age classification ratings.

Conditions attached after a hearing by the Licensing Authority

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

23. A noise limiting device shall be fitted. All external regulated entertainment must be channelled through the device. The maximum noise levels will be set by the London Borough of Bromley's Environmental Health Service and will be reviewed from time to time as appropriate.

Note: The premises licence holder or nominated person will be responsible for engaging the services of a sound engineer or similar to assist with the setting and sealing of the equipment.

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

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

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

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

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

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

30. Crime prevention signage relevant to the operational policies of the premises shall be displayed in a prominent position, for example relating to CCTV recording, drugs policy, management reserve the right to refuse entry.

The signage will include a reference to a policy whereby any person who causes a nuisance either on the premises or upon leaving may risk refusal of admission in the future

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

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

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

Plans

Held by the Licensing Authority: Stamped Reference Number: 16/00633/LAPRE
Dated: 16th November 2016

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

17/00050/LAPRE

Signed

Paul Lehane
Head of Food Safety, Occupational Safety and Licensing

Licence Granted 16th November 2016

Issue Number **003**

This licence summary consists of **2** pages

Premises Details

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

Two-Ten Ltd 210 High Street Beckenham Kent BR3 1EN

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Sale or Supply of Alcohol
Late Night Refreshment
Films
Live Music
Recorded Music

The opening hours of the premises

Hours Open to the Public on Friday and Saturday from 09:00 to 01:00
Hours Open to the Public on Sunday to Thursday from 09:00 to 00:00

Non Standard Timings listed below are allowed in addition to the normal permitted hours of this licence:-

New Year's Eve - Hours Open to the Public until 02:00

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

Both On & Off Sales

The times the licence authorises the carrying out of licensable activities

Sale or Supply of Alcohol on Friday and Saturday from 12:00 to 00:40

Sale or Supply of Alcohol on Sunday to Thursday from 12:00 to 23:40

Late Night Refreshment on Friday and Saturday from 23:00 to 01:00

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

Films on Friday and Saturday from 12:00 to 01:00

Films on Sunday to Thursday from 12:00 to 00:00

Live Music on timings same as Films

Recorded Music on timings same as Films

Non Standard Timings listed below are allowed in addition to the normal permitted hours of this licence:-

New Year's Eve - Live Music, Recorded Music & Late Night Refreshment to finish at 02:00

New Year's Eve - Sale or Supply of Alcohol to finish at 01:40

Name, (registered) address of holder of premises licence

Two-Ten Ltd of 210 High Street Beckenham Kent BR3 1EN

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

10369387 - Private Limited Company

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

Full Name:

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

Not Applicable

0208 313 4218
Steve.phillips@bromley.gov.uk

ehts/co/sp

16th May 2017

email

Dear Sir or Madam

**Re: APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE AT
Two Ten, 210 High Street, Beckenham, BR3 1EN
Licensing Act 2003, Section 51.**

The application for the review of the premises licence at the above address was heard by the Licensing Sub Committee on:

26th April 2017 at 10:00hrs at the London Borough of Bromley, Committee Rooms, Civic Centre, Stockwell Close, Bromley, Kent.

For your information the outcome of the hearing was as follows:-

Members: Councillors: Nicholas Bennett J.P. (Chairman), Charles Rideout QPM CVO and Teresa Te

Licensing Officer – Steve Philips

Application for a Review of the premises licence at Two Ten 210 High Street, Beckenham BR3 1EN

Sub-Committee Decision

The decision by the London Borough of Bromley Licensing Sub-Committee in respect of an application for a Review of the premises licence made by the Metropolitan Police and supported by Environmental Health, London Fire & Emergency Planning Authority (LFEPA), Public Health Nuisance Team, Health & Safety, Planning and local Councillors on behalf of local residents is as follows:

1. Remove Mr Sayed Sadat as Designated Premises Supervisor (DPS) because of the manner in which he failed to discharge his legal responsibilities as DPS.
2. Suspend the licence for 3 months from the date of the review hearing. Details of the full decision are set out below, and include the following matters which need to be addressed in order to ensure compliance with all legal requirements:
 - CCTV
 - Compliance with smoking laws
 - Fire regulation and risk assessment
 - Building regulation
 - Sale of alcohol

- Noise

This is not an exhaustive list.

Informative

The business may continue to operate as a restaurant in accordance with current laws, but without carrying out any licensable activities, this includes the sale of alcohol.

Application for a variation of the premises licence

In respect of the application to vary the licence, the Sub-Committee decided to adjourn the hearing for a period of up to 8 weeks.

The Review

The Licensing Sub-Committee carefully considered the application by the Metropolitan Police for the Review of Premises Licence at Two Ten, 210 High Street, Beckenham, BR3 1EN.

The application for a Review arose as a result of the owners/DPS failure to comply with the conditions of the premises licence, since the 6th January 2017, contrary to the prevention of crime and disorder, the prevention of public nuisance and the prevention of children from harm licensing objectives.

The premises licence was obtained in November 2016 and the venue opened as a restaurant in December 2016. The licence is however restricted to the ground floor internal area only. Over the Christmas/New Year's period the venue ran on TENS so that the whole venue could be utilised. The police did not object to these as the applicant stipulated that he would comply with his licence conditions during the TENS.

The conditions include the following:

- These premises will operate as a restaurant. The sale of alcohol must be ancillary to the supply/consumption of food and will only be sold or supplied by waiter or waitress service under the following circumstances:
- To those who are seated and are waiting for a substantial table meal
- To those who are taking or have taken a substantial table meal.
- There is to be no vertical drinking anywhere on the premises.

The TENS resulted in a number of public complaints to the LBB noise team, in relation to the use of the garden area. This led to a joint visit by the police and council on 6th January 2017. During this visit discussions took place between them and the joint owners of the premises, Mr Sadat and Ms Gosrani about the unlicensed outside bar. According to the applicant, a considerable amount of time was spent explaining to the owners the conditions on the premises licence and the need to comply with all the conditions. It was also noted that CCTV had not been installed but the owners had reassured them it would be completed on the same day of the visit.

On 7th January 2017 at about 21:00 hours police and the council attended the premises to conduct a licensing visit. The ground floor appeared to be operating as a restaurant. However police noticed customers attempting to enter the garden with alcohol and they had to be stopped and asked to go back inside by Ms Gosrani. A short while later customers could be seen standing in the restaurant drinking alcohol unchallenged. The owners were unaware that this breached the licence conditions believing it was acceptable as they had eaten earlier and were now talking to friends.

The garden was being used in its entirety for shisha and smoking with the awning/roof covering the area. No one was eating in the garden but the bar was displaying alcohol. Customers were drinking outside but all drinks were decanted so it was impossible to tell what was in the glasses without questioning.

Police served a Section 19 closure notice on the premises for vertical drinking, drinking in the garden and for alcohol on display in the garden.

The Council wrote to Mr Sadat on 9th January 2017 requesting CCTV footage to check the events which took place at the premises on the weekend of the 7th January 2017 and to check compliance with the CCTV condition. However Mr Sadat was unable to provide a copy of the CCTV for that weekend claiming he had issues with his cloud storage. This meant that the owners were not complying with the CCTV condition.

On 17th January 2017 Mr Sadat submitted TENs applications which the police objected to, due to lack of compliance with the CCTV condition.

On 28th January 2017 at 22:00 hours a further joint visit was carried out to follow up on the CCTV issue. The owners were present. The licensed restaurant area was very quiet. The majority of the customers were in the garden. All drinks in the garden were decanted into glasses so it was not possible to establish what was in them, however Mr Sadat stated they were all soft drinks.

Police noticed that there were a young group in the garden, three of the group were 18 years old, and the other 5 were all under 18 years of age. They were not eating or drinking and the owners advised that they had only just arrived. The awning in the garden was open enclosing the garden, this breaches smoke free laws and having children in this environment causes police concern for their health and wellbeing.

The CCTV was still not working, as Mr Sadat was only able to show live forage and could not show any previously recorded footage. He offered assurances that the system was fully operational and committed to providing the police and council with a copy of the CCTV footage before a committee hearing on 30th January 2017. It was fully explained what was needed to comply with the CCTV condition and the premises was served with another closure notice.

On 30th January 2017 a TEN application for Two Ten was refused by a licensing Sub-Committee, partly due to the CCTV not working. On the same date Mr Sadat submitted a further six TEN applications.

On 31st of January 2017 the police objected to the applications and advised Mr Sadat that there would be scope for compromise once he complies with all the premises licenced conditions.

On 15th February 2017 a licensing Sub-Committee considered the TENs application. Mr Sadat was still unable to demonstrate that the CCTV was working and the six TENs were refused.

Police attended the premises on 17th and 21st of February 2017. On the latter date police had been made aware of a noise complaint about the premises at 0030 hours on 18th February 2017. CCTV footage revealed a breach of the premises operating hours.

The venue continued to generate public complaints and the inadequate CCTV allowed the owners to continue to operate outside of the licensed conditions.

The venue already had two closure notices served on it. The first was cancelled but the second remains current.

The applicant asked the Sub-Committee to consider the following options:

- The removal of Mr Sadat as DPS
- A temporary suspension of the licence
- A revocation of the licence

Facts arising out of the hearing

The application was presented to the Sub-Committee by Andrea O'Donnell PC908PY. She explained despite repeated attempts to assist the owner/DPS, Mr Sayed Sadat and reassurances given to the police, by him and co-owner Ms Gosrani, they have continued to breach the crime and disorder and public nuisance licensing objectives.

PC O'Donnell referred to correspondence in the application bundle, such as email dated 3 March 2017 at p 100 and 24 March 2017 at p113, which showed that Mr Sadat was clear about the requirements of the premises licence but still continued to breach the conditions of the licence.

The applicant submitted that since the 6th January 2017 the police have visited the premises seven times to warn Mr Sadat about his persistent failure (including the unauthorised sales of alcohol) to comply with the terms of the premises licence.

The applicant proceeded to show the Sub-Committee short clips of police body worn camera footage of their attendance at the premises on 18th March 2017. The footage revealed shisha and smoking in the garden area. All drinks had been decanted and as a result the police could not confirm what customers were drinking.

The applicant presented the Sub-Committee with social media marketing material promoting the venue including offers such as 'next 10 groups in heated terrace gets drinks on the house'.

The footage showed the inside of the restaurant to be quiet and the garden area to be in full use. There was evidence of shisha smoking and a desert bar in the garden with alcohol displayed behind it.

Further footage showed evidence of shisha being smoked and a young boy in the premises at 12.15pm, at a time when the premises should have been closed.

The representative for Mr Sadat, Mr Hopkins proceeded to cross-examine PC O'Donnell. He asked whether she was aware that the bottles behind the bar were empty and whether she accepts that there was no alcohol on display. She replied, "yes I believe that is the case from the officer".

He went on to ask PC O'Donnell whether she accepts that customers would have had dinner prior to their visit after 10pm. She replied that it was irrelevant because the owners do not have a license to serve alcohol in the garden.

Cllr Wells on behalf of residents asked PC O'Donnell whether the challenge 25 policy had been reasonably exerted in this case. She replied that she was not present at the time of the visits but there was no suggestion from the officers that under 18's were present.

Cllr Rideout referred to p100 of the bundle and asked whether the CCTV footage was fully operational on 3rd March 2017. PC O'Donnell stated that the police have still not been provided with any CCTV footage of the venue.

The owner's representative stated that the CCTV has been working properly since 4th April 2017. He provided the Sub-Committee with a letter from Maplin's regarding the status of the CCTV.

Ms Jean Bywater, Health & Safety Inspector on behalf of LBB put forward her grounds for supporting the application. She explained that the premises contains an external area to the rear which has been converted with four decking walls and a canopy roof and as such is classed as substantially enclosed for the purpose of Section 2 Part 1 of the Health Act 2006. The premises is also "smoke free" as defined in Section 2 of Part 1 of the Health Act 2006. For the purpose of the Act no account is taken of the canopy roof being open. The area is classed as substantially enclosed whether the roof canopy is open or not.

She submitted that the owners of the premises continue to provide shisha, which is a tobacco product for the purpose of Section 1 Part 1 of the Health Act 2006 which is being smoked in a substantially enclosed area at the rear of the premises. She stated that she witnessed the activity herself during her visit to the premises with the police on 18th March 2017. She also stated that she had witnessed customers smoking shisha and cigarettes under a closed area of the canopy and despite requests given to the owners they refused to ask customers to stop smoking and to permanently remove the roof canopy. Mr Sadat added that "...he couldn't do that as his cushions will get wet".

Ms Bywater requested that the licence be revoked on the grounds of Crime and Disorder.

Mr Sadat stated that the video footage showed the canopy to be open. Ms Bywater stated in reply "I told you that you had to remove the canopy or stop people from smoking in the area".

Mr Sadat proceeded to state that he had not been told that smoking in the area was illegal and that he had received quite a bit of mixed advice from Licensing and Trading Standards. In reply Ms Bywater reiterated that she had told him that he could not have the canopy or allow smoking in the area but despite her clear instruction he continued to breach the smoking laws.

Cllr Wells asked Ms Bywater whether there were any other issues in connection with health and safety. She stated not that she is aware of other than it would also be a matter for the London Fire Brigade.

The Sub-Committee had no questions.

Environmental Protection Officer, Sarah Brewer put forward submissions in support of the application. She stated that the Public Health Nuisance Team had received a number of complaints from local residents regarding music emanating from the rear garden. She explained that on 13th January 2017 a noise abatement notice was served on the premises. However since the notice was issued there have been further noise complaints.

The Owners representative Mr Hopkin's asked Ms Brewer whether she witnessed any noise nuisance and whether any noise readings or observations were carried out. In reply Ms Brewer stated no and explained that the matter concerned a statutory nuisance and not decibel readings.

Cllr Wells asked whether a statutory nuisance would result in equipment being removed. Ms Brewer replied, "yes but in this case there was one breach we would usually do it after two".

Cllr Te asked Ms Brewer what time complaints were received. In reply she stated after 10pm.

Cllr Bennett stated that regulated entertainment is not on the licence and as such no music should be playing in the terrace which is an unlicensed area.

The co-owner of the premises, Ms Gosrani stated that many of the complaints were scattered over a period of time. In reply Ms Brewer submitted that a number of them were from the New Year period and with the exception of the last few weekends they have received about 2-3 complaints every weekend.

Mr Sadat asked Ms Brewer how "...many of those complaints were investigated"? In reply Ms Brewer stated that a colleague attended two properties on 4th March at approximately 22.10pm. She explained that the music could be heard from the residents' bedrooms and over the background noise of traffic.

Mr Hopkins stated that background music is not licensable. In response Steve Phillips, Licensing Officer, stated that the owners are not allowed to have background music in the garden because it is not a licensable area.

Representations in support of the application, was put forward by Mr Lee Harvey on behalf of the London Fire Brigade.

He highlighted the background surrounding why he visited the premises. He stated that the LFEPA received a copy of the licensing application for a variation of the licence premises which included the proposal to operate from the first floor.

He stated that the Authority's inspectors had previously carried out an inspection of the premises. During the inspection it was noted that some fire safety matters required attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. The hazards related to the open staircase and open kitchen. In addition the furthest point on the first floor to the nearest exit was deemed to be unsuitable. Mr Harvey referred to his letter to Mr Sadat at p139 of the bundle which provides advice and guidance on fire safety matters. He stated that Mr Sadat had not provided a fire risk assessment and as such it is very difficult to provide comprehensive advice without one. He also stated that Mr Sadat did not appear to have building regulation consent, which would have identified safety issues. The Authority recommended that action should be taken by the owners of the premises by 4th May 2017.

Ms Gosrani, stated that they have fire exit signs and understand the distance problems.

Mr Hopkins stated, "did you not recall us stating that we had no intention of opening upstairs"? In reply Mr Harvey stated that the Authority served a notice of deficiency not an enforcement notice on the owners. He emphasised that it was a Fire Audit Observation. The onus is on the responsible person. "If you are not using the upper floor other than for a bit of storage it is fine".

Cllr Wells asked whether the owners have undergone any training re evacuation. Mr Harvey stated that at the time of the visit there were no records to show that they have received adequate training on emergency planning.

Cllr Rideout asked whether the Authority would enquire about fire insurance. Mr Harvey stated that insurers are asking the question as they tend to be concerned about property.

Cllr Bennett stated that fire risk assessments are usually done before opening. Mr Harvey stated yes, that is usually the case.

No further questions.

Cllr Wells put forward representations on behalf of local residents in support of the application. In particular he made reference to noise nuisance, questioned whether the challenge 25 policy was being taken seriously, and children being exposed to shisha and smoking. He also made reference to the Council's cumulative impact policy. He stated that whilst there is no objection to a restaurant that is not what is presented in this case. He stated that his residents do not want to see the development of a vertical drinking nightclub. As a result he advocated the removal of Mr Sadat's DPS licence and revocation of the licence.

Cllr Bennett told Cllr Wells that the cumulative impact zone is not relevant to the hearing.

Mr Sadat asked Cllr Wells whether he had been to the premises. Mr Wells replied no. He stated that he has however stood outside of the front and rear of the premises. Mr Sadat proceeded to ask Cllr Wells whether he had ever visited the premises at night. Cllr Wells stated no, he never needed to. Mr Sadat went on to say, "how can you make an allegation that there was vertical drinking"? Cllr Wells stated that this was based on information received from residents who had visited the premises and witnessed vertical drinking.

Cllr Rideout stated "Mr Sadat pointed out that you are representing your residents but you are relying on what they told you. Unless they tell us that we don't have any evidence. Cllr Wells stated that the issues were raised by residents in their letters contained in the hearing bundle.

Cllr Bennett stated that allegations need to be backed by evidence not hearsay and as such the Sub-Committee will not be taking into account unsubstantiated evidence.

Ms Gosrani asked Cllr Wells whether he represented residents who have supported their business which she described as a high end luxury peaceful restaurant. In reply Cllr Wells stated that if they had contacted him, he would have represented their views, however he has not received any electronic form from residents in favour of the establishment.

Mr Hopkins put forward representations against the application. He apologised for his clients' mistakes and shortcomings. He stated that it was not made with the intent of breaking the law. His clients did get advice from a solicitor who only dealt with the conveyancing and was not made aware of anything else.

He stated that the premises, is not being used as anything other than a restaurant on the ground floor. His clients were not aware of the full planning requirements regarding the canopy/shop front and they intend to make an application. The London Fire Service has set their position out and they are in the process of addressing all fire concerns.

Mr Hopkins made reference to the police concerns regarding the CCTV conditions. He stated that there is now the ability to record and download CCTV footage. He explained that Maplin's were employed to install the CCTV, however they made a "complete hash of it". He presented the Sub-Committee with a letter from Maplin dated 13th April 2017 confirming the same. The letter also stated that the CCTV has been fully operational since 4th April 2017. However the police and council are yet to check that this is the case.

Mr Hopkins accepted that there should be no shisha and smoking in the garden canopy area as it is contrary to the Health Act 2006. He stated for these reasons he has advised them to cease all music in the garden area. He stated that his clients will reassess the use of the garden terrace area in consultation with the appropriate authorities. In the meantime it will remain closed. He also acknowledged the existing noise abatement notice.

Mr Sadat put forward submissions he explained the business ethos. He described his premises as a high end restaurant which provides high quality food. He stated that they appeal to families who want to spend quality time together and offer extras to add to the experience. He submitted that Two Ten is not a club, there is no space for people to dance and there is no amplified music, as shown in the presented video footage which showed people having a normal conversation with police.

Mr Sadat proceeded to state that they do not accept people under the age of 25 and always ask for ID. In addition he claimed that they do not serve alcohol without a substantial meal. However they do offer tapas type food to accompany the shisha. They operate a zero tolerance to drugs and violence. He explained his and Ms Gosrani's backgrounds and stated that information and guidance offered was not always clear. He stated that the attitude from police has been "a bit too aggressive" and that at every point the police have told them to do something they have always tried to do it to the best of their ability.

Mr Sadat stated that there was no crime and disorder at the time of the TENs. He accepted that the music was a bit loud and apologised. He stated that if he was reading the police report he would "shut us down". "It's over exaggerated, making us look like some underground business".

Mr Sadat accepted that a lot of things had been missed, that he is a business person inexperienced in licensing matters.

Cllr Wells stated that the running of a licence premises inherently involves a degree of responsibility that has to be taken seriously.

Cllr Rideout stated that ignorance is not an excuse under the law. "If you don't know as a responsible individual it is for you to find out and ensure that you apply the law as appropriate".

Mr Sadat stated that they now know the steps they need to take in the future. He asked the Sub-Committee to give them a chance to show that they can comply. He stated that they want to work with the council and police.

Ms Gosrani stated that they did not attend to give out excuses. She stated that she does not like the fact that they have got on the wrong side of the council. She acknowledged that they have made mistakes some of them continuing mistakes in respect of planning and noise, however they want to make a change and they are making changes.

Policy guidance

The Council's Statement of Licensing Policy 2016 -2021 indicates that the Licensing Authority has instructed its officers to adopt a zero tolerance approach to criminal offences and breaches of licence conditions committed in licensed premises in the Borough. The matters that may be investigated following complaints or concerns include breach of licence conditions.

Guidance issued under section 182 of the Licensing Act 2003 paragraph 11.20 indicated that in deciding which of the powers available on a Review for them to use, licensing authorities should so far as possible seek to establish the causes of the concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

Judicial authority (*Bassetlaw DC v Worksop Magistrates Court*) confirms that in a review involving criminal activity, wider considerations come into play, and the furtherance of the licensing objective includes the prevention of crime. Deterrence is an appropriate consideration for the licensing authority on such a review.

The Sub-Committee's conclusions

The Sub-Committee carefully considered the application for a review, together with representations in support put forward by Health & Safety, Noise Team, Local Residents, Councillor Wells and the Fire Authority. Consideration was also given to the representations against the application put forward by Mr Hopkins, Mr Sadat and Ms Gosrani.

The Sub-Committee felt that Mr Sadat did not take his responsibility as a DPS seriously and failed to listen to the guidance and advice offered to him by the applicant, and the other authorities in support of the application.

In addition the Sub-Committee felt that the police had valid concerns regarding the premises. In particular the owners' continual breach of licensing conditions. Despite numerous assurances, given to the owners by the applicant they continually failed to properly address them. The Sub-Committee agreed that these failings were contrary to the crime and disorder, protection of children from harm and public nuisance licensing objectives.

In all the circumstances, the Sub-Committee considered that the suspension of the licence for 3 months and the removal of Mr Sadat as DPS were necessary and proportionate in order to promote the licensing objective in this case.

Appeals against a decision of the Licensing Sub Committee

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub-committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.
2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.
3. **It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent).**

If an appeal is not made now the licence can be "Reviewed" at any time by the Council on receipt of an application by any local resident / business or one of the "Responsible Authorities"

Reviews must be based on one or more of the four licensing objectives below

1. Prevention of crime and Disorder
2. Prevention of Public Nuisance
3. Public Safety
4. Protection of Children from Harm

For more information on "reviews" contact the Licensing Team or see the Website www.bromley.gov.uk.

If you have any questions or problems; please do not hesitate to contact me on the above telephone number.

Yours sincerely

Steve Phillips

Team Leader
Licensing

0208 313 4659
Steve.phillips@bromley.gov.uk

Our Ref: ehts/co/sp

Date 3rd January 2019

Email

Dear Cllr, Responsible Authority, Sir or Madam

**Re: OUTCOME OF THE REVIEW OF THE PREMISES LICENCE AT
Two Ten, 210 High Street Beckenham BR3 1EN
Licensing Act 2003, Section 51.**

The Review Hearing took place on:

Tuesday 11th Dec 2018 at 1400hrs at the London Borough of Bromley, Committee Rooms, Civic Centre, Stockwell Close, Bromley, Kent.

The full decision of the committee is shown below:

REVIEW OF THE PREMISES LICENCE AT 210 HIGH STREET, BECKENHAM

Meeting of Licensing Sub-Committee, Tuesday 11th December 2018

Membership Councillors Nicholas Bennett JP, Tony Owen and Pauline Tunnicliffe

Sub-Committee Decision

The decision by the London Borough of Bromley Licensing Sub-Committee in respect of an application for a Review of the premises licence made by the Stephen Philips, Lead Licensing Officers as follows:

Revoke the Premises Licence.

Details of the full decision are set out below.

Policy Guidance.

The Council's Statement of Licensing Policy 2016 -2021 states that the Licensing Authority has instructed its officers to adopt a zero tolerance approach to criminal offences and breaches of licence conditions committed in licensed premises in the Borough. The matters that may be investigated following complaints or concerns include breach of licence conditions.

The Statement of Licensing Policy also provides there should be a clear separation of the planning and building control functions and the licensing regimes. Licensing applications

should not be a re-run of the planning application process. The Licensing Authority will not grant an application for a new Premises Licence or Club Premises Certificate unless it is satisfied that all relevant planning permissions are in place where necessary.

Guidance issued under section 182 of the Licensing Act 2003 paragraph 11.20 indicates that in deciding which of the powers available on a Review for them to use, licensing authorities should so far as possible seek to establish the causes of the concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

Judicial authority (*Bassetlaw DC v Worksop Magistrates Court*) confirms that in a Review involving criminal activity, wider considerations come into play, and the furtherance of the licensing objective included the prevention of crime. Deterrence is an appropriate consideration for the licensing authority on such a review.

The premises are subject to the Beckenham Town Centre special policy on cumulative impact. The Council's Statement of Licensing Policy 2016-2021 states "it would be the Licensing Authority's intention to refuse to grant new premises/club licences or variations, unless the application is such that the grant of the licence would have no further detrimental impact on the area and the promotion of the licensing objectives".

Current Government guidance (April 2017) states at paragraph 14.36 "while a large night club or high capacity public house might add to problems of cumulative impact, a small restaurant or theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved". Paragraph 14.38 states "Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives".

Background information

The premises licence was obtained in November 2016 and the venue opened in December 2016.

The premises were formerly in retail use. The planning authority was notified of an intention to use the site as a restaurant pursuant to Class D Part 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015. The use accordingly had planning permission for a continuous period of up to two years. The operators of the business constructed a boundary fence and an awning with the intention of using the rear area as part of the business and in particular for the smoking by customers of shisha tobacco.

Although the frontage of the premises is to the commercial High Street, to the rear is an access road which in turn abuts the rear gardens and the rear elevations, including bedrooms, to residential properties in The Drive, Beckenham.

The premises licence as originally granted was however restricted to the ground floor internal area only. The premises licence conditions include the following:

These premises will operate as a restaurant. The sale of alcohol must be ancillary to the supply/consumption of food and will only be sold or supplied by waiter or waitress service under the following circumstances:

- To those who are seated and are waiting for a substantial table meal
- To those who are taking or have taken a substantial table meal.
- There is to be no vertical drinking anywhere on the premises.

Conditions were also imposed regarding, CCTV, staff training and risk assessment, Sale of alcohol and measures to deal with Noise.

Over the Christmas/New Year 2017 period the venue ran on TENS, so that the whole venue could be utilised. The police did not object to these as the applicant stipulated that he would comply with his licence conditions during the TENS.

The Metropolitan Police, however, subsequently applied for the Review of Premises Licence at Two Ten alleging the DPS's failure to comply with the conditions of the premises licence, since the 6th January 2017. This was contrary to the prevention of crime and disorder, the prevention of public nuisance and the prevention of children from harm licensing objectives.

The review was held on 26th April 2017. The full reasons and findings of the review were attached to the papers for the current meeting. Evidence was given by the police as to a number of breaches of the condition. These relate to the provision of a working CCTV system, of breaches of premises opening hours, the awning in the garden being closed when Shisha smoking was taking place in breach of the smoke free laws and the provision of a desert bar in the garden with alcohol displayed behind it. The Police had served a section 19 closure notice for the later and for vertical drinking in the garden. The police also explained they had spent a considerable amount of time explaining to the owners the conditions on the premises licence and the need to comply with all the conditions. Since the 6th January 2017 the police had visited the premises seven times to warn Mr Sadat about his persistent failure (including the unauthorised sales of alcohol) to comply with the terms of the premises licence.

Ms Jean Bywater, Health & Safety Inspector on behalf of LBB put forward her grounds for supporting the application. She explained that the premises contained an external area to the rear which had been converted with four decking walls and a canopy roof and as such was classed as substantially enclosed for the purpose of Section 2 Part 1 of the Health Act 2006. The premises is also "smoke free" as defined in Section 2 of Part 1 of the Health Act 2006. For the purpose of the Act no account is taken of the canopy roof being open. The area is classed as substantially enclosed whether the roof canopy is open or not. She submitted that the owners of the premises continue to provide shisha, which is a tobacco product for the purpose of Section 1 Part 1 of the Health Act 2006 which is being smoked in a substantially enclosed area at the rear of the premises. She stated that she witnessed the activity herself during her visit to the premises with the Police on 18th March 2017.

Environmental Protection Officer, Sarah Brewer put forward submissions in support of the review application. She stated that the Public Health Nuisance Team had received a number of complaints from local residents regarding music emanating from the rear garden. She explained that on 13th January 2017 a noise abatement notice was served on the premises. However since the notice was issued there have been further noise

complaints. Ms Brewer stated that a colleague attended two properties on 4th March 2017 at approximately 22.10pm. She explained that the music could be heard from the residents' bedrooms and over the background noise of traffic. With the exception of the last few weekends they had received about 2-3 complaints every weekend.

Representations in support of the review application, was put forward by Mr Lee Harvey on behalf of the London Fire Brigade. He highlighted the background concerning why he visited the premises. He stated that the LFEPA received a copy of the licensing application for a variation of the licence premises which included the proposal to operate from the first floor. He stated that the Authority's inspectors had previously carried out an inspection of the premises. During the inspection it was noted that some fire safety matters required attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. The hazards related to the open staircase and open kitchen. In addition the furthest point on the first floor to the nearest exit was deemed to be unsuitable. Mr Harvey referred to his letter to Mr Sadat which provided advice and guidance on fire safety matters. He stated that Mr Sadat had not provided a fire risk assessment and as such it was very difficult to provide comprehensive advice without one. He also stated that Mr Sadat did not appear to have building regulation consent, which would have identified safety issues. The onus was on the responsible person. However, if the business was not using the upper floor other than for a bit of storage that would be fine.

In all the circumstances, the Sub-Committee considered that the suspension of the licence for 3 months and the removal of the DPS were necessary and proportionate in order to promote the licensing objective in this case. There was also an application to vary the licence and the Sub-Committee decided to adjourn that for a period of up to 8 weeks.

The adjourned application to vary the licence was eventually heard on 10th August 2017. The full decision is attached to the papers for the current review.

The Applicant advised that during the period of suspension earnest attempts had been made to address the points raised in the review hearing. In respect of issues of public nuisance, a noise limiter for the external areas had now been fitted and sealed to the satisfaction of the public health team. Measures have been introduced to address the concerns of the fire officer. Signage had been installed at the premises and the CCTV system had been upgraded so that the requirements of the police could be met although at the date of the review hearing, a final inspection by the police was still awaited. To address smoking restrictions in public areas, part of the cover for the garden area had been permanently removed.

The Applicant asked that a slightly reduced application of the original variation application be considered by the Sub-Committee in substitution of the original application as it was hoped this would address some of the concerns raised in the original objections. An amended plan of the area to be licenced to include the first floor and the rear garden area was also submitted but it was clarified that the application did not include a roof terrace on the first floor. The applicant asked that shisha customers be allowed to purchase and consume alcohol without food if they so choose to do. The premises would nevertheless remain as a high quality restaurant, no vertical drinking will occur and it will remain a seated, table service area alongside the rest of the venue. In response to an enquiry as to the percentage of customers who would attend for shisha smoking, only some 20% or '30 people' was described as 'about right'.

Members concluded that the requests for live music, recorded music and films were ones that could be permitted without harm to the licencing objectives. A more limited extension of the hours permitted than applied for could be allowed on Friday and Saturday nights (until 01.00 hours the following day) but given the track record of the business so far, the existing hours should remain for the remaining days of the week when residents may anticipate a higher degree of peace and quiet. Conditions requiring a noise limiting device to all external regulated entertainment were imposed and an existing condition amended to allow the ground floor, first floor and external garden area (but not the first floor terrace) to be used as a restaurant. The Sub-Committee made clear that the condition restricting use of the premises to a restaurant shall remain in full force and effect and it will not be possible for customers who wish to smoke tobacco (shisha or otherwise) to do so if they are not taking or have taken a substantial table meal.

The Current Review

The application for a review was made by the Lead Licensing Officer on 15th October 2018 on the crime and disorder and protection of children from harm objectives. Three witness statements were provided in support of the application following complaints that on 11th May 2018 an independent group of 4 spent £223.83 of which only £19 was food related, that on 13th June 2018 3 persons visited between 2200 and 0100 hours during which they had 2 shisha and lots of alcohol but no food and finally on 21st July 2018 a couple visited for a short while and only drank alcohol with no food being taken. As a result of the complaints on 4th September 2018, an application for a RIPA authorisation was made for directed surveillance of the premises. On 15th September 2018 a Trading Standards Officer attended the premises. Although entry was not made the implied discussion with the manager was that drink and shisha would be available later if they could return. On 28th September 2018 two Council staff, aged 21 and 22 respectively visited the premises at approximately 20.30 hours and stayed until midnight. During the entire time no food was taken or insisted upon. The bill for the evening was £95 for alcohol service alone. The girls were not challenged for age at any time during the visit.

The following representations were also received. The Council's planning officer advised that on 25th September 2018, a planning Inspector issued his decision concerning 4 planning appeals concerning the refusal of planning permission for restaurant use and the issue of an enforcement notice concerning the construction of the boundary fence and an awning to the rear garden. The Inspector noted that the two year time limit for the temporary planning permission under the permitted development order had expired. Although he considered that a scheme of acoustic treatment and limitation of hours could overcome objections regarding the living conditions of nearby residents, he nevertheless refused permission for the continuation of the restaurant use and an expansion of it to the first floor. He concluded that the restaurant does not complement the retail function of the main Beckenham shopping area and would undermine the Council's objective, as planning authority, of maintaining the vitality and viability of the shopping area and primary shopping frontage. With reference to the external seating, fencing and awning to the rear garden area, the Inspector concluded that the outdoor seating has the potential to create undue harm to the occupiers of residential properties including those along The Drive by reason of noise and disturbance. This could be controlled by condition. The fencing and canvass roofing, however, did not preserve or enhance the mixed use character or appearance of the conservation area, appears alien and out of keeping with its setting and is visually dominant. Any benefits to the applicant were outweighed by this harm and the retention of this structure was refused.

The Council's Environment Health division advised its database highlights over 150 entries in respect of the Two-Ten premises dating back to December 2016. The majority

of complaints relate to noise complaints from residents within the two-Ten environs. It has been necessary to serve two abatement notices under the provisions of the Environmental Protection Act section 80. The first abatement notice was served on 6th January 2017. The second abatement notice was served on 27th June 2018. That notice was served in respect of loud noise from patrons arising from the use of the rear courtyard and prohibits use by patrons of this area between the hours of 23.00 and 07.00. Both abatement notices remain in force.

On 23rd June 2018 a Council environmental health officer witnessed a breach of the first abatement notice, between the hours of 22.40 and 23.56 together with statutory nuisance from loud patrons leading to the service of the second notice. On 14th July 2018, between 00.13 and 00.43 hours an additional breach of the first notice was observed in respect of loud music. A further breach was observed on the 15th July 2018. On the 18th July 2018 the Council wrote to the premises advising of the breaches of the Abatement Notice and giving an opportunity for the matters to be dealt with by simple caution. On 25th September 2018 Mr Sadat returned to the Council a signed copy of the simple caution by hand in respect of these three offences.

There was also a concern concerning breaches of condition 23 which requires a noise limiting device. Throughout the months of May to July 2018 it was necessary for Environmental Services to write repeatedly. The issue of the noise limiter not functioning was first identified during a site visit with the DPS present on 26th April 2018. This was reiterated by letter on 9th May 2018. However it was not until 24th July 2018 before suitable arrangements were put in place to comply with condition 23.

A further representation was received from the Public Protection division of the Trading Standards section. The letter advised that a letter dated 13th March 2017 had been sent to the premises concerning the supply of shisha and the legal requirements. On 25th May 2018 Trading Standards had received a complaint from the police about Two –Ten serving alcohol to people who are underage but it was not possible to follow these up. A reference was also made to the witness statement dated 11th May 2018 when the witness observed that it started to drizzle at around 10.30pm so the staff rolled out a roof cover which came out from the right of the garden and attached to the wall on the left of the garden. This meant everyone was covered by a cloth roof. It was felt the proprietors must be fully aware they are committing an offence but continue to do so for monetary gain.

A number of local residents had written supporting the review application. Those in support of the review submitted their own evidence including a diary record from January to July 2018. A report from Aulos Acoustic was also submitted. The report advised “The bar-restaurant outside courtyard generates high music and speech noise levels of exacerbating character and in underlying conditions which would be quiet. The effect on inside and outside noise climate is substantial and obtrusive. The impact of the music and speech is considered and assessed to represent an Unacceptable Adverse Effect”. Mr and Mrs Austin were sufficiently concerned to be represented by their solicitor.

Some patrons had written in support of the business. Some patrons completed a proforma and others wrote individual letters. They confirm they visit the premises to eat food, that the premises are operated as a restaurant and they have not seen underage sales of alcohol. Some letters are critical of the attention that has been given to the business by the authorities.

Representations at the Review hearing

The DPS, Ms Gosrani indicated that she was aware of the realities of the situation. She was endeavouring to build up a business to provide a solid future for her family. She is a member of the community and not an outsider. In response to a question from Councillor Tunnicliffe Ms Gosrani indicated that Shisha is still part of the model going forward and there would be an outside smoking area to accommodate this.

Counsel for the business advised that there would be a sea change going forward. With reference to the use of the premises the 2 year permitted development permission for use as a restaurant had come to an end and as of yesterday, the business had not been running. A revised planning application had been submitted for a mixed retail/restaurant use to overcome the Inspector's concerns. The planning enforcement notice was being complied with and all the fencing and awning to the rear garden being removed. This should reduce the number of complaints from residents at the back of the building.

The other director of the business, Mr Sadat had resigned his position in November and would no longer have a role in the business. To strengthen the management, a lady with more experience had been brought in. While the chefs remained other individuals had also been brought in. The DPS, Ms Reena Gosrani is in sole charge. She will bring in her sister to assist in management. Going forward any problems in the past will not be continued.

The review application alleges that two of the licensing conditions have been breached, namely the Crime and Disorder and the Protection of Children from harm. It is difficult to challenge the witness statements given that the proceedings are not adversarial. The Sub-Committee were asked to factor in the limited nature of any possible challenge. Members were also asked to factor in the statements made in support of the business at Appendix G of the hearing papers.

With reference to the Challenge 25 breach, the Environmental Health Officers had a lack of experience of a test purchase operation, the statements were in a proforma style and there was evidence that they gave the impression that food would be ordered. Also the officers appeared to the business to look older than they were. There is a subjective assessment involved.

With reference to the statements regarding the visits giving rise to the complaint to the Council, the independence of those witnesses is not agreed. It is disputed that the business was not operating procedures. There is evidence in the 11th May 2018 statement that the business does challenge and require a meal to be taken. The responses from patrons indicate that and the requirement for food to be taken and for challenge 25 are being complied with.

The complaints around noise will be addressed as the business goes forward. When considering the options available on a review members were asked to consider what is best for the community. Members were asked to give the business a further chance as it is taking steps that have been in the pipeline for some time.

Reasons for decision

We noted that the business, which had been running since November 2016 continued to generate a large number of complaints, both from the responsible authorities and from local residents. It also had been the subject of two applications for a formal review and also two abatement notices had been issued.

In respect of the current application for a review, evidence had been submitted of a breach on a number of occasions of the condition requiring the premises to be operated as a restaurant and that alcohol will only be supplied in connection with a substantial table meal. This allegation was made by a number of witnesses on several occasions and, on the balance of probability, we found this aspect of the review application to be made out.

The test purchase made by the Environmental Health Officers also indicated a breach of the condition requiring a challenge 25 policy. We again found this to be proven on the balance of probability test but on a single occasion only.

The representations submitted in support of the review from the Environmental health Department indicate continuing problems in connection with nuisance. An abatement notice issued on 13th January 2017 required a reduction in the volume and base of music. There are three admitted breaches of this notice on 23rd June, 14th and 15th July 2018 that have been dealt with by simple caution. A further abatement notice was issued by the Council on 27th June 2018 in respect of the rear garden area.

It had become apparent that the noise limiter needed to be reset. We found the business to be very slow in cooperating with the Environmental Officer in getting the limiter reset. We noted the matter was raised over the months of May to July 2018 and clearly the purpose of condition 23 which required a review from time to time was not being met.

We also noted the Trading Standards comment on the witness statement of 11th May 2018 that the awning had apparently been closed leading to a breach of the law relating to the use of tobacco in a public place.

We considered the representations from the Planning Division. We as a licensing committee look to the Licensing Objectives as set out in the Licensing Act 2003, to national guidance issued under that Act and to the Council's Statement of Licensing Policy. The Planning Inspector, of course will make her determination in accordance with the Town and Country Planning legislation. The considerations for each are different which can lead to a different conclusion under each regime.

In the case of Two Ten, the planning processes have reached an advanced stage at appeal and under the planning rules, use as a restaurant, the permitted use under licensing, has been found to be unacceptable and is no longer being sought. A new model of a mixed Class A1/ Class A3 use is being applied for but its acceptability unknown.

The business itself since its formation has been the source of allegations of breach of condition which we have found are continuing. There are also the admitted breaches of the first abatement notice. The business seems unwilling to forgo its trading model involving the smoking of shisha tobacco, which although in itself is not a licensable activity, to comply with the general law, is carried out by the patrons of the licensable parts of the business in the open rear garden close to residential properties. The volume of social chat arising from use of the garden area has given rise to the service of a second statutory abatement notice and cannot be controlled by noise limiter. Local residents have been at the end of their tether as evidenced by the commissioning of a professional noise survey. We noted the assessment made in that report and were not satisfied that the proposed model of a mixed Class A1/Class A3 use would address nuisance issues arising from the use of the rear garden.

We were not satisfied that the business had presented to us any new model or changes in practice that would reasonably bring about an improvement in the failings we have identified.

We considered all of the remedies available to us. The imposition of new conditions, the suspension of the licence and the removal of the DPS had all been tried. In spite of its poor history, the Council even allowed an extension of hours on Friday and Saturday night and of the licensed area in order to give the business a chance to operate within the parameters of its licence. All of this had been unsuccessful in securing compliance with licence conditions. For this reason we concluded that revocation of the licence was the only option available to us. This is in pursuance of the crime and disorder objective (given the breaches of licence conditions and abatement notices) and prevention of nuisance objectives.

Appeals against a decision of the Licensing Committee

1. An applicant, responsible authority or interested party may appeal against a decision of the licensing subcommittee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.
2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.
3. **It should be noted that there would be a cost incurred for taking an appeal to the Magistrates Court that must be met by the appeal applicant i.e. Applicant, Responsible Authority or Interested Party (Local Resident).**

If you have any question or problems at this time, please do not hesitate to contact me on the above telephone number.

Yours sincerely

Steve Phillips

**Steve Phillips
Team Leader
Licensing**

Appendix 3

Objections

Councillor and Responsible Authority Objections:

Dear Bromley Licensing Team

I am writing to object to the following application:

22/00919/LAPRE | Premises License | 210 High Street Beckenham BR3 1EN

Dough Bakehouse is just that, a bakery, which opens until 6pm Mon to Sat and 5pm on a Sunday.

The applicant is applying for a license for the following activities up to midnight every day of the week.

- Films - indoors and outdoors in the back garden area
- Live music - indoors and outdoors in the back garden area
- Recorded music - indoors and outdoors in the back garden area
- Alcohol sales - indoors and outdoors in the back garden area

This turns what is currently a bakery into a late-night alcohol licensed entertainment venue. The granting of this requested license will be contrary to the Town Centre's cumulative impact policy (CIP). This CIP was implemented due to the number of licensed premises, their opening hours and the associated problems with crime and disorder.

Notwithstanding that every application must be assessed on its merits, when the previous operator had evening alcohol sales indoors and outdoors nearby residents were unacceptably disturbed. Given the location of 210 High Street back garden area to neighbouring residents above High Street shops and in The Drive it is inevitable that a similar nature of disturbance will occur. I have already been contacted by a number of residents who are very concerned that Dough Bakehouse will become a late-night premises.

On behalf of impacted residents, I would like to lodge my objections on the following grounds:

1. **prevention of crime and disorder** - granting of the license would be contrary to the CIP.
2. **prevention of public nuisance** - the noise from the garden area would disturb nearby residents until at least midnight every day. Granting this license does not accord with noise Policy 119 of the Bromley Local Plan, which seeks to preserve residential amenity and avoid unneighbourly noise and disturbance.
3. **public safety** - granting of the license would be contrary to the CIP.
4. **protection of children from harm** - children residing in nearby residences will be disturbed by noise coming from the premises late into the evening every day of the week.

best wishes

Chloe-Jane Ross
Liberal Democrat Councillor

Dear Bromley Licensing Team,

I too am writing to object to the following application:

22/00919/LAPRE | Premises License | 210 High Street Beckenham BR3 1EN

Dough Bakehouse is a bakery, which opens until 6pm Mon to Fri and 5pm on a Saturday and Sunday.

The applicant is applying for a license for the following activities up to midnight every day of the week.

- Films - indoors and outdoors in the back garden area
- Live music - indoors and outdoors in the back garden area
- Recorded music - indoors and outdoors in the back garden area
- Alcohol sales - indoors and outdoors in the back garden area

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Notwithstanding that every application must be assessed on its merits - when the previous operator had evening alcohol sales indoors and outdoors nearby residents were unacceptably disturbed. Given the location of 210 High Street back garden area to neighbouring residents above High Street shops and in The Drive it is inevitable that a similar nature of disturbance will occur. I have already been contacted by a number of residents who are very concerned that Dough Bakehouse will become a late-night premises.

On behalf of impacted residents, I would like to lodge my objections on the following grounds:

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2. **prevention of public nuisance** - the noise from the garden area would disturb nearby residents until at least midnight every day. Granting this license does not accord with noise Policy 119 of the Bromley Local Plan, which seeks to preserve residential amenity and avoid unneighbourly noise and disturbance.
3. **public safety** - granting of the license would be contrary to the CIP.
4. **protection of children from harm** - children residing in nearby residences will be disturbed by noise coming from the premises late into the evening every day of the week.

Thanks,

Will Connolly

Liberal Democrat Councillor

Beckenham Town & Copers Cope Ward

Hello Paul

I object to the licence application for these premises for the following reasons:-

1. The premises does not have planning permission to operate as a Sandwich Bar, Restaurant and Bar. An application for Change of Use to Mixed Use; Sandwich Bar (Use Class A1), Restaurant (Use Class A3) and Bar (Use Class A4), wooden rear extension to enlarge bar and provide additional seating area was declined to determine on 17th June 2019. (See attached decision notice). Therefore, an application for a premises licence should not be granted unless the appropriate planning permission is in place. To grant this application would be a breach of London Borough of Bromley's Licensing Policy.
2. The premises back on to a dense residential area. Numerous complaints were received regarding noise and other statutory nuisance during occupation as a restaurant and bar by the previous occupier, resulting in the revocation of the premises licence in 2019. The provision of live music, recorded music, films, provision of alcohol, late night refreshment and the late opening hours would in my opinion, result in an unacceptable level of noise and disturbance causing Statutory Nuisance, harm and loss of amenity to the residents residing locally to the premises.

Kind regards

Jean Bywater
Health & Safety Inspector

Public Objections:

Objection 1

Dear Licensing

I am writing to object to the license application for 210 High Street Beckenham, BR3 1EN.

My main objection is:

1) There is no planning permission for the area which has been earmarked for the license to take place.

In addition to the lack of planning permission, I would also like to object on the following grounds:

2) The License is for late night drinking and loud music. There have previously been applications by other leaseholders at the same premises which was not granted a late license on the grounds that the noise caused by the late night drinking and music/live music caused a disturbance to the surrounding properties. The houses to The Drive were built in the 1920s and most inhabitants on that row of houses have lived there for more than 10+ years. We did not move into a known noisy area where there was drinking and loud music which could be heard from inside the house. It was proven by LBB that the acoustics of the surrounding area was working to amplify the noise and any of the houses on The Drive which backed onto the High Street were experiencing a noise volume higher than that which was produced on the premises at 210 The High Street.

3. The license is until 00:00 every day including weekends. This is above and beyond what is acceptable for local people to be able to sleep.

4. There are children who live in the road and the surrounding flats on The High Street who will be unduly affected by the noise if it carries on until 00:00 every day.

5. This end of the High Street is not part of the 'triangle' which the Police see as easier to manage at the other end of the ward. Having a late night establishment at the other end of the High Street will further stretch the Police's work.

I'm sure the fact that there isn't the correct planning permission for the use of the terrace is enough for the licence not to be granted, but the fact that it was only a few years ago that the previous occupants wanted to have a license and it was turned down due to the acoustics of the area (which haven't changed) means that there are no grounds for either planning permission or a license.

Yours faithfully

The Drive, Beckenham, Kent BR3 1EQ

Objection 2

Dear Licensing

CBRA are writing to object to a license for Dough Bakehouse at 210 The High Street, Beckenham on behalf of our residents and members.

The points of objection are:

1. There is no existing planning permission for the terrace area they want to use for the licensing.
2. A license for music and vertical drinking until 00:00 is out of context with the area where there are no pubs or drinking establishments on that side of The High Street let alone any premises that open until that late.
3. The late opening on any night of the week will disturb children and families due to the 'bowl' shape created by the houses and gardens which echos noise generated back into the bedrooms of the homes and amplifies the noise. The previous tenants of 210 High St tried endlessly to get a license but for this reason, the noise was unbearable and the license was never granted.

Yours faithfully

Central Beckenham Residents' Association
Rectory Road, Beckenham, Kent BR3 1HL

Objection 3

> Re: Dough application for alcohol and for performances 10am - midnight

>

> Dear Sir/Madam,

>

> I am a resident of The Drive in Beckenham and have been made aware that Dough, 210 Beckenham High Street, have applied for an alcohol licence and to hold live amplified performances and play recorded music in and outside their building from 10am - midnight.

>

> I object to this as it will have a massive impact on the residents of The Drive. The sound will impact on all our lives and previously we have had issues with previous occupants of 210 when they had loud music and an alcohol licence. It's a residential area and the area is loud enough without having Dough causing more. It will have an impact on people's mental health and well-being.

I also wanted to add that the area has seen an increase in crime as well which I believe to be an outcome of the night time economy that is in Beckenham.

We have enough bars, pubs and night clubs in such a small area as Beckenham High Street and we really don't need any more to add to that.

> Yours Sincerely,

>The Drive

> Beckenham, Kent

Objection 4

I am objecting on behalf of West Beckenham Residents' Association. This application appears to relate to a change of use from bakery shop and café to late night licensed premises. Notwithstanding recent changes to the Use Classes Order, WBRA consider this to be a material change of use. We are also unable to find any planning permission for the rear terrace. As far as we understand it, a licence should not be granted where there is no planning permission.

This building is very close to residential properties in The Drive and flats above the retail outlets on the High Street. The application is for late night use of indoor areas and the outdoor rear terrace area for alcohol consumption and music and films. This would have severe impact the neighbouring properties through noise, whether or not music or films were involved, but especially so if they were. A licence allowing music and films outdoors until midnight seven days a week is totally unacceptable.

We note that there are restrictions on the time of use of outdoor areas in other licensed premises in the area which are close to residential properties (eg Coach and Horses, Burnhill Road, outside area bar to close at 9pm).

We also ask that enforcement action be taken on the lack of planning permission. At least one recent planning approval for use of outdoor areas (Sunrise Café, Croydon Road, DC/22/00468/FULL1) includes conditions that "There shall be no playing of live music and amplified sound for entertainment purposes in the forecourt area at any time, and inside the premises when the bi-fold shop front windows are open/in use. Reason: In the interest of the residential amenities of the area and to avoid unneighbourly noise and disturbance, to accord with Policy 119 of the Bromley Local Plan."

Officers will be well aware of the severe problems arising under a previous ownership, from the type of use currently being proposed. Even with exemplary management of the premises, the proximity to residential property in The Drive and in flats above adjacent shops means intolerable nuisance would be inevitable. Such nuisance will also be experienced by residents on the opposite side of the High Street, Kelsey Square and Burnhill Road. Therefore, to accord with Policy 119 of the Local Plan, this application should be refused.

Objection 5

I live at The Drive Beckenham BR3 1EE - and understand an application has been made to sell alcohol and live amplified entertainment at 210 High Street, which I seriously object to on the grounds of:-

- Encourages Crime & Disorder
- Public Nuisance

The Police prefer establishments to be nearer Beckenham Junction so they can control disorder and provide public safety

Please register my objection please.

Many thanks

Objection 6

Dear Sirs

Ref 22/00919/LAPRE

It's with great concern that we've learned of an application for the above to sell alcohol on and off premises and to put on amplified performances of music etc 7 days and 10am to midnight.

We cannot object strongly enough to this application. The granting of such a licence would cause untold public nuisance of noise, and unruly behaviour as has been previously experienced at this very site both during the day and late at night. This is not the right place for this sort of licensing as it's a residential and shopping area enjoyed by local residents, including the elderly and children, in safety and without the intimidation from intoxicated patrons, accompanied by loud music and disorder which we were previously subjected to. As nearby residents please consider our objections to such an inconsiderate application.

Yours faithfully

Objection 7

Dear Licensing Team,

I am writing on behalf of myself and my wife objecting to the above referenced licence application made by The Dough Artisan Bakehouse, 210 High Street, Beckenham. BR3 1EN.

The rear of my premises back on to the service lane leading to the rear of the shops in The High Street including number 210 occupied by the Dough Bakery.

I do understand this new license application has to be taken on it's own merits. However, much of the reasoning for my objections are as a result of past experiences and what I know for fact about these premises and the effects that are generated from them as a result of music playing and crowds of people being served alcohol during the day and late into the night.

Prior to the Dough Bakery, the premises were occupied by the Two Ten restaurant which soon after opening in 2016 evolved into a nightclub serving alcohol, playing amplified music and causing unacceptable disturbance and loss of amenity to the local residents. A case that is well documented.

My objections in this case however have nothing to do with the old business but are purely based on my knowledge of the building premises as they are now, the content of the new application and conclusions I have drawn from it for how the business is intended to develop in the future if the application were successful.

I have read the new application and noted the lack of information therein. What little information is included is vague and unexplained. For example, 'unamplified films' and 'potentially amplified music'.

I can see however the basic plan of what The Dough Artisan Bakery want to achieve, namely:

Indoor and outdoor films.

Indoor and outdoor amplified music.
Indoor and outdoor live music.
Supply of alcohol for consumption both on and off the premises.
All between 1000 hours and midnight seven days a week.
Late night refreshment.

In essence it is almost identical to the licensing application made by the old occupants in 2016 which concluded with them having their license revoked and a terrace that was built without any permission to be demolished.

There is nothing in the new licensing application that would lead me to expect anything different from my experiences of the old restaurant / nightclub.

The drawings that have been submitted and included in the documents page of this new application are not representative of what is there at present. They are in fact EXACT copies of part (The 1st, 3rd and 7th pages) of a drawing submitted and dated 14/11/2016 under the planning application reference 16/05191/FULL1. I have included a copy of both the new and old drawings which I downloaded from your website.

Objection 8

Dear Mr Double

Please find attached a copy of our objection letter to the licensing application at 210 High Street Beckenham 22/00919/LAPRE.

We object to this licensing application on three main grounds:

- 1) Granting a license under current conditions would be a breach of licensing policy:
 - (i) Dough do not have planning permission for commercial use of their terrace - their retrospective planning application has been outstanding since October 2020.
 - (ii) Dough do not have planning permission to change their use class from Class E (Commercial, business and service) to become a Class Sui Generis (drinking establishment / cinema / venue for live music).
 - (iii) The premises are subject to the Beckenham Town Centre special policy on cumulative impact.
- 2) This is a repeat, nearly identical application for licensable activities / regulated entertainment at this location. The previous premises "210" at this location were subject to 2 noise abatement orders, planning enforcement and had their license revoked for a variety of reasons on 11 December 2018. Given the open air location close to residential properties, license conditions on have been proven to be difficult to enforce, have caused unnecessary distress for residents with young families and extensive burden on LBB. The premises (whilst under new management) have not provided any justification for a change of circumstance to justify an identical license being granted.
- 3) Failure to meet 3 of 4 Bromley licensing objectives (Public nuisance, Crime and disorder, Protection of children from harm).

We have also attached for completeness

- noise report we had commissioned in 2018, showing the low level of background noise in bedrooms of The Drive, and impacts on noise through licensed / regulated entertainment activities on the terrace at 210 High Street
- Jan 2019 review of 210's license resulting in its revocation
- final decision from planning inspectorate regarding the premises, resulting in planning enforcement

Kind regards

The Drive
Beckenham, BR3 1EQ

Objection 9

Dear Sir/Madam

Application Reference 22/00919/LAPRE

It has been brought to my attention that Dough Artisan Bakehouse at 210 High Street Beckenham have applied for a licence to sell alcohol until midnight 7 days a week and to have film and music entertainment too.

I live just across the road from the premises and already have to endure loud music especially on weekends from the Coach and Horses behind and be affected by noise from people (quite often in a drunken state) leaving restaurants late into the evening. The thought of yet another premises being turned into a late night drinking and entertainment establishment really does offend me.

On Kelsey Square I frequently have people urinating outside my property, having drunken arguments and occasionally physical brawls. As a Bakery I fully support Dough, but why oh why another late night drinking/entertainment venue? In the interests of trying to reduce Crime and Disorder, ensure Public Safety and reduce Public Nuisance I object to this application and fully hope that it gets refused.

Yours Faithfully

Kelsey Square Resident

Objection 10

Reference 22/00919/LAPRE

Hi dear Madam/Sir

My councilor for Beckenham *Mr* Michael Tickner informed me about above application which made me mad ,I always happy to see people are happy but because I live BR3 1 EE that is close to high street in beckenham and also close to this shop I am 100% against loud music and of course alcohol specially to late night which I am suffering with flash back of accident and because of this reason I am not

happy you accept and pass this license for this shop ,please stop it unless without any noises.

I really thank you to understand my position.

Objection 11

I would like to register my strong objection to the application of Dough Artisan Bakehouse for a licence to sell alcohol. ref 22?00919/LAPRE

I understood that Beckenham Junction was the designated area dedicated to night club type business and I am very concerned about the potential noise implications.

Kelsey Lane Beckenham BR3 3NE

Objection 12

Dear sirs/madam,

Application ref 22/00919/LAPRE

I strenuously object to the application of Dough Artisan Bakehouse for a licence to sell alcohol and to play loud music until 12 midnight. There is an area of Beckenham which appears to be the designated area for this type of activity, though for the life of me I cannot understand why this was ever allowed in a small, respectable place like Beckenham.

I sincerely hope that the noise implications of the Dough application along with potential spread of the "seedier" part of Beckenham will be reflected in the decision to refuse this application.

I am sure I am not alone in being alarmed by:

A/ this application and

B/ the thought of our lovely peaceful Beckenham being spoilt by yet more noise and revelling.

Yours sincerely,

Kelsey Lane

Beckenham

BR3 3NE

Objection 13

Dear Bromley Council

REF: 22/0919/LAPRE

Unfortunately we hear that Dough Artisan Bakehouse has applied to Bromley Council for a licence to sell alcohol for consumption both on the premises and to take

away, to show films, put on live amplified performances and play recorded music both inside and outside the building - all this, from 10am to midnight, 7 days a week.

As local residents opposite Dough Artisan Bakehouse in Coopers Mews BR3 1AJ we must object to this application on the following grounds -

Crime and Disorder and Public Safety

Police have previously indicated that nightclub-type businesses should be restricted to the Junction end of Beckenham and well away from residential areas in order for them to control disorder and provide public safety. Dough is well outside of this zone.

We have been through a similar application process with The Coach & Horses, when it transformed itself despite strong local opposition from a local pub into a live music and sports venue. Along the way we have had to put up with drugs being bought, sold and used there, people slurring into the microphone until past 1 in the morning, loud crowds and the fug of cigarette smoke until late, and having to step over condoms on the way to the local park. Although the pub has a new manager and seems to have improved, the stress on local residents has been enormous and long lasting.

Protection of Children from Harm

Dough is surrounded by family homes in the types of charming residential neighbourhoods that attract people to Beckenham. Children sleeping in nearby homes will be disturbed by amplified music and loud comings and goings late into the night. It would be simply unavoidable.

Public Nuisance

There is history with this address, with the previous operator of '210' causing a total misery to large parts of central Beckenham by holding noisy outdoor events late into the night. The tucked away location of the garden at the back of the building made it ideal for underage drinking and drugs. It also meant the sound carried the length of The Drive and around the neighbouring streets. This operator did not follow planning and licensing laws, yet it still took a long campaign by local residents and the council to stop what was clearly a public nuisance and also a hot spot for crime and disorder. This is a new application, but the fundamentals are the same. And once granted, any new owners would not have to keep good any promises made by Dough to be considerate neighbours.

More recently, as well as the Coach & Horses, neighbouring Paloma tried the same trick, opening as a 'family restaurant' but applying for licenses more in keeping with a nightclub. I went with some local neighbours for a meal - which was interrupted from 9pm by dancers in tiny bikinis dancing to extremely loud music. The external seating spills out over the neighbouring pavements all the way to Kelsey Square and Coopers Mews. Paloma too seems to have calmed down into the neighbourhood restaurant it said it would be, because it seems there is no desire in this part of Beckenham for a nightclub.

Bromley Council and Beckenham High Street

During elections I asked councillors what the retail strategy is for Beckenham is, and the answer is that there isn't one. It's just who will pay the highest rent. It has created an ideal situation for unscrupulous and often hard to track foreign business owners to open multiple venues through complicated offshore accounts that go bust and then open back up again. It is also creating a high street of nightclubs and all day drinking. Surely Beckenham deserves better than this? We need a high street and retail strategy to maintain the village feel that makes Beckenham desirable as a residential neighbourhood.

I was assured by a local councillor that Bromley Council did not intend to grant any further alcohol licenses for Beckenham. I hope this is still the case, not something said to attract my vote.

Dough Artisan Bakehouse - please do not grant this license 22/0919/LAPRE
We were excited to welcome Dough to the High Street, and have tried our best to support it. We've been in for coffees, cakes and sandwiches to eat in, eat in the garden and take away. But despite the positive PR and our desire to support local businesses, we are confused and disappointed by the offering. It seems not to be 'artisan' in anything other than a marketing name and to sell more merchandise than bread. Now it faces competition from neighbouring Blackbird Bakery and also Pret A Manger. So it seems the business plan is to move from bakery to bar, nightclub and outdoor event venue. This is wrong for the area, wrong for Beckenham High Street and at this location has already been proved a public nuisance, a harm to children and an ideal location for crime and disorder, putting public safety at risk.

We hope Bromley Council will listen to residents, and not grant this license.

Kind regards,
Coopers Mews, BR3 1AJ

Objection 14

Dear Sir / Madam,

I am objecting to Dough Artisan Bakehouse applying for an alcohol license and an entertainment license in view of public safety and crime and disorder. It is great to have this bread business here with its location on the crossing but to change the nature of its business is significant.

Already the chairs and advertising boards are making negotiating the pavements here hard for the visually impaired and those in mobility scooters as the pavement is narrow. If alcohol is served or sold as an off license it will lead to more chairs and tables being put outside making it dangerous to get by.

Currently this end of the high street has quiet restaurants which have plenty of space outside. No entertainment takes place and they close quietly at a reasonable time.

What Dough is suggesting with extended drinking hours and with outside music will be a nuisance disturbing the peace of what is a residential area at the back and with flats above zizzis. Currently the limited police resources can focus their efforts around Beckenham junction and the entertainment venues there. This change of licensing will stretch the police and may lead to a precedent being set and cause crime and disorder to increase in this part of Beckenham damaging the appeal of the existing three or so restaurants who don't operate as night clubs.

I would object and hope Dough can continue to operate as a successful bakery

Kelsey lane. Beckenham

Objection 15

Re: Objection to licensing application 22/00919/LAPRE, Dough Artisan Bakehouse Limited, 210 High Street Beckenham

Dear Mr Double,

As local residents, we are writing to object to the application from Dough Bakehouse for a licence to serve alcohol and provide regulated entertainment. The licence application is until midnight every night of the week and for both indoor and outdoor entertainment.

1. I understand that the company do not currently have planning permission to use the terrace therefore no licence should support providing drinks/entertainments on it.
2. This property backs onto a quiet residential area and is a significant change in use for a bakery. This property has a class of use type E. This licence application would result in them becoming a bar/pub. Has appropriate change of use class been approved?
3. This application does not meet the "public nuisance" part of the licensing objective. Closing doors and windows will not mitigate the reduction of any noise that is generated outside, be this loud conversation or amplified music which will continue to affect noise levels on local streets.
4. This application does not meet the "protect children from harm" licensing objective. The property backs onto a residential street where many children (and adults) are currently able to sleep without disruption. Outdoor music until midnight on any evening would have a significant impact on children's ability to sleep and therefore learn. However, if this licence were to be approved, this could result in significant disruption every night of the week affecting the health and wellbeing of those living locally.

Thank you for taking these objections into consideration.

Yours sincerely,

The Drive, Beckenham BR3 1EE

Objection 16

RE: Licence application at the Dough Artisan Bakehouse, 210 High Street, Beckenham. Reference number: 22/00919/LAPRE

I am registering our objections to the application on the following grounds:

1. Public safety

We understand that the police have previously indicated that nightclub-type businesses should be restricted to the Beckenham Junction end of Beckenham and well away from residential areas in order for them to (i) maintain public safety (including children) (ii) better control crime & disorder, and (iii) minimise public nuisance. 210 High Street is surrounded by residential areas and is far removed from Beckenham Junction. The disregard of police advice would be a clear dismissal of residents' interests and a demonstrable withdrawal of support from the police to whom the council still delegates the responsibility to maintain all forms of public order.

We understand that the investigations undertaken by LBB's Licensing Office concluded that the playing of music from this location was not acceptable, given the residential nature of the area. The investigation further identified concerns regarding crime and disorder. It is not credible that these circumstances have changed since this investigation.

2. Crime & Disorder

The police advice stated above, LBB's own investigations and the necessity for LBB to support the minimisation of crime and disorder, also apply to this category.

3. Protection of children

The police advice stated above, LBB's own investigations and the necessity for LBB to support the protection of children from unsavoury situations and noise, also apply to this category.

201 High Street is surrounded by family homes. It would be unavoidable that children, sleeping in nearby homes, would be disturbed by amplified music and loud comings and goings late into the night. It is known to be unavoidable as it has happened before at that venue, and is therefore foreseeable should it be allowed to happen again.

Allowance of the proposed change of business at 210 High Street from a family orientated bakery to a cinema/nightclub-type operation with outside music can, in no way, protect children.

4. Public nuisance

The police advice stated above, LBB's own investigations and the necessity for LBB to support the minimisation of public nuisance, also apply to this category.

It has already been established that sound from the property carries the length of the Drive and far across the surrounding area. Approval of the licence would disregard already established public nuisance evidence to the detriment of residents.

Thornton Dene

Beckenham

BR3 3ND

Objection 17

We would like to object to the licensing application at 210 High Street Beckenham 22/00919/LAPRE.

We object on three main grounds:

1) Granting a license under current conditions would be a breach of licensing policy:

- The applicant does not have planning permission for commercial use of their terrace
- The applicant does not have planning permission to change their use class from Class E
- The premises are subject to the Beckenham Town Centre special policy on cumulative impact

2) It fails to meet 3 out of 4 licensing objectives (public nuisance, crime and disorder, protection of children from harm)

Prevention of public nuisance:

- The distance between the rear of the property and our garden is less than 10 metres and our rear windows/bedrooms are approximately 40 metres away.
- The existing terrace is detrimental to the amenities that we/nearby neighbours should reasonably expect. We are able to hear noise and general disturbance (including music) from the terrace when in our garden / using the rear rooms in our house.
- An independent noise report by Aulos Acoustics (provided by a neighbour) states that "the use of the courtyard represents an Unacceptable Adverse Effect Mitigation is unlikely to be effective."
- Granting an alcohol / regulated entertainment license to the location of 210 High Street would allow any future businesses to operate licensable activities at this location.

Protection of children from harm:

- Late night operation of licensed & regulated entertainment activity at Dough will cause harm to my children due to the disturbance of their sleep. In particular, one of my son's has been diagnosed with Auditory Processing Disorder, which means he needs his room to be silent when going to sleep.

Crime and disorder:

- Other than CCTV, the application makes no reference to any consideration of crime and disorder relating to the consumption of alcohol
- Given their proximity to residential properties, late night operation / licensed & regulated entertainment activity at Dough, will also increase crime and disorder at the bottom end of The Drive, as patrons disperse into the alley and nearby streets

3) This is a repeat of an application for licensable activities / regulated entertainment at this location

- The previous users of this location were subject to 2 noise abatement orders, planning enforcement and had their license revoked for a variety of reasons on 11 December 2018.
- Given the open air location close to residential properties, license conditions have been proven to be difficult to enforce, have caused unnecessary distress for residents with young families and extensive burden on LBB. The premises (whilst under new management) have not provided any justification for a change of circumstance to justify an identical license being granted.

In addition to the above, we note that Dough has already started advertising **licensed** events at this property.

We understand that it was possible to buy tickets for the latest **icensed** event (bread and Prosecco for £40 per person) up until the day of the event, before it was cancelled/postponed.

It would be great if you could **confirm receipt** of our objections and keep us in the loop on any further developments in relation to the above address.

Kind regards,
The Drive
Beckenham
BR3 1EQ

Objection 18

Dear Members of Bromley Council,

During the two years I have lived in Beckenham four properties have applied for extended alcohol licences and hours. The first was The Coach and Horses, which has been transformed from a sleepy public house to a public nuisance, with loud

music and anti social - perhaps criminal behaviour in the surrounding area caused by some of the people who frequent it.

The second was Paloma which was said to be a family restaurant but quickly became a nightclub with pavement tables and noisy, inebriated customers spilling onto the street late at night.

Now the shop Dough is hoping to serve alcohol and show films until midnight. Dough was originally styled as an artisan bakery and as such was welcomed onto Beckenham's busy and thriving high street.

The White Horse pub has also now applied for extended hours. How will this improve the quality of life for the residents and citizens of Beckenham?

All four properties are minutes away from my home in a quiet mews which is part of a preservation area. Beckenham has a thriving community made up of law-abiding citizens. Why does Bromley Council wish to change this? Progress is good and is welcomed here but allowing late night alcohol licences is a backwards step.

I suggest that Dough re-thinks its ways of becoming profitable, perhaps by selling good, artisan bread and I respectfully request that the members of Bromley Council do not take the unpopular and unwelcome decision to grant a late night opening and alcohol license to this shop.

Kind regards,
Coopers Mews BR3 1AJ

Objection 19

This is a predominately retail/food orientated High Street with residential roads leading off it. The proposal to have amplified music simply does not fit with this environment. I have two young children that require sleep. This will further add to the current noise levels of live music from the 'Coach & Horses' public house that carries quite some distance. These types of venues should be strictly limited or remain in one specific area, i.e. near Beckenham Junction. This will undoubtedly cause a public nuisance. Why would a bakery need to have film nights and loud music? It will potentially attract additional footfall to the area which will further stretch (the already stretched) police resources to cope with potential crowd control, associated crime and possible disorder which late night venues attract. I am in strong opposition to this application.

Objection 20

I object for the following reasons:

public nuisance : The outdoor terrace is very close to back gardens of houses in The Drive, some less than 100 metres away and to flats above the nearby business premises. People will be subjected to constant noise from customers, music and other entertainment. Applicant says doors and windows will be closed during entertainment - irrelevant when the entertainment is outside. A previous licence at these premises was revoked and the conditions for this one stay the same - same site, different owner. Alcohol licence until midnight 7 days a week is totally unreasonable and more than local pubs have.

crime and disorder : applicant says there will be cctv cameras installed. These won't record people's behaviour once they have left the premises, possibly with alcohol they have bought to

take out. Most late night drinking venues are centred around one area (Beckenham Junction) so that it is easier to control anti-social behaviour.

This business is run as a bakery and cafe and the sale of alcohol and late night entertainment is inappropriate and undesirable

Objection 21

This shop opened as a bakery. A bakery does not need alcohol and music until midnight. I am a local resident and the lane I live on is often used as a cut through from the high street. We are often disturbed by noisy, drunk people leaving the pubs at closing time. We should support the police and not make their job more difficult. The police have previously indicated that nightclub-type businesses should be restricted to the Junction end of Beckenham, away from the residential areas.

Objection 22

I am writing to object to the application made by Dough at 210 High Street Beckenham. This is a substantial shift in business type, from an artisan bakery to a pseudo nightclub venue, with late opening, alcohol, live music and movies.

It will clearly cause public nuisance issues (as the previous owner did when attempting a similar business model), alongside the potential for crime and disorder, which is naturally a danger for the protection of children from harm.

I urge you to consider the impact on the high street and the residents, and not allow a repetition of the issues generated by the previous occupant.

Yours sincerely,
The Drive, BR3 1EE.

Objection 23

Dear Sir /Madam

Application ref 22/00919/LAPRE

I am objecting to the application from Dough Artisan Bakehouse for a licence to sell alcohol for consumption, both on the premises and takeaway. I also want to object that the applicant also wants to have live, amplified performances and play recorded music, inside and outside the building.

The location is extremely close to quiet residential housing, i.e. Kelsey Square and flats above Zizzis.

It is great to have a bakery business here but to change the nature of the business is significant as it's hours of business will be extended to late at night and where alcohol is involved the possibility of inappropriate behaviour and public safety, crime and disorder are increased.

Already chairs and advertising boards make negotiating the pavement difficult for the visually impaired and those using motor scooters as is it very narrow. Serving alcohol will lead to more chairs and tables making it even more difficult to get passed.

It is my hope that Dough Artisan Bakery will continue in it's current line of business but definitely without a licence to sell alcohol or play loud music into the evening.

Yours sincerely

Kelsey Lane
Beckenham
BR33NE

Objection 24

RE: Licence application at the Dough Artisan Bakehouse, 210 High Street, Beckenham.
Reference number: 22/00919/LAPRE

I am registering our objections to the application on the following grounds:

1. Public safety

We understand that the police have previously indicated that nightclub-type businesses should be restricted to the Beckenham Junction end of Beckenham and well away from residential areas in order for them to (i) maintain public safety (including children) (ii) better control crime & disorder, and (iii) minimise public nuisance. 210 High Street is surrounded by residential areas and is far removed from Beckenham Junction. The disregard of police advice would be a clear dismissal of residents' interests and a demonstrable withdrawal of support from the police to whom the council still delegates the responsibility to maintain all forms of public order.

We understand that the investigations undertaken by LBB's Licensing Office concluded that the playing of music from this location was not acceptable, given the residential nature of the area. The investigation further identified concerns regarding crime and disorder. It is not credible that these circumstances have changed since this investigation.

2. Crime & Disorder

The police advice stated above, LBB's own investigations and the necessity for LBB to support the minimisation of crime and disorder, also apply to this category.

3. Protection of children

The police advice stated above, LBB's own investigations and the necessity for LBB to support the protection of children from unsavoury situations and noise, also apply to this category.

201 High Street is surrounded by family homes. It would be unavoidable that children, sleeping in nearby homes, would be disturbed by amplified music and loud comings and goings late into the night. It is known to be unavoidable as it has happened before at that venue, and is therefore foreseeable should it be allowed to happen again.

Allowance of the proposed change of business at 210 High Street from a family orientated bakery to a cinema/nightclub-type operation with outside music can, in no way, protect children.

4. Public nuisance

The police advice stated above, LBB's own investigations and the necessity for LBB to support the minimisation of public nuisance, also apply to this category.

It has already been established that sound from the property carries the length of the Drive and far across the surrounding area. Approval of the licence would disregard already established public nuisance evidence to the detriment of residents.

Thornton Dene
Beckenham
BR3 3ND

Objection 25

Dear Bromley Council

OBJECTION: REF: 22/00919/LAPRE

Unfortunately we hear that Dough Artisan Bakehouse has applied to Bromley Council for a licence to sell alcohol for consumption both on the premises and to take away, to show films, put on live amplified performances and play recorded music both inside and outside the building - all this, from 10am to midnight, 7 days a week.

As local residents opposite Dough Artisan Bakehouse in Coopers Mews BR3 1AJ we must object to this application on the following grounds -

Crime and Disorder and Public Safety

Police have previously indicated that nightclub-type businesses should be restricted to the Junction end of Beckenham and well away from residential areas in order for them to control disorder and provide public safety. Dough is well outside of this zone.

We have been through a similar application process with The Coach & Horses, when it took advantage of a seemingly more relaxed regulatory regime and rather haphazard approach from Bromley Council during 2020 and 2021 and transformed itself from a local pub into a live music and sports venue, despite strong local opposition from residents.

We already have a number of other venues in this part of Beckenham serving alcohol late into the evening – Paloma, QBar, Eatwell, Ardec (although seems to be closed at the moment).....and as we predicted we have to put up with late-night shouting and foul

language in the High Street, extra rubbish, vomit and the sight of people dealing drugs in Kelsey Lane behind our garden wall - most recently 10 days ago.

The stress on local residents from noise and disturbance is significant and can be long lasting and we do NOT need another venue contributing to this. It seems that the designation of 'Conservation area' is completely meaningless in this respect.

Protection of Children from Harm

Dough is surrounded by family homes – many families are attracted to Beckenham because of the generally pleasant and charming ambience that the High Street offers, especially during the day. But children (and adults) sleeping in nearby homes will be disturbed by amplified music and loud comings and goings late into the night. It would be simply unavoidable. We know that it is unavoidable as it's happened before at that venue.

It's worth pointing out that Dough was established by virtue of the owner, Carina, winning 'The Apprentice' in 2020 with the backing and funding of Lord Sugar on the premise that she would 'open an artisan bakery in every major high street in England'. We were initially delighted to have her first, well-publicised new venture so close. Currently the bakery attracts families and children with its relatively wholesome offering. How on earth can it continue to genuinely offer that if it's also serving alcohol from 10am in the morning, 7 days a week? Whilst it's not the Council's responsibility to scrutinise the strategies of local businesses this proposed conversion into a drinks establishment and late night cinema seems a far cry from the initial family-friendly proposition that was peddled throughout the TV series.

A quick look at the company's entry at Companies House (Co Number 11166075) shows that Dough Bakehouse is established for 'Other retail sale of food in specialised stores'. No reference to alcohol or late night cinemas.

We therefore strongly object to the proposed change on the basis of protection of children from harm and disturbance.

Public Nuisance

As the Council knows, there is history with this address, with the previous operator of '210' causing a total misery to large parts of central Beckenham by holding noisy outdoor events late into the night. As you're no doubt aware, the sound carries the length of The Drive and around the neighbouring streets. The previous operator did not follow planning and licensing laws, yet it still took a long campaign by local residents and the Council to stop what was clearly a public nuisance. This is a new application, but the fundamentals are the same. Whilst Dough may make promises to curb public disorder, the license would be for the premises and therefore can be sold on – without the commitment to safeguards that the Council may ask Dough to put in place.

More recently, as well as the Coach & Horses, neighbouring Paloma tried the same trick, opening as a 'family restaurant' but applying for licenses more in keeping with a nightclub. There seems to be a trend here – apply to Bromley Council to open something 'family friendly' but then transform it into something potentially more akin to a nightclub or other late night establishment.

We strongly object to this tactic being used by Dough.

Bromley Council and Beckenham High Street

During the May 2022 local elections we asked Councillors what the retail strategy is for Beckenham is, and the answer is that there isn't one. It seems to be just who will pay the highest rent. It has created an ideal situation for business owners to open multiple venues through complicated and opaque arrangements that go bust and then open back up again. It's easy to see that this is happening from records in public domain. This behaviour is also creating a high street of nightclubs and all day drinking. Surely Beckenham deserves better than this? We need a high street and retail strategy to maintain the village feel that makes Beckenham desirable as a residential neighbourhood.

We were assured by a local councillor that Bromley Council did not intend to grant any further alcohol licenses for Beckenham and intended to preserve the 'community feel' especially at this end of the High Street. We would urge the Council to stick to this line please.

Dough Artisan Bakehouse - please do not grant this license 22/00919/LAPRE

As a number of my other neighbours have also said, we were excited to welcome Dough to the High Street, and have tried our best to support it. We've particularly enjoyed the family feel and the outside space at the back. But despite the positive PR and our desire to support local businesses, we are now confused and disappointed by the offering. It seems not to be 'artisan' in anything other than a marketing name and to sell more merchandise than bread. Perhaps it's the increased competition from the new neighbouring Blackbird Bakery and Pret A Manger. But to move from a bakery to bar, nightclub and outdoor event venue is wrong for the area, and wrong for Beckenham High Street. This business model has already been proved to be a significant public nuisance at this location, a harm to children and an ideal location for crime and disorder, putting public safety at risk.

We therefore hope Bromley Council will listen to local residents, and not grant this license.

Coopers Mews, Beckenham, Kent BR3 1AJ

Objection 26

Dear Mr Double

I am writing to object to the licensing application referenced in the e-mail header and made by Dough Bakery.

I find their application to be extraordinary (music and alcohol seven nights per week until midnight in an outside space in a residential area) and I hope this won't result in a 'meeting in the middle' resolution which would also be extraordinary.

I live with my wife and three primary school age children at 6 The Drive and went through years of nuisance (as witnessed more than once by your noise nuisance team) from TwoTen with their outside space which was yards from the end of our garden. The inevitable noise nuisance is the primary reason for my complaint. It is

simply not possible for music and pub chat until midnight at the end of the garden to be anything other than an intolerable nuisance.

Accordingly I'd ask that Dough (who've apparently traded for some time without the need for this license) are told clearly that their application is a non-starter and won't be accepted even with concessions. I really hope that the Two-Ten episode has established a clear precedent but if it hasn't I'd like to see one set.

Yours sincerely

The Drive
Beckenham
BR3 1EQ

Objection 27

I object to the above license application in respect of the premises now occupied as Artisan Bakehouse.

These are my objections on the grounds of Public nuisance, and Crime and Disorder:

. We have more than enough entertainment including infinite cafes, restaurants and pubs on the High Street. Indoor noise without music is one thing but this application is for indoor and outdoor noise, alcohol sales, films, and amplified performances, for 14 hours daily. This premises backs onto The Drive, which already has a unique parking problem, and residents of all ages. We want our pavements back, for safe use by pedestrians, with room to walk.

. I don't know whether you call illegal parking, parking with the engine running, road blocking, lazy driving and obstructive U-turning Public Nuisance and Disorder, but I see it all the time in the Drive, and we would like less of it, not more.

I hope you will reject this licence application.

The Drive
BR3 1EQ

Objection 28

Licence Application ref: 22/00919/LAPRE. Dough Artisan Bakehouse

Dear Licensing

We refer to the above Licensing Application against which we wish to register our very strong objection.

This Application has been submitted by Ms Carina Lepore on behalf Dough Artisan Bakehouse Limited, a fledging business which has barely been established for two years in Beckenham, and which with its other branch at Herne Hill has we understand little or no licensed premises experience or expertise, and is seeking a full 10am -midnight, seven days a week (including Sundays!) License to sell alcohol, hold live and recorded music events, and to show films, both inside and on the outside of the premises.

It appears to be the aim of the applicant during the licensed hours applied for to hold both events which the business itself will promote, and to make the premises available for private hire (see attachments).

It is extremely concerning that during this licence application process the applicant has shown an arrogant disregard for license rules and procedures by both failing initially to display proper notice informing the general public of the application in the window at the front of the premises, and more seriously by offering tickets for sale for an alcohol /music event prior to any license being granted (see attachment).

We wish therefore to register the strongest possible object to this application on the following grounds:

1. Nuisance

Clearly the size and particular location of 210 High Street Beckenham makes this a wholly inappropriate site for a 10am to midnight, seven days a week alcohol and live events venue.

The Licensing Departments own review of this premises conducted in April 2017 highlighted the numerous complaints that had been received from local residents particularly from music being played (and this without previously the playing of live music !!), and that this was a strong contributory factor in the previous licence being suspended and the DPS being removed. A full licence on the terms being sought (including live music outside the premises!)

would be absolutely intolerable for local residents living in close proximity to 210 High Street particularly those residing to the rear of the property in The Drive and in residential flats above adjoining properties (including those being newly developed).

2. Crime and Disorder

Again the Licensing Departments review in April 2017 highlighted previous concerns about Crime and Disorder with LBB's own Health and Safety Inspector Ms J Bywater requesting that the previous license be revoked on these grounds.

Whilst it may be contested that issues arising from the premises in the past should not be ascribable to the Ms Lepore and the current license application, it is inconceivable to envisage crime and disorder problems not arising, by the granting of a more extensive license than was previously held, and with the property itself being available for 'casual hiring' plus the selling of alcohol potentially to midnight seven days a week, and also permitting during these hours the playing of both live and recorded music.

3. Protection of Children from Harm

Apart from our general concerns of having a 10am to midnight, seven days a week, drinking establishment in a very busy section of the High Street frequented by many school aged children, it does seem wholly incompatible to grant a licence of the type being sought, to a family orientated bakery business which is designed to serve families and children during the licensing hours applied for.

4. Public Safety

Again as detailed in the Licensing Departments 2017 review numerous safety concerns were raised at the time regarding the premises by Mr Lee Harvey on behalf of the London Fire Brigade.

Finally, we are extremely concerned that in the potential granting of this License it does create the potential for the business to be sold or transferred at some future date with the property licensing terms and conditions accruing to a new owner with a different modus operandi and business objectives, such as the previous incumbent at 210 High Street.

Respectfully yours

Kelsey Square
Beckenham
BR3 1 AF

Appendix 4

Additional Conditions Agreed by Applicant

From: Carina Lepore
Sent: 09 August 2022 14:21
To: Licensing
Cc: Tina Dandridge
Subject:
Fwd: Proposed conditions

F.a.o/ Paul,

Thankyou Tina, I've now forwarded on the conditions which by I agree.

Carina Lepore
Founder & Managing Director at Dough Bakehouse

From: Tina Dandridge
Sent: Tuesday, August 9, 2022 8:11:41 AM
To: Carina Lepore
Subject: Proposed conditions

Good Morning

Please see the proposed conditions following our meeting to discuss the application – if you are in agreement please forward this email onto the council licensing@bromley.gov.uk and Cc me in.

1. Install and maintain a CCTV system covering the entrances, internal areas and external areas of the premises and recordings shall be stored for a minimum of 28 days. CCTV images shall be delivered to Police or Council Officer on request. CCTV cameras shall be installed at the entrance door to enable head and shoulders images to identification standard, of each person entering, to be captured as they enter the premises.
2. Ensure a member of staff trained in the use of the CCTV system be available at the premises at all times that the premises are open to the public.
3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram and appropriate signage will be displayed inside the premise.
4. There shall be no vertical drinking within the premises
5. Ensure that all staff within the business are 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 upon reasonable request. Refresher training will be undertaken every 12 Months.

6. Maintain a comprehensive incident register at the premises. The DPS shall ensure that 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

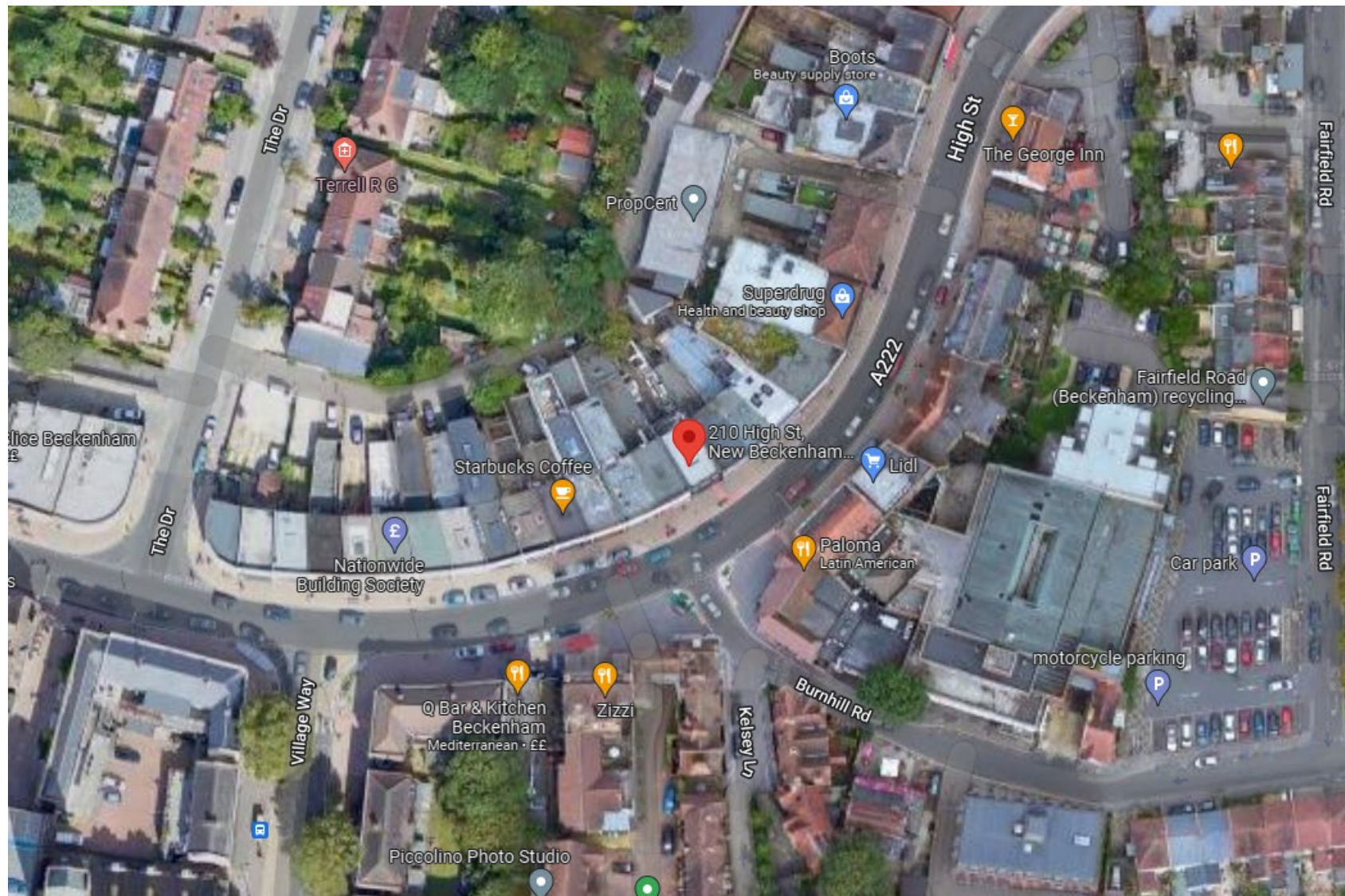
7. Ensure that a refusals book or electronic system to record all refusals of sales shall be maintained on the premises and made available to the police and local authority upon request.

PC Tina Dandridge
Licensing Officer SN BCU
Bromley Police Station

Appendix 5

Satellite Image & Street View of Premises

Satellite Image of 210 High Street, Beckenham



Superdrug
Health and beauty shop

Costa Coffee

Flock & Herd
Butchers

Big Catch
Fish & chips

Headmasters Beckenham

210 High St,
New Beckenham...
13 min drive - home

212

Pret a Manger

Starbucks Coffee

Holland & Barrett
Health food shop

Mak Health
Vitamin & Supplements Shop

High St

A222

Street View of 210 High Street, Beckenham



Appendix 6

Hearing Procedure

Hearing Procedure / Running Order

- **Chairperson will identify themselves and the Sub-Committee Members**
- **Chairman will check that the applicant and objectors have received the information from the Council and outline the procedure to be followed**
- **Chairman identifies the people wishing to address the Panel. (An applicant or objector may bring one or more witnesses.)**
- **Licensing officer presents the application to update the committee on any late changes /mediation/reduction in the application**
- **Applicant presents his/her case.**
- **Chairman will ask fellow members, the licensing officer and objectors whether they wish to ask questions.**
- **Supporters Present their case**
- **Chairman will ask fellow members, the applicant and the licensing officer dealing with the application whether they wish to ask questions.**
- **Objectors present their case.**
- **Chairman will ask fellow members, the applicant and the licensing officer dealing with the application whether they wish to ask questions.**
- **Chairman will give the applicant the opportunity to sum up their application.**
- **Committee will retire to consider the application.**
- **Committee return and announce their decision or announce the decision will be made within 5 Days and communicated to all parties**
- **Inform all parties of appeal process and if appropriate the Review Process**
- **Close the hearing**