

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 6 October 2022

### Present:

Councillor Keith Onslow (Chairman)  
Councillors Kira Gabbert and Kathy Bance MBE

### 13 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Keith Onslow was appointed as Chairman.

### 14 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 15 APPLICATION FOR A NEW PREMISES LICENCE AT 'HIT OR MISS', 6 CHATTERTON ROAD, BROMLEY, BR2 9QN

The Licensing Sub-Committee carefully considered the application for a new premises licence at 'HIT OR MISS, 6 CHATTERTON ROAD, BROMLEY, BR2 9QN.

The Licensing Sub-Committee considered:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- Guidance issued under the Licensing Act 2003
- The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003
- All written representations - Written and oral representations by the Applicant, Written and oral representations by Local Residents - Written representations by the Responsible Authorities.

The **Decision** of the Licensing Sub-Committee was:

**The Licensing Sub-Committee decided to Grant the premises licence, subject to amendments made at the Hearing on the 6th October 2022.**

The Licensing Sub-Committee meeting was held in a manner which allowed all present to hear the views of both parties. The Licensing Sub-Committee asked questions to obtain clarity and further information when required. At the

Commencement of the Hearing, the Licensing Manager explained that there was an error in paragraph 3, page 57 of 88 of the application bundle, that it ought to read:

*In summary the applicant had suggested that he would agree to the conditions proposed by the police and to amend the hours, on condition that the residents withdraw their objections. • Sunday 23:00 • Monday – Thursday 23:00 • The applicant also suggested that there were no new entries after 23:00 The objections were not withdrawn and as such, the applicant reverted to the original hours which are noted in the application (J) on page 22 of 88 and hours when the premises are open to the public are on page (L) 24 of 88.*

The Applicant's Case:

The Applicant's sister presented the Applicant's case. The Applicant's sister introduced her brother and herself and gave a summary of her brother's experience in the licensing establishment trade. She stated that the Applicant had an unblemished record in the licensing business over 35 years. She said that he was an experienced Designated Premises Supervisor (DPS), and was professional and considerate when making decisions. She informed the Panel that the Applicant had spent a significant sum of money (£9,000) to secure sound proofing at the premises (above 50dB). The venue was located nearby residential homes. Its capacity was for approximately fifty people, (37 seated and thirteen standing). The applicant stated that the establishment had a mature and well behaved clientele. The intention was to provide a niche market locally.

The Applicant explained and responded to points raised in the objections. Licensing Sub-Committee members asked a variety of questions relating to the objections and the applicant responded accordingly. The opening hours, sale of alcohol and times for opening and for the sale of alcohol were discussed. The Applicant confirmed that the Metropolitan Police and the Child Protection Team conditions had been agreed beforehand.

The Applicant said that he wished to work with the Licensing Authorities and the Residents. The Licensing Hours were discussed and the suggestions regarding the use of Temporary Events Notices (TENS) were put to the Applicant to ensure he was aware of that option being available to licensing premises. The Applicant acknowledged that he was aware of TENS. There was a discussion regarding the outside seating/garden area immediately in front of the premises. The Licensing Manager asked about how alcohol was to be served in the garden area of the premises.

The Licensing Manager said that patrons who smoked; were to be encouraged to do so in the designated area. Waste bins and how they were disposed of was mentioned. The Applicant informed the Sub-Committee members that there was an allocated area for waste from the premises and reassured residents that the premises did not intend to sell hot food. Most of the rubbish would be empty bottles and cardboard. The premises would have routine litter checks to the front area of the premises. One of the Licensing

Sub-Committee members asked whether the Applicant was aware of a Pub-Watch scheme and the Applicant responded that he was not aware but would welcome it and would join if it was available.

Objections and Support for the Licence:

There were written representations received--twenty-six in support and seven in objection from local residents. At the hearing, some local residents attended and took part in the discussion both for and against the discussion (1 in objection and three in support).

Local Residents' Representations and Discussion:

Local residents were given the opportunity to speak. The following is a summary of the discussion and relevant responses from the applicant: The main concerns were: opening hours, sale of alcohol, preventing public nuisance, crime and disorder, public safety and potential noise nuisance and waste disposal. Concerns which residents raised included the possibility of an increase in noise nuisance, the long opening hours, littering and dispersal issues, anti-social behaviour. Residents who objected to the application expressed a concern regarding the long opening hours and consumption of alcohol, and that these hours were even longer than some licensing establishments in the local area. The Applicant agreed to encourage patrons who smoked, to smoke within the designated area of the premises. That waste from the premises will be properly disposed and that there was no intention to serve hot food. The Applicant's response to the residents' concerns regarding noise nuisance was that he had spent a considerable amount of money to install sound proofing. His intention was to restrict noise emanating from the premises to avoid any noise nuisance.

Ward Councillors' Comments:

There were no representations received from Ward Councillors.

The Licence

The details of the application for the new premises licence were noted in the agenda/application bundle (Pages: 7 of 88 to page 29 of 88). Hours for the supply of alcohol were noted in application bundle (J) on page 22 of 88 and hours when the premises are open to the public are on page (L) 24 of 88. The changes made at the Licensing Hearing are noted below: Opening Hours Sunday to Thursday – 11.00 hours to 23:00 hours Friday to Saturday – 11:00 hours to 00:00 hours (12:00 Midnight) New Year's Eve - 11:00 hours to 01:00 hours Sale of Alcohol Sunday to Thursday – 11:00 hours to 22:30 hours Friday to Saturday – 11:00 hours to 23:30 hours New Year's Eve - 11:00 hours to 01:00 hours Consumption of alcohol - Frontage Garden area Monday to Sunday – 11:00 hours to 21:00 hours No patrons should remain in the garden area after 21:00 hours except for those who are using the area for smoking

Agreed Conditions:

The Applicant agreed to operate in accordance with the requirements of the Licensing Act 2003 (as amended) and the conditions attached to the premises licence..

Agreed Metropolitan Police Conditions:

- A CCTV system will be installed and maintained at the premises covering the entrances of the premises. Recordings shall be stored for a minimum of 28 days and CCTV images shall be retrieved in a digital format and supplied immediately to a Police or Council Officer on request.
- At least one CCTV camera shall be installed by the entrance door that enables face, head and shoulders images of a standard that will enable identification of each person entering and leaving the premises.
- Ensure that signage is displayed by the main exit reminding anyone leaving the premises to 'please respect our neighbourhood and leave the premises quietly or similar wording to this effect.
- Ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed inside the premises.
- Ensure that all relevant staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be available from the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 12 Months (or earlier as necessary). Maintain an incident register that that is accessible on the premises. The DPS, or a member of management 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 (or at least a description)
  - Summary of incident
  - Identification of any Emergency Services Personnel who attended
  - Crime or appropriate reference number provided by the Emergency Services that relates to the incident and any linked incidents.
- Ensure that a refusals record is maintained at the premises and that such a record shall be made immediately available for inspection by the Police or an authorised Officer of the Local Authority.
- Off sales will only be sold in sealed containers The Child Protection Team – Bromley safeguarding Children Partnership conditions which the application has agreed to adopt to are noted as follows: That the premises adopts the 'challenge twenty-five scheme' whereby any person that appears under 25 years of age has to prove they are eighteen or over by providing identification bearing their photograph,

date of birth and a holographic mark and/or Page 66 of 88 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.

The Decision:

**The Licensing Sub-Committee decided to Grant the application for a new premises licence subject to the modifications made at the Licensing Sub-Committee hearing.** The Licensing Sub-Committee when deliberating took into consideration the following: a) The Licensing Sub-Committee looked at the application as a whole. b) All the licensing objectives, the relevant licensing policies and guidelines, and all the steps which the applicant intended to take to promote the licensing objectives. c) All points raised by all parties in the application bundle and at the Licensing Sub-Committee hearing. d) That the applicant agreed to all the Metropolitan Police conditions and those from the Child Protection Team as stated in the application. e) That the applicant responded to residents' objections and was agreeable to reduce the opening hours and to hours and the sale of alcohol f) The applicant agreed to all the relevant policies and conditions, and has shown good intention to uphold the licensing objectives and to listen to resident's concerns. g) The relevant Licensing Act provides for a review process for any licensing premises which can be used as and when required. The Sub-Committee believed that the above reasons and conditions incorporated into the premises licence are necessary, in order to uphold all the licensing objectives. In conclusion, the Licensing Sub-Committee (in line with the relevant policies and guidelines) made the decision that; the new premises licence application to be granted with the relevant conditions agreed at the Licensing Sub-Committee Hearing and as noted in the full decision.

Chairman

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