

Report No.
ES 20120

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: THURSDAY 2nd MARCH 2023 AT

Decision Type: 1300HRS Non-Urgent Non- Non-Key

Title: Executive
APPLICATION FOR NEW PREMISES LICENCE AT V&J BAR RESTAURANT 87 PENGE ROAD, PENGE SE20 7UN.

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: Crystal Palace

1. Reason for report

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

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

Members can

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

Impact on Vulnerable Adults and Children

1. Summary of Impact:

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

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: £2.4 m
 5. Source of funding: Revenue Budget 2021/2022
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. When considering and making a determination on this application Members need to balance the benefits of holding the licence against any adverse effects to the Public, Local Residents and Businesses by considering its impact against the licensing objectives

Ward Councillor Views

1. Have Ward Councillors been asked for comments? **Yes**. Ward Members were notified about the application by e-mail on 6th July 2021.
2. Summary of Ward Councillors' comments: **Councillor Ryan Thomson objected** stating that there would be potential issues with noise nuisance, disorder and public safety. One other Councillor also objected but obtained dispensation to object in a personal capacity due to being a resident in the area.

The full detail of the objections are contained in **Appendix 2**.

Responsible Authorities Views

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

Responsible Authority	Date Notified	Comments (further details in Appendix 2)
Metropolitan Police	6 th July 2021	No objections on the provision that further conditions were added. See report.
Planning Authority	6 th July 2021	Objection received on grounds of an alleged unauthorised change of use.
Trading Standards Service	6 th July 2021	No Response.
Public Health Nuisance Team	6 th July 2021	No Response.
Health & Safety Team	6 th July 2021	No objection made.
Child Protection Team	6 th July 2021	No Response.
Immigration (Home Office)	6 th July 2021	No Response.
Fire Authority	6 th July 2021	No Objection.
Public Health	6 th July 2021	No Response.

Residents and interested parties

In addition to the above, 4 further representations were received from the general public, making **6** objections in total.

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

3. COMMENTARY**3.1. Licensing Act 2003.**

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

Provision of regulated entertainment

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

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

Supply of alcohol (on and off sales).

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

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

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

The Council has previously agreed Bromley's Statement of Licensing Policy for the Period 2021 to 2026.

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

Description of the Premises

The premises is a café that sits in a row of shops with residential properties above and opposite.

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

Licensing History

This is a new application; the premises has not previously held a licence to sell alcohol.

Details of the Application

This is an application for a premises licence to supply alcohol both on and off the premises.

The proposed opening hours are 08:00 – 23:00 Monday to Sunday.

Sale of alcohol both on and off the premises on: -
Monday to Sunday 11:00 – 22:30

There shall be no vertical drinking at the premises.

The supply of alcohol on the premises shall only be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal. All tables and chairs shall always remain in place.

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

NOTE: In consultation with the police the applicant agreed to additional conditions including CCTV, Challenge 25 Scheme, keeping of an incident register and restrictions on the alcoholic strength of beers and ciders.

Full details of the conditions agreed with the police are contained in **Appendix 4**.

Representations

During the public consultation period the Licensing Authority received 6 objections to the application including objections from the Planning Authority and Ward Councillor Ryan Thomson.

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

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.
- 4.2 Businesses and the Council are required to promote these objectives in the way they operate or make decisions.
- 4.3 Details of applications under both Acts are referred to the appropriate safeguarding teams for comment. In this instance no comments were received.

5. POLICY IMPLICATIONS

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

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

Applicant Details

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

Is the applicant:

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

Applicant Business

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

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

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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

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.

Its a cafe and restaurant. We have tables and chairs for our costumers and also toilet facilities

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

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?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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?

- Yes No

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="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
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.

Section 18 of 21

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.

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.

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Local Council

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act
The DPS and Premises Holder shall participate in Local Pub Watch or other similar associations.

b) The prevention of crime and disorder

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard shall be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to the public.

The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

CCTV signage will be displayed, reminding customers that CCTV is in operation.

An incident log shall be kept at the premises and retained for a period of 12 months and made available on request to an authorised officer of Croydon Council or the Police. It must be completed within 24 hours of the incident and will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(f) any faults in the CCTV system

(g) any refusal of the sale of alcohol and the name of the member of staff who refused the sale

. The premises shall operate a zero-tolerance policy to the supply and use of drugs.

. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately

. Last orders for food shall be made 20 minutes prior to the end of licensable activities

Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.

Take away orders. All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

All staff member should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:

a) must be logged and kept on the premises for the duration of the employment; and

b) must be retained for a minimum of 12 months after employment has ceased.

Continued from previous page...

c) Public safety

There shall be no vertical drinking at the premises.

The supply of alcohol on the premises shall only be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal. All tables and chairs shall always remain in place.

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

d) The prevention of public nuisance

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours

No beers, ales, lagers, or ciders of 6% ABV or above to be sold

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time

e) The protection of children from harm

A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.

Alcohol shall not be in the immediate vicinity of the entrances and exit too the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.

For all orders taken over the phone or via the internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Local Authority

Section 19 of 21

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.

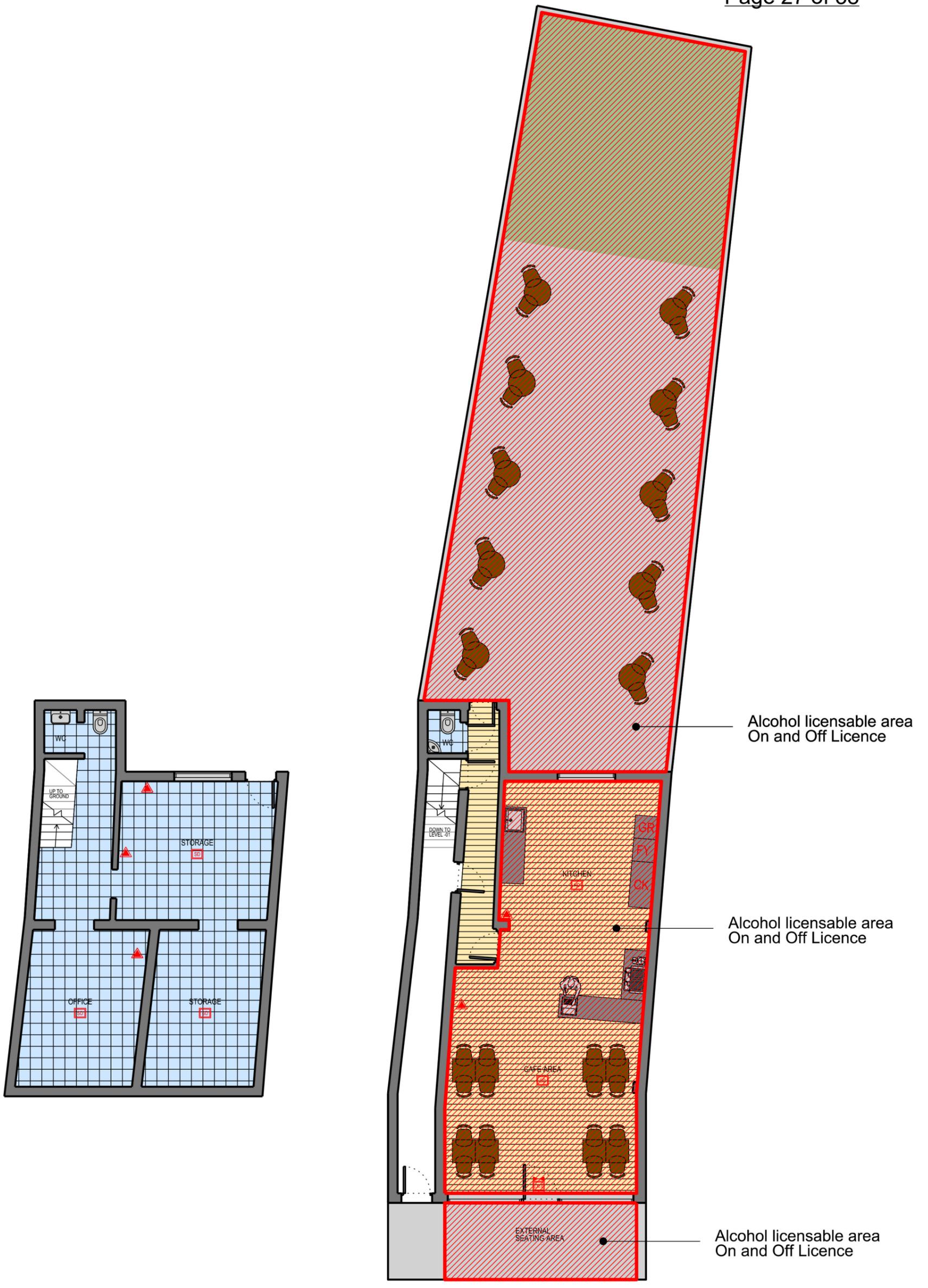
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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	VJ & Bar Restaurant Ltd
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)



- KEY**
- | | | | | | |
|---|---------------------------------|--------------------------------|--------------------------|----------------|-------|
| ALCOHOL LICENSABLE AREA | 1 Hour fire compartment | Emergency light & exit sign | Smoke detector | Fridge freezer | Grill |
| Fire blanket | 9 Litre water fire extinguisher | Emergency lighting | Sound alarm (fire alarm) | Fridge | Fryer |
| 5kg CO2 Extinguisher | Primary escape route | Fire door locked (5mm letters) | Central alarm | Freezer | |
| All fire doors to be 30/30 with self closers and intumescent strips | Secondary escape route | Heat detector (To BS5839) | Call point (fire alarm) | Oven | |
| | | CCTV | CCTV | | |

Cafe and Restaurant
 Alcohol Licence - On and Off Licence
Ground Floor and Basement Plans
 Jose Manuel Rocha
 Unit 35 Battersea Business Centre 99-109 Lavender Hill London SW11 5QL
 Tel: +44 (0) 7868 697778 - Email: manuelrocha01@hotmail.com



Applicant
 V J Bar and Restaurant,
 87 Penge Road,
 London,
 SE20 7UN

Number
 JR_125_001
 Scale @ A3
 1:100 / 1:50
 Date
 04/06/21

Appendix 2

Representations & Objections

Objection 1. – Bromley Planning Investigations Team

Dear Esther,

Thank you for consulting the planning Investigation team.

Having looked into the proposal and the history of the site, it has revealed a planning enforcement investigation into the alleged unauthorised change of use from a café to a bar/ restaurant.

We are currently investigating for a breach of planning control under reference 21/00589/CHANGE and therefore we have concluded that an objection will have to be raised to the application, as it may be in breach of the planning regulations. The planning investigation officer will be in touch with the owner regarding this matter.

Kind regards

Planning Investigations Team
Housing, Planning and Regeneration
Civic Centre, Stockwell Close, Bromley,
BR1 3UH

Objection 2. – Ward Councillor

Dear Steve and Esther,

Please note that a number of residents have reached out to me with concerns regarding the licence application for '87 Penge Road'. I would like to formally object to the licence application on the below grounds:

- Prevention of public nuisance (noise nuisance to neighbours and neighbouring shops, plus no parking facilities for off sales, etc)
- Prevention of disorder (egress is onto narrow pavement onto a busy main road, adjacent to zebra crossing)
- Public safety – narrow pavement, potential for risk when premises close and people leave, plus concerns around delivery motorcycles and scooters being parked outside at all hours

Thank you both for any support you can offer with this and I look forward to your response.

All the best,

Ryan

Councillor Ryan Thomson
Crystal Palace Ward

Objection 3. I have lived in this flat since October 2010, during which time No 87 has been a café, operating between the hours of 8am and 4pm. The adjoining property (No 85) was a Caribbean take away, and on numerous occasions, I and a number of other neighbours complained about excessive noise from their garden when it was being used as an eating / party area. My point in raising this is simply that we know, from this experience, that noise from the gardens of 85 or 87 is to some degree amplified by the tall trees on the railway embankment and the three storey properties on Selby Rd, of which my flat is one. Bromley Council dealt with noise complaints at the time and may well still have records.

There is a question as to whether planning permission for change of use from a café to a bar with entertainment is required; I recognise that this is not a licensing issue, and enquiries will be made with the appropriate department within the council. My purpose at this point is to raise a number of representations to the licence application on the following grounds:

1. Public safety.

The small row of shops on Croydon Rd (of which no. 87 is one) front onto an extremely busy road and the zebra crossing; the pavements are extremely narrow at this points. No 87 front onto the zebra crossing and has tables outside the front; this area is included in the licence application. It is my contention that there is a high likelihood of 'over-spill' onto the pavement from the café, with incumbent risk to passing pedestrians and vehicles, particularly when customers are leaving the premises.

Furthermore, I note that the application includes off-sales and take-away; in these days this normally means that motorbikes/scooters are used by the various delivery companies. Because of the crossing and zig-zag line markings, there is nowhere for these bikes to park other than on the pavement. This will lead to pavement blocking and also bikes riding over the pavement to get on / off the highway, at further risk to public safety. There are a number of wheel-chair users (as well as people using pushchairs/prams) who use the pavement on a regular basis, and these would find it hard to pass by.

2. Public nuisance

All of the shops in this small parade have two storeys of flats above them; No 85 is now residential on the ground and basement floors. The houses in Selby Road are all three storey and all converted into flats, mainly three flats per property.

As mentioned above, the railway embankment forms a noise barrier which prevents noise from disseminating out over the railway line and in fact leads to it carrying along the back of most of these properties, all of which have gardens, several have balconies on the first floor.

Noise from within the property (and at the tables out at the front on Croydon Rd) will create a major nuisance to residents in the flats above the shop. The ceiling is known to be not insulated as I have dealt with problems of leaking water pipes from the flats above.

Noise from the rear and garden of the property will affect not only the flats on both sides of Croydon Rd, but also those on Selby Rd.

No 87 has no parking facilities, and whilst one hopes that people who are drinking alcohol do not drive, a bar with food operating for the hours requested will inevitably lead to more vehicles needing to park in already limited spaces.

The internal dimensions of the property allow for very few covers / customers to be seated indoors; the business model must rely heavily on people drinking outside; this will lead to both noise nuisance and quite possibly to problems of public order.

A bar will inevitably lead to much increased volumes of refuse compared with a café; in addition, there is no parking or access for deliveries other than via the front door. Both of these suggest the likelihood of increased public nuisance with possible increased safety risks to pedestrians and other drivers when deliveries are being made and waste removed.

3. Public order

There is already a problem in the locality with people drinking in the street at all hours and leaving empty bottles / cans littering the pavements. Another business operating as an off-licence can only exacerbate this. A licensed corner shop has existed for many years – the area does not need a further outlet for off-sales.

Furthermore, Croydon Rd is much used on days when CPFC are playing at Selhurst Park; the question has to be asked as to whether another outlet for the sale of 'take away' alcohol is what the area needs.

4. Protection of children from harm

COVID has led to increased patterns of people ordering online and receiving food, drink and other goods via a range of providers such as Deliveroo / Uber Eats etc. The application for this licence allows for the possibility of alcohol being ordered and delivered without any certainty that full checks will be made on the age etc. of those receiving deliveries.

In concluding, I would also wish to raise questions about the integrity of the applicants, as a formal notice of a licence application (with an advertised closing date for objections) was posted outside the property before the Council had actually received an application; I am not aware of a new notice being posted in relation to this current application.

There have also been occasions recently when large bonfires have been lit in the back garden, presumably to dispose of waste from refurbishment works; given the current problems with air quality, this shows a disregard for public health and the amenity enjoyed by local residents.

As someone who has owned and operated a licensed restaurant myself, I also query the financial viability of this venture as it is being presented,

Objection 4. The area is a residential area and granting a license to this business would cause a public nuisance.

The bar's advertised closing time of 11pm would cause noise pollution and disturbance to neighbours. The use of both the rear garden and frontage means that patrons would be outside of the premises while drinking and creating noise. Additionally, the road already suffers from fly-tipping and littering (please see the 'fix my street' app or liaise with the Street Team) and this would only make it worse.

I do not object to the continued usage of the premises as a cafe, however, please note my objection to the premises obtaining a licence, serving alcohol until 11pm.

Objection 5. As co-chair of the informal residents association of Selby Road, who have had previous successful interactions with Bromley to object to unlawful planning applications for domestic dwellings in our road, I am raising concerns on my own behalf and those of local residents.

Granting permission to a cafe bar with a license to sell alcohol into the evening will lead to greater car and foot traffic for Selby Road. This road is already known to Councillors as a very congested road with concerns over traffic speed as cars use this as a cut-through road and there is a very sharp bend. Customers of the bar will need to park in the adjacent roads, most likely Selby Road as the closest, and this will impact negatively on residents.

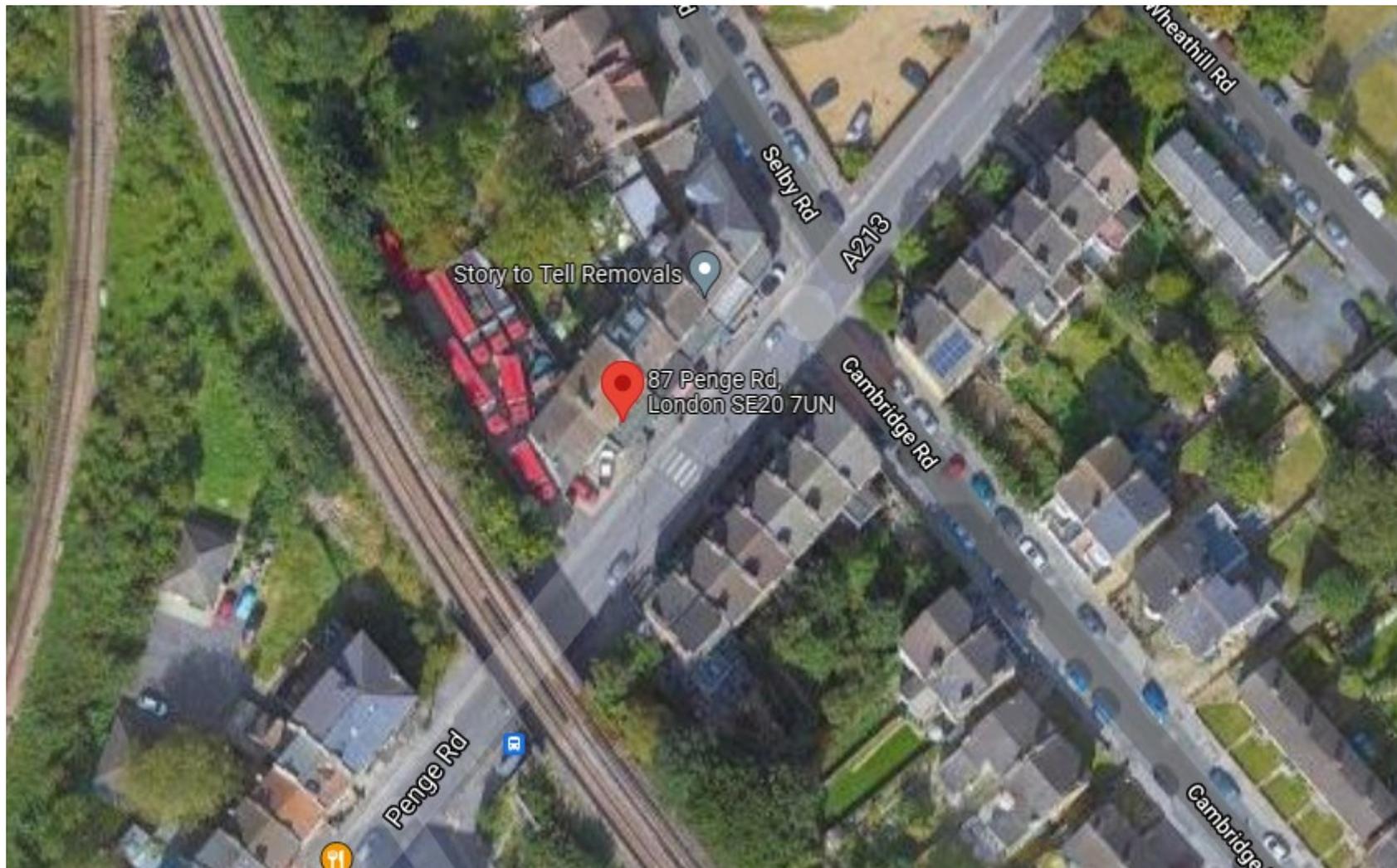
In addition, we are very concerned about the noise levels from a bar, especially if a garden area is in regular use, as noise travels far down the road (unbroken line of Victorian houses on one side and a terrace of 1930s houses on the other, means that noise from the main Croydon Road travels far down the road). A licence to serve alcohol late into the evening in what is a residential area will lead to greater noise, traffic and congestion, which will negatively affect the residents of this end of Selby Road (from the Croydon Road to the sharp bend in the road/mini roundabout).

There is no objection to the premises being a cafe operating daytime hours. We are very concerned about the elongated opening hours into the evening coupled with the sale of alcohol.

Objection 6. PM I am very concerned that the premises, which was formerly a cafe open to circa 3.30pm, is now to be a licensed premises serving alcohol in the evening. This will lead to greater car traffic, parking congestions and unsociable behaviour at late hours in the road. In addition, the noise from the garden at the back of the bar travels along the back of the continuous line of Victorian houses in Selby Road and will be amplified. The cafe/bar is on a main road with no parking outside and customers will need to park far down the adjacent side streets (Selby Road, Haseley Gardens and Cambridge Road) leading to noise and disturbance into the late evening.

Appendix 3

Satellite image &
street view of the premises





Appendix 4

Agreed Changes to Application

Conditions Agreed with Police

From: Jose Manuel Rocha
Sent: 09 July 2021 13:08
To: Tina.L.Dandridge@met.police.uk; Licensing <licensing@bromley.gov.uk>
Subject: Re: Application VJ Restaurant

Dear Miss Tina

Hope you well

I can confirm the Applicant Agree with all your Proposed Conditions mention in your email below

Kind Regards
Manuel Rocha

From: Tina Dandridge
Sent: 07 July 2021 16:15
To: Jose Manuel Rocha
Subject: Application VJ Restaurant

Good Afternoon

Please see the proposed conditions below that police would like to see on the licence – should these be agreed please forward this email stating agreement onto the council at licensing@bromley.gov.uk and Cc me in

The Premises Licence Holder shall: -

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 and CCTV images shall be delivered to Police or Council Officer on request. One of these 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 must be available at the premises at all times that the premises are open to the public and CCTV signage is clearly displayed.
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. Alcohol shall only be sold ancillary to a meal.
5. There shall be no vertical drinking within the premises.
6. 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 6 Months.
7. Maintain a comprehensive incident register shall be maintained, 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

8. 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.
9. No beers, ales, lagers or ciders of 6% ABV or above will be sold on or off the premises.
10. There shall be no deliveries to public / communal areas or open spaces.

PC Tina Dandridge
Licensing Officer SN BCU