

Report No.  
ES20267

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** LICENSING SUB-COMMITTEE

**Date:** 9<sup>th</sup> March 2023

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

**Title:** APPLICATION FOR A VARIATION TO THE PREMISES  
LICENCE AT RAILWAY HOTEL RED LODGE ROAD WEST  
WICKHAM KENT BR4 0EW

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

**Chief Officer:** Colin Brand Director: Environment and Community Services

**Ward:** West Wickham

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1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.
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## 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 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
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### Impact on Vulnerable Adults and Children

#### 1. Summary of Impact:

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

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### Corporate Policy

#### 1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2021 to 2026.

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

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### Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Public Protection and Portfolio
  4. Total current budget for this head: £2.4M
  5. Source of funding: 2022/2023
- 

### Personnel

1. Number of staff (current and additional): 2 Licensing Officers supported by 4.5 FTE admin
  2. If from existing staff resources, number of staff hours: Not Applicable
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### 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
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### Procurement

1. Summary of Procurement Implications: Not applicable
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Property

1. No property implications for this application/licence.
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: There are no significant implications.
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Customer Impact

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

1. Have Ward Councillors been asked for comments? **Yes**. Ward Members were notified about the application by e-mail on 23rd December 2022.
2. Summary of Ward Councillors' comments: **Councillor Nicholas Bennett** objected to this application on the grounds of Public Nuisance.

The above representation can be found in **Appendix 3**.

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Responsible Authorities Views

1. Have Responsible Authorities been asked for comments? **Yes**. They were notified about the application by e-mail on 23<sup>rd</sup> December 2022.
  2. Summary of Responsible Authorities comments: No objections were received from responsible authorities.
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Residents and interested parties

No representations received from local residents.

### 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.

Members' attention is drawn to the following parts of the policy which are relevant to this application.

##### **Description of the Premises**

The premises is a public house. The building is a detached premises on the corner of Red Lodge Road and Hawes Lane. The car park of the pub is adjacent to residential properties on Hawes Lane and there is a railway line to the rear of the premises.

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

## Licensing History

A licence has been held at the premises by Mitchells And Butlers Leisure Retail Ltd since the Licensing Act 2003 came into force in 2005. 2 complaints relating to noise were received in 2021, one was with regard to the waste management company emptying the glass bins at 5am and the other was with regard to loud amplified music being played at 11pm.

The current licence can be seen at **Appendix 2**.

## Details of the Application

The application is to vary the licence as follows: -

1. Amend the terminal hour of the sale of alcohol and late night refreshment on Friday and Saturday to midnight;
2. Amend the terminal hour for opening hours to permit 30 minutes drinking up time;
3. Amend the start time of the sale alcohol and opening hours on Sunday to begin from 10:00 (currently 12:00);
4. Remove the restrictions set out in condition 9 which relate to the times when alcohol may be sold as these conflict with the usual for the sale of alcohol. Condition 9 & 9a - f to be removed. Condition 9g to be retained.
5. Remove conditions 10 & 10a – j which contain outdated conditions and narrative from the Licensing Act 1964.
6. To add conditions as set out in the operating schedule of the application form.

A full copy of the application form can be found in **Appendix 1**.

## Representations

During the public consultation period the Council received a total of 1 representation which was from a Ward Councillor

Full details of the representation can be found in **Appendix 3**.

## 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.
- 4.2 Businesses and the Council are required to promote these objectives in the way they operate or make decisions.
- 4.3 Details of applications under both Acts are referred to the appropriate safeguarding teams for comment. None were received in this instance.

## 5. TRANSFORMATION / POLICY IMPLICATIONS

- 5.1 Both the Licensing Act 2003 and the Gambling Act 2005 require the Council to prepare, consult on and publish statements of their licensing policy. These must be reviewed at least every 5 years under the Licensing Act and 3 years under the Gambling Act.

5.2 Members should make decisions in accordance with these policies but are free to depart from them with good reason.

5.3 The current policies are -

- Statement of Licensing Policy 2021 - 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)

- Statement of gambling policy 2022 - 2025

[http://www.bromley.gov.uk/downloads/file/325/gambling\\_policy](http://www.bromley.gov.uk/downloads/file/325/gambling_policy)

## **6. FINANCIAL IMPLICATIONS**

6.1 There are rights of Judicial Review and 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.

## **7. PERSONNEL IMPLICATIONS**

7.1 Number of staff (current and additional): 1 Licensing Officers supported by 4.5 FTE Administration Staff.

7.2 If from existing staff resources, number of staff hours: A licensing application typically takes 7hrs professional officer time and 5hrs administration time.

## **8. LEGAL IMPLICATIONS**

8.1 Any Parties involved in a hearing before a Sub-Committee can seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.

8.2 Any Party involved with the hearing before licensing subcommittee can appeal any decision made at that hearing to the magistrate's court.

8.3 The Council has adopted a procedure for the conduct of hearings.

## **9. PROCUREMENT IMPLICATIONS**

There are no procurement implications.

## **10. PROPERTY IMPLICATIONS**

There are no property implications.

## **11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS**

There are neutral environmental and carbon reduction implications from the proposals contained in this report.

## **12. CUSTOMER IMPACT**

See para. 4 and 11 and Appendix 3 of this report.

## **13. WARD COUNCILLOR / OTHER STATUTORY CONSULTEES VIEWS**

13.1 1 Ward Councillor objected to this application.

13.2 The full details of all representations contained in **Appendix 3**.

13.3 Responsible Authorities Views

13.4 Summary of Responsible Authorities comments: No Responsible Authorities objected to this application.

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

<b>Responsible Authority</b>	<b>Date Notified</b>	<b>Comments</b>
Licensing Authority	23rd Dec 2022	No objection
Metropolitan Police	23rd Dec 2022	No response
Planning Authority	23rd Dec 2022	No response
Trading Standards Service	23rd Dec 2022	No Response
Public Health Nuisance Team	23rd Dec 2022	No Objection if proposed additional conditions accepted by applicant (further details in <b>Appendix 4</b> )
Health & Safety Team	23rd Dec 2022	No objection
Child Protection Team	23rd Dec 2022	No response
Fire Authority	23rd Dec 2022	No response
Public Health	23rd Dec 2022	No response

13.5 Residents and interested parties

No representations were made by a local residents.

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

## Appendix 1

### Application Form

## Bromley London Borough Council

## Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Mitchells & Butlers Leisure Retail Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> 22/00585/LMPRE
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## Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Railway Hotel Red Lodge Road			
<b>Post town</b>	West Wickham	<b>Post code</b>	BR4 0EW

Telephone number at premises (if any)	0208 7760043
Non-domestic rateable value of premises	£139,000.00

## Part 2 – Applicant details

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current residential address if different from premises address</b>	27 Fleet Street		
<b>Post Town</b>	Birmingham	<b>Postcode</b>	B3 1JP

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

**Please describe briefly the nature of the proposed variation** (Please read guidance note 2)

The proposed variation is to:

1. Amend the terminal hour for the sale of alcohol and late night refreshment, on Friday and Saturdays to midnight (00:00);
2. Amend the terminal hour for opening hours to permit 30 minutes drinking up time Monday to Sunday (this is currently only permitted for 20 minutes). The wording for opening hours is therefore to be amended to read "From the start of permitted hours until 30 minutes after the end of permitted hours for the sale of alcohol";
3. Amend the start time for the sale of alcohol and opening hours on Sunday to begin from 10:00;
4. Remove the restrictions set out in condition 9 which relate to the times when alcohol may be sold as these conflict with the usual timings for the sale of alcohol. Condition 9 and 9a to 9f are to be removed. Condition 9g which contains the permission for extended hours for the sale of alcohol on New Year's Eve is to be retained;
5. Remove condition 10 (10a to 10j of the premises licence which contains outdated restrictions and narrative).
6. To add conditions as set out in the operating schedule of this application form.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Not applicable

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment** (Please read guidance note 3)

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

## A

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

## B

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

**C**

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

**D**

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

## E

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

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 8) – No change			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)  No change	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	No change		<b>Please give further details here</b> (please read guidance note 5)		
Tue	No change				
Wed	No change		<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 6)		
Thur	No change				
Fri	No change		<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat	No change				
Sun	No change				

**G**

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

**H**

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

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)  Hot food and hot drinks		
Mon	23:00	23:30			
Tue	23:00	23:30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Wed	23:00	23:30			
Thur	23:00	23:30	As per the existing licence		
Fri	23:00	00:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat	23:00	00:00			
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon	10:00	23:00			
Tue	10:00	23:00	As per the existing licence		
Wed	10:00	23:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Thur	10:00	23:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	22:30			

**K**

<b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8)
None.

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)  As per the existing licence.
Day	Start	Finish	
Mon	10:00	23:30	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)  As per the existing licence.
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	10:00	23:00	

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

Condition 9 and 9a to 9f (inclusive) are to be removed (for the avoidance 9g is to be retained) and condition 10a to 10j (inclusive) are to be removed.

Please tick yes

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

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

Not applicable – an electronic copy of the premises licence has been submitted with this application.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

We have considered the impact of the proposed alterations and do not feel that there will be any increased risk however, the measures set out below have been offered to promote the licensing objectives.

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

1. A CCTV system with recording equipment shall be installed and maintained at the premises. All recordings used in conjunction with CCTV shall:
  - Be of evidential quality in all lighting conditions;
  - Indicate the correct time and date;
  - Be retained for a period of 28 days.

Duty Managers (or sufficient staff) must be trained to use the system as a recorded image must be available for inspection and downloading immediately upon request to Officers of Responsible Authorities.

All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.

2. An electronic log will be kept with details of instances of disorder, damage to property or personal injury shall be kept at the premises. Such details to be retained at the premises for at least 12 months, and shall be made available for inspection by officers of Responsible Authorities immediately upon request.

#### **c) Public safety**

See box a) – No further measures required.

#### **d) The prevention of public nuisance**

1. Prominent, clear and legible notices shall be displayed at all exits requesting patrons and staff to leave the premises and area quietly.

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

1. Records will be kept of staff training. The records to be made available for inspection by officers of Responsible Authorities immediately on request and all such records to be retained at the premises for at least 12 months.
2. The premises will operate a system whereby a record is maintained of refusals to serve alcohol.
3. The premises will adopt a "Challenge 21" policy and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification such as photo-card driving licence, international passport, a PASS hologrammed/ultraviolet feature card, Military ID card or Biometric Residence Permit.

**Please tick yes**

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation

- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Proprietor Alex</i>
Date	22 December 2022
	-



## Appendix 2

### Current Licence & Premises Plan



## LICENSING ACT 2003

### Premises Licence London Borough of Bromley

Premises licence number

22/00585/LMPRE

*S Phillips*

Steve Phillips  
Health, Safety and Licensing Manager

Licence Granted    **24<sup>th</sup> November 2005**                      Issue Number            **014**

This licence consists of **9** pages (Including Licence Summary)

#### Part 1 – Premises Details

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

Railway Hotel  
Red Lodge Road  
West Wickham  
Kent  
BR4 0EW

##### Where the licence is time limited the dates

Not applicable.

##### Licensable activities authorised by the licence

Sale or Supply of Alcohol  
Alcohol Off Sales  
Late Night Refreshment

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

Both On and Off Supplies



**The opening hours of the premises**

From the start of permitted hours until 20 minutes after the end of permitted hours

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

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

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

Alcohol Off Sales on Monday-Saturday from 10:00 to 23:00

Alcohol Off Sales on Sunday from 12:00 to 22:30

Late Night Refreshment on Monday-Saturday from 23:00 to 23:30 (Subject to Condition 8)

**Part 2**

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

Mitchells And Butlers Leisure Retail Ltd.  
of  
27 Fleet Street  
Birmingham  
B3 1JP

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

Registered under 01001181

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

Full Name: Jessica Steer  
Address: The Crown 28 Wickham Road Croydon CR0 8BA

**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: 11/00120/LIPERS issued by London Borough of Croydon



## 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**

#### 9. On Licences - Permitted Hours.

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday 10.00 hrs to 23.00 hrs
- b. On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30 hrs.
- c. On Good Friday, 12.00 hrs to 22.30 hrs.
- d. On Christmas Day, 12.00 hrs to 15.00 hrs and 19.00 hrs. to 22.30 hrs
- e. On New Year's Eve, except on a Sunday, 11.00 hrs to 23.00 hrs.
- f. On New Year's Eve, on a Sunday, 12.00 hrs to 22.30 hrs.
- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

#### 10. The above restrictions do not prohibit:

- (a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in a open vessel;
- (c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) The sale of alcohol to a trader or club for the purposes of the trade or club;



(g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) The taking of alcohol from the premises by a person residing there; or

(i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

(j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

11. Entertainment may be provided by the reproduction of wireless (including television) broadcasts or of programmes included in any other service (within the meaning of the Broadcasting Act 1990)

12. Entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound, the purpose of which is to provide background entertainment only.

13. The incidental performance of live music. This is where it is incidental to another activity which itself is not entertainment or provision of entertainment facilities.

14. The sale and consumption of Late-Night Refreshment shall finish at the time stated on the Licence and shall not have a further 30 minutes consumption time.

### **Conditions attached after a hearing by the Licensing Authority**

Not Applicable

### **Plans**

Held by the Licensing Authority Ref Number: **22/00585/LMPRE**

Date: **8<sup>th</sup> June 2022**



## LICENSING ACT 2003

### Premises Licence Summary

**Premises licence number**

**22/00585/LMPRE**

*S Phillips*

Steve Phillips  
Health, Safety and Licensing Manager

Licence Granted **24<sup>th</sup> November 2005** Issue Number **014**

This licence summary consists of **2** pages

#### Premises Details

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

Railway Hotel  
Red Lodge Road  
West Wickham  
Kent  
BR4 0EW

##### Where the licence is time limited the dates

Not applicable.

##### Licensable activities authorised by the licence

Sale or Supply of Alcohol  
Alcohol Off Sales  
Late Night Refreshment

##### The opening hours of the premises

From the start of permitted hours until 20 minutes after the end of permitted hours



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

Both On and Off Supplies

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

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

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

Alcohol Off Sales on Monday-Saturday from 10:00 to 23:00

Alcohol Off Sales on Sunday from 12:00 to 22:30

Late Night Refreshment on Monday-Saturday from 23:00 to 23:30 (Subject to Condition 8)

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

Mitchells And Butlers Leisure Retail Ltd.  
of  
27 Fleet Street  
Birmingham  
B3 1JP

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

Registered under 01001181

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

Full Name: Jessica Steer

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

Not Applicable



## Appendix 3

# Representations

Cllr Bennett:

I am opposed to the change in the closing hours as this pub is situated in a residential area opposite an old people's home.

I am opposed to the pub opening until midnight and by implication disturbance to local residents up to 12.30 am. This is a residential area with an old people's home across the road and therefore not suitable to extended hours as you might have on a high street.

Best wishes

Cllr Nicholas Bennett JP

West Wickham Ward

## Appendix 4

### Public Nuisance Condition Agreed with Applicant

**From:** Sarah Taylor  
**Sent:** 11 January 2023 10:05  
**To:** Boyle, Samantha  
**Subject:** RE: Licence Variation Ref 22/01795/LAPRE PCX:000058000000226

Hi Samantha

It was good to speak to you yesterday.

As we discussed, music is not authorised by the existing premises licence for the Railway and therefore any live or recorded music can only take place up until 11pm.

To address any concerns, regard the escape of noise at a later hour if the variation is granted, I would suggest the following condition is added to the licence:

**“After 11pm, doors and windows at the premises shall be kept closed except for access and egress”**

I would be grateful if you could please confirm that the condition would be acceptable?

Kind regards

Sarah

Sarah Taylor | Partner  
**Poppleston Allen**

**From:** Sarah Taylor  
**Sent:** 10 January 2023 15:18  
**To:** Boyle, Samantha  
**Cc:** Rose, Tony <  
**Subject:** RE: Licence Variation Ref 22/01795/LAPRE PCX:000058000000226

Hi Samantha

I have taken instructions from Mitchells and Butlers and they have confirmed that the music varies between live bands, tribute acts and DJ's however this is occasional and on average occurs once or twice per month.

The rear exit door is at the opposite end of the premises from where any live music or DJ's are situated and in the evening, doors are kept closed, except for access and egress.

Please let me know if you would prefer to discuss over the phone, I would be happy to help.

Kind regards

Sarah

**From:** Boyle, Samantha  
**Sent:** 04 January 2023 15:53  
**To:** Sarah Taylor  
**Cc:** Rose, Tony  
**Subject:** Licence Variation Ref 22/01795/LAPRE

Dear Sirs/Madam,

I have reviewed your application and have noted you have not given a satisfactory explanation on how you will be mitigating noise from the property besides putting up notices for patrons and staff to leave the premises and area quietly.

Can you please explain what type of music will be played, live or recorded, and what is your plan moving forward.

I have also noted the rear exit of the property is a single door. How will you mitigate any noise escaping via this exit.

Please quote the case reference number on any further correspondence  
22/01795/LAPRE

Kind regards

**Samantha Boyle**  
Nuisance & ASB Enforcement Officer  
Statutory Nuisance & Anti-Social Behaviour Team  
**London Borough of Bromley**

## Appendix 5

### Satellite Image and Street View of the Premises



