

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10am on 8 June 2023

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillors Tony Owen and Harry Stranger

4 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed Chairman for the meeting.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 PREMISES LICENCE APPLICATION FOR TALLI KITCHEN, 40B THE WALNUTS, ORPINGTON, BR6 0TW

The Applicant(s) attended the hearing with their representative; Charles Denny, a Licensing Consultant, at Innpacked Ltd. The Licensing Officer mentioned that there were 4 objections (one was representing 5 households at the High Street) and 3 in support of the application. The Metropolitan Police had initially objected, but later withdrew their objections once the Applicant(s) agreed to the proposed conditions. The Public Health Nuisance Team remained dissatisfied with the application. Some objectors withdrew their objections prior to the hearing.

The Applicants' Case:

The Applicants' agent explained that the Applicant(s) planned to have 120 covers internally and 40 outside the premises. The Applicant(s) mentioned that they wanted to be able to host special events evenings for a dance class, food tasting, particular milestone celebrations or other special events. The capacity for special events was for approximately 120 people. These events would be arranged by the premises, and would require advance booking. The Applicants' representative provided some background to the application when it was originally submitted and as amended, having taken into consideration the agreed Metropolitan Police conditions.

The Applicant(s) highlighted the considerable experience gained in running licensable premises and for a number of international reputable restaurants in India. The premises' windows (and doors) were sufficiently glazed and had good sound proofing to ensure that noise was contained in the interior of the premises. They stated that the music would be played at a moderate level, so

that customers could easily converse. Therefore, noise nuisance should not affect the neighbouring residents.

The Applicant(s) also said that they would like to have a last entry time to the restaurant at 22:30 hours (but would be guided by the Council's Licensing Team), and that last food orders ought to be placed earlier (at 22:15 hours), to ensure that the kitchen staff could manage to prepare the orders, and that patrons were properly served. The Applicant(s) mentioned that they would like to have the kitchen cleaned at the end of the evenings and thoroughly once a week.

The Objectors' Case:

The objectors concern(s) which were received by the Council in writing, could be summarised as follows: The possible noise nuisance which may cause disturbance to the neighbouring residents. The licensable operating hours being too long.

The Metropolitan Police had initially objected to the application, they then offered conditions which were agreed by the applicant(s). The Metropolitan Police accordingly withdrew their objections. The Public Health Nuisance Team, however, had not agreed to those conditions and suggested the following hours:

Suggested Terminal Hour of Premises:

Sunday to Thursday –	23:00 hours
Friday and Saturday –	00:00 hours
Thursdays and Sunday prior to Bank Holidays-	00:00 hours
New Year's Eve -	01:00 hours

All sales of alcohol for consumption on the premises shall be by table service only and ancillary to a substantial table meal and there will be no vertical drinking. The premises will provide food in the form of substantial table meals that are prepared on the premises with the exception of an event. Events which are booked in advance will be limited to 20 events per year.

Reasons for the Decision:

The Licensing Sub-Committee considered the application as a whole, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance and as amended at the above Hearing. The Applicant indicated a willingness to uphold the licensing objectives, to work with the licensable authorities, the residents and to listen to suggestions.

The discussion was conducted in a semi-informal manner. The Licensing Sub-Committee asked a variety of questions relating to the licensing objectives in order to seek clarity and confirmation to all parties. Both the Applicant(s) and the objector were likewise given time to do the same. The Licensing Sub-Committee amongst other things, inquired regarding the

licensable hours, the activities, the anticipated number of staff and their role etc .

The Licensing Sub-Committee considered the special events, and the fact that they were booked in advance. That, once the records are properly kept (as part of a condition), the records can be produced as and when required. Also, the fact that the premises could if they so wish; apply for Temporary Events Notices when required.

During the Licensing Sub-Committee Hearing, the Council's Licensing Team interjected at various times to provide necessary information, to provide clarity and to ask relevant questions. Part of the discussion centred on the licensable hours, noise nuisance, conditions, staff, and delivery hours. It was noted that the applicants were agreeable to the Metropolitan Police Conditions. Also, that the Applicants were willing to work in collaboration with the Licensable Authorities and the residential community as a whole.

Decision:

The Licensing Sub-Committee having considered all relevant legislation, policies, relating to the application and the relevant licensing objectives, and all representations, decided **to grant** a premises licence to Talli Kitchen 40B The Walnuts Orpington BR6 0TW--with conditions. The Licence will be subject to the amendments proposed at the Licensing Sub-Committee Hearing to include the following conditions:

The Agreed Metropolitan Police Conditions:

- 'The Premises will operate licensable activities until 00:00 and close at 00:30. The above hearing amended terminal licensable hours for Sundays to Thursdays at 23:30 hours (inclusive of 30 Minutes drinking up time) see Paragraph 3(b)(v) below.
- All Sales of alcohol for consumption on the premises shall be by table service only and there will be no vertical drinking. The premises will provide food in the form of substantial table meals that are prepared on the premises with the exception of an event.
- When the premises is being used for a pre booked event , function, celebration or entertainment then a risk assessment will be carried out by the DPS/Management prior to the date fixed. If deemed necessary, the management will put in place measures to negate any risk. Considerations to include but not limited to: appropriate number of staff, the use of polycarbonate glasses for the drinks, entry/dispersal policy and the deployment of SIA door staff. The risk assessments will be filed at the premises and made available to the Police and Council officers on request'.

The Premises License was granted subject to the following conditions added at the Licensing Sub-Committee Hearing:

- (i) To adhere to the above amended Metropolitan Police Conditions as noted above 3(a)
- (ii) To adhere to the steps and conditions which have been offered by the applicant (Page 26 – 30 of the licensing application bundle)
- (iii) A limit of 30 Special Events per year at the premises
- (iv) A record shall be kept for each of the Special Events taking place at the premises and, to ensure the record is accessible to the Metropolitan Police and the Licensing Authority at request. This is to ensure compliance.
- (v) Terminal Licensable Hours at the premises are as follows:
 - Except prior to a Bank Holiday
 - Sundays to Thursdays at 23:30 hours (inclusive of 30 Minutes drinking up time)
 - Fridays and Saturdays at 00:30 hours (inclusive of 30 minutes drinking up time)
- (vi) The premises shall ensure that no noise is audible from the outside sitting area
- (vii) No customers shall be seated in the outside sitting area after 22:30 hours
- (viii) No Alcohol shall be taken outside the premises after 22:30 hours
- (ix) All Licensable activities shall be confined to the interior of the premises.
- (x) All external loudspeakers shall be turned off after 22:30 hours

Chairman