

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 2.00pm on 15 April 2024

Present:

Councillor Simon Jeal (Chairman)
Councillors Mike Jack

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Cllr Simon Jeal was appointed chairman for the meeting.

Apologies for absence were received from Cllr Harry Stranger.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A NEW PREMISES LICENCE AT LOUNGE 21 - 22 MARKET SQUARE BROMLEY BR1 1NA

Councillor Jeal announced that the third member of the sub-committee, Cllr Stranger, was not present and asked the parties if they were content to proceed with the hearing with just 2 councillors on the panel. If not, the hearing would be adjourned to the next available date. The applicant and both of the objectors confirmed they were content.

Mr Slaney updated members to say the report had mistakenly highlighted Five Guys as the application site, when it was in fact the vacant former Lakeland unit next door. The application had been amended so that the terminal hour at New Year's was 0200 on New Year's Day. The applicant had prepared a revised list of proposed conditions, which included conditions agreed with the police. Following discussions with the applicant, the Public Health Nuisance Team had withdrawn their objection.

Applicant's case:

Mr Botaki stated the venue would operate as a lounge diner and not a night time venue or drinking venue. There had been discussions with the police before the application had been submitted. It was unlikely the premises would open until 0000 during the week, but the applicant would like that flexibility included in the licence if possible.

A limit of 2200 would not work. Although off-sales were included in the application, there would be virtually none, save for customers taking an opened bottle home with them after a meal. There were no plans to use the

mothballed areas shown on page 29 of the agenda. There would be a protocol for the 6 outdoor tables and only customers would be allowed. It was unlikely this would attract additional drinking in the square. Five Guys sold alcohol, as did numerous other venues in the vicinity. This would be a family diner and customers would be seated at tables and chairs. The business was very much about food with alcohol to go with it.

Being in an area of cumulative impact changed the onus, but didn't mean every application had to be refused. On the balance of probabilities, the premises wouldn't add to the impact. It would add to the mix of premises. There was no objection from any responsible authority.

Questions to the applicant:

Cllr Jack asked about online deliveries and the applicant said there would be none. For the outside dining, customers would order on the app or at the counter and food would be brought out. The same applied to the indoor tables. While drinks could be collected from the bar, Challenge 25 would apply, so that staff would check everyone in the party was old enough. Following a discussion about times, Mr Botaki said he did not object if Members wanted to shorten the hours by 30 minutes Sundays to Thursdays.

Cllr Jeal asked about conditioning the availability of a phone number for residents and Mr Botaki said this could be agreed. During a discussion over the type of operation, Mr Botaki confirmed that it was not a pub. While there would be a drinks happy hour, there would also be food promotions at the same time. It was agreed that the outside seating area would not be used, and tables and chairs put away, by 22:00.

Mr Slaney queried the mothballed areas and Mr Botaki responded that they should not have been included as part of the licensed premises. There was a discussion over the door staff written risk assessment and Mr Botaki said it could be changed to require the assessment be kept under review and updated appropriately.

Mr Sylvester asked how the family diner operating model could be maintained in the future. Mr Botaki saying the applicant operated 240 Lounge premises so they had experience of who their customers were and how they behaved.

Mr Paolucci queried timings and the operating arrangements. Mr Botaki clarified and concluded that he did not consider the premises would add to the cumulative impact.

Objectors' case

Mr Paolucci said he objected on the basis of crime and disorder and public safety. He referred to statistics and existing crimes and disorder at Market Square and in the area. There was little protection for residents from the proposed conditions. He also objected due to public nuisance and harm to children. Five Guys was almost exclusively deliveries, so their outdoor seating

was rarely used after 1900. The newsagent sold alcohol as well. Noise echoing around the square was a big problem. Granting the licence would have a significant impact on residents, in particular the children who lived in the area.

Mr Botaki asked Mr Paolucci at what time he would like the premises to close and the objector said 2100 or 2130.

Cllr Jeal asked Mr Paolucci about existing problems. The objector replied that it was mostly weekends from 2300-0200 and sometimes 2130-2200 weeknights. It was people singing, kicking bins and smashing things. There was also arguing. It was relatively low level a few times over the weekend but it would be likely to increase significantly.

Mr Sylvester said the square was a vibrant community hub, which was under threat by the licence. Granting it would lead to increased noise and crime and be a catalyst for bad behaviour. He asked members to err on the side of caution.

There were no questions to Mr Sylvester except confirmation that he wanted the application refused.

Final comments from applicant:

Mr Botaki said the cumulative impact policy was there to try and reduce problems and not eliminate them. The applicant had thoroughly engaged in the process and complied with the policy. There was no objection from the police or nuisance team.

Summary of decision:

Following an adjournment, Members returned and the Chairman thanked the objectors for attending the meeting and taking the time to address the sub-committee. Members had carefully considered their valid objections in reaching their decision.

The Chairman announced the licence would be granted in accordance with the amended application, but for late night refreshments on Sundays to Thursdays between 2300-0000 and Fridays and Saturdays 2300-0030; supply of alcohol on Sundays to Thursdays between 1000-2330 and Fridays and Saturdays 1000-0000 and opening hours Sundays to Thursdays 0800-0000 and Fridays and Saturdays 0800-0030. The mothballed areas were also excluded from the licence. The conditions were as per the applicant's Operating Schedule of 9th April, subject to (i) renumbering the added conditions as conditions 12 to 19, (ii) amending condition 8 to read 'after 22:00 each day' and (iii) adding condition 20 to say "The premises shall maintain, and communicate to residents the number of, a dedicated telephone line which residents can call during operating hours to report noise complaints, public nuisance or antisocial behaviour arising from the premises."

Considering the operating model outlined by the applicants, the changes to licensing hours they had indicated their acceptance of, and the additional conditions, and as the police had not objected, and the nuisance team had withdrawn their objection, Members considered that granting the premises licence would not be materially detrimental to any of the licensing objectives.

Reasons:

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the application for a new premises licence at Lounge 21 - 22 Market, Square Bromley BRR 1NA. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's cumulative impact assessment (2021)
- The Council's current Statement of Licensing Policy
- The Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (December 2022)
- The application and all representations

Residents had objected on the grounds of prevention of crime and disorder, public safety and the protection of children from harm. Members noted the CIA said that residents in Bromley had greater than average concerns about crime and disorder and public safety, but more research was needed on the protection of children from harm.

Public concerns are serious and so Members gave weight to what had been written and said. However, Members had to balance this against the applicant's operating model, the conditions the applicant had proposed and the absence of any objection from a responsible authority. Members therefore concluded granting the licence would be unlikely to add significantly to the saturation of licensed premises and would have no further detrimental impact on the area. Those licensing objectives would therefore be promoted.

When it came to public nuisance, Members carefully considered all of the issues raised by residents. Members accepted there were existing problems with nuisance and that the cumulative impact policy said new licences shouldn't be granted. However, this was not absolute and Members took particular note of how the applicant said the premises would operate. Members considered the focus on food, reassurance that it would not be a late night venue and the conditions would not result in a public nuisance. There was also reassurance from the absence of an objection from a responsible authority. As a consequence, Members concluded granting the licence would be unlikely to add significantly to the saturation of licensed

premises and would have no further detrimental impact on the area. This licensing objective would therefore be promoted.

The Licensing Sub-Committee therefore decided to grant a new premises licence at Lounge 21 - 22 Market, Square Bromley BR1 1NA in accordance with the amended application but for late night refreshments on Sundays to Thursdays between 2300-0000 and Fridays and Saturdays 2300-0030; supply of alcohol on Sundays to Thursdays between 1000-2330 and Fridays and Saturdays 1000-0000 and opening hours Sundays to Thursdays 0800-0000 and Fridays and Saturdays 0800-0030. The mothballed areas were also excluded from the licence.

The conditions were as per the applicant's Operating Schedule of 9th April, subject to (i) renumbering the added conditions as conditions 12 to 19, (ii)

amending condition 8 to read 'after 22:00 each day' and (iii) adding condition 20 to say "The premises shall maintain, and communicate to residents the number of, a dedicated telephone line which residents can call during operating hours to report noise complaints, public nuisance or antisocial behaviour arising from the premises." Those conditions are necessary in order to uphold the licensing objectives.

Members gave thought to amending the door staff written risk assessment condition, however noted the condition had not been requested by the police. The premises would operate a lounge diner rather than a pub so that amendment was not necessary

Chairman