

Decisions taken by the Licensing Committee on Tuesday, 26 March 2024

Agenda Item No	Topic	Decision
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Part A – Items considered in public

A1	Minutes	That the minutes of the meetings of the Licensing Committee, held on 27 February and 13 March and 14 March 2024 be considered at the next meeting.
A2	Declarations of Interests	None.
A3	Hospitality in the Wood at Beckenham Place Park, Beckenham Hill Road, BR3 5BS	<ol style="list-style-type: none"> 1. An application was received from Radioactive Clothing Ltd t/a Slammin Events (“Applicant”) for a variation of premises Licence, PI1376, Beckenham Park Place, Beckenham Hill, Beckenham, BR3 5BS (“Premises Licence”). 2. The application for variation received representations from a number of local residents. The application did not receive representations from any of the Responsible Authorities. 3. The Licensing Committee held a hearing on 26 March 2024 to consider the application. The Applicant was represented at the hearing and made submission in support of the Application. The Committee also heard submission from two local residents who were speaking on behalf of a number of local residents who

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		<p>had made written representations to the application.</p> <p>4. In making its decision the Committee has considered all of the papers contained in the report pack together with the submissions and evidence presented by the Applicant and local residents. The committee has also considered the Council’s own Statement of Licensing Policy and the Home Office’s Statutory Guidance.</p> <p>5. The Committee’s decision is to grant the application to vary the Premises Licence subject to amendments to conditions 54, 55 and 57 of the Premises Licence.</p> <p>6. The Committee considers that the variation application should be granted, subject to the amended conditions, for the following reasons:</p>

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		<p>a. The Committee received no representations from the Responsible Authorities, including the Police and Environmental Health, that the premises had not been run in accordance with the conditions on the existing licence. There was no evidence before the Committee that any concerns from local residents had been raised with any of the Responsible Authorities in relation to the previous event held by the Applicant on 19 and 20 August 2023 before the variation application was submitted by the Applicant. In all of the circumstances the Committee considers that on the evidence the applicant has run the previous event, held on 19 and 20 August 2023, responsibly and notes at paragraph 1.5 of the Section 182 Guidance the general principle to support responsible premises;</p> <p>b. The concerns raised by the local residents relate to all four licensing objectives. However, other than assertions the Committee has not received sufficient evidence to suggest that the operation of events under</p>

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		<p>the Premises Licence fails to uphold each of the four licensing objectives. In addition the Premises Licence already includes conditions that require the Premises Licence Holder to implement controls that promote each of the four licensing objectives that are directly relevant to the concerns raised by the local residents.</p> <p>c. The local residents made a number of representations relating to previous events hosted at Beckenham Park by previous licence holders which were not relevant to the variation application before the Committee and were not considered. The only event hosted by the Premises Licence Holder and relevant to the Committee’s determination of the application was the event hosted on 19 and 20 August 2023;</p> <p>d. The Committee was satisfied on the evidence before it that the local</p>

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		<p>residents had not been involved in the meeting held before the event held on 19 and 20 August 2023 because they had not been made aware of it taking place. The Committee has decided that it is necessary to strengthen Conditions 54 and 55 to ensure that all local residents are made aware of the residents meetings held before and after an Event as follow (words in bold and italics added):</p> <p style="text-align: center;">i. CONDITION 54</p> <p style="text-align: center;">1. The Premises Licence Holder will set up a publicised meeting each year with local residents prior to the relevant Event to discuss the plans for the Event and received residents' representations. Such meeting to be advertised in a suitable position, in agreement with the Licensing Authority, at the entrance to the Licensed Site giving residents at least 5 working days' notice of the meeting.</p>

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		<p style="text-align: center;">ii. CONDITION 55</p> <p style="text-align: center;">1. The Premises Licence Holder will set up a publicised meeting each year with local residents after relevant Event to receive residents' representations. Such meeting to be advertised in a suitable position, in agreement with the Licensing Authority, at the entrances to the Licensed Site giving residents at least 5 working days' notice of the meeting.</p> <p>e. The Committee was also satisfied that some local residents did not have the telephone number to contact the Premises Licence Holder when an event took place to raise concerns about the promotion of the four licensing objectives. The Applicant did give evidence that the helpline had been manned in compliance with condition 57 of the Premises Licence.</p>

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		<p>The Committee has decided that it is necessary to strengthen Condition 57 to ensure that all local residents are able to access the telephone number for the helpline and have amended the condition as follows (words in bold and italics added):</p> <p style="text-align: center;">i. CONDITION 57</p> <p style="text-align: center;">1. The Premises Licence holder will make arrangements for a dedicated telephone line to be made available and manned for the receipt of any complaints from the general public whilst the Event is in operation. The telephone number will be publicised locally, and in a suitable position at the entrances to the Licensed Site, and all complaints recorded, full details of all calls received will be provided to the Licensing Authority and/or Responsible Authorities upon request.</p>

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		<p>7. All parties have a right to appeal the decision of the Committee to the Magistrates' Court within 21 days of this decision notice.</p> <p style="text-align: center;">3 April 2024</p>
A4	147 Stanstead Road SE23 1HH	This Item was WITHDRAWN.
A5	Exclusion of the Press and Public	Agreed
A6	Convenience Store 407D New Cross Road, SE14 6LA	<p>8. An application was received from the Metropolitan Police ("Applicants") calling for a review of the Premises Licence at Pramukh Convenience Store, 4107 D New Cross Road, New Cross, SE14 6LA ("Premises") held by Rajendra Patel ("Respondent") on the grounds of the prevention of crime and disorder.</p> <p>9. The Respondent was served with notice of the application for review by postal</p>

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		<p>service and by hand delivery. The Respondent did not make any written submission to the Application nor did they attend to make representations at the hearing before the Licensing committee.</p> <p>10. The Application received written representations from the Licensing Authority.</p> <p>11. The Licensing Committee held a hearing on 26 March 2024 to consider the application. The Applicant was represented at the hearing and made submission in support of the Application. The Licensing Authority also attended and made submissions in the support of the Application.</p> <p>12. In making its decision the Committee has considered all of the papers contained in the report pack together with the submissions and evidence presented by the Applicant and Licensing Authority. The committee has also considered the Council's own Statement of Licensing Policy and the Home Office's Statutory</p>

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		<p style="text-align: center;">Guidance.</p> <p>13.The Committee’s decision is to revoke the Premises Licence (PL0180). It’s reasons are as follows:</p> <ul style="list-style-type: none"> a. The Committee heard evidence from both the Police and Licensing Authority that the Premises Licence Holder failed to prevent crime and disorder on the Premises. A joint visit to the Premises, by the Police and Licensing Authority, on 18 January 2024, discovered a substantial proportion of the alcohol on sale was the property of other stores including Marks and Spencer, Sainsbury, Aldi, Lidl and Co-Op. There were 50 bottles of wine belonging to other stores on display for sale at the Premises. A search of the Premises also found other items belonging to other stores.

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		<p>b. The Committee also heard evidence that the only person on duty at the time of the inspection on 18 January 2024, a male, was arrested on charges of handling stolen goods and was bailed pending further enquiries. Following his arrest he was found to have £15,000 in cash on his person. The Committee also heard evidence from the Police that the male had also been charged and remanded in custody in connection with serious sexual assault charges. In addition, the male was also arrested and bailed in connection with immigration offences.</p> <p>c. As part of this Application process the Premises Licence Holder, Rajendra Patel (LEW 0446) has not engaged with this Application. The Committee heard submissions from the Police that very recent contact with the Premises Licence Holder confirmed that the Premises had been sold in 2019 but no application has been made to the Licensing Authority for the transfer of the Premises Licence or Designated Premises Supervisor. The Premises were locked up by the Police and the keys</p>

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		<p>remain in police custody with no person requesting that the keys be collected.</p> <p>d. The Committee is satisfied that there was no fit and proper supervision of the Premises on the night of 18 January 2024 as the male in sole charge of the Premises was arrested for handling stolen goods, found to be wanted on arrest in connection with serious sexual assault charges and had no right to work in the UK.</p> <p>e. The Committee has had regard to paragraph 11.72 of the Section 182 Guidance which identifies “employing a person who is disqualified from that work by reason of their immigration status in the UK” as criminal activity that should be treated as particularly seriously.</p> <p>f. The Committee also had regard to Section 11.28 of the Section 182</p>

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		<p>Guidance which sets out that even on a first review the revocation of the Premises Licence should be seriously considered in circumstances where illegal working is permitted on licensed premises. The Committee is satisfied on the evidence it has heard that this criminal activity was ongoing at the Premises at the time of the visit on 18 January 2024 and likely for some period of time before that visit.</p> <p>g. There are no other measures that the Committee could consider that fall short of revocation on the basis that the Premises Licence Holder failed to engage with the Application process. The Committee had no confidence that the Premises Licence Holder could or would work with the Police and Licensing Authority to uphold the licensing objection to prevent crime and disorder.</p> <p>14.All parties have a right to appeal the decision of the Committee to the</p>

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		<p align="center">Magistrates' Court within 21 days of this decision notice.</p> <p align="center">1 April 2024</p>
A1		
A2		