

## Licensing Sub-Committee

Meeting of held on Thursday, 14 September 2023 at 10.30 am in MS Teams

### MINUTES

**Present:**

Councillor Mohammed Islam (Vice-Chair);  
Councillors Margaret Bird and Stuart Collins

### PART A

59/22 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Collins and **RESOLVED**, to:

Appoint Councillor Mohammed Islam as Chair for the meeting.

60/22 **Disclosure of Interests**

There were none.

61/22 **Urgent Business (if any)**

There were no items of urgent business.

62/22 **Licensing Act 2003 - Application for a premises licence at 4 Crown Parade, Crown Dale, Upper Norwood, SE19 3NG.**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant was present, the objecting party had given their apologies.

The Head of Environmental Health, Trading Standards and Licensing explained the application process for a premises licence and summarised the nature of the application under consideration by the Sub-Committee. The application was for the provision of late-night refreshment Monday to Sunday, between the hours of 11.00pm to 2.00am. It was noted the activity only became licensable at 11.00pm. A copy of the application was available within

the report pack at Appendix A1. Police conditions had been agreed following discussions between the applicant and police licensing officer and were available within the report pack at Appendix A2. The additional written information submitted by both the applicant and objector were noted and had been shared with all parties.

In response to questions from the Sub-Committee members, officers advised no temporary licence for the activity was held by the premises.

The Sub-Committee noted that the objecting party had sent apologies and their submission of representations and additional information remained relevant and was to be considered.

The applicant, Mr Desai, was given the opportunity to speak. The applicant advised the nature of the business was an Indian Takeaway. The objection was noted, and the applicant stated the premises had never received noise complaints previously. The premises was located on a busy crossroads and the applicant felt that some extra delivery drivers would not cause an issue. Regarding food smells, the applicant advised there was duct from the food preparation area to prevent food smell going into the building above.

In response to questions from the Sub-Committee, the applicant advised the ducting extracted cooking smells from the kitchen to the rear of the premises, approximately 20-30ft away from the adjacent flats. No complaints about food smells had been received previously and there were several other restaurants/takeaways located in the immediate vicinity.

The premises had been an Indian restaurant and takeaway for 15 years and there was customer demand for later night takeaway delivery. Delivery drivers were using cars, electric bikes or motorbikes and parked in front of the premises on the main road which was a busy road with traffic and buses. The Sub-Committee noted motorbikes could cause noise disturbance and suggested the applicant should encourage drivers to park on the opposite side of the road.

In response to questions the applicant advised they used steel filters in the extractor and had not had complaints about food smells in the businesses 15 years of operation.

The Sub-Committee asked the applicant how they intended to minimise noise disturbance from customers until 2:00am. The applicant advised the business would be closed to customers after 11:00pm. The intention of the application was to provide food to home delivery drivers only, for orders via online delivery apps and their own platform. Officers confirmed that the closure of the premises to the public at 11:00pm was included in the police conditions and agreed by the applicant.

Officers advised the applicant the representations made by the objecting party regarding noise and smell were valid on the basis of public nuisance.

The Chair advised the outcome of the hearing would be provided to parties within 5 working days and thanked those present for their participation.

## **LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

The Licensing Sub-Committee considered the Application for a premises licence for 4 Crown Parade, Crown Dale Upper Norwood London Croydon SE19 3NG (“the Premises”).

The Applicant, Mr Shital Desai, operates a takeaway restaurant from the Premises. His application as set out in the Operating Schedule, was for the provision of late-night refreshments every day (Monday- Sunday); from 23:00 to 02:00 on a delivery only basis.

The hearing was held virtually. Mr Desai appeared before the Sub-committee. The licencing officer presented the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery (“the Report”) on Mr Desai’s Application to the Sub-committee.

The Sub- committee was informed by the licencing officer that no objections were received from the Responsible Authorities. Following discussions between the Applicant and the Police Licensing Officer, the Applicant had agreed to amend his Application to include the conditions proposed by the police. The conditions proposed by the police were contained in Appendix A2 of the Report.

Relevant representations were received from a resident. This was set out in Appendix A3 of the Report. The Sub- committee noted that the main reason for the objection raised by the objector was concern as to noise that would likely emanate from the Premises if the Application was granted.

Further information was presented the Applicant in response to issues raised by the objector to his Application. The Objector also raised further written representations. The objector raised concerns about smells emanating from the Premises and noise from motor bikes which were used by the restaurant for delivery of food from the Premises.

The Sub-committee having carefully considered the Application, the oral and written representations made by the Applicant, the Applicant's responses to questions posed to him by members of the sub-committee, the objector's written representations; and having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to grant** the Application.

The reasons of the Sub-Committee were as follows:

1. The Applicant had agreed to the conditions proposed by the police which was aimed at preventing crime and disorder as well as noise emanating from the Premises. The police conditions as set out in Appendix A2 of the Report are to be included in the grant of the Premises Licence.
2. Having heard from the Applicant, the Sub-committee was satisfied that there was adequate ducting at the premises which would serve to extract any smell from the Premises. This would be done in such a manner that would not cause a nuisance or annoyance to any of the residents within the vicinity of the Premises.
3. The Sub- committee was told by the Applicant, and the Sub-committee accepted his explanation, that duct extracted odour to the rear of the Premises. The extraction from the Premises which was not within the immediate proximity of any of the nearby properties, including that of the objector. The Applicant also stated that the Premises was insulated which would prevent the transfer of noise from the Premises.

4. The Applicant has been carrying on his business at the Premises for more than 15 years and that during that period there has not been any complaint of noise or any form of nuisance from or connected to the Premises.
5. The Sub- committee noted that the Premises was located at the junction of an already busy road. When queried by Sub-committee as to what steps he would take to prevent noise from bikers attending the Premises to make deliveries, the Applicant re-assured the Sub-committee that bikers would use scooters which were not as noisy as motor bikes and would park on the other side of the main road to collect deliveries.
6. The Sub-Committee agreed that the grant of the Application would not undermine the Licensing Objectives.

The Sub-Committee would like to take this opportunity to thank all the parties for their valuable contributions to the meeting.

Part 1 Paragraph 2(3) of Schedule 5 to the Licensing Act 2003 concerns the rights of appeal of a person who has made relevant representations in this matter.

The meeting ended at 11.05am

**Signed:**

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**Date:**

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