

## **Licensing Sub-Committee**

Meeting of held on Tuesday, 17 October 2023 at 10.30 am in MS Teams

### **MINUTES**

**Present:** Councillor Patsy Cummings (Chair);  
Councillor Mohammed Islam (Vice-Chair);  
Councillors Margaret Bird

### **PART A**

63/22 **Appointment of Chair**

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

Appoint Councillor Patsy Cummings as Chair for the meeting.

64/22 **Disclosure of Interests**

There were none.

65/22 **Urgent Business (if any)**

There were no items of urgent business.

66/22 **Licensing Act 2003 - Application for a variation to a premises licence**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol. The applicant and objector were both present.

Michael Goddard, Head of Environmental Health, Trading Standards and Licensing introduced the report and explained the application was for a variation to the current licence to add the provision of regulated entertainment (recorded music). To extend the terminal hour of recorded music from 12.30am to 3.00am, 7 days per week.

Mr Sheridan, the objecting party was given the opportunity to speak. Their primary concern was that the applicant had recently taken over the premises

and therefore had no track record of running the venue well. The objector had requested for the Sub Committee to consider delaying the variation by 6 months on this basis. Mr Sheridan also had concerns about crime issues in South End and possible disturbance to residential properties and flats nearby. Noting they owned the adjoining property Boswell Cottages. They were supportive of the new business but felt that a 6-month delay to the licence variation was needed to mitigate these issues. Mr Ojekwe, the applicant felt the objection was not relevant to the licensing objectives but rather concerned with the applicant's own business acumen.

Mr Ojekew, the applicant was given the opportunity to speak and advised the Sub-Committee:

- They worked for the British Film Institute in counter fraud and risk and had recently managed the risk management plan for a large awards event.
- The premises' business plan took a risk-based approach.
- The premises had been licensed for the sale of late-night refreshment until 3.00am for more than 10 years, this variation request had been sought to provide sensible music for entertainment at weekends and to coincide with the late night refreshment licence.
- All police conditions had been agreed and the applicant had tried to surpass many of these.
- A dispersal policy would be in place with customer guidance on menus, in toilets and at exits.
- The property had been sound proofed.
- Doors closest to neighbouring properties would always remain closed.
- The venue had acquired a decibel measurement device.
- There would be daily litter picking outside the premises both during and after opening hours.
- The website had guidance on car parking and local taxi information was available online and on leaflets in the venue.
- It was intended that the venue's offer would create a positive image for Croydon.

In response to questions from the Sub-Committee the applicant advised:

- The venue capacity was 120 people standing or 100 people seated.
- The venue was currently under renovation which included the additional sound proofing works, it was hoped to open in October 2023.
- The 3.00 am terminal hour had been requested to coincide with the venue's closing time to provide sensible entertainment adding to customer enjoyment. The intention was to attract responsible customers and a dress code would be in place.
- There would be no live music beyond 11.00 pm.
- This was the applicant's first venture into hospitality, the venue manager was experienced and the applicant planned to take a hands on approach to running the premises.

Officers noted playing live and recorded music only became licensable after 11.00 pm.

The applicant advised the premises would play eclectic music with some themed nights to attract and reflect the diversity of Croydon. Whilst the application sought the addition of music until 3.00 am, 7 days a week, the venue would not usually operate beyond 12.00 am on weekdays.

The Sub-Committee queried whether there had been any liaison with neighbouring residents. Mr Ojekwe advised he had spoken with most neighbours in the properties above the premises, with some having applied for jobs at the premises. The venue had run a test event at the South Croydon Food Festival and was a member of the local community business group. The applicant had also met with the former security chairman for South End. All staff would be local to Croydon and there had been not complaints or issues with neighbours. The applicant advised they would always work with residents to ensure customers were not causing them any problems.

The Chair thanked the parties for their attendance and participation.

After the hearing the sub-committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the variation to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

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

The Licensing Sub-Committee considered the Application for a Variation to a Premises Licence at **25 South End Croydon CR0 1BE** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, Culture & Community Safety.

The Sub-Committee also considered the representations made by the Applicant and the objector during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, Statutory Guidance under S182 of the Act and the Council Licensing Policy, **RESOLVED to GRANT** the application for a variation on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The grant of the variation is subject to the Conditions agreed with the police and offered by the applicant, the Applicant's operating schedule and the mandatory statutory conditions which apply under the Act.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on South End within a parade of shops with residential premises above. There is also a parade of shops on the other side of the road, also with residential premises above them. The immediately surrounding area includes both residential and commercial premises however it is situated in an area

often described as the “restaurant quarter” and has numerous restaurants, take aways and food outlets along this stretch of South End.

2. The variation to the premises license is sought in relation to the provision of late night entertainment in the form an extension to the time for provision of recorded music.
3. Following discussions with the Police, the applicant has amended his application to have the conditions at Appendix A2 to the report placed on the license if the application is granted.
4. In respect of prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the *specific* premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to existing anti-social behaviour in the area but noted in this regard that there were no objections from the police or the noise nuisance team regarding potential crime and disorder or nuisance impacts and no specific concerns had been raised about the operation of the particular premises under consideration but rather a general concern from the objector that the Applicant had not previously run a premises of this nature so was an unknown entity without a proven track record.
5. The Sub-Committee noted that the premises were already licensed to provide late night refreshment and sales of alcohol for the same terminal hours as was sought for recorded music with the variation and the Sub-committee was only considering (and able to consider) the variation as part of this application.
6. The Sub-Committee were aware of and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, the Statutory Guidance makes clear that it would be perfectly reasonable for example, for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to leave quietly. The Sub-Committee noted that the Applicant had already offered, as part of the proposed conditions to have such conditions on the license if granted.
7. The Sub-Committee were impressed with the degree of consideration that the Applicant had shown in respect of addressing his mind to the potential risks and seeking to address these. The applicant was

proactive in seeking to engage with the Police and the Council in formulating conditions which would support the proposed variation and had proactively been engaging with residents, including the objector, and fellow business owners in the area. The Applicant also demonstrated a willingness to continue to work with residents and businesses in the area should any future issues arise.

8. In terms of mitigating potential noise nuisance arising from the proposed variation, the Applicant had put in place a number of measures including double soundproofing the venue, positioning of speakers so they face downwards to mitigate noise and vibration, use of a decibel monitor to manage noise levels, ensuring that doors onto the alleyway between the premises and 19 South End would not be used, ensuring a staggered approach to patrons departing, giving consideration to the impacts of the use of smoking areas and outdoor seating and the timing of that use, ensuring that patrons would be provided with details of local parking and of the local taxi company to assist with speedy dispersal and involving SIA door supervisors in managing patrons.
9. In addition to conditions pertaining to CCTV and an ID Scanner, the Applicant had also offered, as part of the conditions to be placed on the License should the Sub-Committee be minded to grant, conditions which were designed to support the prevention of crime and disorder and prevention of public nuisance objectives, including:  
*“Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.”*  
  
*“A minimum of two door supervisors shall be deployed at the venue every Friday, Saturday, Christmas Eve, New Year’s Eve, bank holidays and Sundays before a bank holiday from 22:00hrs until the premises closes.”*  
  
*“The premises shall have a written dispersal policy.” And such dispersal policy shall be “subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination of any nuisance, anti-social behaviour or crime.”*
10. The Sub-Committee noted the Applicant’s aspirations to create a venue which is supportive of the cultural diversity within the borough and noted that this echoes one of the policy aims within the Council’s Statement of Licensing Policy to offer venues which meet the diverse needs of the community whilst balancing these needs against those of residents and other businesses by ensuring that the provision of licensable activities are done in a way that promotes the four licensing objectives.
11. Whilst the Sub-Committee noted the objectors request that the application for a variation be deferred for 6 months to allow for a

demonstration as to how the Applicant would run the premises, the Sub-Committee were mindful that such a determination was not within their gift, even if they were minded that it would be appropriate to do so. The options open to the Sub-Committee in considering a variation application are to grant the variation (subject to such conditions as are mandatory, such conditions offered by the Applicant and such conditions as the Sub-Committee considers appropriate for the promotion of the licensing objectives); to exclude from the scope of the licence any of the licensable activities to which the variation application relates; to refuse to specify a person in the licence as the premises supervisor; or to reject the application.

12. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

67/22 **Exclusion of the Press and Public**

**RESOLVED** that members of the Press and Public be excluded from the remainder of the meeting under Section 100A (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972.

68/22 **Licensing Act 2003 - Application for a personal licence**

**RESOLVED** that members of the Press and Public be excluded from the remainder of the meeting under Section 100A (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972.

The meeting ended at 12.15 pm

**Signed:**

**Date:**

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