

Licensing Sub-Committee

Meeting of held on Tuesday, 9 January 2024 at 10.30 am in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Stuart Collins

PART A

78/22 **Appointment of Chair**

It was MOVED by Councillor Collins and SECONDED by Councillor Bird and RESOLVED to appoint Councillor Patsy Cummings as Chair of the meeting.

79/22 **Disclosure of Interests**

There were none.

80/22 **Urgent Business (if any)**

There were no items of urgent business.

81/22 **Licensing Act 2003 - Application for a Premises Licence at 3-7 Park Street, Croydon, CR0 1YD.**

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

The applicant Josephine Williams-Brown was present.

The Licensing Officer introduced the report to the Sub-Committee. The application sought a premises licence for the sale by retail of alcohol (on premises Monday to Thursday 12.00pm until 1.00am the following day and Friday to Sunday 12:00pm until 3.00am the following day) and the provision of regulated entertainment, live and recorded music for the same hours.

The applicant had voluntarily amended their application to attach the conditions suggested following discussions with the Police and council's Noise Pollution Team, these were detailed at Appendix A2 and Appendix A3.

The applicant had also set out their intended actions to comply with the licensing objectives and it was advised these would also be attached to the licence as suitably worded conditions were the application granted. The applicant had also submitted a further modification to be attached to the license regarding the premises smoking area.

Representations had been received and were available at Appendix A4, whilst the objecting parties were not present at the hearing it was noted that the written representations remained relevant and for consideration by the Licensing Sub-Committee.

The Sub-Committee queried whether the building had been soundproofed. Officers advised they were not aware of soundproofing works being undertaken on the premises, the Alms Houses cited in the representations were listed and could not have double glazing installed.

The Committee Clerk confirmed the objecting party was not intending to attend the hearing.

The Applicant was given the opportunity to speak and advised the Sub-Committee:

- They had previously worked at the premises before taking it over. They were aware of the previous noise issues and it was their intention to install a limiter for music.
- All conditions suggested by the Police & the council's Noise Pollution Team had been agreed and it was their intention to make sure all conditions were met.
- The premises would be used for community workshops and a food bank on Monday and Tuesday.
- The noise concerns outside were noted. The outside area would have security and be used as a smoking area only with no music.
- It was their intention to have a good working relationship with the Police, the council's Licensing Team and Noise Pollution Team, to work with the community and not cause any disturbance.

In response to questions from the Sub-Committee the applicant clarified that the outside area formed part of the building, however it was not enclosed and therefore had potential for more noise escape. There would be no music or drinks allowed outside and the doors would be managed to mitigate noise escape from inside the premises.

Officers clarified that the statement made within the representations that a previous licence at the premises had been revoked in respect of noise concerns was incorrect.

The community use of the building and the benefit to the night-time economy were commended, however the potential for anti-social behaviour was noted and the Sub-Committee queried the applicant's approach to ensuring door staff were experienced and sufficiently trained. The applicant advised the Police conditions had made clear that security provisions were of paramount importance and they had an experienced security company in place. Security levels would be in line with the Police conditions and increased if necessary. The applicant was not aware of soundproofing in the premises.

The Sub-Committees asked if the applicant had engaged with local residents and advised of the benefits of communication. The applicant advised it was their intention to engage with residents.

The Chair thanked those present for their attendance and participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** 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 Premises Licence at **3-7 Park Street Croydon CR0 1YD** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant during the hearing. The sub-committee noted that whilst they did not have the benefit of verbal representations by the objector, they nevertheless had the benefit of the written representations.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), Statutory Guidance under S182 of the Act and the Council Licensing Policy, **RESOLVED to GRANT** the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The grant is subject to the Conditions agreed with the police and noise pollution team and offered by the

applicant, conditions consistent with 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 Park Street, just off the High Street in central Croydon. Whilst the area is predominantly surrounded by commercial premises, there are also residential premises one road over, including in the Whitgift Alms Houses which provides housing and care for the elderly and located at the intersection of George Street and North End.
2. Following discussions with the Police, the applicant has amended her application to have the conditions at Appendix A2 to the report placed on the license if the application is granted. In addition, the applicant has offered the following further condition to the license, should the Sub-Committee be minded to grant the application, namely:
"The outside area will be used as a smoking area only. Customers will not be permitted to take drinks from the premises into this area. Customers will be permitted to collect food from the outside area which must be eaten inside the premises."
3. Following discussions with the Council's Pollution Enforcement Team, the applicant has amended their application to have the conditions set out at Appendix A3 to the report added to their licence should the sub-committee be minded to grant the application. These conditions include that amplified music, whether live or recorded is only played inside and not in the outdoor area, the external windows and doors are kept closed when live/recorded music is played (save for access and egress), that the Licensee manage patrons to ensure that the noise from entering and leaving is minimised and that a noise limiter is to be installed with the limit to be set by the Croydon Noise Pollution Team.

4. The Sub-Committee considered that the objective of the prevention of public nuisance, was most relevant in relation to their consideration of the matter given the matters raised by the objector.
5. Whilst the objector has made reference to the lack of “need” for a premises of this nature or particular hours of operation in this area, the Sub-Committee was mindful, as detailed in Statutory Guidance and the Council’s statement of licensing Policy, that “need” concerns the commercial demand for premises of a particular nature and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
6. 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.
7. 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.

8. 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 six 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 21:00hrs until the premises closes. At least two door supervisors must be wearing Body Worn Cameras. One door supervisor must be deployed in the rear outside area at all times that it is in use.”

“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.”

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.

82/22 **Licensing Act 2003 - Application for a Premises Licence at 1416-1418 London Road, Norbury, SW16 4BZ.**

It was noted that the organisation Faiths Together in Croydon had written a letter in support of the application, which had been submitted by the applicant as further information. The Chair Councillor Patsy Cummings advised they were a member of the organisation however they had not been consulted regarding the letter and had no prior knowledge of it.

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

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

The Licensing Officer introduced the application to the Sub-Committee. The application sought a licence for the provision of late-night refreshment,

Monday to Sunday 23:00pm - 1:00 am and NYE 23:00pm – 5:00am the following day.

The applicant had voluntarily amended their application to include the conditions at Appendix A2 following discussions with the Police Licensing Officer. The applicant had also provided their intended actions to comply with the licensing objectives and it was advised these would also be attached to the licence as suitably worded conditions were the application granted. Representations had been received from a local resident's association and were available at Appendix A3.

The applicant had submitted further information in support of their application and this had been circulated to all parties.

The applicant was given the opportunity to speak and advised:

- The inclusion of Challenge 25 information within in the application had been an error and no alcohol would be sold at the premises.
- The New Year's Eve hours would be 11:00 pm to 1:00am (not 5.00am)
- CCTV had been installed along with signage.
- The application would boost the premises economically, provide service to the local community and boost the employees hours and income.
- The restaurant was involved in community fundraising.
- Neighbouring eat in and takeaway restaurants in the vicinity were open until 2am.
- The areas outside and around the restaurant were regularly cleaned and maintained.

The Committee asked whether the applicant had clarified the opening hours with the objecting party for whom the timings had been of concern. The applicant confirmed their amendment to reduce the requested operating hours on New Years Eve to 11.00pm to 1.00am.

The Committee queried the applicant's approach to trade waste and the frequency of food waste collection. The applicant advised their rubbish was collected by Veolia every other day. The applicant allowed nearby residents to place their rubbish in one of the restaurants bins to ensure the back area of the restaurant was kept clear. The importance of separating waste correctly was noted.

In response to questions the applicant advised the outside tables would be brought inside by 11pm. The Committee asked if the applicant would display a sign encouraging patrons to leave quietly. The applicant agreed to do so and advised they did not anticipate many customers after 11pm. Officers noted there was a condition included within the prevention of public nuisance section of the application advising of the intention to display signage requesting patrons to leave the premises quietly.

It was advised the premises had a pavement licence allowing for tables and chairs on public highway with a terminal hour of 11.00pm.

The applicant confirmed their amendment to the application to reduce the requested operating hours on New Years Eve to be 11.00pm to 1.00am.

The Chair thanked those present of their attendance and participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** 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 Premises Licence at **1416-1418 London Road, Norbury, SW16 4BZ** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant during the hearing as well as the reduction in hours proposed by the applicant during the hearing, as detailed below. The sub-committee noted that whilst they did not have the benefit of verbal representations by the objector, they nevertheless had the benefit of the written representations.

The Sub-Committee, 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 on the basis that the Sub-Committee were satisfied that it would be appropriate in order to promote the licensing objectives to do so. The grant is subject to the Conditions agreed with the police and offered by the applicant, conditions consistent with the Applicant's operating schedule and the mandatory statutory conditions which apply under the Act. The Sub-Committee considered that the objective of the prevention of public nuisance,

was most relevant in relation to their consideration of the matter given the matters raised by the objector.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A23 London Road. The premises is in a parade of commercial premises with residential premises above. There is also a parade of commercial premises with residential premises above these on the opposite side of the road to the premises.
2. 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.
3. During the course of the hearing, the applicant made clear that reference to Challenge 25 was an error and there was no intention to sell alcohol at the premises and indeed there was no application for such provision. The applicant confirmed, as set out in their operating schedule, that they would be placing signs up at all exits to remind patrons to respect the needs of local residents and to leave the premises and area quietly. In addition, the applicant amended their application during the hearing to reduce their hours proposed for licensable activities on new year's eve to be 11pm to 1am on New Year's Day, which the Sub-Committee considered addressed the objector's concerns in this regard.
4. The Sub-Committee noted that the tables and chairs located outside the premises were the subject of a separate license – a pavement licence under separate legislation (Business and Planning Act 2020) which permits these to be outside the premises until 23h00 - and were not the subject of this application under the Licensing Act 2003 and were not subject to their consideration at this time.

5. In respect of Prevention of Public Nuisance, 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.
6. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, that public nuisance 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, as detailed below, the Statutory Guidance makes clear that operators should demonstrate knowledge and awareness of the area in which they propose to operate and show how their application will support the licensing objectives.
7. Whilst the applicant has made reference in their representations (and in the documentation submitted by the applicant to the committee prior to the start of the meeting) to the “need” for a premises for particular hours of operation at a premises of this nature in this area, the Sub-Committee was mindful, as detailed in Statutory Guidance and the Council’s statement of licensing Policy, that “need” concerns the commercial demand for premises of a particular nature and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

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.

The meeting ended at 11.58 am

Signed:

Date:

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