

Licensing Sub-Committee

Meeting held on Monday, 10 June 2024 at 10.30 am. This meeting was held remotely.

MINUTES

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

PART A

18/24 **Appointment of Chair**

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

19/24 **Disclosure of Interests**

There were none.

20/24 **Urgent Business (if any)**

There were no items of urgent business.

21/24 **Licensing Act 2003 - Application For a Premises Licence at Wandle Park, Croydon, CR0 3RD**

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

The applicant, Ramone Roper was present.

Parties who had submitted representations Leah Shuttleworth was also present.

The Licensing Officer introduced the application to the Sub Committee.

The Head of Environmental Health, Trading Standards and Licensing explained that the application sought a premises licence for July 2024. There were two licensable activities, liver music and sale by retail of alcohol for consumption on the premises. In addition to application, the applicant

submitted an event management plan, this was an evolving document. The event management plan was more for the safety advisory group process, which was a separate process where someone who wanted to put on a public event went to this multi agency safety group where they assess the safety management of the event.

The applicant had amended their application. The applicant set out how they would meet the four licensing objectives. They would not look to contradict or duplicate any agreements that had been made with other responsible authorities. Once the 28-day consultation period had ended the applicant may submit further information to support their application. A copy of the further information was circulated to all parties.

The first objecting party was given the opportunity to speak. Leah Shuttleworth advised:

- They had submitted information via email in previous years.
- Some of the residents had to close their windows on hot days due to the loud music.
- The continued noise prevent residents from enjoying peace.
- Many people would park outside of their home.
- It was impossible for residents to park outside their homes.
- She had been abused by somebody trying to park on Vicarage road.
- There would often be rubbish and vomit in the street.
- The event would be a drain on the police and council resources.
- Lloyd park and other parks would be more appropriate.
- They did not feel safe during the event and it was very disruptive.

In response to questions from the Sub-Committee the objector advised that they were 5 doors away from the Wandle park tram stop and there was a lot of footfall outside of their home. The sound at the event was very disruptive.

The objector stated that she would often see police and stewards directing vehicles on where to park, however the parking stewards were allowing too many people through.

In response to questions from the Sub-Committee the objector advised that the vouchers were put through residents letter boxes but she was unsure on where the came from.

In response to questions from the Sub-Committee the objector advised that the residents had a resident parking permit but there was also a parking ticket machine.

The Head of Environmental Health, Trading Standards and Licensing explained that the vouchers were ordinarily given out by the event organiser as part of the traffic management plan.

The Head of Environmental Health, Trading Standards and Licensing and confirmed that residents in the area would have permits to park on their street.

The applicant Ramone Roper and Calvin hanks, health and safety officer was given the opportunity to speak and advised:

- Asked for consideration that parking was not a licensing objective. They focused on the actual objectives.
- The applicant had sought to engage with residents to explain the event.
- He had worked hard to agree a set of conditions and they stuck to them.
- They had an agreement with environmental health on the noise at the event.
- They gave residents a letter with a number to the noise hotline.
- They were there to protect the event and the residents.
- They had an in depth security plan, this event would work on a 1:50 ratio.
- They would be willing to secure the perimeter but they would need to engage with the council to ensure that they were conducting themselves in the correct way.
- They had agreed conditions with responsible authorities and they were the ones who could flag any issue with the event managers ability to adhere to these conditions.
- They were looking to engage with the responsible authorities and residents.
- The event would be finished until 9pm.
- They were within the noise limits for regulations for events before 11pm.
- If there were additional conditions that others wished to introduce then they were willing to discuss it.
- They only had control over the event in agreement of the event conditions.

In response to questions from the Sub-Committee the applicant advised that they would work on the basis of 1 SIA person to 50 attendees. They applied for a licence for 5,00 people so they would have 100 SIA. They had a deployment plan, there was a designated head of security who oversaw this.

The Sub-Committee queried whether the applicant could prevent attendees could prevent them from coming in with glass bottles. The applicant explained that nobody would allowed with a bag bigger than an a4 sheet of paper. The security would search everyone and they would have security dogs. They were prepared to confiscate anything that was against the licensing objectives.

The Head of Environmental Health, Trading Standards and Licensing explained that the two amendments to the police's statement, condition 10 was worded 'to ensure that customers did not leave the event with open bottles or containers' and 'no members of the public would be able to enter the event after 6pm'.

In response to questions from the Sub-Committee the applicant advised that everyone would buy their ticket online, once the ticket was scanned upon entry it could not then be re-used.

In response to questions from the Sub-Committee the applicant explained that if somebody appeared to be underage and were challenged at the gate the SIA staff would have the authority to refuse them entry. The security manager would have the details on the number of SIA staff at the front gate in their plan.

Tanvi Patel, the event manager explained that in relation to the ticketing, the only way someone share the ticket would be via email therefore there would be traceability. Once a ticket was scanned it became void. On relation to the age of attendees, anyone without valid ID security had their instructions to prevent people from entering. There would be around 20 SIA at the front of the event and two senior security staff and minimum of 4 rapid response security staff. It would be a staggered entrance, there would be teams at the first stage where they would be asked to show their ticket then they would be searched before having their tickets scanned. There will be police presence on the day and there would be amnesty bin and they would have sniffer dogs and response dogs around the perimeter. If they found any illegal contraband, then they would refer that individual to the police. There was an ingress and egress plan but they would liaise with the traffic management team. They would have a minimum of two people on each road but were yet to finalise their plans. The teams would be tasked with limiting who is allowed to enter the premises.

They would need to assess how to manage the access to particular roads as the residents do not have visible permits. This is why the parking vouchers had been posted to residents prior to the event. There was only one entrance point but multiple exit points but there would be staff outside of those exit points.

In response to questions from the Sub-Committee the applicant explained that they had advertised for people not to drive as there was no parking, they would restate this via their communication channels with attendees and they had shared potential public transport routes.

In response to questions from the Sub-Committee the applicant explained that they were in discussions with traffic management but they would need to figure out a way to liaise with the residents. They were unable to prevent residents from selling the vouchers to attendees.

They had discussed emailing the vouchers with the cars registration on them to prevent them from being re-sold.

The Legal Advisor explained that there were data protection issues with taking too much information about residents hence why it may have been indiscriminately been issued in the past.

The Sub-Committee queried whether the applicant could state whether they had the noise hotline and the residents experience with it. The applicant explained that it was standard with their events and they would have to have an external party who took readings of the noise at the event to the agreed level.

The applicant confirmed that there was a block of flats close by the event but they would point the stage in the opposite direction to the flats.

The applicant confirmed that the agreed noise level for the event was 60db.

In response to questions from the Sub-Committee the applicant stated that there would be a waste management team who would clear up as the event went along and then there would be a team who would clean the perimeter and the park after the event. They would also be able to clean any side roads if they were pointed in that direction.

The objector queried whether the main entrance would be close to the tram stop, the event manager explained that the main entrance would be by Cromwell road so it would be the opposite end from where the tram stop was directed.

The applicant explained that the noise would be directed to the right of the tram stop and most of the noise would dissipate due to the distance so it would not offer too much distraction.

In response to questions from the Sub-Committee the applicant stated that there would be two main bars and one for VIP guests. There would be a personal license holder at each one, all staff would be trained and experienced in handling larger crowds.

The applicant stated that price of the tickets ranged from £45 - £120.

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

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Wandle Park Croydon CR0 3RD** on Saturday 20 July 2024 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 and on behalf of the Applicant, and an objector during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the 2003 Act"), the Statutory Guidance issued under Section 182 of the 2003 Act and the Council Statement of Licensing Policy 2023-2028, **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 application as granted is subject to the conditions offered by the applicant in their operating schedule and amended application following discussions and agreement with the Police and with Trading Standards (set out at Appendix A3), and to the mandatory conditions which are imposed under the Licensing Act 2003. The Sub-Committee also noted the updated conditions as detailed in paragraph 4 to correct typographical errors in their contents as agreed between the Applicant and the Police.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee appreciated that there had been concerns about prior events in the Park which had been delivered by other applicants but were mindful that the current Applicants not be judged by previous applicants' conduct in respect of which they had no control or responsibility. The Applicants had not previously undertaken an event at Wandle Park and each application had to be judged on its own individual merits.
2. The Sub-Committee noted that the Applicants had produced publicity to engage with and address concerns which could arise from residents and the Applicant himself had personally visited residents to provide information about the proposed event and identify concerns. Any engagement with residents and regulatory authorities would need to be an ongoing process to ensure that matters of concern would be addressed, including as part of the Safety Advisory Group (SAG) process for events. The remit of the SAG is to advise on whether an event should proceed on safety grounds. The core members of the SAG are Croydon Council (Food Safety Team, Events Team, Noise, Parking and Licensing), Metropolitan Police, British Transport Police, London Fire Service, London Ambulance Service and transport providers such as TfL.
3. The Sub-Committee had regard to the fact that there were no objections to the application from the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance. The Sub-Committee noted that, as per the Statutory Guidance, Licensing authorities should look to the police as the main source of advice on crime and disorder and the police had agreed an extensive set of conditions with the applicant (as set out in Appendix A3), which the applicant had amended their application to include, in the event that the Sub-Committee was minded to grant the application. In addition, Trading Standards had similarly recommended conditions which the applicant had amended their application to include (as set out in Appendix A3), in the event that the Sub-Committee were minded to grant the application.
4. In respect of two of the conditions agreed with the Police (at Appendix A3), namely condition 10 and condition 25, the sub-committee noted that prior to the commencement of the hearing, these were updated to correct typographical errors and should read as follows:

Condition 10: “Ensure that customers are prevented from entering or leaving the event site with bottles or open containers.”

Condition 25: “Entry for members of the public shall be by non-transferable tickets which have been purchased no later than 1800 hours on the day of the festival. No members of the public shall be permitted to enter the festival after 1800 hours.”

5. With regard to the issues raised in relation to traffic management and parking in neighbouring streets, whilst the Sub-Committee was sympathetic to the concerns which had been raised by the objector in this regard, they were clear that these matters were not directly within the authority of the Sub-Committee under the Licensing Act 2003. Despite this the Applicant had provided details as to how they proposed to mitigate these concerns and there were plans in place to support safe and appropriate access to and from the site (ingress and egress policy) , the security deployment plan which indicated how security resources would be deployed to support the licensing objectives (including detailing how entry would be staggered, where SIA security would be stationed and in what numbers at the main entrance and at all the exit points, the searches which were planned, how contraband would be dealt with, the use of sniffer dogs at the entrance and response dogs along the perimeter and how ID checks would take place) as well as a traffic management plan which would be finalised through the SAG process and which would detail which road closures were proposed, where traffic wardens would be placed to regulate access to those roads. There was discussion around the permit process which involved residents being given permits by the organisers of previous events and the concerns which the objector raised that in the past two such permits had been placed through letterboxes and some residents had obviously shared these with others not residing in the roads in question which meant that non-residents had sought and gained access at previous events. Whilst there are resident only parking restrictions in the closest roads impacted, residents do not have to display a permit on their vehicles meaning monitoring this had proved difficult previously. There were suggestions of seeking the details of the residents from the Council to email residents directly and add car registration details to specific permits issued, but there were potential data protection implications of doing so and residents may not wish to disclose their information for these purposes. The final version of the traffic management plan presented to SAG for consideration will set out how this will be managed for this event.
6. At the hearing the objector raised concerns around noise nuisance and residents feeling as if they could not have peaceful enjoyment of their own homes due to the noise disturbance as a result of events taking place in the park. On behalf of the Applicant, measures were described which would be put in place regarding noise management to address concerns of residents regarding noise nuisance. In addition, as part of the operating schedule and conditions to be imposed on the licence, if granted, the applicant had offered conditions pertaining to noise management These included in relation to:

- ensuring that as part of the Event Management Plan (which would be considered at, and if satisfied, agreed by the Safety Advisory Group) there would be in place as a minimum, site plans, stewarding/security plans to include regular weapons sweeps before, during and post egress, crowd management plans, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, noise nuisance plans and ingress/egress plan.
 - A direct telephone number (mobile to be held by a duty manager) will be provided to neighbouring premises to be used in the event of a complaint of noise nuisance.
 - All event management, staff, stewards, and security employed at the event must carry out reasonable requests by police officers to ensure the licensing objectives are met.
 - Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by SIA door supervisors to ensure that there is no nuisance or obstruction to the public highway and footpaths.
 - There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Police Licensing Team.
 - Deliveries and site build will be carried out at a time or in such a manner as to not disturb neighbours.
 - Prominent clear and legible notices will be displayed at the exit points requesting the public to respect the needs of nearby neighbours and residents and to leave the premises and area quietly.
6. The Sub-Committee noted that the Applicants draft noise nuisance plan submitted as part of the event management plan (in addition to the submissions on behalf of the Applicant before the sub-committee) indicates that the applicant proposes having noise consultants involved in pre-event noise testing and positioning of speakers and that noise management consultants will be in attendance at the live event from 13h00 to 21h00 to undertake noise monitoring and respond to noise complaints as notified. Operational control over all the sound levels throughout the event and that of all other parties, including artists, production managers and sound engineers will be instructed not to increase any sound levels unless specifically agreed by the consultant responsible for sound control and must keep volume levels to those agreed.
7. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences. The Statutory Guidance indicates that it is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus 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. The Statutory guidance also

makes clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities – in other words it is a matter which ought to be considered on a case-by-case basis. The Guidance goes on to indicate that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, including live music.

8. The Sub-Committee were mindful that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
9. In respect of the Protection of Children from Harm objective, the Sub-Committee noted that no persons under the age of 18 would be permitted to attend the event and entry for members of the public would be by non-transferrable tickets which have been purchased no later than 1800 hours on the day of the festival. There was discussion as to how the non-transferrable ticketing would operate and on behalf of the Applicant it was confirmed that this would be through use of Eventbrite and that once a ticket was scanned on entry, it would become void and not able to be reused. On behalf of the Applicant, details were provided to the sub-committee as to how ID checks would be made prior to entry and the acceptable forms of ID for this purpose and for Challenge 25 purposes.
10. In this regard, the applicant had also agreed various conditions pertaining to the operation of Challenge 25 and the forms of acceptable ID as proof of age, including that “A challenge 25 scheme will be operated to ensure that any person attempting to purchase alcohol who appears to be under 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving license, military card or a card bearing the PASS hologram.” In addition, as agreed with the Police, each bar within the premises shall be individually managed by a personal license holder, during licensable hours.

11. The Sub-Committee had regard to the Statement of Licensing Policy which provides that “Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.....However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses...Licensing is a balance and requires consideration of all these various needs”.

13. In respect of prevention of crime and disorder, protection of children from harm, promotion of public safety and prevention of public nuisance, the Sub-Committee noted that the Applicant indicated that they proposed an SIA trained staff to patron ratio of 1:50 which had been recommended by the Police.

14. In addition, conditions had been agreed that:

- SIA security who are frontline license holders will be deployed inside and around the perimeter of the event at a minimum ratio of 1.50 to members of the public attending. SIA security staff involved in searching and ejections will wear body worn video (BWV)
- Operate a crime prevention policy, part of which will encompass search and seizure policy that includes searching everyone who enters the event, including all staff and artists. All bags will be searched and all those entering the event enclosure will pass through the metal detector and/or wands search area.
- Public signage will be displayed throughout the premises regarding contraband and that it is a condition of entry that customers agree to be searched and that the police will be informed if anyone is found in possession of a controlled substance or weapons.
- CCTV will operate at the site to cover the entrance and exit points, bars, stage and other areas identified in the risk assessment.
- During the event, CCTV recordings requested by the Police must be provided in a usable digital format within 2 hours.

14. In respect of the concerns raised by the objector about drug use and anti-social behaviour in the area and concerns that events in the park would exacerbate the situation, 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 anti-social behaviour is accountable in their own right”. However, despite this the Sub-Committee noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour on site and in the surrounding area, including via conditions as previously detailed, appropriate numbers of SIA trained security staff, the ingress and egress policy explained during the hearing, the drugs and alcohol policy and ensuring that all publicity made clear that the preferred and

recommended means of getting to and from the venue was via public transport.

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.

22/24 **Licensing Act 2003 - Application For a Premises Licence at 18 Central Parade, New Addington, Croydon, CR0 0JB**

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

The applicant, Mr Vijay Komar and his agent Mr Surendra Panchal were present.

Parties who had submitted representations Caroline Dawson was also present.

The Head of Environmental Health, Trading Standards and Licensing explained that the application sought the sale by retail of alcohol from Monday – Sunday between of 8am – 11pm and following discussions with police licensing officer and the applicant had amended their application and now sought a licence for 8am – 11pm which differed slightly to their original application. The Head of Environmental Health, Trading Standards and Licensing informed the Sub-Committee that following discussions with the police licencing officer, the applicant has also amended their application to have the following conditions included, to ensure that no beer, larger or cider was stocked, exposed for sale or sold that exceeded 6.5 ABV and to ensure that between the hours of 6:00 AM to 8:00 AM daily alcohol for display in the premises was covered. The Head of Environmental Health, Trading Standards and Licensing stated that the application premises fell within a cumulative impact area and that representations had been received from the Council's Trading Standards team as the responsible authority.

The Head of Environmental Health, Trading Standards and Licensing informed the Sub Committee.

The objecting party Caroline Dawson was given the opportunity to speak. They thanked the Sub-Committee for the opportunity to object to the proposals and advised:

- On the 17 April 2024, the Council received a new application from Mr Kumar for the premises at 18 Central Parade, New Addington.

- The applicant was applying to be designated premises supervisor, which would give him significant control of all licensable activities at the premises.
- There was a discrepancy with the title of the business which needed to be amended before the application could be progressed.
- The applicant was the same person who is the sole Company Director of Muhuru International Limited who runs the premises at 15 Central Parade, New Addington.
- On the 25th of May March, 2024, Croydon Trading Standards prosecuted Mahuru International Limited for the possession or exposure for supply of non-compliant vapes contrary to the Tobacco and Related Products Regulations, 2016.
- The company was fined for £7,071.
- The criminal conviction was contrary to the prevention of crime and disorder.
- The applicant continued to sell the vapes despite being warned by the trading standards team at the Council.
- There were concerns that the applicant would adhere to the licensing objectives to prevent crime and disorder and public safety.
- Selling illegal oversized vapes compromised consumer safety and encouraged addiction to nicotine which could lead to antisocial behaviour.

The Head of Environmental Health, Trading Standards and Licensing explained that the Council license was for the premises (address) not the trading name of the company.

The applicant Mr Vijay Komar and his agent Mr Manpreet Singh Kapoor was given the opportunity to speak and advised:

- The application was for Go Local, the discrepancy in the papers was a spelling mistake.
- The applicant was not prosecuted it was the company which he was a director for. When the CRB check was done there was no criminal conviction against his name.
- They would amend the application to make the premises more reliable. There was a new DPS for the company.
- There would be a training manual on the premises and there would be regular training for staff. The refusal book would be there to be followed as well as an incident book and all of the posters required by law.
- The premises was bought by the applicant and they were re-applying as the previous owners had not informed Mr Kumar that the company had shut down hence why they were currently applying.
- They were happy to amend the application to adhere to the licensing objectives. They were happy to agree to a condition which prevented Mr Kumar from having any involvement in the purchase of any goods. The incoming DPS would have full knowledge and the full guidance on management of the premises.

The Trading Standards Officer stated that the company was prosecuted but the applicant was the sole director and controlling mind of the company.

The Legal Advisor asked how the applicant was going to manage the operation of the business given that was in a cumulative impact area. The applicant said that the police had liaised with them, and they had agreed that there would be no beer, larger, or cider would be stocked, exposed, or sold. Alcohol would not be on display between 6am-8pm daily. The shop had been there for 15 years although it has changed ownership in that time. The applicant would be willing to work alongside the responsible authorities to ensure that the licensing objectives were met and they would ensure that none of the street drinkers would be served alcohol.

In response to questions from the Sub-Committee the applicant stated that he was a sole trader and there were 5 staff members working alongside him. The applicant was unaware that illegal vapes were sold within the UK and that vapes had to be TPD compliant. The individual who sold the vapes to the applicant was not prosecuted.

The Head of Environmental Health, Trading Standards and Licensing explained that the prosecution related to another premises that the applicant owned rather than the premises that for which the current application was for.

In response to questions from the Sub-Committee the applicant stated that there was a condition for the products that they were selling to be obtained from legitimate suppliers and they would ensure that the invoices would have the VAT paid. The applicant explained that he would buy their products from a cash and carry's who were VAT registered rather than sole traders.

The Trading Standards Officer explained that the reason that the supplier of the vapes had not been prosecuted because he was untraceable, Mr Kumar had been informed that he was in possession of illegal vapes and in 2023 he was found to still be in possession of hundreds of illegal vapes.

In response to questions the applicant advised that there were liaising with responsible authorities to ensure that they complied with licensing objectives. The applicant also stated that one of his members of staff would not serve anyone they saw drinking on the street.

The applicant stated that there were 10 off licenses on the parade and they would offer Oriental, Afghan and African foods to separate themselves from other shops in the area.

The Head of Environmental Health, Trading Standards and Licensing explained that there were 9 other off licences which sold alcohol in the area and in respect to cumulative impact, Members had to consider the sale of alcohol rather than any other aspect of the business.

The legal advisor stated that the application was new, and the cumulative impact assessment dictated that the applicant needed to demonstrate how this application should be an exception to the policy which the Council has adopted and which applied in this area.

The Sub Committee queried what exceptional circumstances would allow the application to be granted. The applicant advised that if the application was not

granted then the shop may close, and no other responsible authority had an issue with the application and the police had agreed to the conditions in the application. The applicant's legal representative explained that the approval of the application would not lead to an increment of an extra off licence as it was already present in the area for over 10 years.

In response to questions the applicant advised that the shop has been operating for around a month without an alcohol license.

The Trading Standards Officer explained that the license had lapsed since December 2022. The applicant's legal representative explained that the company was dissolved by the previous owner and the applicant was unaware of this.

The Sub Committee explained that there was a responsibility that if the applicant needed to trade alcohol, they needed to have a license and ignorance of the law was not a defence when it came to licensable activities.

The applicant explained that the additional amendments were the change of the name should be 'Go Local' and the change of DPS and hiring a new one who would have sole responsibility for purchases, they were willing to agree that Mr Kumar would play no role in the purchases for the company. If the license was granted the new DPS would undergo a course before the licensable activity was conducted.

The Head of Environmental Health, Trading Standards and Licensing stated that there was a formal application process where the Police would need to agree the to the appointment of a new DPS before the change could be implemented. The Head of Environmental Health, Trading Standards and Licensing explained that Members could approve the current license with the current DPS removed from the license, this would mean that the applicant would not be able to sell alcohol on the premises until a DPS had been appointed.

All parties to the hearing were given the opportunity to give final comments.

The Trading Standards Officer stated that the applicant had displayed negligence and had failed to do due diligence checks when he purchased the business. The Trading Standards Officer believed that the applicant had not met the cumulative impact assessment test, as he failed to explain how it was exceptional circumstance.

The applicant stated that they would ensure that they adhered to licensing objectives and the new DPS would help them meet the conditions.

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

The Licensing Sub-Committee considered the Application for a Premises Licence at **18 Central Parade New Addington Croydon CR0 0JB** and the

representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee considered the representations made by the Applicant and their agent during the hearing. The Sub-committee also had the benefit of verbal representations on behalf of Trading Standards objecting to the application at the hearing. The Sub-Committee noted that following discussions with the Police, the Applicant had reduced the proposed hours for licensable activities as detailed in paragraph 2 in the reasons below and had amended their application to have two further conditions placed on the license should the sub-committee be minded to grant the application (see paragraph 2 below).

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 REFUSE** 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 Sub-Committee considered that the objective of the prevention of crime and disorder, was most relevant in relation to their consideration of the matter given the matters raised by Trading Standards and the information which came to light during the hearing. In addition, the Cumulative Impact Assessment adopted by the Council as Licensing Authority, which relates to high levels of alcohol related crime and alcohol related hospital admissions in areas where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough, is applicable to the application in question.

The reasons of the Sub-Committee were as follows:

- The Sub-Committee noted that the premises are situated on Central Parade in a lengthy parade of shops with residential premises above the shops. The Sub-Committee heard that there were a number of off-license premises in close proximity to the proposed premises on the parade, with the Applicant indicating that there were 9 or 10 such premises.
- Following discussions with the Police, the applicant has amended his application to have the following conditions placed on the license if the application is granted:
 - Ensure no Beer, Lager, Cider or Perry is stocked, exposed for sale or sold that exceeds 6.5% ABV apart from craft or artisan products.
 - Ensure that between the hours of 0600 and 0800 hours daily, alcohol for display in the premises will be covered so not accessible to customers.

In addition, the applicant, following discussion with the police, reduced their proposed hours of licensable activities as follows: Sale by retail of alcohol – Monday to Sunday 0800 hours until 2300 hours.

3. The Applicant is proposed to be proprietor and the designated premises supervisor at the premises of 18 Central Parade, although the Applicant's Agent indicated during the hearing that the Applicant would apply to have another DPS appointed. The Sub-Committee noted that this could not be done as part of the current application and would need to be subject to a separate application in respect of which the police would be notified and have an opportunity to object as part of the normal process. The Sub-Committee were however mindful that one of the options available to them at this hearing was to decline to specify the proposed person as DPS. Unless and until a DPS is in place at a licensed premises, it would not be permitted to undertake alcohol sales.
4. In addition to being specified as the DPS in the current application, the Applicant is also the sole director of Waheguru International Ltd which owns and runs a licensed premises at 15 Central Parade (called "AM to PM") which also sells vapes. Trading standards made submissions to the sub-committee about a previous successful prosecution, on 25th March 2024, of the company undertaking business at 15 Central Parade for the possession or exposure for supply of non-compliant vapes contrary to the Tobacco and Related Products Regulations 2006. Trading Standards also confirmed that the Applicant in this matter was the proprietor and sole director this business at the time and had previously been warned by Trading Standards about non-compliance but continued to act in disregard to that advice and knowingly continued to sell illegal vapes, which in turn led to the prosecution. As a result, Trading Standards have a lack of confidence in the Applicant's ability to implement and adhere to the objective of prevention of crime and disorder in relation to the current application premises and the successful prosecution, despite previous warnings, shows a propensity to compromise legal duties and requirements and therefore undermine one of the Licensing Objectives, namely that of prevention of Crime and Disorder. Concerns were also raised by Trading Standards in relation to public safety (due to the nature of some of the vapes in respect of which Waheguru was prosecuted) and the protection of children from harm objectives (due to the lax attitude of the controlling mind of the company - the applicant here - in respect of legal compliance).
5. The Sub-Committee were aware, and had regard to the fact that the offences in respect of which there had been a successful prosecution, were not "relevant offences" under the Licensing Act 2003, nor were they in relation to the Applicant and would not trigger a need to

consider whether or not the Applicant could retain a personal licence and that was not the matter before the sub-committee at this hearing. The Applicant's agent did confirm that the convictions were in respect of the company and not the applicant and that nothing detrimental had come back on the Applicant's DBS (Disclosure and Barring Service) check in that regard. The Applicant's Agent also submitted that there were no objections from the police and made reference to the Statutory Guidance which indicates that the Licensing authorities should look to the police as the main source of advice on crime and disorder, the suggested implication being that in the absence of objections from the police, this objective was not engaged. Whilst it is acknowledged that the police are the main source of advice in relation to crime and disorder, this does not mean they are the only source or that other responsible authorities (or indeed other persons) should not or could not make relevant representations in relation to Crime and Disorder or indeed any of the other licensing objectives if they feel that the application would compromise those objectives. That is a role all responsible authorities share. The Sub-committee was not considering whether or not the Applicant was still eligible to hold a personal licence as a result of the successful prosecution of the company of which he was sole director. Such a matter would, in any event, be within the remit of the authority which granted the applicant his personal licence (Ealing), rather than Croydon. The Sub-Committee were considering how and the degree to which the previous actions of the Applicant that had been brought to their attention would or could impact on the Licensing objectives being fulfilled in relation to the current premises license application.

6. The Sub-Committee noted that the Applicant was both the proposed owner of the business and proposed to be Designated Premises Supervisor ("DPS") should the premises be authorised for the sale of alcohol. The DPS is the key person who will usually be responsible for the day to day management of the premises, including the promotion of the licensing objectives.
7. The Statutory Guidance indicates that conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. As indicated above, the DPS is the key person who will usually be responsible for the day-to-day management of the premises by the premises licence holder, including the prevention of crime and disorder. However, in the current instance, the Premises Licence Holder has applied to be the DPS; whatever future plans the Applicant's agent has indicated are in train for a replacement DPS should the license be granted, these are not part of this current application.

8. The Sub-Committee acknowledged, as provided for in both the Statutory Guidance and the Council's Licensing Statement of Policy that all parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. As detailed, there have been concerns about the Applicant's ability or willingness to work together in partnership with among others, Trading Standards who are one of the responsible authorities under the Licensing Act 2003, given their previous interactions with him at another premises in the same area and the subsequent conviction of the company (of which he was sole director) for criminal offences relating to Tobacco Sales and the Trading Standards evidence about failure to keep appropriate records detailing where the products for sale were purchased, again contrary to legal requirements. Whilst it is acknowledged that the sales did not pertain to licensable activities under the Licensing Act, it nevertheless raises concerns around the ability and willingness of the Applicant to properly manage the application premises in this locale in compliance with legal requirements and in turn the licensing objectives under the Act.
9. In addition, during the course of representations made by the Applicant and the Applicant's agent, it became apparent that the Applicant had been operating the business at 18 Central parade for some time and that the premises license for that premises which permitted the sale of alcohol by the previous company that had owned the premises, had in fact been surrendered in 2022. Therefore the Applicant had been operating the premises and selling alcohol without verifying that a valid premises license was in place. The Applicant's Agent confirmed that once the Applicant found out that the premises license had been surrendered, he ceased trading in alcohol, but that was only a month and a half ago so there was a substantial amount of time during which alcohol sales were ongoing in the absence of a premises license. Naturally, the Sub-Committee were very concerned about this turn of events and the detrimental impact that had on promoting the licensing objectives. The Applicant's Agent explained that it was usual in the Asian community for businesses to swap hands quite quickly in the manner in which had happened here and for a new proposed owner to take over and operate the business before the sale was finalised. Whilst that may have been the manner in which things were done in the Asian community as suggested, and the Sub-Committee made no finding in that regard, it did nothing to allay their concerns about legal compliance and due diligence which would be expected of any responsible operator who was running a premises where sales of alcohol were taking place. It was clear from the information provided by and on behalf of the Applicant that proper checks were not undertaken and there was a lax attitude towards ensuring legal compliance given the substantial delay in ascertaining whether or not the relevant licenses and permissions were in place to allow the Applicant to trade as he had been. The applicant is also in charge of other licensed

premises so would not have been unaware of his responsibilities in that regard in relation to the Licensing Act 2003 and alcohol sales. This information compounded the concerns which Trading Standards had raised about this applicant and the willingness and ability to uphold the Licensing Objectives, particularly in an area which was already the subject of a cumulative impact assessment.

10. The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder. Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The DPS must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, all the relevant legal requirements around alcohol sales, including around ensuring that only age appropriate sales are made, appropriate records are kept, including in relation to refusals. In the current circumstances, the proposed premises license holder is also the proposed DPS and had, on his own admission, been operating the premises without verifying that the proper permissions were in place for a significant amount of time before proper checks were made and an application made for this premises license in a late attempt to regularise the position.
11. When having regard to what would be appropriate for the promotion of the Licensing Objectives, the Sub-Committee considered whether it would support the objectives to impose additional conditions or take the step of declining to name the Applicant as DPS on the premises License or both such measures short of refusal.
12. The Sub-Committee gave consideration to whether or not it could impose additional conditions on the license to deal with the concerns. In this regard, the Applicant's agent had offered a condition to require the DPS to undertake additional training – namely to complete a DPS level 2 training course which would be a higher level of training required that that which was needed in order to qualify as a DPS. In light of the issues raised by Trading Standards in respect of compliance at other premises where the Applicant is sole director and the acknowledged operation of this premises selling alcohol contrary to legal requirements (and in the absence of permission to do so) which came to light during the hearing, the Sub-Committee were not satisfied that it would promote or support the licensing objectives to do so in the current circumstances especially given the risk profile of the area

because it is within one of the Cumulative Impact Assessment areas as detailed in the Council's Statement of Licensing Policy. In addition, because of previous interactions with the Applicant, Trading Standards had also cast doubt on the ability of conditions offered by the Applicant to be adhered to. This was sadly compounded by the Applicant's admitted conduct in running a business for a substantial amount of time in the absence of a license to do so and through failure to properly check whether or not he had the legal authority to do so. This was solely within the Applicant's control and the failure did not give the sub-committee confidence that the licensing objectives would be upheld by imposing additional conditions, even in relation to additional training of a DPS.

13. In respect of whether or not it would be appropriate to refuse to specify the Applicant as DPS for the premises as an alternative to refusal, the Sub-Committee were mindful that the Applicant would still be the premises license holder and would be responsible for management of the premises and appointment of a replacement DPS. The Sub-Committee were not confident that there would be sufficient separation between the premises license holder and DPS such that a different DPS would ensure that the Licensing Objectives would be supported in the current circumstances at this locale. This concern of the Sub-Committee was exacerbated by the fact that during the hearing, whilst the Applicant and his agent acknowledged that the applicant had acted contrary to legal requirements, an attempt was made to excuse the behaviour on the basis that this was how the Asian community transferred and did business but that the Applicant was now learning about his responsibilities. This was very disconcerting in circumstances where the Applicant is already operating other licensed premises and had interactions with responsible authorities regarding adherence to legal requirements and duties. The Sub-Committee were therefore concerned that the Applicant did not appear to consider that the problems described by Trading Standards, or the operation of the premises before applying for this license was a sufficiently serious issue. Nor did the Applicant or his agent appear to have had proper regard to the impact of the Council's Statement of Licensing Policy in respect of the Cumulative Impact Assessment in this area or give proper consideration to the impact this premises could have on existing issues, as detailed further below.
14. The Sub-Committee noted that the location of the premises was within one of the areas in which the Cumulative Impact assessment adopted by the Council is in place, which applies in respect of off licences and shops and supermarkets selling alcohol for consumption off the premises (Cumulative Impact Area 4 which runs along the length of Central Parade, New Addington). The Cumulative impact policy was introduced due to high levels of alcohol related crime and alcohol related hospital admissions in areas where it is clear that the density of shops selling alcohol for consumption off the premises is significantly

higher than in other parts of the borough. The Council assessment indicates that reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.

15. The effect of the Cumulative impact assessment is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, there will be a presumption that the application will be refused. The Cumulative Impact assessment is intended to be strict, and will only be overridden in genuinely exceptional circumstances. The statement of licensing policy makes clear that the Licensing authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the license, or that are or will be generally well managed because of the reputation or good character of the license holder or operator. This is expected in the conduct of all licensed premises.
16. To this end the Sub-Committee specifically drew the attention of the Applicant and the Applicant's Licensing Agent to the provisions in the cumulative impact assessment and invited them to explain to the committee why they considered that the application could be an exception to the assessment. In response, the Applicant and his agent made reference to what the applicant had set out in his operating schedule, how he would support the licensing objectives, the two additional conditions agreed with the Police and set out earlier and indicated that customers had asked for alcohol to be sold which the applicant wished to do as it would improve income at the premises. The Applicant and his agent referred to a substantial drop in business during the time frame when he had ceased selling alcohol at the premises. The Applicant's Agent also referred to the Statutory Guidance at 10.15 which indicates that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours". Whilst this reference may be the suggested approach where a licensing authority did not have a cumulative impact assessment in place for the locale in question, this authority, as clearly set out in its Licensing Statement of Policy, had such an assessment in place which created an additional burden on an applicant to demonstrate why, in this particular locale, it was appropriate to grant a license despite the published and publicised concerns which the assessment addresses and to provide assurance to the Sub-Committee that granting a license to this premises would not exacerbate existing concerns. There was a failure by the Applicant or his agent to adequately address this at the hearing or to seek to engage properly in the application documentation itself, with the impacts. The Applicant's agent suggested that because there had previously been a license at this premises for a number of years (which

was surrendered in 2022), the operation of this premises would not or should not fall within the cumulative impact considerations. The Sub-Committee were not persuaded that this was correct. This was a new application which needed to be considered on its merits at the time and against the policy and legislative objectives which were in place at the time this application was made. That included the cumulative impact assessment and its implications.

17. The Sub-Committee, whilst sympathetic to the expressed desire by the Applicant to generate more income and improve revenue by making sales of alcohol from the premises, were clear that commercial need is not a matter which is a relevant consideration for the sub-committee to take into account in determining whether or not the licensing objectives would be satisfied or indeed if the application could be considered exceptional so that the cumulative impact policy ought not to be applied. In this regard the Sub-committee had regard to the statutory guidance at paragraph 14.19 which provides that “Need” concerns the commercial demand and is a matter for the planning authority and for the market and not a matter for a licensing authority in discharging its licensing functions.
18. The Licensing Sub-Committee re-iterated that it considers each matter on its own merits and would not apply this cumulative impact assessment inflexibly. It considered the individual circumstances of the application.
19. The Sub-committee were clear that the cumulative impact assessment could not be used as a blanket ban on any premises seeking to sell alcohol for consumption off the premises in the area. Each application must be considered on its merits and in light of the representations received. In addition, the cumulative impact assessment must be considered in context and against other policy aims which form part of the Council’s Statement of Licensing Policy. The Sub-Committee were also clear that they had to have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 in exercising their functions.
20. The Statutory guidance sets out that where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy (paragraph 8.43). The Applicant and his agent were invited to do so during the hearing.
22. A cumulative impact area does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application in a cumulative impact area where it

considers it is appropriate and where the applicant has demonstrated in their operating schedule that they would not be adding to the cumulative impact.

23. In addition to the requirements of the Licensing Act 2003, the Sub-Committee were aware and had regard to the Council's statement of Licensing Policy. In respect of the objective of preventing Crime and Disorder the Sub-Committee had regard to the following provisions which form part of the Council's Statement of Licensing Policy:

5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.

5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.

24. The Sub-Committee considered, as provided for by the Statutory Guidance (paragraph 8.42) that applicants are, in making an application and setting out their operating schedule, to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives which may help to mitigate potential risks.

25. The Applicant had not demonstrated, either in his application, or in representations before the Sub-Committee that proper consideration had been given to these matters, given the area of proposed operation or in light of the cumulative impact assessment relating to this area.

26. The evidence of the Applicant before the sub-committee also gave rise to concerns about the degree to which the Applicant had demonstrated that he understood the impact of the Licensing Objectives and the risk profile of the locale in which he was seeking to operate. This indicated to the Sub-Committee that the licensing objectives would potentially be compromised in an area already highlighted as having a greater risk profile by virtue of the Cumulative Impact Assessment.

27. Taking into account all the relevant circumstances of this matter, the Sub-Committee were not satisfied that the application in question was such that it could be regarded as exceptional within the meaning of the Cumulative impact assessment, nor were the suggested conditions offered by the Applicant in his operating schedule more than the Sub-Committee would expect a responsible operator to enact at a premises which was required to comply with and support the Licensing Objectives in its operation. The further two conditions agreed with the Police, did not, in the Sub-Committees view, take the matter far enough in view of what they had heard during the hearing relating to the Applicant's conduct and operation of the premises without a license for a significant amount of time and the in light of the Trading Standards representations. Accordingly, the Sub-Committee did not consider that this was an appropriate application to override the presumption set out in the Statement of Licensing Policy Cumulative Impact Assessment.
28. Furthermore, the previous recent conviction and failure to comply with advice from relevant authorities regarding operation of another premises in accordance with legal requirements as well as the failure to exercise due diligence in checking the circumstances at this premises (as detailed earlier) indicated that there were concerns about the ability and willingness of the Applicant to abide by the Conditions offered as part of the proposed premises and to promote the licensing objectives, particularly that of crime and disorder under the Licensing Act 2003.
29. Finally, in respect of the 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.
30. 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.

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.

23/24 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 1.18 pm

Signed:

Date:

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