

Licensing Sub-Committee

Meeting held on Thursday, 22 July 2021 at 10.30 am. This meeting was held remotely.

Present: Councillor Robert Canning (Chair)
Councillors Pat Clouder & Margaret Bird

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Nicola Thoday (Corporate Lawyer); Michelle Gerning (Democratic Services Officer); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer).

PART A

Appointment of Chair

Councillor Pat Clouder nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Robert Canning as Chair for the duration of the meeting of the Sub-Committee.

Disclosure of Interest

There were none.

Urgent Business (if any)

There were no items of urgent business.

LICENSING ACT 2003 – Application for a Premises Licence at 336 Whitehorse Road, Croydon, CR0 2LF

On 22 July 2021 the Licensing Sub-Committee considered the Application for a Premise Licence at **336 Whitehorse Road, Croydon, CR0 2LF** for the Sale by Retail of Alcohol (for consumption On and Off the premises) Monday to Sunday 10.00 hours to 22.30 hours.

It had considered the representations received as contained in the report of the Executive Director 'Place' and video clips provided by the Objector. The Sub-Committee had made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the Applicant's Agent and the Objectors.

It had been noted that no representations were received from the Police, the Council's Environmental Health Team or other responsible authorities. The Licensing Manager confirmed that the Pollution Team and Antisocial Behaviour Team (though the ASB

team are not a responsible authority) had not received any complaints regarding the premises.

At this point in proceedings the Sub-Committee had taken into account the Objectors' comments. A motion was moved by Councillor Bird and seconded by Councillor Clouder to exclude the press and public from part of the hearing whilst they considered the evidence presented in several video clips showing members of the public making noise and creating a smoking nuisance in the immediate vicinity of the entrance to the premises, including at close to midnight.

The Sub-Committee was concerned about the detrimental impacts that this was having on the quality of life of the Objectors. The Objectors stated that this happened regularly and that they had spoken to the landlord and the Applicant to ask them to alleviate the noise and smoking but nothing had changed.

The Applicant's Agent confirmed that:

- The premises was a new family run business that opened in May 2021.
- The Operating Schedule will enable the Licensing Objectives to be met.
- The Police had no objection to the Application.
- Most local residents have no objection to the Application.
- The business wanted to have a good relationship with its neighbours and management had tried to improve this. He was instructed that the business was open to discussing how to help the neighbours and did try to engage with the objectors. The business would communicate directly with impacted neighbours with the aim of preventing public nuisance.
- Management had been advised by the Agent that they needed to be firm and ban some people who were causing disturbances. The business needed to give a warning to individuals whose behaviour was not acceptable and then ban them for a certain period of time if they did not heed the warning.
- There were issues with people staying outside when the business had closed. It was unclear whether the individuals in the video clips were customers of the business.
- The business was cleaning the outside area in front of the premises, and would continue to keep this outside area clear of all litter daily, and provided a place for cigarette stubs.
- The Agent stated that the business would take steps to ensure that it did not cause a public nuisance, in particular noise or smoke nuisance to local residents.
- The Agent stated that the business would provide the DPS's contact details as means of rapid contact for the neighbours including the Objectors, to be used if there was a disturbance which needed resolving.

The Agent of the Applicant proposed to add the following conditions to the Operating Schedule (points 1 and 2 below) and agreed to amend the third condition proposed in Appendix A2 relating to the protection of children from harm where some text appeared to be missing (point 3 below):

- 1) To limit the number of customers standing/smoking outside the premises to 3 at a time. This would be achieved by clear, effective signage (which included at the counter and door) to inform individuals of the requirement and it would be constantly monitored, managed and enforced by shop manager and DPS.
- 2) Reduce the hours of sale of alcohol to 10.00 - 21.00 with the premises closing at 21.30 every day.
- 3) "Alcohol shall not be consumed or stored in the immediate vicinity of the entrance and exit to the premises – which must be kept free from obstruction - but shall be stored and served from behind the counter. This will be monitored by staff on a frequent basis whilst licensable activities are taking place."

The Sub-Committee recognised the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop.

The Sub-Committee noted that the premises did not hold a street trading licence to place tables and chairs on the highway in front of the premises.

The Sub-Committee considered this case on its merits.

Taking into account the above, the Sub-Committee **RESOLVED** to **GRANT** the application. The proposed conditions above, and the conditions at Appendix A2 of the agenda should be attached to the Licence as appropriate.

The Sub-Committee wanted to take the opportunity to remind the Objectors that should they be of the view that the Licensing Objectives were not being promoted or adhered to, they should apply for a Review of the Licence. Further, as mentioned in the meeting, if there were disturbances in the future, they may wish to contact the Council Noise or Anti-Social Behaviour teams.

The Sub-Committee also wanted to thank the Applicant's Agent and Objectors for their thoughtful contributions and the respectful manner in which the hearing was conducted.

Exclusion of the Press and Public

A motion was moved by Councillor Bird and seconded by Councillor Clouder to exclude the press and public during the course of the meeting for the following reasons:

The Licensing Sub-Committee deemed it appropriate to exclude the public from part of the hearing having considered the nature of some of the evidence that was to be taken into account. In making this decision, the public interest test was considered and it was felt necessary to hear the relevant evidence in private, as in doing so it outweighed the public interest in hearing the relevant evidence in public.

On this basis the motion was put forward and agreed by the Committee to exclude the press and public for a portion of the meeting.

The meeting ended at 12:20pm

Signed:

Date: