

## **Licensing Sub-Committee**

Meeting held on Thursday, 28 May 2020 at 10.30 am remotely via Microsoft Teams.

### **MINUTES**

**Present:** Councillor Pat Clouder (Chair);  
Councillors Karen Jewitt and Michael Neal

**Also Present:** Michael Goddard (Licensing Manager)  
Jessica Stockton (Solicitor and Legal Advisor to the Sub-Committee)  
Thomas Downs (Democratic Services)  
Eddie Adjei (Pollution Officer)

### **PART A**

#### **53/20 Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.  
Councillor Michael Neal seconded the motion.

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

#### **54/20 Apologies for Absence**

There were none.

#### **55/20 Disclosure of Interests**

There were none.

#### **56/20 Urgent Business (if any)**

There were no items of urgent business.

57/20      **Licensing Act 2003 (Hearings) Regulations 2005 Procedures for Licensing Sub-Committee Hearings**

The Licensing Manager introduced and summarised the report, which contained changes to the protocol for Licensing Sub-Committees in of light of the Coronavirus Act 2020.

The Chair **AGREED** the recommendations contained in the report.

58/20      **Licensing Act 2003: Application for a Variation to a Premises Licence**

On 28 May 2020 the Licensing Sub-Committee considered the Application for Variation to a Premises Licence at **243-245 Lower Addiscombe Road, Croydon, CR0 6RD** the representations received as contained in the report of the Executive Director 'Place' and the additional written representations made by the Applicant and the Noise Pollution team.

The Sub-Committee also considered the verbal representations from the Noise Pollution team, the Applicant and the Applicants' representative at the hearing.

The Sub-committee noted that, following discussions with the Police licensing officer, the applicant has amended their application to have the requested start time for the sale alcohol as 9am, rather than the 8am as specified in the variation application and to have the terminal hour as 2330 hours Monday to Thursday and midnight on Friday & Saturday.

In addition, the applicant has amended their application to have the following conditions added to the licence if the application is granted:

- Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours.
- Food will be available at all times that sale of alcohol is authorised up to 30 minutes before close. Alcohol will be ancillary to food.

During the course of the hearing the Applicant further amended their application to include a condition regarding the re-siting of the speakers in the premises and in relation to the audibility of music outside the premises, namely:

- Speakers to be mounted and sited at least 50cm away from the ceiling; and
- The Premises License holder shall aim to ensure music from the premises is not audible outside the premises.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S182 of the Act and the Council Licensing Policy the Sub-Committee and the

amendments to the application have **RESOLVED** to **GRANT** the variation as amended by the Applicant and detailed above on the basis that the Sub-Committee is satisfied that it would support the Licensing Objectives to do so.

The Sub-Committee's reasons were as follows:

1. The noise complaints which lead to the noise team to make representations fell broadly into two categories – construction noise and complaints about loud music. The Sub-Committee were more concerned with the latter than the former given the potential link to licensable activities.
2. There were a number of complaints but these stemmed from a small number of complainants who had also involved other responsible authorities, including the Fire Brigade and Council's Anti-social Behaviour Team and the Police.
3. The Police, as detailed above, had agreed conditions with the Applicant and the Applicant had amended their application to include those conditions and a reduction in proposed hours of sale of alcohol should the Sub-Committee be minded to grant the application.
4. Although one of the complaints had led to an informal warning, the noise pollution team had not observed noise nuisance of a nature which would constitute a statutory nuisance. There were however still some complaints which were subject to investigation.
5. The premises in question is located on a normally busy A Road although there are residential units above the premises.
6. The music played in the shop was incidental to the other activities taking place within the premises and was not a licensable activity in the current circumstances.
7. When the noise team had previously requested the Applicant to turn down music when concerns had been raised, this was actioned by the Applicant and the Applicant has amended their application to take account of concerns about the siting of the speakers against the ceiling as well as potential volume impacts.
8. Insufficient evidence was provided to the Sub-Committee indicate that the proposed variation would result in noise nuisance contrary to the prevention of public nuisance objective (as opposed to the generation of complaints which may or may not be substantiated) and the Sub-Committee were mindful that where an Applicant fails to adhere to a condition on his license this could constitute a criminal offence and/or trigger a review of the premises license by responsible authorities or other persons as defined under the Act.

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59/20      **Exclusion of the Press and Public**

This was not required.

The meeting ended at 11.31 am

**Signed:**

**Date:**

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