

Licensing Sub-Committee

Meeting of held on Thursday, 29 April 2021 at 10.30 am.
This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillors Robert Canning (Chair)
Councillors Margaret Bird and Nina Degrads

Also Present: Councillor Chris Clark (Ward Councillor)
Michael Goddard (Licensing Manager)
Jessica Stockton (Solicitor and Legal Advisor for the Sub-Committee)
Anoushka Clayton-Walshe (Democratic Services)

PART A

11/21 **Appointment of Chair**

Councillor Nina Degrads 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.

12/21 **Disclosure of Interests**

There were none.

13/21 **Urgent Business (if any)**

There were no items of urgent business.

14/21 **Licensing Act 2003: Application for a Premises Licence at Units 53-57, Boxpark, 99 George Street, Croydon, CR0 1LD**

The recording of this meeting can be view by clicking [here](#).

Following the item being heard the Licensing Sub-Committee's decision was:

The Licensing Sub-Committee considered the Application for a Premises Licence at **Units 53-57 Boxpark, 99 George Street, Croydon, CR0 1LD** and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant prior to the hearing and incorporated in the supplementary information published as an addendum to the report.

The Sub-Committee noted that the Applicant had, in discussions with the Police licensing officer, amended their application to have the following condition added to the licence, if the Sub-Committee were to grant the application, namely:

“During events in Boxpark which the Metropolitan Police deem as high risk, given one month’s notice, the premises will operate as a bar only for the duration of that event.”

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

During the course of the hearing, the applicant confirmed that they would like an additional condition to their operating schedule which would be applied as a condition to the license if the Sub-Committee were minded to grant the application. This additional condition was as follows:

“The doors opening to George Street shall be kept closed at all times except in respect of emergency access and emergency egress”

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended by the Applicant with the addition of a further condition imposed by the Sub-Committee which would supersede conditions 6 and 7 proposed by the Applicant in Annex A to Appendix A1 of the report. The Sub-Committee imposed this further condition on the basis that the Sub-Committee were satisfied that it was appropriate and proportionate and would support the Licensing Objectives, in particular the promotion of Protection of Children from Harm, to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee was mindful that axe throwing was not a licensable activity under the Licensing Act 2003 (“the Act”) but that the licensable activity they were tasked with considering was the sale of alcohol by retail.
2. The Sub-Committee noted that the Police had not raised any objections to the proposed application, whether from a crime and disorder perspective or in relation to any of the other Licensing Objectives under the Act and had been consulted by the applicants and in turn had visited the venue to assess the risks associated with the application. As part of this engagement, the police had suggested conditions be offered reflecting similar conditions imposed on the Wembley venue of the applicant’s premises as detailed in the report and in addition, a condition had been agreed with the police as detailed above.
1. The Sub-committee noted the concerns raised by Croydon Council’s Head of Quality Assurance and Safeguarding in relation to the

Protection of Children from Harm licensing objective, including the concerns about those under 18 being permitted on the premises and the associated concerns about safeguarding and protecting children in the context of the premises' operations and sale of alcohol within the Croydon context including concerns about youth knife crime and violence when compared to other London Boroughs.

2. The Sub-Committee were also mindful of the representations made by a ward councillor for the area in which the proposed premises would operate, including in relation to the protection of children from harm given the supply of alcohol and the perceived adult nature of the activity of axe throwing. The ward councillor also raised issues around ID checks for all patrons at the venue (not just in relation to the sale of alcohol) but the Sub-Committee considered that these were adequately addressed in relation to the Licensing Objectives by the imposition of the proposed condition detailed below.
3. In relation to the concerns raised by the objectors, the Sub-Committee noted that the applicant had prepared a risk assessment of the undertakings at the premises which was before members for their consideration and which the sub-committee considered addressed many of the potential concerns and risks they were mindful of, however they remained concerned around the promotion of the protection of children from harm in relation to the sale of alcohol given the proposed activities and the proposed presence of children on the premises even if that presence was subject to restrictions as suggested by the Applicant.
4. The Sub-Committee noted that the applicant had indicated that it considered that the activity of axe throwing was one which was suitable for those under 18 subject to the safety parameters they proposed for the premises and around the activities, including in relation to the requirement that all children would only be permitted onto the premises under the supervision of a responsible adult and that no children under 18 would be permitted on the premises after 21h00. It was noted however that Boxpark requires that all under 18's have left the Boxpark site by 20h00.
5. The applicant noted that axe skills and throwing were things taught to children as part of "forest" skills and scouts and the applicant considered it was appropriate for children in the context of this application. The Sub-Committee were not swayed by that analogy bearing in mind that they were considering a licensed premises in the centre of an urban area which was proposing the recreational throwing of axes whilst also proposing to sell alcohol to patrons and to which it was proposed to admit children.
6. The Sub-committee noted that the applicant's risk assessment had considered that it would be appropriate for 1 adult to supervise up to 6 children on the premises, some which could be as young as 8 and be

entitled to throw axes subject to coaching and supervision. The Sub-Committee also noted that the applicant had indicated that each group would have their own coach for axe throwing and while only two members of a group would be throwing axes at any one time the average group size at their other venue was 8 and they expected similar at Croydon. The Sub-Committee also noted that there would be 1 “floating” coach, not assigned to a group, to provide extra supervision.

7. The Sub-committee noted that the applicant had indicated that they didn't get many children in their other branch and didn't anticipate many in Croydon. Indeed the premises is anticipated by the applicant to be most busy on weekends and evenings with pre-booked groups.
8. The Sub-Committee considered whether or not it would be appropriate to impose a condition on the applicant requiring an obscuring of the windows through which activities within the premises, including the axe-throwing, could be viewed. There was concern that the ability for this activity to be viewed could lead to imitation by younger more impressionable residents, such as those under 18, but also that this ability would be seen to be glamourising or promoting the use of weapons in a borough which already has a significant knife crime and violence issue. The Applicant had indicated at the hearing that they were not aware that imitation had been an issue in other venues and did not consider, because of the stringent safety requirements and coaching that they provided as part of the axe-throwing, that it would be viewed as the use of a weapon rather than a sport and skill, the latter being how they promoted the activity. The applicant was also keen to ensure that those outside the premises could view the controlled way in which they operated the premises as it would act as a marketing mechanism for them to promote the business and as a small business, they did not have much in the way of marketing budget.
9. The Sub-Committee were mindful that, as provided for in the Statutory Guidance and in the Council's Licensing statement of Policy, protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms. The Sub-Committee were also mindful of the direction in the statutory guidance that significant weight should be given to representations about child protection matters.
10. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 regarding the imposition of conditions and noted 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 the condition would impose on the

premises licence holder (such as the financial burden due to restrictions) as well as the potential benefit in terms of the promotion of the licensing objectives.

13. Finally the Sub-Committee was aware that licence conditions should not seek to duplicate other statutory provisions although licensees should be mindful of requirements and responsibilities placed on them by other legislation, including for example the Health and Safety at Work etc. Act 1974.

14. In light of the above matters, the Sub-Committee did not consider that it would be appropriate to impose a condition regarding obscuring the windows into the premises at this point in time but that the below condition was more appropriate to deal with the protection of children from harm objective. The Sub-Committee did however reach the conclusion that it was appropriate and proportionate to provide the following condition to address the protection of children from harm licensing objective:

“No children under the age of 18 (eighteen) shall be permitted on the premises”

This condition is to replace the proposed conditions 6 & 7 in the applicant’s operating schedule.

15. 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 and wished the applicant well in their safe and successful operation of their business.

15/21 **Licensing Act 2003: Application for a Premises Licence at 22 Russell Hill Road, Purley, CR8 2LA**

This application was resolved ahead of the meeting following the withdrawal of the objecting representation.

16/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 12.10 pm

Signed:

Date: