

Licensing Committee

Meeting of held on Tuesday, 29 November 2022 at 6.30 pm in Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Karen Jewitt (Chair);
Councillor Christopher Herman (Vice-Chair);
Councillors Kola Agboola, Patsy Cummings, Margaret Bird,
Richard Chatterjee, Ian Parker, Ria Patel and Tony Pearson

Apologies: Councillor Nina Degrads and Stella Nabukeera

PART A

16/22 Minutes of the Previous Meeting

The minutes of the meeting held on 26 September 2022 were agreed as an accurate record.

17/22 Minutes of previous Licensing Sub-Committee Meetings

The minutes of Licensing Sub-Committee hearings on 1 September 2022, 9 September 2022, and 23 September 2022 were agreed as accurate records.

18/22 Disclosure of Interests

There were no disclosures of interests.

19/22 Urgent Business (if any)

There were no items of urgent business.

20/22 Licensing Act 2003 - Review of the London Borough of Croydon Statement of Licensing Policy and Cumulative Impact Areas within the London Borough of Croydon Statement of Licensing Policy

Michael Goddard, Head of Environmental Health, Trading Standards, and Licensing, introduced the report to members. In response to members'

questions, Mr Goddard explained that applications for premises licenses only came to the sub-committee when relevant representations against the applications had been made. It was explained that, even if a premises applying for a licence under the Licensing Act was within a Cumulative Impact Area (CIA), the legislation and statutory guidance took precedence over the Statement of Licensing Policy, and that the Policy and designation of CIAs should not be used as blunt tools for refusing applications. They were intended to be used as an extra layer of support to the sub committee with their decision making and in the case of appeals over decisions not to grant licences.

Mr Goddard explained that the concept of a CIA was not to identify individual premises that could be causing negative impact on the licensing objectives in a location, but to identify whether the existence of multiple licensed premises had a collective negative impact on a location. Therefore, premises could not be refused licenses based on being located with a CIA. If the density of any type of licenced premises was felt to be compromising the licensing objectives members may find it appropriate to implement a CIA.

Members requested more information on what negative impacts had been identified in the Equalities Impact Assessment (EqIA), and how the Policy had sought to mitigate those. Officers explained that no changes had been made to the Policy based on the EqIA. A member asked for details as to what the mitigation was in relation to any negative impacts in relation to protected characteristics which had arisen as a result of the initial EqIA. (a second member indicated – as a general comment about the information in the Equalities section in reports generally – that they did not always include all the information which members might like). The officer explained that the Equalities section had been signed off by the Equalities Team having regard to the initial EqIA and the policy had to comply with statutory requirements and statutory guidance and that the proposals were in line with these. The proposed policy applied to premises and their operation rather than to individuals and individual conduct. The mitigation identified in the initial EqIA in relation to potential negative impacts was that to deal with/mitigate risk, licensed premises that were associated with crime and disorder could be dealt with by licence review or prosecution which were mechanisms provided for.

The Chair suggested that committee members could make ward councillors aware if an application was submitted in one of their wards if there was a CIA in place there.

The Chair MOVED the recommendations which were SECONDED by Councillor Christopher Herman. Councillor Ria Patel voted against the recommendations. Councillors Kola Agboola and Richard Chatterjee did not vote*.

RESOLVED, to:

- 1.1. Consider the outcome of the consultation on the review of Statement of Licensing Policy as summarised in the report and detailed in full at Appendices 3 and 4 and proposed revisions to that Policy as detailed in the report and set out in full at Appendix 8.
- 1.2. Consider the response to the consultation on the 5 potential Cumulative Impact Areas as set out in Appendix 4 and the reasons and evidence base for this (Appendix 1, 2, 3 and 4); and
- 1.3. Agree that, as a result of the response to the consultation and in light of the information within the draft assessment of cumulative impact:
 - 1.3.1 The Licensing authority remains of the opinion that the number of relevant authorisations (for the sale of alcohol for consumption off the premises from off-licenses, shops and supermarkets) in respect of premises in cumulative impact areas 1-4 described in the draft cumulative impact assessment at Appendix 7 is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in cumulative impact areas 1-4;
 - 1.3.2 The Licensing authority is of the opinion that the number of relevant authorisations (for the sale of alcohol for consumption off the premises from off-licenses, shops and supermarkets) in respect of premises in cumulative impact area 5 described in the draft cumulative impact assessment at Appendix 7 is such that it is likely that it would be inconsistent with the authority's duty under Section 4(1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of the premises in cumulative impact area 5;
 - 1.3.3 That a summary of the draft cumulative impact assessment, which is set out in full at Appendix 7 be incorporated into the revised Statement of Licensing Policy to be recommended to Full Council for approval;
- 1.4. Recommend to Full Council the adoption and publication of the revised Statement of Licensing Policy 2023-2028 at Appendix 8.

- 1.5. Note that if the revised Statement of Licensing Policy is approved by Full Council, officers will make arrangements to ensure that the Statement of Licensing Policy and Cumulative Impact Assessment is published in accordance with statutory requirements. It is proposed that the revised policy and cumulative impact assessment will be operative from no later than February 2023.

Clerk's note* Cllr Chatterjee arrived at 7.16 pm.

Clerk's note* Cllr Agboola arrived at 7.20 pm.

The meeting ended at 7.23 pm

Signed:

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Date:

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