

Licensing Sub-Committee

Meeting of held on Tuesday, 28 February 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillors Karen Jewitt, Margaret Bird and Christopher Herman

PART A

28/22 Appointment of Chair

It was **MOVED** by Councillor Margaret Bird and **SECONDED** by Councillor Christopher Herman and **RESOLVED**, to:

Appoint Councillor Karen Jewitt as Chair for the meeting.

29/22 Disclosure of Interests

Councillor Karen Jewitt noted that she was a ward Councillor for Thornton Heath but had no previous involvement in the application.

30/22 Urgent Business (if any)

There were no items of urgent business.

31/22 Licensing Act 2003 - Application for a premises licence at 61 High Street, Thornton Heath, CR7 8RY

The Chair outlined the procedures for the licensing hearing in line with the Licensing Act 2003 and introduced the applicant, the applicant's agent and the objector to the meeting.

The Head of Environmental Health, Trading Standards and Licensing described the types of licensable activity that could be applied for and introduced the nature of the License Application as described in Appendix A, paragraph 1.2. They advised the sub-committee that following conversations with the police licensing officer and council noise pollution team, the closing hours presently requested were a reduction to those submitted in the original

application. In addition, a list of conditions detailed in Appendix A2 had been accepted by the applicant were the license to be granted.

The Chair invited the objector to speak who informed the sub-committee:

- The area was quiet, residential and densely populated.
- The premises did not have a car parking facility.
- A late-night venue would create noise, increase traffic and parking difficulty in the vicinity.
- They were relieved to see door staff in place for CPFC home fixture days and the conditions regarding closure of doors, windows and the installation of a noise regulator.
- There had been a loss of venues in the area and the development of the site was welcomed, however they felt the opportunity to create a family friendly venue had been missed.

The applicant was then offered the opportunity to speak, on behalf of the applicant their representative Robert Sutherland advised the sub-committee:

- The premises intended to be a family friendly venue, utilised by the local community.
- Several conditions to ensure no nuisance to residents had been agreed in conjunction with the police and council noise nuisance team.
- Regarding parking, online publicity material would encourage attendance by taxi or public transport and the night bus provision, nearby mini cab office and availability of Uber in the area was noted

The sub-committee queried the inclusion and observation of condition 33 in relation to the management responsibility and any involvement in the business by the previous owner of Oceanic Bar. The applicant's representative advised this had been agreed with the police in relation to their concerns and confirmed the applicant was solely responsible for management of the premises. The applicant advised the police would be contacted if the individual attended the premises.

In response to questions the applicant's representative advised:

- The double fronted outside areas would be maintained for cleanliness during the day and at close of business.
- Weekends would have both CCTV and door supervision to minimise noise nuisance and restrict numbers of smokers outside.
- The use of plastics had been discussed with police in relation to the reduction of crime and disorder and drinks would be prevented outside from 11pm.
- There would be further discussion with the police regarding the allocation of the venue to home or away fans on CPFC home match days and security provision would be in place.

The sub-committee queried limiting smokers outside to a maximum of 10. Officers advised smoking was not a licensable activity and therefore could not be regulated in this way.

The 150-person capacity of the venue was noted, specific CPFC home match day capacity had not been agreed. Officers advised it was not uncommon for capacity to not be included on a premises license, a fire risk assessment would be completed by the premises in conjunction with the fire brigade. Any overcrowding would be responded to by the police and fire brigade.

In response to questions the applicant's representative advised the 08.00 am opening time would allow provision of non-licensable refreshments in the morning. The applicant advised the sub-committee of their work with local community organisations and the lack of affordable community venues available for hire. Sunday to Thursday evenings would be bookable by local organisations or groups to host events.

In discussions with the police the applicant had agreed to provide a contact number to neighbours and suggested creating a WhatsApp group with local residents.

The sub-committee requested an amendment to the proposed weekend closing hours from 02.30 am to 02.00 am. The sub-committee agreed the applicant's proposal to amend of last sale of alcohol to 01.45 am with a 02.15 am closing time.

Officers and the applicant confirmed the wording for an additional condition regarding daily litter picking and specific litter picking provision on CPFC home match days.

The Chair advised the outcome of the hearing would be communicated within the statutory time period and thanked those present for their participation in the hearing.

The meeting ended at 11.43 am

Signed:

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Date:

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**LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT 61 HIGH STREET, THORTON HEATH, CR7 8RY

Details of decision:

The Licensing Sub-Committee considered the Application for a Premises Licence at **61 High Street, Thornton Heath, CR7 8RY** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee noted the revised conditions which were agreed with the Police and Council's Pollution Team as detailed in Appendix A2 which the Applicant had agreed would be placed on the License should the Sub-Committee be minded to grant the application.

The Sub-Committee also considered the representations made by the Applicant, their Agent and an objector during the hearing.

The Sub-Committee welcomed the further amendments made by the Applicant during the course of the hearing to reduce the hours for sale of alcohol Friday and Saturday so that the last sale takes place by 1.45am and to similarly reduce the opening hours Friday and Saturday to a 2.15am close. This would also therefore amend the terminal hour for late night refreshment on those days to 2.15am.

The Applicant also offered an additional condition around litter picking which would be imposed on the license should the Sub-Committee be minded to grant.

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 GRANT**

the application as amended by the Applicant during the hearing as detailed below and incorporating the agreed conditions as set out in Appendix A2 to the report on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was most relevant in relation to their consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the B266 which leads towards Thornton Heath Rail Station, in a parade of shops along the high street with residential premises above the premises and above the shops and the parade backed onto residential premises including a council block of flats to the rear. There was also a parade of shops on the other side of the road, also with residential premises above them and to the rear.
2. In respect of Prevention of Public Nuisance, 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.
3. 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, the Statutory Guidance makes clear that it would be perfectly reasonable for example, for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to leave quietly. The Sub-Committee noted that the Applicant had already offered, as part of

the proposed conditions to have such conditions on the license if granted.

4. The Sub-Committee noted that there was concern about the parking situation on the high street and surrounding roads. The Sub-Committee were mindful that parking and the provision thereof is not one of the licensing objectives but that the objective potentially engaged is around public nuisance as it pertains to the provision of a licensable activity. In this regard, the sub-committee noted that the applicant had offered conditions around having a written dispersal policy in place, ensuring patrons were managed when exiting and arriving at the premises to minimise noise disturbance and to maintain a dialogue with residents about noise nuisance matters arising as a result of operation of the premises with a view to mitigate impacts on the prevention of public nuisance objective when they are providing licensable activities.

5. The Sub-Committee noted the evidence on behalf of the Applicant that there had already been direct engagement with those residents living above the premises and that there were no objections from them. In addition, there were a number of proposed conditions specifically designed to address potential noise issues, in particular, these included the following:
 - After 21:00 hours, on any occasion regulated entertainment is being provided, all windows and doors will be closed save for access and egress
 - Patrons will be managed to ensure that noise from patrons entering and exiting is kept to a minimum
 - A sound limiter will be installed and set in conjunction with the Croydon Council environmental health team.
 - Regular contact with local residents will be maintained to address any concerns raised in respect of nuisance caused by the operation of the premises.

6. The Sub-Committee welcomed the further amendments made by the Applicant during the course of the hearing to reduce the hours for sale of alcohol Friday and Saturday so that the last sale takes place by 1.45am and to similarly reduce the opening hours Friday and Saturday to a 2.15am close. This would also therefore amend the terminal hour for late night refreshment on those days to 2.15am.

7. The Applicant also offered an additional condition around litter picking which will be added to the license, which was as follows:
The Premises License Holder shall ensure that there is a daily litter pick in the immediate vicinity of the premises; in addition on days on which matches are played at Selhurst Park there shall be litter picking during and after each home game.

8. 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.