

Licensing Committee Agenda



To: Councillor Patsy Cummings (Chair)
Councillor Mohammed Islam (Vice-Chair)
Councillors Kola Agboola, Sue Bennett, Margaret Bird, Stuart Collins,
Nina Degrads, Danielle Denton, Patricia Hay-Justice, Ian Parker, Ria Patel
and Nikhil Sherine Thampi

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Monday, 29 April 2024 at 6.30 pm** in **Council Chamber, Town Hall, Katharine Street, CR0 1NX**

Katherine Kerswell, Chief Executive
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Hannah Cretney, Democratic Services
Officer
hannah.cretney2@croydon.gov.uk
www.croydon.gov.uk/meetings

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If you require any assistance, please contact Hannah Cretney, Democratic Services Officer as detailed above.

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Minutes of the Previous Meeting (Pages 5 - 10)

To approve the minutes of the meeting held on 12 September 2023 as an accurate record.

3. Minutes of previous Licensing Sub-Committee Meetings (Pages 11 - 100)

To agree the minutes of the Licensing Sub-Committees meetings held on:

- 6 September 2023
- 14 September 2023
- 17 October 2023
- 17 November 2023
- 7 December 2023
- 9 January 2024
- 22 January 2024
- 18 March 2024 and;
- 8 April 2024 as accurate records.

Minutes are created by attending officers from Democratic Services, and unless members have specific knowledge of any inaccuracies, Members of this Committee can approve minutes of previous meetings where they may not have attended.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Disclosure of Interests

Members are invited to declare any disclosable pecuniary interests (DPIs) they may have in relation to any item(s) of business on today's agenda.

6. London Local Authorities Act 1990 - Application for Street Designation Order x 4 (Pages 101 - 156)

The Committee is asked to determine whether to designate the sites detailed at Appendices A to D to this report for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

7. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

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Licensing Committee

Meeting of held on Tuesday, 12 September 2023 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, CR0 1NX.

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillor Mohammed Islam (Vice-Chair);
Councillors Margaret Bird, Stuart Collins, Danielle Denton, Patricia Hay-Justice, Ian Parker, Ria Patel and Nikhil Sherine Thampi

Apologies: Councillor Kola Agboola, Sue Bennett and Nina Degrad

PART A

21/22 **Minutes of the Previous Meeting**

The minutes of the Licensing Committee held on 29 November 2022 were approved as an accurate record of the meeting.

22/22 **Minutes of previous Licensing Sub-Committee Meetings**

Members approved the minutes of Licensing Sub-Committee meetings held on:

- 20 December 2022
- 28 February 2023
- 14 April 2023
- 27 June 2023
- 12 July 2023
- 27 July 2023
- 15 August 2023

23/22 **Urgent Business (if any)**

There were no items of urgent business.

24/22 **Disclosure of Interests**

There were no items of urgent business.

25/22 **Pavement Licensing - The Business and Planning Act 2020**

Michael Goddard, Head of Environmental Health, Trading Standards and Licensing explained Pavement Licensing was national legislation introduced by the government in response to the impact of the Covid 19 pandemic on the hospitality industry. It provided a fast-track approach for businesses to apply for a licence to place seats outside of premises. The processing and management of these arrangements was via delegation previously granted by the Licensing Committee to the Corporate Director of Public Realm in 2020, and subsequently extended each year since. The delegation was now held by the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery until 30 September 2023. It was noted this legislation was likely to be made permanent in the future.

The report sought to extend the pavement licensing delegation to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery until 30 September 2024 and to approve the licence fee set at £100.

The Committee commented on the positive impact of the legislation in creating café culture and queried its impact on the Licensing Team's workload. Officers advised the turnaround time was tight and agreed the legislation had benefited businesses.

In response to questions officers advised if the delegation was granted, the Licensing Team would write to all licence holders informing them of the need to extend their pavement licence. Applications were processed in 14 days, with 7 days consultation period and 7 days processing. There had not been significant take up by businesses and pavement licence numbers were in the dozens.

The Committee queried what would happen if a business had not reapplied. Officers advised Temporary Street Trading Licences could be utilised as an interim arrangement if required and advised officers managed the enforcement of pavement licences.

In response to questions officers advised pavement or street trading licences were not usually required on private land.

The Committee queried how a flurry of applications in a particular area or district centre would be managed. Officers advised this was not expected, however the Licensing Team would respond to demand if it arose with site visits, checks and consultations.

The Committee queried the differences and overlap between Pavement Licensing and Street Trading Legislation. Officers advised Pavement Licensing was specifically introduced for hospitality businesses to place tables and chairs outside and did not cover the display of goods. Pavement Licences were cheaper than Street Trading Licences which had some impact on income.

The Committee **RESOLVED**, to:

1.1 Delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to extend and continue to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020, as amended, including but not limited to the determination of standard conditions which apply, determining applications, revocation of licenses and authorising officers to enforce and exercise these functions and;

1.2 Set the fee for an application for a pavement licence at £100, which is the maximum fee permitted under the legislation for these licenses, such licenses to be granted for a period up to and including 30 September 2024.

26/22 **London Local Authorities Act 1990 - Application for Street Designation Order x2**

London Local Authorities Act 1990 – Application for a Street Designation Order London Local Authorities Act 1990. The highway outside 780 London Road, Thorton Heath, CR7 6JB.

The Committee noted the application detailed at Appendix A had been withdrawn.

Councillor Hay-Justice joined the meeting.

The Chair explained the order of proceedings for the consideration of the street designation order application detailed in Appendix B.

Michael Goddard Head of Environmental Health, Trading Standards and Licensing advised the Committee under the London Local Authorities Act 1990 the council was able to licence the placement of goods, or tables and chairs, on the public highway outside premises or for market stalls. The Licensing Committee was first required to determine whether to designate the public highway for these purposes and secondly to determine whether to grant the street trading licence.

The application under consideration sought a display with dimensions of 3 meters length, 90 cm width and 1.1 meters height. The total distance between the shop front and the nearest obstruction, the kerb, was 3.4 meters which would allow 2.5 meters clear pedestrian passage were the designation granted. This was above the minimum space requirement of 2 meters. Photographs of the application site were available to the Committee at Appendix B1. The designation would be utilised to display fruit and vegetables Monday to Sunday 8am – 9pm. Council officers had visited the premises and confirmed the dimensions. The Licensing Team had consulted with Highways, Police and Planning colleagues and placed an advertisement in a local newspaper. There had been no comments or objections received. The premises currently had a temporary license, which provided the Committee with photographs of the display in situ to consider. Officers noted there were four other street trading designations in the immediate area and the application was in a saturation zone as illustrated by the map available at Appendix B4. The applicant had been made aware of this both verbally and in writing, this correspondence was available to the Committee at Appendix B5. Officers noted the policy was typically to refuse further applications in saturation zones but advised the primary concern with street trading should be safety on the public highway.

The Committee queried on what basis an area became a saturation zone. Officers advised it was primarily introduced for safety considerations where any addition to the number of existing designated sites could have a determinantal impact to the safe and convenient passage by pedestrians on that part of the street.

In response to questions from the Committee officers confirmed the pavement width measurement was from the shop front to the kerb at the edge of the pavement.

The Committee queried whether there were school children in the vicinity which at certain times could make the designation a hazard. Officers advised a visit had been completed during the day to take measurements and the minimum requirement was 2 meters, to allow space for pedestrians, wheelchairs, buggies etc. If it became apparent that there was an issue, this

would be dealt with through enforcement. The temporary license had been granted on 24 June 2023 for 6 months.

The Committee queried the time/day the photographs of the premises had been taken. Officers advised the photographs would not have been taken on a Sunday but on a weekday during the day.

The Committee queried whether the 2-meter requirement took into consideration the turning circle of a wheelchair. Officers advised the turning circle of a chair or buggy was not specifically considered, the requirement was safe passing.

The Committee asked if the designation were to be granted within the saturation zone, if this would set a precedent for more applications. Officers advised there were far busier street trading areas including Broad Green and Norbury nearby. A spate of further applications was not anticipated as the legislation and ability for businesses to apply was already in place. The policy was in place to ensure safety was considered and applications should be determined on individual merit.

The Committee suggested 4 licenses in the area was not too many. Officers advised of the distinction between pavement licensing and street trading licensing and noted designations would not expire whereas the licences were annual.

In response to questions officers advised the dimensions of every designation in the area would be dependent on their display and pavement dimensions. The 2-meter clearance requirement was consistent across all designations and the application under consideration had 2.5 meters.

The Committee queried whether regular rubbish from businesses seen in one of the photographs could be a consideration and if it were possible to ask the business to place rubbish elsewhere. Officers advised enforcement officers could discuss this with the applicant if this were to become a problem.

The applicant, Mr Ahmad was given the opportunity to speak. Mr Ahmad confirmed there was space for people to pass by the display and there had been no issues.

In response to questions from the Committee the applicant confirmed the display would support their business to thrive.

The Committee asked whether the applicant would consider lifting food up from the ground. The applicant advised they would display the food on a table instead.

In response to questions from the Committee the applicant confirmed they used the chair photographed to sit by the display and ensure no-one was stealing. The rubbish bags seen in the photographs contained cardboard and light rubbish, which was collected on a daily basis, otherwise the area was clean and clear. The Committee noted waste was usually collected 9.30am.

The Committee **RESOLVED**, to:

1.1 Designate the site detailed at Appendix B for the purposes of street trading.

1.2 Grant a street trading licence to the site.

The Chair informed the applicant their application had been successful and thanked them for joining the meeting.

The Chair thanked all participants for their contributions and for attending.

The meeting ended at 7.55 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Wednesday, 6 September 2023 at 1.00 pm in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Danielle Denton

PART A

55/22 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Denton and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

56/22 **Disclosure of Interests**

There were none.

57/22 **Urgent Business (if any)**

There were no items of urgent business.

58/22 **LICENSING ACT 2003 - Temporary event notice subject to police objection notice**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant and objector were both present.

The Head of Environmental Health, Trading Standards and Licensing explained the facility to apply for one off, or occasional events providing licensable activities, via the submission of a Temporary Event Notice (TEN). Following the Council's receipt of a TEN, the Police or the Council's Environmental Health team was engaged and if either party believed the

notice would undermine any of the four licensing objectives they were able to submit objections.

The Sub-Committee was to consider the police objection notice raised against the TEN in respect of a proposed event at 112 Whitehorse Road, Croydon on 30 September 2023 and 1 October 2023. The TEN was detailed in Appendix A1 of the agenda and included sale by retail of alcohol, provision of regulated entertainment and provision of late-night refreshment between the hours of 7:00pm on 30 September 2023 and 3:00am on 1 October 2023. The Police objection notice was included at Appendix A2 of the agenda. An ordinance survey extract of the proposed location of the TEN was included at Appendix A3 of the agenda.

The Police objector PC Sear was given the opportunity to speak. PC Sear advised the Sub-Committee:

- The TEN stated the event was to raise funds for a wedding. This had been advertised as an Old Skool vs. Afro Beats event at Whitehorse Road.
- The police had discussed the intended operation of the event with Mr Sempa and noted the venue was at a busy junction on Whitehorse Road and would be the first event held at this premises.
- The owner of the venue had stated that he did not want the event to take place. PC Sear believed that, should the Sub-Committee be minded to grant the authority for a TEN, the event would not go ahead.
- Police concerns included the terminal hour of the event, the social media marketing of the event and the impact this could have on attendance. The event was not ticketed and therefore attendance levels could not be foreseen. The premises could hold approximately 50-100; however the attendance could be higher.
- The premises was not licensed, and the staff had no experience of selling alcohol. There were concerns that due to the event's fundraising nature, the focus would be to sell as much alcohol as possible without regard to managing attendees' intoxication.
- Running an event until 3:00am, especially when widely advertised, required experience of managing the risks, particularly in the context of Croydon's crime levels.
- There was no last entry time of the event and attendees would be charged £20 on the door.
- The venue only had 2 CCTV cameras inside.
- The Police had suggested hiring a more appropriate venue such as a pub or social club which would be able to support with the event's operations and uphold the licensing objectives. The venue had been chosen due to financial considerations.
- Two security guards who were friends and family would be present at the event working on a voluntary basis. This was considered a risk as volunteers may not be as thorough in undertaking searches and may admit attendees for the entry fee.

In response to questions from the Sub-Committee, officers advised the applicant did not hold a personal licence; however it was possible to submit a

TEN without one. A TEN could be submitted to provide licensable activities at a premises which did not hold a premises license.

In response to questions from the Sub-Committee PC Sear confirmed the volunteer security guards both held active SIA licenses which had been seen by the Police.

The applicant was then given the opportunity to speak. Mr Sempa introduced himself and explained:

- The TEN had been submitted to put on a fundraising event for his wedding. Mr Sempa advised he was Ugandan and had been a Croydon resident for 18 years.
- The cancellation of the event by the premises was incorrect, it had initially been cancelled following the police objections.
- The event had not been advertised on any social media platform; Mr Sempa had invited the Police to search for it and felt the concern was not valid.
- The security guards would uphold the prevention of crime and disorder objective and the event would be only for those aged 18+.
- Events to support fundraising for weddings in this way were typical within the African community.
- Wedding guests were contacted via a WhatsApp group and most attendees at the event would be friends and family with 40-60 guests expected. Attendees would be mostly in their 40s with some older family in their 70s and 80s also expected to attend.
- The event would not cause any disorder and Mr Sempa questioned why the police were anticipating a worst-case scenario rather than an event to raise money for a good cause.
- The CCTV at the location was sufficient for the premises and no disorder was expected at the event, the safety of attendees had been considered.
- A professional bar person would serve alcohol and levels of consumption would be monitored.
- Entertainment would take place and guests would be served a meal.
- A guaranteed attendance list would be in place, advance charging had not been adopted to give attendees the option to attend on the night.
- Following discussions with the premises manager a 3.00am terminal hour had been agreed.
- Mr Sempa asked the Sub-Committee to consider the TEN as a strictly family and friends event. It was noted the venue owner was a friend and the notice had been made to ensure the event was run correctly and within the law.

The Sub-Committee queried the approach of advertising the event on social media rather than inviting guests on a RSPV basis. There were concerns social media advertisement could bring crowds which 2 SIA security guards may not be able to manage. Mr Sempa advised the event had not been advertised on social media and he did not know where that claim had come from. The event had only been sent to family and friends on WhatsApp.

The Sub-Committee suggested that pre-paid tickets would have meant Mr Sempa had funds to utilise a venue with experience of holding events and experienced staff, noting that events could escalate quickly. Mr Sempa had investigated holding the event elsewhere; however this was not financially feasible. The chosen venue was not costly and had been hired for a private event. The event had not yet been advertised to all the intended guests, pending permission for it to go ahead.

The Sub-Committee asked the applicant to explain the WhatsApp advert in the agenda pack. Mr Sempa asked the police to explain where the advert had been found, a picture from his fashion label had been used on the event flyer.

In response to questions Mr Sempa advised no fee had been paid to the premises and the arrangement had only been agreed in principle. No written agreement was in place pending the approval of the TEN. The Sub-Committee advised that having the agreement in writing would have been beneficial due to the disparity between the Police and Mr Sempa's understanding as to whether the premises had now agreed to host the event. Mr Sempa advised it would be possible to acquire a written agreement from the venue if the Sub-Committee wished.

PC Sear advised the promotional WhatsApp flyer included in the agenda pack had been sent by Mr Sempa and suggested a family event would not be advertised as Old Skool vs Afro Beats, £20 on the door. The police had received an email from the venue manager confirming they had refused permission to hold the event; however this email did not form part of the agenda pack. Mr Sempa advised the owner was still willing to go ahead, but that they had initial concerns due to the receipt of police objections. Officers noted the relevance of the premises owner's position but reminded the Sub-Committee it was to consider the police objections, if the TEN were to be granted, and if the event would undermine any of the licensing objectives.

The Sub-Committee raised concerns regarding the avoidance of public nuisance and asked what plans were in place to mitigate nuisance to local residents. Mr Sempa advised music would be kept to a reasonable level and there would be intermissions throughout the event. The premises manager had advised that the immediate neighbouring business would be closed and therefore unaffected. The venue had soundproofing meaning little sound would leave the premises. This would be the first event held at the premises and it could be learned from.

The Chair advised that the parties would be notified of the Sub-Committee's decision later that day and thanked those present for their participation.

After the hearing the sub-committee withdrew to the virtual deliberation room and **RESOLVED**, that **the event would undermine the Licensing Objectives and should not take place and therefore a Counter Notice should be issued**. The reasons for this decision are set out in the Statement of Licensing Committee decision as follows:

LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION

On 6 September 2023, the Licensing Sub-Committee considered the Objection Notice in respect of a Temporary Event Notice given by Mr Ronald Sempa for Kani Lodge 112 White Horse Road CR0 2JF. The Sub-Committee have made their decision with reference to the licensing objectives under the Licensing Act 2003, the Statutory s182 Guidance and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by Mr Sempa and PC Edwin Sear of the Metropolitan Police Licensing Team who had set out written objections dated 25 August 2023 to the Temporary Event Notice on behalf of the Metropolitan Police.

At the start of the hearing, PC Sear informed the Sub-Committee that the owner of the premises had indicated to him that he had decided not to host the event at his premises. This was disputed by Mr Sempa. However, there was no evidence presented to the Sub Committee to support PC Sear's contention. Whilst this was discussed at the hearing, the licencing Officer advised the sub-committee that for the purposes of considering whether the licensing objectives would be met, this did not need to be considered in our deliberations.

Reasons for the Sub-Committee's decision:

The Sub-Committee considered the following when making their decision:

1. The information provided in the Temporary Event Notice. The Sub-Committee noted from the information provided on the Temporary Event Notice, that Mr Sempa was proposing to carry out licensable activities on the 30 September 2023 between the hours of 19:00 – 03:00 to the early hours of the 1 October 2023. The purpose of the event as stated on the Notice, was to raise funds for Mr Sempa's forthcoming wedding. According to the Notice, there was to be a DJ playing music and an MC from the start of the fund-raising event which would start at 21:00 – 02:00 hours. The Notice stated that children would not be attending the event.
2. The Metropolitan Police submitted an 'objection notice' dated 25 August 2023. In summary, the objection of the police to the Temporary Event Notice was based on the following grounds:

2.1 Public Nuisance

There were private residences within the vicinity of the premises. Although in their objection notice, the police had stated that the event was promoted on social media as "*Old Skool v Afro Beats end of summer party*", Mr Sempa disputed this. He informed the Sub-Committee that the event was only open to family and friends and that he was expecting between 40-60 people to attend. He also informed the sub-committee, that it is not certain that they would all attend. There were concerns raised by the police as to the suitability of the venue. The police stated they were unaware that there were noise mitigation measures in place, to prevent noise nuisance that may

emanate from the venue. However, Mr Sempa did state that the premises was sound proofed.

2.2 Prevention of Crime and Disorder

The concern raised by the police was that Mr Sempa did not have adequate provisions in place to control the event. People attending the event were likely to become intoxicated and the police were likely to be called to deal with the fall out as a result. Mr Sempa informed the Sub-Committee that the event was for family and friends and not open to the public as suggested by the police. He stated that contrary to what was alleged by the police, the event was not published on social media but on a WhatsApp group chat for family and friends. Mr Sempa also informed the Sub-Committee when questioned, that two of his friends have SIA certificates and had agreed to provide security at the event.

2.3 Protection of Children

The parties did not raise any issue on this point, except for that which was mentioned by the police in the objection notice. Mr Sempa however informed the Sub-Committee that the event was to be a family run event, the owner of the premises was a family friend and he wanted to ensure that the event complied with the law.

Having carefully considered the contents of the Temporary Event Notice and representations from Mr Sempa and PC Sear the Sub-Committee was conscious of the fact that there were private residential premises within the vicinity of the venue and that the event was likely to cause a noise nuisance to nearby residents because of loud music. Mr Sempa did state that the premises either side of the venue would be closed, and the flat above was unoccupied, appreciating there were other residents in the area. He also stated that although he did not know what the maximum noise level was, he would turn down the music if necessary, or required to do so. However, the Sub-Committee had concerns that there was not enough evidence shown by Mr. Sempa as to how he would mitigate against noise nuisance that would emanate from the premises during the event.

The Sub-Committee queried why Mr Sempa did not host the event in licensed premises where there is likely to be more control. His response was that he had made enquiries, but the cost to hire a licensed premise may be in excess of the funds raised and would therefore negate the purpose of the event.

The Sub-Committee is of the view that the TEN does not sufficiently address the issues relating to prevention of crime and disorder and public nuisance. The Sub-Committee **DECIDED** that **the event would undermine the Licensing Objectives and should not take place**. Therefore, Mr Sempa should be **issued with a Counter Notice** on the basis that the proposed fund-raising event on 30 September 2023 to the 1 October 2023 does not promote the Licensing Objectives.

The Sub-Committee would like to take this opportunity to thank the parties for their valuable contributions to the meeting.

Accordingly, licensable activities planned for 30 September 2023- 1 October 2023 under authority of the TEN at the above premises are not authorised to proceed.

A copy of this counter notice will be sent to the chief officer of police for the area in which the premises specified in the temporary event notice you gave is situated.

May I draw your attention to Part 3 of Schedule 5 to the Licensing Act 2003 which concerns the rights of appeal in this matter.

The meeting ended at 1.57 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Thursday, 14 September 2023 at 10.30 am in MS Teams

MINUTES

Present:

Councillor Mohammed Islam (Vice-Chair);
Councillors Margaret Bird and Stuart Collins

PART A

59/22 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Collins and **RESOLVED**, to:

Appoint Councillor Mohammed Islam as Chair for the meeting.

60/22 **Disclosure of Interests**

There were none.

61/22 **Urgent Business (if any)**

There were no items of urgent business.

62/22 **Licensing Act 2003 - Application for a premises licence at 4 Crown Parade, Crown Dale, Upper Norwood, SE19 3NG.**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant was present, the objecting party had given their apologies.

The Head of Environmental Health, Trading Standards and Licensing explained the application process for a premises licence and summarised the nature of the application under consideration by the Sub-Committee. The application was for the provision of late-night refreshment Monday to Sunday, between the hours of 11.00pm to 2.00am. It was noted the activity only became licensable at 11.00pm. A copy of the application was available within

the report pack at Appendix A1. Police conditions had been agreed following discussions between the applicant and police licensing officer and were available within the report pack at Appendix A2. The additional written information submitted by both the applicant and objector were noted and had been shared with all parties.

In response to questions from the Sub-Committee members, officers advised no temporary licence for the activity was held by the premises.

The Sub-Committee noted that the objecting party had sent apologies and their submission of representations and additional information remained relevant and was to be considered.

The applicant, Mr Desai, was given the opportunity to speak. The applicant advised the nature of the business was an Indian Takeaway. The objection was noted, and the applicant stated the premises had never received noise complaints previously. The premises was located on a busy crossroads and the applicant felt that some extra delivery drivers would not cause an issue. Regarding food smells, the applicant advised there was duct from the food preparation area to prevent food smell going into the building above.

In response to questions from the Sub-Committee, the applicant advised the ducting extracted cooking smells from the kitchen to the rear of the premises, approximately 20-30ft away from the adjacent flats. No complaints about food smells had been received previously and there were several other restaurants/takeaways located in the immediate vicinity.

The premises had been an Indian restaurant and takeaway for 15 years and there was customer demand for later night takeaway delivery. Delivery drivers were using cars, electric bikes or motorbikes and parked in front of the premises on the main road which was a busy road with traffic and buses. The Sub-Committee noted motorbikes could cause noise disturbance and suggested the applicant should encourage drivers to park on the opposite side of the road.

In response to questions the applicant advised they used steel filters in the extractor and had not had complaints about food smells in the businesses 15 years of operation.

The Sub-Committee asked the applicant how they intended to minimise noise disturbance from customers until 2:00am. The applicant advised the business would be closed to customers after 11:00pm. The intention of the application was to provide food to home delivery drivers only, for orders via online delivery apps and their own platform. Officers confirmed that the closure of the premises to the public at 11:00pm was included in the police conditions and agreed by the applicant.

Officers advised the applicant the representations made by the objecting party regarding noise and smell were valid on the basis of public nuisance.

The Chair advised the outcome of the hearing would be provided to parties within 5 working days and thanked those present for their participation.

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a premises licence for 4 Crown Parade, Crown Dale Upper Norwood London Croydon SE19 3NG (“the Premises”).

The Applicant, Mr Shital Desai, operates a takeaway restaurant from the Premises. His application as set out in the Operating Schedule, was for the provision of late-night refreshments every day (Monday- Sunday); from 23:00 to 02:00 on a delivery only basis.

The hearing was held virtually. Mr Desai appeared before the Sub-committee. The licencing officer presented the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery (“the Report”) on Mr Desai’s Application to the Sub-committee.

The Sub- committee was informed by the licencing officer that no objections were received from the Responsible Authorities. Following discussions between the Applicant and the Police Licensing Officer, the Applicant had agreed to amend his Application to include the conditions proposed by the police. The conditions proposed by the police were contained in Appendix A2 of the Report.

Relevant representations were received from a resident. This was set out in Appendix A3 of the Report. The Sub- committee noted that the main reason for the objection raised by the objector was concern as to noise that would likely emanate from the Premises if the Application was granted.

Further information was presented the Applicant in response to issues raised by the objector to his Application. The Objector also raised further written representations. The objector raised concerns about smells emanating from the Premises and noise from motor bikes which were used by the restaurant for delivery of food from the Premises.

The Sub-committee having carefully considered the Application, the oral and written representations made by the Applicant, the Applicant's responses to questions posed to him by members of the sub-committee, the objector's written representations; and 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.

The reasons of the Sub-Committee were as follows:

1. The Applicant had agreed to the conditions proposed by the police which was aimed at preventing crime and disorder as well as noise emanating from the Premises. The police conditions as set out in Appendix A2 of the Report are to be included in the grant of the Premises Licence.
2. Having heard from the Applicant, the Sub-committee was satisfied that there was adequate ducting at the premises which would serve to extract any smell from the Premises. This would be done in such a manner that would not cause a nuisance or annoyance to any of the residents within the vicinity of the Premises.
3. The Sub- committee was told by the Applicant, and the Sub-committee accepted his explanation, that duct extracted odour to the rear of the Premises. The extraction from the Premises which was not within the immediate proximity of any of the nearby properties, including that of the objector. The Applicant also stated that the Premises was insulated which would prevent the transfer of noise from the Premises.

4. The Applicant has been carrying on his business at the Premises for more than 15 years and that during that period there has not been any complaint of noise or any form of nuisance from or connected to the Premises.
5. The Sub- committee noted that the Premises was located at the junction of an already busy road. When queried by Sub-committee as to what steps he would take to prevent noise from bikers attending the Premises to make deliveries, the Applicant re-assured the Sub-committee that bikers would use scooters which were not as noisy as motor bikes and would park on the other side of the main road to collect deliveries.
6. The Sub-Committee agreed that the grant of the Application would not undermine the Licensing Objectives.

The Sub-Committee would like to take this opportunity to thank all the parties for their valuable contributions to the meeting.

Part 1 Paragraph 2(3) of Schedule 5 to the Licensing Act 2003 concerns the rights of appeal of a person who has made relevant representations in this matter.

The meeting ended at 11.05am

Signed:

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Date:

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Licensing Sub-Committee

Meeting of held on Tuesday, 17 October 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillor Mohammed Islam (Vice-Chair);
Councillors Margaret Bird

PART A

63/22 **Appointment of Chair**

It was **MOVED** by Councillor Islam and **SECONDED** by Councillor Bird and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

64/22 **Disclosure of Interests**

There were none.

65/22 **Urgent Business (if any)**

There were no items of urgent business.

66/22 **Licensing Act 2003 - Application for a variation to a premises licence**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol. The applicant and objector were both present.

Michael Goddard, Head of Environmental Health, Trading Standards and Licensing introduced the report and explained the application was for a variation to the current licence to add the provision of regulated entertainment (recorded music). To extend the terminal hour of recorded music from 12.30am to 3.00am, 7 days per week.

Mr Sheridan, the objecting party was given the opportunity to speak. Their primary concern was that the applicant had recently taken over the premises

and therefore had no track record of running the venue well. The objector had requested for the Sub Committee to consider delaying the variation by 6 months on this basis. Mr Sheridan also had concerns about crime issues in South End and possible disturbance to residential properties and flats nearby. Noting they owned the adjoining property Boswell Cottages. They were supportive of the new business but felt that a 6-month delay to the licence variation was needed to mitigate these issues. Mr Ojekwe, the applicant felt the objection was not relevant to the licensing objectives but rather concerned with the applicant's own business acumen.

Mr Ojekew, the applicant was given the opportunity to speak and advised the Sub-Committee:

- They worked for the British Film Institute in counter fraud and risk and had recently managed the risk management plan for a large awards event.
- The premises' business plan took a risk-based approach.
- The premises had been licensed for the sale of late-night refreshment until 3.00am for more than 10 years, this variation request had been sought to provide sensible music for entertainment at weekends and to coincide with the late night refreshment licence.
- All police conditions had been agreed and the applicant had tried to surpass many of these.
- A dispersal policy would be in place with customer guidance on menus, in toilets and at exits.
- The property had been sound proofed.
- Doors closest to neighbouring properties would always remain closed.
- The venue had acquired a decibel measurement device.
- There would be daily litter picking outside the premises both during and after opening hours.
- The website had guidance on car parking and local taxi information was available online and on leaflets in the venue.
- It was intended that the venue's offer would create a positive image for Croydon.

In response to questions from the Sub-Committee the applicant advised:

- The venue capacity was 120 people standing or 100 people seated.
- The venue was currently under renovation which included the additional sound proofing works, it was hoped to open in October 2023.
- The 3.00 am terminal hour had been requested to coincide with the venue's closing time to provide sensible entertainment adding to customer enjoyment. The intention was to attract responsible customers and a dress code would be in place.
- There would be no live music beyond 11.00 pm.
- This was the applicant's first venture into hospitality, the venue manager was experienced and the applicant planned to take a hands on approach to running the premises.

Officers noted playing live and recorded music only became licensable after 11.00 pm.

The applicant advised the premises would play eclectic music with some themed nights to attract and reflect the diversity of Croydon. Whilst the application sought the addition of music until 3.00 am, 7 days a week, the venue would not usually operate beyond 12.00 am on weekdays.

The Sub-Committee queried whether there had been any liaison with neighbouring residents. Mr Ojekwe advised he had spoken with most neighbours in the properties above the premises, with some having applied for jobs at the premises. The venue had run a test event at the South Croydon Food Festival and was a member of the local community business group. The applicant had also met with the former security chairman for South End. All staff would be local to Croydon and there had been not complaints or issues with neighbours. The applicant advised they would always work with residents to ensure customers were not causing them any problems.

The Chair thanked the parties for their attendance and participation.

After the hearing the sub-committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the variation to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Variation to a Premises Licence at **25 South End Croydon CR0 1BE** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, Culture & Community Safety.

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

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, Statutory Guidance under S182 of the Act and the Council Licensing Policy, **RESOLVED to GRANT** the application for a variation on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The grant of the variation is subject to the Conditions agreed with the police and offered by the applicant, the Applicant's operating schedule and the mandatory statutory conditions which apply under the Act.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on South End within a parade of shops with residential premises above. There is also a parade of shops on the other side of the road, also with residential premises above them. The immediately surrounding area includes both residential and commercial premises however it is situated in an area

often described as the “restaurant quarter” and has numerous restaurants, take aways and food outlets along this stretch of South End.

2. The variation to the premises license is sought in relation to the provision of late night entertainment in the form an extension to the time for provision of recorded music.
3. Following discussions with the Police, the applicant has amended his application to have the conditions at Appendix A2 to the report placed on the license if the application is granted.
4. In respect of prevention of public nuisance objective, 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. In this regard the Sub-Committee considered the concerns raised relating to existing anti-social behaviour in the area but noted in this regard that there were no objections from the police or the noise nuisance team regarding potential crime and disorder or nuisance impacts and no specific concerns had been raised about the operation of the particular premises under consideration but rather a general concern from the objector that the Applicant had not previously run a premises of this nature so was an unknown entity without a proven track record.
5. The Sub-Committee noted that the premises were already licensed to provide late night refreshment and sales of alcohol for the same terminal hours as was sought for recorded music with the variation and the Sub-committee was only considering (and able to consider) the variation as part of this application.
6. The Sub-Committee were aware of and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these 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.
7. The Sub-Committee were impressed with the degree of consideration that the Applicant had shown in respect of addressing his mind to the potential risks and seeking to address these. The applicant was

proactive in seeking to engage with the Police and the Council in formulating conditions which would support the proposed variation and had proactively been engaging with residents, including the objector, and fellow business owners in the area. The Applicant also demonstrated a willingness to continue to work with residents and businesses in the area should any future issues arise.

8. In terms of mitigating potential noise nuisance arising from the proposed variation, the Applicant had put in place a number of measures including double soundproofing the venue, positioning of speakers so they face downwards to mitigate noise and vibration, use of a decibel monitor to manage noise levels, ensuring that doors onto the alleyway between the premises and 19 South End would not be used, ensuring a staggered approach to patrons departing, giving consideration to the impacts of the use of smoking areas and outdoor seating and the timing of that use, ensuring that patrons would be provided with details of local parking and of the local taxi company to assist with speedy dispersal and involving SIA door supervisors in managing patrons.
9. In addition to conditions pertaining to CCTV and an ID Scanner, the Applicant had also offered, as part of the conditions to be placed on the License should the Sub-Committee be minded to grant, conditions which were designed to support the prevention of crime and disorder and prevention of public nuisance objectives, including:
“Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.”

“A minimum of two door supervisors shall be deployed at the venue every Friday, Saturday, Christmas Eve, New Year’s Eve, bank holidays and Sundays before a bank holiday from 22:00hrs until the premises closes.”

“The premises shall have a written dispersal policy.” And such dispersal policy shall be “subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination of any nuisance, anti-social behaviour or crime.”
10. The Sub-Committee noted the Applicant’s aspirations to create a venue which is supportive of the cultural diversity within the borough and noted that this echoes one of the policy aims within the Council’s Statement of Licensing Policy to offer venues which meet the diverse needs of the community whilst balancing these needs against those of residents and other businesses by ensuring that the provision of licensable activities are done in a way that promotes the four licensing objectives.
11. Whilst the Sub-Committee noted the objectors request that the application for a variation be deferred for 6 months to allow for a

demonstration as to how the Applicant would run the premises, the Sub-Committee were mindful that such a determination was not within their gift, even if they were minded that it would be appropriate to do so. The options open to the Sub-Committee in considering a variation application are to grant the variation (subject to such conditions as are mandatory, such conditions offered by the Applicant and such conditions as the Sub-Committee considers appropriate for the promotion of the licensing objectives); to exclude from the scope of the licence any of the licensable activities to which the variation application relates; to refuse to specify a person in the licence as the premises supervisor; or to reject the application.

12. 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.

67/22 **Exclusion of the Press and Public**

RESOLVED that members of the Press and Public be excluded from the remainder of the meeting under Section 100A (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972.

68/22 **Licensing Act 2003 - Application for a personal licence**

RESOLVED that members of the Press and Public be excluded from the remainder of the meeting under Section 100A (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972.

The meeting ended at 12.15 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Friday, 17 November 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Nina Degrad

PART A

69/22 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Degrad and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

70/22 **Disclosure of Interests**

There were none.

71/22 **Urgent Business (if any)**

There were no items of urgent business.

72/22 **Licensing Act 2003 - Application for a Premises Licence at 314 Whitehorse Road, Croydon, CR0 2LE.**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol. The applicant and their representative were both present. Apologies were given by the objector and their representative was present but did not wish to be identified.

The Head of Environmental Health, Trading Standards and Licensing introduced the report and explained the application was for a premises licence at Adjoa's Kitchen Limited, 314 Whitehorse Road Croydon for the sale by retail of alcohol Monday - Sunday, 12.00pm - 11.00pm, for consumption of alcohol on the premises. The application had received one representation from a local resident, the details of this were

available in the agenda pack at appendix A2. It was noted that whilst the objector was not present their representations remained relevant and for consideration by the Sub-Committee.

In response to questions from the Sub-Committee officers advised there was no licence currently held by the premises. It was noted that the sale of alcohol, not the consumption, was the licensable activity.

The Sub-Committee asked officers to verify the multiple noise complaints cited in the objector's written representations. Officers advised two noise complaints had been reported to the Council's Noise Pollution Team but no nuisance had been witnessed.

The applicant was given the opportunity to speak. Their representative advised the Sub Committee:

- They had spoken to all their neighbours and had signed agreement from neighbours in support of the premises' alcohol license application.
- There was a flat above the premises which caused noise nuisance at weekends.
- There was a bus stop and pathway outside the premises which the staff sometimes cleaned.
- There was no intention for alcohol to be consumed outside the premises.
- The premises had a large refuse bin and did not cause litter in the vicinity.
- They were in good standing with the neighbours and businesses and queried whether the objector lived close to the premises.

In response to questions from the Sub-Committee the applicant's representative advised:

- The premises currently closed between 10.00pm and 10.30pm.
- There was no alcohol currently consumed on the premises. The application for an alcohol license had been made to aid the business.
- The garden space at the rear of the premises was used rarely, for customers to sit outside during the summer.
- The garden space had shared access with the premises' upstairs neighbours.
- The upstairs neighbours had a large outside space upstairs which they used for parties. The applicant had spoken with the neighbours on a couple of occasions regarding the disturbance caused by their music.
- They had contacted their shared landlord about the noise disturbance.

The Sub-Committee queried how the applicant communicated with the community and other local businesses and how neighbours could contact the applicant should they have any concerns to raise. The applicant's representative advised the upstairs property was residential and not affiliated with the premises. They had previously spoken with the residents regarding noise and had now written to their landlord. The neighbour's parties took place in the evenings after the restaurant had closed.

The applicant's representative described the business as an African style restaurant with diverse customers and explained the layout of the premises. The premises had been operating for 3 years and they believed having an alcohol license would help their business and noted at present no alcohol was sold. Soft music was played via the television in the premises, there was no music system or loudspeakers.

In response to questions from the Sub-Committee the applicant's representative advised:

- They discouraged customers from being loud so as to not disturb other customers.
- The outside seating was for 4-6 people, inside seating was 18-20 people.
- A lot of the restaurant's business was for takeaways and home delivery.

The Sub-Committee requested clarification from officers on whether visits to the premises had taken place following the two noise complaints. There had been a visit made after the first complaint and a Council officer had spoken with the applicant who had denied the allegations. The complainant had been provided with the officer's contact telephone number. The allegations had not been witnessed by officers.

Officers advised there were several businesses in the immediate vicinity with both on and off sales licenses.

The objector's representative advised the objector had been a local resident for more than 50 years, the representative also lived nearby and had not received letters or communication regarding the license application from the premises. There were several other residents who had concerns but did not submit objections for fear of retribution. Officers confirmed the objecting party was a local resident.

The Sub-Committee asked the applicant to address the concerns included in the objector's written representations. The applicant's representative stated:

- They had never had any complaints about noise from the premises and had not been contacted by the Council.
- The premises would only sell alcohol for consumption on the premises. People sat at the bus stop outside the premises drinking alcohol they had bought elsewhere. The litter was not from the premises customers and the staff cleaned the area.
- There had been no noise complaints, or visitations regarding this.
- The resident could speak to the applicant, call the police or council.
- There was an issue with urination outside the premises due to the bus stop, which the premises sometimes had to clean.
- There were no public bins in the area.

The Sub-Committee asked if the premises had provision in place to manage the noise of customers standing outside the premises to smoke. The applicant's representative advised they would encourage customers to stand away from the premises and tell patrons to be mindful of residents.

Officers clarified the Council's Noise Pollution Team had spoken to the applicant on two occasions on the telephone.

The objector's representative stated:

- The Council's Noise Pollution Team had been contacted with complaints on many other occasions.
- There was a lot of rubbish in area.
- The noise issues were from March to October.
- There were often far more than 4 people in the garden to the rear of the premises.

Officers noted that when a license was granted, the holder must uphold the licensing objectives and the relevant authorities; Council and Police Licensing Team, would take a keen interest in any complaints.

The applicant's representative advised they had a lockable industrial rubbish bin, they had not been contacted or visited by the Council regarding noise and if the license were granted they would abide by the law.

The Chair advised attendees that parties would be notified of the outcome of the hearing within 5 working days and thanked those present for their participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the variation to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Premises Licence at **314 Whitehorse Road Croydon CR7 7PB** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered representations made on behalf of the Applicant by their representative, and representations made on behalf of an objector during the hearing. The Sub-Committee also considered the written representations made by the objector, which were contained in the report.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Revised Guidance issued under section 182 of the

Licensing Act 2003 (the Statutory Guidance) and the Council's Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** the Application 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 in particular, the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. In respect of the prevention of public nuisance objective, 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 recommended by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to very loud music and noise in the garden at the back of the premises, broken glass and food containers littering the pavement, and the smell of urine and intimidating behaviour.
2. The Sub-Committee also considered representations made by the objector's representative, the Applicant and the Licensing Officer in relation to two complaints concerning noise nuisance at the premises. The Sub-Committee noted that one complaint had been made in August and one in October, and that the Council had contacted the Applicant about these matters, which had been denied.
3. The objector's representative suggested that there had been complaints on many other occasions. Conversely, the Applicant suggested that many local residents and businesses had been contacted and had signed letters of support for the Application. No other evidence of these matters was put before the Sub-Committee, and the Sub-Committee noted that a constructive dialogue between the Applicant and local businesses and residents may assist with dealing with any issues which may arise in future.
4. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, noise nuisance, anti-social behaviour etc. are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.
5. The Sub-Committee also noted representations from the Applicant that the garden at the back of the premises was only used on a small number of occasions, that loud music sometimes emanated from a flat above the premises and that the premises had no sound system of their own, that customers were not allowed to consume alcohol on the premises, and that broken bottles and littering did not emanate from the premises. The Sub-Committee also heard evidence from the

Licensing Officer that there were a number of other premises in the immediate area who were licensed to sell alcohol for consumption on and off the premises.

6. With regard to noise from the garden at the back of the premises, the Sub-Committee noted the relevant provisions of the Operating Schedule comprised in the Application, including that there shall be no noise emanating from the premises which gives rise to a nuisance, and that notices be prominently displayed in smoking areas and at exits requesting patrons to respect the needs of local residents and businesses and use/leave the area quietly.
7. The Sub-Committee noted there was no objection to the Application from Environmental Health, which is the main source of advice in relation to the public nuisance licensing objective.
8. The Sub-Committee noted that there was no objection to the Application from the Police, and noted also that in accordance with the Statutory Guidance the Police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.
9. The Sub-Committee also noted representations from the Applicant that they were a well-established local business, being an African-style restaurant with customers from many different backgrounds. The Sub-Committee noted that in the Statement of Licensing Policy, it is recognised that the diversity of premises selling alcohol, and serving food covers a wide range of contrasting styles and characteristics and full regard will be had to those differences and the differing impact these will have on the local community.
10. Having regard to all of the above matters, the Sub-Committee concluded it would be appropriate to promote the licensing objectives to grant the Application.
11. The Sub-Committee wished to thank all participants for engaging with and supporting the hearing.

The meeting ended at 11.33 am.

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Thursday, 7 December 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Danielle Denton and Ria Patel

PART A

73/22 **Appointment of Chair**

It was **MOVED** by Councillor Denton and **SECONDED** by Councillor Patel and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

74/22 **Disclosure of Interests**

There were none.

75/22 **Urgent Business (if any)**

There were no items of urgent business.

76/22 **Application for Review of a Premises Licence at Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF.**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

Kay Jones, Licensing Compliance Officer; Peter Wright and Zoe Garrod, Metropolitan Police; Claire Nevin, Legal representative to the Metropolitan Police; Roberta Asafu-Adjaye the Premises Licence holder and Aaron Asafu, the Designated Premises Supervisor were all present.

The Licensing Officer introduced the report to the Sub-Committee. It was noted that premises licence holders were required to promote the four

licensing objectives; the prevention of crime and disorder, the prevention of public nuisance, public safety and the prevention of children from harm. Responsible authorities and other persons were able to apply for a review of a premises licence if they believed these objectives were being compromised. Once a formal application for review was made, the Licensing Sub-Committee was tasked to consider this at a review hearing and had the following options:

- To modify the premises licence
- To exclude the licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the license for a period not exceeding 3 months
- To revoke the licence
- To take no action

The Licensing Officer explained the nature of the application for consideration was a review of the premises licence at Efe Ne Fie, 50 Highstreet, Thornton Heath, CR7 8LF. The application for the review had been made by the Metropolitan Police. The premises licence had been granted on 31 March 2016 for the sale by retail of alcohol, Monday to Sunday 10.00am – 10.30pm.

Other parties were given the opportunity to speak. Kay Jones, Licensing Compliance Officer advised they had visited the premises several times in conjunction with the Police since 2020 and on each occasion witnessed breaches of one or more of the premises licence conditions. On the most recent visit changes to the layout of the premises to include an additional bar had been made. The request for the submission of plans for this variation had not been received to date. The Licensing Compliance Officer stated their support for the review application, as the conditions of the premises licence were not being met.

The applicant was given the opportunity to speak. Claire Nevin representing the Metropolitan Police advised the Sub-Committee Efe Ne Fie was located on the busy Thornton Heath Highstreet nearby to Crystal Palace Football Club and saw increased footfall on match days. The Highstreet was part one of the Council's cumulative impact areas due to antisocial behaviour and alcohol related crime and hospital admissions.

The Premises Licence included five conditions including the requirement for CCTV, a refusals register, an incidents log book, adherence to Challenge 25 and for staff to receive training on this policy. The prevention of Crime and Disorder objective and the importance the Licensing statutory guidance placed on CCTV were highlighted.

The Police were seeking revocation of the premises licence due to clear and consistent breaches of the conditions. The premises licence holder had been given many opportunities to operate the premises in accordance with the conditions over three years of interactions with the Police. There had been frequent interventions and warnings given since 30 December 2019 onwards. It was felt the level of crime and disorder had escalated and therefore the

Police had lost faith in the ability or willingness of the premise license holder to promote the licensing objectives.

The crime and disorder incidents and Police communications with the premises licence holder included in the report pack were described chronologically for the Licensing Sub-Committee. It was noted a stepped approach had been taken and the application for a review and revocation were not taken lightly.

Aaron Asafu, Designated Premises Supervisor (DPS) were given the opportunity to speak and advised the Licensing Sub Committee:

- The premises' layout had been changed which had caused the issues with CCTV cameras.
- The premises had recently bought a new CCTV system which had only been saving for 16-18 days, meaning the police were unable to use it to view the most recent incident. This had now been rectified and the CCTV was saved for up to 32 days.
- The premises was now fully compliant. There were challenge 25 signs in the premises and the incident report book, training logs and sale refusal register were up to date.

Roberta Asafu-Adjaye, the Premises License Holder advised the Sub-Committee they were not aware of the police incidents cited from 2020. They were running the business to provide for their family. It had been their intention to apply for a licence once the extension of the premises was completed.

In response to questions from the Sub-Committee it was advised:

- The CCTV had been purchased following a visit by the Council Licensing Officer and the issue of the system not recording had been discovered in 2023. The first issues with the CCTV not recording had been raised in 2019.
- There were no other staff working at the premises and both the DPS and Premises licence holder were trained in the Challenge 25 policy.
- The extension building works to the premises were not complete and it was their intention to apply for a licence for the area once ready for use.
- The extended area was not currently in use.

The Sub-Committee noted the numerous breaches which had occurred since 2019 and commented that it was the responsibility of premises license holder to rectify issues as they occurred and that all licence conditions should be adhered to from when the licence was granted. The DPS advised they had learnt from their mistakes and had now rectified the CCTV issue. They were not aware of the 2020 incidents and the DPS had become more involved in the business recently.

The Sub-Committee advised there should have been training in place to ensure compliance with the licensing objectives and understanding of the

need to rectify any breaches. The premises license holder did not remember the police incidents in 2020 and advised the premises had not been open for a period after the Covid-19 lockdown. There had been issues with a CCTV engineer and the premises had not been aware the CCTV system was not recording.

The Sub-Committee queried whether there had been an incident log book at the time of the 2020 incident. It was advised the incident log book from 2020 was not available and the current incident book had been in use since 2022. It was clarified that the premises had not been closed for over year during Covid-19 as there had been police incidents recorded at the premises during this time.

Claire Nevin representing the Metropolitan Police advised:

- There had been a recent incident (5 October 2023) at the premises where the police had sought access to CCTV and the premises licence holder had been obstructive, refused access to the CCTV and incorrectly suggested the police required a warrant.
- The police had been unable to investigate numerous serious allegations of crime at the premises and the premises was not upholding the prevention of crime and disorder licensing objective. It was noted the premises licence holder had responded to emails regarding the 2020 incident.
- Personal circumstances and impact were not part of the considerations of the Licensing Sub-Committee.

Aaron Asafu, Designated Premises Supervisor (DPS) advised they had learnt from their mistakes and welcomed a visit to show that everything was now up to date. Roberta Asafu-Adjaye, the Premises License noted it was a family business and it was supporting their family.

The Chair thanked those present for their attendance.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to REVOKE** the premises licence on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Review of the Premises Licence at **Efie Ne Fie 50 High Street, Thornton Heath CR7 8LF** made by the Police as a responsible authority under section 51 of the Licensing Act 2003 on the grounds of the prevention of crime and disorder.

The Sub-Committee also considered the further information submitted by the Applicant in support of the Application, comprising statements by Police officers and copies of letters sent to the licensed premises by the Applicant, and the written representation in support of the Application by Croydon Council Environmental Health Practitioner/Licensing Compliance Officer as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered representations made on behalf of the Applicant, and by, and on behalf of the premises licence holder during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 the Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) (“the Statutory Guidance”) and the Council’s Statement of Licensing Policy 2023-2028, **RESOLVED to REVOKE** the premises licence on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee were mindful that the Statutory Guidance provides “Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review”. In this respect, the Sub-Committee noted the strenuous efforts made by the Applicant to work with the premises licence holder in trying to ensure that the premises were run in accordance with the licence conditions, in particular the many visits to the premises by the Applicant, and the Applicant’s comprehensive letters to the premises licence holder whereby the premises licence holder was directed to the relevant licence conditions, provided with advice and instructions as to what action was required, and warned that if there were continuing breaches of the licence conditions, the Applicant would apply for a Review.
2. In respect of the prevention of crime and disorder objective, the Sub-Committee noted the many breaches of the licence conditions. As regards the condition relating to CCTV, the Sub-Committee noted that the Croydon Council Environmental Health Practitioner/Licensing Compliance Officer had visited the premises on 11.1.2020, 31.1.2020, 24.10.2020, 19.7.2023, 14.8.2023, 15.8.2023 and 6.10.2023, and on each occasion this condition was not being complied with.
3. The Sub-Committee also noted, following an allegation of common assault on 30.12.2019, the visit to the premises by the Applicant on

11.1.2020 and the follow-up letter dated 14.1.2020, and the further visit and follow-up letter on 31.1.2020. The Sub-Committee also noted, following an allegation of a phone being stolen on 28.7.2020, the visit to the premises by the Applicant on 6.8.2020, and the follow-up letter on 7.8.2020.

4. The Sub-Committee also noted, following an allegation of a knife attack on 17.7.2023, the visit to the premises by the Applicant on 19.7.2023 and the follow-up letter dated 19.7.2023. In addition, the Sub-Committee noted, following an incident involving a 17 year-old girl on 13.8.2023, the visit to the premises by the Applicant on 15.8.2023 and the follow-up letter on 17.8.2023. The Sub-Committee also noted, following an allegation of crime on 24.9.2023, visits to the premises by the Applicant on 5.10.2023, and on 6.10.2023 and the follow-up letter dated 6.10.2023.
5. The Sub-Committee also noted that the Statement of Licensing Policy provides “The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective”, and that the premises licence holder had failed to respond positively to the many attempts by the Applicant to work with her. The Sub-Committee also noted that on the visit to the premises on 5.10.2023, the premises licence holder was obstructive and refused to let officer view the CCTV, even though this is a condition on the premises licence.
6. The Sub-Committee also noted the Applicant had been unable to investigate fully the alleged crimes at the premises due to the lack of CCTV evidence, and that there had recently been an increase in the allegations of violent crimes at the premises. The Sub-Committee noted that the premises licence condition relating to CCTV required the premises licence holder not only to install a CCTV system, but to ensure the system was operational at all relevant times. In particular, the Sub-Committee noted the requirement for the CCTV system to “record whenever licensable activities are being provided and whenever customers are on the premises”, and the requirement that “recordings shall be kept for a minimum of 31 days and shall be made available to Police or authorised Council officers on request”, and also the requirement that “there shall always be a member of staff on the premises who is conversant with the operation of the CCTV system, and who is able to provide recordings without delay”. The Sub-Committee noted the many breaches of these requirements.
7. The Sub-Committee also noted there had been persistent breaches of the other licence conditions. In particular, in the Applicant’s letter dated 11.1.2020 it had been noted there were breaches of all five of the licence conditions, and in the Applicant’s letter dated 31.1.20 it had been noted that there were breaches of the licence conditions relating to staff training records, an incident book and a refusals register, and in the Applicant’s letter dated 6.10.2023 it had been noted there were

breaches of the licence conditions relating to staff training records and a refusals register.

8. The Sub-Committee was mindful that where it considers action under its statutory powers is appropriate, a licensing authority may take any of a number of steps, namely modify the conditions of a premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor, suspend the licence for a period not exceeding three months, or revoke the licence. As provided by the Statutory Guidance, in deciding which power to invoke, the remedial action taken should always be no more than an “appropriate and proportionate response to address the causes of concern that instigated the review”.
9. As regards removal of the designated premises supervisor, the Sub-Committee was mindful of the Statutory Guidance which provides the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. In this respect, the Sub-Committee noted that no proposal had been made by the licence holder to remove and replace the designated premises supervisor.
10. The Sub-Committee also noted the representations by and on behalf of the licence holder as to the financial impact of revoking the licence on the licence holder, and that the Statutory Guidance provides “it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives...”
11. However, the Sub-Committee was also mindful that as provided by the Statutory Guidance “where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence”.
12. The Sub-Committee noted that the Applicant considered the licence holder had shown a total disregard for supporting the prevention of crime and disorder licensing objective, and had no intention of operating the premises in accordance with the licence conditions. The Sub-Committee also noted the lack of any positive response by the licence holder to the many attempts by the Applicant to work with her, and the serious and persistent breaches of the licence conditions over several years. For these reasons, the Sub-Committee considered that in the circumstances the suspension of the licence, the modification of the licence conditions, and the removal of the designated premises

supervisor were insufficient and inadequate measures to address the causes of the concerns, and that it was appropriate and proportionate and would support the licensing objectives to revoke the licence.

13. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing.

77/22 Exclusion of the Press and Public

This was not required.

The meeting ended at 11.40 am

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Tuesday, 9 January 2024 at 10.30 am in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Stuart Collins

PART A

78/22 **Appointment of Chair**

It was MOVED by Councillor Collins and SECONDED by Councillor Bird and RESOLVED to appoint Councillor Patsy Cummings as Chair of the meeting.

79/22 **Disclosure of Interests**

There were none.

80/22 **Urgent Business (if any)**

There were no items of urgent business.

81/22 **Licensing Act 2003 - Application for a Premises Licence at 3-7 Park Street, Croydon, CR0 1YD.**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant Josephine Williams-Brown was present.

The Licensing Officer introduced the report to the Sub-Committee. The application sought a premises licence for the sale by retail of alcohol (on premises Monday to Thursday 12.00pm until 1.00am the following day and Friday to Sunday 12:00pm until 3.00am the following day) and the provision of regulated entertainment, live and recorded music for the same hours.

The applicant had voluntarily amended their application to attach the conditions suggested following discussions with the Police and council's Noise Pollution Team, these were detailed at Appendix A2 and Appendix A3.

The applicant had also set out their intended actions to comply with the licensing objectives and it was advised these would also be attached to the licence as suitably worded conditions were the application granted. The applicant had also submitted a further modification to be attached to the license regarding the premises smoking area.

Representations had been received and were available at Appendix A4, whilst the objecting parties were not present at the hearing it was noted that the written representations remained relevant and for consideration by the Licensing Sub-Committee.

The Sub-Committee queried whether the building had been soundproofed. Officers advised they were not aware of soundproofing works being undertaken on the premises, the Alms Houses cited in the representations were listed and could not have double glazing installed.

The Committee Clerk confirmed the objecting party was not intending to attend the hearing.

The Applicant was given the opportunity to speak and advised the Sub-Committee:

- They had previously worked at the premises before taking it over. They were aware of the previous noise issues and it was their intention to install a limiter for music.
- All conditions suggested by the Police & the council's Noise Pollution Team had been agreed and it was their intention to make sure all conditions were met.
- The premises would be used for community workshops and a food bank on Monday and Tuesday.
- The noise concerns outside were noted. The outside area would have security and be used as a smoking area only with no music.
- It was their intention to have a good working relationship with the Police, the council's Licensing Team and Noise Pollution Team, to work with the community and not cause any disturbance.

In response to questions from the Sub-Committee the applicant clarified that the outside area formed part of the building, however it was not enclosed and therefore had potential for more noise escape. There would be no music or drinks allowed outside and the doors would be managed to mitigate noise escape from inside the premises.

Officers clarified that the statement made within the representations that a previous licence at the premises had been revoked in respect of noise concerns was incorrect.

The community use of the building and the benefit to the night-time economy were commended, however the potential for anti-social behaviour was noted and the Sub-Committee queried the applicant's approach to ensuring door staff were experienced and sufficiently trained. The applicant advised the Police conditions had made clear that security provisions were of paramount importance and they had an experienced security company in place. Security levels would be in line with the Police conditions and increased if necessary. The applicant was not aware of soundproofing in the premises.

The Sub-Committees asked if the applicant had engaged with local residents and advised of the benefits of communication. The applicant advised it was their intention to engage with residents.

The Chair thanked those present for their attendance and participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Premises Licence at **3-7 Park Street Croydon CR0 1YD** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant during the hearing. The sub-committee noted that whilst they did not have the benefit of verbal representations by the objector, they nevertheless had the benefit of the written representations.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), Statutory Guidance under S182 of the Act and the Council Licensing Policy, **RESOLVED to GRANT** the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The grant is subject to the Conditions agreed with the police and noise pollution team and offered by the

applicant, conditions consistent with the Applicant's operating schedule and the mandatory statutory conditions which apply under the Act.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on Park Street, just off the High Street in central Croydon. Whilst the area is predominantly surrounded by commercial premises, there are also residential premises one road over, including in the Whitgift Alms Houses which provides housing and care for the elderly and located at the intersection of George Street and North End.
2. Following discussions with the Police, the applicant has amended her application to have the conditions at Appendix A2 to the report placed on the license if the application is granted. In addition, the applicant has offered the following further condition to the license, should the Sub-Committee be minded to grant the application, namely:
"The outside area will be used as a smoking area only. Customers will not be permitted to take drinks from the premises into this area. Customers will be permitted to collect food from the outside area which must be eaten inside the premises."
3. Following discussions with the Council's Pollution Enforcement Team, the applicant has amended their application to have the conditions set out at Appendix A3 to the report added to their licence should the sub-committee be minded to grant the application. These conditions include that amplified music, whether live or recorded is only played inside and not in the outdoor area, the external windows and doors are kept closed when live/recorded music is played (save for access and egress), that the Licensee manage patrons to ensure that the noise from entering and leaving is minimised and that a noise limiter is to be installed with the limit to be set by the Croydon Noise Pollution Team.

4. The Sub-Committee considered that the objective of the prevention of public nuisance, was most relevant in relation to their consideration of the matter given the matters raised by the objector.
5. Whilst the objector has made reference to the lack of “need” for a premises of this nature or particular hours of operation in this area, the Sub-Committee was mindful, as detailed in Statutory Guidance and the Council’s statement of licensing Policy, that “need” concerns the commercial demand for premises of a particular nature and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
6. In respect of prevention of public nuisance objective, 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.
7. The Sub-Committee were aware of and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these 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.

8. In addition to conditions pertaining to CCTV and an ID Scanner, the Applicant had also offered, as part of the conditions to be placed on the License should the Sub-Committee be minded to grant, conditions which were designed to support the prevention of crime and disorder and prevention of public nuisance objectives, including:

“Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.”

“A minimum of six door supervisors shall be deployed at the venue every Friday, Saturday, Christmas Eve, New Year’s Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes. At least two door supervisors must be wearing Body Worn Cameras. One door supervisor must be deployed in the rear outside area at all times that it is in use.”

“The premises shall have a written dispersal policy.” And such dispersal policy shall be “subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination of any nuisance, anti-social behaviour or crime.”

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.

82/22 **Licensing Act 2003 - Application for a Premises Licence at 1416-1418 London Road, Norbury, SW16 4BZ.**

It was noted that the organisation Faiths Together in Croydon had written a letter in support of the application, which had been submitted by the applicant as further information. The Chair Councillor Patsy Cummings advised they were a member of the organisation however they had not been consulted regarding the letter and had no prior knowledge of it.

The applicant was present and the objecting party had given their apologies.

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council’s protocol.

The Licensing Officer introduced the application to the Sub-Committee. The application sought a licence for the provision of late-night refreshment,

Monday to Sunday 23:00pm - 1:00 am and NYE 23:00pm – 5:00am the following day.

The applicant had voluntarily amended their application to include the conditions at Appendix A2 following discussions with the Police Licensing Officer. The applicant had also provided their intended actions to comply with the licensing objectives and it was advised these would also be attached to the licence as suitably worded conditions were the application granted. Representations had been received from a local resident's association and were available at Appendix A3.

The applicant had submitted further information in support of their application and this had been circulated to all parties.

The applicant was given the opportunity to speak and advised:

- The inclusion of Challenge 25 information within in the application had been an error and no alcohol would be sold at the premises.
- The New Year's Eve hours would be 11:00 pm to 1:00am (not 5.00am)
- CCTV had been installed along with signage.
- The application would boost the premises economically, provide service to the local community and boost the employees hours and income.
- The restaurant was involved in community fundraising.
- Neighbouring eat in and takeaway restaurants in the vicinity were open until 2am.
- The areas outside and around the restaurant were regularly cleaned and maintained.

The Committee asked whether the applicant had clarified the opening hours with the objecting party for whom the timings had been of concern. The applicant confirmed their amendment to reduce the requested operating hours on New Years Eve to 11.00pm to 1.00am.

The Committee queried the applicant's approach to trade waste and the frequency of food waste collection. The applicant advised their rubbish was collected by Veolia every other day. The applicant allowed nearby residents to place their rubbish in one of the restaurants bins to ensure the back area of the restaurant was kept clear. The importance of separating waste correctly was noted.

In response to questions the applicant advised the outside tables would be brought inside by 11pm. The Committee asked if the applicant would display a sign encouraging patrons to leave quietly. The applicant agreed to do so and advised they did not anticipate many customers after 11pm. Officers noted there was a condition included within the prevention of public nuisance section of the application advising of the intention to display signage requesting patrons to leave the premises quietly.

It was advised the premises had a pavement licence allowing for tables and chairs on public highway with a terminal hour of 11.00pm.

The applicant confirmed their amendment to the application to reduce the requested operating hours on New Years Eve to be 11.00pm to 1.00am.

The Chair thanked those present of their attendance and participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Premises Licence at **1416-1418 London Road, Norbury, SW16 4BZ** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant during the hearing as well as the reduction in hours proposed by the applicant during the hearing, as detailed below. The sub-committee noted that whilst they did not have the benefit of verbal representations by the objector, they nevertheless had the benefit of the written representations.

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 on the basis that the Sub-Committee were satisfied that it would be appropriate in order to promote the licensing objectives to do so. The grant is subject to the Conditions agreed with the police and offered by the applicant, conditions consistent with the Applicant's operating schedule and the mandatory statutory conditions which apply under the Act. The Sub-Committee considered that the objective of the prevention of public nuisance,

was most relevant in relation to their consideration of the matter given the matters raised by the objector.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A23 London Road. The premises is in a parade of commercial premises with residential premises above. There is also a parade of commercial premises with residential premises above these on the opposite side of the road to the premises.
2. Following discussions with the Police, the applicant has amended his application to have the conditions at Appendix A2 to the report placed on the license if the application is granted.
3. During the course of the hearing, the applicant made clear that reference to Challenge 25 was an error and there was no intention to sell alcohol at the premises and indeed there was no application for such provision. The applicant confirmed, as set out in their operating schedule, that they would be placing signs up at all exits to remind patrons to respect the needs of local residents and to leave the premises and area quietly. In addition, the applicant amended their application during the hearing to reduce their hours proposed for licensable activities on new year's eve to be 11pm to 1am on New Year's Day, which the Sub-Committee considered addressed the objector's concerns in this regard.
4. The Sub-Committee noted that the tables and chairs located outside the premises were the subject of a separate license – a pavement licence under separate legislation (Business and Planning Act 2020) which permits these to be outside the premises until 23h00 - and were not the subject of this application under the Licensing Act 2003 and were not subject to their consideration at this time.

5. 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.
6. 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, as detailed below, the Statutory Guidance makes clear that operators should demonstrate knowledge and awareness of the area in which they propose to operate and show how their application will support the licensing objectives.
7. Whilst the applicant has made reference in their representations (and in the documentation submitted by the applicant to the committee prior to the start of the meeting) to the “need” for a premises for particular hours of operation at a premises of this nature in this area, the Sub-Committee was mindful, as detailed in Statutory Guidance and the Council’s statement of licensing Policy, that “need” concerns the commercial demand for premises of a particular nature and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

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.

The meeting ended at 11.58 am

Signed:

Date:

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Licensing Sub-Committee

Meetings held on;
Monday, 22 January 2024 at 12.00 pm on MS Teams, and;
Monday, 5 February 2024 at 9.30 am on MS Teams.

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Nina Degrads and Danielle Denton

PART A

1/22 Appointment of Chair

It was **MOVED** by Councillor Denton and **SECONDED** by Councillor Degrads and **RESOLVED**, to appoint Councillor Cummings as Chair of the meeting.

2/22 Disclosure of Interests

There were none.

3/22 Urgent Business (if any)

There were no items of urgent business.

4/22 Licensing Act 2003 - Application for a Variation To a Premises Licence at 83-84 High Street, South Norwood, SE25 6EA

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol. The applicant Thomas Kering, the applicant's agent Robert Sutherland and the two parties who had submitted representations Faith Oswell-Jones and Jenny Patel were all present. The Licensing Officer advised the Sub-Committee the application was for a variation to a premises licence at 83-84 High Street, South Norwood, SE25 6EA. The process for a variation application and the ability for responsible authorities and 'other persons' to raise representations was summarised.

The Sub-Committee was advised that the application sought an extension to the current premises license which had been granted in late 2022. The application was for an extension to the terminal hours for the playing of recorded music, the provision of late-night refreshment and the sale by retail of alcohol, Sunday to Thursday 11.00pm to 12.30pm, Friday and Saturday until 2.00am and each bank holiday, the day preceding a bank holiday, Christmas Eve and New Year's Eve until 2.00am. It was noted there had been an amendment by the applicant following discussions with the police licensing officer to attach the conditions detailed in Appendix A3, this included a reduction to the permitted hours sought. The conditions attached to the current premises license would remain in effect if the variation was granted. In response to questions from the Committee, officers advised a licence at the address had been revoked previously however the applicant had not been the premises licence holder at the time.

The first objecting party was given the opportunity to speak. Faith Oswell Jones advised:

- They were a local resident living close to the premises.
- The premises had previously been a Natwest bank and Oceanic Bar.
- They believed whilst the licence holder was now different there had been an overall presence of the same person, who could not be on the site of the Jungle Bar during licensed hours.
- They had not had sight of the amended application with conditions.
- There had been a number of incidents with people blocking the pavement outside the Jungle bar with patrons holding drinks outside and smoking.
- There was an alley way to the rear of the premises utilised as a smoking and parking area.
- These issues had been raised with the police licensing team.
- There was music and lighting in the upstairs areas of the premises which had been allocated as being a dining area.
- There was regular loud music which could be heard from outside the premises.
- The upper floors of the premises were residential.
- They did not feel the current license was working well.
- They had had email correspondence with the police about the noise complaints and felt they did not have capacity to deal with the issues.
- The Council's noise pollution team did not have an out of hours service. The complaints were therefore made via email and required residents to submit photographs/videos.
- The premises had blocked the pavement by roping off areas for queues.
- Laughing gas cartridges and smashed bottles and cans were littered outside the premises and around the neighbourhood.
- People leaving the premises caused noise disturbance when returning to their vehicles parked nearby.
- Parking on the high street outside the premises caused traffic congestion.

- The area was residential and the aftermath and litter was having an impact on the local community.
- They believed the current licensed hours were being flouted. There had been previous events advertised as going on until 2.00am with alcohol packages available for purchase.

The Sub-Committee queried whether there had been any differences in the management of the premises since 2022 when the current license was granted. The objector stated there had been no change and the issues cited were in relation to the current license holder. There had been no engagement with the current license holder and residents. Other residents living closer to the premises were impacted by noise nuisance.

The second objecting party Jenny Patel was given the opportunity to speak and described their support for the objections already raised. Their main concerns were regarding the broken glass and laughing gas canisters littering the area. They felt the 2.00 am licence would worsen the situation and the noise pollution due to patrons congregating in the residential roads nearby. Whilst they were supportive of businesses in South Norwood, the night-time venues were impacting local families with young children.

The applicant's agent Robert Sutherland was given the opportunity to speak and advised:

- They refuted the allegations made by the objector regarding the operation of the premises breaching the current licence. Regular meetings with the police and noise pollution team had taken place since 2022 and there had been no operation of the premises outside of the licensed hours.
- The premises licence had been granted previously to establish the premises would be operated in line with the licensing objectives and there had been Temporary Event Notices (TEN) granted for many weekends from July 2023 onwards.
- There had been no objections from the police or noise team regarding this application due to their satisfaction with the licence holder's compliance and there had been no concerns raised by the noise pollution team regarding noise escape from the premises.
- The applicant was in regular contact with their direct neighbours.
- There was a dispersal policy in place which was followed.
- Smoking did not take place outside and drinks were not allowed outside.
- 2-3 smokers were permitted in the smoking area near the alleyway.
- The ground floor was used for table service only.
- Music was played until 11pm unless a temporary event notice was in place. The music was played at level to allow for conversations.
- There had been compliance with the terms of the licence and conditions.
- There were not queues outside the premises.

In response to questions the applicant's agent advised the last regular meeting with the Police Licensing Officer took place in September 2023, these meetings were regarding the operation and compliance of the premises.

The Sub-Committee queried whether there was regular contact between the licence holder and their neighbours. The applicant's agent advised there was contact with the neighbours located above and next door to the premises. These were not structured and the applicant's agent suggested the applicant could set up more formal communications.

The Sub-Committee noted the presence of glass and bottles outside the premises cited by the objectors and queried the premises' cleaning operations regarding this. The Sub-Committee also asked what noise reduction measures were in place at the premises beyond the signage. The applicant advised they were a community establishment and encouraged cooperation between noise team, police and neighbours above. No drinks were allowed outside the premises and security staff monitored this. Before opening the premises, outside in front of the premises was tidy and clean. There were notices at the exits requesting patrons to leave quietly and mind the neighbours, staff and the applicant advised they go outside to regulate noise. There was no loud music or dance floor on the ground floor.

In response to questions from the Sub-Committee the applicant advised:

- The premises was quiet during the week, preparation before opening included cleaning and ensuring the cameras and drinks were operating.
- Parties were only operated when the premises had applied for a TEN until 2.00am, additional security staff were present and the premises worked closely with the party organisers. Events would start closing down at 1.30am-1.45am to encourage people to start leaving.
- Security staff manned the doors at weekends and names were taken for a record of attendees.
- Business during the week was quiet and it was the staff's responsibility to monitor patrons not taking drinks outside. At the weekends two security staff were positioned inside and outside, the smoking area was small and monitored by the inside security staff.
- Food was only consumed on the premises at present, the business was intending to develop its delivery offer until 11.00pm.
- The ground floor of the premises had soundproofing in the ceiling.
- Security cameras installed at the premises had been used to assist the police with an incident in the vicinity of the premises.
- There had been no recorded incidents at the premises since 2022.
- The alleyway was not controlled by the premises and closed at 10.00pm. There was a security camera covering the smoking area.
- Interactions with the police had been in region of 10-12 interactions over the past year regarding compliance and the TENs.

Parties to the hearing were invited to make final comments.

The Licensing Officer confirmed there had been 14 TENs at the premises over the past year. Faith Oswell-Jones advised there had been a noise complaint made in October 2023 by another local resident to the police licensing officer and the email thread indicated this was an issue for the noise pollution team. They had concerns about the numbers of staff and queried the

extension to 2.00 am if food would only be served until 11.00pm. Jenny Patel reiterated concerns around noise nuisance and litter.

In response to questions from the Sub-Committee the applicant confirmed the variation sought to extend the playing of recorded music applied to the basement of the premises only.

The applicant's agent commented that there had been good practice since the original premises license had been granted in 2022. 14 TENs had taken place over the last 12 months where the premises had operated to a later time without concerns from the police or noise team. There had been regular contact with the both the police and noise team and the applicant had met informally with direct neighbours.

The applicant offered a condition to ensure that any litter was swept from outside the premises at the end of each day.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the variation to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Variation to a Premises Licence at **83-84 High Street, South Norwood, SE25 6EA** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered representations made on behalf of the Applicant by their representative, and representations made by two objectors during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Revised Guidance issued under section 182 of the Licensing Act 2003 (the Statutory Guidance) and the Council's Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** the Application 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 in particular, the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. In respect of the prevention of public nuisance objective, 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 recommended by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to loud music being played regularly on all floors at the premises, breaches of licence conditions, broken bottles, gas canisters and beer cans littering the pavement outside the premises, increased noise levels from customers leaving the premises, and driving away from the premises, and customers blocking the pavement outside the premises. It was suggested by the objectors that complaints had been made in relation to these concerns, and the Sub-Committee noted a complaint had been made to the Police on 20 October 2023, and this had been passed to the Council's Noise Pollution Team, however no representations in relation to the Application had been made by Environmental Health.

2. The Sub-Committee also considered representations made by the Applicant's representative denying any breaches of the licence conditions, and making reference to regular meetings with the Police and the Council's Noise Team, and to a number of Temporary Event Notices in respect of the premises from July to December 2023. The Applicant's representative said that the Applicant was not aware of any concerns about noise, and that the Council's Noise Team had not received any complaints about noise. The Applicant's representative said that the Applicant was in regular contact with residents and neighbours, that there was no smoking and drinking by customers outside at the front of the premises, that a single spinning light had sometimes been used at the ground floor of the premises, and that the sound system was the equivalent only of a domestic music system. There had been unstructured contact with neighbours above and to the sides of the premises, but the Applicant was happy to arrange a more formal meeting, if that was helpful. The sub committee recommends that this takes place and includes local residents beyond the tenants upstairs and to the sides, to help relations with the community.
3. In response to questions by members of the Sub-Committee, the Applicant said that staff and security ensured that customers did not go outside the front or the back of the premises with drinks, that any broken glass was cleared from the front of the premises on a daily basis, and that staff went outside the premises periodically to check that noise levels were appropriate. The Applicant said that there was sound-proofing in the ceiling on the ground floor of the premises. The Applicant said there had been no incidents, and no issues as regards underage drinking. There had been an incident in the High Street and the Police had requested access to camera footage, but this incident was not directly outside the premises. The Applicant's representative said there had been regular, informal contact with the Police, with 10-12 interactions over the last 12 months.

4. The Sub-Committee noted the confirmation from the Licensing Officer that there had been 14 Temporary Event Notices in relation to the premises in 2023. The Sub-Committee also noted an additional licence condition was offered by the Applicant in relation to a daily litter pick in the immediate vicinity of the premises at closing-time.
5. The Sub-Committee were aware and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, noise nuisance, anti-social behaviour etc. are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.
6. The Sub-Committee noted there was no objection to the Application from Environmental Health, which is the main source of advice in relation to the public nuisance licensing objective. The Sub-Committee also noted that no representations had been received from residents living above, and to the sides of the premises.
7. The Sub-Committee noted that there was no objection to the Application from the Police, and noted also that in accordance with the Statutory Guidance the Police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Sub-Committee also noted that following discussions with the Police Licensing Officer, the Applicant had amended their application to have the conditions attached at A3 of the report placed on the licence if the Application is granted, and also to reduce the extension of the terminal hour for the licensable activities sought by the Applicant.
8. The Sub-Committee also noted there had been a number of Temporary Event Notices in relation to the premises, and no evidence had been provided of any complaints resulting from those events.
9. Having regard to all of the above matters, the Sub-Committee concluded it would be appropriate to promote the licensing objectives to grant the Application.
10. The Sub-Committee wished to thank all participants for engaging with and supporting the hearing.

5/22

**LICENSING ACT 2003 - Application For a Premises Licence at 6
Beddington Terrace, Mitcham Road, Croydon, CR0 3HG**

An adjournment to the Licensing Sub-Committee hearing was requested by Miss Crossfield, of Counsel representing a party who had made

representations. Miss Crossfield stated she had been instructed directly, and that there was an ongoing police investigation of a matter which was connected to the Premises Licence Application. Miss Crossfield said this matter had arisen very recently, and that her client intended to appoint a solicitor, but had not yet done so due to shortness of time. The Sub-Committee heard representations from the Applicant's representative on this request, who requested that the hearing should proceed.

The Licensing Sub-Committee RESOLVED, to adjourn the meeting to 5 February 2024 as it considered this to be necessary to facilitate the receipt of additional information regarding the police investigation, and consequently the full and proper consideration of the representations made by the party concerned, whilst minimising any prejudice to the Applicant arising from the delay in determining their Application.

The meeting ended at 3.05 pm.

The following minutes are from the reconvened meeting of Licensing Sub-Committee on 5 February 2024 at 9.30 am.

Present: Councillor Patsy Cummings (Chair), Councillors Nina Degrad and Danielle Denton.

The Chair opened the meeting of the Licensing Sub-Committee and advised that it was a continuation of the adjourned Licensing Sub-Committee meeting held on Monday 22 January 2024. It was confirmed that the membership of the Licensing Sub-Committee remained unchanged. The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant Mr Seelan, their agent Mr Nira Suresh, the other parties who had made representations (objectors) Mr Sinnathamby and Mr Shabanathan and Mr Raj Boodhoo legal representative of Mr Sinnathamby were all present. The objecting parties were accompanied by a translator.

The Mr Boodhoo requested an adjournment to the hearing. They advised an update from the Licensing Team had been requested via email regarding the police matter raised at the hearing on 22 January. The Licensing Officer advised the adjournment had been requested on 22 January by Mr Sinnathamby's legal representative due to an allegation that a threat had been made. The adjournment had been granted and the Licensing Team had requested that the objecting party submit any additional information in relation to the matter for consideration by the Sub-Committee in preparation for the hearing on 5 February. The Licensing Team had received an email from the police on the matter and if required this could be discussed in private session.

The Sub-Committee was advised that it was not the role of the council to investigate or provide an update on the allegation made.

The Chair invited the applicant to make representations on the request for an adjournment. The applicant's agent commented that the allegations were false and the applicant had no relationship with the objecting parties. The previous adjournment was noted and they did not wish there to another.

Mr Boodhoo advised the grounds for the adjournment request were that it appeared there was an ongoing police investigation into the allegation and the licence application should not therefore be considered until the matter had been resolved.

Officers advised whilst there had been an update received from the police on the matter, the objecting party who had made the allegation should also have been aware of the status of the matter.

The Licensing Sub-Committee withdrew to a virtual deliberation room to consider the request for an adjournment.

On return to the virtual Licensing Sub-Committee hearing the Chair advised parties present that the Sub-Committee had determined there would not be any further adjournment. The Sub-Committee had already adjourned from 22 January and had received an update from the police that there was no ongoing investigation.

It was not the responsibility of the Licensing Sub-Committee to investigate police matters. The Sub-Committee could only adjourn a hearing where this was "necessary" for their consideration of representations made by a party, and that was not the case here. It was noted that the police as a responsible authority had not submitted representations on the application and that even if the application were granted, the police were able to request a review of a premises licence in certain circumstances.

The right of all parties to appeal a Licensing Sub-Committee decision was noted.

The Licensing Officer advised the Sub-Committee of the process for submitting representations by responsible authorities or other persons (objectors) in relation to the four licensing objectives. The application for consideration was for a premises licence at 6 Beddington Terrace, Mitcham Road, Croydon, for the sale by retail of alcohol off premises Monday to Thursday 8.00am to 11.30pm and Friday and Saturday 8.00am to 12.00am. Following discussions with the police licensing officer the applicant voluntarily amended the application to include the conditions detailed within Appendix A2, this included a reduction to the terminal hours initially sought.

Representations had been received and were included in the report pack at Appendix A3. It was noted that after the 28 day submission window further information could be submitted in support of a parties application or representations. Prior to the hearing on 22 January further information had been submitted by Mr Sinnathamby and this information had been shared with all parties. This was distinguished as further information rather than representations.

In response to questions from the Sub-Committee officers advised the police had engaged with the licence application and because of those discussions the applicant had amended the application to include the conditions now attached to the application including the reduction to the operating hours sought. The police had not made representations on the application and were therefore not a party to the hearing.

The first objecting party Mr Boodhoo acting on behalf of Mr Sinnathamby was given the opportunity to speak and advised:

- The further information had been hand delivered on 21 December and by email on 27 December and was therefore not late.
- If the license were to be granted it would increase alcohol consumption, health and safety issues and impact school children.
- There were already sufficient shops in the area and another would have a negative impact on the community.
- There were 15+ off licences locally.
- A petition had been submitted with 174 local people objecting against the new license to be granted along with a map detailing the postcodes of signatories.
- Requested the Sub-Committee not to grant the application.

The second objecting party Mr Shabanatham, supported by a translator was given the opportunity to speak and advised:

- They experienced anti-social behaviour outside their home with people congregating outside, drinking and leaving litter.
- There was a lot of noise disturbance outside and felt granting another licence would increase the issues.
- There were bottles and litter on the pavement which children had to walk through.
- The noise disturbance also impacted children sleeping.

In response to questions from the Sub-Committee Mr Shabanathan advised:

- Following submission of the petition they had received threats and therefore had not reported the litter or noise disturbance to anyone else.
- They had not reported the issues to the Council before the new licence application.
- He lived 50 yards from the premises.
- The issues had been happening for at least a year and had worsened recently.
- They had made a noise disturbance report to the police in June 2023 and was not aware of any other local residents making reports.

The applicant's agent was given the opportunity to speak and advised the applicant would be promoting the licensing objectives and adhering to the conditions agreed with the police including the reduction in hours sought. It was noted no other relevant authorities were present and had not made

representations. They felt the objections were based on business competition. The litter and antisocial behaviour was not caused by the new applicant or premises and the premises had previously been a food takeaway business. The premises was situated on a busy road with shops mostly serving local residents. The application would comply with the licensing policy of the council and had engaged with the police licensing team. Competition was viewed as positive by providing choice to residents.

In response to questions from the Sub-Committee officers clarified that the premises was not situation in one of the council's cumulative impact areas.

The applicant's agent advised the premises had agreed to ensure no beer/lager/cider above 6.5% would be for sale to discourage high alcohol consumption. The premises intended to operate as a local convenience store. The applicant intended to clean the vicinity of the premises for the benefit of residents. The applicant had held a personal licence for a long time had previously managed a retail premises and the police had no objections.

All parties to the hearing were given the opportunity to make final comments.

The Licensing Officer advised the Sub-Committee:

- Commercial need was not something that could be considered under the licensing act.
- All representations must relate to one or more of the licensing objectives. It was noted that public health was not one of the licensing objectives.
- The petition submitted was not considered as relevant representation in relation to one or more of the licensing objectives as there was no text relating to the licensing objectives included on the document. This had been made clear to the objecting party.
- The premises address did not fall within one of the council's cumulative impact corridors and therefore the Licensing Sub-Committee did not have the presumption to refuse. It was noted that even in a cumulative impact area there was a requirement for concerns regarding the licensing objectives to be submitted about an application and for consideration by the Sub-Committee.
- All further information was available to the Sub-Committee for consideration.
- If the licence were granted and the allegation were to be investigated further and a link proven, the police would be able to seek a review of the decision.

Mr Boodhoo stated that both the objectors being present together was not relevant and should not be taken into account. There had been no issue raised previously about the petition signatures. The petition text was read aloud to all parties present and the Sub-Committee was advised that Mr Sinnathamby had submitted the petition as a layman.

Mr Sabanathan advised the photograph of litter submitted as additional information was taken opposite his residence in close proximity to the proposed shop and the litter was still there.

The Chair advised those present a decision would be communicated to all parties within 5 working days.

The Chair thanked those present for their attendance and participation.

The meeting ended at 10.50 am.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Premises Licence at **6 Beddington Terrace, Mitcham Road, Croydon CRO 3HG** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, and also further information submitted by an objector.

The Sub-Committee also considered representations made on behalf of the Applicant by their representative, representations made on behalf of an objector by their representative, and representations made by another objector during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Revised Guidance issued under section 182 of the Licensing Act 2003 (the Statutory Guidance) and the Council's Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** the Application 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 in particular, the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. In respect of the prevention of public nuisance objective, 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 recommended by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to noise

disturbance, particularly at weekends, in the vicinity of the premises, people congregating and throwing bottles at neighbouring properties, and broken bottles and glass littering the pavement in the vicinity of the premises. In this respect, the Sub-Committee noted the objectors had not made any complaint to Environmental Health, and that no representations in relation to the Application had been made by Environmental Health. The Sub-Committee also noted that an objector had reported noise disturbance to the Police in June 2023.

2. The Sub-Committee also considered representations made by the Applicant's representative to the effect that whilst anti-social behaviour and littering did occur in the vicinity of the premises, these problems did not emanate from the premises themselves, and that no issues about noise and littering from the premises had been raised previously. In this regard, the Sub-Committee also noted that whilst an objector had provided photographs of littering in the vicinity as additional information, it was not established that any littering was attributable to the premises themselves.
3. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, noise nuisance, anti-social behaviour etc. are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.
4. The Sub-Committee noted there was no objection to the Application from Environmental Health, which is the main source of advice in relation to the prevention of public nuisance licensing objective.
5. The Sub-Committee noted that there was no objection to the Application from the Police, and noted also that in accordance with the Statutory Guidance the Police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Sub-Committee also noted that following discussions with the Police Licensing Officer, the Applicant had amended their Application to have the conditions attached at A2 of the report placed on the licence if the Application is granted, and also to reduce the terminal hours for the licensable activity sought by the Applicant.
6. The Sub-Committee noted that the petition put forward by an objector did not contain any relevant representations as it did not relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives, and therefore the petition was considered only as additional information.
7. The Sub-Committee also noted that the "need" for further licensed premises in the area, in the sense of commercial demand or otherwise

was not a matter for a licensing authority in discharging its licensing functions. The Sub-Committee also noted confirmation from the Licensing Officer that the premises were not in an area which was the subject of a Cumulative Impact Assessment.

8. The Sub-Committee also noted there was no further evidence presented to them in relation to threats alleged to have been received by one of the objectors, and also noted confirmation from the Licensing Officer that the Police had indicated their investigation into this matter was closed pending any further information coming to light.
9. Having regard to all of the above matters, the Sub-Committee concluded it would be appropriate to promote the licensing objectives to grant the Application.
10. The Sub-Committee wished to thank all participants for engaging with and supporting the hearing.

6/22 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 3.05 pm

Signed:

Date:

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.....

Licensing Sub-Committee

Meeting of held on Monday, 18 March 2024 at 10.30 am on MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillor Mohammed Islam (Vice-Chair);
Councillors Margaret Bird

PART A

1/24 **Appointment of Chair**

It was MOVED by Councillor Bird and SECONDED by Councillor Islam and RESOLVED to appoint Councillor Patsy Cummings as Chair of the meeting.

2/24 **Disclosure of Interests**

There were none.

3/24 **Urgent Business (if any)**

There were no items of urgent business.

4/24 **Licensing Act 2003 - Application for a Premises Licence at 49 Limpsfield Road, South Croydon, CR2 9LB**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant and their agent Jay Patel were both present. Councillor Yvette Hopley was present to speak on behalf of residents who had made representations numbered 5, 6, 9, 15 and 22 within the agenda pack. Parties who had submitted representations David Malcolm, Andrea Bell and Andrew Bell were also present.

The Licensing Officer introduced the application to the Sub Committee. The application sought the sale by retail of alcohol Sunday to Thursday 11.00 am to 11.00 pm, Friday and Saturday 11.00 am to 12.00 am. It was advised the hours sought had been amended from those initially sought and those included at page 9 of the agenda pack.

The applicant had voluntarily amended their application following receipt of the concerns raised by the representations. The operating schedule included a number of conditions which would be attached to the licence if it were granted. Following discussions with the Police Licensing officer, the council's Trading Standards Team and the council's Noise Pollution Team the applicant had voluntarily amended their application to include the conditions included at Appendix A2, A3 and A4 on the license should it be granted.

Representations had been received and were available at Appendix A5. It was advised those representations numbered 1, 2, 10, 11, 13, 18 and 19 had been formally withdrawn were not for consideration. Councillor Yvette Hopley was present to speak on behalf of residents who had made representations numbered 5, 6, 9, 15 and 22 within the agenda pack. It was advised that all other representations were valid and for consideration by the Sub-Committee.

Further information had been received in support of the representations numbered 3, 7, 23 and had been circulated to all parties.

It was advised that the council's Planning and Licensing arrangements were separate. The Licensing Sub-Committee was unable to consider any planning matters. Also, Street Trading Licenses under the London Local Authorities Act and Pavement Licenses under the Business and Planning Act, would require a separate licence application.

The objecting parties were given the opportunity to speak. Councillor Yvette Hopley thanked the Sub-Committee for the opportunity to speak on behalf of their ward residents who had submitted representations and advised:

- The application had prompted discussions with many local residents, the Sanderstead Resident's Associated and their fellow ward councillors.
- The initial application had raised concerns with several residents due to its nightclub style, in what was a residential suburban village location. It was felt the premises would have been more suitable to a venue located in Croydon town centre.
- Sanderstead had previously had restrictive covenants on the land restricting the sale of alcohol in the village.
- The amendments made to the application were noted, however the bar culture anticipated by the serving of alcohol after food service ceased remained of concern.
- Alcohol fuelled patrons may result in late night disturbances and cause adverse impact to neighbouring residents. Residential flats above the premises and in neighbouring Cranleigh gardens would be most affected.
- The premises was a Tudor style building with no sound proofing or mitigation plan in place for neighbours, particularly those living above the premises, it also neighboured a care home and a scout hut.

- If the premises was a restaurant, it was felt food should be served all the time and the need for Challenge 25 in a restaurant only setting had raised concerns.
- There were also concerns regarding patron's departure from the restaurant and the ability of the SIA staff to manage inebriated and noisy customers.
- There were concerns regarding the premises' planning application, however it was noted these were not for consideration by the Licensing Sub-Committee.
- Patron's may cause issues on the narrow street outside and with parking in the vicinity.
- Residents had queried the internal arrangements within the premises regarding the percentage of dining to bar areas.
- Residents would welcome a family restaurant.
- It was felt that the application and subsequent amendments did not fully promote the prevention of public nuisance and the prevention of children from harm licensing objectives for neighbouring residents.

The objecting party David Malcolm was given the opportunity to speak. They thanked the Sub-Committee for the opportunity to object to the proposals and advised:

- The premises was located between Limpsfield road and Cranleigh gardens. Neighbouring residents including those residing in the flats above the premises, a nearby retirement property and nearby sheltered accommodation property would all be affected by the proposal.
- The premises had previously operated as an Indian restaurant which had closed at 10.00pm/10.30pm.
- The new proposal had caused significant concern to residents and was out of context in the area. The live music, dancing and late-night sale of alcohol had prompted the police condition for the employment of a bouncer due to the attraction of younger and unsuitable people.
- Outside tables and chairs on the corner plot would seriously restrict pavement space for pedestrians, create a trip hazard and add to the noise disturbance.
- Patrons would be required to park in the adjoining residential roads.
- A late-night restaurant/bar was out of character within Sanderstead village's small parade of shops.
- The applicant's amendment to a 12.00am closing time was noted however it was felt this would still cause disturbance to neighbour's sleep.
- Other nearby restaurants closed at 10.00pm.
- The applicant did not care about the manner in which patrons would be leaving the premises.
- Soundproofing would not contain the noise and dance music.
- Neighbours to the premises included several retired older people and families..
- Staff emptying rubbish bins was also likely to be an issue.
- The applicant did not have any concern for local residents and was only concerned about maximising bar takings.

- They wished for the local covenant restricting sale of alcohol to be enacted to stop the proposal.
- The proposal had no backing from residents and had received representations from the local resident's association, councillors and community.

It was advised that the covenant in Sanderstead was a private law matter which the Licensing Sub-Committee was unable to consider.

The objecting party Mr Andrew Bell was given the opportunity to speak. They thanked the Sub-Committee for the opportunity and advised:

- There would not have been objections to a family restaurant.
- There had been no plan or information provided in the application detailing the restaurant/bar split. The restaurant was doubling in size and the number of customers expected in the dining and bar areas respectively was not indicated.
- The premises would open for additional hours after the kitchen had closed.
- Nearby families living directly above and in the neighbouring streets to the premises were all concerned regarding late night disturbance.
- Local restaurants closed at 10.00pm and this was felt to be more appropriate.
- There were no proposals regarding the mitigation of music levels, and it was queried how amplified music would be controlled.
- The applicant's amendments were noted however it was still felt the proposal was inappropriate.
- The planning matters were noted, and it was queried whether the Licensing Sub-Committee should be satisfied that the premises had requisite accessibility and toilet provision.
- A family restaurant with restricted opening hours would be supported however the sale of alcohol in the premises without meals was extremely worrying.

It was noted that the Licensing Sub-Committee considered matters in relation to the licensing objectives only and planning matters were considered by the council's planning department.

The applicant's agent, Jay Patel was given the opportunity to speak and advised:

- There was no intention to operate the premises as a nightclub. The premises would be based upon the model of their restaurant in Caterham. Food was the primary activity and alcohol would be served to complement meals.
- The Challenge 25 procedures were in place to meet the licencing objectives and ensure no alcohol was served to underage persons.
- The premises capacity would be 60 – 70 maximum and accessibility considerations would be included in the refurbishments.

- The hours sought for licensable activities had been reduced following the receipt of representations to 11.00am to 11.00pm Monday to Thursday and 11.00am to 12.00am Friday and Saturday.
- The extra hour of opening following the kitchen closing at 11.00pm was to allow customers to finish their drinks after a meal. It was not to sell additional alcohol.
- The premises would be run as a family restaurant.
- The parties who had submitted representations were invited to attend the premises run by the applicant in Caterham, to discuss the conditions and way the Sanderstead premises would be run.
- The applicant had engaged with the relevant authorities and accepted the additional conditions.
- The security staff would be responsible for ensuring new customers were not allowed to enter the premises after 11.00pm.

The applicant advised:

- They ran restaurant and takeaway businesses in Whyteleaf and Caterham and did not intend to open a nightclub.
- They may trial a monthly theme night and these would run during normal opening hours.

It was clarified that there would be no amplified music or dancing at the premises.

The Sub-Committee queried how patrons wishing to access the premises after the kitchen had closed to buy alcohol would be managed. It was advised that the kitchen would close at 11.00pm and on Friday and Saturday the 12.00am closing time would allow people to finish their meal and depart. The premises would not allow new customers to enter after 11.00pm and the security staff would manage this.

The Sub-Committee asked the applicant to address the issues raised within the representations regarding potential noise disturbance from patrons leaving the restaurant, patrons under the influence of alcohol and nearby parking.

The applicants agent advised:

- There would be a lobby system in place on entering the restaurant, this would mitigate noise disturbance.
- The security staff would monitor the behaviour of patrons.
- The previous restaurant had been run down and the restaurant would be modernised.
- It was noted that parking nearby was limited.
- Delivery drivers would be directly employed by the restaurant to ensure they were correctly trained regarding noise guidance.

The Sub-Committee requested clarification regarding the provision of regulated entertainment. It was advised that there would be no amplified music and no dancing. Only background music would be played until 11.00pm and this was not a licensable activity.

It was confirmed that the only licensable activity now sought was the sale by retail of alcohol Sunday to Thursday 11.00am to 11.00pm and Friday and Saturday 11.00am to 12.00am.

Officers advised the Sub-Committee of the deregulation of live and recorded music between the hours of 8.00am and 11.00pm at licensed premises with <500-person capacity. It was noted that food served before 11.00pm was not licensable however food served after 11.00pm was licensable and this had not been applied for. It was also noted that patrons dancing within the premises was deregulated.

In response to questions from the Sub-Committee the applicant's agent advised deliveries would cease after 11.00pm. On delivery of takeaways Challenge 25 would be undertaken. Noise mitigation such as noise limiters were not required as there was no amplified or regulated entertainment sought.

Officers advised of the availability and process of submission for Temporary Event Notices (TENs).

It was clarified that the 60–70-person capacity included the allowance for the restaurant's staff.

The applicant's agent advised they would welcome further engagement with residents and their ward councillor.

All parties to the hearing were given the opportunity to make any final comments.

The objecting party Mr David Malcom advised they were pleased to have heard the applicant's amendments regarding the music, however they felt an 11.00pm closing time would be more appropriate.

The objecting party Mr Andrew Bell requested clarification as to whether there would be amplified music and DJ/theme nights at the premises. It was advised the approach to Sanderstead had changed and there would be no DJ nights at the premises.

The ability for licensed premises to apply for a Temporary Event Notice was noted and it was advised that the only bodies able to object to a TEN were the Police and the council's Noise Pollution Team.

The Chair thanked those present their attendance and participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a Premises Licence at **49 Limpsfield Road, South Croydon, CR2 9LB** and the representations received as contained in the report of the Corporate Director Sustainable Communities, Regeneration and Economic Recovery.

The Sub-Committee also considered the representations made by the Agent on behalf of the Applicant, the Applicant himself and the objectors and Ward Councillor on behalf of other objectors during the hearing. Prior to the commencement of the hearing, the Applicant had amended their application to reduce the proposed hours of operation, reduce the hours for licensable activities, remove the proposed non-standard timings on Christmas eve and New Year's eve and to remove regulated entertainment from the proposed application. In addition, a revised condition was offered by the applicant instead of conditions 7 and 8 in the originally submitted operating schedule. The amendments lead to a number of previously made representations being withdrawn and the Sub-Committee did not have regard to those representations that had been withdrawn in considering the application.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), Statutory guidance under Section 182 of the Act and the Council Licensing Policy 2023-2028, **RESOLVED to GRANT** the amended application subject to conditions offered by the applicant in their operating schedule, the conditions the applicant agreed with responsible authorities as detailed in Appendix A2, A3 and A4 to the report as well as to the mandatory statutory conditions which apply to the sale of alcohol under a premises license issued under the Act, on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the B296 in a small parade of shops with residential premises above which residents describe as having a village feel. There are also residential premises on the opposite side of the road and in the surrounding areas. There is close proximity to sheltered housing, retirement homes and a scout hut.
2. The Sub-Committee had regard to the fact that there were no objections to the application from the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance, both of whom had agreed conditions with the applicant which would be placed on the license in the event that the Sub-Committee was minded to grant the application. The Sub-Committee noted that, as

per the Statutory Guidance, Licensing authorities should look to the police as the main source of advice on crime and disorder and the police had agreed a set of conditions with the applicant, in the event that the Sub-Committee was minded to grant the application.

3. The Sub-Committee were mindful that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides 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 any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
4. 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.
5. In response to concerns pertaining to noise nuisance arising due to music in the premises which were raised prior to and during the hearing by residents and a ward councillor on behalf of residents, the applicant's agent made clear that the premises would only be playing background music, which is not a licensable activity between 8am and 11pm in a premises licensed for the sale of alcohol where the audience does not exceed 500. In addition, the Applicant's agent confirmed that there would be no amplified music played at the premises, no dancing and no DJ nights. There would be no regulated entertainment at the premises at all.
6. In respect of noise arising from access to and egress from the premises as well as in respect of deliveries, the Applicant's agent confirmed that the applicant had put in place an entrance lobby to mitigate noise and on Friday's and Saturdays if the venue is open past 23h00, no patrons will be allowed to enter after 23h00 and there

would be an SIA trained door supervisor on the door on those evenings to assist in managing this and the quiet departure of patrons.

7. The Applicant would not be utilising delivery services for the delivery operations proposed as part of the license but would be employing his own drivers so that there would be the assurance that they could be trained in respect of age-related sales and appropriate checks of ID and there was the ability to manage any associated noise from their delivery activities.
8. The Sub-Committee noted that there was a concern about the premises being in a former Quaker area and there being an existing restrictive covenant on land preventing its use as a pub or beer house. The Sub-Committee were clear that there were certain matters which were not within the purview of the Licensing Sub-Committee under the Licensing Act and this included in relation to the enforcement of private law matters such a covenant on private land. There were also concerns raised about compliance with building regulations and the contents of an associated planning application. The Sub-Committee were clear that they did not have discretion to interfere with or make determinations in respect of matters which were within the purview of planning or building control and the appropriate authorities with whom and processes by which to address those matters were planning and building control respectively. The Statutory Guidance makes clear that any decision of the licensing authority on an application will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.
9. In respect of any future proposals of the premises to make an application either under street trading legislation (London Local Authorities Act 1990) or under pavement licensing provisions under the Business and Planning Act 2020 for tables and chairs on the public highway, the Sub-Committee set out that these were matters which were outside of the scope of the current application and would be considered and dealt with according to the relevant legislative provisions if and when any such applications are made. It was not a matter properly before this sub-committee to consider or determine.
10. The Sub-Committee noted that concerns had been raised about the lack of availability of parking outside the premises and the concern that this would result in parking in neighbouring roads. The Sub-Committee were mindful that provision of or control of parking are not directly within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes that parking and the provision thereof is not one of the licensing objectives.
11. One of the concerns raised by objectors related to noise disturbance as a result of deliveries or waste disposal and collections. The

Applicant had offered a condition, as part of his operating schedule, which would be imposed on the license if granted, that all deliveries and waste collections to/from the premises will take place during normal business hours of 9:00 to 18:00 to avoid any disturbance to nearby residents and businesses.

12. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these 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, it would be perfectly reasonable 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 be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. 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.
13. The Sub-Committee had regard to the Council's Statement of Licensing Policy which provides that the Council will treat each case on its individual merits, however, in general, it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents. The Sub-Committee were mindful that although this area was certainly one of denser residential accommodation, the proposed premises license was not for a public house but for a restaurant which sought on sales of alcohol, predominantly alongside a table meal and the applicant had amended their application to reduce the proposed hours of operation and provision of licensable activities.

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.

5/24

Licensing Act 2003 - Application for a Premises Licence at Addington Park, Croydon, CR0 5AR

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicants were both present. Parties who had submitted representations Councillor Robert Ward, Ana Antic (Addington Palace) and Charles Marriott (Addington Village Residents Association) were also present.

The Licensing Officer introduced the application to the Sub-Committee. The application sought a time limited premises licence on Saturday 6 July 2024 for the provision of regulated entertainment (recorded music) 1.00pm to 10.00pm and the sale by retail of alcohol for consumption on the premises 1.00pm to 9.30pm. A copy of the application was included in the agenda pack at Appendix A1. The applicant had also submitted a draft safety management plan available at Appendix A2.

It was advised that an event of this nature was also overseen by the Safety Advisory Group (SAG). The event safety management plan would be considered by the SAG and it was noted that the plan was an evolving document.

Following discussions with the Police Licensing Officer the applicant had amended their application to attach the conditions available at Appendix A3 of the agenda pack, were the licence to be granted.

It was advised that photographs and text submitted as part of Representation 1 had been circulated to all parties and were for consideration by the Sub-Committee as part of the initial representations.

The objecting party Councillor Robert Ward was given the opportunity to speak and advised:

- They had considerable experience of previous events in the park and the local resident's association had played an active role during previous events. A lessons learned document had been developed and submitted as representations.
- Residents were cooperative and tolerant in facilitating events however there had been previous instances when residents had felt let down and had complaints.
- Concerns were primarily around the traffic management plan for the event which had not been included in the application documents.
- Aggressive parking by attendees had caused issues previously.
- Restrictions and security staff should be in place well in advance.
- Latecomers attempting to park in residential roads had previously been confrontational and caused issues.
- A transport management document had been made available however the Spout Hill and Featherbed Lane areas had not been included.
- It was important for the security staff to be properly positioned.
- In regard to noise transmission, it was important to understand where the speakers and tent would be oriented and to properly manage the noise.
- Stewarding arrangements had not been communicated.

Officers advised the council had civil enforcement officers, a request for officers to be in the area could be made via the SAG. The council did not have tow truck provision however if required this could be arranged by the event organiser during the SAG process. If this was undertaken the responsibility for vehicles would be with the contractor.

The objecting party Ana Antic was given the opportunity to speak and stated:

- They were the sales and events manager at Addington Palace, a licensed events venue directly behind Addington park. The managing director was also present and intended to speak.
- There were concerns regarding the noise pollution.
- There was a wedding booked for 6 July 2024 on the outside lawn at Addington Palace situated directly behind the park.
- An event last year had been extremely loud and recordings from the event had been submitted as part of the representations.
- Noisy events caused disturbance to the business and weddings.
- They strongly objected to event.
- An event last year had measured at 65 decibels at Addington Palace. If the license application were granted, they requested for the sound level to be reduced half the decibel levels.
- It was queried how the sound levels would be monitored, if officers would be present to monitor levels on the day, and if officers would be contactable on the day if levels were exceeded.
- Clarity on the positioning of the stage within the park was requested.
- It was felt that the decibel levels at an event in 2023 had been too loud and it was unacceptable to Addington Palace customers.

A video of the noise disturbance caused by an event in 2023 was played to the Sub-Committee. It was noted that the applicant had not held an event in Addington Park in 2023.

The objecting party Charles Marriot was given the opportunity to speak and stated:

- They were a local resident and Vice Chair of Addington Residents Association.
- The main concerns were regarding the Traffic Management Order (TMO) and Security.
- Traffic management had caused issues for previous events.
- They had discussed the importance of having a tow truck with the applicants.
- Execution of the traffic management by the security staff was key and had caused issues at previous events.
- It was understood the stage would be facing Addington Village.
- It was requested for attendance numbers and staff numbers to be clarified.
- It was requested for the presence of offsite SIA officers to be clarified.
- Threatening behaviour at previous events had required police attendance.

- It was suggested that SIA officers and stewards needed in be in place to manage parking.
- Tow away signage was not included in the TMO, and the Spout Hill area needed to be included.

The applicant was given the opportunity to speak and advised:

- They appreciated there had been issues at previous events and felt lessons learned could be used to assist the organisers rather than to make a case against the event.
- The meeting with Addington Residents Association had been very useful.
- The stage would be positioned near the children's play area facing away from Addington Palace and there would be a half tent around the stage to limit noise disturbance.
- There would be 1000 attendees and 500 staff, totalling 1500.
- The council's noise pollution officer had advised they would be present on the day measuring to ensure sound levels were within the 60 decibels to the nearest resident limit. The noise pollution officer would also be present during the set-up of the event.
- Regarding parking, lessons learned from previous events had been incorporated into the traffic management plan. Barricades would be placed in specified roads identified by the resident's association.
- The applicant intended to accept the additional conditions put forward by the Police.

In response to questions from the Sub-Committee the applicants advised:

- They had been running events for 25+ years and had previously run and range of events including outdoor events such as a children's festival with 2500 persons in attendance.
- Addington Park had been selected for the event as it was suitable for the event's attendance numbers.
- They intended to have 2 SIA officers to every 50 attendees plus stewards for traffic management. There would be 2 security teams, operating on the inside and outside perimeters. There would be security staff in key parking areas and a mobile team operating outside the park.

The Chair noted the importance of ongoing dialogue between the applicant and the objecting parties.

In response to questions from the Sub-Committee it was advised that the ongoing SAG process would not increase the capacity sought within the application. The Police conditions numbered 14 and 15 included in the agenda pack at Appendix 3 were noted by the Sub-Committee.

The Sub-Committee queried how the applicants intended to mitigate noise disturbance to Addington Palace. It was advised that noise limiters would be

fitted to the sound system, meaning DJs would be unable to surpass the agreed decibel level.

It was confirmed that a tow truck had been included in the TMO.

The applicant suggested a sound testing window could be agreed with Addington Palace. Officers advised the decibel limit was usually 65 decibels to the nearest residential premises.

The legal advisor to the Sub-Committee advised the Noise Pollution Team had not submitted representations and therefore were not present at the hearing to answer queries regarding the acceptable sound levels which would be set if the licence were granted. Sound levels would be set via the SAG process.

The Chair suggested the applicants should continue dialogue with Addington Palace in regard to noise levels.

All parties to the hearing were given the opportunity to give final comments.

Ana Antic queried if they were able to appeal regarding the sound levels. Ongoing dialogue between with applicant and objecting parties was encouraged.

The Chair thanked those present for their attendance and participation in the hearing.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Addington Park Croydon CR0 5AR** on Saturday 6 July 2024 and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant, and several objectors during the hearing. The Sub-Committee noted that although one of the objectors was not present at the hearing, they had the benefit of the written representations as part of the report and had regard to them in their decision making.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the 2003 Act”), the Statutory Guidance issued under Section 182 of the 2003 Act and the Council Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The application as granted is subject to the conditions offered by the applicant in their operating schedule and amended application following discussions and agreement with the Police (Appendix A3), and to the mandatory conditions which are imposed under the Licensing Act 2003.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee appreciated that there had been concerns about prior events in the Park which had been delivered by other applicants but were mindful that the current Applicants not be judged by previous applicants’ conduct in respect of which they had no control or responsibility. The Applicants had not previously undertaken an event at Addington Park although they advised that they have been running events in London, across the country and abroad as well as managing venues for 25 years.
2. The Sub-Committee noted that the Applicants had sought to engage with and address concerns which had been raised by residents and this was an ongoing process to ensure that matters of concern would be addressed, including as part of the Safety Advisory Group (SAG) process for events. The remit of the SAG is to advise on whether an event should proceed on safety grounds. The core members of the SAG are Croydon Council (Food Safety Team, Events Team, Noise, Parking/Traffic Management, Licensing, and Parks), Metropolitan Police, British Transport Police, London Fire Service, London Ambulance Service and transport providers such as TfL.
3. It was noted that prior to and during the hearing, the Applicants sought to engage with and address the issues which were raised by those making representations and addressed the questions of the sub-committee members. The Sub-Committee noted that the successful delivery of the event would require ongoing engagement with impacted parties, and it was encouraging that there is the will to continue to work with the residents’ association and Ward Councillor to undertake a successful event and address the concerns they had raised. The Sub-Committee also noted that the Applicants had reached out to Addington Palace and provided contact details to instigate communications, however it appeared that Addington Palace had yet to contact the Applicants directly in relation to the matter.
4. The Sub-Committee had regard to the fact that there were no objections to the application from the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance. The Sub-Committee noted that, as per the Statutory Guidance, Licensing authorities should look to the police as the main source of advice on crime and disorder and the police had agreed an extensive set of conditions with the applicant (as set out in

Appendix A3), which the applicant had amended their application to include, in the event that the Sub-Committee was minded to grant the application.

5. As part of the conditions to be imposed on the licence, if granted, the applicant had offered conditions pertaining to noise management and described measures they advised the Sub-Committee they would put in place regarding noise management. These included in relation to:
 - ensuring that as part of the Event Management Plan (which would be considered at, and if satisfied, agreed by the Safety Advisory Group) there would be in place an appropriate Noise Management Plan.
 - Noise Nuisance Complaint Line, providing a direct telephone number (held by a duty manager) to neighbouring premises for reporting noise nuisance complaints and a Whatsapp Group to allow for more immediate interaction and communication;
 - Event organisers will actively collaborate with the responsible authorities and residents to address any concerns related to noise levels;
 - All event management, staff, stewards, and security employed at the event must carry out reasonable requests by police officers to ensure the licensing objectives are met.
 - Acoustic Engineers have been engaged to monitor noise levels emanating from the stage;
 - The stage and sound system speakers will be positioned to direct sound away from nearby residents and businesses and contained within the tent so as to soften the noise.

6. In addition, the Sub-Committee noted that the Applicants had advised that a Noise Pollution officer from the Council would be involved in sound testing and setting of the noise limits and that a noise limiter would be put in place so that once sound levels were agreed and set, these couldn't be increased. The Sub-Committee noted the willingness of the Applicants to engage in discussions during the hearing and subsequent thereto, with Addington Palace around the timings of sound tests to assist in accommodating their concerns about events occurring at their premises in the days prior to the proposed event at the Park.

7. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences. The Statutory Guidance indicates that it is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus 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. The Statutory guidance also makes clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities – in other words it is a matter which ought to be considered on a case-by-case basis. The Guidance goes

on to indicate that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, including live music.

8. The Sub-Committee were mindful that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides 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 any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
9. Whilst there were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals, one of the objectors, Addington Palace, made a number of representations about permissible or permitted decibel limits that they considered appropriate for an event at Addington Park so as not to disrupt their wedding venue business and the ceremony they had booked for the day of the proposed event. Objectors from Addington Palace submitted that a previous event, where noise levels had been measured by Council's noise pollution team at 60 decibels at their venue, were too loud and inappropriate and suggested that 30 decibels would be an appropriate limit and expressed the view that the Sub-Committee should set a maximum level accordingly.
10. The Sub-Committee were clear that they did not have before them any representations from the Noise Pollution team objecting to the current application which they would have been entitled to do as a responsible authority. The Sub-Committee were mindful that noise limits were proposed to be set by professional noise pollution officers as assessed in accordance with their procedures and professional judgement as to what would be appropriate in all the circumstances at the event. It should also be noted that the suggested 30 decibels is potentially very quiet – the equivalent in volume terms of a whispered conversation – but many factors impact on a noise pollution officers' subjective assessment of whether or not the noise in question is acceptable or unreasonable, including time of day, frequency, type and volume. The Sub-Committee were not minded to impose a condition setting a decibel limit in the current circumstances and were mindful that alongside the proposed mitigation measures the Applicants would have in

place, a noise pollution officer would already be involved in the noise assessment and setting of relevant limits as detailed earlier.

11. The Sub-Committee had regard to the Statement of Licensing Policy which provides that “Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.....However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses...Licensing is a balance and requires consideration of all these various needs”.
12. The Sub-Committee were clear that there were matters in respect of which issues had been raised but which were not directly within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes – this included in relation to traffic management and parking in neighbouring streets. Despite this, the Sub-Committee noted that the applicant had now engaged in detailed discussions with the residents’ association and was making careful plans about how to prevent/deal with illegal and “aggressive” parking, including in relation to applying for and putting in place Traffic Management Orders, having a tow truck on call, placing of barricades, the presence of appropriately trained stewards, a Whatsapp Group to alert to issues and a mobile security team to deal quickly with issues and provide back up, ensuring that residents would be notified about parking restrictions and how they would be provided with access. These discussions were acknowledged to have been constructive on both sides and would be ongoing and would be addressed further as part of the overarching Event Management Plan which would be considered, and if appropriate, approved under the SAG process.
13. In respect of prevention of crime and disorder, protection of children from harm, promotion of public safety and prevention of public nuisance, the Sub-Committee noted that the Applicant indicated that they proposed an SIA trained staff to patron ratio of 1:25 rather than the 1:50 which had been recommended by the Police, providing enhanced security. They indicated that they would have in place two security teams – one inside the perimeter of the venue and one outside the perimeter of the venue as well as a mobile security team who could quickly respond to any issues and provide support where it was needed.
14. In addition, conditions had been agreed that:
 - No persons under the age of 18 years will be permitted to attend the event;
 - All SIA staff involved in searches and/or evictions from the premises would wear Body Worn Video (BWV). CCTV and BWV will be operated on site in accordance with the Event Management Plan. Static cameras will operate at the bar, stage and entrance/exit areas. Recordings from CCTV and BWV must be retained for up to 31 days

after the event and made available to the Police or council upon request.

- During the event, CCTV recordings requested by the Police must be provided in a usable digital format within 2 hours.
- The Event Management Plan will specify perimeter fencing of at least 6ft with heras/mesh fencing in an inner cordon for the event site;
- There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodge with the Police Licensing team. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
- A challenge 25 scheme will be operated to ensure that any person attempting to purchase alcohol who appears to be under 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving license, military card or a card bearing the PASS hologram.
- All drink will be served to members of the public in plastic or polycarbonate containers without screw cap lids
- Ensure that customers are prevented from leaving the event site with bottles or open containers
- The maximum number of tickets that shall be sold for the event and the maximum number of attendees shall be 1000 persons.
- The premises shall run the event in line with the latest Event Management Plan (EMP) that has not been objected to during a relevant SAG meeting by a relevant responsible authority
- The EMP for the event shall include the following information as a minimum; site plans and minimum specifications of perimeter security fencing, stewarding/security plans to include regular weapon sweeps before, during and post egress, crowd management plans, medical plan, fire plan, site safety policy, traffic management plans, noise nuisance prevention plans and ingress/egress plan.

14. The Sub-Committee were aware of, and had reference to the Statutory Guidance which provides that, “beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right”. However, despite this the Sub-Committee noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour on site and in the surrounding area, including appropriate numbers of SIA trained security staff and a mobile security unit.

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.

6/24 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 2.03 pm

Signed:

Date:

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.....

Licensing Sub-Committee

Meeting of held on Monday, 8 April 2024 at 10.30 am in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Danielle Denton

PART A

7/24 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Denton and **RESOLVED** to appoint Councillor Patsy Cummings as Chair of the meeting.

8/24 **Disclosure of Interests**

There were none.

9/24 **Urgent Business (if any)**

There were no items of urgent business.

10/24 **Licensing Act 2003 - Application for Review of a Premises Licence at The Foxley Hatch, 8-9 Russell Hill Road, Purley, CR8 2LA**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The Premises Licence Holder, Donal Ennis was present.

The Licensing Officer introduced the report to the Sub-Committee. The review mechanism within the Licensing Act 2003 was explained.

The application for review had been made by a local resident as an 'other person' and was regarding the prevention of public nuisance licensing objective.

The premises licence had been granted by way of transfer on 22 December 2023, the premises licence was included in the agenda pack at Appendix A2. The premises licence permitted the sale by retail of alcohol on and off the premises and the provision of regulated entertainment namely recorded music throughout the premises without restriction on time.

The requirement for a Designated Premises Supervisor for a premises licence for the sale of alcohol was noted. It was advised that in premises with a licence for the sale of alcohol, recorded music was not a licensable activity between the hours of 8.00am and 11.00pm.

No other parties had made representations on the application. Further information provided by both parties had been circulated for consideration by the Sub-Committee.

In response to questions from the Sub-Committee officers advised of the administrative process to transfer a premises licence to another person. Any changes sought required a formal application for a variation to a premises licence.

The Sub-Committee queried the council Noise Pollution Team's involvement to date. It was advised the Noise Pollution Team had received 2 noise complaints this year and an officer had been in contact with the applicant in February 2024. There were no representations from responsible authorities on the application. It was confirmed the Noise Pollution Team would respond to further complaints. Nothing had been witnessed to date and there had been liaison between the Premises Licence Holder and applicant for review.

The applicant for review was not present, however they had requested for the Sub-Committee to listen to the audio clips and view the video submitted in support of the application.

The public webcast of the meeting was paused to view the video and resumed shortly after.

The Sub-Committee listened to audio clips submitted by the applicant for review. It was noted that the timings of the recordings were unknown and the written representations from the applicant were also to be considered by the Sub-Committee.

It was noted that live music between the hours of 8.00am and 11.00pm was not a licensable activity. There was no set decibel level for music and public nuisance was measured subjectively with premises licence holders expected to take measures to ensure the licensing objectives were not compromised.

The Premises Licence Holder, Donal Ennis was given the opportunity to speak and advised:

- They had not been aware of the application for a Licence Review until the initial meeting with the council Licensing Team at the premises.

- The initial complaint had stated the premises was had been illegally trading by selling alcohol and playing music until 3.00am.
- CCTV was not in place at the time to disprove this.
- Since the initial meeting the premises manager had purchased a decibel reader. Readings had been taken on every occasion live music had been played within the premises at 55-60 decibels.
- They had contacted the applicant and offered to purchase a white noise machine and agreed to take decibel readings.
- The premises manager had been proactive.
- There had been allegations between both parties.

In response to questions from the Sub-Committee the Premises Licence Holder advised they understood a decibel reading of higher than 65 decibels would be deemed excessive. The premises manager had been contacting the Premises Licence Holder to confirm when bands had finished playing. They were not aware of sound proofing within the premises.

The Sub-Committee asked if the area outside the premises was kept clean and if they were aware of the presence of rats as stated in the application. The Premises Licence Holder advised the premises was not currently offering food, the kitchen was closed and tidy.

The Sub-Committee queried the regularity of the live music. It was advised live music took place at the weekend only, on a fortnightly basis. The premises was trying to differentiate itself from other premises locally and had introduced live music to attract customers.

It was confirmed the initial review meeting with the council Licensing Team had taken place on Tuesday 20 February 2024.

The Sub-Committee suggested the Premises Licence Holder may benefit from sending an independent person to attend the premises during live music performances. The Premises Licence Holder agreed this could be possible and advised they had made phone calls to the premises manager during the performances and received photographs.

The Sub-Committee queried whether there had been any communication with other local residents, noting this could support with addressing any issues at an earlier stage. It was advised that they had spoken with local business owners and residents as customers. The manager's telephone number was available publicly on the premises google listing.

It was clarified that the Premises Licence Holder had agreed with the applicant to closely monitor the noise levels during music performances, oversee the premises manager and had provided assurances to the applicant.

All parties were invited to make final comments.

The Licensing Officer clarified that the council's Noise Pollution Team would measure noise levels from within a complainant's premises and the 65-decibel

level cited would likely be expected at a public event. It was suggested the Premises Licence Holder could contact the council's Noise Pollution Team or an independent party to seek guidance on noise nuisance.

The Premises Licence Holder noted the seriousness of the application for a review of a premises licence and felt the applicant had been unreasonable. The Chair noted that the applicant was not present to respond to the statements made.

The Chair thanked all parties for their participation in the hearing.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to take no further action, however pursuant to paragraph 11.17 of the Statutory Guidance, resolved to issue an informal warning to the premises licence holder.** The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

The Licensing Sub-Committee considered the Application for a review of a Premises Licence at **The Foxley Hatch, 8-9 Russell Hill Road, Purley, CR8 2LA**, the representations received as contained in the report of the Corporate Director Sustainable Communities, Regeneration and Economic Recovery and supplementary information received from both parties prior to the commencement of the review hearing.

The Sub-Committee noted that the Applicant for review had indicated that they would not be attending the hearing and did not do so, but the Sub-Committee was able to consider their written representations and further information provided in support of the review. The Sub-Committee heard the verbal representations of the premises license holder as well as giving consideration to the written representations.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), Statutory guidance under Section 182 of the Act and the Council's Licensing Policy 2023-2028, considered whether it was necessary for the promotion of the Licensing Objectives to take any of the following steps: to modify the conditions of the licence; exclude a licensable activity from the scope of the licence; remove the designated premises supervisor; suspend the licence for a period not exceeding 3 months; to revoke the licence or to take no further action. The Sub-Committee **RESOLVED to take no further action, however pursuant to paragraph 11.17 of the Statutory Guidance, resolved to issue an informal warning to the premises licence holder as detailed below;** on the basis that the

Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A23 in a parade of shops, takeaways and restaurants with residential premises above. The opposite side of the road similarly has a parade of shops, takeaways and restaurants as well as a bus stop. There are also residential premises on the opposite side of the road above these premises. It is a short distance from the junctions with A235 and A22.
2. The Sub-Committee noted that there were no concerns being raised by the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance.
3. The Sub-Committee were mindful of the general expectation, in relation to enforcement including the instigation of a review, that it be part of a stepped/graduated approach (save in circumstances such as those of serious crime and/or disorder, closure orders or similar) and that ordinarily, there would have been involvement from, and guidance issued by, responsible authorities to a premises licence holder prior to taking the step of proceeding for a review. This has not occurred here and there are no current investigations by responsible authorities in relation to this premises, although the applicant for review has reported matters to the police and to the noise nuisance team.
4. The Sub-Committee also noted that there is an expectation that premises licence holders work with residents and responsible authorities to ensure that the licensing objectives are supported. There appear to have been a series of initial conversations between the parties where the Premises Licence holder indicates that he had undertaken to the Applicant to closely monitor the noise levels in the premises and contact details for the manager were said to be publicly available for residents with concerns to make use of. Subsequently, it appears that the relationship between the applicant for review and the premises licence holder and manager of the premises has deteriorated with allegations and assumptions being made on both sides. The Sub-Committee made clear that it would not hear so called bad character statements by one party in circumstances where the other party was not able to comment or counter these. The Sub-Committee does not support or condone abusive or inappropriate forms of communication from either party; however it does appreciate that tempers will flare on occasion particularly where one party feels that their concerns are being disregarded or feels they are not able to have a reasonable expectation of enjoyment of their own home, or matters are detrimentally impacting their children. Conversely the premises licence holder is running a business and a balance needs to be found between the needs of residents and those of the premises licence holder which ultimately support the licensing objectives.

5. The Sub-Committee were clear that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user, as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides 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 any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
6. In respect of the Licensing Objective 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. The Sub-Committee were also mindful that Paragraph 2.22 of the Statutory guidance provides that whilst public nuisance is given a statutory meaning in many pieces of legislation it is not narrowly defined in the 2003 Act and retains its broad common law meaning. *“It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.”*
7. However, there is a distinction to be drawn between private and public nuisance and it is the latter which is within the gift of the Licensing Sub-Committee as a licensing objective, not the former. As set out in *R V Rimmington and Goldstein [2005] UKHL 63* per Lord Bingham, “[Public Nuisance is where] the effect of the act or omission is to endanger the life, health, property... or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects.”
8. In *Attorney General v PYA Quarries Ltd [1957] 2 QB 169* per Romer LJ [at p 184] “...any nuisance is ‘public’ which materially affects the

reasonable comfort and convenience of life of a class of Her Majesty's subjects. The sphere of the nuisance may be described generally as 'the neighbourhood'; but the question whether the local community within that sphere comprises a sufficient number of persons to constitute a class of the public is a question of fact in every case. It is not necessary, in my judgment, to prove that every member of the class has been injuriously affected; it is sufficient to show that a representative cross-section of the class has been so affected..."

9. The Sub-Committee heard that the provisions on the current licence which provide: "Recorded music may be provided throughout the premises without restriction on times" was a historic "embedded right" which the premises license benefits from currently as a result of the conversion of the licence, in 2005, from a licence under the Licensing Act 1964 to a licence under the Licensing Act 2003. There is no similar permission in relation to live music.
10. The Sub-Committee, as expressed to the parties during the hearing, confirmed that the provision of live music (amplified or unamplified) and/or the provision of background music between the hours of 8am and 11pm are not regulated activities under the Licensing Act 2003 provided certain criteria are met (including that amplified or recorded music takes place in a premises licensed for the sale of alcohol and where the audience does not exceed 500. Unamplified music is permitted during those hours without restriction as to premises). However, that does not mean that the premises license holders are not responsible for ensuring that such provision does not contravene the Licensing Objectives, including the prevention of Public Nuisance.
11. Much was made by the Premises Licence Holder of decibel level readings which had been taken to ostensibly ensure that the level of the music was not too loud. As indicated to the Premises Licence Holder during the course of the hearing, decibel levels (i.e. volume) are only one factor which is taken into account in considering whether or not, in the professional opinion of a noise pollution officer, noise is considered to be a nuisance. Matters such as time of day, frequency, type and volume impact on this assessment. There are also impacts in terms of vibration which can detrimentally impact residents. It was suggested to the Premises Licence Holder that he take independent advice regarding the noise levels and to seek guidance from the Noise Nuisance team in this regard. The Sub-Committee were advised that the noise nuisance complaints which had been made by the Applicant would be investigated in due course. The Sub-Committee noted that the noise nuisance team are a responsible authority so that if they felt, following investigation and if necessary, a graduated process of enforcement involvement, that it was necessary to institute a review of the premises, that was within their authority to do so regardless of the outcome of this or any other review.

12. Whilst the Premises Licence Holder suggested that it may be for the Applicant to request that the landlord for their home consider insulation, the Sub-Committee did not consider that this was an appropriate or helpful suggestion bearing in mind that the reason the Applicant had felt the need to raise concerns was not through a change in their activities but by virtue of a change in how the premises was being operated since December 2023 under new ownership and it is for the premises licence holder to consider how they ensure that their operations do not adversely impact on the licensing objectives, including prevention of public nuisance.
13. To the extent that music – whether live (amplified or unamplified) or background - is being played beyond 11pm, such provision is licensable and the Sub-Committee is, where its discretion is engaged, able on review to take a number of actions including to modify the conditions of the licence; exclude a licensable activity from the scope of the licence; remove the designated premises supervisor; suspend the licence for a period not exceeding 3 months; to revoke the licence or to take no further action to the extent that it considers appropriate for the promotion of the Licensing Objectives. In addition, whilst ordinarily conditions in relation to live or recorded music between 8am and 11pm may not be enforceable in circumstances where the entertainment activity itself is not licensable, where the Sub-Committee are considering a review where the playing of live or recorded music is in issue, their discretion under Section 177A of the Licensing Act 2003 is potentially engaged and depending on the nature and probity of the representations, the Sub-Committee may be minded to determine that the provisions of S177A apply to the licence subject to review. If that is the case, the Sub-Committee is able to impose conditions pertaining to live and/or recorded music in relation to the premises during the period 8am – 11pm.
14. In respect of the information provided variously by the parties as to volume of noise, timings and their respective interpretations thereof, the Sub-Committee chose not to make any findings in that regard as there was no independently verifiable way in which to corroborate either parties statements and information in this regard and the accuracy or otherwise was disputed by the other. For example, the decibel reading pictures could have been taken at any time of day and the figures alongside the audio recordings taken on an iPhone were showing the length of time of the recordings and not the times of day of the recordings. The Sub-Committee did note however that the video recording from CCTV was date and time stamped although even in that regard there was some disagreement between the parties as to what this demonstrated.
15. In light of the above, the Sub-Committee considered that whilst it was not appropriate to take further action in terms of review outcomes, it was appropriate for the promotion of the Licensing Objectives to issue

an informal warning to the premise licence holder, as envisaged by paragraph 11.17 of the Statutory Guidance, to the effect that:

There is an expectation that premises licence holders work with residents and responsible authorities to ensure that the licensing objectives are supported and that the Premises Licence Holder consider how they might better engage constructively with residents, whilst appreciating that this required a willingness of residents to positively engage in this manner. In addition, regardless of the provisions on the licence, premises licence holders are responsible for ensuring that provision of regulated activities under the Act do not contravene the Licensing Objectives, including the prevention of Public Nuisance. Finally the Sub-Committee wished to remind the Premise Licence Holder about their powers under Section 177A of the Licensing Act 2003 and the ability, in appropriate circumstances, to determine that the provisions of S177A apply to a licence subject to review. Where that is the case, the Sub-Committee would then be able to impose conditions pertaining to live and/or recorded music in relation to the premises during the period 8am – 11pm which is ordinarily unregulated by the Act.

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.

11/24 **Exclusion of the Press and Public**

The following motion was moved by Councillor Cummings and seconded by Councillor Denton to exclude the press and public:

Pursuant to the provisions of regulation 14 paragraph (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public. In light of the possibility of disclosing personal data if the circulated by a party to the hearing were made available in public.

The motion was put and it was agreed by the Sub-Committee to exclude the press and public for the consideration of the video submitted by the applicant for Item 5. Licensing Act 2003 – Application for Review of a Premises Licence at The Foxley Hatch, 8-9 Russell Hill Road, Purley, CR8 2LA.

The public webcast of the meeting was paused and resumed shortly after.

The meeting ended at 11.25 am

Signed:

.....

Date:

.....

Agenda Item 6

REPORT TO:	LICENSING COMMITTEE 29 April 2024
AGENDA ITEM:	
SUBJECT:	London Local Authorities Act 1990 Application for Street Designation Order x4
LEAD OFFICER:	Corporate Director, Sustainable Communities, Regeneration & Economic Recovery
CABINET MEMBER:	Cllr. Scott Roche Streets & Environment
WARDS:	Broad Green, West Thornton, Sanderstead
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council's Corporate Policies	
FINANCIAL SUMMARY: There are no direct financial implications arising from this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS

- 1.1 The Committee is asked to determine whether to designate the sites detailed at Appendices A to D to this report for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate four (4) sites in the Borough as a 'Licence Street for street trading and the granting of a street trading licence under the provisions of the London Local Authorities Act 1990 (as amended.)

3. DETAIL

- 3.1 The London Local Authorities Act 1990 (as amended) (the 'Act') provides a legislative framework to control street trading in the Borough. Trading in respect of services as well as goods comes within the scope of the Act.
- 3.2 Licensed Street trading may only take place in streets or parts of streets which have been formally designated as "licence streets".
- 3.3 Appendices A to D to this report provide details of the designation applications. The applicants have been invited to attend the meeting.
- 3.4 If the sites outlined in Appendices A to D are formally designated as a 'licence street' by the committee then the committee will decide whether to grant a street trading licence.
- 3.5 The measurements of the display areas as outlined in Appendices A to D will allow (as applicable) for the required 2 metre clear distance between the edge of the display and the nearest item of street furniture which is the requirement for roads maintained by both Croydon Council and Transport for London (TfL).

4. CONSULTATION

- 4.1 The applications were advertised in the Croydon Guardian and brought to the attention of the police, planning, highways or TfL (as applicable), parking services and the food & safety team.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

There are no direct financial implications as a result of this report.

5.2 Risks

If an applicant is refused a licence on any of the grounds mentioned in paragraph 7.2 (a) - (g) he/she will have the right of appeal to the Magistrates' Court against the decision. The decision of the Committee may also be subject to Judicial Review.

An appeal against a decision of the Committee or a Judicial Review of the application process may present financial risks to the Council with regard to any award of costs against it.

5.3 Options

The options available are: to grant the applications, to vary the applications, with or without further conditions, or to refuse the applications

5.4 Future savings/efficiencies

There are no savings or efficiencies arising directly from the recommendations in the report.

5.5 Approved by: Flora Osiyemi, Head of Finance, Place Department.

6. LEGAL CONSIDERATIONS

LICENCE STREET

- 6.1 If the borough council considers that street trading should be licensed in an area, they may pass a resolution designating any street within the borough as a "licence street" in accordance with Section 24 of the Act.
- 6.2 The first decision which has to be made is whether to designate the particular location as a "licence street", which in turn would permit the consideration of a licence application.
- 6.3 Under Section 24 of the Act, the designation of a location as a "licence street" is at the discretion of the Committee and this decision is not subject to any direct appeal.
- 6.4 Each application must be considered on its own merits.

6.5 STREET TRADING LICENCE

If a site has been designated as a 'licence street', the committee must then decide whether to grant a licence to trade at that site – a 'street trading licence'.

7. GROUNDS FOR REFUSAL

- 7.1 Under Section 25(4) of the Act, a street trading licence:
- (a) shall not be granted:
 - (i) to a person under the age of 17 years; or
 - (ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of the Act but nothing in this paragraph shall prevent the renewal of such a licence; or
 - (iii) except where the application is made by a company incorporated

under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a body corporate or to an unincorporated association;

- (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
- (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under Sub-Section 1) (b) of Section 24 of this Act, specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;
- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons or vehicular traffic using the street.

7.2 Under Section 25(6) of the Act, the Council may refuse an application on any of the following grounds:

- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposed to trade when street trading is not taking place;
- (f) that the application is for the grant (but not the renewal) of a street trading licence; and
 - (i) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
 - (ii) the articles, things or services mentioned in the application are sold or provided at the shop;

- (g) that
 - (i) the application is for the grant (but not the renewal) of a street trading licence; and
 - (ii) the only available position in the street is within the curtilage of a shop; and
 - (iii) the applicant is not the owner or occupier of the premises comprising the shop.

7.3 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are no additional legal implications arising from the recommendations in the report other than those already set out within the body of the report.

(Approved by Sandra Herbert, Head of Litigation and Corporate law on behalf of the Director of Law and Governance and Deputy Monitoring Officer).

8. HUMAN RESOURCES IMPACT

8.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.

8.2 (Approved by: Jennifer Sankar, Head of Human Resources, Sustainable Communities Department)

9. CUSTOMER IMPACT

9.1 There are no specific customer services issues relating to these applications.

10 EQUALITIES IMPACT ASSESSMENT (EIA)

10.1 The arrangements for the Licensing Hearings seek to ensure that all applicants and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

11. ENVIRONMENTAL AND DESIGN IMPACT

11.1 There are no perceived environmental and design impacts relating to these applications.

12. CRIME AND DISORDER REDUCTION IMPACT

12.1 The Police Licensing Officer has been consulted on these applications.

13. HUMAN RIGHTS IMPACT

13.1 The Human Rights 1998 (HRA) requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. **Article 6 (A6)** of the European Convention on Human Rights (ECHR) is the right to a fair trial. The key elements of this include

- The right to a *fair* hearing;
- The right to a *public* hearing;
- The right to a hearing before an *independent and impartial tribunal*;
- The right to a hearing *within a reasonable time*.

13.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Committee to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).

13.3 So, while it is good practice to make a hearing before the Licensing Committee as A6 compliant as possible, it will not be a breach of the HRA if it is not. Further, the hearing of all applications are subject to the principles of Natural Justice and the requirement for decisions to be 'Wednesbury reasonable'.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

14.1 Protocols agreed in relation to Licensing Hearings are within the Council's Constitution and will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

CONTACT OFFICER: Michael Goddard, Head of Environmental Health,
Trading Standards and Licensing, Place
Department, ext. 28259.

BACKGROUND DOCUMENTS: Application Forms

APPENDIX A

- Applicant:** Mr Sufyan Mir
- Location:** On the highway outside 312 London Road, Croydon
CR0 2TJ
- Measurement:** The application seeks a trading area of:
Length 1.3m, Width 1.3m, Height 1.5m

The total distance of pavement between the shop front and the nearest obstruction, in this case the kerb side is 3.68m. This allows 2.38m clear pedestrian space.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix A1 shows photographs of the display and available pavement space and a diagram of the application site/area.

Proposed Times of Trading:

Monday - Saturday 9:00 am to 7:00 pm

Sunday 10:00 am to 5:00 pm

To Display: Luggage Bags & Shopping Trolleys

1. Detailed Consideration

- 1.1 A copy of the application is attached at Appendix A2
- 1.2 The application was advertised in the Croydon Guardian.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.

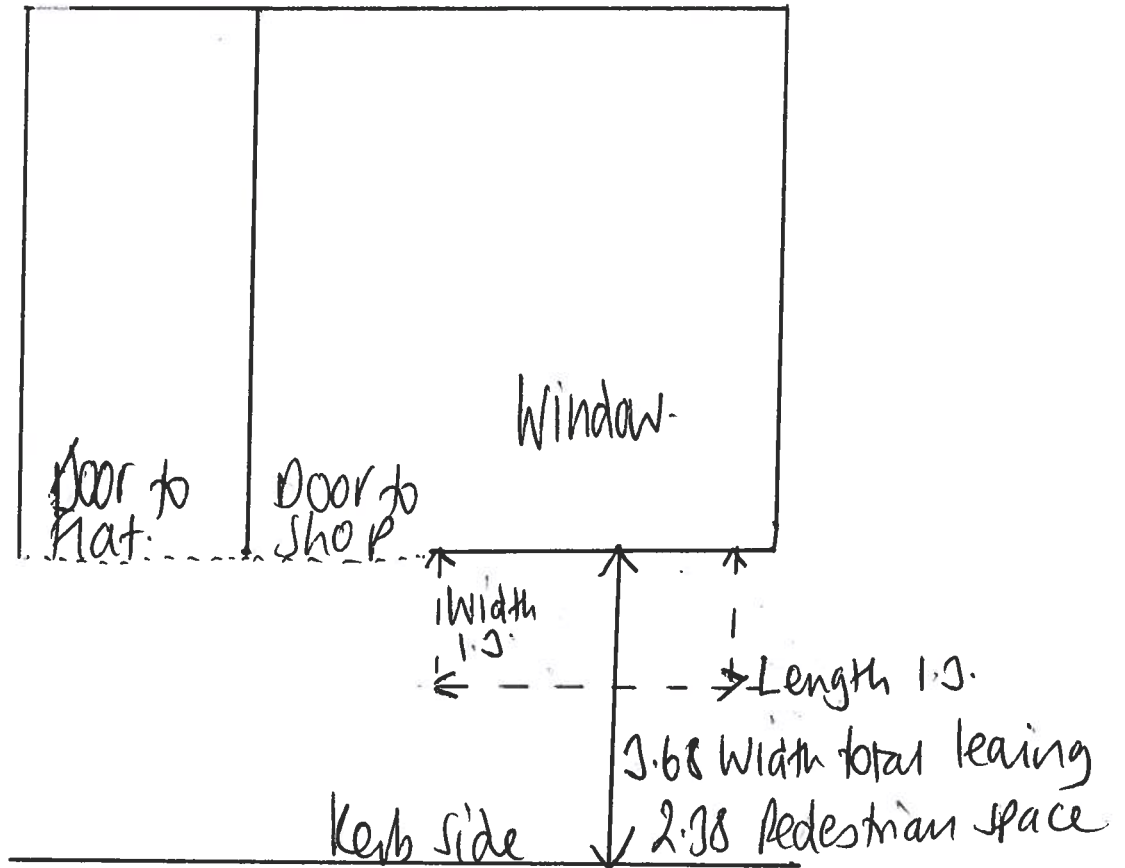
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 25.05.2024. A copy is attached at Appendix A3.
- 1.6 There are 5 existing street trading displays in the immediate area of this application, all on the opposite side of the road. These premises are marked on the plan at Appendix A4.
- 1.7 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix A5.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.







312 London Road



London Road



d) Hours that you would like to display the goods/services on the highway.

Sunday: from 10:00 to 17:00 Thursday: from 09:00 to 19:00
Monday: from 09:00 to 19:00 Friday: from 09:00 to 19:00
Tuesday: from 09:00 to 19:00 Saturday: from 09:00 to 19:00
Wednesday: from 09:00 to 19:00

c) Type of goods or services to be displayed: (Please do not leave blank)

Luggage bags and shopping trolley

4. MOBILE VEHICLE/TRAILER (ONLY for mobile trailer application (See note D) N/A

a) Address of proposed pitch

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003. (see note D)

Office Use only Premises Licence No

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

I enclose a copy of my photograph for licence purposes
Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466 / 0208 726 6000 Ext 28320 / 07707 257 161

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:

Date 19/07/23

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)
If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office Use Only Uniform No:

Receipt No: Date received:.....

**TEMPORARY LICENCE
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

HEREBY LICENCE

MR SUFYAN MIR

TO USE SITE KNOWN AS

Luggage Station & Key Cut
312 London Road
Croydon
CR0 2TJ

TO DISPLAY

Luggage, Suitcase, Bags and Shopping Trolleys

SIZE OF DESIGNATED DISPLAY

Length: 1.3m, Width: 1.3m

PERMITTED DAYS & TIMES

Monday - Saturday 9:00 am - 7:00 pm
Sunday 10:00 am - 5:00 pm

This licence is issued subject to compliance with the licence conditions attached

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.**

Date Licence Valid From: 25.05.2023

Date Licence Expires: 25.05.2024

Licence Number: 23/02181/STT

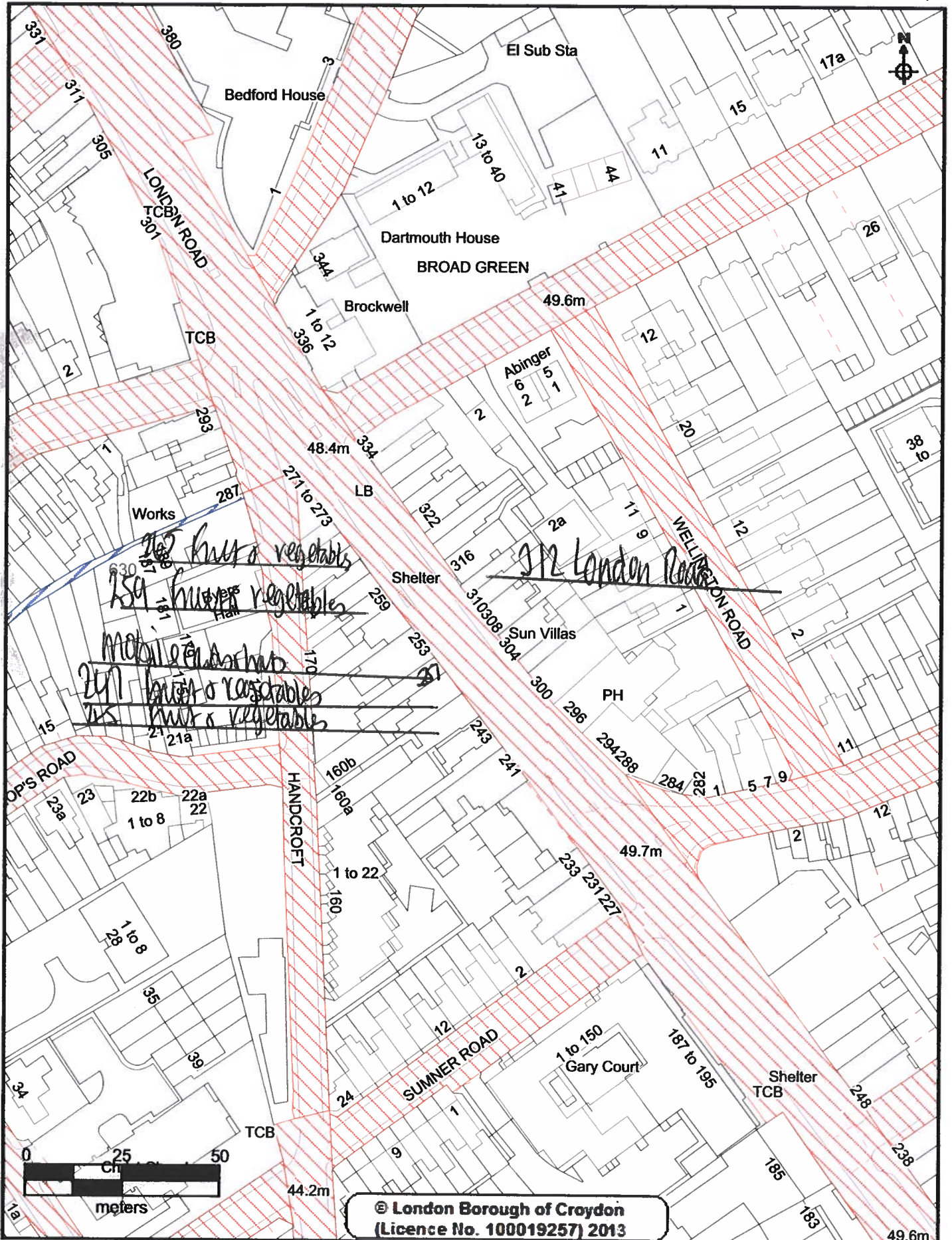


Issued on Behalf of : Licensing Manager
Place Department

Licence Conditions

Non Transport for London Maintained Roads

1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.



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www.croydon.gov.uk

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London Borough Croydon

Scale 1:1250

08-Apr-2024

312 London Road Page 117 5 Displays nearby



Sustainable Communities Department
Licensing Team
3rd Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Tel/Tvoetalk: 0208 726 6000 x 62457

Mr Sufyan Mir
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

Your Ref:
Our Ref:
Date: 26 August 2023

Dear Sir

Subject: Street Designation Order

Address: 312 London Road Croydon CR0 2TJ

I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states;-

'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.

- Entire length of London Rd

-Entire length of High St Thornton Heath

Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list. '

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

Please note that all fees paid are non-refundable should the application be refused

Yours sincerely

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~
Licensing Officer

APPENDIX B

Applicant: Mr Khalid Khider

Location: On the highway outside 40-42 London Road, Croydon, CR0 2TA

Measurement: The application seeks trading area of:

Right Side Length 1.8m, Width 90cm, Height 2m

Left Side Length 4m, Width 1.10m tapering to 40cm, Height 2m

The total distance of pavement between the shop front and the kerb at both ends is 3.6m. This allows 2.7m clear pedestrian space on the right hand side and 2.5m on the left hand side tapering to 2.2m at the narrowest point (the post).

The distance from the shop front to the post shown in the photograph is 2.60m.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix B1 shows photographs of the display and available pavement space and a diagram of the application site/area.

Proposed Times of Trading:

Monday – Thursday 8:00 am - 8:30 pm

Friday – Saturday 8:00 am – 9:00 pm

Sunday 8:00 am – 8:00 pm

To Display: Groceries & Vegetables*

*Please note - the application also lists butcher – but those goods are only displayed within the shop.

1. Detailed Consideration

- 1.1 A copy of the application is attached at Appendix B2.
- 1.2 The application was advertised in the Croydon Guardian.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 01.07.2024. A copy is attached at Appendix B3.
- 1.6 There are 10 existing street trading displays in the immediate area of this application. These premises are marked on the plan at Appendix B4.
- 1.7 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix B5.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.

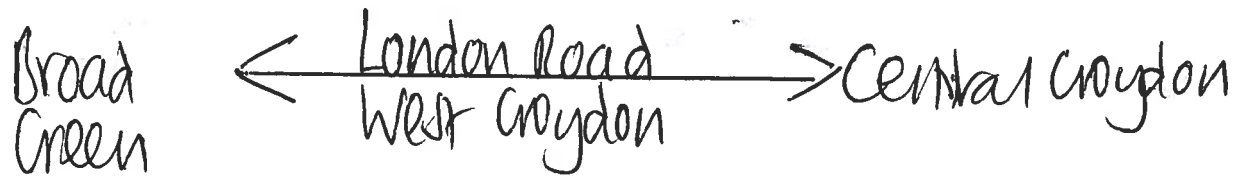
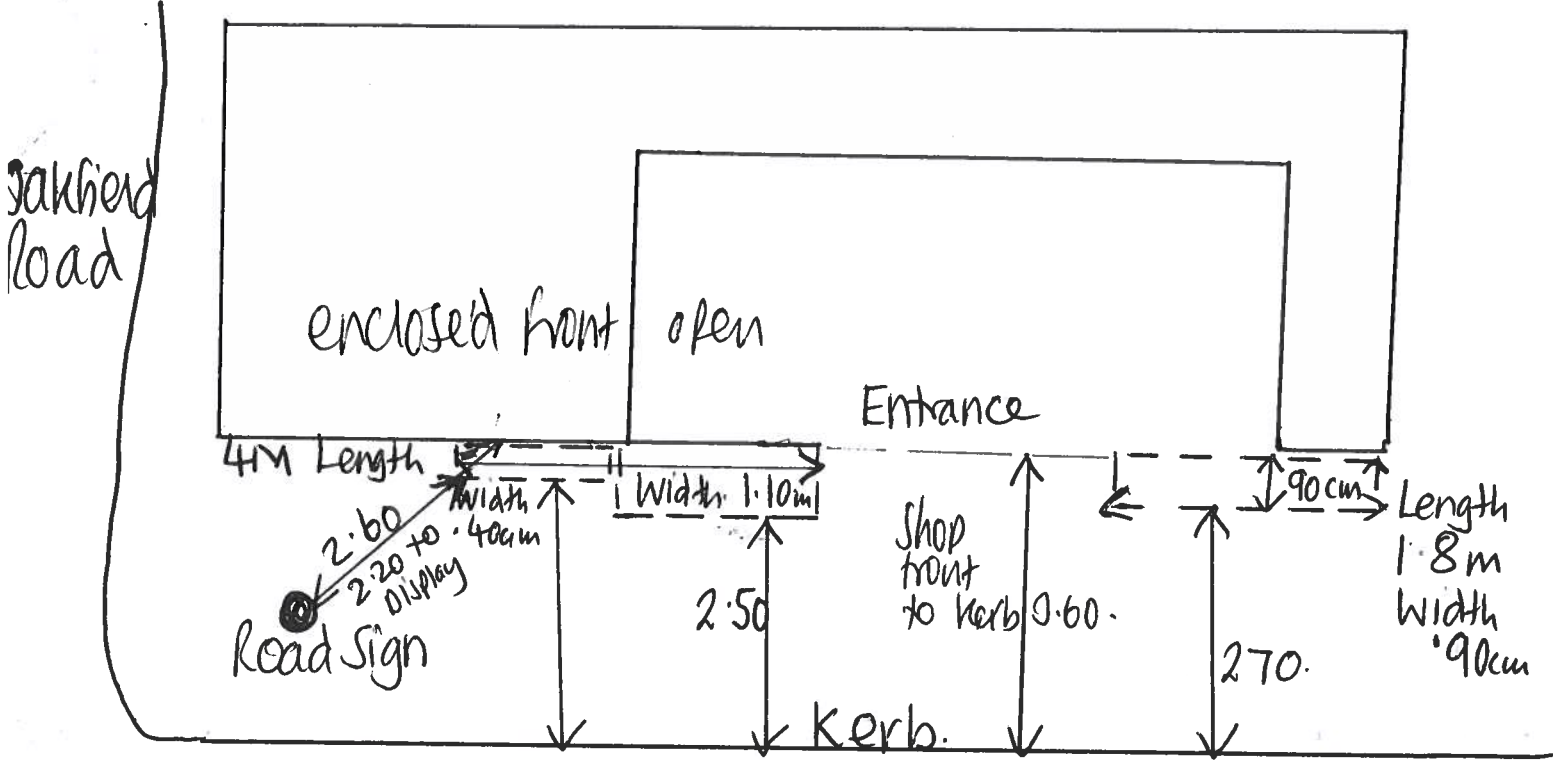








40-42 London Road



STREET TRADING LICENSING
APPLICATION FOR A STREET DESIGNATION ORDER

Return completed form to: Licensing Team, 6th Floor, Zone A, Environmental Health Trading Standards and Licensing, Sustainable Communities Regeneration and Economic Regeneration
Telephone: 020 876 6000 Ext 28320 or 07707 257161 / 07747118668 / 020 8760 5466

PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM

1. APPLICANT (see note A)

a) First Name KHALID

b) Last/Family Name KHALIDER

c) Full Home Address of Applicant ~~XXXXXXXXXXXXXXXXXXXX~~

..... ~~XXXXXXXXXXXXXXXXXXXX~~ : ~~XXXXXXXXXXXX~~

d) Home Tel No e) Mobile No ~~XXXXXXXXXXXX~~

f) E mail address: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

g) Date of Birth : ~~XXXXXXXXXX~~

2. TRADING SITE TO BE DESIGNATED (please do not leave blank) (see Note B)

a) Trading Name of Premises: WORLD OF AFRO FOODS LTD

b) Trading Address: 40-42 LONDON ROAD
CROYDON CRO 2TA

c) Business Tel No: 02033402190

3. DIMENSION OF DISPLAY AREA & TRADING HOURS (Please do not leave blank) (see note C)

a) Dimensions of display area (state whether measured in feet or metres)

Length Width Height

If Applying for both sides: Right Hand Side: Length 1.80 Width 90 Height 2m
Left Hand Side: Length 4m Width 10 Height 2m

b) Total pavement area from shop to nearest obstruction or edge of pavement
3.60 to kerb. Left hand side 2.00 from shop to post

c) Provide proof of landlords permission if renting shop or operating on private forecourt (please attach proof to application form)

d) Hours that you would like to display the goods/services on the highway.

Sunday: from 8:00 to 8:00pm Thursday: from 8:00 to 20:30
Monday: from 8:00 to 20:30 Friday: from 8:00 to 21:00
Tuesday: from 8:00 to 20:30 Saturday: from 8:00 to 21:00
Wednesday: from 8:00 to 20:30

c) Type of goods or services to be displayed: (Please do not leave blank)

BUTCHER, GROCERY and VEGETABLES

4. MOBILE VEHICLE/TRAILER (ONLY for mobile trailer application (See note D))

a) Address of proposed pitch

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)
Length.....Width.....Height.....

c) Registration No

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003. (see note D)

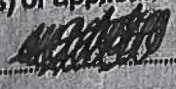
Office Use only Premises Licence No

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

I enclose a copy of my photograph for licence purposes
Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466 / 0208 726 6000 Ext 28320 / 07707 257 161

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:



Date 30/01/2024

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)
If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office Use Only Uniform No:

Receipt No:

Date received:

**TEMPORARY
STREET TRADING LICENCE**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

HEREBY LICENCE

MR KHALID KILDER

TO USE SITE KNOWN AS

World Of Afro Foods Ltd.
40 - 42 London Road
Croydon
CR0 2TA

TO DISPLAY

Groceries & Vegetable

SIZE OF DESIGNATED DISPLAY

Right Hand Side - Length 1.8 m, Width 90 cm

Left Hand Side - Length 4m, Width 1.10 m
tapering to 40cm, Height - 2m

PERMITTED DAYS & TIMES

Sunday - 8:00 am - 8:00 pm
Monday - Thursday 8:00 am - 8:30 pm
Friday - Saturday 8:00 am - 9:00 pm

This licence is issued subject to compliance with the licence conditions attached

Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times. This licence may not be transferred to any other person.

Date Licence Valid From: 01.02.2024

Date Licence Expires: 01.07.2024

Licence Number: 24/00446/STT

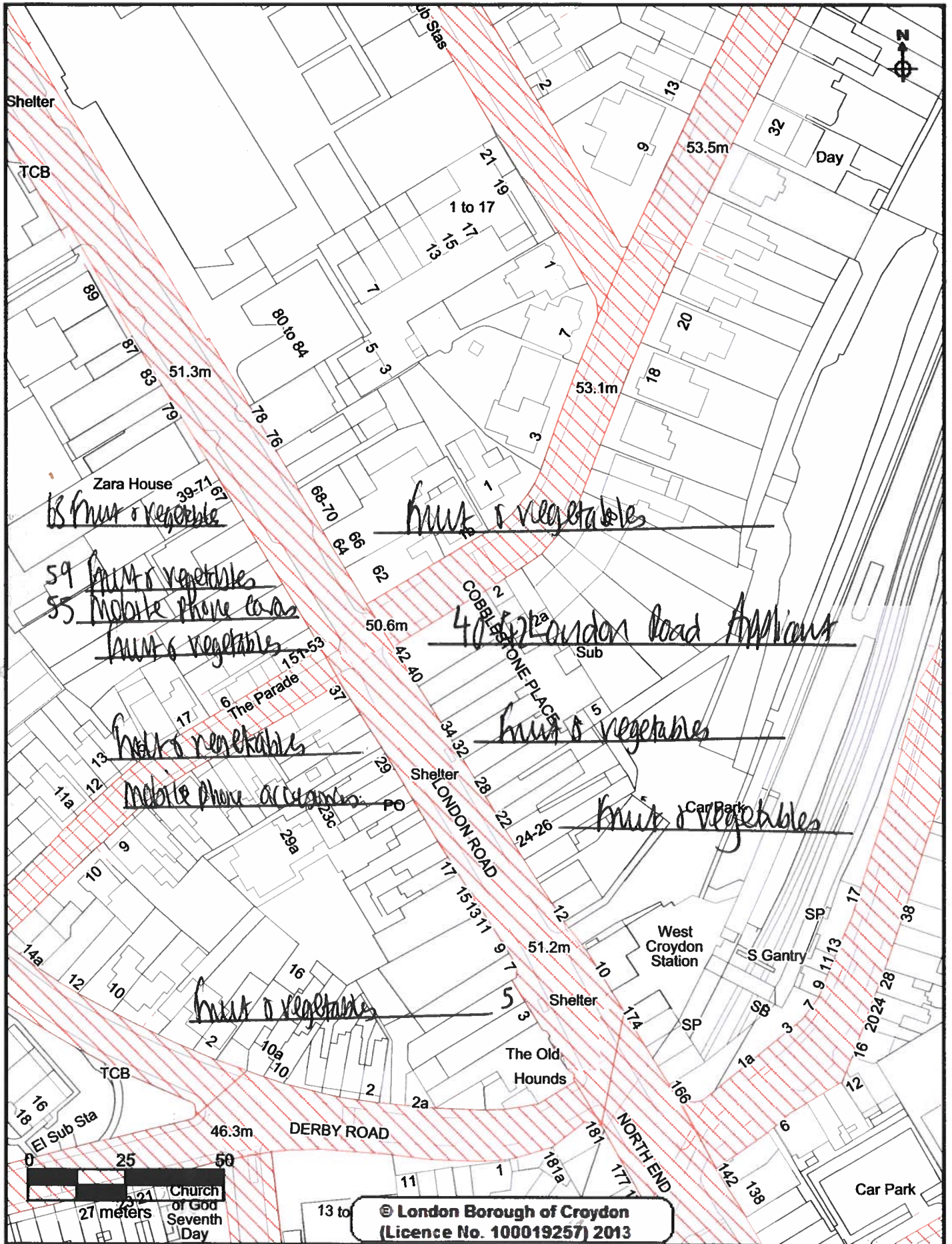


Issued on Behalf of : Licensing Manager
Place Department

Licence Conditions

Transport for London Maintained Roads

1. The licensee shall ensure that there is a minimum clear passage of **2.8 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp post etc) – whichever is the nearer to the display.
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.



CROYDON
www.croydon.gov.uk

Crown Copyright Ordnance Survey (License No: 100019257) 2011

London Borough Croydon

Scale 1:1250

40-42 London Road

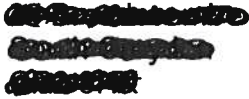
08-Apr-2024

10 Displays nearby

Sustainable Communities Department
Licensing Team
3rd Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Tel/Tvoetalk: 0208 726 6000 x 62457

Mr Khalid Kilder



Your Ref:
Our Ref:
Date: 12 April 2024

Dear Sir

Subject: Street Designation Order

Address: 40 - 42 London Road Croydon CR0 2TA

I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states;-

'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.

- Entire length of London Rd

-Entire length of High St Thornton Heath

Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list. '

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

Please note that all fees paid are non refundable should the application be refused

Yours sincerely





Licensing Officer

APPENDIX C

- Applicant:** Mr Muhammad Qureshi
- Location:** On the highway outside 8 Brigstock Parade, London Road, Thornton Heath, CR7 7HW.
- Measurement:** The application seeks trading area of:

Right Side: Length 2.55m, Width 1.20m, Height 2m
Left Side: Length 1.70m, Width 1.20m, Height 2m

The total distance of pavement between the shop front and the nearest obstruction, in this case the kerb side is 3.60m This allows clear pedestrian space 2.40m.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix C1 shows photographs of the display and available pavement space and a diagram of the application site/area.

Proposed Times of Trading:

Monday - Saturday 7:30 am to 9:30 pm
Sunday 7:30 am to 9:30 pm

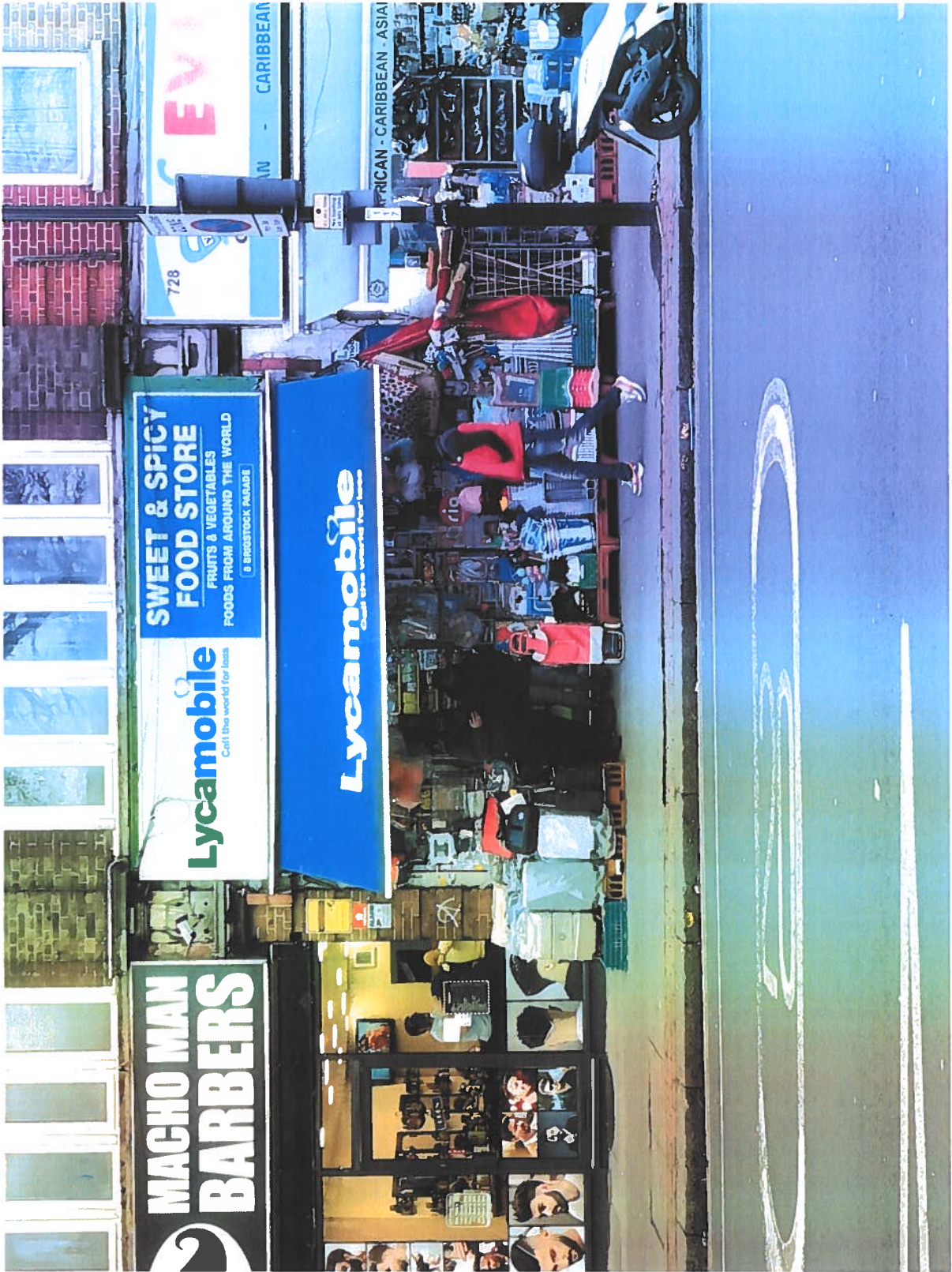
To Display: Luggage Bags & Shopping Trolleys

- 1.1 A copy of the application is attached at Appendix C2
- 1.2 The application was advertised in the Croydon Guardian.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.

- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 01.06.2024. A copy is attached at Appendix C3.
- 1.6 There are 2 existing street trading displays in the immediate area of this application. These premises are marked on the plan at Appendix C4.
- 1.7 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix C5.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.

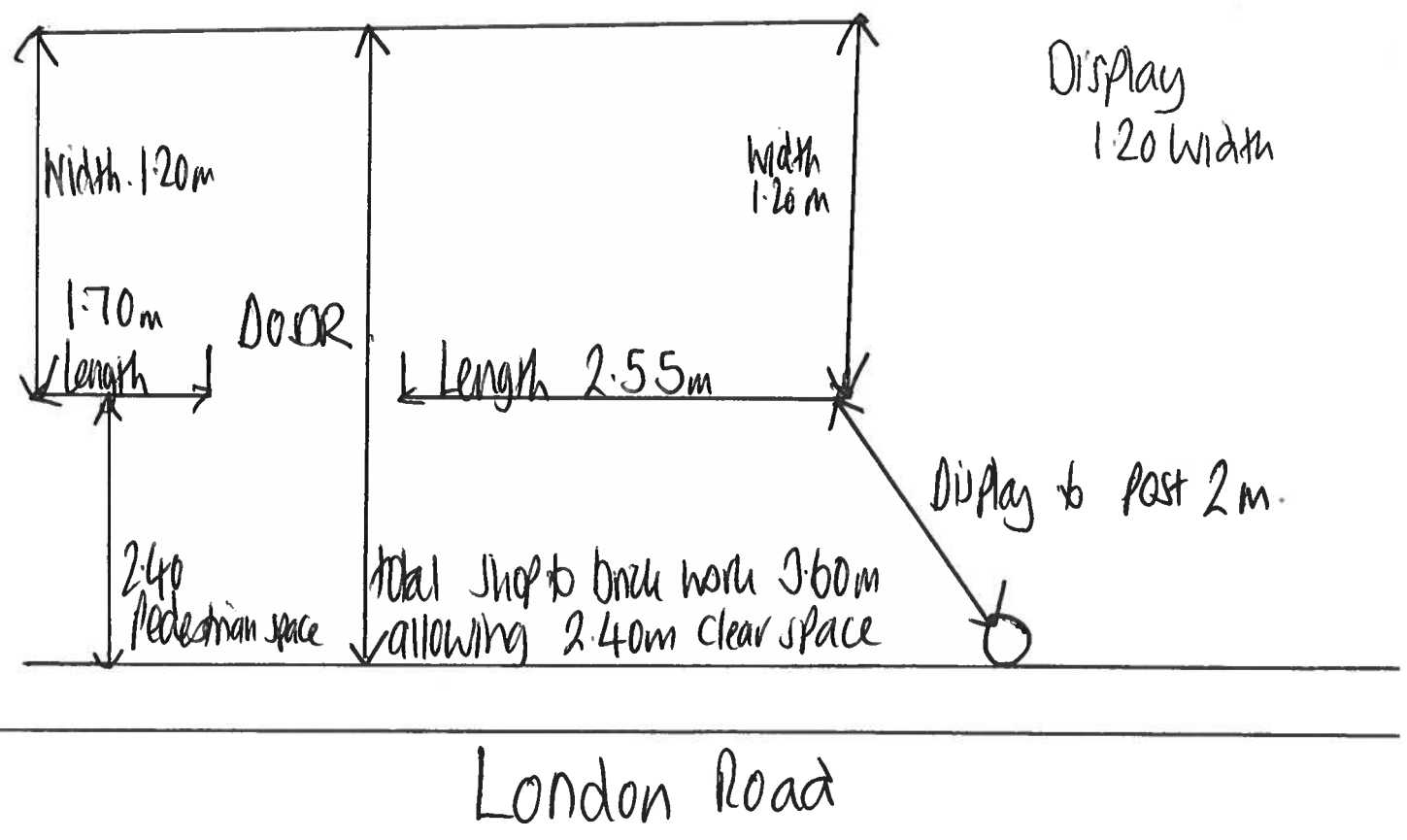






8 Brigstocke Parade London Road

728 London Road.



STREET TRADING LICENSING
APPLICATION FOR A STREET DESIGNATION ORDER

Return completed form to: Licensing Team, 6th Floor, Zone A, Environmental Health Trading Standards and Licensing, Sustainable Communities Regeneration and Economic Regeneration
Telephone: 020 876 6000 Ext 28320 or 07707 257161 / 07747118668 / 020 8760 5466

PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM

1. APPLICANT (see note A)

- a) First Name MUHAMMAD
- b) Last/Family Name QURESHI
- c) Full Home Address of Applicant [REDACTED]
- d) Home Tel No e) Mobile No [REDACTED]
- f) E mail address: [REDACTED]
- g) Date of Birth: [REDACTED]

2. TRADING SITE TO BE DESIGNATED (please do not leave blank) (see Note B)

- a) Trading Name of Premises: SWEET & SPICY FOOD STORE LIMITED
- b) Trading Address: 8 BRIGSTOCK PARADE, LONDON ROAD,
THORNTON HEATH, CR7 7HW
- c) Business Tel No : 0207 018 0133

3. DIMENSION OF DISPLAY AREA & TRADING HOURS (Please do not leave blank) (see note C)

- a) **Dimensions of display area (state whether measured in feet or metres)**
Length Width Height
- If Applying for both sides:** Right Hand Side: Length 2.55 Width 1.20 Height 2
Left Hand Side: Length 1.70 Width 1.20 Height 2
- b) **Total pavement area from shop to nearest obstruction or edge of pavement**
3.20m
- c) Provide proof of landlords permission if renting shop or operating on private forecourt
(please attach proof to application form)

d) Hours that you would like to display the goods/services on the highway.

Sunday: from 7:30 to 9:30 Thursday: from 7:30 to 9:30
Monday: from 7:30 to 9:30 Friday: from 7:30 to 9:30
Tuesday: from 7:30 to 9:30 Saturday: from 7:30 to 9:30
Wednesday: from 7:30 to 9:30

c) Type of goods or services to be displayed: (Please do not leave blank)

Luggage Bags, HOUSEHOLD ITEMS and Fruit & vegetables

4. MOBILE VEHICLE/TRAILER (ONLY for mobile trailer application (See note D)

a) Address of proposed pitch

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.(see note D)

Office Use only Premises Licence No

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

I enclose a copy of my photograph for licence purposes

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466 / 0208 726 6000 Ext 28320 / 07707 257 161

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:



Date 31/10/2023

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)

If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office Use Only Uniform No:

TEMPORARY LICENCE STREET TRADING

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

HEREBY LICENCE

MR MUHAMMAD ADNAN QURESHI

TO USE SITE KNOWN AS

Sweet & Spicy Food Store Ltd

8 Brigstock Parade
Croydon
Surrey
CR7 7HW

TO DISPLAY

Fruit & Vegetables, Bags, Suitcases, Household Item

SIZE OF DESIGNATED DISPLAY

Right - Length 2.55m Width 1.20m Height 2m

Left - Length 1.70m Width 1.20m Height 2m

PERMITTED DAYS & TIMES

Mondays – Saturdays 0800 hours - 2200 hours

Sundays 0900 hours - 2200 hours

This licence is issued subject to compliance with the licence conditions attached

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.**

Date Licence Valid From: 01.06.2023

Date Licence Expires: 01.06.2024

Licence Number: 23/02188/STT



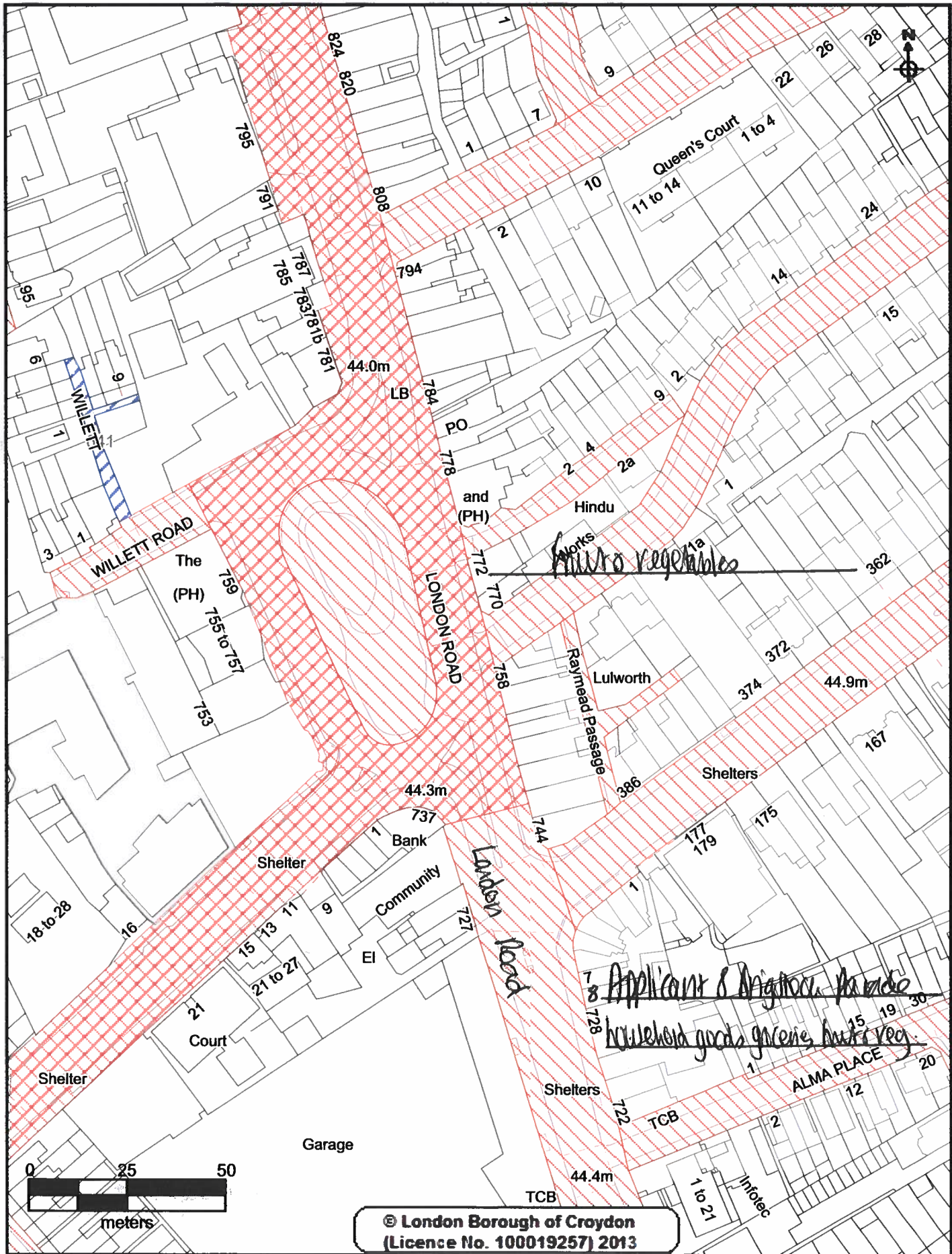
Issued on Behalf of : Licensing Manager
Place Department

Licence Conditions

Transport for London Maintained Roads

1. The licensee shall ensure that there is a minimum clear passage of **2 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp post etc) – whichever is the nearer to the display.
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.

C4



CROYDON
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London Borough Croydon

Scale 1:1250

08-Apr-2024

2 displays nearby

8 Brighton Parade London Page 142



Sustainable Communities Department
Licensing Team
3rd Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Tel/Tvoetalk: 0208 726 6000 x 28320

Mr Muhammad Adnan Qureshi

~~07700123456~~

~~07700123456~~

~~07700123456~~

Your Ref:
Our Ref:
Date: 26 July 2023

Dear Sir

Subject: Street Designation Order

Address: 8 Brigstock Parade London Road Trunk Croydon Surrey CR7 7HW

I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states:-

'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.

- Entire length of London Rd

-Entire length of High St Thornton Heath

Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list. '

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

Please note that all fees paid are non refundable should the application be refused

Yours sincerely

~~07700123456~~

~~07700123456~~

Licensing Officer

APPENDIX D

- Applicant:** MR KENAN TEZGEL
- Location:** On the highway outside Vera Grill & Bar
77-79 Mitchley Avenue, South Croydon, CR2 9HN
- Measurement:** The application seeks trading area of:
77 – RHS - Length 4.7m, Width 2.4m
79 – LHS - Length 3.5m, Width 2.4 m

The total distance of pavement between the shop front and the nearest obstruction, in this case the kerb is 4.4m for both premises. This allows 2m clear pedestrian space for both premises.

77 and 79 are divided by an entrance to the flats above the shops. The properties are joined behind the stairwell. Both 77 and 79 have bi fold windows with an entrance each.

The applicants intend to lay decking on the highway outside each premises window. This has been approved by the Highways Team. This will be a permanent fixture on what is private land with a public right of way, therefore designation is required.

Appendix D1 shows photographs of the display and available pavement space and a diagram of the application site/area.

Proposed Times of Trading:

Monday – Saturday 4:00 pm - 9:00 pm*

Sunday 12:00 pm (midday) - 8:00 pm

*These are amended hours from those shown in the original application. See 1.4 below.

To Display: Tables and chairs

1. Detailed Consideration

- 1.1 A copy of the application is attached at Appendix D2.
- 1.2 The application was advertised in the Croydon Guardian.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application.
- 1.4 Comments were made by the Police and a Ward Councillor re potential noise and closing times. The Police engaged with the applicant and the applicant agreed on amended closing times of 9pm Monday – Saturday and 8pm on Sunday and that tables and chairs would be used for eating and drinking together – not drinking only.
- 1.5 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.6 A temporary licence was made available to the applicant which is valid until 30.04.2024. A copy is attached at Appendix D3.
- 1.7 There is 1 existing street trading display in the immediate area of this application at 75 Mitchley Avenue – a Café owned by this applicant open until 4pm. This is shown on the map at Appendix D4.
- 1.8 Would the Committee please note that these premises does not fall within the Council's saturation policy
- 1.9 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.

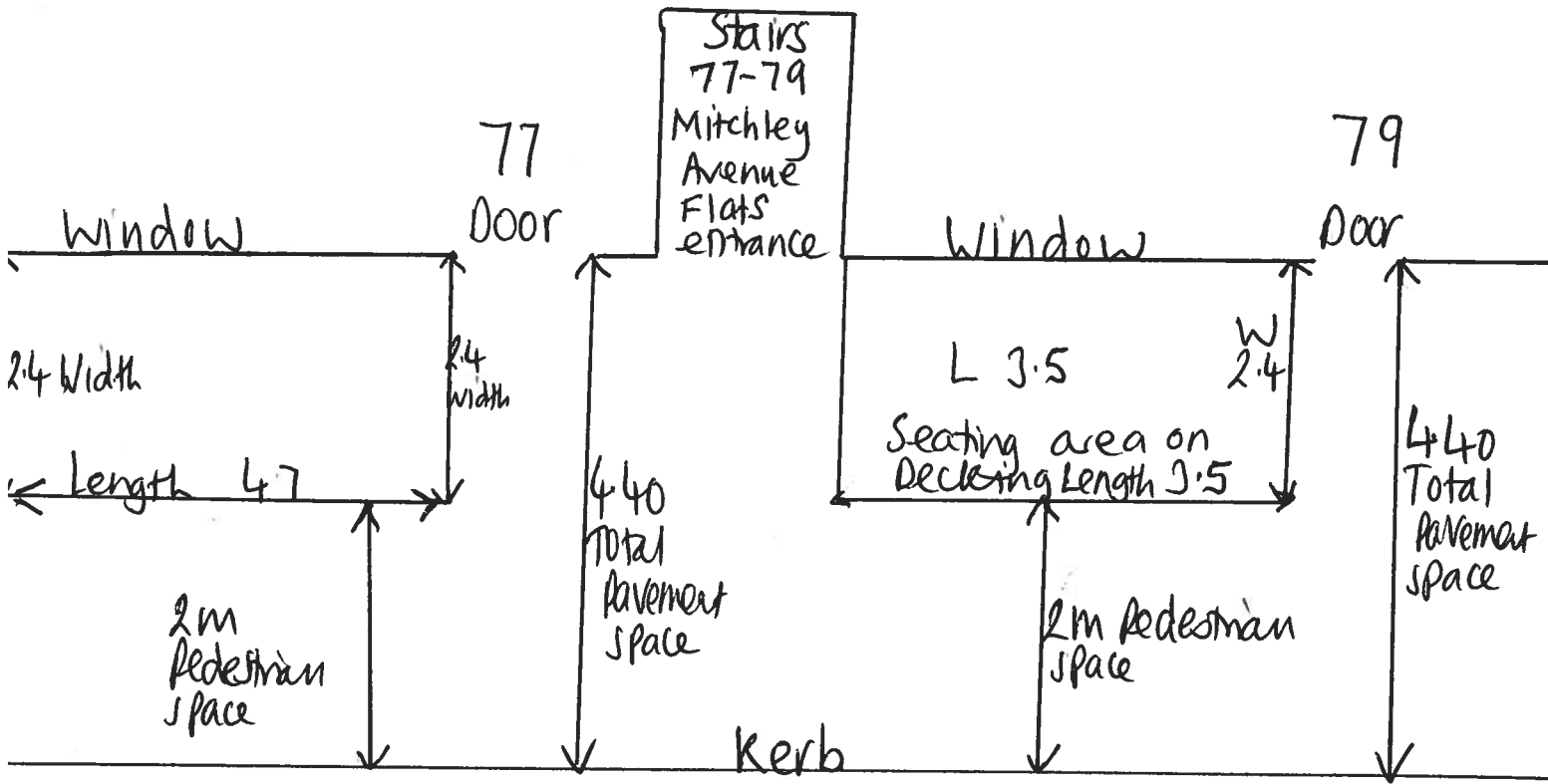












Mitchley Avenue

Purley



Sanderstead

Return completed form to: Licensing Team, 6th Floor, Zone A, Environmental Health Trading Standards and Licensing, Sustainable Communities Regeneration and Economic Regeneration
Telephone: 020 876 6000 Ext 28320 or 07707 257161 / 07747118668 / 020 8760 5466

PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM

1. APPLICANT (see note A)

a) First Name KENAN

b) Last/Family Name TEJEL

c) Full Home Address of Applicant ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~ SUNBURY ~~XXXXXXXXXXXX~~

d) Home Tel No e) Mobile No ~~XXXXXXXXXXXX~~

f) E mail address: ~~XXXXXXXXXXXXXXXXXXXX~~

g) Date of Birth: ~~XXXXXXXXXX~~

2. TRADING SITE TO BE DESIGNATED (please do not leave blank) (see Note B)

a) Trading Name of Premises: VERA
~~SAFETY~~ GRILL A BAR ~~VERA~~

b) Trading Address: 77-79 MITCHELL AVENUE
SOUTH CROYDON SUNBURY CR2 9HN

c) Business Tel No: 0204 559 9325

3. DIMENSION OF DISPLAY AREA & TRADING HOURS (Please do not leave blank) (see note C)

a) Dimensions of display area (state whether measured in feet or metres)

Length Width Height

If Applying for both sides: Right Hand Side: Length: 4:30 Width 2:40 Height:

Left Hand Side: Length: 3:50 Width: 2:40 Height:

b) Total pavement area from shop to nearest obstruction or edge of pavement
2.0 x 1.1 x 5

c) Provide proof of landlords permission if renting shop or operating on private forecourt
(please attach proof to application form)

d) Hours that you would like to display the goods/services on the highway.

Sunday from 00:00 to 00:00 Thursday from 00:00 to 00:00
 Monday from 00:00 to 00:00 Friday from 00:00 to 00:00
 Tuesday from 00:00 to 00:00 Saturday from 00:00 to 00:00
 Wednesday from 00:00 to 00:00

e) Type of goods or services to be displayed: (Please do not leave blank)

Flowers & Plants

A. MOBILE VEHICLE/TRAILER (ONLY for mobile trailer application) (See note D)

a) Address of proposed pitch:

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length: Width: Height:

c) Registration No:

d) Full days, times and days of trading:

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003 (see note D)

Office Use Only Premises Licence No:

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £285.

I enclose a copy of my photograph for licence purposes

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5488 / 0208 728 8000 Ext 28320 / 07707 257 161

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:

[Handwritten Signature]

Date 15.10.2023

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)

If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 6468

Office Use Only Uniform No:

**TEMPORARY LICENCE
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

HEREBY LICENCE

MR KENAN TEZGEL

TO USE SITE KNOWN AS

Vera Grill And Bar
77 - 79 Mitchley Avenue
South Croydon
CR2 9HN

TO DISPLAY

Tables and Chairs

SIZE OF DESIGNATED DISPLAY

Length 4.7 m, Width 2.4m

PERMITTED DAYS & TIMES

Monday – Saturday 4:00 pm - 21:00 pm
Sunday 12:00 pm - 8:00 pm

This licence is issued subject to compliance with the licence conditions attached

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.**

Date Licence Valid From: 01.09.2023

Date Licence Expires: 30.04.2024

Licence Number: 23/03054/STT

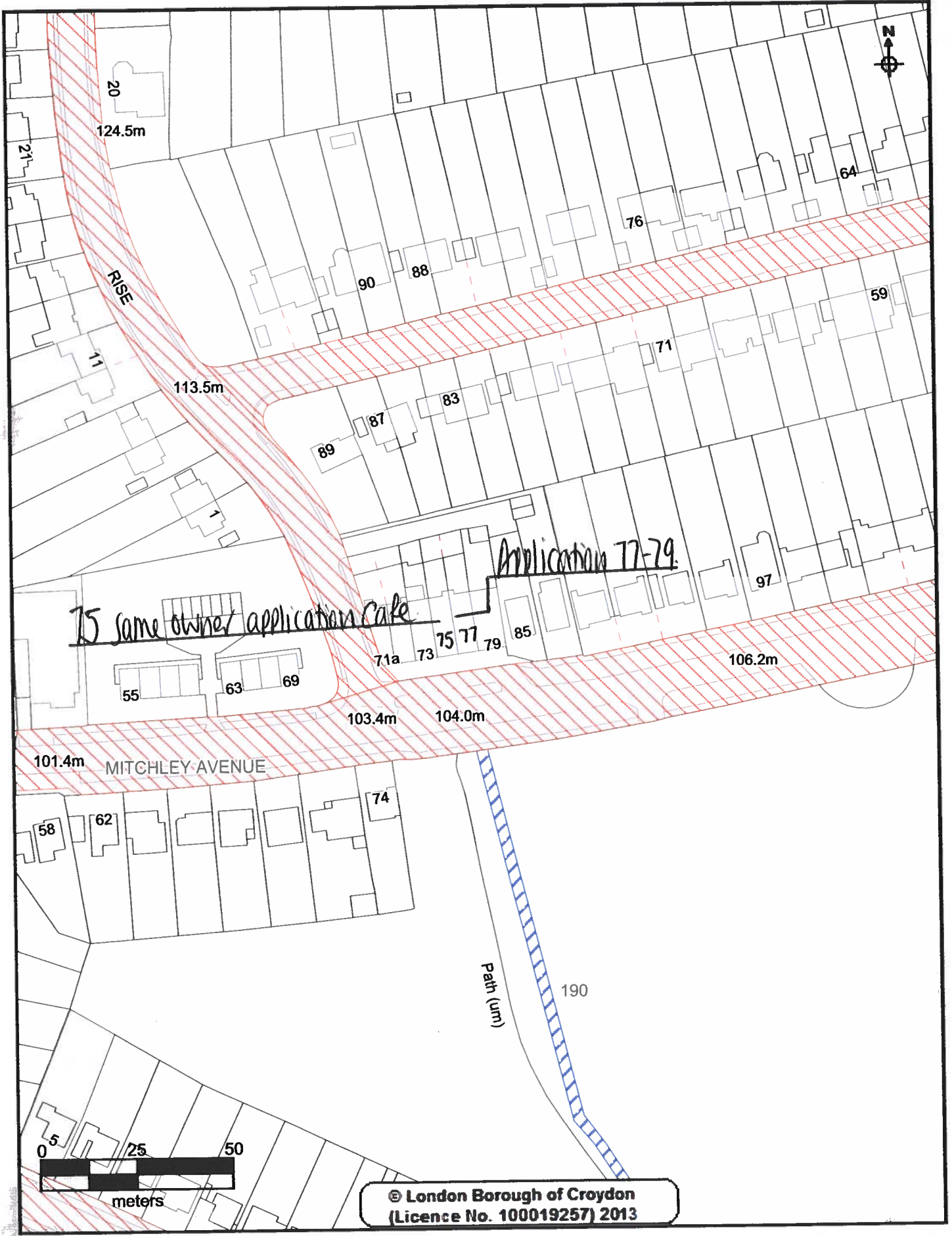
**Issued on Behalf of: Licensing Manager
Place Department**

Licence Conditions

Non Transport for London Maintained Roads

1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.

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08-Apr-2024

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