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Licensing Sub-Committee

Meeting of held on Tuesday, 5 January 2021 at 10.30 am. This meeting was held remotely.

MINUTES

Present: Councillors Pat Clouder, Robert Canning and Margaret Bird

PART A

1/21 **Appointment of Chair**

Councillor Pat Clouder nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

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

2/21 **Disclosure of Interests**

There were none.

3/21 **Urgent Business (if any)**

There were no items of urgent business.

4/21 **Licensing Act 2003: Application to vary a Premise License at 76 Westow Hill, Upper Norwood, SE19**

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

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

On 5 January 2021, the Licensing Sub-Committee considered the Application for a variation to the Premises Licence at **76 Westow Hill, Upper Norwood** and the representations received as contained in the report of the Executive Director 'Place'. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant and the objectors in attendance.

It has been noted that there were no representations received from the Police nor the Council's Safety or Pollution Teams. This is important especially as the condition which the Applicant has requested be removed (condition 8 regarding the rear outside space) was originally requested by the Pollution Team and they do not object to it being removed. It was also confirmed that the Council has not received any noise complaints regarding this premises.

It has been noted that the Applicant has withdrawn their application in respect of extending the permitted hours of the licensable activity.

During the hearing the applicant confirmed:

The premises:

- That he owns and runs a down to earth neighbourhood cocktail bar.
- His personal contact details are available to residents and there have been meetings to raise resolve issues in the past. Any issues in the future the applicant said he will be happy to resolve. He offered communicate via WhatsApp.
- This premises is not a 'loud' club, it does not play music so loud that it disturbs residents. The applicant has taken the decision that there will no live music at the venue. It did try live music (jazz/blues), but it was too loud for the neighbours. The applicant stated that he understands the noise implications and decided not to continue with live music.
- The business is not a 'party/hen-night' venue, managers and security staff ensure that guests behave appropriately (including in the rear outside space) which is to the benefit of all guests.
- He will be gaining experience of operating bars in another residential area and any lessons learned can be applied to this bar.

Clarification regarding the rear outside space:

- The size of the rear outside space is small, less than 10m/sq with capacity of about 10 people (standing) or 2 tables around 6 people in covid restrictions. There will be a proper space/numbers assessment in due course.
- There will be no access to the rear outside space the Premises from the rear outside space. There will be no risk of intruders to neighbouring houses.
- Guests will not be able to look into residents gardens and visibility will be restricted via a hedge.
- Currently guests smoke in the front of the premises, the rear outside space was used to store bins and a place for staff to use at break or after shifts (10 or so). Currently staff use the rear outside space and talk there (at all times of the night/morning), there has been no complaints about it being an issue.
- The applicant is agreeable to the number of people rear outside space being a licencing condition.
- There will be no external music in the rear outside space. It is intended to be a laid back, chilled place; a relaxing area.

- There will not be a huge number of guests in the back smoking—smoking is becoming less and less popular. There is also a roof which will act as smoke barrier and hedges will assist.

Steps in place to reduce noise nuisance:

- The managers will regularly patrol the rear outside space to ensure that guests are not being too loud.
- The security and managers will do checks regarding guest's behaviour. They operate a strict, no-nonsense policy. They will ask guests who are too loud to reduce the noise, come inside, or leave. He will ensure that the guests respect the local residents when they are in the rear outside space.
- CCTV will monitor what is happening via CCTV and there are security staff at the venue.

Additional Condition

- I am willing to have the following condition added to the licence – **The rear outside space should only be used until 23.30 thereafter, the door should be closed in order to reduce noise for residents.**

Other points

- The applicant has a policy that they will not empty bottles outside late at night in order to reduce noise for neighbours.
- Clarified that the original condition 8 was imposed on the previous licence, it was not intended for this business, rather a legacy from the Licence he took over.
- In the future the applicant confirmed that he was happy to consult neighbours more on matters such as this.

The Sub-Committee has considered this case on its merits. It notes that there are a number of other nearby local businesses which open late. It recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop. Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities. These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard has been taken on the impact that these may have in this case.

The Council Policy (p17 of agenda, paragraph 5.4.7 of Appendix A) states that “although the Council will treat each case on its individual merits, generally 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.” In this case the Applicant has agreed not to use the rear outside space after 23.30 and thereafter to close the door to reduce noise for neighbours.

The Sub-Committee are of the view that the applicant has demonstrated in their oral evidence and within their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance.

It was noted that the Applicant agreed during the meeting that the number of people permitted into the rear outside space could be the subject of a licensing condition. However, the Sub-Committee are of the view at this stage that, given the lack of evidence surrounding usage and noise levels, such a condition was not necessary.

The Sub-Committee noted that the applicant has decided not to have live music at the venue due to noise suffered by neighbours. Further, that in the past the applicant undertook an investigation and building works to discover and fix the cause of noise to neighbours. This shows the applicant has an understanding of noise nuisance and willingness to invest and resolve issues to the satisfaction of residents.

During the hearing the applicant responded to the concerns that the objectors raised and confirmed that should there be issues in the future they should contact him.

The objectors were asked whether there had been positive communication between residents and the applicant to date. They responded that they had yet to raise a complaint with the applicant. The Sub-Committee notes that the Premises Licence does require that there is close and regular liaison between residents and the owner to address complaints and concerns (condition 12). The Sub-Committee notes that the applicant seems keen to resolve issues with local residents and trusts that he will take steps to ensure that communication channels are improved upon in order for any local residents' complaints or concerns to be resolved.

Taking into consideration the above, the Sub-Committee have **RESOLVED** to **GRANT** the application with the following condition added to the Licence "**The rear outside space should only be used until 11.30 pm thereafter, the door should be closed in order to reduce noise for residents.** "

The Sub-Committee would like to take this opportunity to remind the objectors that should you be of the view that the Licensing Objectives are not being promoted or adhered to, such as the premises causes a public nuisance, you should apply for a Review of the Licence.

The Sub-Committee would also like to thank the applicant and objectors for their thoughtful contributions and the respectful manner in which the hearing was conducted.

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The meeting ended at 12.00 pm

Signed:

Date:

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