

Licensing Sub-Committee

Meeting held on Wednesday, 15 December 2021 at 10.30 am. This meeting was held remotely.
To view the meeting, please click [here](#).

MINUTES

Present: Councillor Margaret Bird

Councillors Karen Jewitt and Robert Ward

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Cliona May (Democratic Services)

Apologies: Councillor Pat Clouder

PART A

52/21 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Margaret Bird as Chair and Councillor Robert Ward seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Margaret Bird as Chair for the duration of the meeting of the Sub-Committee.

53/21 **Disclosure of Interests**

There were none.

54/21 **Urgent Business (if any)**

There were no items of urgent business.

55/21 **Licensing Act 2003: An application for a Premises Licence at 100a George Street, Croydon**

The Licensing Sub-Committee considered the Application for a Premises Licence at **Unit 1, 100a George Street Croydon, CR0 1RJ** and the representations received as contained in the report of the Interim Corporate Director Sustainable Communities, Regeneration and Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant and whilst the objector was not in attendance, the Sub-Committee did have the benefit of their written representations to consider as part of the papers.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”) and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended subject to conditions detailed below which had been offered by the Applicant and 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 considered that the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter.
2. The Sub-Committee noted that the premises are situated on George Street diagonally opposite the transport hub of East Croydon Station and Boxpark with residential premises above in two towers.
3. The Sub-Committee had regard to the fact that there were no objections from the Police or from the noise nuisance team, the former of whom had agreed a set of conditions with the applicant.
4. The applicant had, in response to discussions with the police, amended their application to reduce the hours applied for in respect of New Years Eve/Day as detailed in the report at page 9 and to include the conditions proposed and set out at Appendix A2 to the report, in their application - so that these amendments will apply to the license granted. The offered conditions will be in addition to the mandatory statutory conditions which apply to premises licenses granted under the Licensing Act 2003 which authorise the sale of alcohol and those conditions offered by the applicant as part of their operating schedule at page 38 of the agenda.
5. The Sub-Committee noted that there were other licensed premises in the area, some of which had comparable hours to those which, following amendment of the application, the applicant was seeking but were mindful that each application ought to be considered on its own merits and in light of the information presented to the Sub-Committee considering the matter and the representations before it.
6. The Sub-Committee considered that the applicant demonstrated a willingness to work with the community in operating a responsible premises which is in compliance with the legal requirements placed on an operator and that the applicant was also answerable to the management of the development in which the premises was situated and had been engaged in discussions with the development

management for some time to ensure that the premises would operate in such a manner as to not cause nuisance to the residents in the residential units above. In this regard the Sub-Committee noted that they had been advised that modular nature of the residential units and the towers themselves were specifically designed to minimize any noise nuisance from neighbours or indeed any commercial premises at the base of the towers. In addition, the Sub-Committee noted that the applicant's operating schedule had made clear that, in respect of prevention of public nuisance, a direct telephone number for management at the premises will be publicly available at all times the premises is open and be made available to residents in the vicinity to raise concerns. In addition, the area in the immediate vicinity of the premises shall be regularly cleared of rubbish.

7. 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. The Sub-Committee noted that there was concern expressed by the objector about the "winter garden" or atrium being used by patrons of the venue for smoking or gathering late into the night which would cause nuisance however the Sub-Committee also noted that the objector had indicated that residents already used the "winter garden" for smoking and gathering purposes because of smoking restrictions in the residential units and that this did not have anything to do with the venue. Furthermore, the Sub-Committee noted that as part of the Applicants' security/egress policy, the main entrance and exit of the premises will be the doors onto George Street from 11am until closing and that the door leading to the winter gardens will only be used for morning trade prior to 12 noon after which point it is to be an emergency exit only. The security/egress policy referred to by the applicant is to direct customers away from using the winter garden for smoking or waiting.
8. 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.

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The Sub-Committee wished to thank participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

56/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11:10 am

Signed:

Date: