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Licensing Sub-Committee

Meeting of held on Friday, 14 April 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillor Karen Jewitt (Chair);
Councillors Margaret Bird and Ria Patel

PART A

32/22 **Appointment of Chair**

It was **MOVED** by Councillor Margaret Bird and **SECONDED** by Councillor Ria Patel and **RESOLVED**, to:

Appoint Councillor Karen Jewitt as Chair for the meeting.

33/22 **Disclosure of Interests**

There were no disclosures of interest.

34/22 **Urgent Business (if any)**

There were no items of urgent business.

35/22 **Licensing Act 2003 - Application for a Premises License at 29 Central Parade, New Addington, CR0 0JB**

The Chair outlined the procedures for the licensing hearing in line with the Licensing Act 2003 and introduced the applicant and the applicant's agent. It was noted that the objector Cllr Pearson was unable to attend the meeting.

The Head of Environmental Health, Trading Standards and Licensing described the types of licensable activity that could be applied for and introduced the nature of the Licence Application as described in Appendix A of the reports pack. The application was for a Premises Licence for sale by retail of alcohol for consumption off the premises, Monday to Sunday, 8am to 11pm.

Officers noted the representations received from Ward Councillor, Councillor Tony Pearson, remained relevant despite him not being in attendance. The Sub-Committee was advised the application was in a cumulative impact area and the ordnance survey map provided at Appendix A4 was noted.

The Sub-Committee queried whether the premises was currently trading with a temporary licence. Officers advised the previous owner had held a licence, but this was separate from the current licence application by the new owner. There was no temporary licence and the premises was not open at present. The applicant explained that the previous owner had been evicted and had not signed the licence transfer documents, requiring a new licence application to be made.

The Committee queried the issue of the application increasing the number of licensed premises in the cumulative impact area, a key aspect of the representation made by Cllr Pearson. Officers advised as the premises had previously had a licence, if granted, this application would not add to the number of licensed premises on the parade.

The Applicant's Agent advised the Sub-Committee the Applicant also owned shops at numbers 52 and 44 on the parade and had been in the area for two years. The Applicant had consulted with Police and agreed the police conditions. The Applicant shared the posters and incident books which would support the implementation of the condition and advised the shop would create two new jobs in the area.

In response to questions from the Sub-Committee the Applicant advised it was their intention to change the name from 'Booze Bank'. The shop would be a convenience store selling food, drink and household items with the nature of the shop being convenience, not solely focused on the sale of alcohol.

In response to questions from the Sub-Committee, Officers advised the police did not typically raise positive representations, so the absence of a police report was not unusual. As the Applicant had agreed the conditions there were no further concerns from the Police.

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

LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT 29
CENTRAL PARADE, NEW ADDINGTON, CR0 0JB

The Licensing Sub-Committee considered the Application for a Premises Licence at **29 Central Parade, New Addington, CR0 0JB** 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. The Sub-Committee noted that although no objector was present at the hearing, they had the benefit of the written representations as part of the report.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Statutory Guidance (Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)) 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 the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter as well as the Cumulative Impact policy adopted by the Council which relates to high levels of alcohol-related crime and alcohol-related hospital admissions in areas where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on Central Parade, New Addington, and that there were a number of off-license premises in close proximity to the proposed premises.

2. 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 specified in the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to anti-social behaviour arising in the area due to drunkenness and the associated harms.
3. 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”.
4. 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.
5. The Sub-Committee noted that 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.
6. The Sub-Committee noted that the premises in question fall within Cumulative Impact Area 4: along the length of Central Parade, New Addington, as detailed within the Council’s Statement of Licensing Policy. The effect of this is that “where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises...there will be a presumption under the assessment that the application will be refused...The Cumulative Impact Assessment is intended to be strict, and will only be overridden in genuinely exceptional circumstances”. However, the Licensing Sub-

Committee was clear that it will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.

7. The Sub-Committee also noted that as provided by the Statutory Guidance, whilst the Cumulative Impact Policy should be regarded as a “strong statement of intent” about its approach to considering such applications, it does not “change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact”.
8. In relation to the impact of the licensable activity, the Sub-Committee noted that there was an existing premises licence held by another party, and that the premises were previously occupied as an off-licence. The Sub-Committee heard that the Applicant had requested a transfer of the existing premises licence but this had been refused by the licence-holder, and this was why the Applicant was seeking a new premises licence. The Sub-Committee also heard that the Applicant occupied two other premises on Central Parade, that there was a premises licence in respect of one of those premises, and that the Applicant considered he had a very good record of serving the local community. The Sub-Committee also heard that “Booze Bank” was the previous name of the premises in question, and that this would be changed to “Lal Food and Wine”. The Sub-Committee was reassured that the premises in question would not operate purely as an off-licence, and that it was intended convenience food and other items would be “major sellers” with off-licence sales being a “plus point”.
9. Having regard to all of the above matters, the Sub-Committee concluded it was reasonable to make an exception to the Cumulative Impact Policy, and that this would be consistent with its duty to promote the licensing objectives.

10. 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.

36/22 **Licensing Act 2003 - Application for a Premises License at Addington Park, Croydon, CR0 5AR**

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

The Head of Environmental Health, Trading Standards and Licensing described the types of licensable activity that could be applied for and introduced the nature of the License Application as described in Appendix A of the reports pack. The applicant sought the following licensable activities on Saturday 29 and Sunday 30 July 2023; Provision of Regulated Entertainment, Recorded Music 13:00 – 21:30 and Sale by Retail of Alcohol (for consumption 'on' premises) 13:00 – 21:30.

Officers noted a copy of the Event Safety Management Plan included in the application for information, this document had been to the Safety Advisory Group. Following discussions with the Police Licensing Officer and the Applicant's acceptance of the Police conditions there had been no representations received from the Police. These conditions were detailed at Appendix A3. The Applicant had also set out how they intended to meet the four licensing objectives; these would be included on the license if granted. Representations had been received for the application and were included in the reports pack.

In response to questions from the Sub-Committee officers advised the application was made by the same applicant the previous year. Charles Marriott, Vice Chair of the Addington Village Residents Association and local resident, had raised representations and was given the opportunity to speak. They advised the Sub-Committee that:

- They had submitted a report on last year's event, that it had been well run and extremely successful from a local resident's perspective. There had been very good liaison between residents and the Made in the 90s staff;
- The application anticipated increased attendance of 3100 people, therefore appropriate security measures for both onsite and offsite should reflect that increase;

- Council liaison with Made in the 90s on traffic management issues such as coning of roads should be in place and made a condition of the license; and,
- Security at the end of the roads to manage resident access and parking restrictions should be in place.

The Chair commented that it was positive to hear the previous year's conditions had been met and for the Sub-Committee to receive positive feedback on a license application.

The Sub-Committee queried the inclusion of 2021 parking photographs submitted as part of other parties' objections. Charles Marriott advised the prevention of traffic issues had been significantly improved in 2022, and that meetings between residents and the police had taken place. Traffic management had been in place and the council had provided ticketing officers and a tow vehicle.

The Applicant was given the opportunity to speak and advised that:

- Their main objective was to ensure the four licensing objectives would be met;
- There had been lots of communication with residents and the police;
- The Police conditions based on feedback from the 2022 event had been accepted;
- The event's capacity had increased to 3100 including staff. Additional measures such as fencing would be in place to manage this;
- A Community Celebration Event would take place on the Friday before the event to recognise their appreciation of the community and use of the park; and,
- An external company would be contracted to manage health and safety issues.

In response to questions from the Sub-Committee, the Applicant advised they had been in contact with the Council to adopt the same traffic management plan as in 2022. Attendees would also receive three communications in the lead up to the event instructing them not to drive. Vehicles parked on residential roads would be towed and Croydon council had a sub-contractor in place to manage the vehicle towing.

The Sub-Committee queried how the parking restrictions would be communicated with attendees. The Applicant advised that residents would receive direct communications and information at the Community event. Attendees would receive three emails prior to the event and information via the Applicant's social media pages.

The Licensing Officer noted the capacity cited within the Event Safety Management Plan was 3000, the Applicant advised the 3100 included staff. The Committee clarified the plans included provision for 200 staff, making the total attendance 3200.

Charles Marriott suggested an increased number of toilets be made available at the exit points and noted the need to ensure appropriate checks were in place when selling alcohol. The Licensing Officer advised the Sub-Committee there would be a further Safety Advisory Meeting for the event, issues such as the position of toilets and steward placement could be discussed there. The Applicant advised the toilet numbers would be significantly increased and the festival would be completely plastic free.

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

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT ADDINGTON PARK, CR0 5AR

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Addington Park Croydon CR0 5AR** 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 on behalf of the Applicant, and several objectors during the hearing. The Sub-Committee noted that although some of the objectors were 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 Act”), the Statutory Guidance (Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)) 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, 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 noted that the Applicant had sought to engage with and address concerns which had been raised by residents, well in advance of the proposed events. It was noted that during the hearing, the Applicant addressed the issues which were raised by those making representations, and addressed the questions of the sub-committee members.
2. The Sub-Committee noted there was no objection from the Police, and therefore it was reasonable to conclude the Police were satisfied with the application from a crime and disorder and public safety perspective.
3. There were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals.
4. The Sub-Committee were clear that there were a number of matters in respect of which issues had been raised but which were not 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, and littering and anti-social behaviour in the local area. Despite this, the Sub-Committee noted that the applicant was making careful plans about how to prevent/deal with illegal parking, that residents would be notified about parking restrictions and would be provided with individual security codes, and that attendees would be sent 3 emails before the event which will contain warnings about the consequences of illegal parking. In addition, it was noted that liaison between the Applicant's security team and the Council and its contractors, had been effective in relation to last year's event, and that the Applicant intended to put in place similar arrangements for the proposed event.

5. In respect of prevention of public nuisance objective, the Sub-Committee were reassured as regards the increase in number of attendees, by the proposals to erect fencing and also to provide more toilets at exit points of the events space.
6. 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”. In addition, these provisions mirror similar provisions in the Statutory Guidance which provides that “Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music”.
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 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.
8. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee’s consideration.

The meeting ended at 11.47 am

Signed:

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Date:

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