

## **Licensing Sub-Committee**

Meeting held on Wednesday, 21 August 2024 at 10.30 am. This meeting was held remotely.

### **MINUTES**

**Present:** Councillors Margaret Bird, Danielle Denton and Ian Parker

### **PART A**

#### **36/24 Appointment of Chair**

It was **MOVED** by Councillor Danielle Denton and **SECONDED** by Councillor Ian Parker and **RESOLVED** to appoint Councillor Margaret Bird as Chair of the meeting.

#### **37/24 Disclosure of Interests**

There were none.

#### **38/24 Urgent Business (if any)**

There were no items of urgent business.

#### **39/24 Licensing Act 2003 - Application For a Premises Licence at Unit 16, Addington Business Centre, Vulcan Way, New Addington, CR0 9UG**

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

The applicant's representative, Rebecca Nalwanga, was present.

Parties who had submitted representations, Kirsty Pearce and Claire Mc Gee were also present.

The Head of Environmental Health, Trading Standards and Licensing introduced the application to the Sub Committee.

The Head of Environmental Health, Trading Standards and Licensing explained that there were several responsible authorities such as the Police, the Council's trading standards team and the London Fire Brigade. There was another group, the legal term for which was 'other persons' and this included

local residents, or somebody with a business interest in the vicinity of the application premises.

The Head of Environmental Health, Trading Standards and Licensing informed the Sub Committee that responsible authorities and other persons had 28 days from when the application was received to assess the application, and if they thought that granting the application would compromise one or more of the four licensing objectives in the Licensing Act 2003, then they could make representations.

The Head of Environmental Health, Trading Standards and Licensing explained that the application sought the following licensable activities; the provision of regulated entertainment, in this case live music and recorded music from 11am until 2am; the provision of late night refreshment on Friday and Saturday from 11pm until 1.30am and the sale by retail of alcohol for consumption on the premises.

The Head of Environmental Health, Trading Standards and Licensing stated that the original application was for Sunday to Thursday at 11am until 11pm; Friday and Saturday 11am until 1.30am. The Head of Environmental Health, Trading Standards and Licensing explained that the applicant had since amended their application and no longer sought the sale of alcohol as a licensable activity from Monday to Thursday.

In response to a question from the Panel, the Head of Environmental Health, Trading Standards and Licensing explained that the police had not made representations, they had liaised with the applicant and they had proposed some conditions which the applicant had agreed to.

The first objecting party, Kirsty Pearce, was given the opportunity to speak. Kirsty Pearce advised:

- The application was detrimental to the businesses around it.
- Vulcan way was described as an industrial centre, but the actual positioning of the venue was right next to thriving businesses such as an accountancy firm and an MOT centre.
- The positioning of the actual venue was unsafe for children.
- The premises was far away from any bus stops, so if the venue had events at weekends, there was limited access to public transport.
- There was a previous venue of the same nature on the site, although it was positioned slightly differently, still had many complaints about it.
- The Safer neighbourhood team should have investigated this matter further as they would have realised that the venue that was present beforehand, which was very similar, caused a lot of public nuisance noise issues.

The second objecting party, Clair Mc Gee, was given the opportunity to speak. Clair Mc Gee advised:

- The gates to the site were locked at night, so how secure would late night events be for the businesses that were in the vicinity.
- Her business had been tied down to strict opening hours of 8am until 6pm.
- They had also stopped working on Saturdays because the neighbours were unhappy.
- As the other objector had stated, there was a precedent set with a banqueting hall which was previously on the site. Each event was complete disaster and there were several fights that happened in the middle of King Henry's Drive.
- There was food such as fish and chicken bones left in the street.
- They would often have to clean their premises on a Monday following a weekend event.
- Whilst the application had been made by different set of individuals, the same concerns remained.
- The music would not be the only issue, as there would also be people picking other people up, slamming of car doors, shouting from drunk individuals in early hours of the morning.
- The premises was the wrong area for this type of application.
- The events at the venue would be closed events for invited people.
- People attending the venue would travel by bus, coach or there would be a lot of cars coming into the area.

In response to questions from the Sub-Committee the objectors advised that there had not been any trading so far by the applicant.

In response to questions from the Sub-Committee the objector advised that they were unsure what time the gates of the site were locked but they were always locked during the evenings, so if the gates were opened until 2 or 3am then there would be no protection for those businesses during night.

In response to questions from the Sub-Committee the objector advised that there was limited parking on the site and the company who governs his space had offered permits for anyone who wished to park there. There was also a lack of appreciation for the number of units on the site.

The applicants representative, Rebecca Nalwanga, was given the opportunity to speak. Rebecca Nalwanga advised:

- The gates to the site were always open and the unit had designated parking in front of it.
- They had put measures in place to limit the impact of the noise from the venue on the neighbours, before the application was submitted.
- We initially had two units, unit 15 and unit 16.
- Unit 16 was used for storage and unit 15 was used to hold different events, such as weddings, graduation celebrations etc.
- They had been on the site for a year, and they had not received any complaints from the neighbours.
- So, if there were any issues, they had enough time to have raised it.

- Prior to submitting the application, they had contacted the licensing team and the police, who visited and had given them two temporary event notices.
- They held two events and showed the licensing team and the police the CCTV cameras.
- The licensing team and the police advised them on what they needed to change and they had implemented these changes.
- The four licensing objectives, prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm had all been taken into consideration and measures had been put in place to ensure that they were met.
- After reading the representations, they decided amend their application and Monday to Thursday would no longer have any licensable activities.
- They intended to use that the venue to hold cooperating events, Monday to Thursday.
- She had been a resident of New Addington for eight years, and her community realised that they did not have a place to gather for social events in New Addington.
- A club was not the right description of this premises. However, the type of activity may have fell into the category of a club.
- Children would not be allowed to run around the premises without the supervision of an adult.
- They had taken all the risk assessments to ensure that children were protected.
- Littering and previous incidents that have happened with different people, but this was a different business.
- They had taken previous mistakes into consideration and intended to do better.
- So we believe we have doing all the right thing not to do the same mistake as the other previous people who did mistakes in the past.
- One of the representations noted that there had been a lot of noise from the venue on one occasion.
- They explained that it was part of testing and apologised for the disturbance.
- The speakers had since been removed and now they only used normal speakers that would typically be used for events.
- They were willing to work with their neighbours to address any concerns.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that on a typical Saturday morning, they would have events such as weddings, graduations or community events such as Eid or Christmas. Rebecca Nalwanga explained that they would open at 11am however they would not expect people to arrive until 6pm, so they actually operated from 6pm onward. Rebecca Nalwanga stated that they decided to operate from 6pm onwards to enable other businesses to operate without interruption.

Rebecca Nalwanga explained that they would usually serve food and play recorded or live music for entertainment. An event would not finish after

1.30am and this would only be the case if there was a party on a Friday or Saturday.

In response to questions from the Sub-Committee Rebecca Nalwanga stated that their events had a maximum of 100 even though the venue had a capacity of 250 people.

In response to questions from the Sub-Committee Rebecca Nalwanga informed the Sub Committee that they would not have any outside entertainment, in the summer they intended to have a barbeque stove outside their unit but that was all.

In response to questions from the Sub-Committee Rebecca Nalwanga stated that they advertised among their community group on social media.

In response to questions from the Sub-Committee Rebecca Nalwanga explained that groups of 5 or 6 people could call and book a table in advance, or they could pay at the door.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that previously, they had not had an issue where they planned for 100 people to attend an event and a lot more arrived. Rebecca Nalwanga explained that they would leave an allowance when they estimated the number of people they expected to attend an event.

In response to questions from the Sub-Committee Rebecca Nalwanga informed the Sub Committee that there has not been a situation where somebody had requested their own DJ to attend an event. Rebecca Nalwanga explained that they had a DJ, so the person using the venue for an event would only have to bring their food and drinks. Rebecca Nalwanga stated that she would only supervise if there was alcohol consumption as she was the license holder.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that they would not allow guest DJ's and when the licensing team visited the premises prior to the application being submitted they advised them not to accept events where promoters used their own DJ's. Rebecca Nalwanga stated that they would make sure that there was a sound limiter in place.

In response to questions from the Sub-Committee Rebecca Nalwanga explained that one of the conditions that had been put in place stated that alcohol would be sold when food was served. Rebecca Nalwanga informed the Members that if it was a private event such as a wedding or a graduation, then they would allow people to bring their own food and drinks; these events usually did not go beyond 11pm and were normally finished by 8pm.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that if the venue was hired for a wedding party or graduation, there would not be any members of the public walking in to join the event as the venue had been privately hired on that day.

In response to questions from the Sub-Committee Rebecca Nalwanga informed the Members that they did not work every single weekend and only worked on advertised days.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that they had a designated smoking area outside which was not fenced off. Rebecca Nalwanga stated that usually if there was an event then there would be security guards outside and security guards inside. The security guards inside made sure that no one went outside with a glass bottle, so there were always plastic cups near the exit.

In response to questions from the Sub-Committee Rebecca Nalwanga stated that 10 people would be able to go to the smoking area at any one time.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that the smoking area was near the front entrance of the venue and there was a metal bin for any cigarettes.

In response to questions from the Sub-Committee Rebecca Nalwanga informed Members that before 1.30am they would make an announcement to all those in attendance that they would stop selling alcohol by 1.30am and they gave them 30 minutes to quietly leave the premises. Rebecca Nalwanga explained that security guards have always managed the dispersal of attendees, there had not been an issue with escorting attendees off the premises.

In response to questions from the Sub-Committee Rebecca Nalwanga advised that they had not received any complaints from their TEN events.

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

The Licensing Sub-Committee carefully considered the Application for a new premises licence at Unit 16, Addington Business Centre, Vulcan Way, New Addington, CR0 9UG. When considering the application, the Sub-Committee took account of the London Borough of Croydon's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery and the applicant's and objectors written and oral representations.

Having considered the application and heard from all the parties, the Sub-Committee resolved to grant the application for a new premises licence with the conditions set out below.

**Operating times:**

**Hours open to the public:**

|                     |                   |
|---------------------|-------------------|
| Sunday to Thursday: | 1100 - 2300 hours |
| Friday to Saturday  | 1100 - Midnight   |
| Supply of Alcohol   |                   |
| Friday to Saturday  | 1100 – 23:30      |
| Sunday              | 1100 – 22:30      |

**Provision of Regulated Entertainment (Live Music & Recorded Music)**

|                   |                  |
|-------------------|------------------|
| Friday & Saturday | 23:00 – Midnight |
|-------------------|------------------|

**Provision of late-night refreshment**

|                   |                  |
|-------------------|------------------|
| Friday & Saturday | 23:00 – Midnight |
|-------------------|------------------|

In addition to the conditions agreed with the Police Licensing Officer, as set out in the report to the sub committee, the sub committee also amended the condition in respect of the dispersal policy as below and imposed two new conditions, in respect of smoking outside and a noise limiter, also as below:

1. The premises shall have a written dispersal policy, which will include provision for Door Supervisors to assist with the dispersal of customers from the area to ensure that patrons leave the area quickly, quietly and in an orderly manner.
2. The premises licence holder will ensure that patrons smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that they do not create a public nuisance. Smokers will be directed to a designated smoking area and limited to 4 persons at any one time.
3. The premises shall install a sound limiter to minimise the impact of noise from the premises.

**Informative**

The applicant shall consider installing a self-closing door to limit the risk of noise escaping from the premises.

**Reasons**

The committee gave serious consideration to the submissions made by the applicant and to the concerns raised by the objectors. The committee was satisfied that the licence should be granted and that the above conditions were appropriate and proportionate and would ensure that the licencing objectives were upheld.

Although the premises are in a light industrial area they are near residential premises. The committee was keen to ensure that the premises takes steps to avoid causing a nuisance to nearby residents by noise from the premises.

Appropriate conditions have therefore been included, to promote the licencing objective of the prevention of public nuisance.

The committee acknowledged that the applicant had accepted several conditions suggested by the Metropolitan Police and had also proposed a number of conditions of themselves to address some of the residents' concerns.

The committee only made its decision after having heard from all the parties.

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

40/24 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 11.46 am

**Signed:**

**Date:**

.....  
.....