

Licensing Sub-Committee

Meeting held on Wednesday, 8 December 2021 at 10.30 am. This meeting was held remotely.
To view the meeting, please use this link - [here](#).

MINUTES

Present: Councillor Karen Jewitt

Councillors Maddie Henson and Robert Ward

Also

Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) & Jayde Watts (Trainee Democratic Services Officer).

Apologies: Councillor Pat Clouder

PART A

47/21 **Appointment of Chair**

Councillor Maddie Henson nominated Councillor Karen Jewitt as Chair and Councillor Robert Ward seconded the motion.

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

48/21 **Disclosure of Interests**

There were none.

49/21 **Urgent Business (if any)**

There were no items of urgent business.

50/21 **LICENSING ACT 2003 - Application For a Premises Licence at 83-84 High Street, South Norwood, SE25**

The Licensing Sub-Committee considered the Application for a Premises Licence at **Oceanic Bar, 83-84 High Street South Norwood, SE25 6EA** and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant and Parties to the hearing prior to the hearing and incorporated in the supplementary information published as an addendum to the report. The

Sub-Committee also considered photographs and a video submitted by the Parties which was considered in private session.

The Sub-Committee also considered the representations made by the Applicant and the objectors and their representatives during the hearing.

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 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 the High Street in 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 and two blocks of flats to the rear in reasonable proximity. The immediately surrounding area includes both residential and commercial premises.
3. The Sub-Committee had regard to the fact that there were no objections from the Police or from the noise nuisance team, both of whom had agreed sets of extensive conditions with the applicant.
4. The applicant had, in response to discussions with the police and the noise nuisance team amended their application in two important respects – to reduce the hours applied for as detailed in the report at page 9 and to include the numerous conditions proposed and set out at Appendix 2 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.
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. In this regard the Sub-Committee noted for example that the applicant has offered as part of their conditions to have SIA authorised door supervisors at the premises and applicant described how their door supervisors will monitor and address issues which might otherwise result in public nuisance, for example the management of smoking which the applicant indicated would take place to the rear of the premises. In addition the Sub-Committee noted that the premises had put in place a noise limiter which has been set by the noise nuisance team to appropriate levels and had expended the cost of sound proofing the venue, both of which are designed to reduce the negative impact of noise on those in the vicinity of the premises. The Sub-Committee also noted the applicants willingness to engage with and work with residents should issues arise around noise as explained to the Sub-Committee during the hearing.

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 about the parking situation on the high street and surrounding roads. The Sub-Committee were mindful that parking and the provision thereof is not one of the licensing objectives but that the objective engaged is around public nuisance as it pertains to the provision of a licensable activity. There were, according to representations before the sub-committee, existing and current issues with parking in the area however, currently the premises is not providing a licensable activity under the Licensing Act therefore the parking issues in the area and surrounds could not be attributable to a failure by this premises to address the licensing objectives in the provision of a licensable activity – these are pre-existing issues which ought properly to be addressed by regimes other than Licensing. Despite this, the sub-committee noted that the applicant demonstrated a willingness to manage arrival at and departure from the premises to reduce negative impacts on the prevention of public nuisance objective when they are providing licensable activities.
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.

9. Whilst the Sub-Committee were aware that the area in which the premises is situated is within what the Council's Statement of Licensing Policy terms a "special stress area", where concerns had arisen about the number of premises authorised for off sales (in other words sale of alcohol for consumption off the premises), the Sub-Committee was clear that this was not an application for off sales but for on sales (sales of alcohol for consumption on the premises) and therefore did not engage with the special stress area. In addition the Council had not taken the step to adopt a cumulative impact policy in relation to the area under consideration and this did not therefore impact their decision making.

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.

51/21 **Exclusion of the Press and Public**

The following motion was proposed to exclude the press and public during the course of a meeting:

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 photographs circulated by a party to the hearing were made available in public, members of the committee will be asked to agree to exclude the public from the hearing to enable members to view the photographs on the basis that doing so outweighs the public interest in that part of the hearing taking place in public.

The meeting ended at 11:45 am.

Signed:

Date: