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Licensing Sub-Committee

Meeting held on Friday, 15 July 2022 at 10.30 am. This meeting was held remotely.

MINUTES

Present: Councillor Christopher Herman (Vice-Chair);
Councillors Margaret Bird and Nina Degrad

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

PART A

96/22 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Christopher Herman as Chair and Councillor Margaret Bird seconded the motion.

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

97/22 **Disclosure of Interests**

There were none.

98/22 **Urgent Business (if any)**

There were no items of urgent business.

99/22 **LICENSING ACT 2003 - Application For a Premises Licence at 890 London Road, Thornton Heath, CR7 7PB**

The Licensing Sub-Committee considered the Application for a Premises Licence at **890 London Road, Thornton Heath, CR7 7PB** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the further information submitted by the Applicant in support of the Application, representations made on behalf of the Applicant by their representative, and representations made by an objector during the hearing. The Sub-Committee noted that although the other objectors were not present at the hearing, they had the benefit of the written representations as part of the report. The Sub-Committee also noted that in relation to Representation (4) – Signed Petition, as only 2 persons had consented to the disclosure of their names and addresses, the Petition should be treated as 2 valid representations only.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Licensing Act 2003 Statutory Guidance, and the Council Licensing Policy, **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 the A23 in a parade of shops with a primary school diagonally opposite the premises. There was a petrol station and large retailer on the other side of the road. The Sub-Committee heard 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 is suggested by 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.
5. 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.

6. 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 a cumulative impact area 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 special policy that the application will be refused. The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Sub-Committee was clear that it considered each matter on its own merits and did not apply this policy inflexibly. 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 its intent about its approach to considering such applications, it does not change the fundamental way that licensing decisions are made, and it is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the Applicant can demonstrate that they would not be adding to the cumulative impact.
8. In relation to the impact of the licensable activity, the Sub-Committee noted the premises were a small, family run specialist convenience store selling Sri Lankan groceries, modest hours were proposed (0900 – 2200), and the Applicants had offered extensive conditions in the Application, including all alcohol products will be displayed from behind the counter and there will be no self-service of alcohol product, and no more than 10% of the sales area shall be used at any one time for the sale etc. of alcohol.
9. The Sub-Committee also noted that in the Statement of Licensing Policy, it is recognised that the diversity of premises selling alcohol covers a wide range of contrasting styles and characteristics and full regard will be had to those differences and the differing impact these will have on the local community. In this respect, the Sub-Committee noted a level of support from local residents indicated by the petition presented by the Applicant.
10. 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.

11. 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.

100/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.19 am

Signed:

Date:

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