

LICENSING SUB-COMMITTEE

Meeting held on Wednesday 1st April 2015 at 6:30pm in Room F10, the Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES - PART A

Present: Councillors Jane Avis, Maddie Henson and Sue Winborn.

Apologies: None

A12/15 DISCLOSURE OF INTEREST

None.

A13/15 URGENT BUSINESS (IF ANY)

None.

A14/15 EXEMPT ITEMS

None.

A15/15 LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE: 235 KING HENRY'S DRIVE, NEW ADDINGTON, CROYDON CR0 0PS

This is the reconvened hearing of the Licensing Sub-Committee which was adjourned from 11th March 2015 to tonight.

The Licensing Sub-Committee considered the application for a premises licence at PHIPPS HOUSE 239 KING HENRY'S DRIVE, NEW ADDINGTON, CR0 0PS and the representations received from three responsible authorities, residents, a ward councillor, the Applicant and his representatives as contained in the report of the Executive Director of Development & Environment.

The Sub-Committee also considered the verbal representations made at the hearing by the responsible authorities, residents; ward Councillor and the Applicant and his representatives.

In the course of the hearing the applicant amended his application as follows:

To alter the hours requested so that the proposed hours of operation of the premises, if the licence were granted, would be:

Monday to Thursday 18h00 – 23h00
Friday and Saturday 18h00 – 03h00 on the following days
Sunday 18h00- midnight

The Sub-Committee, having reference to the four licensing objectives of the Licensing Act 2003 and the Council Licensing Policy RESOLVED to **REFUSE** the Application on the basis that the Sub-Committee was not satisfied that it would support the licensing objectives, of the prevention of public nuisance and promotion of public safety, to grant the premises licence. In reaching this decision, the Sub-Committee had particular regard to the following matters:

1. The officers of the responsible authorities raised serious concerns about the safety and suitability of the proposed premises as a place of public assembly or public entertainment venue for the purposes of the Licensing Act 2003. The concerns raised relate predominantly to the access to and egress from the venue given the number, location and width of the existing fire safety doors which would not, in the officers' professional views, permit safe evacuation of patrons in the event of an emergency. Particularly these concerns included:

- the need for fire doors to open in the direction of travel for evacuating patrons,
- the need for “crash bars” on the doors
- the need for additional/wider fire doors
- concerns that the main gates had no provision for being locked in the open position when the premises were in use by patrons, with the potential hindrance to access by emergency services or egress by patrons;
- lack of guard or hand rails,
- trip hazards,
- lack of provision for disabled patron's adequate access or egress,
- the need for ramps on some exits,
- the lack of appropriate procedures and emergency plans,
- sufficiency of emergency evacuation routes, lighting and signage
- the fact that the CCTV was a “passive” rather than “reactive” system raising concerns that it would not act as a preventative measure in respect of public safety
- the number of patrons proposed to be accommodated at the premises and
- concerns about keeping corridors, some of which are shared with other tenants (the majority of which are commercial undertakings) of the building, clear.

2. Whilst the Sub-Committee noted that the Applicant was proposing

a number of measures to mitigate the risks which the responsible authorities and the London Fire Brigade had raised regarding the premises in relation to public safety, the Applicant acknowledged that these measures are yet to be completed. Whilst the Sub-Committee appreciates that the Applicant appears to wish to comply with the requirements which the responsible authorities and the London Fire Brigade consider are necessary for the safety of patrons, the Sub-Committee has to consider the premises suitability in light of the licensing objectives as at the time of the hearing, not in light of proposed works which may or may not eventuate. The Sub-Committee's consideration of this aspect may well have been different if the Applicant had applied for a Provisional Statement pending completion of the necessary works as such an application is designed to deal with circumstances where an operator is undertaking or proposing works to make the premises suitable for Licensing purposes – however the Sub-Committee was considering this matter as a premises license application.

3. The premises are part of a commercial unit situated within an industrial estate which borders on a residential area and which is overlooked by some of the residents who have made representations in relation to the application. The Council's pollution officer advised, and the Sub-Committee accepted, that given the very low noise levels that currently exist in the neighbourhood at night and the close proximity of local residents' homes to the proposed premises it would be extremely difficult to mitigate against noise nuisance being caused to residents of the locality. The Sub-Committee also noted, from the evidence of the residents, that their homes were far closer to the proposed premises than had been indicated by the Applicant and as such, noted their concerns that they were more likely to experience noise nuisance as a result of their close proximity.

4. The Sub-Committee had particular regard to whether they were able to impose conditions which could permit the premises licence to be granted and operate within the requirements of the licensing objectives. The Sub-Committee was mindful that the Applicant had agreed conditions with the Metropolitan Police to cover their concerns around the reduction of crime and disorder objective in the event that the Sub-Committee were minded to grant the application. The Sub-Committee also considered that there were no specific concerns raised around the protection of children from harm objective. The Sub-Committee therefore restricted its consideration to whether conditions around public safety or prevention of public nuisance were appropriate as an alternative to refusal of the application. In doing so, the Sub-Committee noted that that statutory guidance indicates that the Sub-Committee, in imposing conditions, should be mindful of the potential burden which imposing conditions might have on the Applicant. The Applicant provided evidence to the Sub-Committee that the numerous measures which the responsible authorities had indicated were required in order to reduce the risks

to both public safety and prevention of public nuisance would result in

significant expense. The Sub-Committee was however mindful that the concerns which had been raised, in particular around public safety, were not inconsequential and the Sub-Committee was not satisfied that imposing conditions around all the works required to ensure that the Public Safety objective was met would be appropriate in the circumstances. In addition, the Sub-Committee considered that the costs of implementing conditions which might reasonably be required to prevent public nuisance in an area of such low level night time noise, could effectively amount to a refusal and as such would not be proportionate or appropriate in the circumstances.

A16/15 CAMERA RESOLUTION

Not required.

MINUTES - PART B

None

The meeting concluded at 8:30pm