

## Licensing Sub-Committee

Meeting held on Tuesday, 9 November 2021 at 10.30 am. This meeting was held remotely, to view the meeting please click [here](#).

### MINUTES

**Present:** Councillor Robert Canning (Chair)  
Councillors Maddie Henson and Robert Ward

**Also**

**Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Butta Singh (Corporate Lawyer); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

**Apologies:** Councillor Simon Brew

### PART A

42/21 **Appointment of Chair**

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

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

43/21 **Disclosure of Interests**

There were none.

44/21 **Urgent Business (if any)**

There were no items of urgent business.

45/21 **LICENSING ACT 2003 - Application For a Variation to a Premises Licence at 35 Westow Street, Upper Norwood, SE19.**

*The recording of this meeting can be view by clicking [here](#).*

*Following the item being heard the Licensing Sub-Committee's decision was:*

The Licensing Sub-Committee considered the variation application for the Premises Licence at **35 Westow Street, Upper Norwood, SE19 3RW** contained in the report of the Interim Executive Director 'Place' and circulated prior to the meeting.

After considering the information received during the application process along with hearing from the Applicants and Other Persons at the meeting, the Sub-Committee having regard to the licensing objectives under the Licensing Act 2003 (“the Act”), the statutory guidance issued under S.182 of the Act and the Council’s Statement of Licensing Policy, **RESOLVED** to **GRANT** the variation application for the existing premises licence.

In summary, the Sub-Committee accepted that the Licensing Objectives would not be undermined by the premises licence being varied. The application has been granted with the following amendment and additional conditions, notwithstanding those set-out within Appendix A1 and A3 of the Report;

i) Amendment to the application:

The sale and supply of Alcohol, Recorded Music and Late Night Refreshment will cease 30 minutes before the terminal hour each day, to allow for a drinking and eating up time along with a winding down period before the premises closes.

ii) Additional Conditions:

1. Any background music played in the outside area must be at level that allows for a face to face conversation at a normal speech level.
2. There shall be no music played in the outside area after 22:00 hours.

Reasons for the decision:

The Sub-Committee, took into account the following reasons, when making their decision:

1. The information provided both before and at the hearing assisted the Sub-Committee in clarifying the type of operation along with how the premises is currently run.
2. It was noted that no Responsible Authority had either made and/or maintained any representation subsequent to the application being made. The Sub-Committee noted that discussions had taken place with the police during the application process, which resulted in the proposed additional conditions being presented within appendix A3 of the Report.
3. In making their decision the Sub-Committee duly noted the concerns raised by the Other Persons, as to the perceived public nuisance and crime and disorder that may arise with the granting of the additional hours in addition to the history of interaction with the premises during its operational hours.

4. Concerns of 'licence creep' and longer hours that other premises had in the area were also noted, along with the issues of nuisance caused by patrons in the area in terms of 'people traffic' and 'people noise'. However, the Sub-Committee in making their decision, were primarily concerned with considering the merits of this application and whether the granting of longer licensable hours would in itself undermine the licensing objectives.
5. As such, having regard to issues and concerns raised, the Sub-Committee were satisfied that the premises had operated in a largely responsible manner and when required had appropriately engaged with residents in the area.
6. The Sub-Committee also noted the necessary steps that had been taken, by way of measures and polices, to demonstrate the premises was operating in accordance to the licensing objectives. This included a;
  - a) Search Policy
  - b) Dispersal Policy, and
  - c) Noise Management Policy
7. The Sub-Committee also took into account that the premises operated with a considerable number of staff during both weekdays and weekends, with around 30 staff being employed at various points in the week along with the premises mainly operating by way of providing table service.
8. It was also acknowledged that the Premises had operated with a number of Temporary Event Notices until 02:00 hours without any issues and that without these additional hours being granted, on a permanent basis, the venue would continue to lose custom by patrons simply moving on to other premises in the area with later hours.
9. The approval of the application may consequently assist with any public nuisance concerns in terms of keeping patrons from this premises at one location rather than them moving from one premises to another
10. The Sub-Committee felt with the measures and polices in place, overseen by the current management and personnel, as outlined above, in addition to the continued open engagement and communication with local residents in the area, the licensing objectives would not be unduly undermined.

It is for these reasons, as set-out above, that the Sub-Committee approved the application to vary the premises licence having regard to the promotion of the four licensing objectives.

Public Informative:

.....

It should be noted for the public record that the Sub-Committee expect the premises to continue operating mainly by way of providing a table service with vertical drinking being kept to a minimum, particularly in the later hours. The Sub-Committee also accepted the need for the management to be more proactive to prevent any future noise and/or other nuisance from re-occurring, rather than just being reactive to any issues raised. It is hoped that such proactive management and effective lines of engagement with residents will avoid the licensing authority having to ever get involved and/or take any relevant action.

However, the Sub-Committee would like to take the opportunity to remind all parties, particularly residents that should they be of the view that the Licensing Objectives are not being promoted or adhered to, such as the premises causes a public nuisance, they should contact the Licensing Authority or can ultimately apply for a Review of the Licence in their own right.

46/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.50 am

**Signed:**

**Date:** .....

# Public Document Pack

## Licensing Sub-Committee

Meeting of held on Tuesday, 8 March 2022 at 10.30 am in This meeting will be held remotely and can be viewed [here](#).

### MINUTES

**Present:** Councillors Robert Canning, Karen Jewitt and Margaret Bird

**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).

### PART A

63/22 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

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

64/22 **Disclosure of Interests**

There were none.

65/22 **Urgent Business (if any)**

There were no items of urgent business.

66/22 **LICENSING ACT 2003 - Determination of Personal Licence following conviction for a relevant offence**

*Following the item being heard the Licensing Sub-Committee's decision was:*

The Licensing Sub-Committee considered the determination of Personal Licence following conviction for a relevant offence and the representations received as contained in the report of the Interim Corporate Director,

Sustainable Communities, Regeneration & Economic Recovery, Culture & Community Safety.

The Sub-Committee also considered the representations made by the personal license holder during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the Statutory Guidance and the Council Licensing Policy, **RESOLVED THAT: they were minded to suspend the personal license for 6 months and therefore under Section 132A of the Act, it is necessary to:**

- a. **Refer the matter to the Chief of Police for the licensing authority's area, and invite the chief officer to make representations, within the statutory time frame, about whether the licence should be suspended or revoked, having regard to the prevention of crime.**
- b. **Give notice to Home Office Immigration Enforcement and invite them to make representations, within 14 days of the date of receipt of that notification, about whether the licence should be suspended or revoked;**
- c. **Re-convene to consider any representations made by the Chief Officer of Police within the statutory time frame, any representations made by Home Office Immigration Enforcement within the timeframe set out above and the remaining relevant matters required by statute, before making a final determination.**

The reasons for the decision were detailed in the Part B minutes for this meeting to avoid disclosing potentially sensitive information to the public.

Parties will be notified of the date of the reconvened hearing to make a final determination on the matter.

## 67/22 **Exclusion of the Press and Public**

The following motion was proposed by Councillor Robert Canning and was seconded by Councillor Margaret Bird to exclude the press and public during the 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 hearing was to take place in public, members of the committee will be asked to agree to exclude the public from the hearing to enable members to consider the details of the application on the basis that doing so outweighs the public interest in that part of the hearing taking place in public.

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

The meeting ended at 11.24 am

**Signed:**

**Date:**

.....

.....

This page is intentionally left blank