

Licensing Sub-Committee

Meeting of held on Thursday, 24 September 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Pat Clouder (Chair);
Councillors Karen Jewitt and Margaret Bird

Also Present: Michael Goddard (Licensing Manager)
Nicola Thoday (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

76/20 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.
Councillor Margaret Bird seconded the motion.

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

77/20 **Apologies for Absence**

There were none.

78/20 **Disclosure of Interests**

There were none.

79/20 **Urgent Business (if any)**

There were no items of urgent business.

80/20 **Licensing Act 2003 (Hearings) Regulations 2005 Procedures for Licensing Sub-Committee Hearings**

The Licensing Manager introduced and summarised the report, which contained changes to the protocol for Licensing Sub-Committees in of light of the Coronavirus Act 2020.

The Chair **AGREED** the recommendations contained in the report.

81/20 **Licensing Act 2003 - Application for a Variation to a Premises Licence - 162/164 Cherry Orchard Road, Croydon, CR0 6BB**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

On 24 September 2020, the Licensing Sub-Committee considered the Application for a variation to the Premises Licence at **162-164 Cherry Orchard Road, Croydon, CR0 6BB** and the representations received as contained in the report of the Executive Director 'Place'. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant and their representative and the oral representations of the objectors, Councillor Fitzsimons and Councillor Fitzpatrick.

It has been noted that the Applicant has agreed to amend the times of the application. Also, the Applicant agrees to accept the conditions proposed by the Police, Environmental Team and Senior Pollution Enforcement Officer, as set out in Appendix A3, A4 and A5 respectively. However, at the meeting there was some confusion, to clarify, the Sub-Committee considered the Application as amended, rather than the Applicant's request to reconsider the original application.

The Applicant and their representative confirmed that the premises is a restaurant and wine bar, not a nightclub – dining is the priority. The Applicant also stated that should this Application not be granted the business would close. The Sub-Committee regret any negative business impacts of this decision, especially in the current Covid-19 climate, but, to clarify, this decision is based solely on whether the Sub-Committee are of the view that the Licensing Objectives can be met.

The Sub-Committee has considered this case on its merits. It notes that the Council Policy (p27 of agenda, paragraph 5.4.7 of Appendix A) states that "*it will not grant permission for licensable activities beyond 23.30h Sunday –*

Thursday and midnight on Friday and Saturday in respect of public houses situated in areas having a denser residential accommodation.” It further states “In such circumstances the Council would expect good reasons to be given to support any application for extensions beyond these hours including addressing possible disturbance to residents and local parking.”

In this case the premises is located in densely populated area with many residents and families nearby, in flats and houses (approximately over 200 residential properties within 150 metre radius).

The Sub-Committee are of the view that there is not enough evidence (from either the written or verbal representations) to show an understanding of the risk of public nuisance to others. For example, the flat above the premises is not the only residential property to be affected by those in the Garden area.

The Sub-Committee is of the view that the Application does not sufficiently address the issues relating to the prevention of public nuisance and therefore the Sub-Committee **RESOLVED to REFUSE** the application on the basis that it does not promote the Licencing Objective of the prevention of public nuisance.

82/20 **Licensing Act 2003 - Application for a Premises Licence - Oceanic Bar, 83-84 High St, South Norwood, SE25 6EA**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee’s decision is as follows:

On 24 September 2020, 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’. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant (and their representative) and the well articulated oral representations of the objectors.

It has been noted that the Applicant has agreed to amend the times of the application. Also, the Applicant agrees to accept the conditions proposed by the Police, Environmental Team, Senior Pollution Enforcement Officer and Trading Standards Team, as set out in Appendix A2, A3, A4 and A5 respectively.

The Sub-Committee has considered this case on its merits. It notes that the Council Policy (p85 of agenda, paragraph 5.4.7 of Appendix A) states that “*it will not grant permission for licensable activities beyond 23.30h Sunday – Thursday and midnight on Friday and Saturday in respect of public houses*

situated in areas having a denser residential accommodation.” It further states “In such circumstances the Council would expect good reasons to be given to support any application for extensions beyond these hours including addressing possible disturbance to residents and local parking.”

In this case the premises is located in densely populated area with many residents and families nearby, in flats and houses. It is also in an area that the Council has decided is a special stress area (see paragraph 4.34 p79 of Agenda pack).

The Sub-Committee is of the view that the Application does not sufficiently address issues relating to the prevention of public nuisance. For example, nearby residential properties are likely to hear music and be disturbed even though the property is sound proofed.

Therefore the Sub-Committee **RESOLVED** to **REFUSE** the application on the basis that it does not adequately address the Licensing Objective of preventing public nuisance.

83/20 **Exclusion of the Press and Public**

The following motion was moved by Councillor Jewitt and seconded by Councillor Bird to exclude the press and public:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

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

The meeting ended at 12.16 pm

Signed:

Date: