

Licensing Sub-Committee

Meeting of held on Wednesday, 4 November 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Margaret Bird (Chair);
Councillors Nina Degrads and Robert Canning

Also Present: Michael Goddard (Head of Public Protection and Licensing)
Jess Stockton (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

97/20 **Appointment of Chair**

Councillor Robert Canning nominated Councillor Margaret Bird as Chair.
Councillor Nina Degrads seconded the motion.

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

98/20 **Apologies for Absence**

There were none.

99/20 **Disclosure of Interests**

There were none.

100/20 **Urgent Business (if any)**

There were no items of urgent business.

101/20 **Licensing Act 2003 - Application for a Premises Licence at 53 Limpsfield**

Road, Sanderstead

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:

The Licensing Sub-Committee considered the Application for a Premises Licence at **53 Limpsfield Road, Sanderstead** and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant prior to the hearing and incorporated in the supplementary information published as an addendum to the report.

The Sub-Committee noted that the Applicant had, in discussions with the Police licensing officer, the Council's Safety Team and the Trading Standards Team, amended their application to have the conditions at Appendices A2, A3 and A4 respectively of the report added to the licence, if the Sub-Committee were to grant the application.

The Sub-Committee also considered the representations made by the Applicant and the objector during the hearing. It was noted by the Sub-Committee that the objector did not need to reside in proximity to the premises in order to make representations and observed that they had the benefit of both the written representations by the objector and those made in person at the hearing.

The Applicant applied for the Sale by Retail of Alcohol – consumption 'On' the premises: Monday to Sunday 1200 hours (midday) to 2100 hours as well as a "Seasonal variation" - From 15 October to 15 January each year (for the run up to Christmas) Monday to Sunday 0830 hours until 2100 hours.

During the course of the hearing, and following consideration of the matters raised by the Licensing Sub-Committee, the Applicant varied their application to reduce the proposed hours of sale of alcohol during the "Seasonal variation" period - From 15 October to 15 January each year -as follows: Monday to Sunday 10.00 hours until 2100 hours

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED** to **GRANT** the application as amended by the Applicant on the basis that the Sub-Committee were satisfied that it would support the Licensing Objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee considered that the objection related predominantly to public safety (in relation to Covid-19 compliance) and the potential for public nuisance. In relation to the latter, the objector

specifically highlighted concerns about patrons leaving late at night and collections of patrons departing at 10pm. The Sub-Committee noted that the application in question related to a premises which would only be open to the public until 9pm so would not be a late night venue nor would the Applicant's patrons be departing the premises at 10pm as suggested by the objector. The Sub-Committee also noted that there had been no prior concerns raised about noise disturbance or anti-social behaviour emanating from the premises and there were no objections from the Council's noise nuisance team or other responsible authority about the operation of the premises.

2. The objector raised concerns about adherence to Covid-19 guidelines, particularly in relation to signage and the wearing of face coverings by those working within the café and therefore raised concerns about the ability of the premises to operate responsibly if the premises were permitted to sell alcohol. The Sub-Committee noted the evidence provided by the Applicant in relation to the signage in place and the assurances given by the Applicant that these were currently in compliance with Government guidance and requirements. The Sub-Committee was mindful that over the period during which the application had been made and the hearing date, there were a number of changes in the requirements on businesses, not least of all in relation to signage, but were satisfied with steps which the Applicant had made in relation to signage and did not perceive that these matters gave rise to concern that the Applicant would be unable to operate the business responsibly and in accordance with the Licensing Objectives if permitted to sell alcohol.
3. In relation to the wearing of face coverings by staff, the Sub-Committee noted the additional information which the Applicant had provided in advance of the hearing and in person at the hearing in this regard regarding the wearing of face coverings on the premises by staff. The Sub-Committee were also mindful of the fact that the obligation on staff at such premises to wear face coverings was not introduced until 28 September 2020, which is subsequent to both the application being made and the objections being received such that at the time of the application and objections, there was no statutory requirement for staff in the premises to be wearing face coverings.
4. The Sub-Committee were reassured by the detail given by the Applicant regarding the operation of the business, including management of the premises and how the Applicant proposes to support the Licensing objectives through the amendment to their application to include the conditions agreed with the Police, Trading Standards and the Council's Safety team.
5. In relation to the representation by the objector that there was no need for additional venues in the area, the Sub-Committee were mindful of the provisions in paragraph 14.19 of the Statutory Guidance which provides that the commercial need or demand for another venue

providing a particular service is a matter for the planning authority and for the market. This is not a matter for a licensing authority to consider in discharging its licensing functions.

102/20 **Licensing Act 2003 - Application for a Premises Licence at 168 Brighton Road, Coulsdon**

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:

The Licensing Sub-Committee considered the Application for a Premises Licence at **168 Brighton Road, Coulsdon, CR5 2NE** and the representations received as contained in the report of the Executive Director 'Place'.

The Sub-Committee also considered the verbal representations made on behalf of the Applicant at the hearing. Unfortunately the objector was unable to attend the remote hearing however the Sub-Committee noted that it had the benefit of the objectors' written representations as well as the additional information which the objector had subsequently submitted for the Sub-Committee's consideration which was published as an addendum to the report.

The Sub-Committee noted that the Applicant had, following discussions with the Police licensing officer and the Council's Safety Team, amended their application to have the conditions at Appendix A2 and A3 respectively added to the licence, if the Sub-Committee were to grant the application. In addition, following discussions with the Police, the Applicant has also amended their application to have a terminal hour on New Year's Eve and New Year's Day of 0200 hours the following day.

The application as initially made seeks the Provision of Late Night Refreshment:

Sunday to Thursday 2300 hours until 0100 hours the following day
Friday & Saturday New Year's Eve and New Year's Day 2300 hours until 0200 hours the following day

During the course of the hearing, the Applicant varied their application to reduce the proposed hours for the provision of late night refreshment to be as follows:

Tuesday – Thursday 2300 hours until 0100 hours the following day
Friday and Saturday 2300 hours until 0200 hours the following day
New Year's Eve 2300 hours until 0200 the following day

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy the Sub-Committee have **RESOLVED** to **GRANT** the application as amended on the basis that the

Sub-Committee were satisfied that it would support the Licensing Objectives to do so.

The Sub-Committees reasons were as follows:

1. The objection related predominantly to concerns around public nuisance and concern that there was no commercial need for additional hours for a premises of this nature.
2. In relation to the representation about commercial need for additional hours, the Sub-Committee were mindful of the provisions in paragraph 14.19 of the Statutory Guidance which provides that the commercial need or demand for a venue providing a particular service is a matter for the planning authority and for the market. This is not a matter for a licensing authority to consider in discharging its licensing functions.
3. The objector, in their subsequent information, made specific reference to litter generated as a result of pizza boxes being abandoned beside a park bench across the road from the premises. In this regard the Sub-Committee were mindful of the requirement in paragraph 14.13 of the Statutory guidance and the Council's Licensing Policy which makes clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. Despite this, the Sub-Committee was reassured to hear about the litter sweeps which the Applicant's staff make of the immediate area to try and avoid nuisance of this nature. The Sub-Committee also noted the Applicant's assurance that the litter in the photograph which the objector had sent in appeared to have been generated following the restaurant's participation in Marcus Rashford's End Child Food Poverty campaign, supporting families over the recent half term to provide free children's meals and then those boxes not been disposed of responsibly by the children in question.
4. In relation to delivery drivers and potential for disturbance, the Applicant advised that the premises only had one delivery bike and that the delivery drivers in the area who work for food delivery companies such as Deliveroo use predominantly motor vehicles rather than motor bikes and that they are requested not to park directly outside the premises but across the road where there are not residential properties so that there is less noise.
5. The Applicant has operated from the premises in question for 6 years before seeking the provision of late night refreshment and there were no representations before the Sub-Committee from the Council's noise nuisance team about concerns having been raised about this premises' current operations.

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This was not required.

The meeting ended at 12.00 pm

Signed:

Date: