

Licensing Sub-Committee

Meeting of held on Thursday, 27 July 2023 at 1.00 pm in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Nina Degrads and Danielle Denton

PART A

46/22 Appointment of Chair

It was **MOVED** by Councillor Denton and **SECONDED** by Councillor Degrads and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

47/22 Disclosure of Interests

There were none.

48/22 Urgent Business (if any)

There were no items of urgent business.

49/22 Licensing Act 2003 - Application for a premises licence at 77 Beulah Road, Thornton Heath, CR7 8JG

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and introduced the applicant, and the applicant's agent. The Head of Environmental Health, Trading Standards and Licensing explained the licensable activities and premise licence application process. The application sought a licence for the provision of regulated entertainment Monday – Sunday 11am to 11.30pm: the sale of alcohol for consumption on and off the premises Monday – Sunday 11am to 11.30am, and late-night refreshment Monday – Sunday 11.00pm to 11.30 pm. The applicant had amended the requested terminal hour following discussions with police and had included the proposed police conditions to be placed on the licence if granted. The application had received a representation from the ward councillor, Councillor Karen Jewitt. In response to questions officers

advised the opening hours now included in the application were 8.00am to 12.00 midnight Monday to Sunday.

The applicant's agent presented on behalf of the applicant. The applicant held a personal license and was seeking the premises license to enable the provision of drinks with meals. The applicant had hoped to open until 3.00am initially; however, following conversations with the police this had been altered to the 12.00 midnight terminal hour now detailed in the application. The objector's concerns regarding noise and late opening were noted. The applicant felt they had resolved these issues through acceptance of the police conditions and amending the terminal hour. Contact had been made with the objector; however there had been no response. Signage, CCTV, an incident book and a training manual would be in place to promote the four licensing objectives. SIA staff would be utilised for events, for example, birthday parties and wakes.

In response to questions from the Sub-Committee the applicant confirmed the capacity of the venue was 25-30 people seated or 60-70 people standing for functions, and that one SIA staff member would be used if at capacity. The applicant advised the premises had a balcony where patrons would smoke, with only 4-5 people outside the venue at any time. The applicant advised of their previous experience working as a cook in licensed premises and that this would be their first time holding a premises license.

In response to questions from the Sub-Committee the applicant advised the number of people outside smoking would be managed by the security staff. The applicant was responsible for the day to day running and management of the venue.

The applicant advised their mobile number was displayed in the premises and they were contactable if the local community had concerns, and that the building was also soundproofed. Any plans for temporary event notices would be discussed with the Police.

The Sub-Committee noted the anti-social behaviour issues in the area and queried how the applicant would manage this. The applicant advised they moved patrons on from their premises and could not stop people from loitering on the street.

The Sub-Committee queried whether 1 SIA would be sufficient and if this had been discussed with the Police. The Licensing officer noted Condition 18 did not specify the quantity of supervisors required and this would be based on a risk assessment by the applicant or at the request of the police 48 hours prior to the event. The premises licence conditions did not automatically attach to a Temporary Event Notice (TEN) submission. If a TEN submission was made, it would be seen by the police and council noise team, to consider, object or ask for additional conditions. It was noted that the applicant could undertake to comply with the premises license conditions at the time of a TEN submission; however, conditions could only be formally attached by a Licensing Sub-Committee. Events in the premises would be private bookings with invited

adult guests only. The applicant advised typically 1 SIA per 50 people would be applied.

The Council's legal advisor queried whether the 4-5 people allowed outside was being offered as a condition. The applicant's agent confirmed that not more than 5 people allowed outside was to be added as a condition to the application.

The Chair advised the parties they would be advised of the outcome within 5 working days and thanked those present for their participation.

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT 77
BEULAH ROAD, THORNTON HEATH, CR7 7JG.

The Licensing Sub-Committee considered the Application for a Premises Licence at **77 Beulah Road, Thornton Heath, CR7 7JG** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant and their representative at the meeting and had the benefit of the written representations of the ward councillor objecting to the application.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended, on the basis that the Sub-Committee were satisfied that it would be appropriate in order to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was most relevant in relation to their consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on Beulah Road. The premises is the second to last in a small parade of shops with residential premises above the shops, to the rear of the premises and to the right. There are also a mix of shops and residential premises on the opposite side of the road to the premises.
2. In respect of Prevention of Public Nuisance, 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.
3. The Sub-Committee were aware and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, that public nuisance are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, the Statutory Guidance makes clear that it would be perfectly reasonable for example, for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to leave quietly. The Sub-Committee noted that the Applicant had already offered, as part of the proposed conditions to have such conditions on the license if granted.
4. The Sub-Committee noted the provisions in the guidance which indicate that Licensing authorities should look to the police as the main source of advice on crime and disorder. In respect of Prevention of Crime and Disorder, the Sub-Committee noted that following discussions with the Police, the applicant had amended their application to reduce the hours sought for licensable activities and

opening hours and had added to their application the conditions agreed with the police as detailed in Appendix A2 which would be imposed on the license should the sub-committee be minded to grant. These would be in addition to the conditions offered as part of the Applicants' operating schedule, the additional condition offered by the Applicant during the hearing as detailed in paragraph 6 below and the mandatory conditions which would apply by operation of law.

5. In respect of the concerns raised by the objector on behalf of residents that the premises would be operated as a "night club" and would potentially disturb residents late into the evening and early morning, the Sub-committee noted that not only had the applicant reduced the proposed hours (particularly on the weekend where the terminal hour would be midnight rather than the initially suggested 3am) the applicant had offered as part of their operating schedule, conditions which included the following which mitigated against these concerns:

- "All on sales of alcohol must be made with a substantial eat in meal";
- "All off sales must be ancillary to a takeaway meal";
- "No open vessels to be taken outside the curtilage of the premises at any time" ;

and in addition, in conditions agreed with the police the applicant has added:

- "No alcohol shall be permitted to leave the premises after 2000hrs";
- "No vertical drinking within the premises. Alcohol is to be served by table service only";
- "The premises will not use the raised outdoor area at the front of the premises for eating or drinking after 2000hrs save for customers who wish to smoke. No open vessels will be taken beyond this area at any time"; and
- "SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the license

holder's written risk assessment or requested by the Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other Events. The written risk assessment will be available on the premises for inspection by the police and authorised officers of the Licensing Authority".

6. In addition, during the course of the hearing, the Applicant offered a further condition to mitigate against potential noise nuisance as follows:
"No more than 5 persons shall be outside smoking in the smoking area at any one time"

7. 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.

The meeting ended at 1.50 pm

Signed:

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Date:

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