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Licensing Sub-Committee

Meeting of held on Tuesday, 23 June 2020 at 10.30 am in Microsoft Teams.

MINUTES

Present: Councillor Pat Clouder (Chair)

Councillors Pat Clouder, Karen Jewitt and Michael Neal

Also

Present: Michael Goddard (Licensing Manager)
Butta Singh (Solicitor and Legal Advisor to the Sub-Committee)
Mohammed Patel (Trainee Solicitor)
Thomas Downs (Democratic Services)

PART A

60/20 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.
Councillor Michael Neal seconded the motion.

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

61/20 **Apologies for Absence**

There were none.

62/20 **Disclosure of Interests**

There were none.

63/20 **Urgent Business (if any)**

There were no items of urgent business.

64/20 **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.

65/20 **Licensing Act 2003 - Application for a Premises Licence**

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 Stoa's Nest Road, Coulsdon, CR5 2JJ** along with the representations and additional information received, as contained in the report and supplementary agendas of the Executive Director 'Place'.

After considering the information received along with hearing from the Applicant and Other Persons at the meeting, the Sub-Committee having reference 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 premises licence application.

The application has been granted with the following amendments, as the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

- i) Amendments to the application/conditions, as agreed by the applicant
 - Condition 9 within the 'Proposed Conditions' on page 57 of the agenda is amended to read 'No in-person sales will be made and no members of the public shall be permitted to enter the premises to purchase alcohol. All purchases will be by delivery only.'
- i) Additional condition, as agreed by the applicant
 - 'Only Vermouth shall be sold or supplied from the premises.'

Reasons for the decision;

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

1. The additional information provided by the Applicant assisted the Sub-Committee in clarifying any misconception as to actual nature of the application, proposed activity and the level activity that was intended
2. It was noted that the Police had withdrawn their representation, following discussions and agreed conditions with the applicant
3. The concerns raised by the Other Persons as to the title deeds and restrictive covenants were not relevant factors that the Sub-Committee could consider within the remit of the licensing regime, as their decision making is confined to the licensing objectives. It was felt that this issue was, if anything, a planning matter, which was explained is a separate regulatory process.
4. In relation to the concerns raised as to possibility of public nuisance, in terms of smells and/or any odours from the production of the Vermouth or any safety concerns arising from the public safety objective, the Sub-Committee noted that the Other Persons were previously unaware of any Vermouth being produced at the premises before the application, even though the applicant had confirmed that he had been making it for his own purposes for some considerable time before the application was submitted. The level of proposed production and the quantity that was to be sold was also noted with regards to the extent of any possible negative impact on either of the licensing objectives, which surrounded the central issue as to the licensing of alcohol sales.
5. The remaining concerns raised that could be considered as impacting on the licensing objectives, relating to possible Crime from the front and rear of the premises, CCTV and any signage outside the premises were not considered as being sufficiently serious and/or did not attract the weight of evidence or the level of concern to deem it appropriate to either consider refusing the application or to attach or amend any relevant conditions to the proposed licence.

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

Public Informative:

- i) Planning Informative; It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regards to any future planning application or permission, which may be made or sought by the applicant.

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- ii) Limitation of the premises licence; The applicant was advised at the meeting that the grant of his premises licence application only authorises alcohol sales from taking place at his premises only. The applicant was informed that any sales taking place away from the premises would require a separate authorisation. As such the applicant was informed that he would need to determine whether any other premises or venue that he is wanting to sell his Vermouth from, either has the appropriate permission to allow such sales, otherwise he would need to consider applying for a Temporary Event Notice.

66/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 12.04 pm

Signed:

Date: