

Licensing Sub-Committee

Meeting held on Wednesday, 24 March 2021 at 10.30 am.
This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Robert Canning (Chair)
Councillors Pat Clouder and Margaret Bird

Also Present: Councillor Badsha Quadir (Ward Councillor)
Michael Goddard (Licensing Manager)
Butta Singh (Solicitor and Legal Advisor for the Sub-Committee)
Michelle Gerning (Democratic Services)

PART A

6/21 **Appointment of Chair**

Councillor Margaret Bird nominated Councillor Robert Canning as Chair and Councillor Pat Clouder seconded the motion.

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

7/21 **Disclosure of Interests**

There were none.

8/21 **Urgent Business (if any)**

There were no items of urgent business.

9/21 **Licensing Act 2003: Application for a Premises Licence at Merryn, The South Border, Purley, CR8 3LD**

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 application for a Premises Licence at **Merryn, The South Border, Purley, CR8 3LD** contained in the report of the Executive Director 'Place' and circulated prior to the meeting.

After considering the additional 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 proposed, amended and additional conditions, as outlined below, given that the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

i) Conditions, as agreed/proposed by the applicant that are set-out within the report and additional information received:

1. Monica Costa, Marcello Moscarello and Cock & Tails Ltd will operate a Challenge 25 and age-restricted sales policy.
2. Challenge 25 logos shall be prominently displayed in all advertising material associated with this premises, including any websites.
3. When placing orders for alcohol online, customers shall be reminded to provide acceptable ID - a Photo Driving Licence, Passport or PASS Card in order to take delivery of their purchase.
4. Products will be delivered by a third-party courier who will employ the Challenge 25 scheme when alcohol deliveries are made, accepting only a Photo Driving Licence, Passport or PASS Card as ID.
5. Failure to provide proof of age will result in any alcohol not being delivered to the customer and returned to the premises.
6. Records of all such refusals of delivery of alcohol, or declined sales, shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.
7. All product deliveries containing alcohol will be marked with a Challenge 25 (or similar) sticker by premises staff and the driver reminded that the customers photo ID (passport, photo driving licence or PASS proof of age card) must be requested and checked prior to fulfilling the delivery.
8. No member of the public is permitted on the premises at any time for the purpose of conducting business.
9. All sales will take place online, with the premises being used for storage and distribution only.
10. There will be no stock delivery to the premises from outside sources.
11. Collection of finished stock from the premises will take place no more than once a day, usually mid-afternoon.

ii) Condition 8 is amended by the Sub-Committee 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.'

iii) Additional condition, as suggested by the applicant at the hearing to read;

'The licensable activity, relating to sale and supply of alcohol off the premises, is only permitted when Cock & Tails Limited is the premises

licence holder and remains under the ownership of Monica Costa, with Mr Marcello Moscarello being responsible for the licensable activity taking place as the Designated Premises Supervisor.’

Reasons for the decision;

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

1. The additional information provided both prior to and at the hearing, by the Applicant assisted the Sub-Committee in clarifying any misconception as to actual nature and scale of the application, proposed activity and the actual level of operation that was intended
2. It was noted that no Responsible Authority had either made or maintained any representation, after the submission of the applicant’s operating schedule and following discussions with the applicant
3. The concerns raised by the Other Persons as to the title deeds, restrictive covenants and the premises being in a conservation area along with the lack of planning permission and food registration were not relevant factors, per se, that the Sub-Committee could consider within the remit of the licensing regime. The Sub-Committee noted that their decision making function was mainly confined and surrounds that of the licensing objectives. It was felt that the issues raised was, if anything, confined to planning considerations, which is a separate regulatory process.
4. In relation to the concerns raised as to possibility of public nuisance, in terms of any disruption caused by the proposed licensable activity and as to the any issues relating to the protection of children from harm. The Sub-Committee were satisfied given the scale and level of the proposed operation, in addition to the intended measures including the delivery service to be used, that the extent of any possible negative impact on the licensing objectives would be minimal, if anything.
5. The remaining concerns relating to the possible crime and disorder issues were discussed and it was noted that CCTV was already in operation, as already outlined within the operating schedule, as such the Sub-Committee felt that the concerns raised did not attract the weight of evidence or the level of concern to deem it appropriate to attach or amend any relevant conditions that had already been proposed.

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.

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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.
- ii) It should be noted for the public record that the applicant confirmed that at all times when the alcohol is not in use it would kept in a secure and locked location/room.

10/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.40 am

Signed:

Date: