

Licensing Sub-Committee

Meeting of held on Wednesday, 26 January 2022 at 10.30 am in This meeting was held remotely.

MINUTES

Present: Councillors Robert Canning, Karen Jewitt and Robert Ward

Also

Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) & Jayde Watts (Trainee Democratic Services Officer).

PART A

57/22 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Robert Canning as chair and Councillor Robert Ward seconded the motion.

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

58/22 **Disclosure of Interests**

There were none.

59/22 **Urgent Business (if any)**

There were no items of urgent business.

60/22

Licensing Act 2003 - Application For a Variation to a Premises Licence at 72 Westow Hill, Upper Norwood, SE19 1SB.

This application was withdrawn.

61/22

Licensing Act 2003 - Application For a Premises Licence at 890 London Road, Thornton Heath, CR7 7PB

The Licensing Sub-Committee considered the Application for a Premises Licence at 890 London Road, Thornton Heath, CR7 7PB and the representations received as contained in the report of the Interim Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, Culture & Community Safety.

The Sub-Committee also considered the representations made by the Applicant, the Applicant's Licensing Agent and the objector during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing, they had the benefit of the written representations as part of the report.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, RESOLVED to REFUSE the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter as well as the Cumulative Impact policy adopted by the Council which relates to high levels of alcohol related crime and alcohol related hospital admissions in areas where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A23 in a parade of shops with a primary school diagonally opposite the premises. There was a petrol station and large retailer on the other side of the road. The Sub-Committee heard that there were a number of off-license premises in close proximity to the proposed premises.
2. In respect of prevention of public nuisance objective, 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. In this regard the Sub-Committee considered the concerns raised relating to anti-social behaviour arising in the area due to drunkenness and the associated harms.

3. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.

4. However, there are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough. As a result, the Council has considered it appropriate to designate areas within Croydon as being subject to a special Cumulative Impact Policy in respect of off licences and shops and supermarkets selling alcohol off the premises. The premises in question fall within a cumulative impact area as detailed within the Council's Statement of Licensing Policy.

5. The effect of this is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, there will be a presumption under the special policy that the application will be refused. The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Sub-Committee was clear that it considered each matter on its own merits and did not apply this policy inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.

6. To this end the Sub-Committee specifically drew the attention of the Applicant and the Applicant's Licensing Agent to the provisions in the policy and invited the opportunity to explain to the committee why they considered that their application could be an exception to the policy. In response, the Applicant and his agent made reference to what the applicant had set out in his operating schedule, how he would support the licensing objectives and indicated that customers had asked for alcohol to be sold which the applicant wished to do as it would improve income at the premises.

62/22

Exclusion of the Press and Public

This item was not required.

The meeting ended at 11:13am.

Signed:

Date: