

## **LICENSING SUB-COMMITTEE**

Minutes of the meeting held at 10.00 am on 14 December 2021

### **Present:**

Councillor Nicholas Bennett MA J.P. (Chairman)  
Councillors Robert Evans and Stephen Wells

### **Also Present:**

#### **4 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Councillor Nicholas Bennett was appointed Chairman.

#### **5 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **6 Application for a New Premises Licence at Trendspirit Ltd 4 Chatsworth Parade BR51DF**

##### The Application

The application as submitted sought a premises licence to provide late-night refreshment only from Monday to Saturday from 23.00 hours until 01.30 hours, and on Sunday from 23.00 hours until 00.30 hours. However, at the hearing, the applicant amended the application to apply for a premises licence to provide late-night refreshment only from Monday to Thursdays and Sundays from 23.00 hours until midnight. On Friday to Saturdays a licence from 23.00 hours until 01.00 hours the following day was sought.

##### The case for the applicant:

The Committee was addressed by the applicant and by his representative. They explained that the most profitable time for the business was for the two hours after 11pm on Friday and Saturday. There was little profit outside of those hours. The business had its own drivers in cars and scooters. There could be additional drivers present from food delivery companies. In response to a question, the applicant confirmed that they had not sought an extension of the hours permitted under the planning permission which provided that the use shall not operate before 08.00 hours or after 23.00 hours on Mondays to Saturdays, nor before 08.00 hours or after 22.00 hours on Sundays.

##### The case for the objectors:

In addition to the written representations, the Sub-Committee was addressed by a ward councillor Tony Owen. He felt that even the amended hours could

give rise to increased disturbance both at the front and rear of the premises. He also felt the amended hours could delay the dispersal of customers from other licensed premises that had an earlier closing time, to the detriment of residents.

Reasons for decision:

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. Members noted that paragraph 22.1 of the Council's Statement of Licensing Policy provides that the Council will not grant an application for a new premises licence or club premises certificate unless it is satisfied that all relevant planning permissions are in place where necessary. The applicant did not offer a satisfactory explanation why an amendment to the planning permission had not been sought. We could find no reason why the policy should not be applied in this case.

Members also noted that many of the shops in Chatsworth Parade have residential accommodation above, including above the application premises. We concluded that the grant of a licence would cause unacceptable disturbance to residents late at night with the noise from delivery vehicles coming and going. We also concluded that the proposed hours would encourage customers from nearby public houses to stay in the area rather than disperse and this could also result in unacceptable disturbance to residents late at night. We felt both the prevention of nuisance and the prevention of crime and disorder licensing objectives were relevant to our decision.

Decision:

**That the amended application for the grant of a premises licence at the Trendspirit Ltd t/a Pizza Gogo, 4 Chatsworth Parade, Petts Wood BR5 1DF be REFUSED.**

**7            New Premises Licence application for "Family Cafe" 44B  
              Newlands Park Sydenham SE26 5NF**

The application

The application as submitted sought a premises licence to supply alcohol for both on and off sales, at the premises to include the front patio private forecourt (but to exclude the rear garden) from 11.00 hours to 19.00 hours Monday to Sundays. The opening hours sought were 07.00 hours to 19.00 hours Monday to Sundays.

The applicant requested that the application be amended so that the licence would authorise the supply of alcohol from Monday to Saturdays between 11.00 hours to 17.30 hours. The opening hours sought would be correspondingly altered from 07.00 hours to 17.30 hours Monday to Saturday. The applicant also requested that the application plan be amended so that the

front door and stairway of the flat above the premises be excluded from the licensed area.

#### The case for the applicant

The Committee was addressed by the applicant, a resident of the flat above the premises and by an agent from ESI Licensing. We were advised that the café was a longstanding business that sought to get on with its neighbours. The cafe offered breakfasts and lunches and had closed at 3pm. The business had been badly affected by the pandemic and had decided to respond to suggestions from customers that the offer should include the opportunity to order a drink with the food. The intention was to maintain a family atmosphere and alcohol would only be served with a meal. The business had already shown it was capable of running a licensed premises as it had been granted temporary event notices without complaints. The applicant confirmed that she would agree to an amendment of the conditions suggested in the operating schedule to require that for sales on or off the premises, alcohol will only be supplied ancillary to a substantial meal.

#### The case for the objectors

In addition to the written representations, the Sub-Committee was addressed by ward councillor Simon Jeal and by one of the objectors. The residential nature of the surrounding area was emphasised. The objectors felt that the supply of alcohol would adversely affect the current balance between the various uses in the vicinity which would in turn adversely impact on residents in terms of noise.

#### Reasons for decision

Members considered the amended application, the written and oral representations, the Council's Statement of Licensing Policy and statutory guidance. They concluded that with the amended hours, with a requirement that the supply of alcohol to be ancillary to a substantial meal and with the licensed area being altered to exclude the front door and staircase of the flat above, that the amended application could be permitted without harm to the licensing objectives.

Members considered the amended application to be a modest one in keeping with the surrounding area which was a busy road with bus routes. Members did not feel there was a justified concern in respect of the prevention of the conditions set out in public nuisance or crime and order licensing objectives if the application was granted, which in any case, should it arise, could be subject to the review process.

At the hearing there was some discussion concerning the garden area at the rear. This had not been included in the application and would need to be the subject of a separate application if, in the future, it was intended to use the garden as part of the licensed premises.

Decision

That the application for a premises licence be permitted as follows:

1. the supply of alcohol be authorised from Monday to Saturdays between 11.00 hours to 17.30 hours.
2. the opening hours be authorised from 07.00 hours to 17.30 hours Monday to Saturday.
3. the application plan be amended so that the front door and stairway of the flat above the premises be excluded from the licensed area.
1. The conditions set out in section 18 of the application form be applied save that the fifth condition on page 18 shall be amended to read  
“Alcohol will only be supplied, whether on or off the premises, ancillary to a substantial