

## **Licensing Sub-Committee**

Meeting of held on Monday, 18 March 2024 at 10.30 am on MS Teams

### **MINUTES**

**Present:** Councillor Patsy Cummings (Chair);  
Councillor Mohammed Islam (Vice-Chair);  
Councillors Margaret Bird

### **PART A**

1/24 **Appointment of Chair**

It was MOVED by Councillor Bird and SECONDED by Councillor Islam and RESOLVED to appoint Councillor Patsy Cummings as Chair of the meeting.

2/24 **Disclosure of Interests**

There were none.

3/24 **Urgent Business (if any)**

There were no items of urgent business.

4/24 **Licensing Act 2003 - Application for a Premises Licence at 49 Limpsfield Road, South Croydon, CR2 9LB**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant and their agent Jay Patel were both present. Councillor Yvette Hopley was present to speak on behalf of residents who had made representations numbered 5, 6, 9, 15 and 22 within the agenda pack. Parties who had submitted representations David Malcolm, Andrea Bell and Andrew Bell were also present.

The Licensing Officer introduced the application to the Sub Committee. The application sought the sale by retail of alcohol Sunday to Thursday 11.00 am to 11.00 pm, Friday and Saturday 11.00 am to 12.00 am. It was advised the hours sought had been amended from those initially sought and those included at page 9 of the agenda pack.

The applicant had voluntarily amended their application following receipt of the concerns raised by the representations. The operating schedule included a number of conditions which would be attached to the licence if it were granted. Following discussions with the Police Licensing officer, the council's Trading Standards Team and the council's Noise Pollution Team the applicant had voluntarily amended their application to include the conditions included at Appendix A2, A3 and A4 on the license should it be granted.

Representations had been received and were available at Appendix A5. It was advised those representations numbered 1, 2, 10, 11, 13, 18 and 19 had been formally withdrawn were not for consideration. Councillor Yvette Hopley was present to speak on behalf of residents who had made representations numbered 5, 6, 9, 15 and 22 within the agenda pack. It was advised that all other representations were valid and for consideration by the Sub-Committee.

Further information had been received in support of the representations numbered 3, 7, 23 and had been circulated to all parties.

It was advised that the council's Planning and Licensing arrangements were separate. The Licensing Sub-Committee was unable to consider any planning matters. Also, Street Trading Licenses under the London Local Authorities Act and Pavement Licenses under the Business and Planning Act, would require a separate licence application.

The objecting parties were given the opportunity to speak. Councillor Yvette Hopley thanked the Sub-Committee for the opportunity to speak on behalf of their ward residents who had submitted representations and advised:

- The application had prompted discussions with many local residents, the Sanderstead Resident's Associated and their fellow ward councillors.
- The initial application had raised concerns with several residents due to its nightclub style, in what was a residential suburban village location. It was felt the premises would have been more suitable to a venue located in Croydon town centre.
- Sanderstead had previously had restrictive covenants on the land restricting the sale of alcohol in the village.
- The amendments made to the application were noted, however the bar culture anticipated by the serving of alcohol after food service ceased remained of concern.
- Alcohol fuelled patrons may result in late night disturbances and cause adverse impact to neighbouring residents. Residential flats above the premises and in neighbouring Cranleigh gardens would be most affected.
- The premises was a Tudor style building with no sound proofing or mitigation plan in place for neighbours, particularly those living above the premises, it also neighboured a care home and a scout hut.

- If the premises was a restaurant, it was felt food should be served all the time and the need for Challenge 25 in a restaurant only setting had raised concerns.
- There were also concerns regarding patron's departure from the restaurant and the ability of the SIA staff to manage inebriated and noisy customers.
- There were concerns regarding the premises' planning application, however it was noted these were not for consideration by the Licensing Sub-Committee.
- Patron's may cause issues on the narrow street outside and with parking in the vicinity.
- Residents had queried the internal arrangements within the premises regarding the percentage of dining to bar areas.
- Residents would welcome a family restaurant.
- It was felt that the application and subsequent amendments did not fully promote the prevention of public nuisance and the prevention of children from harm licensing objectives for neighbouring residents.

The objecting party David Malcolm was given the opportunity to speak. They thanked the Sub-Committee for the opportunity to object to the proposals and advised:

- The premises was located between Limpsfield road and Cranleigh gardens. Neighbouring residents including those residing in the flats above the premises, a nearby retirement property and nearby sheltered accommodation property would all be affected by the proposal.
- The premises had previously operated as an Indian restaurant which had closed at 10.00pm/10.30pm.
- The new proposal had caused significant concern to residents and was out of context in the area. The live music, dancing and late-night sale of alcohol had prompted the police condition for the employment of a bouncer due to the attraction of younger and unsuitable people.
- Outside tables and chairs on the corner plot would seriously restrict pavement space for pedestrians, create a trip hazard and add to the noise disturbance.
- Patrons would be required to park in the adjoining residential roads.
- A late-night restaurant/bar was out of character within Sanderstead village's small parade of shops.
- The applicant's amendment to a 12.00am closing time was noted however it was felt this would still cause disturbance to neighbour's sleep.
- Other nearby restaurants closed at 10.00pm.
- The applicant did not care about the manner in which patrons would be leaving the premises.
- Soundproofing would not contain the noise and dance music.
- Neighbours to the premises included several retired older people and families..
- Staff emptying rubbish bins was also likely to be an issue.
- The applicant did not have any concern for local residents and was only concerned about maximising bar takings.

- They wished for the local covenant restricting sale of alcohol to be enacted to stop the proposal.
- The proposal had no backing from residents and had received representations from the local resident's association, councillors and community.

It was advised that the covenant in Sanderstead was a private law matter which the Licensing Sub-Committee was unable to consider.

The objecting party Mr Andrew Bell was given the opportunity to speak. They thanked the Sub-Committee for the opportunity and advised:

- There would not have been objections to a family restaurant.
- There had been no plan or information provided in the application detailing the restaurant/bar split. The restaurant was doubling in size and the number of customers expected in the dining and bar areas respectively was not indicated.
- The premises would open for additional hours after the kitchen had closed.
- Nearby families living directly above and in the neighbouring streets to the premises were all concerned regarding late night disturbance.
- Local restaurants closed at 10.00pm and this was felt to be more appropriate.
- There were no proposals regarding the mitigation of music levels, and it was queried how amplified music would be controlled.
- The applicant's amendments were noted however it was still felt the proposal was inappropriate.
- The planning matters were noted, and it was queried whether the Licensing Sub-Committee should be satisfied that the premises had requisite accessibility and toilet provision.
- A family restaurant with restricted opening hours would be supported however the sale of alcohol in the premises without meals was extremely worrying.

It was noted that the Licensing Sub-Committee considered matters in relation to the licensing objectives only and planning matters were considered by the council's planning department.

The applicant's agent, Jay Patel was given the opportunity to speak and advised:

- There was no intention to operate the premises as a nightclub. The premises would be based upon the model of their restaurant in Caterham. Food was the primary activity and alcohol would be served to complement meals.
- The Challenge 25 procedures were in place to meet the licencing objectives and ensure no alcohol was served to underage persons.
- The premises capacity would be 60 – 70 maximum and accessibility considerations would be included in the refurbishments.

- The hours sought for licensable activities had been reduced following the receipt of representations to 11.00am to 11.00pm Monday to Thursday and 11.00am to 12.00am Friday and Saturday.
- The extra hour of opening following the kitchen closing at 11.00pm was to allow customers to finish their drinks after a meal. It was not to sell additional alcohol.
- The premises would be run as a family restaurant.
- The parties who had submitted representations were invited to attend the premises run by the applicant in Caterham, to discuss the conditions and way the Sanderstead premises would be run.
- The applicant had engaged with the relevant authorities and accepted the additional conditions.
- The security staff would be responsible for ensuring new customers were not allowed to enter the premises after 11.00pm.

The applicant advised:

- They ran restaurant and takeaway businesses in Whyteleaf and Caterham and did not intend to open a nightclub.
- They may trial a monthly theme night and these would run during normal opening hours.

It was clarified that there would be no amplified music or dancing at the premises.

The Sub-Committee queried how patrons wishing to access the premises after the kitchen had closed to buy alcohol would be managed. It was advised that the kitchen would close at 11.00pm and on Friday and Saturday the 12.00am closing time would allow people to finish their meal and depart. The premises would not allow new customers to enter after 11.00pm and the security staff would manage this.

The Sub-Committee asked the applicant to address the issues raised within the representations regarding potential noise disturbance from patrons leaving the restaurant, patrons under the influence of alcohol and nearby parking.

The applicants agent advised:

- There would be a lobby system in place on entering the restaurant, this would mitigate noise disturbance.
- The security staff would monitor the behaviour of patrons.
- The previous restaurant had been run down and the restaurant would be modernised.
- It was noted that parking nearby was limited.
- Delivery drivers would be directly employed by the restaurant to ensure they were correctly trained regarding noise guidance.

The Sub-Committee requested clarification regarding the provision of regulated entertainment. It was advised that there would be no amplified music and no dancing. Only background music would be played until 11.00pm and this was not a licensable activity.

It was confirmed that the only licensable activity now sought was the sale by retail of alcohol Sunday to Thursday 11.00am to 11.00pm and Friday and Saturday 11.00am to 12.00am.

Officers advised the Sub-Committee of the deregulation of live and recorded music between the hours of 8.00am and 11.00pm at licensed premises with <500-person capacity. It was noted that food served before 11.00pm was not licensable however food served after 11.00pm was licensable and this had not been applied for. It was also noted that patrons dancing within the premises was deregulated.

In response to questions from the Sub-Committee the applicant's agent advised deliveries would cease after 11.00pm. On delivery of takeaways Challenge 25 would be undertaken. Noise mitigation such as noise limiters were not required as there was no amplified or regulated entertainment sought.

Officers advised of the availability and process of submission for Temporary Event Notices (TENs).

It was clarified that the 60–70-person capacity included the allowance for the restaurant's staff.

The applicant's agent advised they would welcome further engagement with residents and their ward councillor.

All parties to the hearing were given the opportunity to make any final comments.

The objecting party Mr David Malcom advised they were pleased to have heard the applicant's amendments regarding the music, however they felt an 11.00pm closing time would be more appropriate.

The objecting party Mr Andrew Bell requested clarification as to whether there would be amplified music and DJ/theme nights at the premises. It was advised the approach to Sanderstead had changed and there would be no DJ nights at the premises.

The ability for licensed premises to apply for a Temporary Event Notice was noted and it was advised that the only bodies able to object to a TEN were the Police and the council's Noise Pollution Team.

The Chair thanked those present their attendance and participation.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

**LONDON BOROUGH OF CROYDON**  
**STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

The Licensing Sub-Committee considered the Application for a Premises Licence at **49 Limpsfield Road, South Croydon, CR2 9LB** and the representations received as contained in the report of the Corporate Director Sustainable Communities, Regeneration and Economic Recovery.

The Sub-Committee also considered the representations made by the Agent on behalf of the Applicant, the Applicant himself and the objectors and Ward Councillor on behalf of other objectors during the hearing. Prior to the commencement of the hearing, the Applicant had amended their application to reduce the proposed hours of operation, reduce the hours for licensable activities, remove the proposed non-standard timings on Christmas eve and New Year's eve and to remove regulated entertainment from the proposed application. In addition, a revised condition was offered by the applicant instead of conditions 7 and 8 in the originally submitted operating schedule. The amendments lead to a number of previously made representations being withdrawn and the Sub-Committee did not have regard to those representations that had been withdrawn in considering the application.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), Statutory guidance under Section 182 of the Act and the Council Licensing Policy 2023-2028, **RESOLVED to GRANT** the amended application subject to conditions offered by the applicant in their operating schedule, the conditions the applicant agreed with responsible authorities as detailed in Appendix A2, A3 and A4 to the report as well as to the mandatory statutory conditions which apply to the sale of alcohol under a premises license issued under the Act, on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the B296 in a small parade of shops with residential premises above which residents describe as having a village feel. There are also residential premises on the opposite side of the road and in the surrounding areas. There is close proximity to sheltered housing, retirement homes and a scout hut.
2. The Sub-Committee had regard to the fact that there were no objections to the application from the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance, both of whom had agreed conditions with the applicant which would be placed on the license in the event that the Sub-Committee was minded to grant the application. The Sub-Committee noted that, as

per the Statutory Guidance, Licensing authorities should look to the police as the main source of advice on crime and disorder and the police had agreed a set of conditions with the applicant, in the event that the Sub-Committee was minded to grant the application.

3. The Sub-Committee were mindful that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
4. 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.
5. In response to concerns pertaining to noise nuisance arising due to music in the premises which were raised prior to and during the hearing by residents and a ward councillor on behalf of residents, the applicant's agent made clear that the premises would only be playing background music, which is not a licensable activity between 8am and 11pm in a premises licensed for the sale of alcohol where the audience does not exceed 500. In addition, the Applicant's agent confirmed that there would be no amplified music played at the premises, no dancing and no DJ nights. There would be no regulated entertainment at the premises at all.
6. In respect of noise arising from access to and egress from the premises as well as in respect of deliveries, the Applicant's agent confirmed that the applicant had put in place an entrance lobby to mitigate noise and on Friday's and Saturdays if the venue is open past 23h00, no patrons will be allowed to enter after 23h00 and there



would be an SIA trained door supervisor on the door on those evenings to assist in managing this and the quiet departure of patrons.

7. The Applicant would not be utilising delivery services for the delivery operations proposed as part of the license but would be employing his own drivers so that there would be the assurance that they could be trained in respect of age-related sales and appropriate checks of ID and there was the ability to manage any associated noise from their delivery activities.
8. The Sub-Committee noted that there was a concern about the premises being in a former Quaker area and there being an existing restrictive covenant on land preventing its use as a pub or beer house. The Sub-Committee were clear that there were certain matters which were not within the purview of the Licensing Sub-Committee under the Licensing Act and this included in relation to the enforcement of private law matters such a covenant on private land. There were also concerns raised about compliance with building regulations and the contents of an associated planning application. The Sub-Committee were clear that they did not have discretion to interfere with or make determinations in respect of matters which were within the purview of planning or building control and the appropriate authorities with whom and processes by which to address those matters were planning and building control respectively. The Statutory Guidance makes clear that any decision of the licensing authority on an application will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.
9. In respect of any future proposals of the premises to make an application either under street trading legislation (London Local Authorities Act 1990) or under pavement licensing provisions under the Business and Planning Act 2020 for tables and chairs on the public highway, the Sub-Committee set out that these were matters which were outside of the scope of the current application and would be considered and dealt with according to the relevant legislative provisions if and when any such applications are made. It was not a matter properly before this sub-committee to consider or determine.
10. The Sub-Committee noted that concerns had been raised about the lack of availability of parking outside the premises and the concern that this would result in parking in neighbouring roads. The Sub-Committee were mindful that provision of or control of parking are not directly within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes that parking and the provision thereof is not one of the licensing objectives.
11. One of the concerns raised by objectors related to noise disturbance as a result of deliveries or waste disposal and collections. The

Applicant had offered a condition, as part of his operating schedule, which would be imposed on the license if granted, that all deliveries and waste collections to/from the premises will take place during normal business hours of 9:00 to 18:00 to avoid any disturbance to nearby residents and businesses.

12. 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. However, it would be perfectly reasonable 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 be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. 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.
13. The Sub-Committee had regard to the Council's Statement of Licensing Policy which provides that the Council will treat each case on its individual merits, however, in general, it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents. The Sub-Committee were mindful that although this area was certainly one of denser residential accommodation, the proposed premises license was not for a public house but for a restaurant which sought on sales of alcohol, predominantly alongside a table meal and the applicant had amended their application to reduce the proposed hours of operation and provision of licensable activities.

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.

5/24

**Licensing Act 2003 - Application for a Premises Licence at Addington Park, Croydon, CR0 5AR**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicants were both present. Parties who had submitted representations Councillor Robert Ward, Ana Antic (Addington Palace) and Charles Marriott (Addington Village Residents Association) were also present.

The Licensing Officer introduced the application to the Sub-Committee. The application sought a time limited premises licence on Saturday 6 July 2024 for the provision of regulated entertainment (recorded music) 1.00pm to 10.00pm and the sale by retail of alcohol for consumption on the premises 1.00pm to 9.30pm. A copy of the application was included in the agenda pack at Appendix A1. The applicant had also submitted a draft safety management plan available at Appendix A2.

It was advised that an event of this nature was also overseen by the Safety Advisory Group (SAG). The event safety management plan would be considered by the SAG and it was noted that the plan was an evolving document.

Following discussions with the Police Licensing Officer the applicant had amended their application to attach the conditions available at Appendix A3 of the agenda pack, were the licence to be granted.

It was advised that photographs and text submitted as part of Representation 1 had been circulated to all parties and were for consideration by the Sub-Committee as part of the initial representations.

The objecting party Councillor Robert Ward was given the opportunity to speak and advised:

- They had considerable experience of previous events in the park and the local resident's association had played an active role during previous events. A lessons learned document had been developed and submitted as representations.
- Residents were cooperative and tolerant in facilitating events however there had been previous instances when residents had felt let down and had complaints.
- Concerns were primarily around the traffic management plan for the event which had not been included in the application documents.
- Aggressive parking by attendees had caused issues previously.
- Restrictions and security staff should be in place well in advance.
- Latecomers attempting to park in residential roads had previously been confrontational and caused issues.
- A transport management document had been made available however the Spout Hill and Featherbed Lane areas had not been included.
- It was important for the security staff to be properly positioned.
- In regard to noise transmission, it was important to understand where the speakers and tent would be oriented and to properly manage the noise.
- Stewarding arrangements had not been communicated.

Officers advised the council had civil enforcement officers, a request for officers to be in the area could be made via the SAG. The council did not have tow truck provision however if required this could be arranged by the event organiser during the SAG process. If this was undertaken the responsibility for vehicles would be with the contractor.

The objecting party Ana Antic was given the opportunity to speak and stated:

- They were the sales and events manager at Addington Palace, a licensed events venue directly behind Addington park. The managing director was also present and intended to speak.
- There were concerns regarding the noise pollution.
- There was a wedding booked for 6 July 2024 on the outside lawn at Addington Palace situated directly behind the park.
- An event last year had been extremely loud and recordings from the event had been submitted as part of the representations.
- Noisy events caused disturbance to the business and weddings.
- They strongly objected to event.
- An event last year had measured at 65 decibels at Addington Palace. If the license application were granted, they requested for the sound level to be reduced half the decibel levels.
- It was queried how the sound levels would be monitored, if officers would be present to monitor levels on the day, and if officers would be contactable on the day if levels were exceeded.
- Clarity on the positioning of the stage within the park was requested.
- It was felt that the decibel levels at an event in 2023 had been too loud and it was unacceptable to Addington Palace customers.

A video of the noise disturbance caused by an event in 2023 was played to the Sub-Committee. It was noted that the applicant had not held an event in Addington Park in 2023.

The objecting party Charles Marriot was given the opportunity to speak and stated:

- They were a local resident and Vice Chair of Addington Residents Association.
- The main concerns were regarding the Traffic Management Order (TMO) and Security.
- Traffic management had caused issues for previous events.
- They had discussed the importance of having a tow truck with the applicants.
- Execution of the traffic management by the security staff was key and had caused issues at previous events.
- It was understood the stage would be facing Addington Village.
- It was requested for attendance numbers and staff numbers to be clarified.
- It was requested for the presence of offsite SIA officers to be clarified.
- Threatening behaviour at previous events had required police attendance.

- It was suggested that SIA officers and stewards needed in be in place to manage parking.
- Tow away signage was not included in the TMO, and the Spout Hill area needed to be included.

The applicant was given the opportunity to speak and advised:

- They appreciated there had been issues at previous events and felt lessons learned could be used to assist the organisers rather than to make a case against the event.
- The meeting with Addington Residents Association had been very useful.
- The stage would be positioned near the children's play area facing away from Addington Palace and there would be a half tent around the stage to limit noise disturbance.
- There would be 1000 attendees and 500 staff, totalling 1500.
- The council's noise pollution officer had advised they would be present on the day measuring to ensure sound levels were within the 60 decibels to the nearest resident limit. The noise pollution officer would also be present during the set-up of the event.
- Regarding parking, lessons learned from previous events had been incorporated into the traffic management plan. Barricades would be placed in specified roads identified by the resident's association.
- The applicant intended to accept the additional conditions put forward by the Police.

In response to questions from the Sub-Committee the applicants advised:

- They had been running events for 25+ years and had previously run and range of events including outdoor events such as a children's festival with 2500 persons in attendance.
- Addington Park had been selected for the event as it was suitable for the event's attendance numbers.
- They intended to have 2 SIA officers to every 50 attendees plus stewards for traffic management. There would be 2 security teams, operating on the inside and outside perimeters. There would be security staff in key parking areas and a mobile team operating outside the park.

The Chair noted the importance of ongoing dialogue between the applicant and the objecting parties.

In response to questions from the Sub-Committee it was advised that the ongoing SAG process would not increase the capacity sought within the application. The Police conditions numbered 14 and 15 included in the agenda pack at Appendix 3 were noted by the Sub-Committee.

The Sub-Committee queried how the applicants intended to mitigate noise disturbance to Addington Palace. It was advised that noise limiters would be

fitted to the sound system, meaning DJs would be unable to surpass the agreed decibel level.

It was confirmed that a tow truck had been included in the TMO.

The applicant suggested a sound testing window could be agreed with Addington Palace. Officers advised the decibel limit was usually 65 decibels to the nearest residential premises.

The legal advisor to the Sub-Committee advised the Noise Pollution Team had not submitted representations and therefore were not present at the hearing to answer queries regarding the acceptable sound levels which would be set if the licence were granted. Sound levels would be set via the SAG process.

The Chair suggested the applicants should continue dialogue with Addington Palace in regard to noise levels.

All parties to the hearing were given the opportunity to give final comments.

Ana Antic queried if they were able to appeal regarding the sound levels. Ongoing dialogue between with applicant and objecting parties was encouraged.

The Chair thanked those present for their attendance and participation in the hearing.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED to GRANT** the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub-Committee decision as follows:

### **LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Addington Park Croydon CR0 5AR** on Saturday 6 July 2024 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 several objectors during the hearing. The Sub-Committee noted that although one of the objectors was not present at the hearing, they had the benefit of the written representations as part of the report and had regard to them in their decision making.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the 2003 Act”), the Statutory Guidance issued under Section 182 of the 2003 Act and the Council Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** 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 application as granted is subject to the conditions offered by the applicant in their operating schedule and amended application following discussions and agreement with the Police (Appendix A3), and to the mandatory conditions which are imposed under the Licensing Act 2003.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee appreciated that there had been concerns about prior events in the Park which had been delivered by other applicants but were mindful that the current Applicants not be judged by previous applicants’ conduct in respect of which they had no control or responsibility. The Applicants had not previously undertaken an event at Addington Park although they advised that they have been running events in London, across the country and abroad as well as managing venues for 25 years.
2. The Sub-Committee noted that the Applicants had sought to engage with and address concerns which had been raised by residents and this was an ongoing process to ensure that matters of concern would be addressed, including as part of the Safety Advisory Group (SAG) process for events. The remit of the SAG is to advise on whether an event should proceed on safety grounds. The core members of the SAG are Croydon Council (Food Safety Team, Events Team, Noise, Parking/Traffic Management, Licensing, and Parks), Metropolitan Police, British Transport Police, London Fire Service, London Ambulance Service and transport providers such as TfL.
3. It was noted that prior to and during the hearing, the Applicants sought to engage with and address the issues which were raised by those making representations and addressed the questions of the sub-committee members. The Sub-Committee noted that the successful delivery of the event would require ongoing engagement with impacted parties, and it was encouraging that there is the will to continue to work with the residents’ association and Ward Councillor to undertake a successful event and address the concerns they had raised. The Sub-Committee also noted that the Applicants had reached out to Addington Palace and provided contact details to instigate communications, however it appeared that Addington Palace had yet to contact the Applicants directly in relation to the matter.
4. The Sub-Committee had regard to the fact that there were no objections to the application from the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance. The Sub-Committee noted that, as per the Statutory Guidance, Licensing authorities should look to the police as the main source of advice on crime and disorder and the police had agreed an extensive set of conditions with the applicant (as set out in

Appendix A3), which the applicant had amended their application to include, in the event that the Sub-Committee was minded to grant the application.

5. As part of the conditions to be imposed on the licence, if granted, the applicant had offered conditions pertaining to noise management and described measures they advised the Sub-Committee they would put in place regarding noise management. These included in relation to:
  - ensuring that as part of the Event Management Plan (which would be considered at, and if satisfied, agreed by the Safety Advisory Group) there would be in place an appropriate Noise Management Plan.
  - Noise Nuisance Complaint Line, providing a direct telephone number (held by a duty manager) to neighbouring premises for reporting noise nuisance complaints and a Whatsapp Group to allow for more immediate interaction and communication;
  - Event organisers will actively collaborate with the responsible authorities and residents to address any concerns related to noise levels;
  - All event management, staff, stewards, and security employed at the event must carry out reasonable requests by police officers to ensure the licensing objectives are met.
  - Acoustic Engineers have been engaged to monitor noise levels emanating from the stage;
  - The stage and sound system speakers will be positioned to direct sound away from nearby residents and businesses and contained within the tent so as to soften the noise.
  
6. In addition, the Sub-Committee noted that the Applicants had advised that a Noise Pollution officer from the Council would be involved in sound testing and setting of the noise limits and that a noise limiter would be put in place so that once sound levels were agreed and set, these couldn't be increased. The Sub-Committee noted the willingness of the Applicants to engage in discussions during the hearing and subsequent thereto, with Addington Palace around the timings of sound tests to assist in accommodating their concerns about events occurring at their premises in the days prior to the proposed event at the Park.
  
7. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences. The Statutory Guidance indicates that it is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus 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. The Statutory guidance also makes clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities – in other words it is a matter which ought to be considered on a case-by-case basis. The Guidance goes



on to indicate that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, including live music.

8. The Sub-Committee were mindful that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
9. Whilst there were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals, one of the objectors, Addington Palace, made a number of representations about permissible or permitted decibel limits that they considered appropriate for an event at Addington Park so as not to disrupt their wedding venue business and the ceremony they had booked for the day of the proposed event. Objectors from Addington Palace submitted that a previous event, where noise levels had been measured by Council's noise pollution team at 60 decibels at their venue, were too loud and inappropriate and suggested that 30 decibels would be an appropriate limit and expressed the view that the Sub-Committee should set a maximum level accordingly.
10. The Sub-Committee were clear that they did not have before them any representations from the Noise Pollution team objecting to the current application which they would have been entitled to do as a responsible authority. The Sub-Committee were mindful that noise limits were proposed to be set by professional noise pollution officers as assessed in accordance with their procedures and professional judgement as to what would be appropriate in all the circumstances at the event. It should also be noted that the suggested 30 decibels is potentially very quiet – the equivalent in volume terms of a whispered conversation – but many factors impact on a noise pollution officers' subjective assessment of whether or not the noise in question is acceptable or unreasonable, including time of day, frequency, type and volume. The Sub-Committee were not minded to impose a condition setting a decibel limit in the current circumstances and were mindful that alongside the proposed mitigation measures the Applicants would have in

place, a noise pollution officer would already be involved in the noise assessment and setting of relevant limits as detailed earlier.

11. The Sub-Committee had regard to the Statement of Licensing Policy which provides that “Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces....However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses...Licensing is a balance and requires consideration of all these various needs”.
12. The Sub-Committee were clear that there were matters in respect of which issues had been raised but which were not directly within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes – this included in relation to traffic management and parking in neighbouring streets. Despite this, the Sub-Committee noted that the applicant had now engaged in detailed discussions with the residents’ association and was making careful plans about how to prevent/deal with illegal and “aggressive” parking, including in relation to applying for and putting in place Traffic Management Orders, having a tow truck on call, placing of barricades, the presence of appropriately trained stewards, a Whatsapp Group to alert to issues and a mobile security team to deal quickly with issues and provide back up, ensuring that residents would be notified about parking restrictions and how they would be provided with access. These discussions were acknowledged to have been constructive on both sides and would be ongoing and would be addressed further as part of the overarching Event Management Plan which would be considered, and if appropriate, approved under the SAG process.
13. In respect of prevention of crime and disorder, protection of children from harm, promotion of public safety and prevention of public nuisance, the Sub-Committee noted that the Applicant indicated that they proposed an SIA trained staff to patron ratio of 1:25 rather than the 1:50 which had been recommended by the Police, providing enhanced security. They indicated that they would have in place two security teams – one inside the perimeter of the venue and one outside the perimeter of the venue as well as a mobile security team who could quickly respond to any issues and provide support where it was needed.
14. In addition, conditions had been agreed that:
  - No persons under the age of 18 years will be permitted to attend the event;
  - All SIA staff involved in searches and/or evictions from the premises would wear Body Worn Video (BWV). CCTV and BWV will be operated on site in accordance with the Event Management Plan. Static cameras will operate at the bar, stage and entrance/exit areas. Recordings from CCTV and BWV must be retained for up to 31 days

after the event and made available to the Police or council upon request.

- During the event, CCTV recordings requested by the Police must be provided in a usable digital format within 2 hours.
- The Event Management Plan will specify perimeter fencing of at least 6ft with heras/mesh fencing in an inner cordon for the event site;
- There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodge with the Police Licensing team. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
- A challenge 25 scheme will be operated to ensure that any person attempting to purchase alcohol who appears to be under 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving license, military card or a card bearing the PASS hologram.
- All drink will be served to members of the public in plastic or polycarbonate containers without screw cap lids
- Ensure that customers are prevented from leaving the event site with bottles or open containers
- The maximum number of tickets that shall be sold for the event and the maximum number of attendees shall be 1000 persons.
- The premises shall run the event in line with the latest Event Management Plan (EMP) that has not been objected to during a relevant SAG meeting by a relevant responsible authority
- The EMP for the event shall include the following information as a minimum; site plans and minimum specifications of perimeter security fencing, stewarding/security plans to include regular weapon sweeps before, during and post egress, crowd management plans, medical plan, fire plan, site safety policy, traffic management plans, noise nuisance prevention plans and ingress/egress plan.

14. The Sub-Committee were aware of, 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 anti-social behaviour is accountable in their own right”. However, despite this the Sub-Committee noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour on site and in the surrounding area, including appropriate numbers of SIA trained security staff and a mobile security unit.

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.

6/24 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 2.03 pm

**Signed:**

**Date:**

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