

LICENSING SUB-COMMITTEE

26 May 2021 at 10.00 am

MEMBERS: Councillors Jake Short, Richard Clifton and Jillian Green

ABSENT None

8. WELCOME AND INTRODUCTIONS

Attendees and those watching on the live stream were welcomed.

9. ELECTION OF CHAIR

Councillor Jillian Green proposed that Councillor Jake Short be elected as Chair for the duration of the meeting, this was seconded by Councillor Richard Clifton.

RESOLVED that:

1. Councillor Jake Short be elected as Chair for the duration of the meeting.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were not available.

12. LICENSING SUB-COMMITTEE - HEARINGS PROCEDURE

The Chair drew attention to the Council's procedure to be followed at the meeting.

13. LICENCE APPLICATION

DECISION NOTICE
LICENSING SUB COMMITTEE

Licensing Act 2003 - Notice of Determination

Date of issue: 28 May 2021

Decision taken by the Licensing Sub-Committee on: 26 May 2021

Application by: Ms Adriana Stringer

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Application for a new premises licence held in respect of the premises known as Cheam Park Cafe Limited, Cheam Park, Tudor Close, Cheam, SM3 8QS

Present

Sub-Committee:

Councillor Richard Clifton

Councillor Jillian Green

Councillor Jake Short

Applicant:

Ms Adriana Stringer

Officers:

Saima Khan Legal Advisor

Hannah Smith, Licensing Officer

Cathy Hayward, Committee Services Officer

The Hearing

The Licensing Officer introduced the matter for determination and informed the Sub-Committee that Ms Adriana Stringer had applied for a new premises licence in respect of the premises known as Cheam Park Cafe Limited, Cheam Park, Tudor Close, Cheam, SM3 8QS

The application sought the grant of the following:

a new premises licence to permit Supply of Alcohol - retail (on the premises) during the following hours Monday to Sunday: 11.00 hours - 19.00 hours

with opening hours of Monday to Sunday: 08:30 hours - 19:00 hours

The Licensing Officer informed the Sub-Committee that the proposed hours of licensable activities and the hours of operation are laid out in Appendix 1 and 2.

The Licensing Officer explained that the applicant had advertised the application, as required, by way of a poster at the premises and by advertisement in a local newspaper and that the application had also been advertised on the Council's website.

It was confirmed that all Responsible Authorities received a copy of the application.

Trading Standards initially raised concerns following further consultation the applicant had addressed the concerns and made amendments to their operating schedule reflected in the conditions shown in Appendix 3 of the report. In light of these amendments the representation made by the Trading Standards Officer had been satisfied.

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Two valid representations were received from Other Persons. The representations referred to matters that related to the prevention of public nuisance licensing objective.

The Licensing Officer confirmed that copies of all representations have been forwarded to the applicant and had been made available to the Sub-Committee.

There were no questions from the panel to the Licensing officer.

The Sub-Committee then heard a submission from the applicant Ms Stringer the main points raised included:

- She had been a tenant at the cafe for 15 years, with a proven record.
- She was adaptable to the challenges for example had created a covid secure premises.
- She had worked with the police, the Safer Parks team, councillors and the community, and the premises was trouble free.
- She was a local resident
- She had received no complaints from the parks team, who had also provided a reference.
- There had been a number of events held in the park in recent years which had the benefit of a licence, including for late night provision.
- There are other licensed premises closer to the residential areas surrounding the park than the cafe.
- Several parks in the area had licenced premises within them.
- Alcohol was not prohibited in the park.
- The hours applied for in the application did not include late night.
- The application aimed to improve customer experience at the cafe by for example being able to offer wine with a meal.
- The police were aware that there were people who brought alcohol into the park.
- The police were rarely called to the park, if they were this was usually during evenings when the cafe was closed.
- She was mindful of 'Challenge 25'.
- If concerns of anti-social behaviour arose she would escalate these to the relevant authority.
- The premises had CCTV in place.
- The premises did not provide music.
- There were a number of houses surrounding /backing the park who had not offered an objection to the application.
- The cafe included signage requesting patrons were respectful of local residents.
- There were litter bins in place in and outside the premises, there had been no complaints regarding litter at the cafe.
- Drinks were being served in glasses and glass bottles at present, this has not been an issue as breakages were dealt with quickly by staff.
- There were four toilets inside and one outside which was sufficient.
- Training was provided to staff and dated records kept, this included dealing with customers.
- There was always a supervisor at the premises.

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- No objections have been raised by the police, parks team or the council.

The Sub-Committee clarified with the applicant that:

- Customers would only be sold alcohol with substantial food, which would be served to the seated areas inside or the cafe area outside the cafe.
- Drinks would be served in glasses.
- As a resident of a road which adjoined the park the applicant did not feel there was an issue with noise to local roads from the park.
- The park was locked every night, although there was some access via the unlocked Nonsuch park entrance.
- No drink would be allowed to be removed from the premises, purchases would be for consumption on the premises.
- The applicant confirmed the number of covers at present which created a covid secure environment and the original number of covers at the premises.
- The majority of staff training was completed by the applicant, and this included a section on conflict resolution, and included an escalation process.
- Alcohol was stored in a secure, alarmed area of the premises which was covered by CCTV.
- Spirits would be sold in seasonal drinks such as mulled wine, hot chocolate or summer drinks. The applicant would prefer not to limit the spirits available as this would allow flexibility for market changes in the future.

Saima Khan, legal representative, clarified the Public Spaces Protection Order (PSPO) process.

The Sub Committee thanked the applicant for a comprehensive statement and clear answers to their questions.

The Chair drew attention to the two valid written representations from other persons included within the agenda.

In summary the applicant confirmed:

She had addressed the licensing objectives which had been mentioned in the representations, she was a responsible operator. There had been no representations from the Responsible Authorities in relation to the application.

Reasoning and decision

In making their decision, the Sub-Committee considered the merits of the application and had regard to the Council's Statement of Licensing Policy and guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Sub-Committee considered the steps which were appropriate and proportionate to promote the licensing objectives, and after taking account of all relevant issues that had been raised in the

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application and by the written and verbal representations, decided to GRANT the application for a new premises licence subject to conditions as set out below.

The Sub-Committee had regard to the relevant written representations from Other Persons which raised concerns relating to the prevention public nuisance licensing objective. The Sub-Committee considered the measures in place to promote the licensing objectives.

The Sub-Committee noted that the applicant had provided a comprehensive statement which had clearly addressed how the Licensing objectives mentioned in the representations would be addressed and had provided full answers to questions from the panel.

The Sub-Committee drew attention that the premises was strongly managed, well run and the applicant was an experienced operator, and had received a reference from the parks team, and further noted there had been no representations from the Responsible Authorities. The premises provided adequate toilet and litter facilities. The applicant was community minded, was a member of the Friends of the Park and a local resident who had regard for the park environment.

The Sub-Committee noted the hours applied for did not run late into the evening and the condition offered that alcohol would only be served with food on the premises; customers were largely families or mature people. Customers would not be able to remove alcohol from the premises, alcohol which was not fully consumed when eating it would be disposed of within the premises. The Sub-Committee drew attention that the application did not include late night sales and that alcohol would be stored in a secure location.

The Sub Committee considered seasonal variation in alcohols offered for sale, but understood the applicant's suggestion that any limit of variety of alcohols would reduce the flexibility of the offering in the future.

The panel noted the Public Spaces Protection Order (PSPO) in place in the locality.

The panel was minded to amend the condition regarding the sale of alcohol to be ancillary to substantial food and to add an additional condition to prevent removal of unconsumed alcohol from the premises; both had been submitted by the applicant within her presentation and were considered, together with the other conditions offered, to be appropriate and proportionate to uphold the licensing objectives and mitigate the relevant concerns raised by the objectors.

The Sub-Committee noted its powers on a review. Should any problems arise following grant of the licence; a review application can be submitted by any person.

Decision - Cheam Park Cafe Limited, Cheam Park, Tudor Close, Cheam, SM3 8QS

The Sub-Committee decided to GRANT the application for a new PREMISES LICENCE subject to conditions, as follows:

To permit Supply of Alcohol - retail (on the premises) during the following hours

- Monday to Sunday: 11.00 hours - 19.00 hours

With opening hours of Monday to Sunday: 08:30 hours - 19:00 hours

Subject to the conditions set out below including one amended condition and one additional condition imposed by the Sub-Committee.

Mandatory Conditions.

The licence would be subject to the mandatory conditions laid down in the Licensing Act 2003 (this information will be available to the Sub-Committee meeting).

Conditions arising from applicant's Operating Schedule

The prevention of crime and disorder

Alcohol, restrictions on sale

- Alcohol shall not be supplied or sold at or from the premises otherwise than to persons ordering food (amended by the Sub-Committee as set out below)

Closed-circuit television

- The premises shall operate a closed-circuit television system (CCTV).
- The CCTV shall cover all public areas including entrances and exits.
- The CCTV shall cover all internal and external areas of the premises
- The CCTV shall be maintained in effective working order, and shall be in operation at all times.
- The CCTV shall record clear images permitting the identification of individuals.
- All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 30 days.
- Viewable copies of the recordings shall be made available on request to police or authorised local authority officers as soon as reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

The prevention of public nuisance

Notices

- Clear legible notices are to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

The Protection of children from harm

Age verification – challenge 25

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- a) Evidence of age in the form of photographic identification (ID) shall be requested from any person appearing to those selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- b) Acceptable identification for the purpose of this condition is that issued by a government agency bearing a holographic mark with a photograph and date of birth, or the Proof of Age Standards Scheme (PASS) approved age cards.
- c) Notices shall be strategically and prominently placed at points of sale advising customers that they may be asked to provide evidence of age.
- d) A refusals book to record every instance that sales of alcohol are refused shall be maintained.
- e) The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale.
- f) The refusal book shall be available for inspection by the police or authorised local authority officers.

Staffing, training

- a) All staff shall be trained before they are allowed to sell any alcohol to the public.
- b) Records of staff training along with any training material used must be kept by the Designated Premises Supervisor or Premises Licence Holder.
- c) All training records shall be signed by the trainer and trainee in respect of training received.
- d) The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.
- e) Refresher training shall be carried out every six months for all staff and documented within the training records.
- f) The training records shall be available for inspection by the police or authorised local authority officers.

Additional conditions offered by the applicant during the meetings and imposed by the Sub Committee:

- Alcohol shall be sold or supplied in the cafe area marked on the plan (including the external seating area) only to persons with and for consumption with substantial food supplied at the same time, consumed with the substantial food and paid for together with the substantial food.
- Customers will not be permitted to remove from the premises any alcoholic drinks supplied by the premises in open or sealed containers.

14. ANY URGENT BUSINESS

There was no urgent business.

The meeting ended at 10.43 am

Licensing Sub-Committee

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Chair:

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Date:

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