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Please ask for/reply to: Licensing Team

Your Ref:
Our Ref:
Date: 4 October 2013

Dear Stakeholder,

Consultation on the London Borough of Croydon's Revised Licensing Policy under the Licensing Act 2003

The Licensing Act 2003 (the Act) requires the Council to administer the application process for licences & certificates to sell & supply alcohol, provide certain types of entertainment and provide late night refreshment, which is the provision of hot food and/or hot drink between 11pm and 5am.

The Council is also required to draw up and periodically review a written statement of its licensing policy (the Licensing Statement), setting out how it will carry out its functions under the Act.

Part of the review process is to circulate the revised draft Licensing Statement for consultation prior to it being adopted and published as the new Statement of Licensing Policy.

In brief, it is proposed that the Licensing Statement be amended to:-

- Reflect recent changes in licensing legislation;
- To introduce Cumulative Impact Zones (CIZ's) in certain parts of the borough;
- To note Special Stress Areas (SSA's) in certain parts of the borough; and
- To explain the Council's approach to licensing hours for shops, stores and supermarkets.

Full details of the basis for the proposed changes can be found in the attached consultation document which includes a questionnaire to seek your comments on the changes. Also attached is the draft revised Licensing Statement and to assist the reader, the proposed amendments to the policy are marked in **bold italics**.

If you wish to make any comments on the proposed revisions, please complete the consultation questionnaire and return it to:

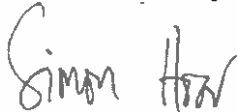
The Licensing Team
Planning & Environment Department
Croydon Council
10th Floor, Zone B
Bernard Weatherill House
8 Mint Walk
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CR0 1EA

Alternatively, comments may be sent by e mail to licensing@croydon.gov.uk .

Any comments must be received by **5pm on Friday 8th November 2013**

Finally, in an effort to reduce printing, letters and attachments are being circulated, where possible, electronically. If you have received this correspondence electronically but would prefer a hard copy, please contact the Council's Licensing Team on 020 8760 5466 or licensing@croydon.gov.uk .

Yours faithfully,



Councillor Simon Hoar
Cabinet Member for Community Safety & Public Protection

Consultation and Questionnaire on Proposed Revisions to Croydon Council's Statement of Licensing Policy

1. Introduction

1.1 The Licensing Act 2003 requires that the Council publishes a 'Licensing Statement' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. It is also required to review the Licensing Statement at least every five years.

1.2 The Licensing Policy is intended to inform applicants and residents about the way in which the Licensing Authority will make licensing decisions and how licenced premises are likely to be permitted to operate so as to promote the licensing objectives.

1.3 As a Licensing Authority we have a duty to promote the following four licensing objectives and these objectives will underpin every decision that we undertake:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

1.4 We have chosen to review our licensing policy earlier than we are required to do so because of feedback from residents, the police and other partner agencies. We have considered a wide range of evidence to help us understand the positive and negative impacts of alcohol on our borough. We have listened to residents, the licensed trade and our Safer Croydon Partners and are proposing that the Licensing Statement be revised to:-

- Reflect recent changes in licensing legislation;
- To introduce Cumulative Impact Zones (CIZ's) in certain parts of the borough;
- To note Special Stress Areas (SSA's) in certain parts of the borough; and
- To explain the Council's approach to licensing hours for shops, stores and supermarkets.

2. Cumulative Impact Zones

Background

2.1 Earlier this year, in respect of CIZ's the Council circulated a draft policy document for consultation. The number of responses to that consultation was low but consideration of those received lead the Council to review the CIZ proposal. As a result of this the Council has decided to refine the scope of the CIZ to certain parts of the borough.

2.2 The evidential basis for the CIZ's now proposed are detailed below.

Evidence and Data

2.3 Croydon experiences significant crime problems from alcohol related crime. Out of 326 local authority areas in England, Croydon is ranked 298 for all alcohol related crimes¹ (where 1 is the best and 326 the worst). It is also rated 282 out of 326 for both alcohol-related violent crimes and for alcohol-related sexual offences¹.

2.4 Over the last three years the number of alcohol related ambulance call outs in Croydon has increased from 1947 calls in 2010-11 to 2194 calls in 2011-12 and 2493 calls in 2012-13. Out of a total of 33 London boroughs, Croydon has the 6th highest ambulance call outs related to alcohol².

2.5 Data³ shows that there is a strong relationship between alcohol and a range of crimes including violence (see Appendix 7). Alcohol is a factor in:

- 37% of cases of violence against a person
- 17% of burglaries
- 13% of cases of theft and handling of stolen goods
- 47% of robberies

2.6 There is evidence⁴ of a clear positive relationship between increased premises density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tends to be associated with not only an increase in alcohol consumption, but also alcohol related crime and violence and under 18 alcohol specific hospital admissions.

2.7 The majority of Croydon residents aged 16 and over are thought to drink alcohol at levels that are unlikely to cause harm (lower risk). However, estimates suggest that around 18% of Croydon residents who do drink alcohol do so at increasing risk levels, and 7% drink at higher risk levels¹.

2.8 It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Nationally, Croydon is ranked the seventh worst borough for binge drinking and it also ranks twice the London average¹.

2.9 Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Pre-loading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident.⁵ People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

2.10 Over the last seven years, drinking behaviour has changed where more people now purchase alcohol from supermarkets and shops. Croydon has seen a 12% increase in the number of off licences and a 20% decrease in the number of pubs⁶. This indicates a significant shift in sales of alcohol from the "on" trade to

the “off trade”. The Licensing Authority wish to ensure that the policy recognises this shift in drinking patterns. There is a good evidence base⁷ that effective interventions to reduce the negative impacts of alcohol are those that restrict the ease of acquiring alcohol itself . This can be achieved by increasing the cost of alcohol but also reducing the hours and days of sale and by restricting the number of outlets.

2.11 In a recent (August 2013) business and consumer survey conducted by the Croydon Town Centre Business Improvement District⁸, street drinking was identified as a problem by 28% of consumers of whom 5% thought that it was a priority to improve. This view was shared by local businesses for whom street drinking at night was also a cause for concern with 71% considering this as needing improvement or a priority; street drinking during the day, while less pronounced in terms of responses was also a concern at 65%

2.12 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. These are:

Brighton Road, South End, High Street & George Street Cumulative Impact Area

2.13 Contains 31 premises that are licensed to sell alcohol off the premises. Local police have expressed concerns about street drinkers who are sourcing their cheap alcohol from these outlets.

2.14 The density of off licences in this area is at a rate of 12.13 per 1000 households compared to the borough average of 2.13.

2.15 Data from the London Ambulance Service (LAS) states that between July 2010 and June 2013 there were 1,187 incidents of binge drinking and 1,152 assaults recorded in this area.

2.16 According to local GP data, there are 529 individuals in this area that misuse alcohol and 286 who are classified as being alcohol dependent

London Road Cumulative Impact Area

2.17 The London Road corridor, split into 3 sections, from the junction of London Road and Tamworth Road in West Croydon to the borough border with LB Lambeth has 54 premises that are licensed to sell alcohol off the premises.

2.18 The density of off licences in this area is at a rate of 23.84 per 1000 households compared to the borough average of 2.13.

2.19 Local police and local residents have expressed concerns about an emerging problem with street drinkers who are sourcing their cheap alcohol from these outlets. Data from the London Ambulance Service (LAS) states that between July 2010 and June 2013 there were 492 incidents of binge drinking and 1,294 assaults recorded in this area.

2.20 According to local GP data, there are 547 individuals in this area that misuse alcohol and 257 who are classified as being alcohol dependent.

Brigstock Road and High Street, Thornton Heath Cumulative Impact Area

2.21 The Brigstock Road and High Street, Thornton Heath Cumulative Impact Area has 15 premises that are licensed to sell alcohol off the premises.

2.22 The density of off licences in this area is at a rate of 11.96 per 1000 households compared to the borough average of 2.13.

2.23 Data from the London Ambulance Service (LAS) states that between July 2010 and June 2013 there were 338 incidents of binge drinking and 907 assaults recorded in this area.

2.24 According to local GP data, there are 441 individuals in this area that misuse alcohol and 207 who are classified as being alcohol dependent.

Central Parade, New Addington Cumulative Impact Area

2.25 Central Parade has 7 premises licensed to sell alcohol off the premises located in very close proximity to one another. The density of off licences in this area is at a rate of 25.27 per 1000 households compared to the borough average of 2.13.

2.26 Local residents and community groups have complained to the Council and police about intoxicated adults frequenting these shops becoming abusive and aggressive to passers-by. A questionnaire on alcohol circulated by the New Addington Pathfinders (a local community group) carried out during the weekend of the 29-30th June 2013 found that out of 384 respondents, 271(70%) felt that there were too many off-licences and other shops where alcohol could be purchased.

2.27 New Addington has the largest number of individuals (182) in Croydon that misuse alcohol and the largest number (154) of persons who are classified as being alcohol dependent persons¹.

2.28 As a result, the Council considers that it is appropriate to designate the following four areas within Croydon as being subject to a special Cumulative Impact Policy in respect of off- licences, shops and supermarkets selling alcohol off the premises:

- i. Along the Brighton Road; South End; High Street, George Street corridor, from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street and Cherry Orchard Road in Central Croydon (see Appendix 3)
- ii. Along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with LB Lambeth (see Appendix 4)
- iii. Along the Brigstock Road and High Street, Thornton Heath corridor, from the junction of Brigstock Road and London Road in Thornton Heath to the junction

of High Street, Thornton Heath and Whitehorse Lane (see Appendix 5)

iv. Along the length of Central Parade, New Addington (see Appendix 6)

2.29 The effect of a Cumulative Impact Zone Policy for each of the areas listed above would be that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused. A material variation would be, for example, an increase in permitted hours for the sale of alcohol or to add the sale of alcohol off the premises as a licensable activity to the premises licence.

2.30 The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies 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.

2.31 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.

2.32 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.

3. Special Stress Areas

3.1 In addition to the cumulative impact zones listed above, the Council is aware of concerns amongst responsible authorities and residents about the number of shops licensed to sell alcohol for consumption off the premises in certain other areas of the borough and the impact they may be having on crime and disorder. It is not intended at this time to introduce cumulative impact zones in these

areas, however, they will be monitored and assessed regularly and should concerns increase, consideration will given to formally identifying them as cumulative impact zones. For the time being, those areas will be classed as special stress areas and they are as follows:

- High Street & Portland Road, South Norwood
- Lower Addiscombe Road

4. Licensing Hours for Shops, Stores and Supermarkets

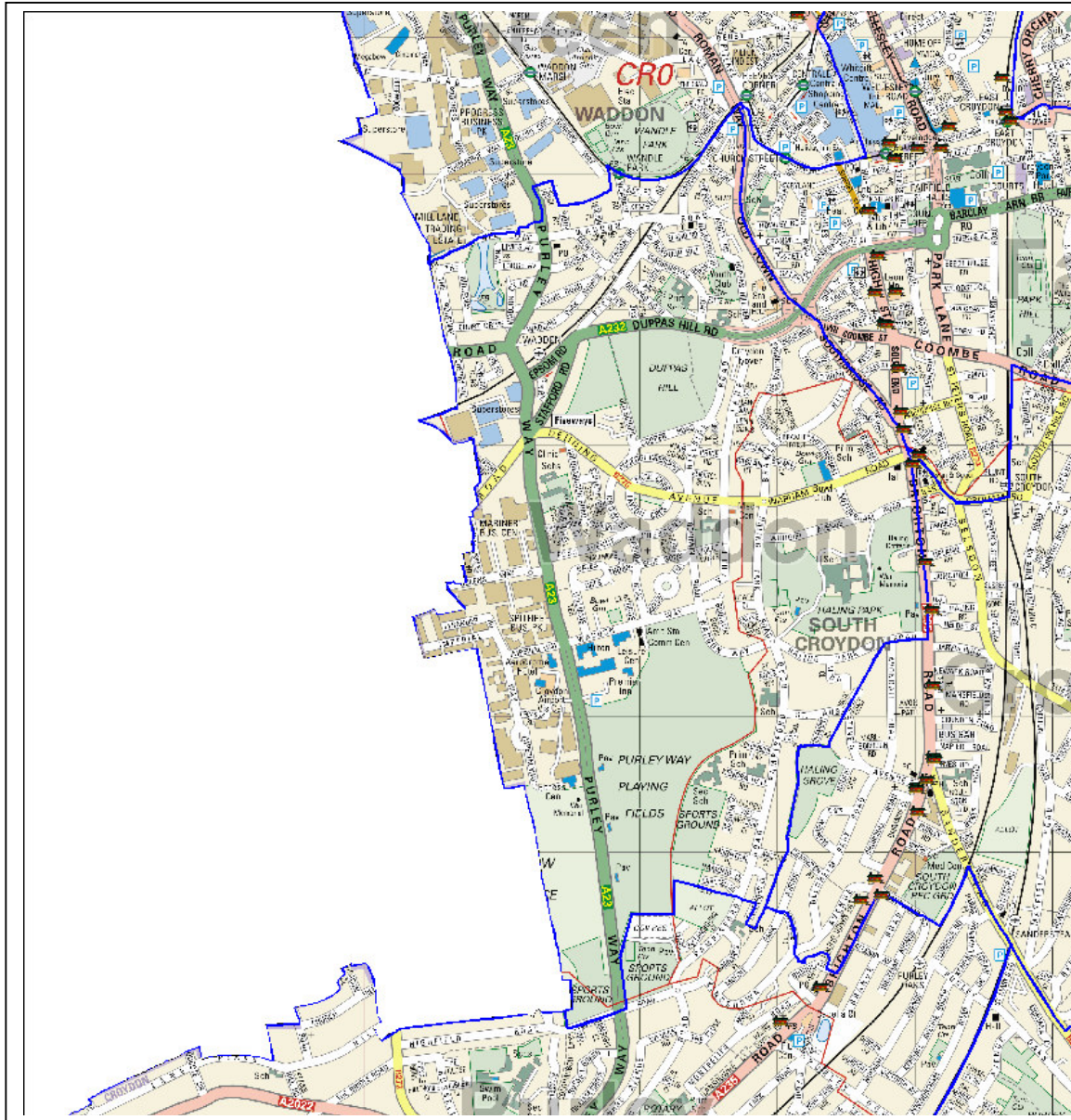
4.1 The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times

when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

- 4.2 However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits, there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of shops in residential areas or within one of the four relevant Cumulative Impact Zones where representations are made by the police and/or local residents and where premises are shown to be a focus of crime, disorder or nuisance. Applications to vary the permitted hours for the sale of alcohol off the premises within the above hours shall similarly be treated on their merits.

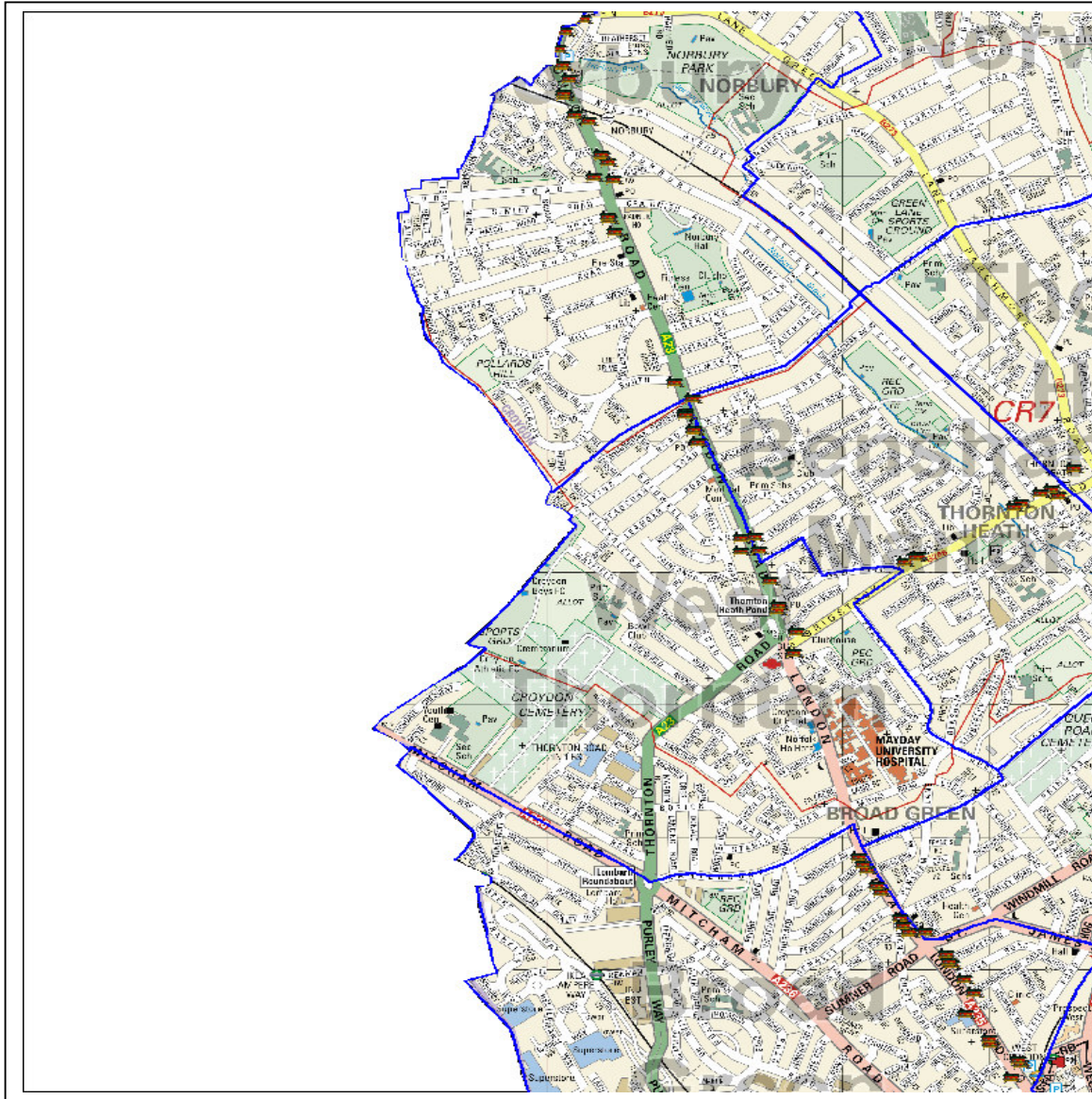
APPENDIX 3

Along the Brighton Road; South End; High Street & George Street corridor from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street & Cherry Orchard Road in Central Croydon



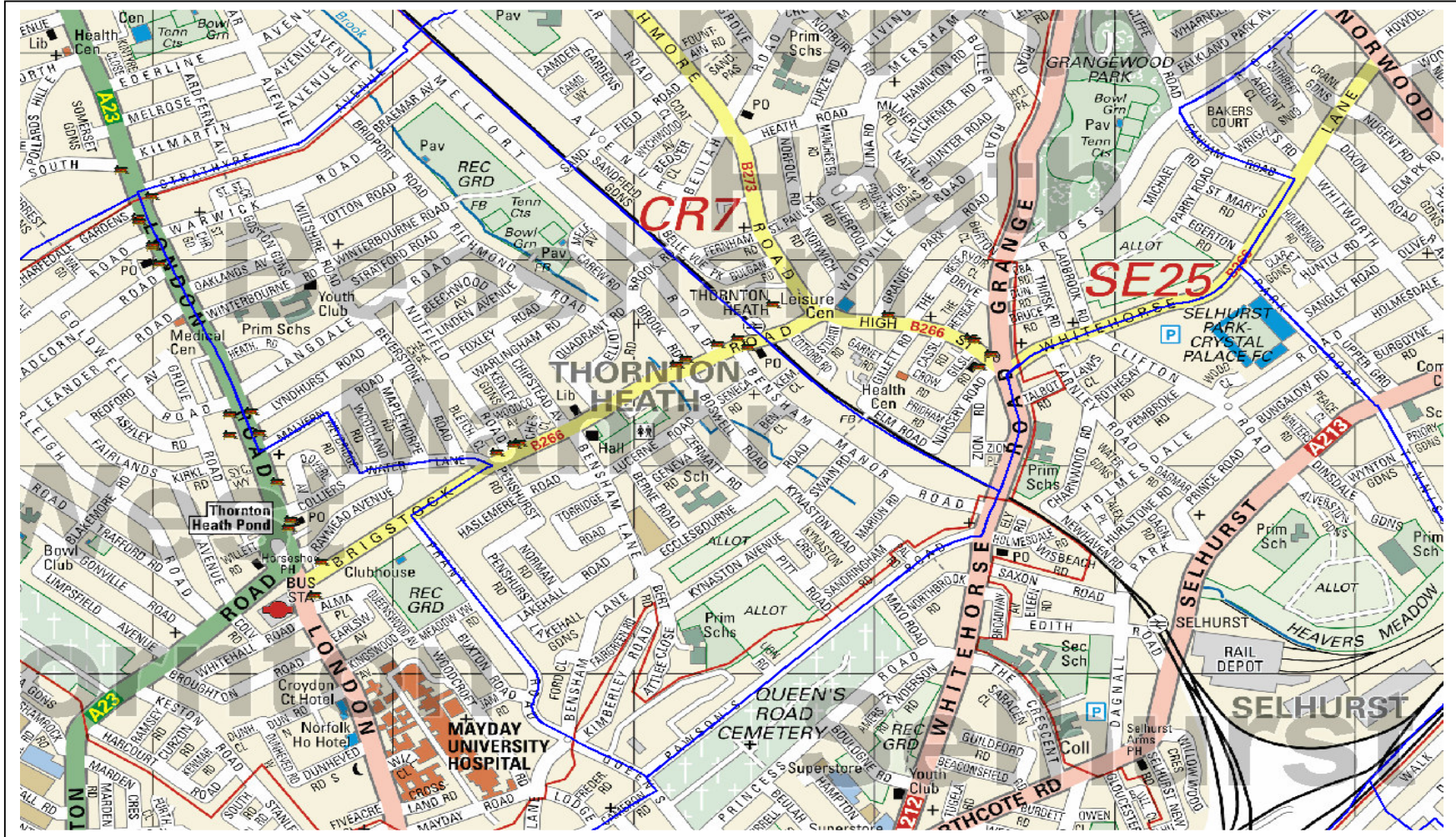
APPENDIX 4

Along the London Road corridor from the junction of London Road and Tamworth Road in West Croydon to the borough border with LB Lambeth



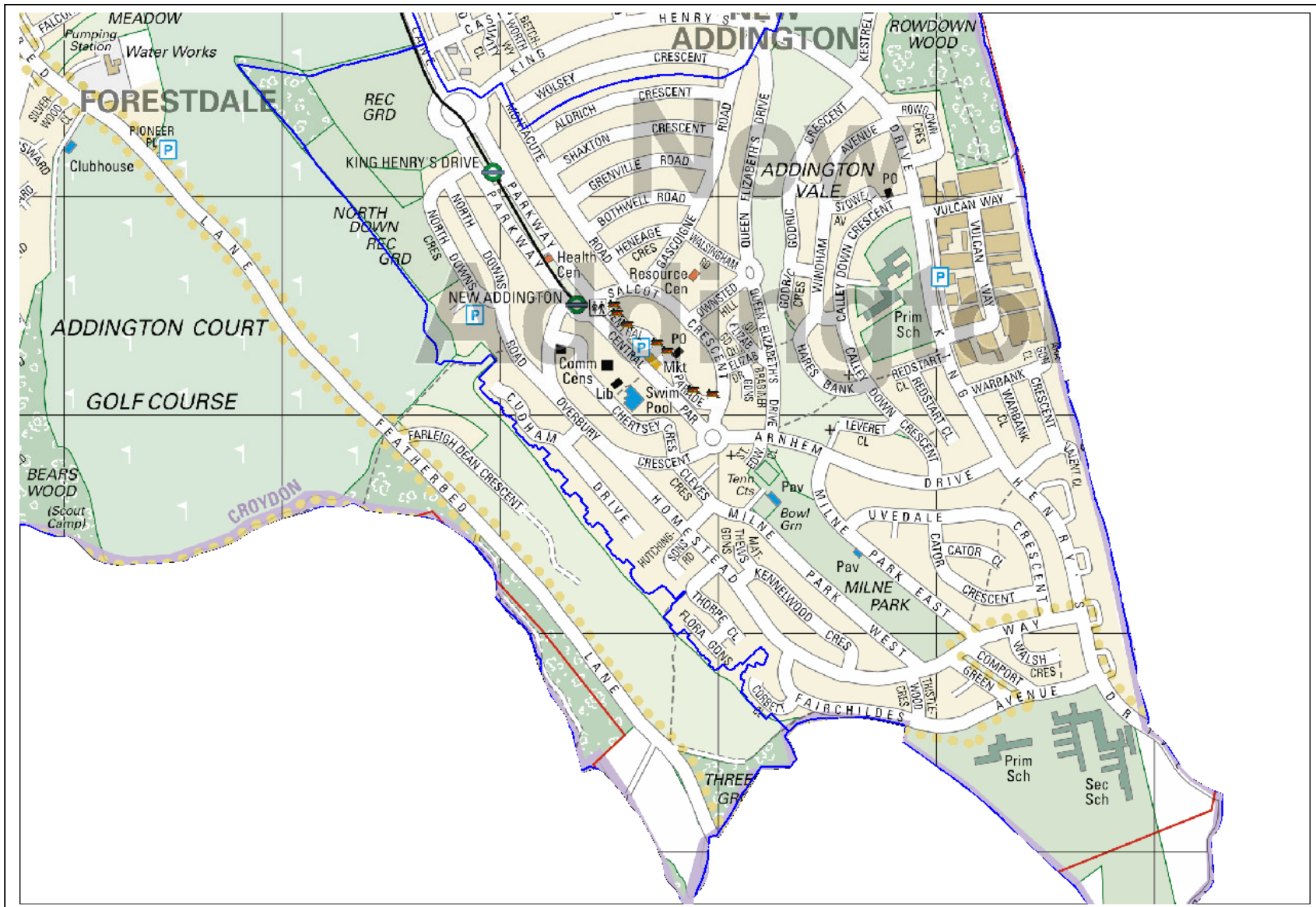
APPENDIX 5

Along the Brigstock Road and High Street, Thornton Heath corridor from the junction of Brigstock Road and London Road in Thornton Heath to the junction of High Street, Thornton Heath and Whitehorse Lane



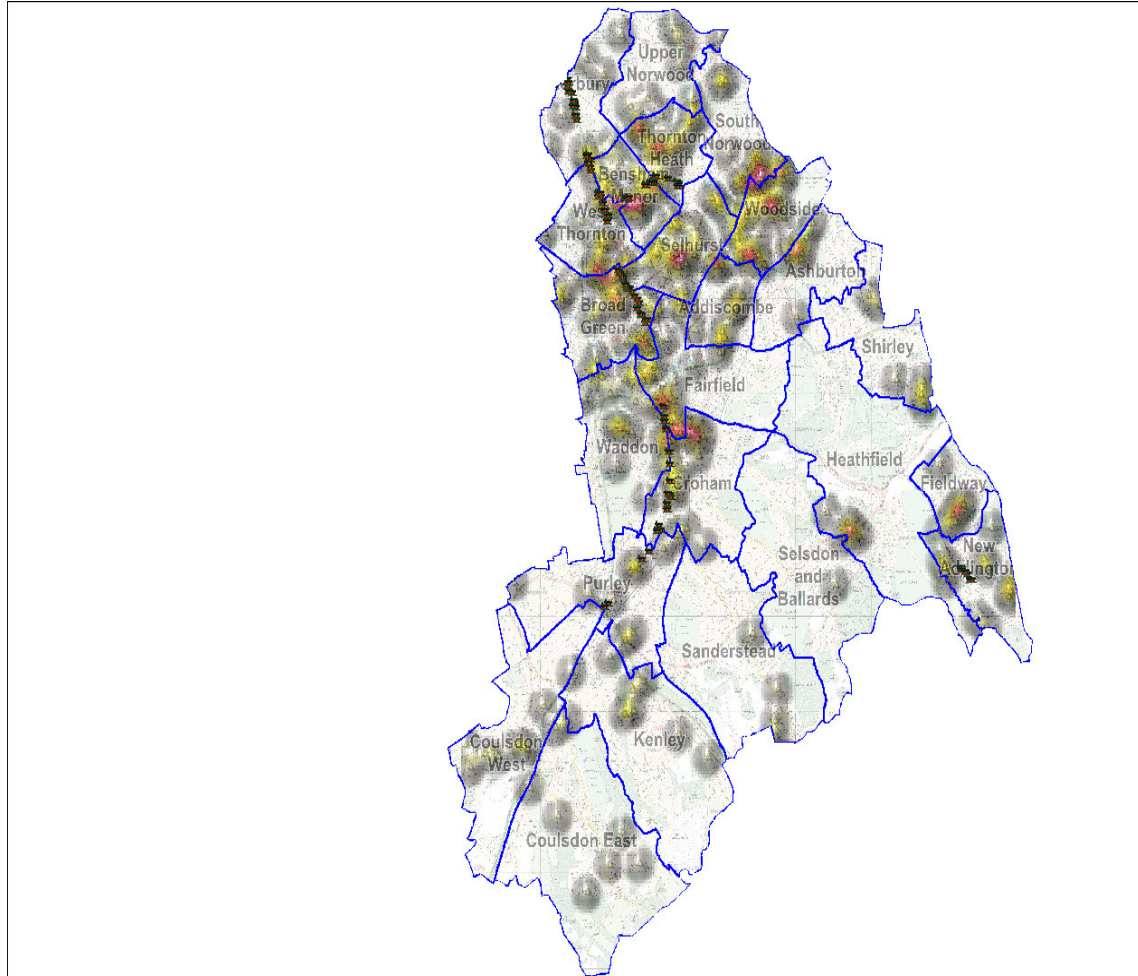
APPENDIX 6

Central Parade, New Addington



APPENDIX 7

Hotspot map showing residential locations of victims of crime in Croydon where alcohol was a factor



2. Special Stress Areas

- a) Do you have any views on the special stress areas detailed above?

3. Licensing Hours For Shops, Stores and Supermarkets

- b) Do you have any views on the Council's approach to licensing hours for shops, stores and supermarkets detailed above?

4. General

- a) Do you have any other comments to make about the proposed revisions to the Licensing Statement?

After the close of the consultation responses received will be reported to the Council's Licensing Committee for consideration and to seek a recommendation on adoption of the revised Licensing Statement to Full Council which will take the final decision.

End notes and references

¹ Local Alcohol Profiles for England (September 2013)

² London Ambulance Service data provided by Safestats, GLA

³ Alcohol-attributable fractions for recorded crime in England, by category. Source: Strategy Unit (2003b)

⁴ One on Every Corner - The relationship between off-licence density and alcohol harms in young people. Alcohol Concern 2011

⁵ Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5

⁶ Croydon Council Licensing Team Data

⁷ WHO Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol

⁸ Croydon Town Centre Annual Town Centre BID Business and Consumer Survey 2013

‘STATEMENT OF LICENSING POLICY’

**PUBLISHED IN ACCORDANCE WITH THE
PROVISIONS OF THE LICENSING ACT 2003
ON ** ** 2013 FOLLOWING REVIEW**

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CROYDON COUNCIL – STATEMENT OF LICENSING POLICY

1. INTRODUCTION

- 1.1 The London Borough of Croydon covers an area of 86.5 sq kms and has a population of approximately 363,000.
- 1.2 The Borough is mainly urban in character, being made up of a number of district retail and commercial centres each surrounded by residential accommodation.
- 1.3 Croydon town centre is a well-defined retail and commercial area with a large number of shops and offices. It also has **a significant number** of premises providing regulated entertainment, the sale of alcohol **and late night refreshment concentrated in the area.**
- 1.4 The remainder of the 1000 or so licensed premises are spread throughout the Borough, **both in the district centres and in** residential areas.
- 1.5 Premises and events that **are required** to be licensed under the Licensing Act 2003 do currently, and will continue to, make an essential contribution to the economic and cultural development of the Borough, through the provision of entertainment, leisure facilities and employment.

2. THE LEGISLATION AND THE COUNCIL

- 2.1 For the purposes of this 'Statement of Licensing Policy', the licensing authority under the Licensing Act 2003 (the 2003 Act) is the London Borough of Croydon (the Council) and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 2.2 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.3 The 2003 Act further requires that the Council publishes a 'Licensing Statement' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

3. DEVELOPMENT OF THIS POLICY

- 3.1 This 'Licensing Statement' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued under Section 182 of the Act.

- 3.2 There are a number of groups who have a stake in **licensing**, including providers, customers, residents and enforcers, all who have views and concerns that require consideration as part of the licensing function.
- 3.3 Before publishing this Licensing Statement, the Council consulted widely with the Chief Borough Police Officer, the Chief Officer of the London Fire and Emergency Planning Authority and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the Borough.
- 3.4 The Council also consulted with Croydon NHS, local bodies representing consumers and promoting tourism and neighbouring authorities.
- 3.5 The Council has given proper weight to the views of all the persons/bodies consulted before publishing this finalised Licensing Statement.
- 3.6 The revised Licensing Statement will take effect on the **1st April 2013**. It will remain in force for a period of not more than **5** years. Currently, it will be subject to review and further consultation by **1st April 2018** at the latest.
- 3.7 During that period it will be subject to review and revision, with necessary consultation, at such times as the Council considers appropriate.

4. FUNDAMENTAL PRINCIPLES

- 4.1 Nothing in the 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
 - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 4.2 Parties should be aware that, for a representation to be considered relevant, it must be one that is about the likely effect of the grant of a new licence/variation of an existing licence on the promotion of the four licensing objectives. Also, if the representation is made by an '**other person**', it will not be relevant if the licensing authority considers it to be 'vexatious or frivolous', or in the case of a review, 'repetitious'.
- 4.3 Applicants and those making relevant representations in respect of applications or seeking a review of a licence or a certificate have the right of appeal to the Magistrates' Court against the decisions of the Council.
- 4.4 In considering all licence applications, the Council will take into account the character of the surrounding area, the impact of the licence on that area and the nature and character of the operation.
- 4.5 As part of any application for a premises licence/club premises certificate or a variation to an existing licence/certificate, applicants are required to submit an

'Operating Schedule', which must include the steps proposed to promote the Licensing Objectives set out in paragraph 2.2.

- 4.6 Part 5 of this Statement gives guidance to applicants on some of the matters applicants may wish to consider when preparing their Operating Schedules.
- 4.7 Licensing is about the **responsible management** of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received **on** an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.
- 4.9 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

NEED and CUMULATIVE IMPACT

- 4.10 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.
- 4.11 However, the Council recognises that a significant number **and** type of licensed premises in a particular area **may** lead to problems of **crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives** is a proper matter for the Council to consider.
- 4.12 **Where the Council recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for that area, if this is shown to be necessary.**
- 4.13 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address the **apparent** problems and may consider the adoption of a special policy **whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused. A material variation would be, for example, an increase in permitted hours or to add a licensable activity on the premises licence.**
- 4.14 Based on the Statutory Guidance to the Act, **in deciding whether to adopt such a Policy in an area, the Council considered the following:**
- **local crime and disorder statistics, including statistics on specific types of crime and crime hotspots**

- **statistics on local anti-social behaviour offences**
 - **the density and number of current premises selling alcohol**
 - **Alcohol specific hospital admissions for under 18's**
 - **Statistics on alcohol related emergency attendances and hospital admissions**
 - **Complaints recorded by the local authority**
 - **Evidence from local councillors and**
 - **Evidence obtained through local consultation.**
- 4.15 In recent years Croydon town centre has been identified by the Police and the Council under their respective crime and disorder prevention responsibilities, as well as other stakeholders, as an area with serious nuisance and disorder problems arising from the large number of licensed premises situated in a small geographical area.
- 4.16 The implementation of the 2003 Act saw a significant number of licensed premises, that did not previously have public entertainment licences and/or extended drinking hours, applying for these as variations to their existing licences.
- 4.17 The Metropolitan Police and a number of bodies representing local residents have indicated that they consider a 'special saturation policy' necessary in respect of Croydon town centre area.
- 4.18 The Council therefore considers that it is appropriate to adopt a special policy of refusing new licences within the designated Croydon town centre area when it receives relevant representations about the cumulative impact on the licensing objectives and which it concludes, after hearing the representations, should lead to refusal, such that:
- there will be a presumption against granting new premises licences or material variations in respect of premises used exclusively or primarily as cafés/take-aways and/or mobile food vans providing late night refreshment, having regard to the crime, disorder and nuisance (including litter/food remains) generated;
 - there will be a presumption against granting new premises licences or club premises certificates or material variations in respect of premises used exclusively or primarily for the sale/supply of alcohol and/or loud amplified recorded music;
 - within this special policy each individual application will be determined on its merits, but favourable consideration will be given to encouraging more diverse types of premises, i.e. for an older clientele/over 21's, live music, restaurants, etc, including giving careful consideration to any applications resulting from the proposals of the Cultural Strategy for a 'cultural quarter' within the designated town centre area.

The extent of the designated Croydon town centre area is set out in the map at Appendix '2'. Read in conjunction with the map, the area is bounded by the following roads: Crown Hill, Church Street, Old Palace Road, Church Road, Charles Street, Wandle Road, West Street, Mason's Avenue, Edridge Road, The

Croydon Flyover, Park Lane, Wellesley Road (to junction of Walpole Road/across to junction with Dingwall Avenue) and George Street and includes the premises on BOTH sides of these roads.

4.19 The Council has taken the following steps when considering the adoption such a special saturation policy in Croydon town centre:

- identification of concern about crime and disorder or nuisance
- consideration of whether it can be demonstrated that crime and disorder and nuisance is arising as a result of customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent
- consultation with those specified by Section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy
- subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area within the terms of the Statutory Guidance in the Statement of Licensing Policy
- publication of the special policy as part of the Statement of Licensing Policy required by the 2003 Act

4.20 *In addition, 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.*

4.21 *As a result, the Council also considers that it is appropriate to designate, the following four 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:*

- i. Along the Brighton Road; South End; High Street, George Street corridor, from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street and Cherry Orchard Road in Central Croydon (see Appendix 3)***
- ii. Along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with LB Lambeth (see Appendix 4)***
- iii. Along the Brigstock Road and High Street, Thornton Heath corridor, from the junction of Brigstock Road and London Road in Thornton Heath to the***

junction of High Street, Thornton Heath and Whitehorse Lane (see Appendix 5)

iv. Along the length of Central Parade, New Addington (see Appendix 6)

4.22 *The effect of a Cumulative Impact Zone Policy for each of the areas listed above would be that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused. A material variation would be, for example, an increase in permitted hours for the sale of alcohol or to add the sale of alcohol off the premises as a licensable activity to the premises licence.*

4.23 *The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies 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.*

4.24 *It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.*

4.25 *The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.*

4.26 The Council will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.

4.27 The Council will not use these policies solely:

- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
- To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.

4.28 The Council recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.

4.29 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and

characteristics and will have full regard to those differences and the differing impact these will have on the local community.

4.30 Where application is made for a new or transfer and variation of a licence, in respect of premises that have closed and been unused and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Council would expect the applicant to make clear in their operating schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.

4.31 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.

4.32 *In addition to the cumulative impact zones listed above, the Council is aware of concerns amongst responsible authorities and residents about the number of shops licensed to sell alcohol for consumption off the premises in certain other areas of the borough and the impact they may be having on crime and disorder.* It is not intended at this time to introduce cumulative impact zones in these areas, however, they will be monitored and assessed regularly and should concerns increase, consideration will given to formally identifying them as cumulative impact zones. For the time being, those areas will be classed as special stress areas and they are as follows:

- High Street & Portland Road, South Norwood
- Lower Addiscombe Road

4.33 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned and that apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises.

4.34 In recognising the importance of such measures, the Council will continue to seek further improvements to those already achieved in respect of planning controls and working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in the following areas:

- Provision of extensive CCTV and radio communication systems
- Improvements to street lighting
- Rubbish collection and street cleaning
- Provision of better late night bus, tram, rail and taxi/minicab services
- Provision of Police Officers/street and litter wardens
- Designation of areas within the borough where alcohol may not be consumed publicly and monitoring the possible need for future designations in other parts of the borough*.
- Working in partnership with Croydon Borough Police on law enforcement issues relating to disorder and anti-social behaviour. These include the use of powers to

issue fixed penalty notices, prosecuting those selling alcohol to people who are underage and/or drunk, confiscating alcohol from adults and children in designated areas and instant closure of licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises

- Working in partnership with Licensees and expecting them to support existing and future agreed measures set up to promote the strategic objectives for crime and disorder reduction within the Borough
- Acknowledging the powers of the police or other responsible authority, or a local resident or business under the 2003 Act, to seek a review of the licence or certificate

*Would existing licence/certificate holders and new applicants please note that a number of areas within the borough of Croydon have been designated as no drinking zones. Please contact the Council's licensing team if you wish to discuss how such orders may affect licensed premises.

5. LICENSING OBJECTIVES and OPERATING SCHEDULES

5.1.1 The following sections set out the Council's Policy relating specifically to the four Licensing Objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.1.2 In each section the Council defines its intended outcome and lists the factors that may influence achieving that particular objective, but because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

5.1.3 Further, each section lists possible control measures to assist applicants, but again these lists are not exhaustive. Also, many of the control measures achieve more than one Objective but have not been listed under each Objective and applicants do not need to mention a control measure more than once in their Operating Schedule.

5.2 Crime and Disorder

5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.

5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.

- 5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.
- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.2.6 The Licensing Authority recommends that for certain events (please see note below), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (as defined below) the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

The Licensing Authority further recommends the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police **not less than** 14 days **before** any proposed event and debrief forms submitted within 14 days of the conclusion.

Forms 696 and 696A are available on the Metropolitan Police web site at (www.met.police.uk). It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and ZD-licensing@met.police.uk. For information, the borough police licensing office telephone number is 020 8649 0167.

Note: Metropolitan Police Definition of a 'Promotion/Event'

This definition relates to events that require a Promotion/Event Risk Assessment Form 696.

Such an event will be deemed to be one that is:

- promoted / advertised to the public at any time before the event, and
- predominantly features DJs or MCs performing to a recorded backing track, and
- runs anytime between the hours of 10pm and 4am, and
- is in a nightclub or a large public house.

Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event falls under the above.

- 5.2.7 Drugs, violence, anti social behaviour and theft of customers property are examples of crime and disorder issues which may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management and supervision of the premises, including associated open areas
- participation in responsible management schemes such as the Croydon 'Best Bar None' accreditation/award scheme
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- adoption of existing and future best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Toolkit and other recognised codes of practice including those relating to drinks' promotions, i.e. The Point of Sale Promotions published by the British Beer and Pub Association and cheap drinks deals/Happy Hours)
- acceptance of accredited 'proof of age' documentation, as recognised by the Council in consultation with the Police
- employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards
- provision of toughened or plastic glasses
- provision of secure deposit boxes for confiscated items as recognised by the Council in conjunction with the Police
- provision of litterbins and security measures, such as lighting outside premises

Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, but in some cases additional matters may need addressing.

5.2.8 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from Council Licensing Officers and Croydon Borough Police, as well as taking into account, as appropriate, local planning and transport policies, and, tourism, cultural and crime prevention strategies.

5.2.9 Where relevant representations have been made, the Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include conditions drawn from the model pool of conditions relating to crime and disorder contained in the statutory guidance to the Act and the following examples of conditions specifically with regard to a promotion/event.

1. The licensee shall undertake a risk assessment of any promotion/event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.
2. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

*submission of electronic documents by e-mail is preferred.

5.3 Public Safety

5.3.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

5.3.2 The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, **off licences**, cafés/restaurants and fast food outlets/takeaways.

5.3.3 Each of these types of premises present a mixture of different risks, with many common to most premises and others unique to specific operations. These will range from fire safety, including fire precautionary and means of escape arrangements in all types of premises, to the use of scenery and pyrotechnics in theatres and special lighting effects in night clubs.

5.3.4 It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

5.3.5 The following examples of influencing factors are given to assist applicants when addressing the issue of public safety during the preparation of their Operating Schedule:

- the number of people attending the premises
- the condition, design and layout of the premises, including the means of escape in case of fire
- the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
- the hours of operation and hours of opening if different
- customer profile (i.e. age, disability, etc)
- the use of special effects such as strobe lighting effects, lasers, pyrotechnics, smoke machines, foam machines, etc

5.3.6 Public safety issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
- suitable customer-care policies for assisting lone customers taken ill/injured/etc at the premises
- provision of effective CCTV in and around premises
- provision of toughened or plastic glasses

- implementation of crowd management measures
- regular testing (and certification where appropriate) of procedures, appliances, systems, etc, pertinent to safety codes and standards

Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, but in some cases additional matters may need addressing.

5.3.7 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire and Emergency Planning Authority.

5.3.8 The Council will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety' contained in the Statutory Guidance to the Act.

5.4 Prevention of Public Nuisance

5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop.

5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.

5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.

LICENSING HOURS

5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.

5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, necessary to reduce the friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.

5.4.6 The Council will not set fixed trading hours within designated areas ("zoning") as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.

5.4.7 However, although the Council will treat each case on its individual merits, generally 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 and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

SHOPS, STORES AND SUPERMARKETS

5.4.8 *The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.*

5.4.9 *However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of shops in residential areas or within one of the four relevant Cumulative Impact Zones where representations are made by the police and/or local residents and where premises are shown to be a focus of crime, disorder or nuisance. Applications to vary the permitted hours for the sale of alcohol off the premises within the above hours shall similarly be treated on their merits*

PREVENTION OF PUBLIC NUISANCE - GENERALLY

5.4.10 The Council will expect applicants to demonstrate in their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance, having due regard to the style, characteristics and activities of their particular premises and events.

5.4.11 The following examples of influencing factors are given to assist applicants when addressing the issue of the prevention of public nuisance during the preparation of their Operating Schedule:

- the location of the premises and proximity to residential or other noise sensitive premises
- effective and responsible management and supervision of the premises and associated open areas
- the hours of opening
- the nature of the activities to be provided and their location within the premises, the customer profile, whether the activities are temporary or permanent and whether they are to be held inside or outside
- the design and layout of the premises and in particular the presence of noise limiting features
- the number of people attending the premises
- the availability of public transport

- a 'wind down' period between the end of the licensable activities and the closure of the premises
- a 'last admission time' policy

5.4.12 Public nuisance issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management and supervision of the premises, including any outside areas
- appropriate instruction, training and supervision of staff to prevent public nuisance
- adoption of current best practice guidance (i.e. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics), including designing shop fronts so as to limit noise nuisance from premises, i.e. from opening windows or continental-style concertina doors
- control of opening hours for all or part (i.e. garden areas) of the premises – including other times when deliveries take place/rubbish and bottles are binned – and the operation of generating plant and equipment
- installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation and limiting devices
- managing people, including staff and traffic, arriving and leaving the premises, including patrolling entrance queues
- managing the departure of customers
- liaising with transport providers
- siting and operation of necessary external lighting, including security lighting, with the possible nuisance to nearby properties
- suitable arrangements for collection and disposal of litter, including bottles, so as to minimise disturbance to nearby properties
- no flyposting of events/careful distribution of flyers, including by promoters
- effective ventilation systems to prevent nuisance from odour

Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, but in some cases additional matters may need addressing.

5.4.13 Additionally, when preparing their Operating Schedules applicants are recommended to seek advice from Council Pollution Enforcement Officers.

5.4.14 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance'.

5.5 Protection of Children from Harm

ACCESS TO LICENSED PREMISES

- 5.5.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, to buy food and/or for entertainment.
- 5.5.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.
- 5.5.3 The Council will consider the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 5.5.4 While no policy can anticipate every situation, the following are examples of premises that will raise concern:
- where entertainment or services of an adult or sexual nature is commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 5.5.5 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap-table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.
- 5.5.6 When dealing with a licence application where limiting the access of children is considered necessary, the Council may consider any of the following options, in combination where appropriate:
- limitations on the hours when children may be present;
 - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;

- age limitations (below 18);
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.5.7 The Council will not impose conditions on licences or certificates requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. However, where applicants volunteer prohibitions and limitations in their operating schedules and no relevant representations have been made to the Council, these will become conditions attached to the licence/certificate conditions and will be enforceable as such.

RESPONSIBLE AUTHORITY

5.5.8 The Council recognises the Croydon Children’s Safeguarding Board to be the ‘responsible authority’ competent to advise on matters relating to the ‘protection of children from harm’, and to whom copies of applications should be sent.

PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

5.5.9 As an important element in the protection of children from harm, the Council recognises the need for alcoholic drinks to be named, packaged and promoted in such a manner as not to appeal to or attract those under 18 years old.

5.5.10 The Council therefore commends the Portman Group’s ‘Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks’ to licensees and expects that they will act on any Retailer Alert Bulletins issued under that Code.

ACCESS TO CINEMAS

5.5.11 The Council will expect licensees to include in their operating schedules the arrangements for preventing underage children from viewing age-restricted films.

CHILDREN AND REGULATED ENTERTAINMENT

5.5.12 The Council considers that specific arrangements relating to the supervision and safety of children may be required for occasions when they go to see and/or take part in regulated entertainments arranged especially for them and, where appropriate, will consider attaching appropriate Conditions to licences and certificates.

CHILDREN IN LICENSED PREMISES – GENERALLY

5.5.13 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, having due regard to the style, characteristics and activities of their particular premises and/or events.

5.5.14 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can

anticipate every situation. Applicants should consider the following influencing factors, for which there is the potential for children to be exposed, when addressing the issue of protecting children from harm during the preparation of their Operating Schedule:

- drugs, drug taking or drug dealing
- gambling
- activities of an adult or sexual nature
- incidents of violence or disorder
- environmental pollution such as noise or smoke
- special hazards such as falls from heights
- opportunities to purchase, acquire or consume alcohol

Note: A number of these factors are listed in more details in paragraph 5.5.6, but as this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, but in some cases additional matters may need addressing.

5.5.15 Protection of children from harm issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (Public Places Charter)
- limitations on the hours when children may be present in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirement for children to be accompanied by an adult
- appropriate instruction and training for counter staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo and keeping a 'refusal' book.

5.5.16 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from Council Licensing and Child Protection Officers.

5.5.17 The Council will consider attaching Conditions to licences and certificates to protect children from harm and these may include Conditions drawn from the published Pool of Conditions relating to the 'Protection of Children from Harm' contained in the Statutory Guidance to the Act.

5.5.18 While the Council expects Licence **holders** to comply with the law, the 2003 Act details a number of specific offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the

appropriate enforcement of the law, especially relating to the underage sale and supply of alcohol to children.

5.5.19 While each case will be treated on its merits, where offences are disclosed the Trading Standards Service, as a responsible authority under the Licensing Act 2003, will consider seeking a review of a premises licence.

5.5.20 Designated premises supervisors and personal licence holders are also reminded of their responsibilities under the legislation to ensure that the licensing objectives are met, specifically here with regard to the protection of children from harm and are also reminded that enforcement action is not restricted solely to premises licence or certificate holders.

6. INTEGRATING STRATEGIES and AVOIDING DUPLICATION

6.1 There are many stakeholders in the leisure industry covering a wide range of disciplines and although their strategies are not always directly related to the promotion of the licensing objectives, they often indirectly impact upon them.

6.2 The Council therefore acknowledges the importance of co-ordinating and integrating these policies, strategies and initiatives and will maintain multi-disciplinary working groups to ensure its licensing policy integrates with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies, as well as any other plans relating to the management of the town centre and the night-time economy.

CRIME PREVENTION

6.3 Conditions attached to Licences and Certificates will, so far as possible, reflect local crime prevention strategies. Examples of such conditions can be found in the Pool of Conditions relating to prevention of crime and disorder contained in the Statutory Guidance to the Act.

CULTURAL STRATEGIES

6.4 The Council will make arrangements to monitor the impact of licensing on regulated entertainment, particularly live music, ensuring that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.

6.5 Where there is any indication that such events are being deterred by licensing requirements, the statements of licensing policy will be examined to see if the situation might be reversed.

TRANSPORT

6.6 The Council will make arrangements with Croydon Borough Police and other licensing enforcement officers for reports to be made to the Council's Traffic Management Cabinet Committee on any matters relating to the need for the swift and safe dispersal of people from the town centre to avoid concentrations which can produce disorder and disturbance.

TOURISM AND EMPLOYMENT

- 6.7 Arrangements will be made for licensing committees to receive, when appropriate, reports on the following matters to ensure these are reflected in their considerations:
- the needs of the local tourist economy and the cultural strategy for the Borough, and,
 - the employment situation in the Borough and the need for new investment and employment where appropriate

PLANNING AND BUILDING CONTROL

- 6.8 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 6.9 Licensing applications will not be a re-run of the planning application and will not cut across decisions made by the planning committee or permissions granted on appeal.
- 6.10 The Council will normally expect applications for premises licences for permanent commercial premises to be from businesses having the relevant planning consent for the property concerned. Where this is not the case, applicants will be expected to show good reason why the premises do not have planning permission.
- 6.11 The Council will ensure that regular reports are sent from the licensing committee to the planning committee advising them of the situation regarding licensed premises in Croydon, including the general impact of alcohol related crime and disorder, to assist them in their decision-making.

PROMOTION OF RACE EQUALITY

- 6.12 The Council recognises its legal obligation under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, to eliminate unlawful discrimination and promote equality of opportunity and good relations between different racial groups.
- 6.13 It will assess and consult on the likely impact and monitor for any adverse impact on the promotion of race equality which may arise as a result of the Policies contained in this Document and will publish the results as part of the requirement to produce a race equality scheme.

DUPLICATION

- 6.14 The Council will, so far as possible, avoid duplication with other legislation and regulatory regimes that already place obligations on employees and operators, e.g. the Health and Safety at Work etc Act 1974, the Environmental Protection Act 1990, the Fire Safety Regulatory Reform Order and the Disability Discrimination Act 1995.

- 6.15 Conditions relating to public safety will only be attached to premises licences and club premises certificates where considered necessary for the promotion of that licensing objective and not covered by any other legislation and where regulations do not cover the unique circumstances of certain licensable activities in specific premises.
- 6.16 The Council acknowledges that bingo clubs are now dealt with under the Gambling Act 2005 and will have due regard to the relevant advice regarding duplicating licence conditions which has been given under both this legislation and the 2003 Act when dealing with applications relating to alcohol, regulated entertainment or late night refreshment under the 2003 Act.

7. LIVE MUSIC, DANCING AND THEATRE

- 7.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote the broadest possible range of entertainment, particularly live music, dance, street arts, theatre and circus, for the wider cultural benefits of the community, especially for and/or involving children. In order to assist performers and entertainers, consideration will be given to obtaining licences for public spaces within the Borough where such uses take place/could take place on a regular basis.
- 7.2 In considering applications for such events, this cultural need will be carefully balanced against possible neighbourhood disturbance so that, when determining what conditions to attach to licences/certificates to promote the licensing objectives, the Council will be aware of the need to avoid measures which might deter such events by imposing substantial indirect costs.

8. TEMPORARY EVENT NOTICES

- 8.1 Certain temporary events do not require a licence and can be notified to the Council by a Temporary Event Notice giving a minimum of 10 working days notice ***or in the case of a 'Late' Temporary Event Notice, between 9 and 5 working days notice.***
- 8.2 However, bearing in mind the scale, location or timing of the event it is considered that this may not allow sufficient time for organisers to carry out full and proper discussion on the possible crime and disorder, public nuisance and health and safety issues with the Council, Police and any other interested parties.
- 8.3 The Council therefore recommends that, in order to ensure that events can take place with the minimum of risk, at least 28 days notice is given. Also, bearing in mind that it may be difficult to assess an event too far in advance, it recommends that normally, not more than 90 days notice is given.
- 8.4 The Council also recommends that where temporary event notices relate to promoted events at either existing licensed premises or non licensed premises, the premises user complies with the Metropolitan Police Service's Music Promotion/Event Risk Assessment Scheme and submits the relevant risk assessment forms both pre and post the event. Further details on this scheme can be obtained by contacting the police licensing team at Croydon police station on 020 8649 0167.

9. STANDARDISED CONDITIONS

- 9.1 Where Conditions are properly attached to licences or certificates they will be tailored to the individual style and characteristics of the particular premises and events concerned.
- 9.2 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Council will consider attaching Conditions drawn from the relevant Pools of Conditions contained in the Statutory Guidance to the Act.

10. ENFORCEMENT

- 10.1 It is essential that licensed premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 10.2 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, approved by the Council's substantive Licensing Committee on 21 June 2006, using the principles of risk assessment and targeting, the Council will work closely with the responsible authorities in enforcing licensing law and inspecting licensed premises. This should ensure that resources are more effectively concentrated on problem and high risk premises.
- 10.3 The Council will carry out its regulatory functions in accordance with good enforcement practice in a fair, open and consistent manner in conformity with its own Licensing Enforcement Policy.

11. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

- 11.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 11.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 11.3 Further, where there are no relevant representations on an application for the grant of a premises licence or a club premises certificate or no police objection to a personal licence or to an activity taking place under a temporary event notice, delegated authority has been granted for these matters to be dealt with by Officers.
- 11.4 Licensing Committee will receive regular reports on decisions made by Officers so that they maintain an overview of the general licensing situation.
- 11.5 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB - COMMITTEE	OFFICERS
Application for personal licence		If a police objection	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

11.6 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee or Full Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

DEFINITIONS

The following definitions have been included to provide an explanation of some of the terms included in this Licensing Statement. In some cases they have been abbreviated or interpreted from the format set out in the Licensing Act 2003 and reference should therefore be made to the Act for the full definition.

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will have been given day to day responsibility for running the premises by the holder of the Premises Licence or may be the Premises licence holder himself.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11pm and 5am.

‘Licensable Activities’ means:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed):

- the relevant Licensing Activities
- the times at which the Licensable Activities are to take place and any other times the premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

‘Regulated Entertainment’ means:

where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling in the previous three categories listed above

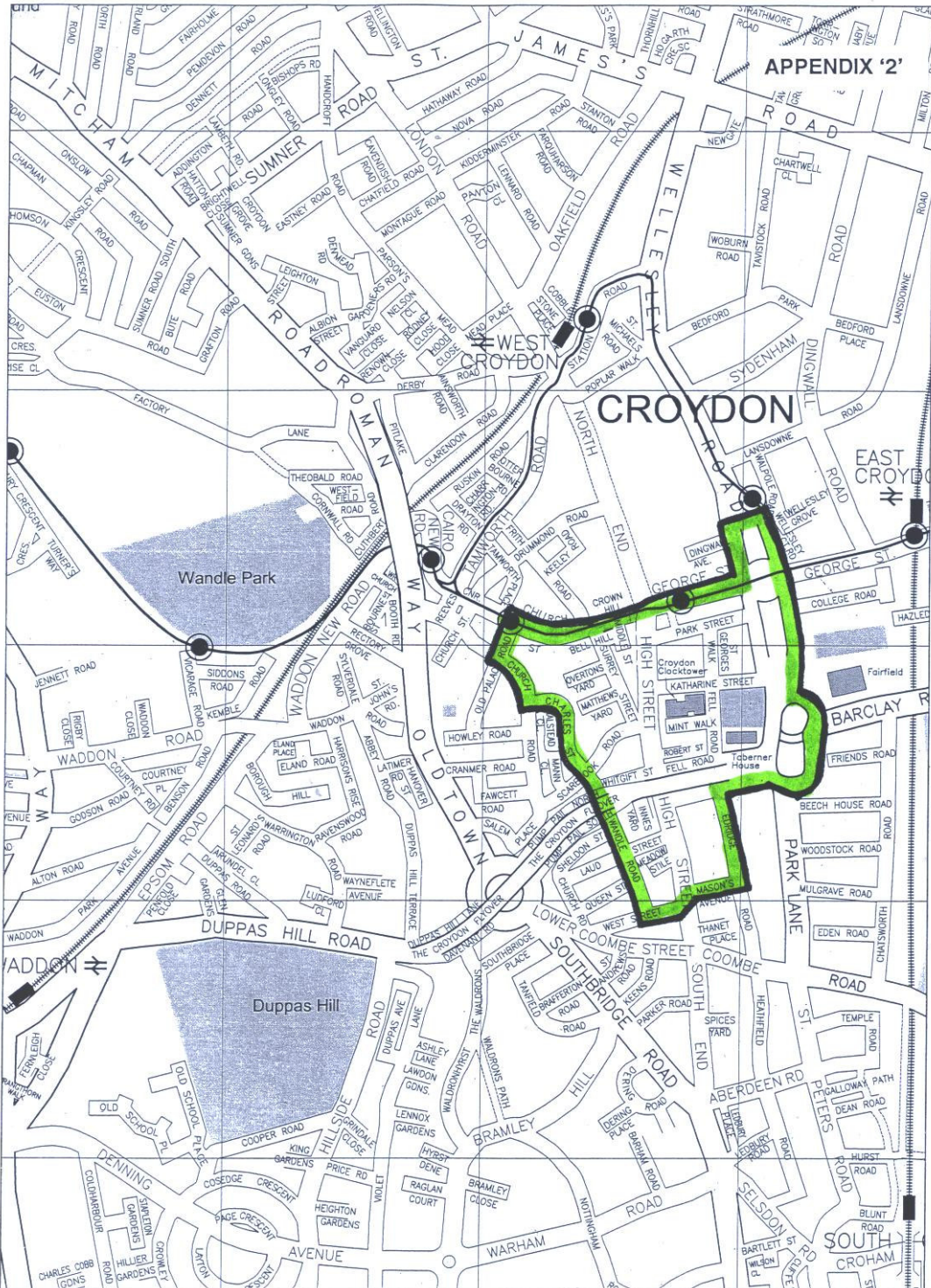
'Responsible Authority' means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for Health and Safety
- the local Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- The local trading standards department
- ***The Licensing Authority***
- ***The Local Health Authority***

'Temporary Event Notice' means the notification of a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:

- duration – limited to events lasting up to 168 hours
- scale – not more than 499 people present at any one time
- use of same premises – same premises cannot be used on more than 12 occasions in a calendar year, but subject to an aggregate limit of not more than 15 days irrespective of number of occasions
- number of notices by an individual – Personal Licence holder limited to 50 notices in one year, anyone else limited to 5 in a similar period
- in all other circumstances a Full Premises Licence or a Club Premises Certificate will be required for the period of the event involved.

MAP OF CROYDON TOWN CENTRE SPECIAL SATURATION POLICY AREA



**CROYDON TOWN CENTRE
SPECIAL SATURATION POLICY AREA**

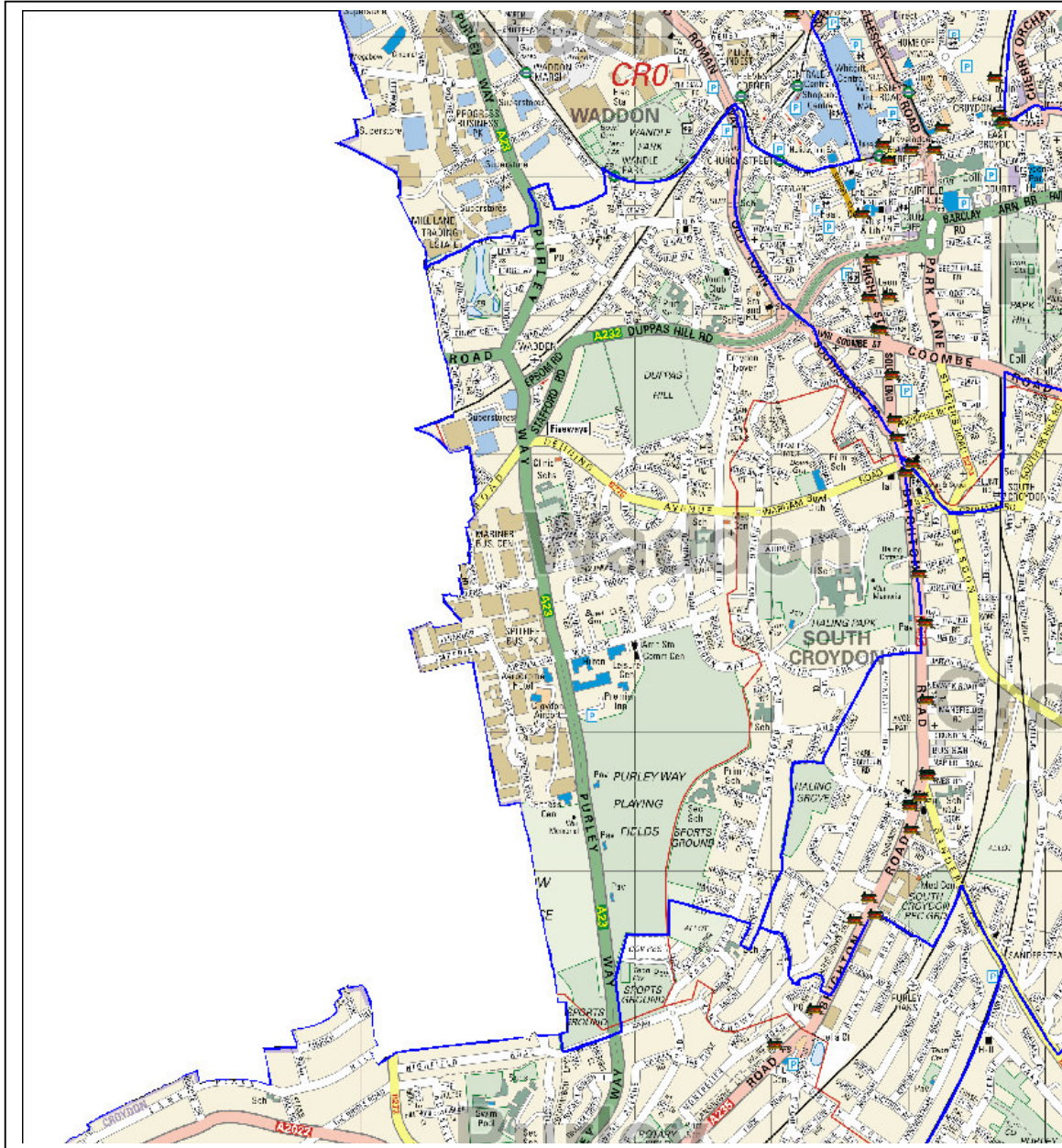
Scaled to fit

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**CROYDON
COUNCIL**

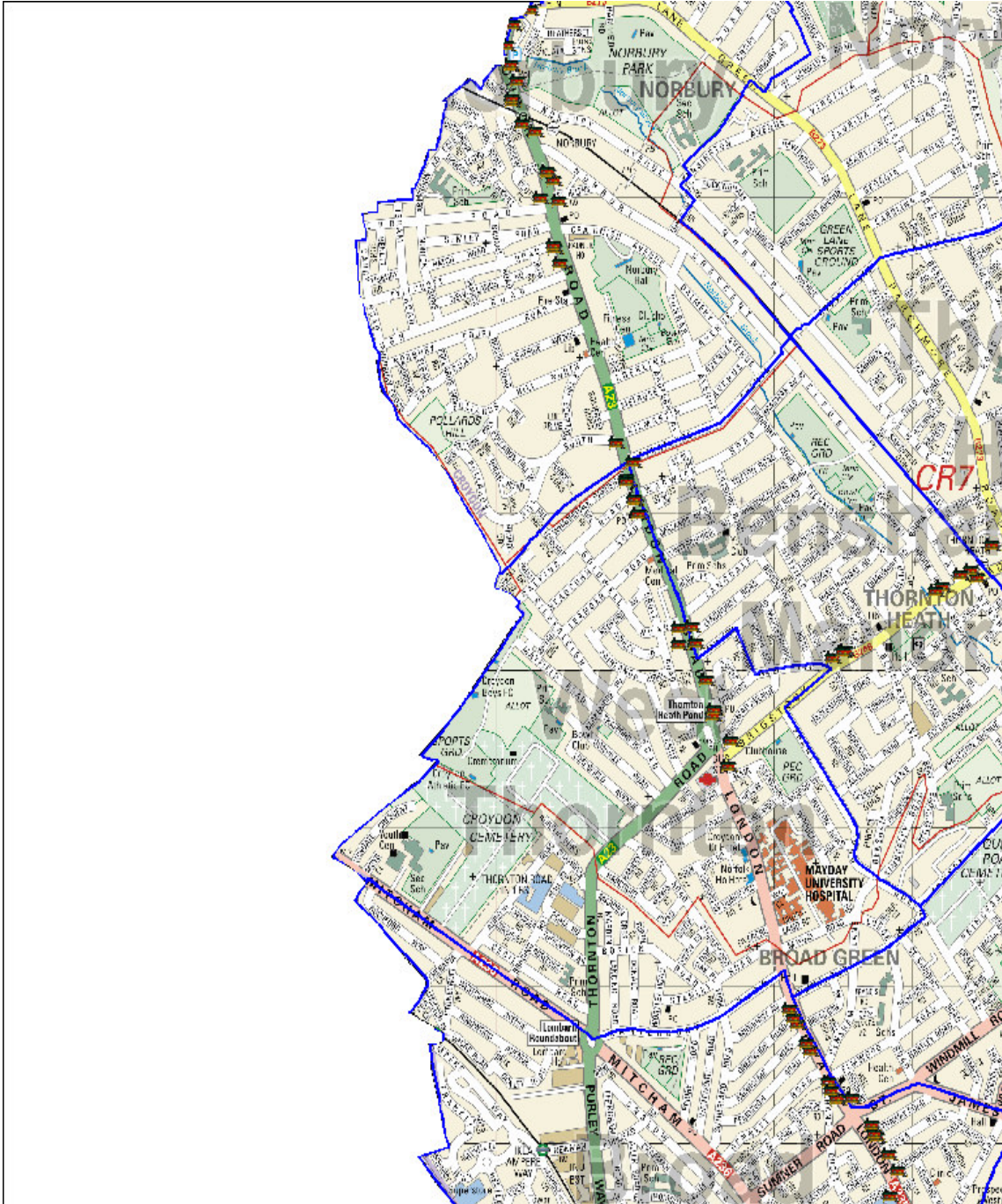
APPENDIX 3

Along the Brighton Road; South End; High Street & George Street corridor from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street & Cherry Orchard Road in Central Croydon



APPENDIX 4

Along the London Road corridor from the junction of London Road and Tamworth Road in West Croydon to the borough border with LB Lambeth



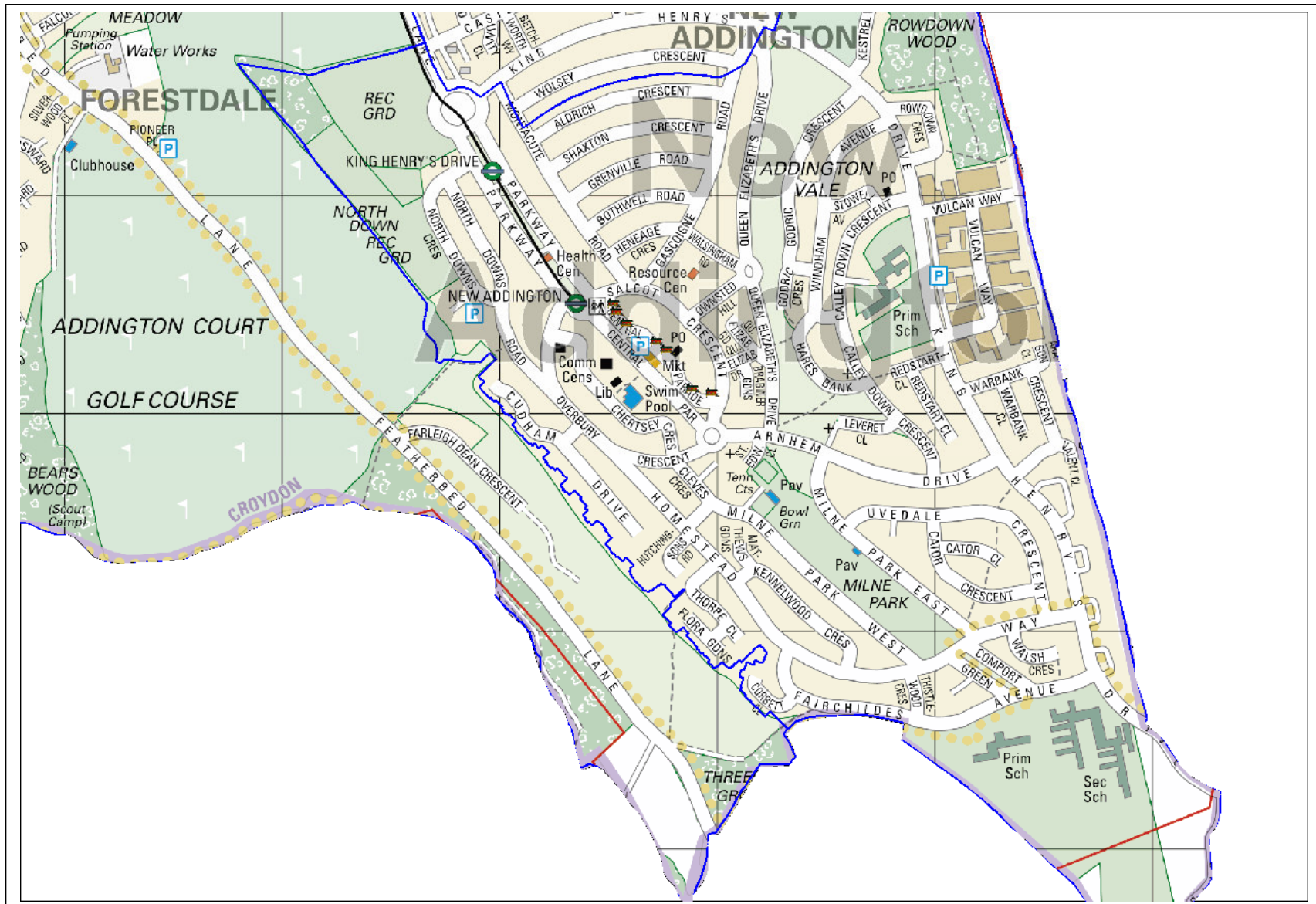
APPENDIX 5

Along the Brigstock Road and High Street, Thornton Heath corridor from the junction of Brigstock Road and London Road in Thornton Heath to the junction of High Street, Thornton Heath and Whitehorse Lane



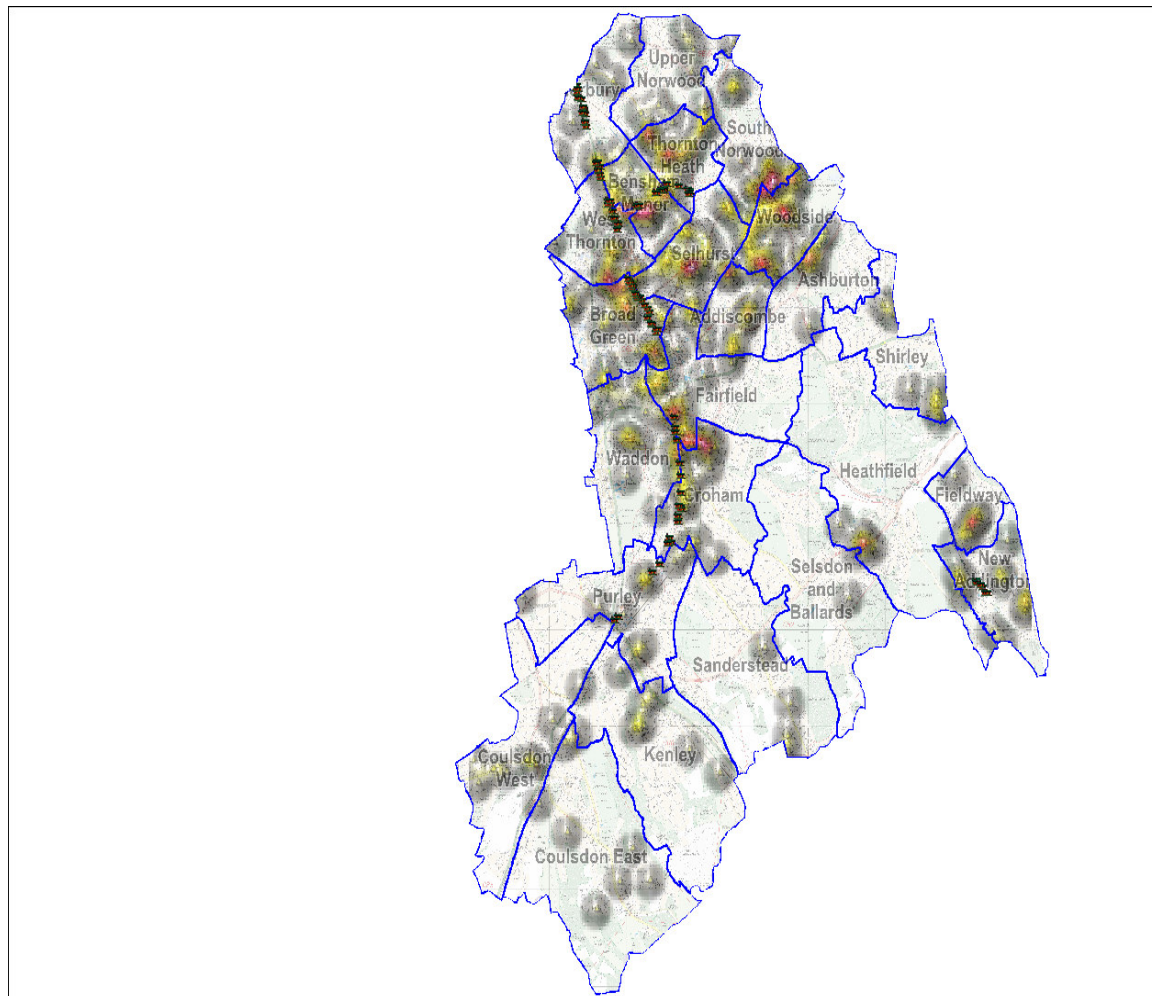
APPENDIX 6

Central Parade, New Addington



APPENDIX 7

Hotspot map showing residential locations of victims of crime in Croydon where alcohol was a factor



Evidence and Data

Croydon experiences significant crime problems from alcohol related crime. Out of 326 local authority areas in England, Croydon is ranked 298 for all alcohol related crimes¹ (where 1 is the best and 326 the worst). It is also rated 282 out of 326 for both alcohol-related violent crimes and for alcohol-related sexual offences¹.

Over the last three years the number of alcohol related ambulance call outs in Croydon has increased from 1947 calls in 2010-11 to 2194 calls in 2011-12 and 2493 calls in 2012-13. Out of a total of 33 London boroughs, Croydon has the 6th highest ambulance call outs related to alcohol².

Data³ shows that there is a strong relationship between alcohol and a range of crimes including violence (see Appendix 7). Alcohol is a factor in:

- 37% of cases of violence against a person
- 17% of burglaries
- 13% of cases of theft and handling of stolen goods
- 47% of robberies

There is evidence⁴ of a clear positive relationship between increased premises density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tends to be associated with not only an increase in alcohol consumption, but also alcohol related crime and violence and under 18 alcohol specific hospital admissions.

The majority of Croydon residents aged 16 and over are thought to drink alcohol at levels that are unlikely to cause harm (lower risk). However, estimates suggest that around 18% of Croydon residents who do drink alcohol do so at increasing risk levels, and 7% drink at higher risk levels¹.

It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Nationally, Croydon is ranked the seventh worst borough for binge drinking and it also ranks twice the London average¹.

Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Pre-loading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident.⁵ People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

Over the last seven years, drinking behaviour has changed where more people

now purchase alcohol from supermarkets and shops. Croydon has seen a 12% increase in the number of off licences and a 20% decrease in the number of pubs⁶. This indicates a significant shift in sales of alcohol from the “on” trade to the “off trade”. The Licensing Authority wish to ensure that the policy recognises this shift in drinking patterns. There is a good evidence base⁷ that effective interventions to reduce the negative impacts of alcohol are those that restrict the ease of acquiring alcohol itself. This can be achieved by increasing the cost of alcohol but also reducing the hours and days of sale and by restricting the number of outlets.

In a recent (August 2013) business and consumer survey conducted by the Croydon Town Centre Business Improvement District⁸, street drinking was identified as a problem by 28% of consumers of whom 5% thought that it was a priority to improve. This view was shared by local businesses for whom street drinking at night was also a cause for concern with 71% considering this as needing improvement or a priority; street drinking during the day, while less pronounced in terms of responses was also a concern at 65%

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. These are:

Brighton Road, South End, High Street & George Street Cumulative Impact Area

Contains 31 premises that are licensed to sell alcohol off the premises. Local police have expressed concerns about street drinkers who are sourcing their cheap alcohol from these outlets.

The density of off licences in this area is at a rate of 12.13 per 1000 households compared to the borough average of 2.13.

Data from the London Ambulance Service (LAS) states that between July 2010 and June 2013 there were 1,187 incidents of binge drinking and 1,152 assaults recorded in this area.

According to local GP data, there are 529 individuals in this area that misuse alcohol and 286 who are classified as being alcohol dependent

London Road Cumulative Impact Area

The London Road corridor, split into 3 sections, from the junction of London Road and Tamworth Road in West Croydon to the borough border with LB Lambeth has 54 premises that are licensed to sell alcohol off the premises.

The density of off licences in this area is at a rate of 23.84 per 1000 households compared to the borough average of 2.13.

Local police and local residents have expressed concerns about an emerging problem with street drinkers who are sourcing their cheap alcohol from these outlets. Data from the London Ambulance Service (LAS) states that between July 2010 and June 2013 there were 492 incidents of binge drinking and 1,294

assaults recorded in this area.

According to local GP data, there are 547 individuals in this area that misuse alcohol and 257 who are classified as being alcohol dependent.

Brigstock Road and High Street, Thornton Heath Cumulative Impact Area

The Brigstock Road and High Street, Thornton Heath Cumulative Impact Area has 15 premises that are licensed to sell alcohol off the premises.

The density of off licences in this area is at a rate of 11.96 per 1000 households compared to the borough average of 2.13.

Data from the London Ambulance Service (LAS) states that between July 2010 and June 2013 there were 338 incidents of binge drinking and 907 assaults recorded in this area.

According to local GP data, there are 441 individuals in this area that misuse alcohol and 207 who are classified as being alcohol dependent.

Central Parade, New Addington Cumulative Impact Area

Central Parade has 7 premises licensed to sell alcohol off the premises located in very close proximity to one another. The density of off licences in this area is at a rate of 25.27 per 1000 households compared to the borough average of 2.13.

Local residents and community groups have complained to the Council and police about intoxicated adults frequenting these shops becoming abusive and aggressive to passers-by. A questionnaire on alcohol circulated by the New Addington Pathfinders (a local community group) carried out during the weekend of the 29-30th June 2013 found that out of 384 respondents, 271(70%) felt that there were too many off-licences and other shops where alcohol could be purchased.

New Addington has the largest number of individuals (182) in Croydon that misuse alcohol and the largest number (154) of persons who are classified as being alcohol dependent persons¹.

APPENDIX 9

CONTACT DETAILS, ADVICE and GUIDANCE

If you require advice on making an application or about making representations on an application or about seeking a review of a licence or certificate, please contact the Council's licensing team on 020 8760 5466 or at licensing@croydon.gov.uk .

Application forms are also available from the licensing team and details of:

- The names and addresses of Council, police and fire contacts able to give advice
- The responsible authorities under the legislation
- Advice on preparing operating schedules
- Pools of conditions
- Other guidance – for instance regarding personal licences, designated premises supervisors and temporary event notices

Alternatively, information, guidance and application forms can be obtained from the Home Office website at www.homeoffice.gov.uk .

Endnotes & References

¹Local Alcohol Profiles for England (September 2013)

² London Ambulance Service data provided by Safestats, GLA

³ Alcohol-attributable fractions for recorded crime in England, by category. Source: Strategy Unit (2003b)

⁴ One on Every Corner - The relationship between off-licence density and alcohol harms in young people. Alcohol Concern 2011

⁵ Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5

⁶Croydon Council Licensing Team Data

⁷ WHO Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol

⁸ Croydon Town Centre Annual Town Centre BID Business and Consumer Survey 2013