

**The Axe Throwing Company Limited**

**(the “Applicant”)**

**Application for a new Premises Licence**

**Boxpark Croydon, 99 George Street, Croydon CR0 1LD (the “Premises”)**

**Statement of Case**

This statement is made in support of an application for a new Premises Licence with the intention of outlining the Applicant’s case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing, if the representations are not withdrawn.

**Background**

As its name suggests, the Applicant is one of the growing number of companies providing interested people an opportunity to experience the Canadian sport of axe throwing. This is the Applicant’s second venue in the United Kingdom. The original at Wembley Boxpark has been open (subject to Covid Regulations) since November 8<sup>th</sup> 2019 without incident. There are approximately five other axe throwing venues in the United Kingdom which are licensed to sell alcohol. Whilst alcohol only accounts for 16% of sales at Wembley it is an important part of the overall food and beverage offer. Indicative food and drink menus are at **annex 1**.

Axe throwing is an easy sport to pick up but is difficult to master. Somewhat like darts, players stand behind a line and throw at a target 3 metres away. For safety reasons this takes place in a cage. Please see picture at **annex 2**. Players either compete with others in their group or in more structured league.

**How it Works**

Most customers book in advance, although 'walk ins' are permitted if there is availability. They are met at the door by a member of staff who directs them to the main desk. If there are any concerns that a customer is drunk they are turned away at this point. Whilst waiting for their allocated slot of two hours, customers may purchase food or drink. Each group is allocated a dedicated member of staff who gives a detailed presentation on the safe use of axes before being taken through to their cage, of which the Premises has four. Two axes are then taken from a locked cabinet and allocated to the group with that member of staff remaining with them throughout their visit to ensure safety and to provide technical advice. Only two members of the group throws at any one time with the remainder being required to stand in a dedicated area away from the cages. Once the session has finished the member of staff will again lock away the axes.

### **Pre-Application Advice & Subsequent Meeting**

Before lodging the application, the Applicant consulted with Croydon Police. They discussed the proposal with their counterparts in Wembley and suggested similar conditions to those on that premises licence. These suggestions were adopted. A copy of the current risk assessment (see **annex 3**) was also shared.

On receipt of the application four members of Croydon Police attended the Premises to discuss its proposed operation and safety measures. They were satisfied that the grant of a premises licence would not undermine the licensing objectives with the following condition being added to the premises licence:

“During events in Boxpark which the Metropolitan Police deem as high risk, given one month’s notice, the premises will operate as a bar only for the duration of that event.”

### **The Representations**

Whilst the Applicant is pleased to have received no representations from the Licensing Authority, Police, Environmental Health or members of the public, it recognises the concerns raised by Quality Assurance & Safeguarding and Cllr. Chris Clark. Whilst their concerns are addressed below, **the Applicant wishes to reiterate its invitation made on 9 April to attend a meeting on site.** Any application with the word 'axe' in the title can be alarming but the Applicant is confident that, with an opportunity to witness the set up first hand, fears will be allayed.

### Access to Weapons

As with many types of competitive socialising such as darts, indoor golf, snooker, pool and archery the equipment, if not properly used, can be dangerous. The axes used (which are no different to those which can be purchased in any DIY store) are kept locked away when not in use. They are taken from the locked storage cabinet to the cages by the dedicated member of staff and are hung at the front of the cage when not in use. All members of staff have dedicated training of which the directors can explain in more detail, either at a site meeting or before the licensing sub-committee. These policies are reflected in the following conditions proffered with the application:

- Outside of the hours authorised for the sale of alcohol, all alcohol shall be kept out of reach from customers.
- All axes will be kept in a box in the store room and this room is to be supervised by a staff member. The box will be locked when there is no staff member inside the store room itself.
- Every range will have a staff member present who will monitor activities at all times.
- Only two participating members per lane will be allowed past the safety line at any one time.
- The axes will never go past the safety line unless they are in the hands of a staff member.
- The axes shall never leave the ranges while they are in use and these will be placed in suitable holders after each participant changes.
- All participants will be monitored by staff members at all times.
- A clear and unobstructed view into the premises shall be maintained at all times.

### Preventing Intoxicated Axe Throwing

The Applicant has a zero-tolerance approach to drunkenness. As explained above, a member of staff on the door will turn away anyone who is drunk and the staff supervising the axe throwing have authority to end a session if they have any such fears. There is no pressure at all on members of staff to allow people to throw axes if they have any concerns. Customers are also only permitted a maximum of three alcoholic drinks over a two-hour session. These policies are reflected in the following conditions proffered with the application:

- All participants must sign a waiver prior to the event which explains the minimum standards expected at the venue.
- No intoxicated customers will be allowed to throw axes and no intoxicated customers will be allowed inside the venue.
- Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers, shall undergo regular training of the Licensing Act 2003 legislation. The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

#### Child Safety

The Applicant encourages families to attend and children over 8 are permitted during the day and early evening, provided they are accompanied by an adult. Also, there will be a Challenge-25 scheme to ensure alcohol is not consumed by minors. These policies are reflected in the following conditions proffered with the application:

- A 'Challenge 25' policy shall be adopted and adhered to at all times.
- A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
- No children shall be allowed on the premises unless accompanied by a responsible adult.
- No children under the age of 18 (eighteen) shall be allowed on the premises after 21.00hrs.

- Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers, shall undergo regular training of the Licensing Act 2003 legislation. The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
- An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Croydon Council or the Police, which will record the following:

All crimes reported to the venue.

Any complaints received.

Any faults in the CCTV system.

Any visits by a relevant authority or emergency service.

All ejections of patrons.

Any incidents of disorder.

Any refusal of the sale of alcohol.

#### ID/Background Checks

Most customers have pre-booked giving their name, address and contact details. For 'walk ins' their details are also taken when they sign a waiver form.

The Premises can only be accessed by entering the Boxpark development which adds an additional layer of security. There are always two SIA security on duty (three during the pandemic) rising to ten during busy times. All guests are required to enter via a contained entrance point. There they scan a pre-registered Boxpark Black Card which stores all their details and has a record of attendance. In the evening there is an over-18s policy. Any guest to Boxpark who are troublemakers have their Black Cards cancelled.

#### Croydon Licensing Policy (the "Policy") and Case Law

The Premises is not located within one of Croydon Council's Cumulative Impact Zones hence there is no presumption to refuse the application if a grant is likely to add to cumulative impact.

Furthermore, whilst a relevant argument Pre-Covid, the consideration of economic factors is now even more important. The Applicant wishes to remind the licensing sub-committee of the case of R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others [2011] EWCA Civ 31, and the observation of Toulson LJ that:

*“Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand**, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”*

A considerable amount of money has already been spent on the Premises and to be left without an operationally viable premises licence would impact upon the viability of the business.

### **Conclusion**

Throughout the application process the Applicant has looked to engage and agree appropriate conditions which uphold the licensing objectives. Axe throwing is a sport where alcohol can be safely enjoyed provided there are appropriate safeguards in place. It is hoped that the Premises will be a welcome addition to Croydon and support a move away from socialising where alcohol consumption is the focus to alcohol being merely a part of the offer.

If the representations are not withdrawn, the Applicant urges the licensing sub-committee to grant as sought. If it is not true to its word and fails to uphold the licensing objectives, not only does it risk having its lease terminated by Boxpark but also a review application being made which could see the premises licence revoked altogether.

**Niall McCann**  
**KEYSTONE LAW**

## THE CLASSIC DOG

7

The classic American style Hot Dog! Succulent beef dog wrapped in a soft brioche roll, topped with hot dog favourites crispy onion and sauerkraut finished with some sweet mustard and tomato ketchup

## THE BBQ DOG

7.5

Smokey beef dog topped with crispy bacon and chives sitting in a soft brioche bun covered in tangy BBQ sauce

## THE BIG CHEESY DOG

8

A pork dog with creamy melted emmental cheese within the XXL dog! Topped with melted cheddar, crispy bacon, crispy onions and chives

## THE SPICY DOG

7.5

A hot hot dog! Beef dog accompanied by fiery hot sauce and topped with spicy jalapeños, crushed tortilla and chives

**ALL TOPPINGS AND BUNS CAN BE CHANGED ON REQUEST! EXTRA TOPPINGS +25P EACH**

**GLUTEN FREE BUNS AVAILABLE ON REQUEST, CONTAINS DAIRY**



## THE CLASSIC VEGAN DOG

7.5

The perfect meat substitute as the smokey vegan dog makes the classic dog even better and topped with favourites crispy onion and sauerkraut as well as sweet mustard and tomato ketchup

## THE SPICY VEGAN DOG

7.5

Our superb vegan dog with a bit of zing! Topped with jalapeños, crushed tortillas and chives with fiery hot sauce

## NACHOS

6

Stacked tortilla chips filled with spicy jalapeños, salsa and sour cream, topped with melted cheddar and chives





### DRAFT

|                      |      | HALF PINT | PINT  |
|----------------------|------|-----------|-------|
| CAMDEN HELLS LAGER   | 4.6% | £3.20     | £5.80 |
| STELLA ARTOIS        | 4%   | £3.20     | £5.50 |
| CAMDEN PALE ALE      | 4%   | £3.00     | £5.80 |
| ORCHARD PIG REVELLER | 4.5% | £3.00     | £5.50 |

### BEER

*Cans*

|   |       |       |       |
|---|-------|-------|-------|
| BUDWEISER                               | 440ML | 4.5%  | £4.50 |
| GUINNESS                                | 440ML | 4.1%  | £5.80 |
| BEAVER TOWN GAMMA RAY                   | 330ML | 5.4%  | £5.50 |
| BEAVER TOWN NECK OIL                    | 330ML | 4.3%  | £5.00 |
| PUNK IPA                                | 330ML | 5.6%  | £5.50 |
| BUDWEISER PROHIBITION<br>(ALCOHOL FREE) | 330ML | 0.05% | £3.00 |

### CIDER

|                                 |       |      |       |
|---------------------------------|-------|------|-------|
| CAPLE ROAD                      | 330ML | 5.2% | £5.00 |
| REKORDERLIG STRAWBERRY AND LIME | 330ML | 4%   | £5.50 |
| REKORDERLIG WILD BERRIES        | 330ML | 4%   | £5.50 |



### READY-TO-DRINK

*Making memories*

|                            |       |    |       |
|----------------------------|-------|----|-------|
| GORDONS GIN AND TONIC      | 250ML | 5% | £5.50 |
| GORDONS PINK GIN AND TONIC | 250ML | 5% | £5.50 |
| CAPTAIN MORGAN AND COKE    | 250ML | 5% | £5.50 |
| SMIRNOFF VODKA AND COLA    | 250ML | 5% | £5.50 |

### WINE

*Wine in a can!*  
ENVIRONMENTALLY FRIENDLY AND JUST AS GOOD!

|                                 |       |       |       |
|---------------------------------|-------|-------|-------|
| NICE SAUVIGNON BLANC            | 250ML | 11.5% | £7.50 |
| NICE PALE ROSÉ                  | 250ML | 12.5% | £7.50 |
| ELEPHANT IN THE ROOM PINOT NOIR | 250ML | 13.5% | £8.00 |



### SOFT DRINKS

|                 |       |       |            |       |       |
|-----------------|-------|-------|------------|-------|-------|
| LEMONY LEMONADE | 250ML | £3.00 | DIET COKE  | 330ML | £2.50 |
| GINGERELLA      | 250ML | £3.00 | COCA-COLA  | 330ML | £2.50 |
| RED BULL        | 330ML | £3.50 | CANO WATER | 330ML | £2.50 |
| FANTA ORANGE    | 330ML | £2.50 |            |       |       |

SELECTION OF CRISPS AND SNACKS AVAILABLE









## Risk Assessment

Reviewed: 2/8/2020

| Identified Hazard   | Who is at risk           | Level of risk | Control measures  | Level of risk with measures in place |
|---------------------|--------------------------|---------------|---|--------------------------------------|
| Trips, slips, falls | Everyone                 | Medium        | <ul style="list-style-type: none"> <li>● Running to be prohibited within the unit.</li> <li>● Ranges only allowed 2 participants and 1 coach at any one time.</li> <li>● Staff to clear any potential trip hazards in circulation areas.</li> <li>● Throw line and safety line to be clearly marked and monitored by staff.</li> </ul>  | Low                                  |
| Cuts from axes      | Participants and Coaches | Medium        | <ul style="list-style-type: none"> <li>● Coach to brief participants on how to hold, throw, and collect axes safely.</li> <li>● Axes to be monitored by coaches.</li> <li>● Axes to be stored in locked box when not in use.</li> <li>● When on ranges axes should be stored on hooks, blade facing towards target</li> <li>● Axes not to be passed between participants</li> </ul> | Low                                  |

|   |                          |        |   |     |
|---|--------------------------|--------|---|-----|
| Accidental release behind thrower           | Participants and Coaches | Medium | <ul style="list-style-type: none"> <li>● Coach to fully brief participants on how to throw an axe and monitor all throws are done safely.</li> <li>● Safety line and throw line clearly marked so no one is close to the thrower when throwing.</li> <li>● Coach never standing directly behind the participant when throwing.</li> </ul>                               | Low |
| Bounce back from axe                        | Participant and Coaches  | Medium | <ul style="list-style-type: none"> <li>● Coach to teach correct throwing technique .</li> <li>● Impact absorbing mats to be placed in the ranges.</li> <li>● No rubber handled axes to be used.</li> <li>● Targets to be sprayed with water prior to group using to soften wood.</li> <li>● participants instructed to not throw too hard.</li> </ul>                   | Low |
| Participants being too intoxicated to throw | Everyone                 | Medium | <ul style="list-style-type: none"> <li>● Any participant deemed to be intoxicated will not be allowed to participate and asked to leave the premises.</li> <li>● All drinks served on location will have a low levels of alcohol .</li> <li>● All participants will have to sign a waiver prior to throwing, outlining the behaviour we expect in our venue.</li> </ul> | Low |
| Splinters from target timber                | Everyone                 | Low    | <ul style="list-style-type: none"> <li>● Coaches to warn participants of hazard.</li> <li>● Target timber to be changed regularly.</li> <li>● Floor under targets to be swept regularly.</li> </ul>   | Low |

|   |          |        |   |     |
|---|----------|--------|---|-----|
| Violence leading to physical injury or emotional stress | Everyone | Low    | <ul style="list-style-type: none"> <li>● Staff to adhere to legal requirements not to sell alcohol to intoxicated customers.</li> <li>● Staff trained in good, polite behaviour and how to avoid confrontation following policy on when to call police/security.</li> <li>● Incident log form to be filled out as soon as possible after incident.</li> <li>● Staff to be made aware of any barred customers.</li> <li>● Axes to be monitored by coaches.</li> <li>● Axes to be stored in locked box when not in use.</li> <li>● <b>Staff to make boxpark aware of any incidents recorded.</b></li> </ul> | Low |
| Injury relating to poor manual handling                 | Staff    | Medium | <ul style="list-style-type: none"> <li>● Staff to receive manual handling training that includes correct lifting techniques.</li> <li>● Heavy objects moved via trolley whenever possible.</li> </ul>   | Low |
| Injury from power tools                                 | Staff    | Medium | <ul style="list-style-type: none"> <li>● Staff to receive full training on use and proper storage of all tools.</li> <li>● Tools only to be used by fully trained staff only.</li> </ul>  | Low |
| Injury from faulty electrics                            | Staff    | Low    | <ul style="list-style-type: none"> <li>● Wiring checked by a qualified electrician every 5 years.</li> <li>● Regular PAT checks by electrician.</li> <li>● Staff to be trained to spot any damaged equipment and to inform management.</li> <li>● Staff to be told where fuse box is and how to switch off in case of an emergency.</li> </ul>  | Low |

|  |             |     |  |     |
|--|-------------|-----|--|-----|
|  |             |     | <ul style="list-style-type: none"> <li>● Access to fuse box to be kept clear at all times.</li> </ul>  |     |
| Hazardous substances   | Everyone    | Low | <ul style="list-style-type: none"> <li>● Staff are to be given COSHH training relating to any substances used in the regular day to day activities and cleaning.</li> <li>● Appropriate PPE to be made available to staff to use when using cleaning chemicals.</li> <li>● Chemicals to be kept in original labelled containers, or if decanted be clearly marked.</li> <li>● Chemicals to be kept in a safe location not accessible by the public.</li> </ul> | Low |
| Fire   | Everyone    | Low | <ul style="list-style-type: none"> <li>● Fire exit to be kept clear at all times.</li> <li>● Fire risk assessment done.</li> <li>● Fire safety system to be checked regularly.</li> </ul>  | Low |
| Age and ability to throw axes and understand instructions        | Everyone    | Low | <ul style="list-style-type: none"> <li>● Minimum age of 8 years old</li> <li>● 1 adult can supervise up to 6 children</li> <li>● Adult must be present at all times.</li> <li>● Children are defined as under 18s</li> </ul>   | low |
| Disability and ability to throw axes and understand instructions | Everyone    | Low | <ul style="list-style-type: none"> <li>● Will be managed in a case by case basis</li> <li>● The participant must be suitably able to understand safety instructions.</li> <li>● The participant must be physically able to lift and throw the axe towards the target in a safe manner without assistance.</li> <li>● Retrieving the axe may be done by a helper or by the coach</li> </ul>   | low |
| Pregnancy  | Participant | Low | <ul style="list-style-type: none"> <li>● We advise those that are pregnant to seek advice from their doctor before participating in axe throwing, especially if they are over 6 months into their pregnancy.</li> </ul>  | low |

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