

Licensing Committee Agenda



To: Councillor Jane Avis (Chair)
Councillor Patricia Hay-Justice (Vice-Chair), Michael Neal (Vice-Chair)
Councillors Margaret Bird, Maddie Henson, Bernadette Khan, Michael Neal,
Steve O'Connell, Andrew Pelling, Badsha Quadir, Sue Winborn,
David Wood and Callton Young

Reserve Members: Carole Bonner, Simon Brew, Robert Canning,
Sherwan Chowdhury, Pat Clouder, Mario Creatura, Jason Cummings,
Mike Fisher, Oliver Lewis, Helen Pollard, Andrew Rendle and Pat Ryan

A meeting of the **Licensing Committee** which you are hereby summoned to attend,
will be held on **Thursday, 23 November 2017** at **6.30 pm** in **F10, Town Hall,**
Katherine Street, Croydon CR0 1NX

JACQUELINE HARRIS-BAKER
Director of Law and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

James Haywood
020 8726 6000 x63319
james.haywood@croydon.gov.uk
www.croydon.gov.uk/meetings
15 November 2017

Members of the public are welcome to attend this meeting.
If you require any assistance, please contact the person detailed above, on the
righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Minutes of the Previous Meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 13 September 2017 as an accurate record.

3. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

4. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

5. Minutes of the last Licensing Sub-Committee meetings (Pages 9 - 16)

To approve as an accurate record the minutes of Licensing Sub-Committee meetings held since the last Licensing Committee as follows:

- Tuesday 12 September 2017
- Monday 25 September 2017

6. Review of Statement of Licensing Policy (Pages 17 - 114)

7. Gambling Act 2005 – Delegation of Decision Making Authority (Pages 115 - 118)

8. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

Licensing Committee

Meeting held on Wednesday 13 September 2017 at 6:30pm in The Council Chamber, The Town Hall, Katharine Street, Croydon CR0 1NX

DRAFT MINUTES - PART A

Present: Councillor J Avis, Councillor R Canning, Councillor P Hay-Justice, Councillor M Henson, Councillor B Khan, Councillor M Neal, Councillor S O'Connell, Councillor H Pollard, Councillor B Quadir, Councillor S Winborn, Councillor D Wood, Councillor C Young, Councillor K Jewitt (Also In attendance)

Apologies: Apologies for absence were received from Councillor Bird (Councillor Helen Pollard attended as substitute) and Councillor Pelling (Councillor Canning attended as substitute).

Councillor Neal sent apologies for lateness.

MINUTES - PART A

A1 Appointment of Vice-Chairs

The Committee **RESOLVED** to appoint Councillor Hay-Justice and Councillor Neal as Vice-Chairs to the Committee.

A2 Minutes of the last Licensing Committee

There was one amendment to the minutes proposed – that the attendance details at the top of the minutes include Councillor Pelling as sending apologies.

With the above amendment included, the Committee **RESOLVED** to approve the minutes of the meeting held on 27 April 2017 as a true and accurate record of the meeting.

A3 Disclosure of Interest

There were no disclosures made.

A4 Urgent Business (if any)

There was no urgent business.

A5 Exempt Items

There were no exempt items.

A6 Minutes of Licensing Sub-Committees

The Committee **RESOLVED** to approve the minutes of the following Sub-Committee meetings:

- 22 June 2017
- 20 July 2017

A7 London Local Authorities Act 1990: Applications for Street Designation Orders

The Committee considered the application for a street designation order for **1055 London Road** (Appendix A).

The Licensing Manager introduced the item, explaining the process of applying for street designation orders and the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received. In addition, no representations had been received from Transport for London (TfL), whom maintained the highway in question. There were two other premises in the immediate vicinity that benefited from street designation orders.

The applicant was present and confirmed to the Committee that the measurements as stated in the application were being adhered to.

The Committee **RESOLVED**:

1. To designate 1055 London Road for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order at **1519 London Road** (Appendix C).

The Licensing Manager introduced the item, explaining the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received. Similarly to the previous application, the relevant highway was maintained by TfL and no representations had been received.

At 6.55pm Councillor Neal joined the meeting.

There were a number of premises in the immediate vicinity which benefited from street designation orders and these were marked on the street map at Appendix C5.

The applicant was present and provided no further comment on the application.

In response to questions from the Committee it was confirmed that the goods displayed on the street were purchasable items and large items such as brooms and rakes were secured to the premises.

The Committee **RESOLVED**:

1. To designate 1519 London Road for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order at **88 Portland Road** (Appendix D).

The Licensing Manager introduced the item, explaining the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received. The highway in question was a Council maintained road.

The Applicant was present and provided no further comment on the application.

In response to a question from the Committee it was clarified that the premises additionally sold clothes and shoes.

The Committee **RESOLVED**:

1. To designate 88 Portland Road for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Chair noted that an adjournment had been granted in relation to the application for **The Market Tavern Public House, Surrey Street** (Appendix E).

In response to a question from the Committee, the Licensing Manager confirmed that legal advice would be sought on the content of the application forms, particularly in relation to the requirement to provide nationality and passport details.

A8

Exclusion of the Press & Public

MINUTES - PART B

None

Meeting finished 7.10pm.

Licensing Sub-Committee

Meeting held on Tuesday 12 September 2017 at 10.30am in the Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

DRAFT MINUTES - PART A

Present: Councillors Jane Avis, Margaret Bird and Maddie Henson

Reserve Members drawn from the Members and Reserve Members of the Licensing Committee.

Also present: Michael Goddard (Licensing Manager), James Derby (Corporate Solicitor and legal advisor for the Sub-Committee).

MINUTES - PART A

A1 Appointment of Chair for the meeting

Councillor Henson proposed, and Councillor Bird seconded, that Councillor Avis be appointed Chair of the Sub-Committee.

The Sub-Committee **RESOLVED** to appoint Councillor Avis as Chair of the Sub-Committee.

A2 Disclosure of Interest

There were no disclosures.

A3 Urgent Business (if any)

There was no urgent business.

A4 Exempt Items

The Sub-Committee approved the allocation as stated in the agenda.

A5 Application for Premises License: 278-280 Lower Addiscombe Road

The Licensing Manager informed the Sub-Committee that the applicant had requested an adjournment to allow for the availability of their legal representative.

The Sub-Committee were advised that a provisional alternative date

of 25 September 2017 had been allocated if the Sub-Committee were minded to grant the adjournment.

The Sub-Committee were further advised that the sole representation received on this application was from a local resident who could not attend the present hearing.

The Sub-Committee **RESOLVED** that the premises licence application for 278-280 Lower Addiscombe Road be adjourned to 25 September 2017.

A6 Application for a Premises License: 1-8 Brigstock Parade, CR7 7HW

The Licensing Sub-Committee considered the Application for a Premises Licence at 1-8 Brigstock Parade, CR7 7HW and the representations received as contained in the report of the Executive Director 'Place'.

The Sub-Committee noted the absence of the applicant and, following legal advice, agreed to hold the hearing in the absence of the applicant.

The Sub-Committee considered the verbal representations made at the hearing by the representatives of the Police, the Food and Safety Team and the documentation provided by the applicant in support of the application.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance and the Council Licensing Policy **RESOLVED** to:

REFUSE the application. The Sub-Committee considered evidence for the promotion of the licensing objectives of prevention of crime and disorder and public safety. The Sub-Committee noted from the verbal representations, concerns about the security measures proposed for the premises and the Sub-Committee was not persuaded that the proposed measures contained in the action plan submitted by the applicant were suitable and/or could be implemented.

Further, the Sub-Committee noted concerns about the quality of the CCTV cameras installed in the premises and was advised by the police that the applicant had not engaged in discussions with the Police to ensure any CCTV cameras installed would be fit for purpose, particularly so that the cameras would cover blind spots not covered by the previous cameras.

The Sub-Committee further noted concerns over the management of the premises and was not persuaded that the proposed Designated

Premises Supervisor (DPS) was experienced enough to run the premises.

A7 Camera Resolution

Not required.

MINUTES - PART B

None

The meeting finished at 12.13pm.

This page is intentionally left blank

Licensing Sub-Committee

Meeting held on Monday 25 September 2017 at 10.30am in Room F10, the
Town Hall, Katharine Street, Croydon CR0 1NX

DRAFT MINUTES - PART A

Present: Councillors Margaret Bird, Bernadette Khan and Andrew Rendle

Reserve Members drawn from the Members and Reserve Members
of the Licensing Committee.

Also present: James Derby (Lawyer) Darren Saarbrucken (Principal Officer -
Commercial Licensing) Michael Goddard (Licensing Manager)

MINUTES - PART A

A1 Appointment of Chair

Councillor Bernadette Khan nominated Councillor Rendle
Councillor Margaret Bird Seconded the motion
The Sub-Committee RESOLVED to appoint Councillor Rendle as
chair of the Sub-Committee

A2 Disclosure of Interest

None

A3 Urgent Business (if any)

None

A4 Exempt Items

None

A5 Application for premises licence: 278-280 Lower Addiscombe Road

The Licensing Sub-Committee considered the Application for a
Premises Licence at 278-280 Lower Addiscombe Road, CR0 7AE
and the representations received as contained in the report of the
Executive Director 'Place'.

The Sub-Committee also considered the verbal representations

made at the hearing by the premises licence holder and his representative. The local resident who submitted an objection did not attend the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy RESOLVED to Grant the premises licence on the basis that they were satisfied that it would support the licensing objectives to do so. In particular, the sub-committee noted that the applicant had submitted revised conditions which he proposed to be attached as further conditions to the premises license. The revised conditions were as follows:

"1 – CCTV covering the interior & exterior of the shop will be installed and will be kept operational at all times the premises are open to the public. It shall be capable of taking a head & shoulders shot of persons entering the premises, be capable of storing images for a minimum of 31 days and a member of staff trained & capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police of authorised officers on request.

2 – The premises licence holder, DPS or authorised member of staff shall check on a daily basis that the CCTV system is operational and on a minimum weekly basis that the system is recording images for the minimum of 31 day period, that the date & time are correctly set and that images can be readily downloaded on a useable format. Details of the checks shall be recorded in the incident book (CCTV Section).

3 – Challenge 25 will be operated as the proof of age policy. Only a photographic driving licence, valid passport, ministry of defence/armed forces photographic identity card or proof of age card bearing the holders photograph and the pass hologram/logo on it will be accepted as proof of age.

4 – All staff will be trained on induction and at six monthly intervals in the operation of Challenge 25. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict, responsible alcohol retailing & safeguarding children.

5 – An incident book shall be kept at the premises, and made available to the police or authorised officers, which will record the following:

- a) All crimes reported,
- b) Lost property,
- c) All ejections of customers,
- d) Any complaints received,
- e) Any incidents of disorder,
- f) Any seizure of drugs or offensive weapons,
- g) Any faults in the CCTV,
- h) Any refusal of alcohol,

i) Any visit by a relevant authority or emergency service.

6 – Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers that:

CCTV & Challenge 25 are in operation;

Advising customers of the provisions of the Licensing Act regarding underage & proxy sales;

The trade times of the premises;

Asking customers to respect residents & leave the area quietly, not to loiter outside the shop & not to drink in the street."

The Sub-Committee believed that the application supported the licensing objectives of prevention of crime and disorder, public safety and public nuisance.

The Sub- Committee also noted that in considering this application, commercial need or demand is not a pre requisite to granting or refusing the application.

A6

Camera Resolution

MINUTES - PART B

None

11.34am

This page is intentionally left blank

REPORT TO:	LICENSING COMMITTEE 23 NOVEMBER 2017
SUBJECT:	LICENSING ACT 2003 – REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Communities, Safety & Justice
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
FINANCIAL SUMMARY:	
<p>The Licensing Act 2003 became fully operational on 24 November 2005. The local authority has been processing applications with regard to this legislation since 7 February 2005, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the Licensing Sub-Committee, the substantive licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.:	

For general release

1.	RECOMMENDATIONS
	The Committee is asked to:
1.1.	Consider the outcome of the consultation on the review of Licensing Policy and proposed revisions to that Policy.
1.2	Recommend the adoption of the revised Licensing Policy at Appendix 5 to full Council at its meeting on 4 December 2017.

2. EXECUTIVE SUMMARY

2.1 The Licensing Act 2003 made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol
- The provision of regulated entertainment and
- The provision of late night refreshment

There are four licensing objectives which underpin the legislation and these are:

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

All decisions under the Act must be taken with a view to promoting these licensing objectives.

2.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. The Act requires the Council to review & re publish its policy every 5 years but it may also review it at any time within that 5 year period should it see fit.

2.3 The policy was last reviewed in 2013 and re published in January 2014. The Council is therefore not required to review its policy until 2018 but has decided that it wishes to review the policy earlier.

2.4 This report details the consultation undertaken as part of the review and seeks a recommendation to full Council for adoption of the revised policy.

3. DETAIL

3.1 On 2 October 2017, the revised licensing policy was circulated to a number of bodies, together with a covering letter which set out the proposed amendments to the policy. The consultation period was 6 weeks, ending on 13 November 2017. A copy of the revised policy and the covering letter are attached at Appendix 1.

3.2 A list of bodies included in the consultation is attached at Appendix 2. In addition, full details of the review were placed on the 'Get Involved' pages of the Council website and a press release was issued regarding the consultation.

3.3 Written comments were received during the consultation period and a copy of those comments are attached at Appendix 3. A schedule of the specific comments made is attached at Appendix 4 to this report showing where the policy has been changed, or not, as a result of those comments.

3.4 Attached at Appendix 5 is a copy of the draft, updated licensing policy.

4. CONSULTATION

- 4.1 The timetable leading up to the Licensing Policy being re published is as follows:

DATE	ACTION
13.11.17	Deadline for consultation responses.
23.11.17	Licensing Committee
04.12.17	Full Council
04.01.18	Publication

5. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report, subject to the risks at 2 & 3 below. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The Effect of the Decision

Decisions of the Licensing Sub Committee, the substantive licensing committee and full Council may be subject to appeal and/or Judicial Review

3 Risks

An appeal against a decision of the Licensing Sub-Committee or a Judicial Review of the application and/or policy making processes may present financial risks to the Council with regard to any award of costs against it.

4 Options

There are no other options available to the Council

5 Savings/Future Efficiencies

None identified

(Approved by: Felicia Wright, Head of Finance – Place Department)

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that the Statement of Licensing Policy provides the framework under which the licensing function is administered and the Council's approach under the Licensing Act 2003.
- 6.2 The Licensing Act 2003 requires the determination and publication of a Statement of Licensing Policy for each successive five year period. The current policy expires in 2018. The Council must keep the policy under review during the five year period and make such changes as are considered necessary.
- 6.3 In accordance with the Licensing Act 2003 the Statement of Licensing Policy must be determined by full Council after consultation with prescribed bodies.

- 6.4 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version was issued by the Home Office in April 2017.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of Jacqueline Harris-Baker Council Solicitor and Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with the review of the Licensing Policy has been undertaken within existing resources.

8. CUSTOMER IMPACT

- 8.1 The Licensing Act 2003 impacts on existing and potential licensed premises. By extension, the Council's licensing policy also impacts on current and potential licence/certificate holders.

9. EQUALITIES IMPACT

- 9.1 An initial Equalities Impact Assessment was undertaken in relation to the proposed revisions and which indicated that a full Equalities Impact Assessment was not required.

10. ENVIRONMENTAL AND DESIGN IMPACT

- 10.1 The provisions of the Licensing Act 2003 include consideration of the environmental impact of licensed premises.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 Three of the four licensing objectives in the Act relate to the prevention of crime and disorder and public nuisance and the protection of children from harm. The night time economy is a priority issue in the Council's 'crime and disorder reduction strategy' and the licensing policy is a document that the Council, as licensing authority, should have regard to when deciding licence/certificate applications.

12. RISK ASSESSMENT

- 12.1 The decision making process with regard to a review of the Council's licensing policy may be subjected to judicial review. A judicial review presents financial risks and risks to the reputation of the organisation which is subject to it. Any licensee or certificate holder under the Act has the right of appeal to the Magistrates' Court if they feel aggrieved over the Council's decision to grant, refuse or vary a licence/certificate. There is a risk that if the appellant wins, legal costs could be awarded against the Council.

13. HUMAN RIGHTS IMPACT

- 13.1 The procedures implemented to determine the Council's licensing policy are compliant with the provisions of the Human Rights Act.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

14.1 The Licensing Policy will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

CONTACT OFFICER: Michael Goddard, Licensing Manager
Tel. Ext. 61838

BACKGROUND DOCUMENTS: None

This page is intentionally left blank

Place Department
Licensing Team
Floor 10, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

Tel/Typetalk: 020 8760 5466
Fax: 020 8633 9661
Minicom: 020 8760 5797
E-mail: licensing@croydon.gov.uk

Please ask for/reply to: Licensing Team

Your Ref:
Our Ref:
Date: 2 October 2017

Dear Stakeholder,

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

The council is required to review and republish its policy every five years, but it can also review within that period if it so wishes.

Our current policy was reviewed in 2013 and would have to be reviewed in 2018, however, we have made a decision to review the policy earlier. This is because there are some changes we wish to make now so the policy is a better reflection of the aspirations we have for Croydon as a place, and a destination of choice.

This letter is to summarise the amendments we propose to make and to seek any views you may have on the proposed changes.

Amendments proposed:

There are two main changes we propose -

1. Special Town Centre policy

Our policy was first written and published in 2004 and included a focus on the town centre to manage the number of bars/pubs/clubs running in the area, as there were concerns that too many would bring more crime and disorder to the area.

In 2017, the make up of the town centre has changed significantly with many of the bars/pubs/clubs in the town centre closing and being replaced by a broader range of licensed premises, such as recently opened restaurants in the High Street, offering a broader range of food and entertainment which reflects Croydon's diversity.

Therefore, we propose to remove this special town centre policy as we consider it is no longer required. However, if objections are received on future

applications, they will still be referred to the council's licensing sub-committee, who have the right to refuse an application if considered appropriate.

2. Use of the Metropolitan Police Service Promotion Event Risk Assessment Form

In the current policy, licence applicants and holders are recommended to use the Metropolitan Police Service Promotion Event Risk Assessment Form to:

- undertake a risk assessment, and;
- carry out a post event debrief process.

However, this form is currently under review and so we propose to remove specific reference to this particular form and instead remind licence applicants and holders of the duty to carry out risk assessments before any events are held on their premises (this includes events in open spaces such as parks).

Please find attached a copy of the revised licensing policy. If you would like to make any comments on the revisions please send them in writing, either by email to licensing@croydon.gov.uk or alternatively to:

The Licensing Team
Place Department
London Borough of Croydon
Floor 6, Zone A
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Please note any comments must be received by 12pm (noon) on Monday 13 November 2017. All comments will be considered and where appropriate, will be incorporated into the final version of the policy.

If you require any of this information in an alternative format please contact the council's licensing team on 020 8760 5466 or at licensing@croydon.gov.uk.

Yours faithfully,



Councillor Hamida Ali
Cabinet Member for Communities, Safety & Justice

‘STATEMENT OF LICENSING POLICY’

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

CONTENTS

	Page
INTRODUCTION	3
THE LEGISLATION AND THE COUNCIL	3
DEVELOPMENT OF THE POLICY	4
ASPIRATIONS & FUNDAMENTAL PRINCIPLES	4
NEED AND CUMULATIVE IMPACT	7
LICENSING OBJECTIVES	10
CRIME AND DISORDER	11
PUBLIC SAFETY	13
PREVENTION OF PUBLIC NUISANCE	15
Licensing Hours	15
Shops, stores and supermarkets	15
Prevention of Public Nuisance – Generally	16
PROTECTION OF CHILDREN FROM HARM	17
Access to licensed premises	17
Responsible authority	19
Packaging and promotion of alcoholic drinks	19
Access to cinemas	19
Children and regulated entertainment	19
Children in licensed premises – generally	19
INTEGRATING STRATEGIES and AVOIDING DUPLICATION	21
Crime prevention	21
Cultural strategies	21
Transport	21
Tourism and employment	21
Planning and building control	22
Advancing Equality	22
Duplication	23
LIVE MUSIC, DANCING and THEATRE	23
TEMPORARY EVENT NOTICES	23
STANDARDISED CONDITIONS	24
ENFORCEMENT	24
ADMINISTRATION, EXERCISE and	25
DELEGATION OF FUNCTIONS	26

APPENDICES

- 1 Definitions
- 2 Evidence & Data (updated) relating to Cumulative Impact Zones
- 3 Map of borough showing location of off licences and the four Cumulative Impact Zones
- 4 Map of borough showing incidents of Anti Social Behaviour in 2016 together with location of off licences and the four Cumulative Impact Zones
- 5 Maps of borough showing details for ambulance call outs –
 - Map A showing figures for 2011-2013
 - Map B showing figures for 2014-2016
- 6 Contact details, advice and guidance
- 7 **Endnotes & References**

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 382,000.
- 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. Croydon's Growth Zone is almost entirely contained within the town centre and by 2021 there will be between 1,147 and 2,230 new households within 500 metres of the Growth Zone. 46% (61 out of 133) of all Croydon developments in the Local Plan are within 500 metres of the Croydon Growth Zone. The town centre also has a significant number of premises providing regulated entertainment, the sale of alcohol and late night refreshment in the area.
- 1.4 The remainder of the 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 by the Home Office 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 regulators, 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, including with the Chief Borough Police Officer, the Chief Officer of the London Fire Brigade 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 ** *** ****. 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 ** **** **** 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. ASPIRATIONS AND FUNDAMENTAL PRINCIPLES

- 4.1 Croydon's Community Strategy 2016-21 seeks to ensure Croydon is:
- A great place to learn, work and live where we will deliver new jobs and new homes for our residents, enable our local economy to grow, develop an exciting cultural offer and evening economy, in a safe and pleasant environment.
 - A place of opportunity for everyone where we will tackle poverty and deprivation, prevent homelessness, and support children, families and individuals to achieve their full potential and live a long healthy life through a good start, an excellent education, support to develop and maintain the resilience and self-reliance modern life requires, and providing holistic support to those that need it.
 - A place with a vibrant and connected community and voluntary sector where we will enable and empower our communities to connect and collaborate in developing community-led responses to the many challenges we face.

Croydon's Vision, enshrined in the Strategy, is for it to be:

- ENTERPRISING - a place renowned for enterprise and innovation with a highly qualified and skilled workforce, and a diverse and thriving local economy
- CONNECTED - a place that is well connected, easy to get to and around, and supported by infrastructure that enables people to easily come together; with

- one of the best digital, communications and transport networks in the country
- CREATIVE - a place that draws people to its culture and creativity, an inspiration and enabler of new artistic and sporting talent
- SUSTAINABLE - a place that sets the pace amongst London boroughs on promoting environmental sustainability and where the natural environment forms the arteries and veins of the borough
- LEARNING - a place that unleashes and nurtures local talent and is recognised for its support and opportunity for lifelong learning and ambitions for children and young people
- CARING - a place noted for its safety, openness and community spirit where all people are welcome to live and work and where individuals and communities are supported to fulfil their potential and deliver solutions for themselves.

The Council's Licensing Policy under the Licensing Act 2003 has a role to play in promoting that Vision and ensuring, where applicable that it is achieved, subject to the requirements of the legislation and statutory guidance.

Croydon desires and is aiming to ensure that there are diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other, both in the town centre and in the district centres. Croydon is 'open for business' and is keen to attract as broad a leisure offer as possible. The Croydon Promise: Growth for All document, published by the Council articulates these aims, setting out that by 2020:

The metropolitan centre will offer the most exciting shopping and leisure experience in London and the South East: One of Europe's largest urban shopping malls, the Whitgift redevelopment, will be open. A new 'cultural quarter' around College Green will have emerged with the modernised Fairfield Halls one of the star attractions.

Our district and local centres will be 'neighbourhoods of choice': With their own distinctive characters, they will provide a mix of new homes, jobs and community facilities.

Clearly, the commercial market is an influencing factor for new and existing licensed premises and they also need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the Council's local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved.

Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces. The Council is particularly keen to see venues, small and large that are able to provide live music, drama and the performance of dance, both for entertainment but also to develop new talent and allow it to perform and grow in front of an audience.

London is a 24 hour City and is renowned throughout the World for its wide range of entertainment venues, leisure activities, food venues, creativity and openness to new ideas. London encourages and nurtures talent. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from London.gov.uk), which sets out The Mayor's desire to see creativity and talent flourish

and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Croydon wishes to be part of that and to be a destination for tourists and visitors as well as ensuring people who live and work in the borough are provided with as wide a range of entertainment facilities and food venues as possible. These desires can be met and can be provided safely, so long as businesses are well run.

Clearly though, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses and to ensure that where a premises provides licensable activities, this is done in a way that promotes the four licensing objectives in the Act. Licensing is a balance and requires consideration of all these various needs.

The fundamental principles of the Act and its accompanying guidance are that nothing in this '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/certificate or variation of an existing licence/certificate 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/certificate applications, the Council will take into account the character of the surrounding area, the impact of the licence/certificate 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 they may wish to consider when preparing their Operating Schedules.
- 4.7 Licensing is about permitting activities but also ensuring 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. 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. For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions.
- 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. Reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.
- 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 may be, for example, an increase in permitted hours or to add a licensable activity onto a 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 will consider 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 use and misuse in Croydon's population
 - Claimants of benefits due to alcoholism
 - Alcohol specific hospital admissions for under 18's
 - Ambulance incidents and dispatches
 - Alcohol related road traffic accidents
 - Statistics on alcohol related emergency attendances and hospital admissions

- Mortality
 - Complaints recorded by the local authority
 - Evidence from local councillors and
 - Evidence obtained through local consultation.
- 4.15 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.
- 4.16 As a result, the Council has considered it 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
 - 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
 - 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
 - iv. Along the length of Central Parade, New Addington
- 4.17 The effect of a Cumulative Impact Zone Policy for each of the areas listed above is 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.
- 4.18 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.
- 4.19 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.
- 4.20 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.

- 4.21 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.
- 4.22 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.
- 4.23 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.
- 4.24 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.
- 4.25 Where an 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.
- 4.26 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.
- 4.27 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

- 4.28 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.
- 4.29 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 authorities, 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, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning.

Applicants and premises licence holders are recommended to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police, though neither body is able to actually undertake such risk assessments for applicants/licence holders. It is their responsibility. Applicants and premises licence holders are also reminded that the Licensing Authority is not able to recommend the services of a particular individual or company for this purpose.

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, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
- participation in responsible management schemes such as the '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
- maintaining appropriate signage and a refusals log
- 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 litter bins and security measures, such as lighting outside premises
- Other schemes including only purchasing alcohol from authorised wholesalers, not selling certain alcohol types/strengths (e.g. high strength beers/ciders or single cans above 6% ABV), restricting sales on certain alcohol types (e.g. miniature spirits), allowing a 'track and trace' identifier on products so Police/Trading Standards can identify which off-licence seized alcohol is from, signing up to local responsible retailer schemes
- Provision of closed circuit television, with cameras covering relevant internal and external areas (including beer gardens) and entrances/exits to premises

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

5.2.8 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council Licensing Team and Croydon Police Licensing and/or Crime Prevention Officers, 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.

5.3.0 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises, licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. To assist, licence applicants/holders and persons submitting temporary event notices are recommended to acquaint themselves with the content of the following documents:

- Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs, produced by ACPO, Police Scotland & NaCTSO
- Protecting Crowded Places: Design and Technical Issues, produced by the Home Office – ISBN 978-1-78246-387-0

The Metropolitan Police will be able to provide further assistance and guidance with regard to these specific documents and counter terrorism measures.

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, fast food outlets/takeaways and sometimes open spaces.

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 precautions 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, mobility)
- the use of special effects such as strobe lighting, 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 (and having SIA accreditation where necessary)
- 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 or 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 and in some cases additional matters may need addressing.

5.3.7 Licence applicants, licence holders and organisers of public events are also advised to familiarise themselves with the Croydon Council Events Policy that is currently being developed. This policy will set out the key principles by which Croydon Council, with its key partners and other stakeholders, will approach the authorisation of public events.

The Events Policy aims include –

- ensuring effective planning and management of events
- to provide a fair, consistent and well co-ordinated approach to how events are supported and facilitated by the Council and
- to ensure that safety is placed as a priority in decision making

Further information on the Croydon Council Events Policy can be obtained by emailing events@croydon.gov.uk .

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

- 5.3.9 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, which is necessary to reduce the potential for 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 and of the locality.

- 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, and 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, and 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 statement of licensing policy will be examined to see if the situation might be reversed.

TRANSPORT

- 6.6 The Council will, if necessary 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 however expect applications for premises licences or for a variation to an existing premises licence at permanent commercial premises to be from businesses having the relevant planning consent for the property concerned. In addition, persons submitting temporary event notices should ensure the premises in question has the requisite planning consent for the proposed activities and hours of operation. Where this is not the case, applicants will be expected to show good reason why the premises do not have planning permission.

The Croydon Local Plan sets out the criteria that will be used to assess planning applications for any changes of use that require planning permission. Some changes of use do not require planning permission but an application for prior approval may be required to ascertain whether there are matters related to the change of use that do require planning permission. Applicants should contact the Council's Development Management service at development.management@croydon.gov.uk with any enquiries related to planning applications or the prior approval process.

Any application for planning permission will be expected to take into account the impact of noise and fumes (and other forms of potential nuisance) on neighbouring premises and to provide details of any mitigating measures, as applicable.

- 6.11 The Council will ensure that if requested, reports will be 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.

ADVANCING EQUALITY

- 6.12 The Council recognises its legal obligation under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a characteristic and those who don't.
- 6.13 It will assess and consult on the likely impact and monitor for any adverse impact on the advancement of equality which may arise as a result of the Policies contained in this Document and will publish the results.

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 Equality Act 2010 in respect of accessibility for disabled people.
- 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 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 and theatre, 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 risk assessments and undertake discussion on the possible crime and disorder, public nuisance and/or 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.

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 it is the responsibility of premises licence holders and designated premises supervisors (where applicable) to ensure this happens and that regulatory compliance is maintained. The Council and its partners will make arrangements to monitor premises and take appropriate enforcement action to ensure this but enforcement action should be considered to be the last resort and such intervention should not be necessary where premises are operated & managed effectively.
- 10.2 Each of the Responsible Authorities under the Act may make representations on an application or seek a review of a premises licence/club premises certificate, based on concerns around any of the licensing objectives. That said, it is anticipated that specific responsible authorities will take a central advisory & enforcement role, as necessary, with regard to relevant licensing objectives, for example –
- Prevention of crime and disorder – Police
 - Prevention of Public Nuisance – Council Environmental Health (Pollution) Team and the Planning Department
 - Public Safety – Council Food & Safety Team or HSE (as applicable) and the LFB
 - Protection of Children from Harm – Croydon Children's Safeguarding Board, Police and the Trading Standards Team
- 10.3 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, originally approved by the Council's substantive Licensing Committee on 21 June 2006, using the principles of risk assessment, 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. This Protocol shall be reviewed, through a separate process to this policy review in the coming months and an updated version shall be available from the Council Licensing Team and posted on the Council's website.
- 10.4 The Council will carry out its regulatory functions in accordance with good enforcement practice and particular regard will be had to the fundamental

principles recommended by the Better Regulation Task Force and the Hampton Report. In that regard, Enforcement shall be:

- Targeted
- Consistent
- Transparent
- Proportionate
- Necessary

Any enforcement activity shall be undertaken in a fair, open and consistent manner in conformity with the above principles.

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 objections from the Police or Environmental Health 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 or Environmental Health 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.

APPENDIX 1

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 themselves.

'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 (subject to certain de regulation*): 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

*Readers are advised to read and familiarise themselves with Chapter 16 of the statutory guidance, produced by the Home Office under Section 182 of the

Licensing Act 2003 (latest version April 2017), which concerns regulated entertainment.

'Responsible Authority' means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the relevant 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
- Public Health
- The Home Office (Immigration Service)

'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 15 occasions in a calendar year, but subject to an aggregate limit of not more than 21 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.

APPENDIX 2

Evidence and Data

Alcohol use

Between 2,256 and 4,384 adults in Croydon were estimated to be alcohol-dependent in 2014¹

Between 2.4%-4.6% of 15 year olds in Croydon were regular drinkers, as estimated by The What About Youth survey in 2015

26.9% of adults in Croydon abstain from alcohol, 9.2% binge drinking on their heaviest drinking day and 19.2% drink more than 14 units of alcohol a week as per the Health Survey for England (2011-14)

Off licenses

Croydon's off-license density rate was 2.99 premises for every 1,000 households, as of 21 July 2017. i.e. there were 433 premises in Croydon licensed to sell alcohol to drink off the premises (off-licenses).²

In 2014, a total of 1,398,180 litres of alcohol were sold through the off-trade, this is equivalent to 4.9 litres per adult (aged 18+).

PHE analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions. No association was found for on-trade sales.

Claimants of benefits due to alcoholism

Approximately 250 people in Croydon claimed benefits due to alcohol in 2016. This is a rate of 103.8 people per 100,000. This is a similar rate to London (105.4) and lower rate than England (132.8).

Crime

Data³ shows that there is a strong relationship between alcohol and a range of crimes including violence. Alcohol-related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon.

Alcohol-related crime is generally used to refer to two main categories of offences; alcohol-defined offences (such as drunk and disorderly or driving under the influence) and offences where alcohol is thought to have played a role in the committing of the offence (usually where the offender was under the influence, such as assault, antisocial behaviour, criminal damage).

In 2016, the Metropolitan Police Service recorded 30,220 crimes within Croydon, of which 10,515 were violence against the person (34.8% of all recorded crimes).⁴ The CSEW shows that, in 2015/16, 40% of the victims of violent incidents believed the offender(s) to be under the influence of alcohol. In Croydon this would result in a total of 4,206 offences of violence against the person were alcohol-related.

Note: The Metropolitan Police Service (MPS) reports on recorded crimes within each local authority, but does not specify whether alcohol was a factor in the offence being committed. The Crime Survey for England and Wales (CSEW) does provide proportions of violent incidents where the victim believed the offender(s) to be under the influence of alcohol.⁵ We can apply these national survey proportions to the MPS recorded crime data to estimate the approximate number of alcohol-related violent crime in the borough

In addition to this there were 9,065 incidents of anti-social behaviour recorded in Croydon in the same year.⁶

Total recorded crime in Croydon had been slowly decreasing since 2009, but has started to increase since 2014 - largest increases seen were in miscellaneous crimes against society (45% increase), public order offences (42%), violence without injury offences (35%) and sexual offences (28% increase).⁷

Ambulance incidents and dispatches

67,187 ambulance dispatches were recorded within Croydon in 2016, and 4.8% (N~3,224) of these were alcohol-related as per the London Ambulance Service. Across London, 6.3% of all ambulance dispatches were alcohol-related. In Croydon, these dispatches relate to 48,178 specific incidents and similarly 4.6% of all incidents were alcohol-related, compared to 6.1% across London.⁸

Alcohol-related road traffic accidents

21 road traffic accidents in Croydon in 2013-15 were alcohol-related. This is a rate of 7.6 per 1,000 road accidents. This is a similar rate to London (9.8) and lower rate than England (26.0).

Hospital admissions

Croydon has a higher rate of admissions for alcohol-related conditions in the under 40 age-group than that seen across London, a rate of 264 per 100,000 compared to 205 in London.

In 2015/16 there were 1,776 admissions to hospital for alcohol-related conditions (using a more specific/narrow definition or alcohol-related therefore a conservative estimate). This is a rate of 523 per 100,000 population. 46% of these admissions were of people aged 40-64 years and 30% were to people under 40 years of age.

Further, an additional 1,730 admissions occurred in the same year for alcohol-specific conditions. This is a rate of 506 per 100,000 population.

Mortality

Latest data shows that Croydon had an alcohol-specific mortality rate of 7.7 (2013-15) and an alcohol-related mortality rate of 43.7 (2015). Rates are directly standardised per 100,000 population. Croydon had a lower alcohol-specific mortality rate than England (11.5), and a similar alcohol-specific mortality rate to London (8.7). Alcohol-related mortality rates in Croydon were similar to both England (46.1) and London (41.3).

Over the last three years the number of alcohol related ambulance call outs in Croydon has been as follows –

2014/15 2425

2015/16 2451

2016/17 2264

In 2016/17, out of a total of 33 London boroughs, Croydon had the 10th highest ambulance call outs related to alcohol⁹.

There is evidence¹⁰ 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.

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 average⁸.

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 incident¹¹. 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.

In recent years, drinking behaviour has changed where more people now purchase alcohol from supermarkets and shops. More people are likely to be drinking alcohol in the home, often to excess. Croydon has seen an increase in the number of off licences and a decrease in the number of pubs¹². 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 base¹³ 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.

A business and consumer survey conducted by the Croydon Town Centre Business Improvement District¹⁴, identified street drinking 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.

The following four cumulative impact zones in Croydon were introduced in January 2014 -

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

Contains 40 premises that are licensed to sell alcohol off the premises. Local police expressed concerns about street drinkers who could source their cheap alcohol from these outlets.

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 65 premises that are licensed to sell alcohol off the premises.

Local police and local residents expressed concerns about an emerging problem with street drinkers who could source their cheap alcohol from these outlets.

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.

Central Parade, New Addington Cumulative Impact Area

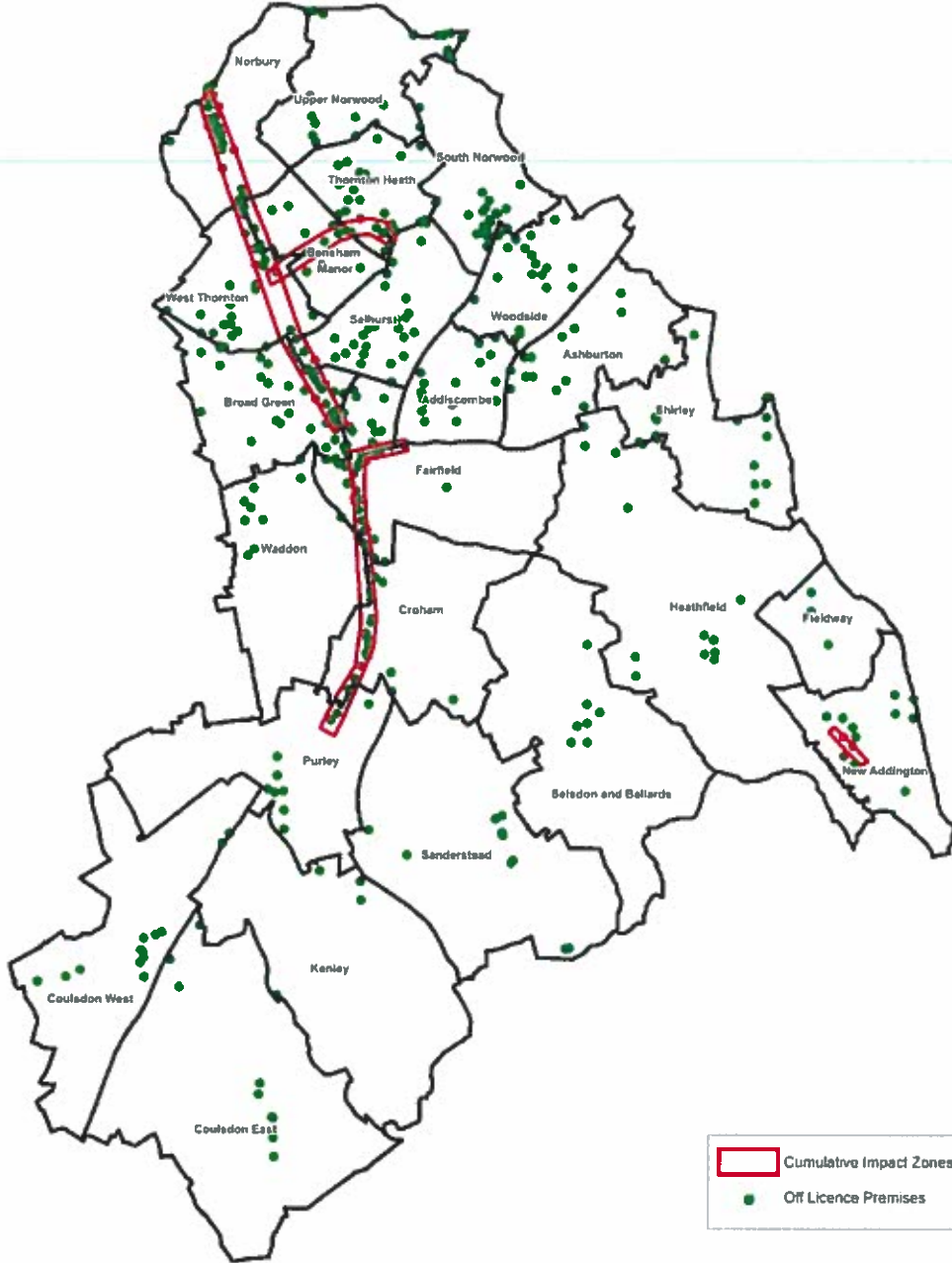
Central Parade has 7 premises licensed to sell alcohol off the premises located in very close proximity to one another.

Local residents and community groups had 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) found that out of 384 respondents, 271 (70%) felt that there were too many off-licences and other shops where alcohol could be purchased.

The 3 maps below detail off-licence density and indicate the four existing cumulative impact zones specific to off licences, antisocial behaviour incidents in 2016 and ambulance call-outs (dispatches) between 2011-13 & 2014-16, in Croydon.

APPENDIX 3

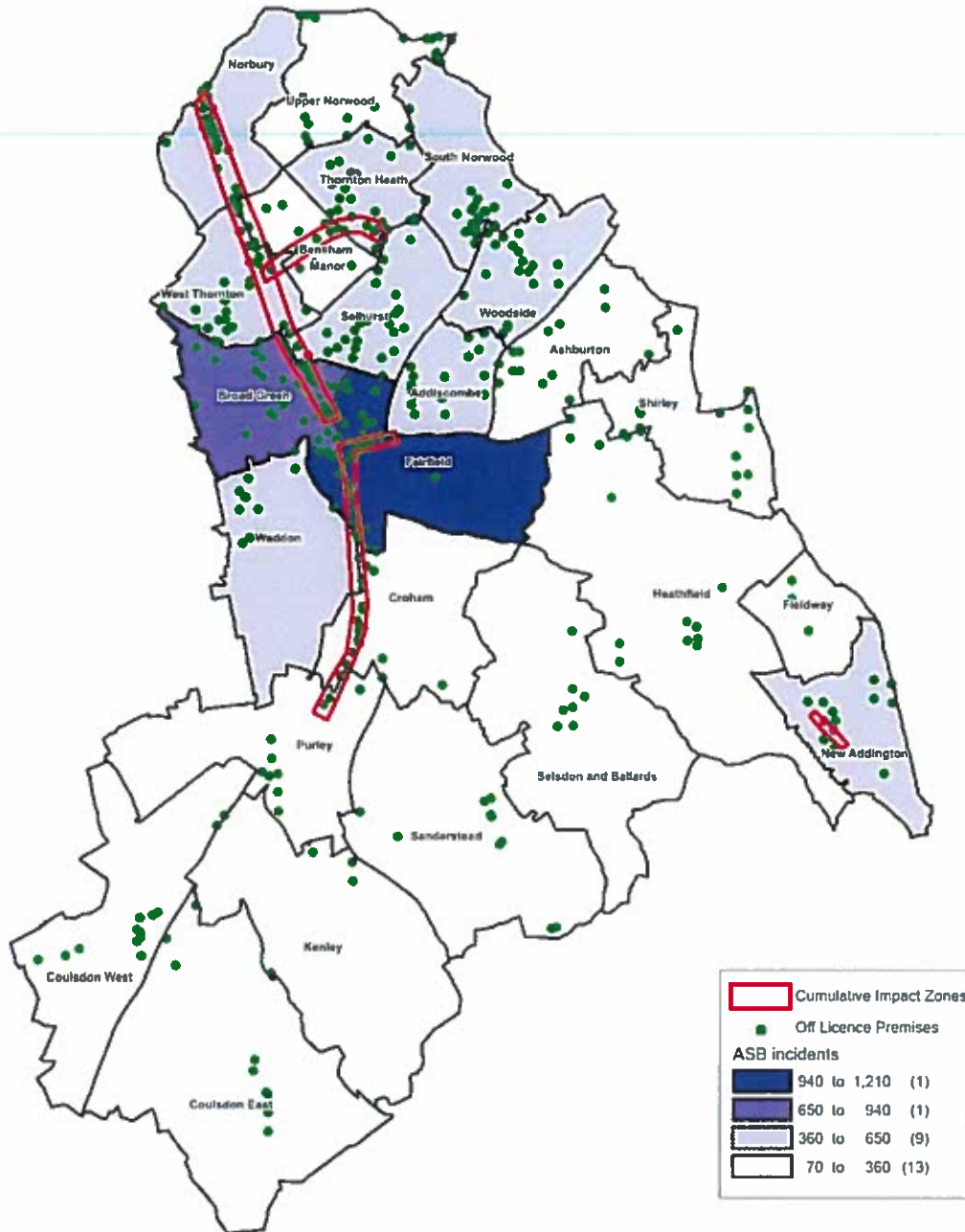
Off Licence Premises in Croydon



Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database right 2017 OS Licence number 10001927

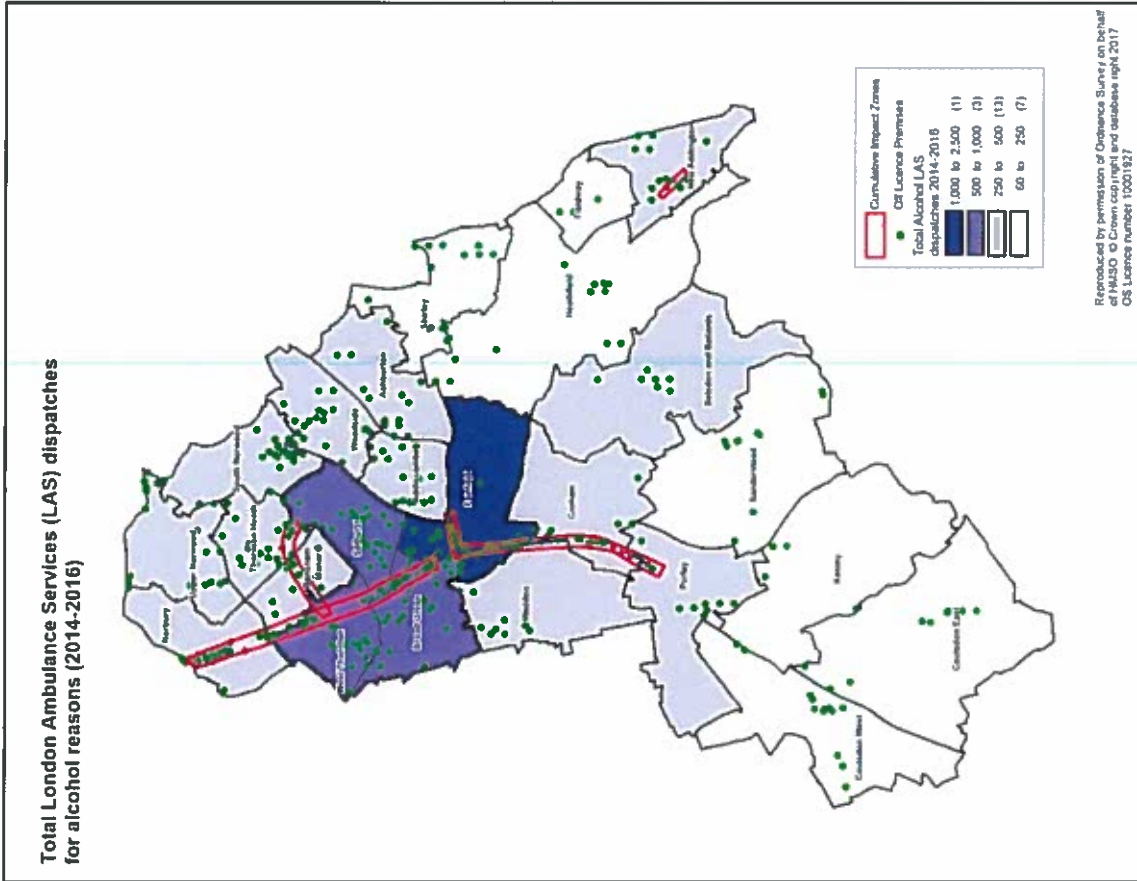
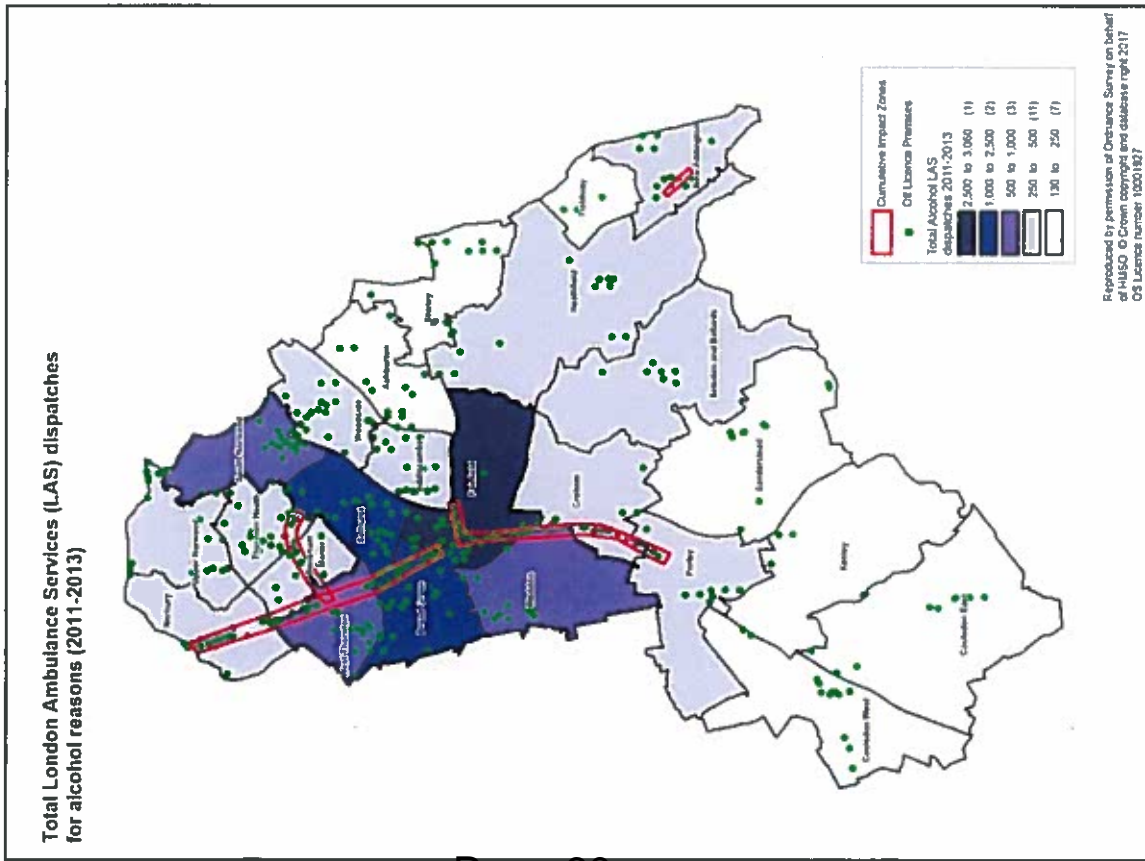
APPENDIX 4

Total Anti-Social Behaviour (ASB) incidents 2016



Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database right 2017 OS Licence number 10001927

The maps below shows the total number of ambulance dispatches for alcohol-related reasons in the two years prior to and two years since the CIZs being in place



AI

APPENDIX 6**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

- ¹ The Estimates of Alcohol Dependence in England based on APMS 2014, <http://www.nta.nhs.uk/facts-prevalence.aspx>
- ² Off-licence numbers taken from local council licensing team. Density based on number of households with at least one resident from 2011 Census, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/2011censuspopulationandhouseholdestimatesforwardsandoutputareasinenglandandwales>
- ³ Metropolitan Police Service figures from Greater London Authority https://data.london.gov.uk/dataset/recorded_crime_summary
- ⁴ Crime Survey for England and Wales, nature of crime tables (violence), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimetablesviolence>
- ⁵ Metropolitan Police Service figures from SafeStats, restricted access
- ⁶ Metropolitan Police Service figures from SafeStats, restricted access
- ⁷ Public Health Intelligence Profile on Croydon Crime Statistics
- ⁸ London Ambulance Service figures from Greater London Authority, <https://data.london.gov.uk/dataset/monthly-ambulance-service-dispatches>
- ⁹ London Ambulance Service data provided by Safestats, GLA
- ¹⁰ One on Every Corner - The relationship between off-licence density and alcohol harms in young people. Alcohol Concern 2011
- ¹¹ 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
- ¹² Croydon Council Licensing Team Data
- ¹³ WHO Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol
- ¹⁴ Croydon Town Centre Annual Town Centre BID Business and Consumer Survey 2013

LICENSING ACT 2003

Review of Local Authority Licensing Policy

List of Consultees

Residents Associations

Thirty Two (32) Residents Associations across the borough

Elected Representatives

All LB Croydon Ward Councillors and the 3 borough Members of Parliament

Local Business Groups

The Croydon, Purley and New Addington Business Improvement Districts (BID's)
The Croydon Partnership (Hammerson/Westfield)
The BME Forum
Twenty further business representatives of the Croydon Business Network with a combined mailing list of approximately 5000 businesses

Personal Licence Holders under the Licensing Act 2003

Twenty five holders of personal licences issued by LB Croydon

Premises Licence Holders under the Licensing Act 2003

Seventy holders of premises licences issued by LB Croydon (including the members of the Croydon town centre Pubwatch).

Club Premises Certificate Holders under the Licensing Act 2003

Ten registered members clubs holding club premises certificates issued by LB Croydon

Others

The Responsible Authorities under the Licensing Act 2003, including the Metropolitan Police, the London Fire Brigade and Public Health
The British Beer & Pub Association
The British Institute of Innkeeping
The Association of Licensed Multiple Retailers
LB Croydon Access Officer
Neighbouring London Borough's - LB Lambeth, LB Bromley, LB Merton, LB Sutton

In addition to the above, a press release was issued regarding the policy review and the consultation documents were placed on the Council website 'Get Involved' pages.

This page is intentionally left blank

~~████████████████████~~

From: LICENSING
Sent: 23 October 2017 07:02
To: ~~████████████████████~~
Subject: FW: Comments on proposed revision to licensing policy

From: ~~████████████████████~~ [mailto:~~████████████████████@████████████████████.████████████████████~~]
Sent: 22 October 2017 09:20
To: LICENSING <LICENSING@croydon.gov.uk>
Subject: Comments on proposed revision to licensing policy

Dear Sir/Madam

- 1) Regarding your second proposed revision, regarding "Use of the Metropolitan Police Service Promotion Event Risk Assessment Form", I am neutral on the change although why not wait for the revised Police form before making the decision?

Whatever you decide, I believe the requirement should be to DOCUMENT the risk assessment and RETAIN A RECORD. A minimum retention period should be specified.

- 2) No changes should be made to the policy that increases the night time availability of alcohol. I am 100% against the concept of a 24-hour economy.

Regards

~~████████████████████~~
Resident
Coulston

 Virus-free. www.avg.com

At the Town Centre Pubwatch meeting held on 7 November 2017, a town centre premises licence holder asked 'how these changes (to the current licensing policy) would affect Off Licences'.

From: LICENSING
Sent: 10 November 2017 17:55
To: [REDACTED]
Subject: FW. Consultation

From: [REDACTED] [mailto:[REDACTED]]
Sent: 10 November 2017 17:51
To: LICENSING <LICENSING@croydon.gov.uk>
Subject: Consultation

I am responding to your consultation on licensing. I can remember when the town centre, and especially North End, was particularly uninviting as scruffily dressed people (mainly men) would be lounging around the pavement and seats, surrounded by beer cans and bottles. It put people off shopping in the centre and was a very bad role model for the school children who walk through the town on their way home after school. I would not want to see a return to those days and any change of rule which would allow this to happen.

I would also comment on the proposal to merely recommend that people carry out a risk assessment, without using the police form. The mere fact someone is filling in a form forces them to think about areas they might not otherwise have considered and is a very useful tool, especially for anyone who is new to event management. There should be some form of tick box advice that enables the council to have confidence in the safety of any event being held in Croydon. Also, I would imagine that, God forbid, in the event of an something going badly wrong, the lack of such evidence would mean that claims for compensation would sail through the courts and the Croydon taxpayer would suffer.

I look forward to seeing the results of your consultation.

Yours sincerely,

[REDACTED]
[REDACTED]
Coulson
[REDACTED]
[REDACTED]

[Redacted]

From: LICENSING
Sent: 11 November 2017 15:09
To: [Redacted]
Subject: FW: Concerns with regard to Town Centre policy review

From: [Redacted] [mailto:[Redacted]]
Sent: 11 November 2017 12:47
To: LICENSING <LICENSING@croydon.gov.uk>
Subject: Concerns with regard to Town Centre policy review

Dear Licensing Team,

I am writing in response to the news that the Town Centre policy is being revised by the Council. I am a resident in a block of flats called [Redacted] ([Redacted]) near Surrey Street market. I am worried about the proposition because our block has been affected by noise nuisance from premises nearby, particularly the [Redacted] nightclub and a number of others for a long time.

Our block has [Redacted] flats, there is also the [Redacted] with over [Redacted] flats, flats in Overtons Yard and the newly converted former office buildings such as the Green Dragon house that are home to hundreds of people, including elderly people and families with small children. I believe that by giving permission to develop these residential buildings the Council has committed to making the area family friendly and reasonably safe. However over the years we have experienced significant disturbance caused by the night time premises and anti-social behaviour they cause. I realise that the venues, such as above mentioned [Redacted] nightclub, have been here long before the residential blocks, however once permission has been granted to develop the residential flats in my opinion the Council should take steps to regulate the clubs to minimise their impact. For instance, not enough has been done to ensure the clubs have appropriate sound insulation, as the bass can be heard from afar in nighttime preventing sleep over the weekends. Also not enough measures are being taken to police the area to deal with rowdy street drinking and other forms of anti-social behaviour by people leaving the premises. This all has a significant impact on our residential comfort and I am concerned that the removal of restriction to the number of premises will further escalate the problem, eventually making the area unsuitable for habitation for hundreds of people in the newly build flats.

Please could you include my concerns as a resident in the report and do not hesitate to get in touch if you require any information.

Best regards,

[Redacted]

Tel [Redacted]

~~CONFIDENTIAL~~

From: LICENSING
Sent: 13 November 2017 07:06
To: ~~REDACTED~~
Subject: FW: Licensing Policy Consultation

From: ~~REDACTED~~ [mailto:~~REDACTED~~]
Sent: 12 November 2017 19:09
To: LICENSING <LICENSING@croydon.gov.uk>
Subject: Licensing Policy Consultation

Good Evening,

We are a residents associations that represent one of the blocks in the heart of the town centre.

We are writing in reference to the town centre licensing policy review that is up for consultation.

The proposed review has recommended removing both the:

- 1. Special Town Centre Policy
- 2. Metropolitan Police Risk Assessment Form

The main reason that the statement has referenced for the above changes is due to the change in the town centre since the last review namely the reduction of pubs / clubs and the increase in food venues.

As a group of residents in the town centre we feel this summary has only focused on one aspect of changes in the town centre from the view of council officers and elected representatives that clearly do not live in the town centre.. The reduction in drinking venues appears to have been minimal if at all!

Alongside this the population increase within the town centre due to many blocks such as ours has been dramatic. This has led to a huge increase of residents within close vicinity of pubs, clubs and drinking venues. Based on experience of our residents we can also report that we often come into direct conflict of night time punters. The levels of crime, anti-social behaviour, noise pollution, nuisance, litter including vomit and human defecation everywhere is significant.

Due to this we feel it is totally unnecessary and counter productive to remove any controls or restrictions within the town centre in terms of licencing of venues and when it comes to the police risk assessment it moves into the realms of negligence.

We hope that these views will be considered and that elected and other council officials will spend some time in the town centre especially within a weekend night to see what town centre residents have to experience.

Regards,

~~REDACTED~~

~~CONFIDENTIAL~~

From: LICENSING
Sent: 13 November 2017 07:07
To: [REDACTED]
Subject: FW: Licencing Review in the town centre

From: [REDACTED] (mailto:[REDACTED])
Sent: 12 November 2017 19:24
To: LICENSING <LICENSING@croydon.gov.uk>
Subject: Licencing Review in the town centre

Good Evening Licencing,

My name is [REDACTED] and I am a town centre resident who lives just off of the High Street.

I am writing with regards to the consultation on the changes for the town centre licencing policy.

Speaking with residents over the past several weeks with regards to any relaxation of this policy and the removal of the metropolitan police risk assessment would be totally unacceptable.

Over the past couple of years building of residential properties has been greatly encouraged by council, this has led to a big rise in population density in the town centre.

This increase in population density has meant that the adverse affects of licenced venues such as crime, anti-social behaviour and cleanliness of the streets is keenly felt by all local residents of the town centre.

I have not come across a single house hold or resident who would be in favour in any way of the relaxation of any controls. Especially due to the fact that the council cabinet member for this policy (at last weeks council meeting) offered no additional help or support to town centre residents on the back of this policy change.

It is for the above reasons that I am adamantly opposed to any changes or relaxations of controls and policy with regards to licencing in the town centre. I hope that the council will listen to the views of residents and act accordingly.

Regards,

[REDACTED]

Sent from Mail for Windows 10

APPENDIX 4

Respondee	How / When	Comments incorporated into policy	Comments not incorporated into policy
<p>Resident – Coulsdon</p>	<p>E mail 22 October 2017</p>	<p>-</p>	<p>The Police have now taken the decision to remove the particular form from use. The Council's perspective on the need for risk assessment has not changed and licence holders are still being recommended within the policy to undertake comprehensive risk assessments and guidance and advice will be available from the Police & the Council. It is not felt that the proposed changes will directly increase the night time availability of alcohol. Applications can still be made and people can still object. The current town centre cumulative impact zone was introduced when there were a greater number of pubs and bars in the defined area.</p>
<p>Premises licence holder – Croydon town centre licensed premises</p>	<p>Verbal question raised at Pubwatch meeting held on 7 November 2017</p>	<p>-</p>	<p>The proposed changes do not affect the existing cumulative impact zones for off licences in the policy.</p>
<p>Resident – Coulsdon</p>	<p>E mail 10 November 2017</p>	<p>-</p>	<p>The Police have now taken the decision to remove the particular form from use. The Council's</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

<p>Resident – Croydon town centre</p>	<p>E mail 11 November 2017</p>	<p>-</p>	<p>perspective on the need for risk assessment has not changed and licence holders are still being recommended within the policy to undertake comprehensive risk assessments and guidance and advice will be available from the Police & the Council.</p>
<p>Residents Association – representing residents of specific block, Croydon town centre</p>	<p>E mail 12 November 2017</p>	<p>-</p>	<p>The town centre cumulative impact zone is not intended to deal with problems being caused at/by specific licensed premises. The Review mechanism in the Act and other forms of enforcement should be used to tackle problems at identified licensed premises. As now, people will still be able to apply for a licence and people will still be able to raise objections if they have concerns and the removal of the specific cumulative impact zone will not change that.</p> <p>The Police have now taken the decision to remove the particular form from use. The Council's perspective on the need for risk assessment has not changed and licence holders are still being recommended within the policy to undertake comprehensive risk assessments and guidance and</p>

<p>Resident – Croydon town centre</p>	<p>E mail 12 November 2017</p>	<p>advice will be available from the Police & the Council. The town centre cumulative impact zone is not intended to deal with problems being caused at/by specific licensed premises. The Review mechanism in the Act and other forms of enforcement should be used to tackle problems at identified licensed premises. As now, people will still be able to apply for a licence and people will still be able to raise objections if they have concerns and the removal of the specific cumulative impact zone will not change that.</p>
		<p>The Police have now taken the decision to remove the particular form from use. The Council's perspective on the need for risk assessment has not changed and licence holders are still being recommended to undertake comprehensive risk assessments as provided for within the draft policy and guidance and advice will be available from the Police & the Council. The town centre cumulative impact zone is not intended to deal with problems being caused at/by specific licensed premises. The Review mechanism in the Act and</p>

777 6X f

<p>other forms of enforcement should be used to tackle problems at identified licensed premises. As now, people will still be able to apply for a licence and people will still be able to raise objections if they have concerns and the removal of the specific cumulative impact zone will not change that.</p>			
--	--	--	--

‘STATEMENT OF LICENSING POLICY’

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

CONTENTS

	Page
INTRODUCTION	3
THE LEGISLATION AND THE COUNCIL	3
DEVELOPMENT OF THE POLICY	4
ASPIRATIONS & FUNDAMENTAL PRINCIPLES	4
NEED AND CUMULATIVE IMPACT	7
LICENSING OBJECTIVES	11
CRIME AND DISORDER	11
PUBLIC SAFETY	13
PREVENTION OF PUBLIC NUISANCE	15
Licensing Hours	15
Shops, stores and supermarkets	16
Prevention of Public Nuisance – Generally	16
PROTECTION OF CHILDREN FROM HARM	18
Access to licensed premises	18
Responsible authority	19
Packaging and promotion of alcoholic drinks	19
Access to cinemas	19
Children and regulated entertainment	20
Children in licensed premises – generally	20
INTEGRATING STRATEGIES and AVOIDING DUPLICATION	21
Crime prevention	21
Cultural strategies	22
Transport	22
Tourism and employment	22
Planning and building control	22
Advancing Equality	23
Duplication	23
LIVE MUSIC, DANCING and THEATRE	23
TEMPORARY EVENT NOTICES	24
STANDARDISED CONDITIONS	24
ENFORCEMENT	24
ADMINISTRATION, EXERCISE and	25
DELEGATION OF FUNCTIONS	27

APPENDICES

- 1 Definitions
- 2 Evidence & Data (updated) relating to Cumulative Impact Zones
- 3 Map of borough showing location of off licences and the four Cumulative Impact Zones
- 4 Map of borough showing incidents of Anti Social Behaviour in 2016 together with location of off licences and the four Cumulative Impact Zones
- 5 Maps of borough showing details for ambulance call outs –
 - Map A showing figures for 2011-2013
 - Map B showing figures for 2014-2016
- 6 Contact details, advice and guidance
- 7 **Endnotes & References**

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 382,000.
- 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. Croydon's Growth Zone is almost entirely contained within the town centre and by 2021 there will be between 1,147 and 2,230 new households within 500 metres of the Growth Zone. 46% (61 out of 133) of all Croydon developments in the Local Plan are within 500 metres of the Croydon Growth Zone. The town centre also has a significant number of premises providing regulated entertainment, the sale of alcohol and late night refreshment in the area.
- 1.4 The remainder of the 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 by the Home Office 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 regulators, 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, including with the Chief Borough Police Officer, the Chief Officer of the London Fire Brigade 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 the Director of Public Health, 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 ** *** ****. 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 ** **** **** 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. ASPIRATIONS AND FUNDAMENTAL PRINCIPLES

- 4.1 Croydon's Community Strategy 2016-21 seeks to ensure Croydon is:
- A great place to learn, work and live where we will deliver new jobs and new homes for our residents, enable our local economy to grow, develop an exciting cultural offer and evening economy, in a safe and pleasant environment.
 - A place of opportunity for everyone where we will tackle poverty and deprivation, prevent homelessness, and support children, families and individuals to achieve their full potential and live a long healthy life through a good start, an excellent education, support to develop and maintain the resilience and self-reliance modern life requires, and providing holistic support to those that need it.
 - A place with a vibrant and connected community and voluntary sector where we will enable and empower our communities to connect and collaborate in developing community-led responses to the many challenges we face.

Croydon's Vision, enshrined in the Strategy, is for it to be:

- ENTERPRISING - a place renowned for enterprise and innovation with a highly qualified and skilled workforce, and a diverse and thriving local economy
- CONNECTED - a place that is well connected, easy to get to and around, and supported by infrastructure that enables people to easily come together; with one of the best digital, communications and transport networks in the country
- CREATIVE - a place that draws people to its culture and creativity, an inspiration and enabler of new artistic and sporting talent
- SUSTAINABLE - a place that sets the pace amongst London boroughs on promoting environmental sustainability and where the natural environment forms the arteries and veins of the borough
- LEARNING - a place that unleashes and nurtures local talent and is recognised for its support and opportunity for lifelong learning and ambitions for children and young people
- CARING - a place noted for its safety, openness and community spirit where all people are welcome to live and work and where individuals and communities are supported to fulfil their potential and deliver solutions for themselves.

4.2 The Council's Licensing Policy under the Licensing Act 2003 has a role to play in promoting that Vision and ensuring, where applicable that it is achieved, subject to the requirements of the legislation and statutory guidance.

4.3 Croydon desires and is aiming to ensure that there are diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other, both in the town centre and in the district centres. Croydon is 'open for business' and is keen to attract as broad a leisure offer as possible. *The Croydon Promise: Growth for All* document, published by the Council articulates these aims, setting out that by 2020:

The metropolitan centre will offer the most exciting shopping and leisure experience in London and the South East: One of Europe's largest urban shopping malls, the Whitgift redevelopment, will be open. A new 'cultural quarter' around College Green will have emerged with the modernised Fairfield Halls one of the star attractions.

Our district and local centres will be 'neighbourhoods of choice': With their own distinctive characters, they will provide a mix of new homes, jobs and community facilities.

4.4 Clearly, the commercial market is an influencing factor for new and existing licensed premises and they also need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the Council's local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved.

- 4.5 Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces. The Council is particularly keen to see venues, small and large that are able to provide live music, drama and the performance of dance, both for entertainment but also to develop new talent and allow it to perform and grow in front of an audience.
- 4.6 London is a 24 hour City and is renowned throughout the World for its wide range of entertainment venues, leisure activities, food venues, creativity and openness to new ideas. London encourages and nurtures talent. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from London.gov.uk), which sets out The Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Croydon wishes to be part of that and to be a destination for tourists and visitors as well as ensuring people who live and work in the borough are provided with as wide a range of entertainment facilities and food venues as possible. These desires can be met and can be provided safely, so long as businesses are well run.
- 4.7 However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses and to ensure that where a premises provides licensable activities, this is done in a way that promotes the four licensing objectives in the Act and complies with the Statutory requirements. Licensing is a balance and requires consideration of all these various needs.
- 4.8 The fundamental principles of the Act and its accompanying guidance are that nothing in this '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.
- 4.9 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/certificate or variation of an existing licence/certificate 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'.
- 4.10 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.

- 4.11 In considering all licence/certificate applications, the Council will take into account the character of the surrounding area, the impact of the licence/certificate on that area and the nature and character of the operation.
- 4.12 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.
- 4.13 Part 5 of this Statement gives guidance to applicants on some of the matters they may wish to consider when preparing their Operating Schedules.
- 4.14 Licensing is about permitting activities but also ensuring 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.
- 4.15 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. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.
- 4.16 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

- 4.17 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.
- 4.18 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. For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions.
- 4.19 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. Reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.
- 4.20 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 may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.

4.21 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Council will consider 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 use and misuse in Croydon's population
- Claimants of benefits due to alcoholism
- Alcohol specific hospital admissions for under 18's
- Ambulance incidents and dispatches
- Alcohol related road traffic accidents
- Statistics on alcohol related emergency attendances and hospital admissions
- Mortality
- Complaints recorded by the local authority
- Evidence from local councillors and
- Evidence obtained through local consultation.

4.22 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.

4.23 As a result, the Council has considered it 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
- 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 London Borough of Lambeth
- 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
- iv Along the length of Central Parade, New Addington

4.24 The effect of a Cumulative Impact Zone Policy for each of the areas listed above

is 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.

- 4.25 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.
- 4.26 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.
- 4.27 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.
- 4.28 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.
- 4.29 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.
- 4.30 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.
- 4.31 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.
- 4.32 Where an 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.

4.33 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.

4.34 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 be 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

4.35 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.

4.36 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, as part of a Public Space Protection Order, 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 authorities, 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 are to lie within Public Space Protection Orders (PSPO's) that may control the consumption of alcohol in public areas. 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, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning.
- 5.2.7 Applicants and premises licence holders may wish to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police regarding the process, although the responsibility for undertaking the risk assessment remains with the Applicant/Premises License holder as neither body is able to actually undertake such risk assessments for applicants/licence holders. Applicants and premises licence holders are also reminded that the Licensing Authority is not able to recommend the services of a particular individual or company for this purpose.
- 5.2.8 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, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
 - participation in responsible management schemes such as the '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
 - maintaining appropriate signage and a refusals log
 - 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 litter bins and security measures, such as lighting outside premises
- Other schemes including only purchasing alcohol from authorised wholesalers, not selling certain alcohol types/strengths (e.g. high strength beers/ciders or single cans above 6% ABV), restricting sales on certain alcohol types (e.g. miniature spirits), allowing a 'track and trace' identifier on products so Police/Trading Standards can identify which off-licence seized alcohol is from, signing up to local responsible retailer schemes
- Provision of closed circuit television, with cameras covering relevant internal and external areas (including beer gardens) and entrances/exits to premises

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

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

5.2.10 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.

5.2.11 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises, licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. To assist, licence applicants/holders and persons submitting temporary event notices are recommended to acquaint themselves with the content of the following documents:

- Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs, produced by ACPO, Police Scotland & NaCTSO
- Protecting Crowded Places: Design and Technical Issues, produced by the Home Office – ISBN 978-1-78246-387-0

The Metropolitan Police will be able to provide further assistance and guidance with regard to these specific documents and counter terrorism measures.

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, fast food outlets/takeaways and sometimes open spaces.

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 precautions 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, mobility)
- the use of special effects such as strobe lighting, 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 (and having SIA accreditation where necessary)
- 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 or 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 and in some cases additional matters may need addressing.

- 5.3.7 Licence applicants, licence holders and organisers of public events are also advised to familiarise themselves with the Croydon Council Events Policy that is currently being developed. This policy will set out the key principles by which Croydon Council, with its key partners and other stakeholders, will approach the authorisation of public events.

The Events Policy aims include –

- ensuring effective planning and management of events
- to provide a fair, consistent and well co-ordinated approach to how events are supported and facilitated by the Council and
- to ensure that safety is placed as a priority in decision making

Further information on the Croydon Council Events Policy can be obtained by emailing events@croydon.gov.uk.

- 5.3.8 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire Brigade.
- 5.3.9 The Council will consider attaching Conditions to licences and permissions to promote public safety.

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, which is necessary to reduce the potential for 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 and of the locality.

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, and 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.

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 and any successor groups 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, and 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.
- 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 statement of licensing policy will be examined to see if the situation might be reversed.

TRANSPORT

- 6.6 The Council will, if necessary 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 however expect applications for premises licences or for a variation to an existing premises licence at permanent commercial premises to be from businesses having the relevant planning consent for the property concerned. In addition, persons submitting temporary event notices should ensure the premises in question has the requisite planning consent for the proposed activities and hours of operation. 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 Croydon Local Plan sets out the criteria that will be used to assess planning applications for any changes of use that require planning permission. Some changes of use do not require planning permission but an application for prior

approval may be required to ascertain whether there are matters related to the change of use that do require planning permission. Applicants should contact the Council's Development Management service at development.management@croydon.gov.uk with any enquiries related to planning applications or the prior approval process.

- 6.12 Any application for planning permission will be expected to take into account the impact of noise and fumes (and other forms of potential nuisance) on neighbouring premises and to provide details of any mitigating measures, as applicable.
- 6.13 The Council will ensure that if requested, reports will be 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.

ADVANCING EQUALITY

- 6.14 The Council recognises its legal obligation under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a characteristic and those who don't.
- 6.15 The Council will assess and consult on the likely impact and monitor for any adverse impact on the advancement of equality which may arise as a result of this Policy Document and will publish the results.

DUPLICATION

- 6.16 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 Regulatory Reform Fire Safety Order 2005 and the Equality Act 2010 in respect of accessibility for disabled people.
- 6.17 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.
- 6.18 The Council acknowledges that bingo clubs are 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 and theatre, 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 risk assessments and undertake discussion on the possible crime and disorder, public nuisance and/or 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.

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.

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 it is the responsibility of premises licence holders and designated premises supervisors (where applicable) to ensure this happens and that regulatory compliance is maintained. The Council and its partners will make arrangements to monitor premises and take appropriate enforcement action to ensure this but enforcement action should be considered to be the last resort and such intervention should not be necessary where premises are operated & managed effectively.
- 10.2 Each of the Responsible Authorities under the Act may make representations on an application or seek a review of a premises licence/club premises certificate, based on concerns around any of the licensing objectives. That said, it is anticipated that specific responsible authorities will take a central advisory

& enforcement role, as necessary, with regard to relevant licensing objectives, for example –

- Prevention of crime and disorder – Police
- Prevention of Public Nuisance – Council Environmental Health (Pollution) Team and the Planning Department
- Public Safety – Council Food & Safety Team or HSE (as applicable) and the LFB
- Protection of Children from Harm – Croydon Children's Safeguarding Board, Police and the Trading Standards Team

10.3 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, originally approved by the Council's substantive Licensing Committee on 21 June 2006, using the principles of risk assessment, 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. This Protocol shall be reviewed, through a separate process to this policy review in the coming months and an updated version shall be available from the Council Licensing Team and posted on the Council's website.

10.4 The Council will carry out its regulatory functions in accordance with good enforcement practice and particular regard will be had to fundamental principles. In that regard, Enforcement shall be:

- Targeted
- Consistent
- Transparent
- Proportionate
- Necessary

Any enforcement activity shall be undertaken in a fair, open and consistent manner in conformity with the above principles.

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 objections from the Police or Environmental Health 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 or Environmental Health 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.

APPENDIX 1

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 themselves.

'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 (subject to certain de regulation*): 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

**Readers are advised to read and familiarise themselves with Chapter 16 of the statutory guidance, produced by the Home Office under Section 182 of the Licensing Act 2003*

(latest version April 2017), which concerns regulated entertainment.

'Responsible Authority' means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the relevant 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
- Public Health
- The Home Office (Immigration Service)

'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 15 occasions in a calendar year, but subject to an aggregate limit of not more than 21 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.

APPENDIX 2**Evidence and Data****Alcohol use**

Between 2,256 and 4,384 adults in Croydon were estimated to be alcohol-dependent in 2014¹

Between 2.4%-4.6% of 15 year olds in Croydon were regular drinkers, as estimated by The What About Youth survey in 2015

26.9% of adults in Croydon abstain from alcohol, 9.2% binge drinking on their heaviest drinking day and 19.2% drink more than 14 units of alcohol a week as per the Health Survey for England (2011-14)

Off licenses

Croydon's off-license density rate was 2.99 premises for every 1,000 households, as of 21 July 2017. i.e. there were 433 premises in Croydon licensed to sell alcohol to drink off the premises (off-licenses).²

In 2014, a total of 1,398,180 litres of alcohol were sold through the off-trade, this is equivalent to 4.9 litres per adult (aged 18+).

PHE analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions. No association was found for on-trade sales.

Claimants of benefits due to alcoholism

Approximately 250 people in Croydon claimed benefits due to alcohol in 2016. This is a rate of 103.8 people per 100,000. This is a similar rate to London (105.4) and lower rate than England (132.8).

Crime

Data³ shows that there is a strong relationship between alcohol and a range of crimes including violence. Alcohol-related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon.

Alcohol-related crime is generally used to refer to two main categories of offences; alcohol-defined offences (such as drunk and disorderly or driving under the influence) and offences where alcohol is thought to have played a role in the committing of the offence (usually where the offender was under the influence, such as assault, antisocial behaviour, criminal damage).

In 2016, the Metropolitan Police Service recorded 30,220 crimes within Croydon, of which 10,515 were violence against the person (34.8% of all recorded crimes).⁴ The CSEW shows that, in 2015/16, 40% of the victims of violent incidents believed the offender(s) to be under the influence of alcohol. In Croydon this would result in a total of 4,206 offences of violence against the person were alcohol-related.

Note: The Metropolitan Police Service (MPS) reports on recorded crimes within each local authority, but does not specify whether alcohol was a factor in the offence being committed. The Crime Survey for England and Wales (CSEW) does provide proportions of violent incidents where the victim believed the offender(s) to be under the influence of alcohol.⁵ We can apply these national survey proportions to the MPS recorded crime data to estimate the approximate number of alcohol-related violent crime in the borough

In addition to this there were 9,065 incidents of anti-social behaviour recorded in Croydon in the same year.⁶

Total recorded crime in Croydon had been slowly decreasing since 2009, but has started to increase since 2014 - largest increases seen were in miscellaneous crimes against society (45% increase), public order offences (42%), violence without injury offences (35%) and sexual offences (28% increase).⁷

Ambulance incidents and dispatches

67,187 ambulance dispatches were recorded within Croydon in 2016, and 4.8% (N~3,224) of these were alcohol-related as per the London Ambulance Service. Across London, 6.3% of all ambulance dispatches were alcohol-related. In Croydon, these dispatches relate to 48,178 specific incidents and similarly 4.6% of all incidents were alcohol-related, compared to 6.1% across London.⁸

Alcohol-related road traffic accidents

21 road traffic accidents in Croydon in 2013-15 were alcohol-related. This is a rate of 7.6 per 1,000 road accidents. This is a similar rate to London (9.8) and lower rate than England (26.0).

Hospital admissions

Croydon has a higher rate of admissions for alcohol-related conditions in the under 40 age-group than that seen across London, a rate of 264 per 100,000 compared to 205 in London.

In 2015/16 there were 1,776 admissions to hospital for alcohol-related conditions (using a more specific/narrow definition or alcohol-related therefore a conservative estimate). This is a rate of 523 per 100,000 population. 46% of these admissions were of people aged 40-64 years and 30% were to people under 40 years of age.

Further, an additional 1,730 admissions occurred in the same year for alcohol-specific conditions. This is a rate of 506 per 100,000 population.

Mortality

Latest data shows that Croydon had an alcohol-specific mortality rate of 7.7 (2013-15) and an alcohol-related mortality rate of 43.7 (2015). Rates are directly standardised per 100,000 population. Croydon had a lower alcohol-specific mortality rate than England (11.5), and a similar alcohol-specific mortality rate to London (8.7). Alcohol-related mortality rates in Croydon were similar to both England (46.1) and London (41.3).

Over the last three years the number of alcohol related ambulance call outs in Croydon has been as follows –

2014/15 2425
2015/16 2451
2016/17 2264

In 2016/17, out of a total of 33 London boroughs, Croydon had the 10th highest ambulance call outs related to alcohol⁹.

There is evidence¹⁰ 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.

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 average⁸.

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 incident¹¹. 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.

In recent years, drinking behaviour has changed where more people now purchase alcohol from supermarkets and shops. More people are likely to be drinking alcohol in the home, often to excess. Croydon has seen an increase in the number of off licences and a decrease in the number of pubs¹². 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 base¹³ 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.

A business and consumer survey conducted by the Croydon Town Centre Business Improvement District¹⁴, identified street drinking 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.

The following four cumulative impact zones in Croydon were introduced in January 2014 -

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

Contains 40 premises that are licensed to sell alcohol off the premises. Local police expressed concerns about street drinkers who could source their cheap alcohol from these outlets.

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 65 premises that are licensed to sell alcohol off the premises. Local police and local residents expressed concerns about an emerging problem with street drinkers who

could source their cheap alcohol from these outlets.

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.

Central Parade, New Addington Cumulative Impact Area

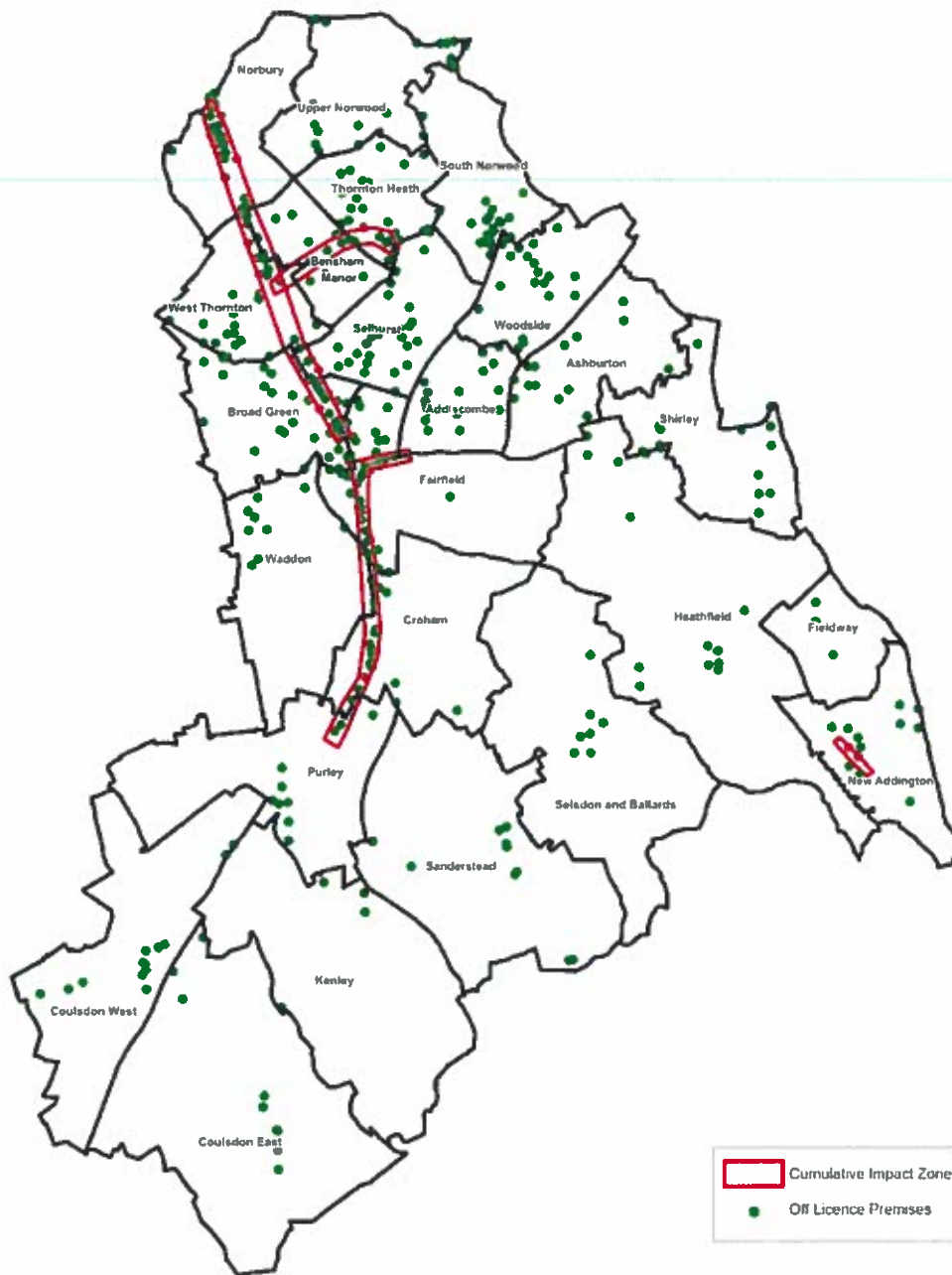
Central Parade has 7 premises licensed to sell alcohol off the premises located in very close proximity to one another.

Local residents and community groups had 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) found that out of 384 respondents, 271 (70%) felt that there were too many off-licences and other shops where alcohol could be purchased.

The 3 maps below detail off-licence density and indicate the four existing cumulative impact zones specific to off licences, antisocial behaviour incidents in 2016 and ambulance call-outs (dispatches) between 2011-13 & 2014-16, in Croydon.

APPENDIX 3

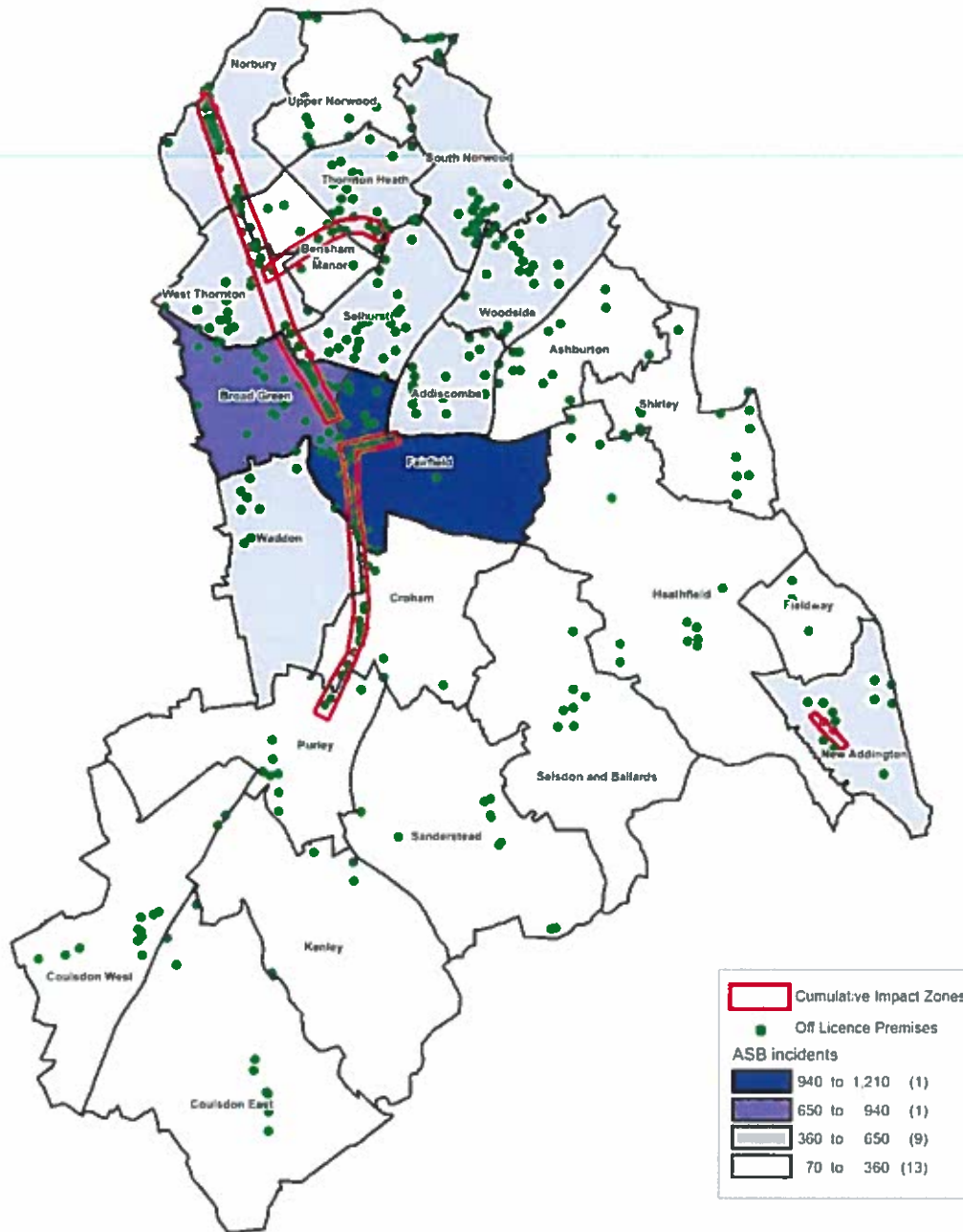
Off Licence Premises in Croydon



Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database right 2017 OS Licence number 10001927

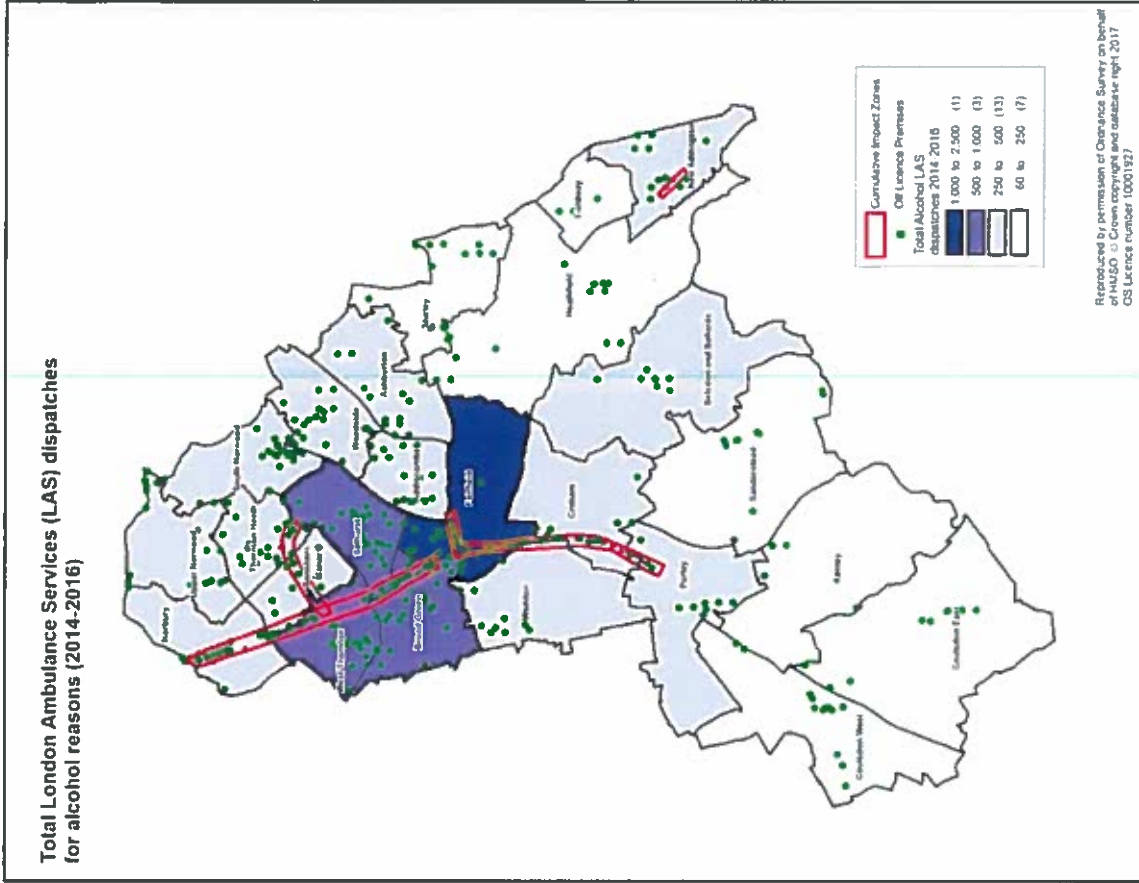
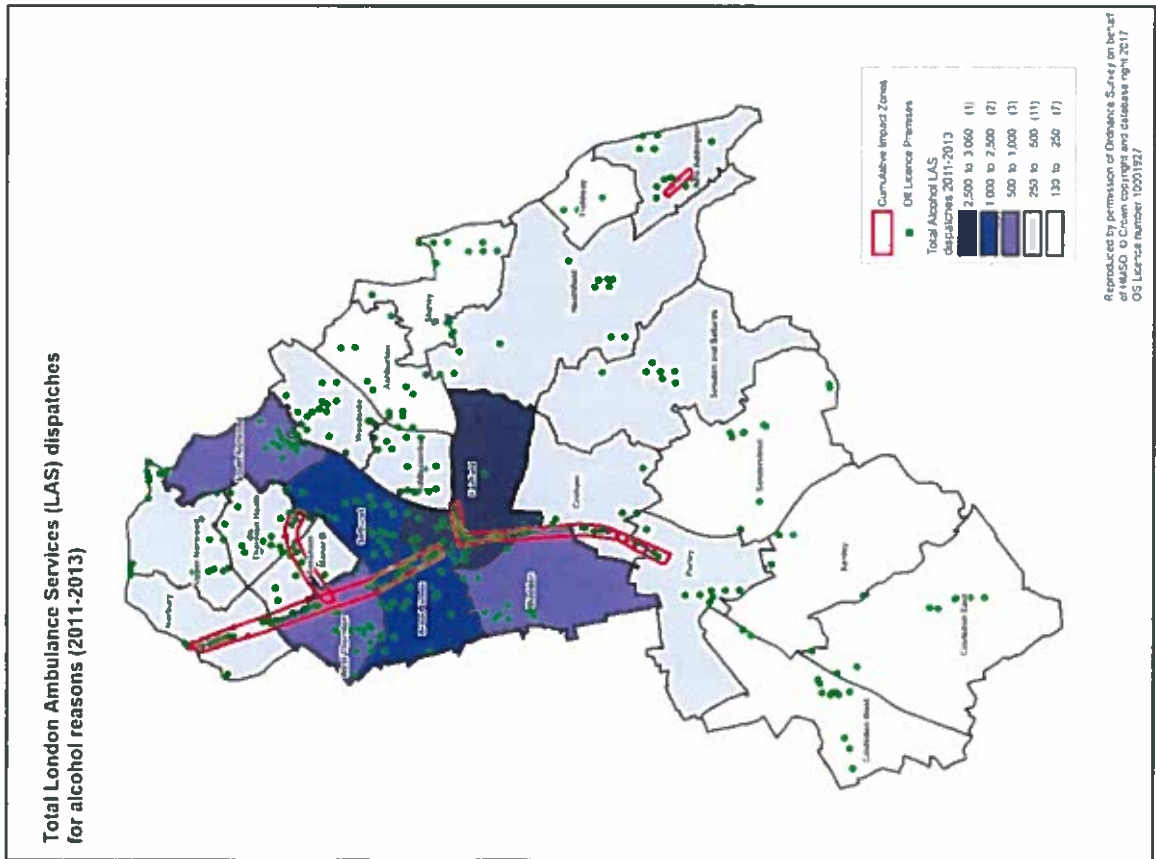
APPENDIX 4

Total Anti-Social Behaviour (ASB) incidents 2016



Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database right 2017 OS Licence number 10001927

The maps below shows the total number of ambulance dispatches for alcohol-related reasons in the two years prior to and two years since the CIZs being in place



APPENDIX 6

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

¹ The Estimates of Alcohol Dependence in England based on APMS 2014, <http://www.nta.nhs.uk/facts-prevalence.aspx>

² Off-licence numbers taken from local council licensing team. Density based on number of households with at least one resident from 2011 Census, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/2011censuspopulationandhouseholdestimatesforwardsandoutputareasinenglandandwales>

³ Metropolitan Police Service figures from Greater London Authority https://data.london.gov.uk/dataset/recorded_crime_summary

⁴ Crime Survey for England and Wales, nature of crime tables (violence), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimetablesviolence>

⁵ Metropolitan Police Service figures from SafeStats, restricted access

⁶ Metropolitan Police Service figures from SafeStats, restricted access

⁷ Public Health Intelligence Profile on Croydon Crime Statistics

⁸ London Ambulance Service figures from Greater London Authority, <https://data.london.gov.uk/dataset/monthly-ambulance-service-dispatches>

⁹ London Ambulance Service data provided by Safestats, GLA

¹⁰ One on Every Corner - The relationship between off-licence density and alcohol harms in young people. Alcohol Concern 2011

¹¹ 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

¹² Croydon Council Licensing Team Data

¹³ WHO Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol

¹⁴ Croydon Town Centre Annual Town Centre BID Business and Consumer Survey 2013

This page is intentionally left blank

REPORT TO:	LICENSING COMMITTEE 23 NOVEMBER 2017
SUBJECT:	THE GAMBLING ACT 2005 – Delegation of Decision Making Authority
LEAD OFFICER:	EXECUTIVE DIRECTOR OF PLACE
CABINET MEMBER:	COUNCILLOR HAMIDA ALI, CABINET MEMBER FOR COMMUNITIES, SAFETY & JUSTICE
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
FINANCIAL SUMMARY:	
<p>The Gambling Act became fully operational on 1st September 2007. The Council has been processing applications with regard to this legislation since 21 May 2007, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.:	

For general release

1. RECOMMENDATIONS

The Committee is asked to:

1.1 Consider the content of this report and delegate authority to the Director of Safety, to undertake functions pertaining to the cancellation or withdrawal of Club Gaming & Club Machine Permits, including issuing notification of intention to withdraw/cancel Permits, consideration of representations and making a final determination on the matter. Such delegation in relation to the final determination on cancellation or withdrawal is subject to there not having been a request by a Club Gaming or Club Machine Permit holder for a hearing with regard to a proposal to cancel/withdraw their permit.

2. EXECUTIVE SUMMARY

- 2.1 The Gambling Act 2005 (the Act) came into force on 1st September 2007 and made local authorities, as licensing authorities, responsible for the administration of licences, registrations, permits, notices and notifications under the Act.
- 2.2 Local authorities are only responsible for licensing *the premises* on which gambling takes place. They are not responsible for licensing the operators themselves as this function falls to the Gambling Commission. As well as issuing premises licenses, local authorities are also responsible for issuing permits in respect of:
- Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines in members clubs
 - Gaming in members clubs
 - Unlicensed family entertainment centres (small stake and payout machines only)
 - Prize gaming
 - Occasional Use Notices
 - Temporary Use Notices
 - Provisional Statements
- 2.3 The Council licensing team undertake inspections and enforce the conditions on these issued licences, permits and notices. It also registers small scale society lotteries.
- 2.4 The Licensing Sub Committee is required to consider a variety of premises licence related applications where representations have been received but not withdrawn.

3. DETAIL

- 3.1 The Licensing Sub Committee is required to consider a variety of premises licence related applications where representations have been received but not withdrawn. However, there is a lack of consistency in relation to the split of functions between the licensing sub committee and officers with regard to Permits. For example, decision making with regard to applications for Club Gaming and Club Machine Permits rests with the licensing sub committee where there are objections but is delegated to officers where there are no objections. However, decision making with regard to the cancellation/withdrawal of Club Gaming and Club Machine Permits rests with the Licensing Sub Committee, even if there are no objections, from the Permit holder to the proposal to withdraw/cancel the permit.
- 3.2 In order to ensure that decision making is undertaken at the appropriate level and Members are not required to be involved where there is no request for a hearing by a Club Gaming or Club Machine Permit holder, this report seeks authorisation to delegate to the Director of Safety, authority to undertake functions pertaining to cancellation or withdrawal of Club Gaming & Club Machine Permits, including consideration of representations and making a final determination on the matter. Such delegation in relation to the final

determination on cancellation or withdrawal is subject to there not having been a request from the Club Gaming or Club Machine Permit holder for a hearing with regard to a proposal to cancel/withdraw their permit.

5. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The Effect of the Decision

There are no direct financial impacts of the recommendations in this report

3 Risks

There are no direct risks associated with the recommendations in this report

4 Options

There are no other options available to the Council

5 Savings/Future Efficiencies

None identified

(Approved by: Felicia Wright, Head of Finance – Place Department)

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that it is permissible for the functions in relation to the cancellation or withdrawal of Club Gaming or Club Machine Permits to be delegated to an officer of the authority, however provision must be made for a hearing by the Licensing sub-committee where the Club Gaming or Club Machine Permit Holder requests such a hearing following notification of the intention to cancel/withdraw their Permit. The proposed delegation seeks to achieve this balance.

(Approved by: Sandra Herbert, Head of Litigation and Corporate Law for and on behalf of Jacqueline Harris Baker, Director of Law and Monitoring Officer)

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with this report has been undertaken within existing resources.

8. CUSTOMER IMPACT

- 8.1 The Gambling Act impacts on existing and potential premises' licensees. Well managed licensed premises attract customers and contribute to a vibrant local economy.

9. EQUALITIES IMPACT

- 9.1 There are no perceived inequalities associated with the recommendations within this report.

10. ENVIRONMENTAL AND DESIGN IMPACT

- 10.1 There are potential environmental and design impacts associated with the development of large casinos. However, the majority of gambling premises in Croydon are small buildings like betting shops, amusement arcades and bingo halls. Many of these premises already have established use and are not considered to impact on the local environment. In any event, the recommendations within this report do not give rise to any environmental or design impact implications.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There are not considered to be any local crime and disorder problems associated with the local authority having responsibility for the administration of licences and permits etc. under the Gambling Act 2005. The local authority is only responsible for premises licensing. The licensing of operators is the responsibility of the Gambling Commission.

12. RISK ASSESSMENT

- 12.1 The Council's decision making processes with regard to the Gambling Act 2005 may be subject to Judicial Review. A Judicial Review presents financial risks and risks to the reputation of the organisation which is subject to it. Any licensee has the right of appeal to the Magistrates' Court if they feel aggrieved over the Council's decision to grant, refuse or vary a licence. There is a risk that if the appellant wins, legal costs could be awarded against the Council.

13. HUMAN RIGHTS IMPACT

- 13.1 The Gambling Act 2005 is compliant with the Human Rights Act 1998 but it will be necessary to ensure that procedures for dealing with applications also meet the Acts requirements.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 14.1 The Decision Making Processes under the Gambling Act 2005 will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

CONTACT OFFICER: Michael Goddard, Licensing Manager
Tel. Ext. 61838

BACKGROUND DOCUMENTS: None