

Licensing Sub-Committee Agenda



To: Councillors Jane Avis, Simon Brew and Bernadette Khan

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Tuesday, 19 December 2017** at **10.30 am** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

JACQUELINE HARRIS-BAKER
Director of Law and Monitoring Officer
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www.croydon.gov.uk/meetings
Monday, 11 December 2017

Please note this is a hearing for a Temporary Event Notice subject to an objection. 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. 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.

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. Licensing Act 2003 - Temporary Event Notice subject to Police Objection Notice (Pages 5 - 34)

5. 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

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Croydon Council

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| REPORT TO: | LICENSING SUB COMMITTEE 19 December 2017 |
| SUBJECT: | LICENSING ACT 2003 – Temporary Event Notice subject to Police Objection Notice |
| LEAD OFFICER: | Executive Director, Place Department |
| CABINET MEMBER: | Cllr. Hamida Ali, Cabinet Member for Communities, Safety & Justice |
| WARDS: | Fairfield |
| CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council's Corporate Policies. | |
| FINANCIAL SUMMARY: This temporary event notice is being processed as part of normal duties carried out by the Department with no additional costs involved. | |
| FORWARD PLAN KEY DECISION REFERENCE NO.: N/A | |

For general release

1. RECOMMENDATIONS

- 1.1 The Sub-Committee is asked to consider the objection notice given by the Police in respect of a temporary event notice given by Moris Mankarious for Fixed Restaurant, Units 28-29, Boxpark, 99 George Street, Croydon, CR0 1LD.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to advise the Sub-Committee that a temporary event notice has been given to the licensing authority under the Licensing Act 2003 ("the Act"). This temporary event notice is the subject of an objection notice from the Police, therefore a hearing is required.

3. DETAIL

- 3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06, A/40/07 and A/07/12 refer).

3.2 The proposed premises user and the Police have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 “the Regulations”. Information to accompany the notice of hearing was provided to the proposed premises user and the Police in accordance with “the Regulations”.

3.3 Appendix A to this report provides details of the temporary event notice.

4. CONSULTATION

4.1 The Police were given a copy of the temporary event notice and a copy of the objection notice has been given to the proposed premises user.

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 5.2 & 5.3. This application 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

The decision of the Sub-Committee may be subject to appeal and/or Judicial Review

3 Risks

An appeal against a decision of the Sub-Committee or a Judicial Review of the application process may present financial risks to the Council with regard to any award of costs against it.

4 Options

The options available are as detailed in the recommendations at paragraph 1 above.

5 Savings/ future efficiencies

None identified.

6 (Approved by: Zulfiqar Darr, Interim Head of Finance, Place & Resources)

6. COMMENTS OF THE COUNCIL SECRETARY AND SOLICITOR

6.1 The Solicitor to the Council comments that the sub-committee must determine

this matter, taking into account relevant representations, the Licensing Act 2003, the regulations made thereunder, statutory guidance and the Council's own licensing policy.

6.2 (Approved by: Jacqueline Harris-Baker, Director of Law and Monitoring Officer).

7. HUMAN RESOURCES IMPACT

7.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.

7.2 (Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Director of Human Resources, Chief Executive's Department).

8. CUSTOMER IMPACT

8.1 There are no specific customer services issues relating to this report.

9. EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 The arrangements for the Licensing Hearings seek to ensure that all applicants, licence/certificate holders and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

10. ENVIRONMENTAL AND DESIGN IMPACT

10.1 The effective implementation of the Licensing Act 2003 will contribute to an improved environment for local residents and other stakeholders.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 A copy of the temporary event notice was forwarded to the Police Licensing Officer.

12. HUMAN RIGHTS IMPACT

12.1 The Human Rights 1998 (HRA) requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. **Article 6 (A6)** of the European Convention on Human Rights (ECHR) is the right to a fair trial. The key elements of this include

- The right to a *fair* hearing;
- The right to a *public* hearing;
- The right to a hearing before an *independent and impartial tribunal*;
- The right to a hearing *within a reasonable time*.

12.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Sub Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Sub Committee to a Court that does meet the full A6 standards and can

consider all aspects of the case (even if that does not include a full re-hearing of the facts).

- 12.3 So, while it is good practice to make a hearing before the Licensing Sub Committee as A6 compliant as possible, it will not be a breach of the HRA if it is not. Further, the hearing of all applications are subject to the principles of Natural Justice and the requirement for decisions to be 'Wednesbury reasonable'.

13. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 13.1 Protocols agreed in relation to Licensing Hearings are within the Council's Constitution and will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

CONTACT OFFICER: Michael Goddard, Licensing Manager, Place Department, ext. 61838.

BACKGROUND DOCUMENTS: None

APPENDICES: Application Forms, Licensing Hearings Protocol and Procedure.

APPENDIX A

1. The Notice

- 1.1 This report concerns a temporary event notice given by Moris Mankarious in respect of a proposed event at Fixed Restaurant, Units 28-29, Boxpark, 99 George Street, Croydon between 26–31 December 2017.
- 1.2 The notice was given under section 100 of the Licensing Act 2003.
- 1.3 The Police have given an ‘objection notice’ regarding the temporary event notice under section 104 of the Licensing Act 2003.
- 1.4 A copy of the temporary event notice is attached at Appendix A1.
- 1.5 A copy of the objection notice is attached at Appendix A2.
- 1.6 There is an existing premises licence in place for Units 28-29, Boxpark and a copy is attached at Appendix A3.

2. Policy Considerations

2.1 Under the terms of the Act, the Council has published a Statement of Licensing Policy. This is available on the Council website at www.croydon.gov.uk. Hard copies are also available from the Council’s Place Department and copies of the policy will also be available at the licensing sub committee hearing. The following paragraphs from the Statement are considered particularly relevant with regard to this application.

- 4.1 Nothing in the ‘Statement of Policy’ will:
 - undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
 - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 4.2 Parties should be aware that, for a representation to be considered relevant, it must be one that is about the likely effect of the grant of a new licence/variation of an existing licence on the promotion of the four licensing objectives. Also, if the representation is made by an ‘other person’, it will not be relevant if the licensing authority considers it to be ‘vexatious or frivolous’, or in the case of a review, ‘repetitious’.
- 4.3 Applicants and those making relevant representations in respect of applications or seeking a review of a licence or a certificate have the right of appeal to the Magistrates’ Court against the decisions of the Council.

- 4.4 In considering all licence applications, the Council will take into account the character of the surrounding area, the impact of the licence on that area and the nature and character of the operation.
- 4.5 As part of any application for a premises licence/club premises certificate or a variation to an existing licence/certificate, applicants are required to submit an 'Operating Schedule', which must include the steps proposed to promote the Licensing Objectives set out in paragraph 2.2.
- 4.6 Part 5 of this Statement gives guidance to applicants on some of the matters applicants may wish to consider when preparing their Operating Schedules.
- 4.7 Licensing is about the responsible management of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received on an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.
- 4.9 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 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.
- 5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.
- 5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.

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

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

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

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

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

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

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

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

above.

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

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

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

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

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

1. The licensee shall undertake a risk assessment of any promotion/event (as defined below) using the MPS

Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

2. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

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

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

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

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

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

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

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

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

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

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

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

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

5.4.1 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.

5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and

activities of the business and examining any steps that might reduce the risk of nuisance.

- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, necessary to reduce the friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas (“zoning”) as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.
- 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
- 5.4.10 The Council will expect applicants to demonstrate in their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance, having

due regard to the style, characteristics and activities of their particular premises and events.

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

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

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

- effective and responsible management and supervision of the premises, including any outside areas
- appropriate instruction, training and supervision of staff to prevent public nuisance
- adoption of current best practice guidance (i.e. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics), including designing shop fronts so as to limit noise nuisance from premises, i.e. from opening windows or continental-style concertina doors
- control of opening hours for all or part (i.e. garden areas) of the premises – including other times when deliveries take place/rubbish and bottles are binned – and the operation of generating plant and equipment
- installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation and limiting devices
- managing people, including staff and traffic, arriving and leaving the premises, including patrolling entrance queues
- managing the departure of customers
- liaising with transport providers

- siting and operation of necessary external lighting, including security lighting, with the possible nuisance to nearby properties
- suitable arrangements for collection and disposal of litter, including bottles, so as to minimise disturbance to nearby properties
- no flyposting of events/careful distribution of flyers, including by promoters
- effective ventilation systems to prevent nuisance from odour

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

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

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

5.5.1 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.

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.

8.2 However, bearing in mind the scale, location or timing of the event it is considered that this may not allow sufficient time for organisers to carry out full and proper discussion on the possible crime and disorder,

public nuisance and health and safety issues with the Council, Police and any other interested parties.

- 8.3 The Council therefore recommends that, in order to ensure that events can take place with the minimum of risk, at least 28 days notice is given. Also, bearing in mind that it may be difficult to assess an event too far in advance, it recommends that normally, not more than 90 days notice is given.
- 8.4 The Council also recommends that where temporary event notices relate to promoted events at either existing licensed premises or non licensed premises, the premises user complies with the Metropolitan Police Service's Music Promotion/Event Risk Assessment Scheme and submits the relevant risk assessment forms both pre and post the event. Further details on this scheme can be obtained by contacting the police licensing team at Croydon police station on 020 8649 0167.

The Home Office has produced Guidance under Section 182 of the Act and the following paragraphs from that Guidance are considered particularly relevant to this matter.

ROLE OF THE LICENSING AUTHORITY

- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

POLICE AND ENVIRONMENTAL HEALTH INTERVENTION

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply

to an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead.

MODIFICATION

7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made.

HEARINGS TO IMPOSE CONDITIONS

7.39 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

2.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| 1. The personal details of premises user (Please read note 1) | | | |
|---|---|-------------------------------|---------------------------|
| 1. Your name | | | |
| Title | Mr x Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | MANKARIOUS | | |
| Forenames | MORIS | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | | | |
| Forenames | | | |
| 3. Your date of birth | Day <input type="text"/> | Month <input type="text"/> | Year <input type="text"/> |
| 4. Your place of birth | | | |
| 5. National Insurance Number | | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| <div style="background-color: black; width: 100%; height: 100%;"></div> | | | |
| Post town LONDON | | Postcode <input type="text"/> | |
| 7. Other contact details | | | |
| Telephone numbers | <div style="background-color: black; width: 100%; height: 100%;"></div> | | |
| Daytime | | | |
| Evening (optional) | | | |
| Mobile (optional) | | | |
| Fax number (optional) | | | |
| E-Mail address (if available) | <div style="background-color: black; width: 100%; height: 100%;"></div> | | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | | | |

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| | |
|---|------------------------------|
| MARK BROWNING BA LAW, 59 PELHAM STREET | |
| Post town LONDON | Postcode SW7 2NJ |
| 9. Alternative contact details (if applicable) | |
| Telephone numbers: Daytime | |
| Evening (optional) | |
| Mobile (optional) | 07799 999999 |
| Fax number (optional) | |
| E-Mail address (if available) | mbrowning@balaw.co.uk |

| | |
|--|------------------------|
| 2. The premises | |
| Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2) | |
| FIXED RESTAURANT, UNITS 28-29, BOXPARK, 99 GEORGE STREET, CROYDON, CR0 1LD | |
| Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below. | |
| Premises licence number | 16/00768/LIPREM |
| Club premises certificate number | |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3) | |
| | |
| Please describe the nature of the premises below. (Please read note 4) | |
| RESTAURANT | |
| Please describe the nature of the event below. (Please read note 5) | |
| SEASONAL EVENT. This application is to permit the sale of alcohol at the premises without a meal. Condition 1 of Annex 2 of the Premises Licence would not apply. | |

| |
|--|
| |
|--|

| 3. The licensable activities | |
|---|--|
| Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6) | |
| The sale by retail of alcohol | <input checked="" type="checkbox"/> |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment (Please read note 7) | <input type="checkbox"/> |
| The provision of late night refreshment | <input checked="" type="checkbox"/> |
| Are you giving a late temporary event notice? (Please read note 8) | |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9) | |
| 26 DECEMBER 2017 UNTIL 31 DECEMBER 2017 | |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) | |
| BETWEEN 1000 AND 2400 ON EACH OF THE ABOVE DATES | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) | |
| 175 | |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only <input type="checkbox"/> |
| | Off the premises only <input type="checkbox"/> |
| | Both <input checked="" type="checkbox"/> |

| |
|---|
| <p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>N/A</p> |
|---|

| 4. Personal licence holders (Please read note 14) | | |
|---|--|--------------------------------|
| Do you currently hold a valid personal licence? (Please tick) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. | | |
| Issuing licensing authority | LAMBETH | |
| Licence number | 00955 | |
| Date of issue | 05/04/2011 | |
| Any further relevant details | | |

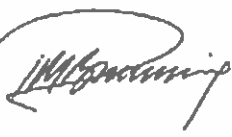
| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you) | | |
|--|--|---|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | 2 | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you) | | |
|--|---------------------------------|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year. | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year. | | |

| | | |
|---|--------------------------|----|
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes | No |
| | <input type="checkbox"/> | X |

| 7. Checklist (Please read note 17) | |
|--|---|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | X |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | X |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | X |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | X |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | X |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | X |
| Made or enclosed payment of the fee for the application | X |
| Signed the declaration in Section 9 below | X |

| 8. Condition (Please read note 18) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| 9. Declarations (Please read note 19) | |
|--|---|
| The information contained in this form is correct to the best of my knowledge and belief. | |
| I understand that it is an offence: | |
| (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and | |
| (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not ex _____ to both. | |
| Signature |  |
| Date | 8 DECEMBER 2017 |
| Name of Person signing | BA LAW OBO THE APPLICANT |

For completion by the licensing authority

| | |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 20) | |
| I acknowledge receipt of this temporary event notice. | |
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |

Place Department, Safety Division
Licensing Team
Floor 6, Zone A
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

ZD - Croydon Borough

Croydon Police Station
71 Park Lane
Croydon
CR9 1BP
Telephone: 020 8649 0174

Email: tony.rose@met.police.uk

Mr M. Mankarious.

Your ref:
Our ref: Ten – Fixed, 26/12/17

Date of Proposed event - 26th to 31st December

12/12/2017

Objection to a TEN,

Objection Notice - The Prevention of Crime and Disorder, The protection of children, Public safety and the prevention of public nuisance.

Proposed event date 26th to 31st December 2017. (Until midnight hours).

I am satisfied that allowing the premises at to be used in accordance with the Temporary Event Notice received by Croydon Police on the 08/12/2017 from Mr M. Mankarious of Fixed Restaurant, units 28 – 29 Boxpark, 99 George Street, Croydon, CT0 1LD. would undermine the Licensing Objectives as above for the following reason:

- The Police have not been given advance notice of this event as recommended in the Croydon Council Licensing Policy and the Statutory Guidance to the Licensing Act 2003. In order that the risk may be assessed. The applicant has not discussed the application for licensable activity prior to submission of the notification with police.
- The applicant has not informed police how the premises will be managed in support of the licensing objectives, in relation to Protection of children, prevention of crime and disorder and prevention of public nuisance.
- The venue is part of a larger complex which does not allow trade past 2300 hours this may be a breach of tenancy agreement. This does not concern police directly but raises issues such as security, access and public safety.
- The applicant has stated on the notice that 175 people are expected and has not explained the logistics, as the premises itself is not able to hold 175 people.

- The original set up of the overall premises was configured to only have one closely supervised bar other operators are restricted to alcohol sales ancillary to a table meals. Police consider that variation from this may increase the risk of drunkenness and disorder.
- The overall venue has recently been the subject of serious violent disorder and again the police are against any variation to the normal operations as this would increase the risk of disorder.
- The operator of this venue has been spoken to by police on more than one occasion re the sale of alcohol not related to meals. He has not taken police advice. This application is in direct opposition to police advice.

I am satisfied that the granting of this Temporary Event Notice would undermine the licensing objectives and would have a negative impact on the overall venue and the local community.

The view of the Metropolitan Police regarding the sale by retail of alcohol, regulated entertainment and late night refreshment if authorised for this premises is that they would be associated with an UNKNOWN RISK OF CRIME AND DISORDER.

I object to this TEN.

Tony Rose PC 459 ZD
Croydon Licensing Office
020 8649 0108

On behalf of the Commissioner of the Metropolitan Police Service

Copies sent to Croydon Council and the applicant by E-mail.

Copies to the agent and to the venue by post.

PREMISES LICENCE

Premises licence number

16/00768/LIPREM

Part 1 – Premises details**Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**

Fixed Restaurant
Units 28-29
Boxpark
99 George Street
Croydon
CR0 1LD

Telephone number

N/k

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The provision of late night refreshment.

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities
 The provision of late night refreshment –
 Monday to Saturday 2300 hours until 2330 hours
 New Year's Eve 2300 hours until 0500 hours on 1 January

The sale by retail of alcohol –
 Monday to Saturday 1100 hours until 2300 hours
 Sunday 1100 hours until 2200 hours
 New Year's Eve, from the end of the permitted hours on New Year's Eve to the start off the permitted hours on New Year's Day

The opening hours of the premises
 Monday to Saturday 1100 hours until 2330 hours
 Sunday 1100 hours until 2330 hours
 New Year's Eve, from the end of the permitted hours on New Year's Eve to the start off the permitted hours on New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
 On & Off

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
 Putney Beach Limited
 First Floor
 50-51 Berwick Street
 London
 W1F 8SJ

Registered number of holder, for example company number, charity number (where applicable)
 09715471

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
 Nabil Mankarious
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXX~~
~~XXXXXXXXXX~~

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No: PERS1474

Licensing Authority: LB Lambeth

Date Original Licence Granted: 10.09.2016

Date This Licence Effective: 10.09.2016

Licensing Manager
Place Department

Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request,

before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

***Responsible person is defined as:**

(a) In relation to licensed premises:

- (i) The holder of a premises licence in respect of the premises,
- (ii) The designated premises supervisor (if any) under such a licence, or
- (iii) Any individual aged 18 or over who is authorised for the purposes of section 153 (4) of the Licensing Act 2003 by such a holder or supervisor,

(b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in the above paragraph

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

(i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. Any alcohol sold for consumption off the premises shall be supplied in a sealed container and with a meal.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/a

Annex 4 – Plans

Attached