

Licensing Sub-Committee Agenda



To: Councillors Jane Avis, Simon Brew and Oliver Lewis

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Wednesday, 17 January 2018** at **10.30 am** in **Council Chamber, Town Hall, Katharine 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
Tuesday, 9 January 2018

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. Appointment of Chair

To appoint a Chair for the Sub-Committee

2. Apologies for Absence

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

3. 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.

4. 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.

5. Licensing Act 2003: Review of Premises Licence (Pages 5 - 48)

6. 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

REPORT TO:	LICENSING SUB COMMITTEE 17 January 2018
SUBJECT:	LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Councillor 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 application 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 application for a review of the premises licence at 34 Surrey Street, Croydon, CR0 1RJ and whether to take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the licence.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to advise the Sub-Committee that an application has been received for a review of a premises licence under the Licensing Act 2003 (“the Act”). This application is made by the Police, as a responsible authority under the Act and the Councils licensing sub-committee is required to hear the application.

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 premises licence holder and the applicant have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 (the Regulations). Information to accompany the notice of hearing was provided to the licence holder and the applicant in accordance with the Regulations.
- 3.3 Appendix A to this report provides details of the application for review.

4. CONSULTATION

- 4.1 The review was advertised in accordance with the Regulations.

5. FINANCIAL AND RISK ASSESSMENT 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 Future savings/efficiencies

None identified.

(Approved by: Dianne Ellender, Head of Finance and Deputy S151 Officer
– Chief Executive's Department)

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Solicitor to the Council comments that the Sub-committee must determine the review, taking into account relevant representations, the Licensing Act 2003, statutory guidance and the Council's own licensing policy.

6.2 The power to modify the licence conditions includes the alteration or omission of existing conditions or the addition of any new condition.

(Approved for and behalf of Jacqueline Harris-Baker, Director of Law & 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 Apart from the powers available to the sub committee, there are no specific customer services issues relating to this matter.

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 contributes to an improved environment for local residents and other stakeholders.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 One of the licensing objectives is the prevention of crime and disorder and the police, as a responsible authority, have the opportunity to make representations in this matter if they so wish.

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 is 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.

APPENDICES: Application Forms, Licensing Hearings Protocol and Procedure.

APPENDIX A

1. The Application

- 1.1 This report concerns an application for a summary review of the premises licence held by Kevents Limited in respect of 34 Surrey Street, Croydon, CR0 1RJ. The application, received on 20 December 2017, is made by the Police, as a responsible authority under the Licensing Act 2003.
- 1.2 The application is made under section 53A of the Licensing Act 2003 (as amended) which allows the police, where they consider that a licensed premises is associated with serious crime or serious disorder (or both), to apply to the licensing authority for an expedited/summary review of the licence. This power only applies where a premises licence authorises the sale of alcohol.
- 1.3 The Licensing sub committee took the interim step on 20 December 2017 of suspending the premises licence pending the full review hearing. The premises licence holder made representations against this interim step and those representations were heard by the Licensing sub committee on 22 December 2017. On that date, the sub committee determined that the interim steps be modified.
- 1.4 Between 22 December 2017 and 9 January 2018, there was a statutory 10 working day period in which responsible authorities and 'other persons' could make representations on the application.
- 1.5 A copy of the review application and accompanying certificate is attached at Appendix A1, together with the supporting paperwork that accompanied the application. In addition, the Police provided a disc containing cctv images with and in support of their application. The Police intend to show images from this disc at the full review hearing. The premises licence holder has been provided with a copy of the application, certificate, supporting paperwork and the disc.
- 1.6 A copy of the premises licence is attached at Appendix A2.
- 1.7 Attached at Appendix A3 is an extract pertaining to summary reviews from the Home Office guidance to the Licensing Act 2003.
- 1.8 A copy of the letter containing the determination of the licensing sub committee on 22 December, modifying the interim steps, is attached at Appendix A4.

2. Promotion of Licensing Objectives

- 2.1 There are four licensing objectives that underpin the Licensing Act 2003 and section 4 of the Act states that a licensing authority must

carry out its functions with a view to promoting those licensing objectives, which are:

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

3. **Relevant representations**

3.1 The premises licence holder has been provided with a copy of the review application and a copy of the disc containing cctv footage.

4. **Policy Considerations**

4.1 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 subcommittee 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

4.4 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.

4.7 Licensing is about the control 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 to an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations.

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 reasonable can to prevent crime and disorder in the Borough.
- 5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, 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.
- 5.29 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 'significant events':
1. The licensee shall undertake a risk assessment of any significant promotion or 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, cafes/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.
- 5.3.7 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 the licensed premises, while 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 opening hours beyond 23.30 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 There will be a presumption that the Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for trading.
- 5.4.9 However, the Council may consider there are very good reasons for restricting hours for licensable activities, for example where representations are made by the police and/or local residents as interested parties in respect of shops in residential areas or shops which are known to be the focus of disorder and nuisance because young people gather there. Although the Council will treat each case on its individual merits, generally in such cases the Council will not grant permission for licensable activities beyond 2330 hours on Sunday to Thursdays and midnight on Friday and Saturday.
- 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.
- 5.4.13 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.
- 5.5.7 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.
- 4.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.
- 4.3 An ordinance survey extract map of the area with the application premises shown at the centre is attached at Appendix A5.

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: METROPOLITAN POLICE SERVICE

Address:

CROYDON POLICE STATION, 71 PARK STREET

Post town: CROYDON

Post code: CR9 1BP

Ref. No.:

I Andrew O'Donnell

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

CLUB 34, 34 SURREY STREET

Post town: CROYDON

Post code:
(if known) CR0 1RJ

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

KLIVINTS LIMITED

Number of premises licence or club premises certificate (if known):

05 02543 LIPREM

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 2)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both
(Please read guidance note 2)

SEE ATTACHED STATEMENT

Signature of applicant

Signature:  3720 Date: 20/12/2017
Capacity: Police Licensing Sergeant

Contact details for matters concerning this application

Surname: O'DONNELL First Names: Andrew
Address:
CROYDON POLICE STATION, 71 PARK STREET
Post town: CROYDON Post code: CR0 1RJ
Tel. No.: 0208 649 0172 Email: Andy.O'Donnell@met.pnn.police.uk

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period 7 years
MP 146/12



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder

Premises (include business name and address, and any other relevant identifying details)

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
 CLUB 34, 34 SURREY STREET

Post town: **CROYDON** Post code: (if known) **CR0 1RJ**

Premises licence number (if known):
 05 02543 LIPREM

Name of premises supervisor (if known):
 MR KEVIN CHRISTOPHER BOND

I am a Superintendent* in the Metropolitan Police Service.
*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

PROTECTIVE MARKING

On the 16th December 2017 there was a promoted event at the venue which resulted in mass disorder involving weapons. 5 people were stabbed during this incident 2 of whom spent the night in intensive care.

Investigations have shown that the DPS had no control of the premises and had no knowledge of who was promoting or performing the event. This means there was no proper risk assessment of the event.

At 0320 Hrs there is a large disturbance outside the venue involving a number of people armed with a variety of weapons including knives and a large machete. The CCTV shows that the fire door to the venue is opened and not monitored by staff. A number of people are seen leaving the premises with glass bottles which are as weapons and thrown at Police. This disturbance resulted in 5 people being stabbed.

This is the second instance of serious disorder linked to the premises since the current DPS took over in April. In May 2017 there was a large disturbance linked to the venue which resulted in arrest for Affray, allegations of assault and a PC being sexually assaulted.

Having considered all the options available to me I am of the opinion that this matter is so serious that standard procedure would be inappropriate and would not address the risk of further serious crime were the premises to re-open. There is a need to close the premises to establish what has happened as the suspects are still at large.

Signature

Signature:

[Handwritten Signature] SUPX.

Date:

20th December 2017

Retention Period 7 years
MP 147 12

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Andrew O'Donnell

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Police Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  3720 Date: 20/12/2017

I am a current serving Police Sergeant and have been so since November 2004, within the Metropolitan Police Service, My shoulder number is 37ZD Prior to this I served as a Police Constable since August 1997. My current role is the Sergeant on the Croydon Anti-Social Behaviour and Licensing Team.

I make this statement in support of a summary review of the premises license of Club 34.

Introduction

Club 34, 34 Surrey Street, Croydon, CR0 1RJ has had a premises licence in place since 28th September 2005 (05/02543/LIPREM). This was transferred into Kevin Bond's name on 24th April 2017. Club 34 is a night time economy venue which is licensed for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment. It licensed hours are 1000-0300 Monday to Sunday for alcohol, 1000 to 0300 Monday to Sunday for regulated entertainment and 2300-0400 Monday to Sunday for late night refreshment.

Background

Since the venue was taken over in April 2017 by the current DPS there has been a total of 14 Crimes linked to the premises. Of note in this is one Assault Occasioning Grievous Bodily Harm in May 2017 and one previous incident of disorder in September where there was a large fight on Surrey Street linked to the premises. This resulted in allegations of Affray, assault and female police officer was sexually assaulted during the incident.

Incident

On 16th December 2017 there was a promoted event at the venue. This event was promoted online on a web site called Event Brite and was shown as having sold all tickets. The event was being advertised

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Signature Witnessed by Signature:.....

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as having 4 DJ's performing one of whom is a resident DJ at the venue. The venue has started dispersing people from the venue at 0230 as the staff were not comfortable with the crowd that was in the venue. At 0330 there was a large fight outside the venue involving people armed with metal bars, glass bottles, knives and a large machete.

On police arrival they were confronted by a large hostile crowd and one male was found with a stab wound to his leg. Over the next few minutes police received reports of two other stab victims at locations near the venue. These victims stated that they were at the venue. One had been stabbed 3 times and had a punctured lung. Two other victims suffering stab wounds from this incident self-presented at hospital. All 5 victims have been linked to the incident. 2 of them spent the night in intensive care and while all have been taken off the critical list one of the victims has suffered life changing injuries.

The police licensing team have been investigating the incident from a licensing perspective and the investigation has highlighted the following concerns.

The DPS was spoken to and it is clear that he did not have any control of his premises. The DPS has allowed his resident DJ to run the night and he was of the opinion that only resident DJ's would be performing. As previously described this was in fact a promoted event, tickets sold on line and the DPS did not know who was performing, numbers attending or any guest list. The venue was not aware tickets were being pre sold and it came as a surprise that people were not paying at the door. It is clear that management did not have control of the premises and had not carried out any form of risk assessment re the event. When DPS was spoken to by police 2 days after the event the DPS still could not say which artists had performed at his venue or who had promoted the event.

The venue was poorly managed with people seen on the CCTV in the smoking area with glass bottles drinking neat alcohol. It is clear intoxication levels were not being monitored as we would expect. There was a member of the security team in the smoking area at the time and those drinking/in possession of glass bottles were not challenged.

In the time preceding the disorder the fire door is opened and uncontrolled. A large number of people are seen leaving the venue with glass bottles and these were later used as weapons in the disorder and thrown at the officers who arrived to deal with the situation.

People involved in the disorder were seen in the venue on CCTV and leaving and re-entering the venue via the fire door. The venue has a 0200 last entry as a condition on their licence so anyone entering through this door is a breach of the venues license.

Conclusion

The investigation into this mass disorder on the 16th December 2017 has highlighted that the venue was poorly run and the DPS had no control of the venue. There has been 2 incidents of serious disorder linked to the premises since the DPS took over the venue. The last incident the DPS has handed over

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Signature Witnessed by Signature:

Continuation of Statement of

control to one of his DJ's. There has then been a promoted event with unknown DJ's and no guest list so the event has not been properly risk assessed. This has led to large numbers of unknown attendees. Poor control of the premises has allowed a fire door to opened and unknown and unsearched people to enter the venue. Alcohol and glass bottles are being taken from the venue and used as weapons in the disorder and against the police. People who have been in the venue have been involved in the large scale disorder which has resulted in 5 people being stabbed.

In the opinion of the MPS the management of the venue has been so poor and the failing by management in their obligation to uphold the licensing objectives are so severe that there is real concerns another serious incident would occur at the club so we request that the licence be suspended as an interim measure and revoked at hearing.

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Witness Signature: *[Handwritten signature]* 3720

Signature Witnessed by Signature

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2, Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of Zoe Garrod PC801zd

Age if under 18, over 18 (if over 18 insert over 18) Occupation Police Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature [Signature] Date 16th December 2017

On Saturday 16th December 2017 at 0930 hours I was on duty in plain clothes in my role as Borough Licensing Officer, when I was made aware of a stabbing that had occurred in Surrey Street, Croydon that was potentially linked to Club 34. CRIS 3835269/17 refers. The details of the report relate to an incident whereby a large fight has broken out, as a result of this a male has been stabbed in his thigh and conveyed to hospital. Further information has been received from two separate addresses that males have received stab wounds from the incident in Surrey Street and required urgent medical assistance. London Ambulance Service have advised police of these incidents. One of the males received multiple stab wounds and was placed in intensive care. The male's property was retrieved by police and in his possession was a flyer for Club 34.

Police were then notified by the hospital that a male had presented to them with injuries consistent with a knife injury. Police attended and found a further two males at the hospital who had been involved in the incident in Surrey Street.

I contacted [redacted] from MJB security to ask for the incident reports from the previous evening and to establish if he was aware of any incidents that happened inside or outside of the venue. He stated that his staff were aware that there had been a stabbing in Surrey Street but that it wasn't anything to do with Club 34. I asked how many door staff had been deployed at the venue the previous evening, he informed me that there were always 4 on a Friday night but that four days ago [redacted] the general manager of the venue had phoned him and asked for a further three door staff. [redacted] had told him that The Section Boys had tweeted it was going to be a good night this weekend at Club 34 and therefore the event was sold out.

I then looked at Club 34 Facebook page to see what event or promotion that had been doing the previous evening Friday 15th December 2017. Their Facebook and twitter page showed The Launch Party Special an event that was nearly sold out.

Condition 26 of their premises licence 05/02543/LIPREM has a 696 condition which states

Any occasion in a premises, which are licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) - meaning musicians, DJs, MCs, that is promoted in some form by either the venue or an outside promoter where entry is either free by invitation, pay on the door or by ticket.

Witness Signature [Signature]

Signature Witnessed by Signature

Continuation of Statement of

a. Consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.

b. Undertake a risk assessment of any significant promotion or event (as defined above) using the MPS Promotion/Event Risk Assessment (Form 696), or an equivalent, and provide an electronic copy to the Metropolitan Police Service not less than 14 days before the event is due to take place.

c. Complete an MPS after Promotion/Event Debrief Risk Assessment (Form 696A) and submit an electronic copy to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event

As we had not received a 696 for this event I looked on online and found the event being advertised on Eventbrite, it was a ticketed event with the following DJ s listed:

DJ SLICK (Chip Official DJ)

NON STOP MOVERS

JOCE WAVY

JAY KNOX (Fekky Official Dj)

JAGUAR DEEJAY

HOST: SWEETS

I therefore contacted the Premise Licence Holder and Designated Premises Supervisor Mr Kevin Bond to ask him what event he had held the previous evening. Mr Bond advised me that it was his resident DJ Jay Knox playing. I informed him of what I had found on Eventbrite regarding the event. I advised Mr Bond that I would need access to the CCTV and incident reports from the event, he was also advised that he should attend Croydon Police Station at 1430 hours to speak with the Licensing Sergeant PS Andy O'Donnell.

At 1500 hours Mr Kevin Bond and Mr [redacted] from MJB security attended Croydon Police Station whereby A/Inspector Andy O'Donnell informed Mr Bond that police would be serving a closure notice on the premises, the reasons for this were fully explained to him. The closure notice was issued for 24 hours starting at 1800 hours on Saturday 16th December 2017. During our meeting with Mr Bond we asked him about the event the previous night, he confirmed he had not been at the club and had been hoodwinked by his DJ. After the notice had been served I asked Mr Bond if I could meet him at the premises to watch and obtain the CCTV.

At about 1545 hours I attended Club 34 in the presence of PC695zd Jay Freeman. We went upstairs to the CCTV room where I watched CCTV from 0230 hours to 0430 hours Saturday 16th December 2017. This CCTV was viewed in the presence of Mr Kevin Bond, Mr [redacted] and [redacted] the general manager.

At 03.15 hours from the smoking area camera I identify a male drinking a bottle of Ciroc vodka directly from the bottle, this bottle is passed from person to person and is at one point handed to a female who is stood the other side of the barriers. At 03:19 hours from the same camera I see a second bottle of Ciroc vodka being drunk in the smoking area. A

Witness Signature *Garrard PC801zd*

Signature Witnessed by Signature

Continuation of Statement of member of MJB security can be seen about 10 feet way with his arm around a female, he then lifts her up in a playful manner and walks her off down Surrey Street.

At this point I raise my concerns with both Mr Bond and Mr [redacted] regarding glass bottles being allowed outside the venue and people stood drinking neat spirits directly from the bottle, which would not enable them to have any control over their customer's intoxication levels.

This is the second time I have had to speak with Mr Bond regarding glass bottles and the free pouring of alcohol. On 16th September 2017 in photos posted on Club 34 website a bare chested male is seen having alcohol poured into his mouth and all over his chest. Other people are seen dancing on the dance floor with bottles of spirits, as a result of this I had a meeting with [redacted], Kevin Bond and [redacted] to advise them that all bottles must remain in the VIP area and should have waitress service only so that intoxication levels can be monitored

[redacted] the general manager advised me that from next week all bottles will be plastic. I confirmed this did not elevate my concerns from the previous evening at the amount of glass bottles that were outside the premises

Having watched CCTV from the three outside cameras I asked Mr Bond to provide me with footage from the three outside cameras 0230 hours – 0430 hours. Due to a problem with the CCTV they were unable to provide this at the time, after being at the premises for several hours I told Mr Bond the CCTV could be brought to Croydon Police Station once they had tried to download it again.

I also asked for the information from the ID Scanner to be downloaded as we still had suspects outstanding it was vital that investigating officers could use this information to identify possible witnesses or suspects. [redacted] who works at the premises attempted to do this but was unable and needed IT support which could only be obtained on Monday 18th December 2017. I did however ask him to check the victim's names to confirm that they had been in the premises the previous evening. We already knew from the male with the multiple stab wounds that he had been in the premises, I further confirmed one further victim was in the premises and two family members of another victim were in the premises that night.

At about 1900 hours I returned to Croydon Police Station to await the CCTV from Mr Bond. At about 2100 hours Mr Bond advised me that they were still unable to download the CCTV and would need some technical support. I advised that CCTV could wait until Monday when they would be able to obtain the support needed. Zgarrod PCSD120

Witness Signature Zgarrod PCSD120

Signature Witnessed by Signature

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of Zoe GARROD PC801zd

Age if under 18 over 18 if over 18 insert 'over 18' Occupation Police Officer

This statement (consisting of TWO page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true

Witness Signature

Z Garrod PC801zd

Date: 18th December 2017

Further to my original statement dated Saturday 16th December 2017. On Monday 18th December 2017 at 0700 hours I was on duty in plain clothes in my role as Borough Licensing Officer, when I recieved CCTV from Croydon Council in reference to serious disorder and multiple Stabbings in Surrey Street Croydon linked to people attending an event at Club 34. CRIS 3835269/17 refers.

The CCTV starts at 03:18 hours on Saturday 16th December 2017 CAD 1253 refers. At 03:18 hours the camera which is situated Crown Hill junction with Surrey Street shows groups of people standing in Surrey Street outside Club 34 and KFC.

The fire door for the premises which is situated on the corner can be seen to open and close and people use it to go in and out of the premises. A male is seen to go in the door with a white Poly Carb he then comes back still holding the Polycarb. At 03:19 hours a male is seen to exit the premises from the side door holding a Polycarb drink in his hand.

At 03:20 hours side entrance to premises two males can be seen leaving via this exit, there are no members of door staff visibly monitoring this entry/exit point. At 03:21 hours a male is seen exiting the door, the door is left open and is unattended so would allow entry to the premises. At 03:22 hours a male and two females are seen to leave premises through open side door.

At 03:23 hours a male is seen leaning into a car with a bottle in his hand. This male and a further male are then both seen drinking out of bottles. At 03:24 hours side door to premises is still open. At 03:35 hours several males are seen to leave through the side door, one male in a light coloured jacket is holding a glass bottle in his hand which he has brought out from the premises.

At 03:27 hours males are seen to leave via side door. Male in black hooded jacket seen walking across screen from Surrey Street up into Bell Hill is holding a bottle. At 03:28 hours a male in a red tee shirt stood talking to a female in a black dress is holding a bottle.

At 03:36 hours a group of males are stood with a white male who walks with the assistance of a crutch. I recognise this male from CCTV watched at Club 34 on Saturday 16th December. he is stood in the smoking area of the club. During a meeting with the Club owner Mr Kevin Bond on Monday 18th December 2017 whereby he was shown this CCTV he

Witness Signature

Z Garrod PC801zd

Signature Witnessed by Signature

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Continuation of Statement of confirmed this male often attends his venue. This male and one other are seen to attempt to unscrew the top of the crutch. As the white male who walks over with the crutch then walks off screen without it, it would seem he does not need this crutch as a walking aid. At 03:36 hours the crutch is then handed to a different male who walks rapidly off towards Church Street followed by another male.

At 03:38 hours a group of males are stood next to a vehicle, one of the males is holding a bottle in his hand held down by his side.

At 03:39 hours under the arch way several males are seen to pick up a metal pole and begin to fight with it, a member of door staff can be seen trying to take the pole off of them. Two males are throwing punches at each other, a male is hit with the pole. From the right of the screen a male can be seen to run in towards the fight this at 03:39:31 hours a male is then seen in possession of a very large knife and is seen to use it in a stabbing motion towards a person or persons obscured by the red vehicle.

At 03:40 hours a male is seen holding a bottle out in front of him he is using a jabbing motion with the bottle aiming it at a group coming towards him.

At 03:40:53 hours a member of door staff is seen coming back from Bell Hill holding his belt in his hand. At 03:41 a male is seen holding a white bottle in his hand. At 03:41 hours the male who marched off towards Church Street has returned and seen swinging crutch around. Police officers are seen to arrive on scene.

At 03:41:48 hours officers are seen to arrive on scene, walking along Surrey Street towards Church Street.

At 03:43 a further fight breaks out, the group is separated by officers who see a male place an item in the front of his trousers, he is chased by officers. At 03:44 hours this male is detained, whilst officers do this a male in a light coloured jacket rushes at the officer and tries to push his out of the way. The male in the light coloured jacket is then held back by another male. Whilst officers are dealing with the male on the floor they are having to contend with members of the group trying to intervene.

At 03:47 hours police are seen giving first aid to a male who has been stabbed. *Z Garrod PC 80120*

Witness Signature *Z Garrod PC 80120*

Signature Witnessed by Signature

Place Department
Licensing Team
Floor 6, Zone A
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

Kevents Limited
FAO Mr. Kevin Bond
C/o 34 Surrey Street
Croydon
CR0 1RJ

Please ask for/reply to: Michael
Goddard

Your Ref:
Our Ref:
Date: 22 December 2017

Dear Mr. Bond,

Re: Police Application for Summary Review of Premises Licence
Premises: 34 Surrey Street Croydon CR0 1RJ
Legislation: Licensing Act 2003

I am writing further to the representations you made on the interim step taken on 20 December 2017 to suspend your premises licence for the above premises.

The Council's licensing sub committee met on 22 December 2017. They heard your representations against the interim step and their determination was as follows –

'The Licensing Sub-Committee considered the representations on the interim steps imposed on the Premises Licence at **34 Surrey Street, Croydon, CR0 1RJ** and the representations received as contained in the report of the Executive Director 'Place'.

The Sub-Committee also considered the verbal representations of the Police made at the hearing, and those made by the premises licence holder and his representative.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy **RESOLVED** to modify the interim steps taken in the following manner:

A. By the imposition of the following additional conditions on the license:

1. Licensable activities shall only be provided at the following events commencing on the following dates (and finishing the day following "the events")
 - 22/12/2017 (Mr Sachy Birthday Bash)
 - 23/12/2017 (London v Birmingham) & (Noisy Neighbours)
 - 24/12/2017 (Classy Sundays)
 - 26/12/2017 (Staff Party)
 - 27/12/2017 (Proud)
 - 29/12/2017 (Black Bottle Party)
 - 30/12/2017 (So Sweet Saturdays)
 - 31/12/2017 (NYE)
2. The Events shall operate on a "No ID, no entry policy" where every customer, performer, staff member attending the Club shall have their identity document scanned through the ID scanning machine. Any person not producing identification shall not be permitted entry.
3. The Premises Licence Holder shall by 5pm on Friday 5 January 2018 supply to the London Borough of Croydon Police Licensing Team the ID scan data for each of the Events.
4. An SIA registered door supervisor/member of staff will be stationed at the doorway adjacent to the cloakroom. That door supervisor's/staff member's sole duty during the events will be to prevent customers from accessing that doorway.
5. No bottle will be handed to any patron. All bottled drink shall be dispensed by a waiter/waitron.
6. A SIA registered door supervisor will be stationed at the exit from the premises and tasked with ensuring that no bottles or glasses of any description are removed from the Club.

7. The security arrangements for the Events shall be as follows:

- a. The premises licence holder shall employ a total of 7 door supervisors
- b. Every customer attending the Club shall be searched by an SIA door supervisor. An initial search will take place with a wand followed by a 'pat down' search
- c. There shall be enhanced searching of bags and wallets

8. These additional conditions shall cease to have effect at 05:00 on 2 January 2018.

B. Premises license shall be suspended from 05:00 on 2 January 2018 pending the outcome of the review.'

Should you wish to discuss matters or require clarification on any point, please do not hesitate to contact me on the above telephone number/e mail address.

Yours faithfully,

Michael Goddard
Licensing Manager

PREMISES LICENCE

PREMISES LICENCE NUMBER

05/02543/LIPREM

PART 1

PREMISES POSTAL ADDRESS

We'rehouse
34 Surrey Street
Croydon
CR0 1RJ

020 8686 5600

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Sale by retail of alcohol

Provision of regulated entertainment:
Live music/recorded music/facilities for dancing.

Provision of late night refreshment

TIMES UNDER THE 24 HOUR CLOCK, THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Sale by retail of alcohol

Monday to Sunday 10:00 until 03:00 hours on the following day

Provision of regulated entertainment

Monday to Sunday 10:00 until 04:00 hours on the following day

Provision of late night refreshment

Monday to Sunday 23:00 until 04:00 hours on the following day

ANNEX (1) MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing *Conditions*) Order 2010 and Order 2014.

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. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.

4. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

5. For the purposes of this section:
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
6. (1) The responsible person must 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.

7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8.
 - (1) The premises licence holder or club premises certificate holder must 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 licences 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.

9. The responsible person shall 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; and
 - (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.

10. (1) 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.
- (2) For the purposes of the condition set out in the paragraph 7(1) above
- (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.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be

different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (5) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

*Responsible person is defined in the Licensing Act 2003 as 'the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol'.

11. Substantial food will be available during hours when all licensable activities take place.

ANNEX (2) CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The Premises Licence holder shall –

1. Operate a strict "no drugs" policy at the premises, with notices advising customers of this clearly displayed at the entrance.
2. Operate a search policy, in conjunction with the Metropolitan Police Service, with appropriate signage displayed, as agreed, at the premises.
3. Ensure that a suitable and sufficient number of male and female door supervisor staff are employed at the premises, based on risk, as agreed in writing, from time to time with the Metropolitan Police. On occasions when more than 2 door supervisors are deployed, at least one of the additional door supervisors shall be female.
4. Ensure that a minimum of two door-supervisors are deployed at the premises from 2100hrs on Thursday, Friday and Saturday, where any entertainment is being provided other than recorded background music.
5. Ensure an additional door-supervisor is deployed downstairs when the basement bar area is in use and where any entertainment is being provided other than recorded background music.
6. Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -
 - Name and date of birth
 - Full 16 digit SIA badge number
 - Dates and times employed

These records shall be made available, in useable form, to the Metropolitan Police, Croydon Council officers or authorised officers of the Security Industry Authority upon request.

7. Ensure that when persons who are under 18 are present at the premises for a pre-booked function that door-supervisors are employed in a ratio of 1:50 customers with a minimum of two door-supervisors being present at all times.
8. Install and Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and recordings for a minimum of 28 days and deliver CCTV images to Police or Council Officers, in useable, form on request.
9. Ensure that the CCTV system is operating and recording 24 hours every day (triggered by movement if appropriate).
10. Comply with any reasonable requests of the Metropolitan Police Crime Prevention Officer that are consistent with the Licensing Objectives.
11. Ensure that polycarbonate glasses are in use at the premises from 2000hrs on Thursday, Friday and Saturday and at the reasonable request of the Metropolitan Police Service for specific events. At all other times toughened glasses shall be in use.
12. Comply with the SLVR responsible retailing policy
13. Ensure that no members of the public are admitted after 0200 hours, save for:-
 - the re-admission of customers who have left the premises temporarily to smoke
 - Pre booked events where the DPS shall be in possession of a guest list, which shall be retained.
14. Ensure that staff order Taxis or Licensed Minicabs for customers upon request.
15. Ensure that a comprehensive incident register is maintained at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24hrs of any incident.

The following details shall be recorded:

 - Date
 - Time
 - Location
 - Persons concerned
 - Summary of incident
 - Identification of any Emergency Services Personnel who attended.
16. Ensure that for the Prevention of Crime and Disorder, the maximum number of persons allowed to be in the premises is **400** (including a maximum of 100 persons in the basement area).
17. Ensure that records are kept, half hourly, of the total number of persons present in the premises after 2000hrs on Thursday Friday and Saturday until the premises closes on each night in the format IN – OUT – TOTAL.
18. Ensure that doors and windows shall be kept closed after 9pm* except to allow customers entry/exit to prevent noise escaping into the street

19. Ensure that management and staff periodically check noise levels outside the premises to ensure the level of music is not such that it may bother local residents
20. Ensure that no speakers in the front section of the premises will be aimed towards Surrey Street to help reduce noise levels outside the building
21. Ensure that all emergency escape routes and final exit doors must be kept free of obstruction and all final exit doors shall be easily openable at all times.
22. Ensure that the premises are a member of the Safer Croydon Radio system. The equipment shall be kept in working order to maintain contact with the Croydon Council control room at all times when Licensable Activities are taking place.
23. Ensure that customers are prevented from bringing bottles into the premises by the staff. Customers will be prevented from leaving the premises with bottles or open containers.
24. Ensure that all staff are given regular training, supervised by the DPS, in relation to the Licensing Act 2003 and conflict management. Training records will be kept at the premises and refresher training will be given to all staff every six months.
25. Ensure a challenge 21 policy shall be in place and appropriate signage displayed inside the premises.
26. 'Significant Events'

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

A significant event will be deemed to be:

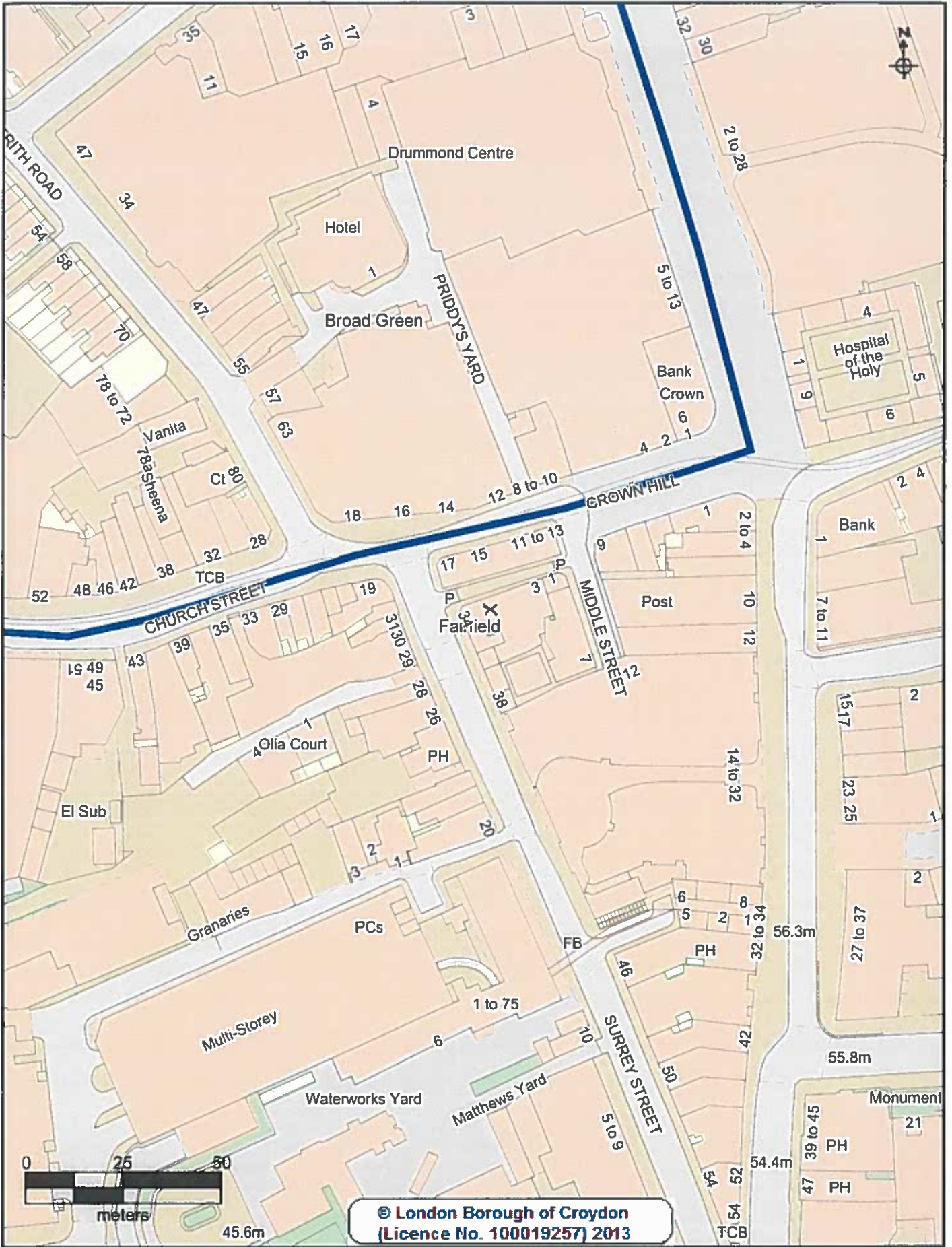
Any occasion in a premises, which are licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

- a. Consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.
- b. Undertake a risk assessment of any significant promotion or event (as defined above) using the MPS Promotion/Event Risk Assessment (Form 696), or an equivalent, and provide an electronic copy to the Metropolitan Police Service not less than 14 days before the event is due to take place.
- c. Complete an MPS after Promotion/Event Debrief Risk Assessment (Form 696A) and submit an electronic copy to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

27. Ensure that a dispersal policy is in operation and that a written copy is lodged with the Licensing Authority from the date of issue of this premises licence.
28. Ensure that an identification scanning device, capable of recording and checking details of identity documents is in use at the premises as agreed from time to time with the Metropolitan Police, for the purpose of recording when persons are searched, barred or whose age was verified upon entry.
29. Ensure that the lighting outside the venue is properly maintained and in use when licensable activities are being carried out at the premises.
30. Install a drop safe behind the main bar to ensure that cash is not taken through the venue and up to the office during trading hours. This safe should be substantial and fixed securely to the concrete floor.
31. Ensure that no glass is stacked on the bar and that all glass is taken straight to the kitchen.
32. Employ sufficient glass collectors who are instructed to prioritise the collection of glass bottles (and glasses) during trading hours.

ANNEX (3) PLANS

This premises licence is issued subject to the floor plans dated 30 March 2017, that were submitted to the Council with the application for a minor variation to the premises licence, on 31 March 2017.



CROYDON
www.croydon.gov.uk

Crown Copyright Ordnance Survey (License No: 100019257) 2011

London Borough Croydon

Scale 1:1250

21-Dec-2017

Page 40

X = 34 SURREY STREET



12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises is associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
 - (b) involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also

used.

12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.

12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

The licensing authority and interim steps pending the review

12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded¹¹.

¹¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- 12.11 The licensing authority may want to consult the police about the steps that it thinks are necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.
- 12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.
- 12.13 The interim steps that the licensing authority must consider taking are:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - the removal of the designated premises supervisor from the licence; and
 - the suspension of the licence.
- Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.14 If the licensing authority decides to take steps at the initial interim stage:
- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
 - the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.
- 12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.
- 12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which

would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

Making representations against the interim steps

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
 - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
 - the chief officer's representations (if any); and
 - any representations made by the premises licence holder.

- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The review of the premises licence under section 53C

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
 - the exclusion of a licensable activity from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
 - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
 - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
 - whether he considers a hearing to be unnecessary.
 - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
 - any person who made relevant representations; and
 - the chief officer of police who made the original application.

Review of the interim steps under section 53D

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
 - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
 - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

Right of appeal against review of interim steps decision

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.

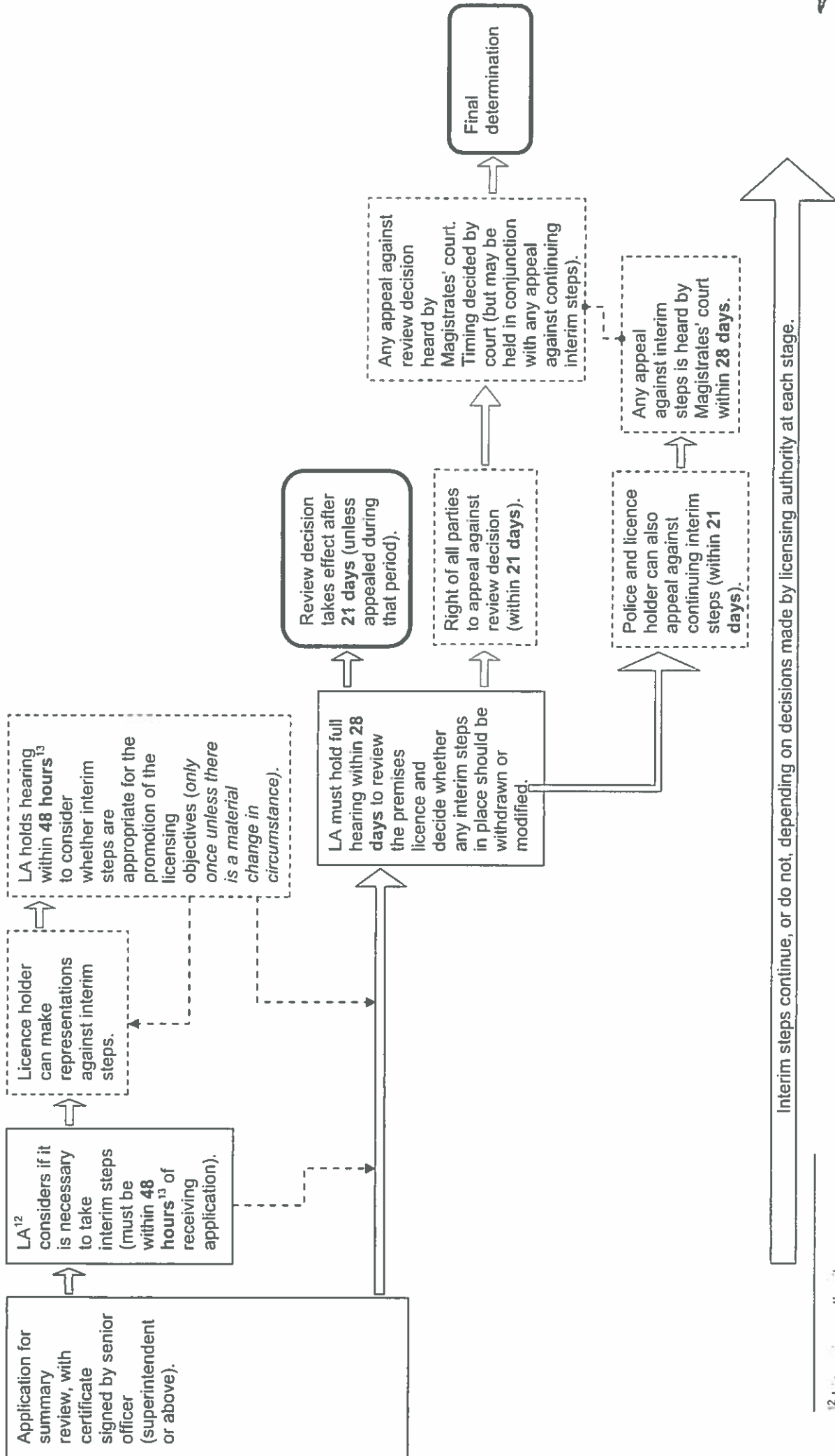
Right of appeal against final review decision

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

Flow diagram of the summary review process

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



¹² Licensing authority

¹³ Only working days count

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