

# Licensing Committee Agenda



To: Councillor Robert Canning (Chair)  
Councillor Margaret Bird (Vice-Chair) and Councillor Pat Clouder (Vice-Chair)  
Councillors Jan Buttinger, Chris Clark, Nina Degrad, Felicity Flynn, Patricia Hay-Justice, Karen Jewitt, Badsha Quadir, Andy Stranack and Robert Ward

Reserve Members: Steve O'Connell, Bernadette Khan, Jerry Fitzpatrick, Stephen Mann, Sherwan Chowdhury, Humayun Kabir, Sue Bennett, Simon Brew, Richard Chatterjee and Oni Oviri

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Wednesday, 17 March 2021** at **6.30 pm**. This meeting will be held remotely and members will be sent a link to attend the meeting in due course.

JACQUELINE HARRIS BAKER  
Council Solicitor and Monitoring Officer  
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Tuesday, 9 March 2021

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If you require any assistance, please contact Anoushka Clayton-Walshe 020 8726 6000 x62537 as detailed above.

## **AGENDA – PART A**

### **1. Apologies for Absence**

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

### **2. Minutes of the Previous Meeting (Pages 5 - 12)**

To approve the minutes of the meeting held on 9 December 2020 as an accurate record.

### **3. Minutes of previous Licensing Sub-Committee Meeting (Pages 13 - 18)**

To approve the minutes of the Licensing Sub-Committee held on 5 January 2021, held since the last Licensing Committee on 9 December 2020, as an accurate record.

### **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. 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.

### **6. London Local Authorities Act 1990: Application for Street Designation Orders (Pages 19 - 52)**

The Committee is asked to determine whether to designate the site detailed at Appendix A and Appendix B for the purposes of street trading and if designated to then determine whether to grant a street trading license to the site.

**7. Licensing Act 2003: Review of Cumulative Impact Zones/Policies within London Borough of Croydon Statement of Licensing Policy & Creation of Cumulative Impact Assessment (Pages 53 - 108)**

The Committee is asked to consider the response to the consultation on the proposal to maintain Cumulative Impact Areas as currently set out in the Licensing Statement of Policy 2018, including the reasons for this, and is asked to agree the Council's Licensing Policy under the Licensing Act 2003 remain unchanged until a future review is conducted.

**8. Exclusion of the Press and Public**

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

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

**PART B**

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## Licensing Committee

Meeting of held on Wednesday, 9 December 2020 at 6.30 pm.  
This meeting was held remotely.

### MINUTES

- Present:** Councillor Robert Canning (Chair);  
Councillor Pat Clouder (Vice-Chair) and Councillor Margaret Bird (Vice-Chair);  
Councillors Karen Jewitt, Nina Degrads, Robert Canning, Felicity Flynn,  
Chris Clark, Robert Ward, Badsha Quadir, Jan Buttinger and Andy Stranack
- Also Present:** Michael Goddard (Head of Public Protection and Licensing)  
Fiona Woodcock (Market and Street Trading Compliance Officer)  
Jessica Stockton (Solicitor and Legal Advisor to the Committee)  
Anoushka Clayton-Walshe (Committee Clerk)

### PART A

#### 18/20 **Election of Chair**

Councillor Karen Jewitt nominated and Councillor Margaret Bird seconded the motion to appoint Councillor Robert Canning as Chair for the remainder of the municipal year 2020/21.

#### 19/20 **Minutes of the Previous Meeting**

The minutes of the meeting held on 30 September 2020 were agreed as an accurate record.

#### 20/20 **Minutes of previous Licensing Sub-Committee Meetings**

The minutes of the following Licensing Sub-Committees were approved as an accurate record:

- 24 September 2020
- 6 October 2020
- 22 October 2020
- 4 November 2020
- 12 November 2020

#### 21/20 **Urgent Business (if any)**

There were no items of urgent business.

22/20      **Disclosure of Interests**

There were no items of urgent business.

23/20      **London Local Authorities Act 1990: Application for Street Designation Order**

The Committee considered the application to designate a section of public highway outside **Jalal Butcher's & Grocer's, 123 High Street, Thornton Heath, CR7 8RZ.**

The Head of Public Protection and Licensing introduced the [application](#). He explained the process of designation for street trading, applying for street trading licences and the details of the application for the Committee to consider as written in the appendices. He highlighted the following:

- In reference to Page 48 of the agenda, he said that the application asked for a trading area length of 1.8 metres and a width of 1.2 metres to each side of the front entrance area. This would leave a clear pavement width of 3.6 metres tapering 3.3 metres from the edge of the proposed display to the curb. This was a Croydon Council maintained stretch of public highway, where the minimum required width of pavement was 2 metres.
- This matter was originally considered by the Licensing Committee on 30 September 2020 where members resolved to defer the application.
- No objections or comments had been received for the application.
- The measurements in the application had been agreed by an enforcement officer following a site visit and a temporary licence was currently in place.
- There were three other premises on the same row already licensed for street trading.
- The premise was in the saturation zone in the council's street trading policy.

The applicant was not present to make a representation.

*Councillor Nina Degrad's joined the meeting at 6.40pm.*

The Market & Street Trading Compliance Officer told the Committee that the applicant had agreed with officers that he would be willing to reduce the width to 1 metre and replace the brown display box to improve the appearance if necessary. There was no written record of this.

The Chair opened Committee Member questions to officers.

The Head of Public Protection and Licensing confirmed to a Member that the entirety of the pavement was public highway and the drainage grill did not indicate a border of ownership.

A Member stated that the pavement had been extended wider during a past regeneration project and there used to be railings which were removed. She noted that in response to comments made about the closeness of buses to

the curb, as a Ward Councillor for the Thornton Heath area she had no recollection of buses mounting the pavement. She asked for the comparisons in width of the pavement between this premise application and the neighbouring premises. The Market & Street Trading Compliance Officer replied the other premises held a street designations of 0.8 and 0.9 metres.

Members raised concern over the potential overhang of a bus bumper when turning the corner onto the pavement which was higher risk due to the congestion of the street. Residents with mobility issues and visual impairments needed to be considered when encroaching on to the pavement in those conditions. They noted that the premise was located in a saturation area and stated that it would be preferable for a smaller width in line with other shops on the street, however they wanted to support local businesses particularly in the current economic climate.

The Committee noted that new photographs showing the location had been provided following its decision on 30 September 2020 to defer the application. In response to a Member asking when the pictures had been taken, in light of the lockdown measures this year, the Market & Street Trading Compliance Officer stated that they were captured at 2.15pm on 13 November 2020. Members commented that the pictures were taken at a quiet time and this area was close to busy crossings, Thornton Heath train station and school children at peak times which caused concern for safety of residents passing by.

A Member noted that there were no representations received from Highways Officers or Transport for London therefore no concerns had been raised in regard to clearance on the pavement. He noted that the applicant had said he was willing to make an adjustment to the application to reduce the width, however questioned if this was a necessity and what the reasoning would be to place further restrictions.

For clarification in response to a Member stating that she saw the applicant extend their display when she was recently in the area, the Head of Public Protection and Licensing stated that any extending displays more than a permitted license measurement was an enforcement issue which could escalate to a fixed penalty notice. The Market & Street Trading Compliance Officer confirmed that a fixed penalty notice was issued to the applicant on 8 October 2020 for overspreading his designated temporary license by 0.2 meters, without any excuses given, which had since been paid. Members expressed concern over the noncompliance from the applicant. It was added that the council had suggested to the applicant they mark the pavement to help comply with not crossing over the designated line, however this advice was not followed.

Members expressed their disappointment in the missed opportunity to ask questions to the applicant given his absence, particularly as the applicant had not attended the application hearing on 30 September 2020. It was confirmed that multiple officers had been in contact with the applicant prior to the meeting and unsuccessful attempts had been made to reach him on the day

of the meeting. Some Members understood that circumstances may have arisen which meant he was unable to attend the meeting. A Member stated that the time of the meeting would be particularly inconvenient for a shopkeeper, the technology to access the virtual meeting may not be easily accessible, the Committee should be more sympathetic and support local businesses and the case should not be judged harshly due to his absence. If members were concerned they should consider reducing the designated area permitted to grant.

In response to the Chair, the Corporate Lawyer confirmed that it was within the gift of the Committee to grant a smaller street trading area than applied for.

In response to a Member noting that unless there were mitigating circumstances on an application within a saturation zone it should be rejected, the Corporate Lawyer stated that there was no automatic rejection of an application in a saturation area and all applications had to be considered individually on their merits. In addition, Members' attention was drawn to the provisions of the Street Trading Policy which provides that in determining whether a street or particular site should be designated for the purpose of street trading the following matters may be considered:

- The presence of existing street furniture;
- The proximity and nature of any road junctions and pedestrian crossing points;
- The number of sites already designated in the same street;
- Whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction to e.g. pedestrians, prams and wheelchairs;
- Whether it leaves the recommended minimum clear passage of 2.0 metres (or 2.8m on TfL roads), between the front edge of any display and the edge of the kerb or any item of street furniture (railings, lamp posts etc.) – whichever is the nearer to the display;
- Put the safety of pedestrians at risk;
- Have a negative effect on the character and appearance of the area;
- Any relevant Council policies relating to the town or district centre in question whose implementation might be impeded or compromised by the designation.

The Committee confirmed that they were satisfied that they had heard the entirety of the presentation and discussion and **RESOLVED**:

1. To **REFUSE** to designate **Jalal Butcher's & Grocer's, 123 High Street, Thornton Heath, CR7 8RZ** for the purposes of street trading as set out in Appendix A of the report due to the proposed trading width of 1.2 metres being considered to be too wide in the circumstances and potentially put pedestrians safety at risk.
2. To **GRANT** designation to **Jalal Butcher's & Grocer's, 123 High Street, Thornton Heath, CR7 8RZ** for the purposes of street trading at a revised trading width of 0.8 metres.

3. To **GRANT** a street trading licence to the Applicant.

24/20

### **Licensing Act 2003: Review of Cumulative Impact Zones/Policies within London Borough of Croydon's Statement of Licensing Policy & Creation of Cumulative Impact Assessment**

The Head of Public Protection and Licensing introduced the [report](#). He stated that Croydon's Licensing Statement of Policy was last reviewed in 2017 and republished in 2018. The Licensing Act 2003 required local authorities to review and republish the policy every five years, therefore a review for Croydon Council was due in 2022. Since 2018, Cumulative Impact Zones (CIZs) had been put on an equal statutory footing to the licensing objectives. CIZs could be introduced or removed by councils during a review. For CIZs already in existence before 2018, guidance recommended that they be reviewed at a maximum of three years following the legislative change, which meant Croydon must review its existing CIZs before 6 April 2021 using a Cumulative Impact Assessment (CIA). According to those deadlines, during 2020 the council ideally would have collected data, however the pandemic had seriously limited the ability to measure valid data due to the effect on premises and street activity during this time.

The proposal to Committee was that the licensing authority undertake a six week consultation, with the proposal to extend the current cumulative impact policy in its current form on the understanding that a comprehensive review would be undertaken when the council reviewed its overarching Licensing Statement of Policy in 2022. Following consultation, the proposal would return to the next Licensing Committee for consideration in March 2021.

In response to the Chair, the Head of Public Protection and Licensing stated that consultation would commence as soon as possible following agreement from the Committee today.

In response to Members noting that restrictions resulting from CIZs would hinder struggling businesses in the current financial climate, the Head of Public Protection and Licensing commented that the removal CIZs had to be based on data and CIZs were not a blunt tool. CIZs set a presumption to refuse an application in the area, however exceptional applications were able to be granted on their merits. Other Members noted the need for CIZs in particular areas in Croydon and they did not affect good applications being granted.

In response to a Member asking if other councils were using a similar approach to that proposed here, the Head of Public Protection and Licensing stated not all councils would be in the same position as they may not be due for a review at the same time as Croydon, but they would be in a situation of considering this extension when required. Some councils may have decided to withdraw CIZs, however he would question the validity of the data in this period.

In response to Members' questioning how the licensing department would consulting with stakeholders, the Head of Public Protection and Licensing stated they would be consulting with statutory consultees, as listed at paragraph 3.7 of the report, and council would send out communications as an engagement consultation. In the future event of any proposal to add or remove a ClZ based on data, rather than temporally maintain the current policy, they would consult more widely.

Members commented that the proposals were a pragmatic approach to the circumstances and holding the two reviews alongside each other made sense operationally. The Chair noted that it would be worth the Licensing Committee discussing the future of ClZs in Croydon in a future meeting when more reliable evidence was available.

It was agreed that the consultation would run for a seven week period, instead of the initially proposed six week, to make up for lost time over the Christmas period and to ensure an adequate response time was given to consultees.

The Committee **RESOLVED** to:

1. Consider the proposal to commence consultation on the proposal to maintain Cumulative Impact Areas as currently set out in the Licensing Statement of Policy 2018 and the reasons for this;
2. Agree that consultation be commenced regarding Cumulative Impact Areas as detailed in paragraph 3.6; and
3. Note that the outcome of the consultation exercise will be reported back to Committee for further consideration and, if necessary, onward recommendation to Full Council.

25/20

**London Local Authorities Act 1990: Request for Delegation of Decision Making Authority to the Director of Public Realm in respect of Uncontested Street Trading Designation and Variation Applications and Uncontested Street Trading Licence related Applications, including variations**

The Head of Public Protection and Licensing introduced the [report](#), which outlined the proposal to delegate decisions for uncontested applications of street trading licenses to the Director of Public Realm, in consultation with the Chair of Licensing Committee. He stated this would save resource where Members and applicants would not be summoned for non-contentious business.

It was noted by a Member that there were some applications where it was useful for Members to meet and utilise their specific knowledge in their wards and local areas, which would not be considered otherwise. The Chair added that all Members of the Council were provided with a generic weekly notification of licensing applications, however they were not personally sent to individual Members on a ward basis. He proposed that if the delegation was

granted, going forward Members should receive personalised notifications to inform them of relevant applications to their ward as an extra safeguard. He asked how many applications were received in a typical year. The Head of Public Protection and Licensing replied that each Committee considered 6-7 designations and occasionally an application to vary a license. He agreed the Licensing department would look into sending applications to specific ward councillors.

A Member raised concern for increasing delegation to officers following the findings of the Report in the Public Interest (RIPI) from external auditor Grant Thornton, which concluded that a small number of Members and officers made decisions for the council. The Chair responded that the proposal mirrored the Planning department model and that any application with an objection would still be considered in front of Members. Once ward councillors received more personalised application notifications from the Licensing department, their awareness and empowerment to represent local businesses, residents and communities would be increased from the current position. Another Member added that following the RIPI recommendations, it made sense to support this proposal and allow efficient use of council resources.

The Committee **RESOLVED** to:

1. Delegate authority to the Director of Public Realm, in consultation with the Chair of the Licensing Committee, to consider and determine the following matters pursuant to the provisions of the London Local Authorities Act 1990 ("the Act"), as amended:
  - a) Applications for a Street Designation Order (designation of a License Street or part of street) under Section 24 of the Act which are not located within the Council's Saturation Zone for these purposes and in respect of which no objections have been received (or if received but have been subsequently withdrawn). If the Director of Public Realm is satisfied that street trading should be licensed in the authority area (or specified part thereof), the Director of Public Realm may, subject to consultation requirements, pass one or more of the following resolutions:
    - A designating resolution designating any street (or part thereof) within the borough as a "licence street";
    - A resolution specifying in relation to any such street (or part thereof) any class/es of articles, things or services which will or will not be prescribed in any street trading licence granted in respect of that street (or part thereof)
  - b) Applications to vary or consideration of rescinding a Street Designation Order in respect of which no objections have been received (or if received but have been subsequently withdrawn) and the associated resolutions required.

- .....
- c) Applications for the grant/renewal/variation/revocation of Street Trading Licenses under Sections 25, 28 and 29 of the Act in respect of streets or part(s) of street(s) which are designated for the purposes of street trading as "license streets" where no objections have been received (or if received but have been subsequently withdrawn) to the application under consideration and to impose Standard Conditions, Appendix 1 hereto, and such site specific conditions as are reasonable in relation to the license.

Such delegations shall not preclude the Director of Public Realm referring a matter to the Committee for consideration and determination where it is considered appropriate to do so.

- 2. Update the Council's Street Trading Licensing Policy, Appendix 2 to this report, to reflect the above delegations where necessary, to update outdated references to previous officers' titles contained therein and to include the Standard Conditions as an Appendix to the Policy.

26/20      **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 8.50 pm

**Signed:**

**Date:** .....



# Public Document Pack Agenda Item 3

## Licensing Sub-Committee

Meeting of held on Tuesday, 5 January 2021 at 10.30 am. This meeting was held remotely.

### MINUTES

**Present:** Councillors Pat Clouder, Robert Canning and Margaret Bird

### PART A

#### 1/21 **Appointment of Chair**

Councillor Pat Clouder nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Robert Canning as Chair for the duration of the meeting of the Sub-Committee

#### 2/21 **Disclosure of Interests**

There were none.

#### 3/21 **Urgent Business (if any)**

There were no items of urgent business.

#### 4/21 **Licensing Act 2003: Application to vary a Premise License at 76 Westow Hill, Upper Norwood, SE19**

*The recording of this meeting can be view by clicking [here](#).*

*Following the item being heard the Licensing Sub-Committee's decision was:*

On 5 January 2021, the Licensing Sub-Committee considered the Application for a variation to the Premises Licence at **76 Westow Hill, Upper Norwood** and the representations received as contained in the report of the Executive Director 'Place'. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant and the objectors in attendance.

It has been noted that there were no representations received from the Police nor the Council's Safety or Pollution Teams. This is important especially as the condition which the Applicant has requested be removed (condition 8 regarding the rear outside space) was originally requested by the Pollution Team and they do not object to it being removed. It was also confirmed that the Council has not received any noise complaints regarding this premises.

It has been noted that the Applicant has withdrawn their application in respect of extending the permitted hours of the licensable activity.

During the hearing the applicant confirmed:

**The premises:**

- That he owns and runs a down to earth neighbourhood cocktail bar.
- His personal contact details are available to residents and there have been meetings to raise resolve issues in the past. Any issues in the future the applicant said he will be happy to resolve. He offered communicate via WhatsApp.
- This premises is not a 'loud' club, it does not play music so loud that it disturbs residents. The applicant has taken the decision that there will no live music at the venue. It did try live music (jazz/blues), but it was too loud for the neighbours. The applicant stated that he understands the noise implications and decided not to continue with live music.
- The business is not a 'party/hen-night' venue, managers and security staff ensure that guests behave appropriately (including in the rear outside space) which is to the benefit of all guests.
- He will be gaining experience of operating bars in another residential area and any lessons learned can be applied to this bar.

**Clarification regarding the rear outside space:**

- The size of the rear outside space is small, less than 10m/sq with capacity of about 10 people (standing) or 2 tables around 6 people in covid restrictions. There will be a proper space/numbers assessment in due course.
- There will be no access to the rear outside space the Premises from the rear outside space. There will be no risk of intruders to neighbouring houses.
- Guests will not be able to look into residents gardens and visibility will be restricted via a hedge.
- Currently guests smoke in the front of the premises, the rear outside space was used to store bins and a place for staff to use at break or after shifts (10 or so). Currently staff use the rear outside space and talk there (at all times of the night/morning), there has been no complaints about it being an issue.
- The applicant is agreeable to the number of people rear outside space being a licencing condition.
- There will be no external music in the rear outside space. It is intended to be a laid back, chilled place; a relaxing area.

- There will not be a huge number of guests in the back smoking—smoking is becoming less and less popular. There is also a roof which will act as smoke barrier and hedges will assist.

**Steps in place to reduce noise nuisance:**

- The managers will regularly patrol the rear outside space to ensure that guests are not being too loud.
- The security and managers will do checks regarding guest's behaviour. They operate a strict, no-nonsense policy. They will ask guests who are too loud to reduce the noise, come inside, or leave. He will ensure that the guests respect the local residents when they are in the rear outside space.
- CCTV will monitor what is happening via CCTV and there are security staff at the venue.

**Additional Condition**

- I am willing to have the following condition added to the licence – **The rear outside space should only be used until 23.30 thereafter, the door should be closed in order to reduce noise for residents.**

**Other points**

- The applicant has a policy that they will not empty bottles outside late at night in order to reduce noise for neighbours.
- Clarified that the original condition 8 was imposed on the previous licence, it was not intended for this business, rather a legacy from the Licence he took over.
- In the future the applicant confirmed that he was happy to consult neighbours more on matters such as this.

The Sub-Committee has considered this case on its merits. It notes that there are a number of other nearby local businesses which open late. It 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. 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. These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard has been taken on the impact that these may have in this case.

The Council Policy (p17 of agenda, paragraph 5.4.7 of Appendix A) states that “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.” In this case the Applicant has agreed not to use the rear outside space after 23.30 and thereafter to close the door to reduce noise for neighbours.

The Sub-Committee are of the view that the applicant has demonstrated in their oral evidence and within their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance.

It was noted that the Applicant agreed during the meeting that the number of people permitted into the rear outside space could be the subject of a licensing condition. However, the Sub-Committee are of the view at this stage that, given the lack of evidence surrounding usage and noise levels, such a condition was not necessary.

The Sub-Committee noted that the applicant has decided not to have live music at the venue due to noise suffered by neighbours. Further, that in the past the applicant undertook an investigation and building works to discover and fix the cause of noise to neighbours. This shows the applicant has an understanding of noise nuisance and willingness to invest and resolve issues to the satisfaction of residents.

During the hearing the applicant responded to the concerns that the objectors raised and confirmed that should there be issues in the future they should contact him.

The objectors were asked whether there had been positive communication between residents and the applicant to date. They responded that they had yet to raise a complaint with the applicant. The Sub-Committee notes that the Premises Licence does require that there is close and regular liaison between residents and the owner to address complaints and concerns (condition 12). The Sub-Committee notes that the applicant seems keen to resolve issues with local residents and trusts that he will take steps to ensure that communication channels are improved upon in order for any local residents' complaints or concerns to be resolved.

Taking into consideration the above, the Sub-Committee have **RESOLVED** to **GRANT** the application with the following condition added to the Licence "**The rear outside space should only be used until 11.30 pm thereafter, the door should be closed in order to reduce noise for residents.** "

The Sub-Committee would like to take this opportunity to remind the objectors that should you be of the view that the Licensing Objectives are not being promoted or adhered to, such as the premises causes a public nuisance, you should apply for a Review of the Licence.

The Sub-Committee would also like to thank the applicant and objectors for their thoughtful contributions and the respectful manner in which the hearing was conducted.

5/21

#### **Exclusion of the Press and Public**

This item was not required.

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The meeting ended at 12.00 pm

**Signed:**

**Date:**

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| <b>REPORT TO:</b>   | <b>LICENSING COMMITTEE</b><br><b>17 March 2021</b>   |
| <b>AGENDA ITEM:</b>   | <b>6</b>   |
| <b>SUBJECT:</b>   | <b>London Local Authorities Act 1990</b><br><b>Application for Street Designation Order x2</b> |
| <b>LEAD OFFICER:</b>  | <b>Executive Director, Place Department</b>  |
| <b>CABINET MEMBER:</b>  | <b>Councillor David Wood, Cabinet Member for Safer Croydon &amp; Communities</b>               |
| <b>WARDS:</b>   | <b>West Thornton, Norbury</b>  |
| <b>CORPORATE PRIORITY/POLICY CONTEXT:</b><br><b>This report is specific to this application and has no implications on the Council's Corporate Policies</b> |  |
| <b>FINANCIAL SUMMARY:</b><br><b>There are no direct financial implications arising from this report.</b>  |  |
| <b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>   |  |

**For general release**

## **1. RECOMMENDATIONS**

- 1.1 The Committee is asked to determine whether to designate the sites detailed at Appendices A & B for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate two sites in the Borough as a 'licence street for street trading and the granting of a street trading licence under the provisions of the London Local Authorities Act 1990 (as amended.)

## **3. DETAIL**

- 3.1 The London Local Authorities Act 1990 (as amended) (The Act) provides a legislative framework to control street trading in the Borough. Trading in respect of services as well as goods comes within the scope of the Act.
- 3.2 Licensed street trading may only take place in streets or parts of streets which have been formally designated as "licence streets".
- 3.3 Appendices A & B to this report provide details of the designation applications. The applicants have been invited to attend the meeting.
- 3.4 If the sites outlined in Appendices A & B are formally designated as a 'licence street' by the committee then the committee will decide whether to grant a street trading licence.
- 3.5 The measurements of the display areas as outlined in Appendices A & B will allow (as applicable) for the required 2 metre clear distance between the edge of the display and the nearest item of street furniture which is the requirement for roads maintained by Croydon Council or the 2.8 metre clear distance which is the requirement for roads maintained by TfL

## **4. CONSULTATION**

- 4.1 Both applications were advertised in the Croydon Guardian and brought to the attention of the police, planning, highways or TfL (as applicable), parking services and the food & safety team.

## **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

### **5.1 The effect of the decision**

There are no direct financial implications as a result of this report.

### **5.2 Risks**

If an applicant is refused a licence on any of the grounds mentioned in paragraph 7.2 (a) - (g) he/she will have the right of appeal to the Magistrates' Court against the decision. The decision of the Committee may also be subject to Judicial Review.

An appeal against a decision of the 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.



### **5.3 Options**

The options available are: to grant the applications, to vary the applications, with or without further conditions, or to refuse the applications

### **5.4 Future savings/efficiencies**

There are no savings or efficiencies arising directly from the recommendations in the report.

**5.5** Approved by: Flora Osiyemi, Head of Finance, Place Department.

## **6. LEGAL CONSIDERATIONS**

### **LICENCE STREET**

- 6.1 If the borough council considers that street trading should be licensed in an area, they may pass a resolution designating any street within the borough as a "licence street" in accordance with Section 24 of the Act.
- 6.2 The first decision which has to be made is whether to designate the particular location as a "licence street", which in turn would permit the consideration of a licence application.
- 6.3 Under Section 24 of the Act, the designation of a location as a "licence street" is at the discretion of the Committee and this decision is not subject to any direct appeal.
- 6.4 Each application must be considered on its own merits.

### **6.5 STREET TRADING LICENCE**

If a site has been designated as a 'licence street', the committee must then decide whether to grant a licence to trade at that site – a 'street trading licence'.

## **7. GROUNDS FOR REFUSAL**

**7.1** Under Section 25(4) of the Act, a street trading licence:

- (a) shall not be granted:
  - (i) to a person under the age of 17 years; or
  - (ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of the Act but nothing in this paragraph shall prevent the renewal of such a licence; or
  - (iii) except where the application is made by a company incorporated



under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a body corporate or to an unincorporated association;

- (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
- (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under Sub-Section 1) (b) of Section 24 of this Act, specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;
- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons or vehicular traffic using the street.

7.2 Under Section 25(6) of the Act, the Council may refuse an application on any of the following grounds:

- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposed to trade when street trading is not taking place;
- (f) that the application is for the grant (but not the renewal) of a street trading licence; and
  - (i) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
  - (ii) the articles, things or services mentioned in the application are sold or provided at the shop;

(g) that

- (i) the application is for the grant (but not the renewal) of a street trading licence; and
- (ii) the only available position in the street is within the curtilage of a shop; and
- (iii) the applicant is not the owner or occupier of the premises comprising the shop.

7.3 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are no additional legal implications arising from the recommendations in the report other than those already set out within the body of the report.

(Approved by Sandra Herbert, Head of Litigation and Corporate law on behalf of the Director of Law and Governance and Deputy Monitoring Officer).

## **8. HUMAN RESOURCES IMPACT**

8.1 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.

8.2 (Approved by: Jennifer Sankar, Head of Human Resources, Place Department)

## **9. CUSTOMER IMPACT**

9.1 There are no specific customer services issues relating to these applications.

## **10 EQUALITIES IMPACT ASSESSMENT (EIA)**

10.1 The arrangements for the Licensing Hearings seek to ensure that all applicants and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

## **11. ENVIRONMENTAL AND DESIGN IMPACT**

11.1 There are no perceived environmental and design impacts relating to these applications.

## **12. CRIME AND DISORDER REDUCTION IMPACT**

12.1 The Police Licensing Officer has been consulted on these applications.

### 13. HUMAN RIGHTS IMPACT

- 13.1 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*.
- 13.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing 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 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).
- 13.3 So, while it is good practice to make a hearing before the Licensing 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'.

### 14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 14.1 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.

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**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health,  
Trading Standards and Licensing, Place  
Department, ext. 61838.

**BACKGROUND DOCUMENTS:** Application Forms

#### APPENDICES:

**Appendix A (Pages 25-36):** 728 London Road

**Appendix B (Pages 37-51):** 1131 London Road



## **APPENDIX A**

- Applicant:** Mr. Khalid Obadullah
- Location:** On the highway outside Everfresh, 728 London Road, Croydon, CR7 7HW.
- Measurements:** The application seeks a trading area of length 10 metres and width 1.2 metres. This would leave a clear pavement width of 2.8m from the edge of the proposed display to the kerb and 2m from the corner edge of the display to the post shown in the photograph. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix A1 shows photographs of the display and available pavement space. Appendix A2 is a diagram of the site with relevant measurements marked on it.

### **Proposed Times of Trading:**

Monday to Sunday 7am to midnight

**To Display:** Fruit & Vegetables and Household Goods

#### **1. Detailed Considerations**

- 1.1 A copy of the application is attached at Appendix A3.
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 01.03.2021 or on the date of the licensing committee hearing this application. A copy is attached at Appendix A4.
- 1.6 There are two other premises in the immediate area that are already licensed for street trading. The relevant premises, 772 London Road and 8 Brigstock Parade, London Road are marked on the map at Appendix A5.



- 1.7 Would the committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware of this by letter. A copy of that letter is attached at Appendix A6.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year



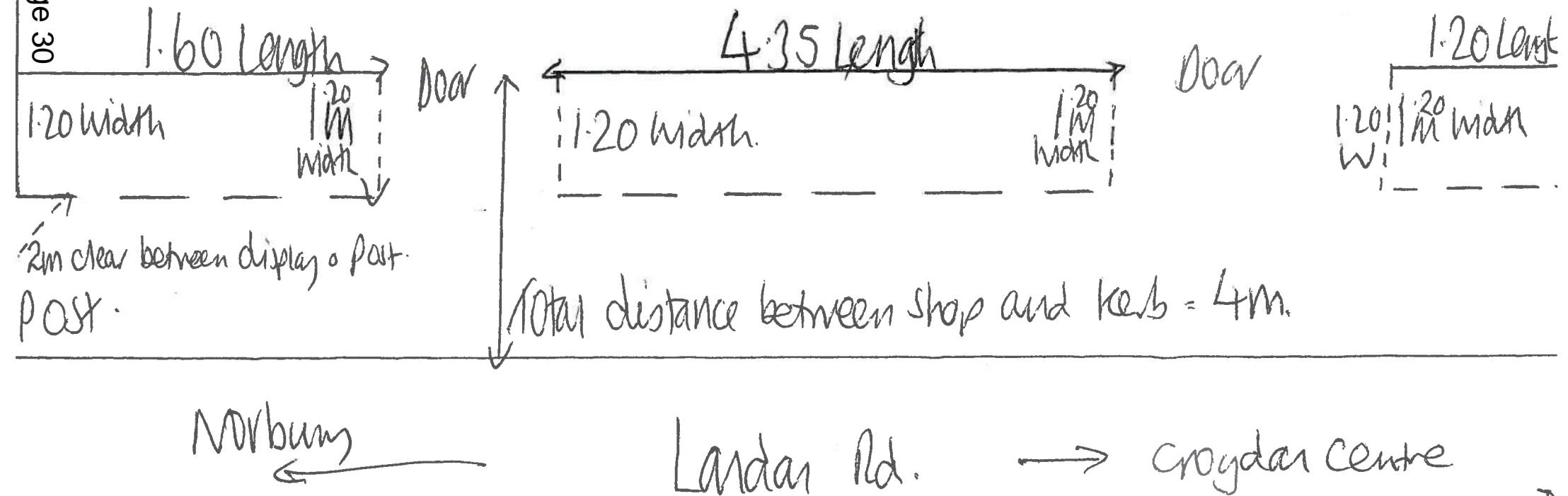








728 Landon Road.





|                                      |  |
|--------------------------------------|--|
| <b>CROYDON</b><br>www.croydon.gov.uk | STREET TRADING LICENSING                   |
|                                      | APPLICATION FOR A STREET DESIGNATION ORDER |

Return completed form to Place Department, Licensing Team, 6<sup>th</sup> Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Telephone: 020 8760 5466 .Fax no :0208 633 9410

PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM

**1. APPLICANT (see note A)**

- a) First Name ABDULLAH
- b) Last/Family Name KHALID
- c) Full Home Address of Applicant T. HEATH - CROYDON
- d) Home Tel No [REDACTED] e) Mobile No [REDACTED]
- f) E mail address: [REDACTED]
- g) Date of Birth: [REDACTED]

**2. SITE TO BE DESIGNATED (see Note B) For Mobile Vehicles/Trailers go to section 4**

- a) Trading Name of Premises: EVERFRESH
- b) Trading Address: 728 LONDON ROAD  
CROYDON - CR7 7HW
- c) Business Tel No: [REDACTED]

**3. DISPLAY AREA (see note C)**

- a) Dimensions of display area (state whether measured in feet or metres)

Length 10m Width 1.20m Height 90cm to 1.30m

- b) Hours that you would like to display the goods/services on the highway.

Sunday: from 7am to 12pm Thursday: from 07 to 24.00

Monday: from 07 to mid night Friday: from 07 to 24.00

Tuesday: from 07 to 24.00 Saturday: from 07 to 24.00

Wednesday: from 07 to 24.00



c) Type of goods or services to be displayed Fruit, Veg. - House hold

**4. MOBILE VEHICLE/TRAILER (See note D)**

a) Address of proposed pitch .....

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No .....

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003. (see note D)

Office Use only Premises Licence No .....

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:

Date 14/10/2020

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)  
If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office Use Only Uniform No: .....

Receipt No : ..... Date received: .....  
SF.C355/10/13

**GUIDANCE NOTES**

You are required to apply for a street designation order if you propose to display goods or services on the public highway, or trade from a mobile vehicle on the public highway. A street designation order is only required if no one else has previously traded from the proposed site/pitch.

You should also contact the Planning Department on 0208 726 6800 or by email [development.management@croydon.gov.uk](mailto:development.management@croydon.gov.uk) as a change of use application may be required.

All applications will be referred to the Council's Licensing Committee for a decision, you will be notified of the date of the next hearing once your application is made.

If you are taking over a site/pitch from someone who has previously traded then you should contact 020 8760 5466 for the appropriate

**TEMPORARY LICENCE –  
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

**HEREBY LICENCE**

**MR OBAIDULLAH KHALID**

**TO USE SITE KNOWN AS**

**Everfresh**  
728 London Road  
Thornton Heath  
CR7 7HW

**TO DISPLAY**

Fruit & Vegetable and Household Items

**SIZE OF DESIGNATED DISPLAY** Length 10 m, Width 1.20, Height 1.30 m

**PERMITTED DAYS & TIMES**

Sunday 7:00 am - 12:00 midnight  
Monday - Saturday 7:00 am - 12:00 midnight

**This licence is issued subject to compliance with the licence conditions attached**

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.  
This licence may not be transferred to any other person.**

**Date Licence Valid From: 01.09.2020**

**Date Licence Expires: 17.03.2021 (or on date of the Committee Hearing)**

**Licence Number: 20/03225/STT**



**Issued on Behalf of : Licensing Manager  
Place Department**

**Licence Conditions**

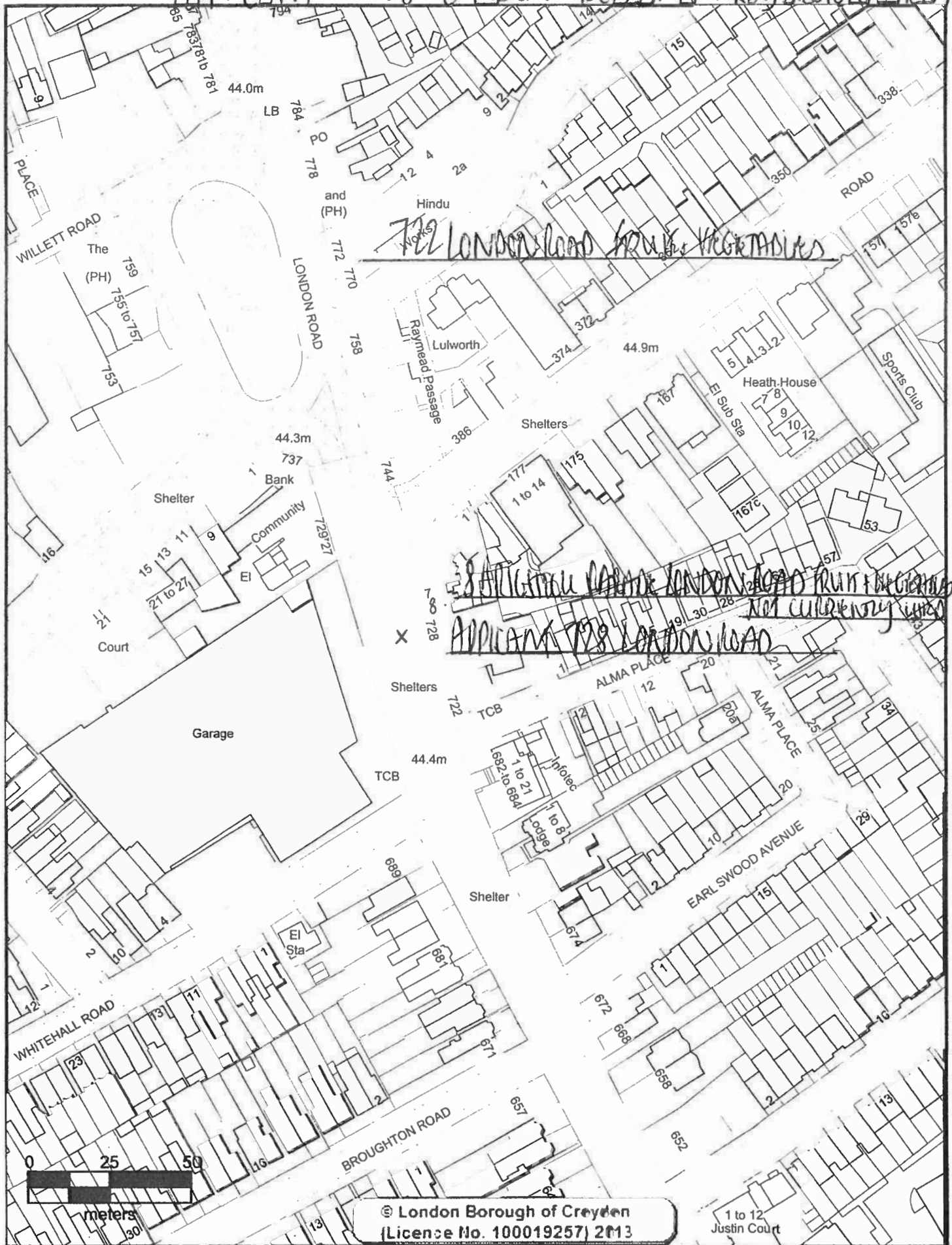
**Non Transport for London Maintained Roads**

1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.  
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.



APPLICANT 178 LONDON ROAD. NEARBY DESIGNATED A5

A5



X = 728 LONDON ROAD

Tel/Typetalk: 0208 726 6000 x 62457  
Fax: 020 8760 5786  
Minicom: 020 8760 5797  
Please ask for/reply to:

Obaidullah Khalid

Thornton Heath

Your Ref: 20/03225/STT  
Our Ref: 20/03225/STT  
Date: 29 October 2020

Dear Sir

**Subject: Street Designation Order**

Address: **728 London Road Thornton Heath CR7 7HW**

I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states:-

***'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.***

***- Entire length of London Rd***

***-Entire length of High St Thornton Heath***

***Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list. '***

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

**Please note that all fees paid are non refundable should the application be refused**

Yours sincerely

.....

Licensing Officer



## **APPENDIX B**

**Applicant:** Mr. Babiharan Mathiyaparanam

**Location:** On the highway outside Quality Shop, 1131 London Road, Norbury, SW16 4XD.

**Measurements:** The application seeks a trading area of length 2.3 metres and width 0.9 metres. This would leave a clear pavement width of 3.40m from the edge of the proposed display to the kerb and 2.8m from the edge of the display to the post shown in the photograph. This area of highway is maintained by TfL and the minimum required clear pavement width is 2.8 metres.

Appendix B1 shows photographs of the display and available pavement space. Appendix B2 is a diagram of the site with relevant measurements marked on it.

### **Proposed Times of Trading:**

Monday to Saturday 9am to 11pm  
Sunday 9am to 10.30pm

**To Display:** Fruit & Vegetables

### **1. Detailed Considerations**

- 1.1 A copy of the application is attached at Appendix B3.
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, TfL and Parking Services were invited to comment on this application. No comments have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 01.03.2021 or on the date of the licensing committee hearing this application. A copy is attached at Appendix B4.
- 1.6 There is one other premises in the immediate area already licensed for street trading. The relevant premises, 1105 London Road is marked on the map at Appendix B5.

- 1.7 Would the committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware of this by letter. A copy of that letter is attached at Appendix B6.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year





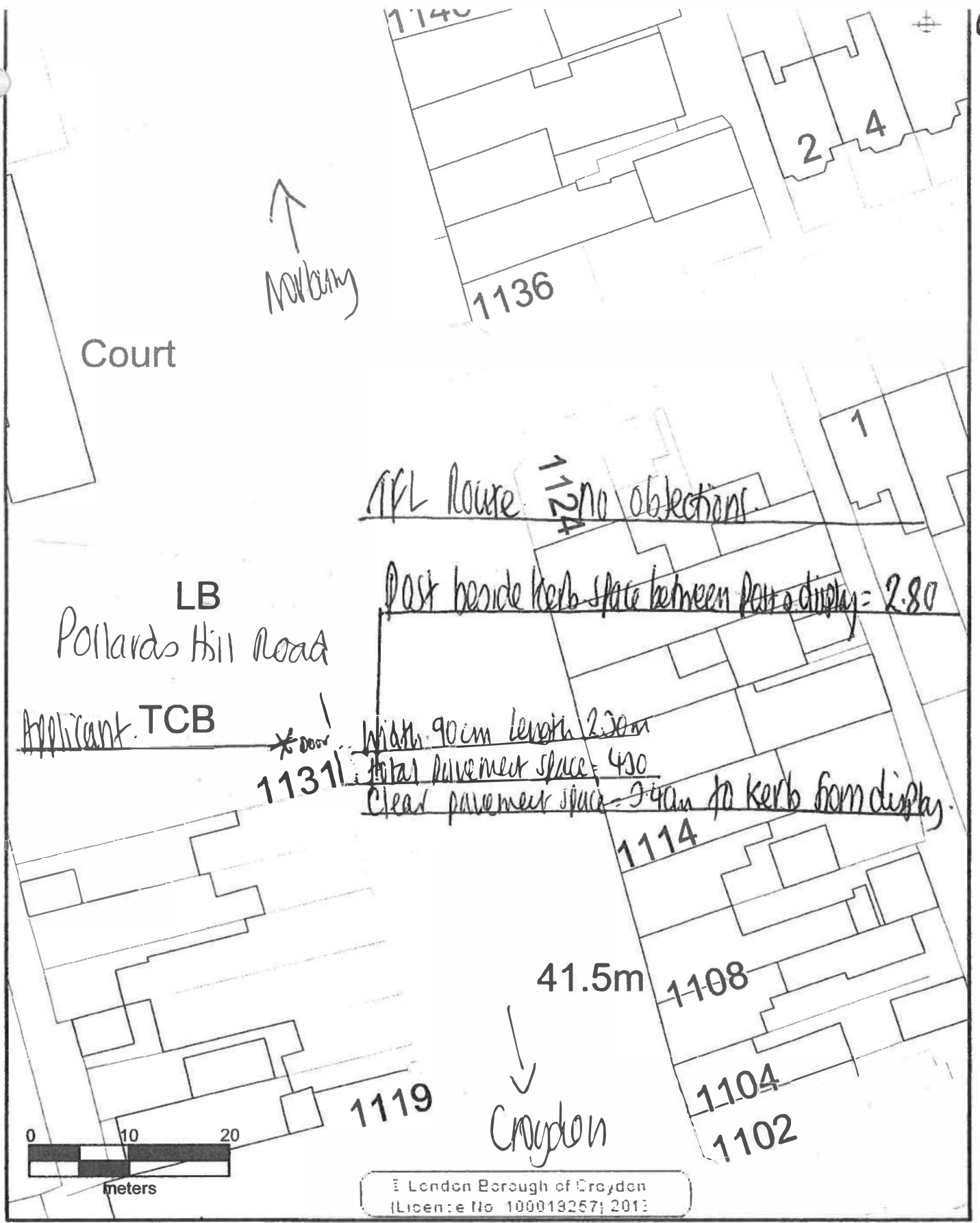












**CROYDON**  
www.croydon.gov.uk

Crown Copyright Ordnance Survey (License No: 100019257) 2011

**London Borough Croydon**

Scale 1:500

1131 London Road 18 Aug 2020



**APPLICATION FOR A STREET DESIGNATION ORDER**

Return completed form to Place Department, Licensing Team, 6<sup>th</sup> Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Telephone: 020 8760 5466 .Fax no :0208 633 9410

**PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM**

**1. APPLICANT (see note A)**

a) First Name BABIHARAN

.....

b) Last/Family Name MATHIYAPARANAM

.....

c) Full Home Address of Applicant ....

.....

.....

d) Home Tel No .....e) Mobile No .....

f) E mail address:

.....

g) Date of Birth :... ..

**2. SITE TO BE DESIGNATED (see Note B) For Mobile Vehicles/Trailers go to section 4**

a) Trading Name of Premises: QUALITY SHOP

.....

b) Trading Address:...1131 LONDON ROAD NORBURY SW16 4XD

.....

.....

c) Business Tel No :

02086794019.....

**3. DISPLAY AREA (see note C)**

a) Dimensions of display area (state whether measured in feet or metres )



Length ...2.30..... Width ...90cm.....Height 1.5  
.....

b) Hours that you would like to display the goods/services on the highway.

Sunday: from 9am.....to 10.30pm..... Thursday: from 9am..... to 11pm.....

Monday: from 9am..... to 11pm..... Friday: from 9am.....to 11pm.....

Tuesday: from 9am..... to 11pm..... |Saturday: from 9am.....to 11pm.....

Wednesday: from 9am..... to 11pm.....

c) Type of goods or services to be displayed FRUIT AND VEGETABLES:.....

#### 4. MOBILE VEHICLE/TRAILER (See note D )

a) Address of proposed pitch .....

.....

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....2.30.....Width...90cm.....Height.....1.5.....  
...

c) Registration No .....

d) Proposed hours and days of trading:....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.( see note D)

**Office Use only Premises Licence No** .....

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:

**Babiharan mathiyaparanam** ..... Date 16.02.2021.....

**I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)**

**If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466**

**Office Use Only Uniform No:** .....

**Receipt No :** ..... **Date received:**.....

## GUIDANCE NOTES

You are required to apply for a street designation order if you propose to display goods or services on the public highway, or trade from a mobile vehicle on the public highway. A street designation order is only required if no one else has previously traded from the proposed site/pitch.

You should also contact the Planning Department on 0208 726 6800 or by email [development.manangement@croydon.gov.uk](mailto:development.manangement@croydon.gov.uk) as a change of use application may be required.

All applications will be referred to the Council's Licensing Committee for a decision, you will be notified of the date of the next hearing once your application is made.

If you are taking over a site/pitch from someone who has previously traded then you should apply for a street trading licence – contact 020 8760 5466 for the appropriate form

Applications made for displays at fixed sites rather than a mobile vehicle are also required to apply for a temporary licence which will be valid for 6 months and which will allow you to display goods pending the Committee's decision.

Mobile vehicles/trailers may not trade until the Committee have made their decision on the application.

Note : Goods or services include – display of goods for sale, tables and chairs to which food and drink will be served or a mobile vehicle selling hot food etc from a fixed position.

Please note that all fees paid are **non refundable**.

- A. Applicants must be aged over 17.
- B. Details of the premises where the goods or services are to be displayed.
- C. The roads listed below are maintained by TFL who require a **2.8m** clearance from the edge of the kerb or any street furniture before any display may start, therefore the measurements submitted on the application form must allow for this clearance.

**London Road numbers 758 and 737 upwards, Thornton Road, Purley Way, Coulsdon, Addiscombe Road, Godstone Road and Wickham Road.**

All other roads in the Borough are maintained by Croydon Council who require a **2m** clearance from the edge of the kerb or any street furniture before any display may start , therefore the measurements submitted on the application form must allow for this clearance.

- D. If you intend to sell hot food and or drink after 2300 hours you will also need to apply for a premises licence please contact the Licensing Team on 0208 760 5466 who will be able to assist you.
- E. Please note that the Council has a '**Saturation Policy**' in place for **London Road** and **High Street Thornton Heath** which states the Committee will generally be minded to refuse any further requests for designation in these areas, due to 'additional sites would have a detrimental impact on the safe and convenient passage of pedestrians in that part of the street'. If you decide to make an application in this area you are reminded that all fees are **non refundable**.

**TEMPORARY LICENCE –  
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

**HEREBY LICENCE**

**MR BABIHARAN NATHIYAPARANAM**

**TO USE SITE KNOWN AS**

**Quality Shop**  
1131 London Road  
Norbury  
London  
SW16 4XD

**TO DISPLAY**

Fruit and Vegetable

**SIZE OF DESIGNATED DISPLAY**

Length 2.30 m, Width 90 cm, Height 1.5 m

**PERMITTED DAYS & TIMES**

Sunday 9:00 am - 10:30 pm  
Monday - Saturday 9:00 am - 11:00 pm

**This licence is issued subject to compliance with the licence conditions attached**

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.  
This licence may not be transferred to any other person.**

**Date Licence Valid From: 01.09.2020**

**Date Licence Expires: 17.03.2021**

**Licence Number: 20/03224/STT**



**Issued on Behalf of : Licensing Manager  
Place Department**

**Licence Conditions**

**Transport for London Maintained Roads**

1. The licensee shall ensure that there is a minimum clear passage of **2.8 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp post etc) – whichever is the nearer to the display.
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.  
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.



APPLICANT = 1131 LONDON ROAD, NEAR BY DESIGNATED DISPLAYS



X = 1131 LONDON ROAD

Tel/Typetalk: 0208 726 6000 x 62457  
Fax: 020 8760 5786  
Minicom: 020 8760 5797  
Please ask for/reply to:

Babiharan Mathiyaparanam

Your Ref:  
Our Ref:  
Date: 29 October 2020

London

Dear Sir

**Subject: Street Designation Order**

**Address: 1131 London Road Norbury London SW16 4XD**

I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states;-

***'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.***

**- Entire length of London Rd**

**-Entire length of High St Thornton Heath**

***Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list. '***

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

**Please note that all fees paid are non-refundable should the application be refused**

Yours sincerely



Licensing Officer

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|   |  |
|---|--|
| <b>REPORT TO:</b>   | <b>LICENSING COMMITTEE<br/>17 MARCH 2021</b>   |
| <b>AGENDA ITEM:</b>   | <b>7</b>   |
| <b>SUBJECT:</b>   | <b>LICENSING ACT 2003 –<br/>REVIEW OF CUMULATIVE IMPACT ZONES/POLICIES<br/>WITHIN LONDON BOROUGH OF CROYDON STATEMENT<br/>OF LICENSING POLICY &amp; CREATION OF CUMULATIVE<br/>IMPACT ASSESSMENT</b> |
| <b>LEAD OFFICER:</b>  | <b>Executive Director, Place Department</b>  |
| <b>CABINET MEMBER:</b>  | <b>Cllr. David Wood, Cabinet Member for Communities,<br/>Safety &amp; Resilience</b>   |
| <b>WARDS:</b>   | <b>ALL</b>   |
| <b>CORPORATE PRIORITY/POLICY CONTEXT:</b><br><p>This report is specific to a statutory requirement under the Licensing Act 2003 and statutory guidance and supports the effective delivery of among other policies the Community Strategy 2016-21 priorities of a Place to learn, work and live; a Place of opportunity for everyone and a Place with a vibrant and connected community and voluntary sector and the Corporate Plan 2018-22 priorities that everyone feels safer in their street, neighbourhood and home.</p> |  |
| <b>FINANCIAL SUMMARY:</b><br><p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the Licensing Committee and full Council, if necessary.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>  |  |
| <b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>   |  |

**For general release**

|  |
|--|
| <b>1. RECOMMENDATIONS</b>  |
| <p>The Committee is asked to:</p> <p>1.1. Consider the response to the consultation on the proposal to maintain Cumulative Impact Areas as currently set out in the Licensing Statement of Policy 2018 and the reasons for this and</p> <p>1.2 Agree that, as a result of the response to the consultation:</p> <p>1.2.1 no changes are currently required to the assessment of Cumulative Impact Areas which form part of the Licensing Statement of Policy 2018</p> <p>1.2.2 the Licensing authority remains of the opinion that the number of relevant authorisations in respect of premises in one or more parts of its area</p> |

described in the assessment of cumulative impact (cumulative impact zones) as part of the Statement of Licensing Policy 2018 is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in that part or those parts

- 1.3 Agree that the Council's Licensing Policy under the Licensing Act 2003, copy attached at Appendix 1 to this report, shall remain unchanged until a future review is conducted, as detailed in paragraph 3.10 of the report and as such, no reference to Full Council is required.

## **2. EXECUTIVE SUMMARY**

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

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

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

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

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

- 2.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. The Act requires the Council to review & re publish its policy every 5 years but it may also review it at any time within that 5 year period should it see fit. The policy was last reviewed in 2017 and re published in February 2018 and is therefore due to be reviewed in 2022. A copy of the current policy is attached at Appendix 1.
- 2.3 Since the Licensing Act 2003 was enacted, the Government has produced statutory guidance to accompany it and the concept of 'cumulative impact' has always been detailed in this statutory guidance. Cumulative impact is the potential impact on the promotion of the licensing objectives (listed at 2.1 above) of a number of licensed premises concentrated in one area. This Council had one cumulative impact zone in its policy from first publication in 2004 and introduced a further four 'cumulative impact zones' (CIZ's) into its licensing policy when it was reviewed in 2013. When the policy was last reviewed, the original one from 2004, that concerned 'On' licensed premises within the town centre was removed but the four later ones that relate to 'Off' licensed premises were retained.

- 2.4 Subsequent to the publication of the current Licensing Statement of Policy, the statutory guidance was updated in April 2018 to reflect an amendment to the Licensing Act 2003 which placed cumulative impact on a statutory footing.

### **3. DETAIL**

- 3.1 All four current CIZ's relate specifically to premises that are permitted to sell alcohol for consumption 'Off' the premises – Off Licenses. In April 2018, just after the Council published its current policy, the Government gave cumulative impact a statutory footing by incorporating it into the legislation (not just the guidance) and the term Cumulative Impact Assessment (CIA) was introduced. It is the same concept as CIZ's though, in that any decision to introduce a CIA must be evidence based and a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described. That evidence is then used to justify the statement that it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives.
- 3.2 A cumulative impact zone or a cumulative impact assessment does not however change the fundamental way that licensing decisions are made. Members will be aware that it is only when an application has drawn relevant representations and been referred to the licensing sub-committee as a result of those representations, that cumulative impact can be considered. Each case must then be determined on its merits and it is open to the licensing authority to grant an application where it considers that the applicant has demonstrated that their application supports the licensing objectives and that they would not be adding to the cumulative impact if their application was granted. Where no relevant representations have been received, the Sub-Committee's ability to consider the matter is not engaged.
- 3.3 When Cumulative Impact Assessments were given statutory status on 6 April 2018, there were no transitional or grandfather provisions applying to cumulative impact zones already in existence which had been introduced in line with the then Statutory Guidance. They remained in place as part of the Council's Statement of Licensing Policy but it was recommended in current guidance that they be reviewed within a maximum of three years following the legislative change or when the licensing policy was next reviewed, whichever was the sooner. The requirement to consider and review any Cumulative Impact Areas in place also forms part of the statutory requirements on the Council. Therefore the Council must, as it stands, review its existing cumulative impact policy (zones) before 6 April 2021 and if the evidence base exists, produce a Cumulative Impact Assessment.
- 3.4 Ordinarily, with the aim of reviewing cumulative impact, through the course of 2020 the Council would have been gathering evidence which would either indicate whether there was the continued need for a cumulative impact assessment in the areas currently covered, whether there was a need for a cumulative impact area in places not currently covered or indicate that there were no longer any issues with cumulative impact in the borough. However, the Covid-19 pandemic changed people's behaviour and then the first national 'lockdown' started at the end of March and continued for some four months.

Life returned to a semblance of normal over the summer months but virus transmission rates started to rise again in September, leading to the introduction of the tier system and then ultimately the second 'lockdown' which was followed shortly thereafter by the third "lockdown". Throughout 2020 and into 2021, business activity and people's movements were restricted and disrupted and this also had an effect on the nature and locality of criminal and anti-social behaviour (because for large parts of the year people simply weren't on the streets as they usually would be or making use of businesses and services in the way they historically had) and any cumulative impact which may ordinarily have been present. As a result, it was considered that any assessment of such matters would not provide accurate or robust enough data on which to determine whether cumulative impact is still an issue or had become an issue in other areas in the borough – and any decision to maintain or remove the concept of cumulative impact in a given area would not be based on firm evidence.

- 3.5 The licensing authority must meet its statutory obligations and review its existing cumulative impact zones but the Government advised that there was insufficient time to alter the legislation in light of Covid-19 and permit a postponement of the statutory deadline for review of cumulative impact. The Government have however suggested that licensing authorities may take a pragmatic approach and effectively retain the status quo until times allow a more reliable evidence base to be assessed. Other local authorities had lobbied Government requesting a 'rolling forward' of the existing arrangements and the Government have indicated such a pragmatic approach is acceptable, although no legislative changes have been made in this regard.
- 3.6 Following the report to the Committee on 9 December 2020 the Council, as licensing authority undertook a seven week consultation, with the proposal that we 'roll forward' our current cumulative impact policy in its current form on the understanding that a comprehensive review will be undertaken at a later stage when there is a more balanced picture of whether or not cumulative impact remains an issue or has become an issue in other areas of the Borough and consider any representations we receive in response. The Council must review its overarching Statement of Licensing policy in 2022. It could, at the same time review the cumulative impact areas within it and produce a new Cumulative Impact Assessment or it could gather evidence and review the existing cumulative impacts separately, before that.
- 3.7 Section 5(3) of the Licensing Act 2003 specifies which parties must be consulted with as part of any review of cumulative impacts and these are –
  - the chief officer of police for the licensing authority's area
  - the fire and rescue authority for that area
  - each Local Health Board for an area any part of which is in the licensing authority's area
  - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
  - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,

- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

- 3.8 On 30 December 2020, for the purposes of the consultation, the Council sent a copy of the current policy document (Appendix 1), together with a covering letter (copy attached at Appendix 2) to the organisations, groups and individuals listed at Appendix 3.
- 3.9 One comment was received during the consultation period, which came collectively from the West Thornton Ward Councillors and articulated support for maintaining the CIZ's that covered London Road, Brigstock Road and High Street, Thornton Heath. A copy is attached at Appendix 4.
- 3.10 In light of the consultation undertaken and the response received, it is recommended that the licensing committee proceeds to 'roll forward' the Council's cumulative impact policy in its current form on the understanding that a comprehensive review will be undertaken at a later stage when there is a more balanced picture of whether or not cumulative impact remains an issue or has become an issue in other areas of the Borough. This review may be undertaken as part of the statutory review of the Licensing Statement of Policy or at such earlier time as is appropriate.

#### 4. CONSULTATION

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

| DATE     | ACTION                              |
|----------|-------------------------------------|
| 09.12.20 | Licensing Committee                 |
| 30.12.20 | Commence consultation               |
| 17.02.21 | Deadline for consultation responses |
| 17.03.21 | Licensing Committee                 |

#### 5. FINANCIAL CONSIDERATIONS

##### 1 Revenue and Capital consequences of report recommendations

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

##### 2 The Effect of the Decision

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

##### 3 Risks

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

##### 4 Options

There are no other options available to the Council

## **5 Savings/Future Efficiencies**

None identified

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

## **6. COMMENTS OF THE SOLICITOR TO THE COUNCIL**

- 6.1 The Solicitor to the Council comments that the Statement of Licensing Policy provides the framework under which the licensing function is administered and the Council's approach under the Licensing Act 2003. Cumulative Impact areas and arrangements form part of the Council's Statement of Licensing Policy.
- 6.2 The Licensing Act 2003 (the "Act") requires that a review of the Cumulative Impact Assessment is undertaken within a three year period either following the introduction of the statutory provisions pertaining to cumulative impact, which came into force on 6 April 2018 or within three years of previously introducing a cumulative impact assessment. In undertaking the required review the Licensing Authority must consult the parties identified in Section 5(3) of the Act (as detailed in paragraph 3.7 above) and provide them with the information required in 5A(6) in other words:
- (a) the reasons why it is considering publishing a cumulative impact assessment;
  - (b) a general indication of the part or parts of its area which it is considering describing in the assessment;
  - (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- 6.3 If the outcome of the consultation indicates that there needs to be an amendment or update to the Statement of Licensing Policy, this must be referred to Full Council for consideration and determination.
- 6.4 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version was issued by the Home Office on 6 April 2018.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of Sean Murphy, Director of Law and Governance and Deputy Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

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

## **8. EQUALITIES IMPACT**

- 8.1 The recommendations coming from this report will not have any implications on groups that share a protected characteristic.

Approved by: Yvonne Okiyo – Equalities Manager



## **9. ENVIRONMENTAL IMPACT**

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

## **10. CRIME AND DISORDER REDUCTION IMPACT**

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

## **11. DATA PROTECTION IMPLICATIONS**

- 11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

**NO**

The Director of Public Realm comments that agreeing the recommendations in this report will not result in the processing of personal data.

Approved by: Steve Iles, Director of Public Realm

**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health,  
Trading Standards and Licensing Tel. Ext. 61838

**BACKGROUND DOCUMENTS:** None

### **APPENDICES:**

**Appendix 1 (Pages 61-100):** Current Statement of Licensing Policy

**Appendix 2 (Pages 101-104):** Letter to Stakeholders

**Appendix 3 (Page 105):** List of Stakeholders

**Appendix 4 (Page 107):** West Thornton Ward Councillors Supporting Email

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# **‘STATEMENT OF LICENSING POLICY’**

**PUBLISHED IN ACCORDANCE WITH THE  
PROVISIONS OF THE LICENSING ACT 2003  
ON 26 February 2018 FOLLOWING REVIEW**

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## **APPENDICES**

- 1 Definitions
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- 4 Map of borough showing incidents of Anti Social Behaviour in 2016 together with location of off licences and the four Cumulative Impact Zones
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  - Map B showing figures for 2014-2016
- 6 Contact details, advice and guidance
- 7 Endnotes & References**



## **CROYDON COUNCIL – STATEMENT OF LICENSING POLICY**

### **1. INTRODUCTION**

- 1.1 The London Borough of Croydon covers an area of 86.5 sq. kms. and has a population of approximately 382,000.
- 1.2 The Borough is mainly urban in character, being made up of a number of district retail and commercial centres each surrounded by residential accommodation.
- 1.3 Croydon town centre is a well-defined retail and commercial area with a large number of shops and offices. Croydon's Growth Zone is almost entirely contained within the town centre and by 2021 there will be between 1,147 and 2,230 new households within 500 metres of the Growth Zone. 46% (61 out of 133) of all Croydon developments in the Local Plan are within 500 metres of the Croydon Growth Zone. The town centre also has a significant number of premises providing regulated entertainment, the sale of alcohol and late night refreshment in the area.
- 1.4 The remainder of the licensed premises are spread throughout the Borough, both in the district centres and in residential areas.
- 1.5 Premises and events that are required to be licensed under the Licensing Act 2003 do currently and will continue to, make an essential contribution to the economic and cultural development of the Borough, through the provision of entertainment, leisure facilities and employment.

### **2. THE LEGISLATION AND THE COUNCIL**

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

### **3. DEVELOPMENT OF THIS POLICY**

- 3.1 This 'Licensing Statement' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued by the Home Office under Section 182 of the Act.
- 3.2 There are a number of groups who have a stake in licensing, including providers, customers, residents and regulators, all who have views and concerns that require consideration as part of the licensing function.
- 3.3 Before publishing this Licensing Statement, the Council consulted widely, including with the Chief Borough Police Officer, the Chief Officer of the London Fire Brigade and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the Borough.
- 3.4 The Council also consulted with the Director of Public Health, local bodies representing consumers and promoting tourism and neighbouring authorities.
- 3.5 The Council has given proper weight to the views of all the persons/bodies consulted before publishing this finalised Licensing Statement.
- 3.6 The revised Licensing Statement will take effect on the 26 February 2018. It will remain in force for a period of not more than 5 years. Currently, it will be subject to review and further consultation by 26 February 2023 at the latest.
- 3.7 During that period it will be subject to review and revision, with necessary consultation, at such times as the Council considers appropriate.

### **4. ASPIRATIONS AND FUNDAMENTAL PRINCIPLES**

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

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

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

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

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

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

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

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

- 4.5 Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces. The Council is particularly keen to see venues, small and large that are able to provide live music, drama and the performance of dance, both for entertainment but also to develop new talent and allow it to perform and grow in front of an audience.
- 4.6 London is a 24 hour City and is renowned throughout the World for its wide range of entertainment venues, leisure activities, food venues, creativity and openness to new ideas. London encourages and nurtures talent. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from [London.gov.uk](http://London.gov.uk)), which sets out The Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Croydon wishes to be part of that and to be a destination for tourists and visitors as well as ensuring people who live and work in the borough are provided with as wide a range of entertainment facilities and food venues as possible. These desires can be met and can be provided safely, so long as businesses are well run.
- 4.7 However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses and to ensure that where a premises provides licensable activities, this is done in a way that promotes the four licensing objectives in the Act and complies with the Statutory requirements. Licensing is a balance and requires consideration of all these various needs.
- 4.8 The fundamental principles of the Act and its accompanying guidance are that nothing in this 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
  - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 4.9 Parties should be aware that, for a representation to be considered relevant, it must be one that is about the likely effect of the grant of a new licence/certificate or variation of an existing licence/certificate on the promotion of the four licensing objectives. Also, if the representation is made by an 'other person', it will not be relevant if the licensing authority considers it to be 'vexatious or frivolous', or in the case of a review, 'repetitious'.
- 4.10 Applicants and those making relevant representations in respect of applications or seeking a review of a licence or a certificate have the right of appeal to the Magistrates' Court against the decisions of the Council.



- 4.11 In considering all licence/certificate applications, the Council will take into account the character of the surrounding area, the impact of the licence/certificate on that area and the nature and character of the operation.
- 4.12 As part of any application for a premises licence/club premises certificate or a variation to an existing licence/certificate, applicants are required to submit an 'Operating Schedule', which must include the steps proposed to promote the Licensing Objectives set out in paragraph 2.2.
- 4.13 Part 5 of this Statement gives guidance to applicants on some of the matters they may wish to consider when preparing their Operating Schedules.
- 4.14 Licensing is about permitting activities but also ensuring the responsible management of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.15 However, the Council acknowledges that it can only impose conditions where relevant representations have been received on an application and that such conditions must be considered necessary for the promotion of the licensing objectives. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.
- 4.16 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

#### **NEED and CUMULATIVE IMPACT**

- 4.17 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.
- 4.18 However, the Council recognises that a significant number and type of licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Council to consider. For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions.
- 4.19 Where the Council recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for that area, if this is shown to be necessary. Reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.
- 4.20 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a special policy whereby there will be a presumption that new

premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused. A material variation may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.

4.21 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Council will consider the following:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- statistics on local anti-social behaviour offences
- the density and number of current premises selling alcohol
- Alcohol use and misuse in Croydon's population
- Claimants of benefits due to alcoholism
- Alcohol specific hospital admissions for under 18's
- Ambulance incidents and dispatches
- Alcohol related road traffic accidents
- Statistics on alcohol related emergency attendances and hospital admissions
- Mortality
- Complaints recorded by the local authority
- Evidence from local councillors and
- Evidence obtained through local consultation.

4.22 There are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

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

- i. Along the Brighton Road; South End; High Street, George Street corridor, from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street and Cherry Orchard Road in Central Croydon
- ii Along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with London Borough of Lambeth
- iii Along the Brigstock Road and High Street, Thornton Heath corridor, from the junction of Brigstock Road and London Road in Thornton Heath to the junction of High Street, Thornton Heath and Whitehorse Lane
- iv Along the length of Central Parade, New Addington

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

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

- 4.25 The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.
- 4.26 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.
- 4.27 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 4.28 The Council will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.
- 4.29 The Council will not use these policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
  - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.
- 4.30 The Council recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.
- 4.31 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 4.32 Where an application is made for a new or transfer and variation of a licence, in respect of premises that have closed and been unused and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Council would expect the applicant to make clear in

their operating schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.

- 4.33 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.
- 4.34 In addition to the cumulative impact zones listed above, the Council is aware of concerns amongst responsible authorities and residents about the number of shops licensed to sell alcohol for consumption off the premises in certain other areas of the borough and the impact they may be having on crime and disorder. It is not intended at this time to introduce cumulative impact zones in these areas, however, they will be monitored and assessed regularly and should concerns increase, consideration will be given to formally identifying them as cumulative impact zones. For the time being, those areas will be classed as special stress areas and they are as follows:
- High Street & Portland Road, South Norwood
  - Lower Addiscombe Road
- 4.35 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned and that apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises.
- 4.36 In recognising the importance of such measures, the Council will continue to seek further improvements to those already achieved in respect of planning controls and working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in the following areas:
- Provision of extensive CCTV and radio communication systems
  - Improvements to street lighting
  - Rubbish collection and street cleaning
  - Provision of better late night bus, tram, rail and taxi/minicab services
  - Provision of Police Officers/street and litter wardens
  - Designation of areas within the borough, as part of a Public Space Protection Order, where alcohol may not be consumed publicly and monitoring the possible need for future designations in other parts of the borough\*
  - Working in partnership with Croydon Borough Police on law enforcement issues relating to disorder and anti-social behaviour. These include the use of powers to issue fixed penalty notices, prosecuting those selling alcohol to people who are underage and/or drunk, confiscating alcohol from adults and children in designated areas and instant closure of licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
  - Working in partnership with Licensees and expecting them to support



existing and future agreed measures set up to promote the strategic objectives for crime and disorder reduction within the Borough

- Acknowledging the powers of the police or other responsible authorities, or a local resident or business under the 2003 Act, to seek a review of the licence or certificate

\*Would existing licence/certificate holders and new applicants please note that a number of areas within the borough of Croydon are to lie within Public Space Protection Orders (PSPO's) that may control the consumption of alcohol in public areas. Please contact the Council's licensing team if you wish to discuss how such orders may affect licensed premises.

## **5. LICENSING OBJECTIVES and OPERATING SCHEDULES**

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

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

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

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

### **5.2 Crime and Disorder**

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

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

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

5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.

- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.2.6 The Licensing Authority recommends that for certain events, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning.
- 5.2.7 Applicants and premises licence holders may wish to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police regarding the process, although the responsibility for undertaking the risk assessment remains with the Applicant/Premises License holder as neither body is able to actually undertake such risk assessments for applicants/licence holders. Applicants and premises licence holders are also reminded that the Licensing Authority is not able to recommend the services of a particular individual or company for this purpose.
- 5.2.8 Drugs, violence, anti social behaviour and theft of customers property are examples of crime and disorder issues which may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:
- effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
  - participation in responsible management schemes such as the 'Best Bar None' accreditation/award scheme
  - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
  - adoption of existing and future best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Toolkit and other recognised codes of practice including those relating to drinks' promotions, i.e. The Point of Sale Promotions published by the British Beer and Pub Association and cheap drinks deals/Happy Hours)
  - acceptance of accredited 'proof of age' documentation, as recognised by the Council in consultation with the Police
  - maintaining appropriate signage and a refusals log
  - employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards
  - provision of toughened or plastic glasses
  - provision of secure deposit boxes for confiscated items as recognised by the Council in conjunction with the Police

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

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

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

5.2.10 Where relevant representations have been made, the Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises.

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

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

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

### **5.3 Public Safety**

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

maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

- 5.3.2 The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, off licences, cafés/restaurants, fast food outlets/takeaways and sometimes open spaces.
- 5.3.3 Each of these types of premises present a mixture of different risks, with many common to most premises and others unique to specific operations. These will range from fire safety, including fire precautions and means of escape arrangements in all types of premises, to the use of scenery and pyrotechnics in theatres and special lighting effects in night clubs.
- 5.3.4 It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 5.3.5 The following examples of influencing factors are given to assist applicants when addressing the issue of public safety during the preparation of their Operating Schedule:
- the number of people attending the premises
  - the condition, design and layout of the premises, including the means of escape in case of fire
  - the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
  - the hours of operation and hours of opening if different
  - customer profile (i.e. age, mobility)
  - the use of special effects such as strobe lighting, lasers, pyrotechnics, smoke machines, foam machines etc.
- 5.3.6 Public safety issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:
- effective and responsible management of premises
  - provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards (and having SIA accreditation where necessary)
  - appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
  - suitable customer-care policies for assisting lone customers taken ill or injured etc. at the premises
  - provision of effective CCTV in and around premises
  - provision of toughened or plastic glasses
  - implementation of crowd management measures



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

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

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

The Events Policy aims include –

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

Further information on the Croydon Council Events Policy can be obtained by emailing [events@croydon.gov.uk](mailto:events@croydon.gov.uk).

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

## **5.4 Prevention of Public Nuisance**

- 5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop.
- 5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.
- 5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.

## **LICENSING HOURS**

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

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

#### **SHOPS, STORES AND SUPERMARKETS**

- 5.4.8 The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 5.4.9 However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of shops in residential areas or within one of the four relevant Cumulative Impact Zones where representations are made by the police and/or local residents and where premises are shown to be a focus of crime, disorder or nuisance. Applications to vary the permitted hours for the sale of alcohol off the premises within the above hours shall similarly be treated on their merits

#### **PREVENTION OF PUBLIC NUISANCE - GENERALLY**

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

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

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

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

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

- effective ventilation systems to prevent nuisance from odour

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

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

5.4.14 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance.

## **5.5 Protection of Children from Harm**

### **ACCESS TO LICENSED PREMISES**

5.5.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, to buy food and/or for entertainment.

5.5.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.

5.5.3 The Council will consider the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.

5.5.4 While no policy can anticipate every situation, the following are examples of premises that will raise concern:

- where entertainment or services of an adult or sexual nature is commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

5.5.5 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap-table or pole-dancing, performances involving feigned violence or horrific

incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.

5.5.6 When dealing with a licence application where limiting the access of children is considered necessary, the Council may consider any of the following options, in combination where appropriate:

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

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

### **RESPONSIBLE AUTHORITY**

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

### **PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS**

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

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

### **ACCESS TO CINEMAS**

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



## **CHILDREN AND REGULATED ENTERTAINMENT**

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

## **CHILDREN IN LICENSED PREMISES – GENERALLY**

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

- 5.5.14 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. Applicants should consider the following influencing factors, for which there is the potential for children to be exposed, when addressing the issue of protecting children from harm during the preparation of their Operating Schedule:

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

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

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

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (Public Places Charter)
- limitations on the hours when children may be present in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirement for children to be accompanied by an adult

- appropriate instruction and training for counter staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo and keeping a 'refusal' book.
- 5.5.16 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from Council Licensing and Child Protection Officers.
- 5.5.17 The Council will consider attaching Conditions to licences and certificates to protect children from harm.
- 5.5.18 While the Council expects Licence holders to comply with the law, the 2003 Act details a number of specific offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the underage sale and supply of alcohol to children.
- 5.5.19 While each case will be treated on its merits, where offences are disclosed the Trading Standards Service, as a responsible authority under the Licensing Act 2003, will consider seeking a review of a premises licence.
- 5.5.20 Designated premises supervisors and personal licence holders are also reminded of their responsibilities under the legislation to ensure that the licensing objectives are met, specifically here with regard to the protection of children from harm and are also reminded that enforcement action is not restricted solely to premises licence or certificate holders.

## **6. INTEGRATING STRATEGIES and AVOIDING DUPLICATION**

- 6.1 There are many stakeholders in the leisure industry covering a wide range of disciplines and although their strategies are not always directly related to the promotion of the licensing objectives, they often indirectly impact upon them.
- 6.2 The Council therefore acknowledges the importance of co-ordinating and integrating these policies, strategies and initiatives and will maintain multi-disciplinary working groups to ensure its licensing policy integrates with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies, as well as any other plans relating to the management of the town centre and the night-time economy.

### **CRIME PREVENTION**

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

## **CULTURAL STRATEGIES**

- 6.4 The Council will make arrangements to monitor the impact of licensing on regulated entertainment, particularly live music, ensuring that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.
- 6.5 Where there is any indication that such events are being deterred by licensing requirements, the statement of licensing policy will be examined to see if the situation might be reversed.

## **TRANSPORT**

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

## **TOURISM AND EMPLOYMENT**

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

## **PLANNING AND BUILDING CONTROL**

- 6.8 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 6.9 Licensing applications will not be a re-run of the planning application and will not cut across decisions made by the planning committee or permissions granted on appeal.
- 6.10 The Council will however expect applications for premises licences or for a variation to an existing premises licence at permanent commercial premises to be from businesses having the relevant planning consent for the property concerned. In addition, persons submitting temporary event notices should ensure the premises in question has the requisite planning consent for the proposed activities and hours of operation. Where this is not the case, applicants will be expected to show good reason why the premises do not have planning permission.
- 6.11 The Croydon Local Plan sets out the criteria that will be used to assess planning applications for any changes of use that require planning permission. Some

changes of use do not require planning permission but an application for prior approval may be required to ascertain whether there are matters related to the change of use that do require planning permission. Applicants should contact the Council's Development Management service at [development.management@croydon.gov.uk](mailto:development.management@croydon.gov.uk) with any enquiries related to planning applications or the prior approval process.

- 6.12 Any application for planning permission will be expected to take into account the impact of noise and fumes (and other forms of potential nuisance) on neighbouring premises and to provide details of any mitigating measures, as applicable.
- 6.13 The Council will ensure that if requested, reports will be sent from the licensing committee to the planning committee advising them of the situation regarding licensed premises in Croydon, including the general impact of alcohol related crime and disorder, to assist them in their decision-making.

### **ADVANCING EQUALITY**

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

### **DUPLICATION**

- 6.16 The Council will, so far as possible, avoid duplication with other legislation and regulatory regimes that already place obligations on employees and operators, e.g. the Health and Safety at Work etc. Act 1974, the Environmental Protection Act 1990, the Regulatory Reform Fire Safety Order 2005 and the Equality Act 2010 in respect of accessibility for disabled people.
- 6.17 Conditions relating to public safety will only be attached to premises licences and club premises certificates where considered necessary for the promotion of that licensing objective and not covered by any other legislation and where regulations do not cover the unique circumstances of certain licensable activities in specific premises.
- 6.18 The Council acknowledges that bingo clubs are dealt with under the Gambling Act 2005 and will have due regard to the relevant advice regarding duplicating licence conditions which has been given under both this legislation and the 2003 Act when dealing with applications relating to alcohol, regulated entertainment or late night refreshment under the 2003 Act.

## **7. LIVE MUSIC, DANCING AND THEATRE**

- 7.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote the broadest possible range of

entertainment, particularly live music, dance, street arts and theatre, for the wider cultural benefits of the community, especially for and/or involving children. In order to assist performers and entertainers, consideration will be given to obtaining licences for public spaces within the Borough where such uses take place/could take place on a regular basis.

- 7.2 In considering applications for such events, this cultural need will be carefully balanced against possible neighbourhood disturbance so that, when determining what conditions to attach to licences/certificates to promote the licensing objectives, the Council will be aware of the need to avoid measures which might deter such events by imposing substantial indirect costs.

## **8. TEMPORARY EVENT NOTICES**

- 8.1 Certain temporary events do not require a licence and can be notified to the Council by a Temporary Event Notice giving a minimum of 10 working days notice or in the case of a 'Late' Temporary Event Notice, between 9 and 5 working days notice.
- 8.2 However, bearing in mind the scale, location or timing of the event it is considered that this may not allow sufficient time for organisers to carry out full and proper risk assessments and undertake discussion on the possible crime and disorder, public nuisance and/or health and safety issues with the Council, Police and any other interested parties.
- 8.3 The Council therefore recommends that, in order to ensure that events can take place with the minimum of risk, at least 28 days notice is given. Also, bearing in mind that it may be difficult to assess an event too far in advance, it recommends that normally, not more than 90 days notice is given.

## **9. STANDARDISED CONDITIONS**

- 9.1 Where Conditions are properly attached to licences or certificates they will be tailored to the individual style and characteristics of the particular premises and events concerned.

## **10. ENFORCEMENT**

- 10.1 It is essential that licensed premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and it is the responsibility of premises licence holders and designated premises supervisors (where applicable) to ensure this happens and that regulatory compliance is maintained. The Council and its partners will make arrangements to monitor premises and take appropriate enforcement action to ensure this but enforcement action should be considered to be the last resort and such intervention should not be necessary where premises are operated & managed effectively.
- 10.2 Each of the Responsible Authorities under the Act may make representations on an application or seek a review of a premises licence/club premises certificate, based on concerns around any of the licensing objectives. That said,



it is anticipated that specific responsible authorities will take a central advisory & enforcement role, as necessary, with regard to relevant licensing objectives, for example –

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

10.3 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, originally approved by the Council's substantive Licensing Committee on 21 June 2006, using the principles of risk assessment, the Council will work closely with the responsible authorities in enforcing licensing law and inspecting licensed premises. This should ensure that resources are more effectively concentrated on problem and high risk premises. This Protocol shall be reviewed, through a separate process to this policy review in the coming months and an updated version shall be available from the Council Licensing Team and posted on the Council's website.

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

- Targeted
- Consistent
- Transparent
- Proportionate
- Necessary

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

## **11. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

11.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

11.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

11.3 Further, where there are no relevant representations on an application for the grant of a premises licence or a club premises certificate or no police objection to a personal licence or objections from the Police or Environmental Health to an activity taking place under a temporary event notice, delegated authority has been granted for these matters to be dealt with by Officers.

- 11.4 Licensing Committee will receive regular reports on decisions made by Officers so that they maintain an overview of the general licensing situation.
- 11.5 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

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

### **DEFINITIONS**

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

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

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

**‘Licensable Activities’** means:

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

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

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

**‘Regulated Entertainment’** means (subject to certain de regulation\*): where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators –

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

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

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

**‘Responsible Authority’** means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the relevant enforcing authority for Health and Safety
- the local Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- the local Trading Standards department
- the Licensing Authority
- Public Health
- The Home Office (Immigration Service)

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

- duration – limited to events lasting up to 168 hours
- scale – not more than 499 people present at any one time
- use of same premises – same premises cannot be used on more than 15 occasions in a calendar year, but subject to an aggregate limit of not more than 21 days irrespective of number of occasions
- number of notices by an individual – Personal Licence holder limited to 50 notices in one year, anyone else limited to 5 in a similar period
- in all other circumstances a Full Premises Licence or a Club Premises Certificate will be required for the period of the event involved.



### Evidence and Data

#### Alcohol use

Between 2,256 and 4,384 adults in Croydon were estimated to be alcohol-dependent in 2014<sup>1</sup>

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

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

#### Off licenses

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

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

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

#### Claimants of benefits due to alcoholism

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

#### Crime

Data<sup>3</sup> shows that there is a strong relationship between alcohol and a range of crimes including violence. Alcohol-related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon.

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

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

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

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

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

#### **Ambulance incidents and dispatches**

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

#### **Alcohol-related road traffic accidents**

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

#### **Hospital admissions**

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

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

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

#### **Mortality**

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

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

2014/15 2425

2015/16 2451

2016/17 2264

In 2016/17, out of a total of 33 London boroughs, Croydon had the 10<sup>th</sup> highest ambulance call outs related to alcohol<sup>9</sup>.

There is evidence<sup>10</sup> of a clear positive relationship between increased premises density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tends to be associated with not only an increase in alcohol consumption, but also alcohol related crime and violence and under 18 alcohol specific hospital admissions.

It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Nationally, Croydon is ranked the seventh worst borough for binge drinking and it also ranks twice the London average<sup>8</sup>.

Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Pre-loading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident<sup>11</sup>. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

In recent years, drinking behaviour has changed where more people now purchase alcohol from supermarkets and shops. More people are likely to be drinking alcohol in the home, often to excess. Croydon has seen an increase in the number of off licences and a decrease in the number of pubs<sup>12</sup>. This indicates a significant shift in sales of alcohol from the "on" trade to the "off trade". The Licensing Authority wish to ensure that the policy recognises this shift in drinking patterns. There is a good evidence base<sup>13</sup> that effective interventions to reduce the negative impacts of alcohol are those that restrict the ease of acquiring alcohol itself. This can be achieved by increasing the cost of alcohol but also reducing the hours and days of sale and by restricting the number of outlets.

A business and consumer survey conducted by the Croydon Town Centre Business Improvement District<sup>14</sup>, identified street drinking as a problem by 28% of consumers of whom 5% thought that it was a priority to improve. This view was shared by local businesses for whom street drinking at night was also a cause for concern with 71% considering this as needing improvement or a priority; street drinking during the day, while less pronounced in terms of responses was also a concern at 65%

There are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

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

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

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

### **London Road Cumulative Impact Area**

The London Road corridor, split into 3 sections, from the junction of London Road and Tamworth Road in West Croydon to the borough border with LB Lambeth has 65 premises that are licensed to sell alcohol off the premises. Local police and local residents expressed concerns about an emerging problem with street drinkers who

could source their cheap alcohol from these outlets.

### **Brigstock Road and High Street, Thornton Heath Cumulative Impact Area**

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

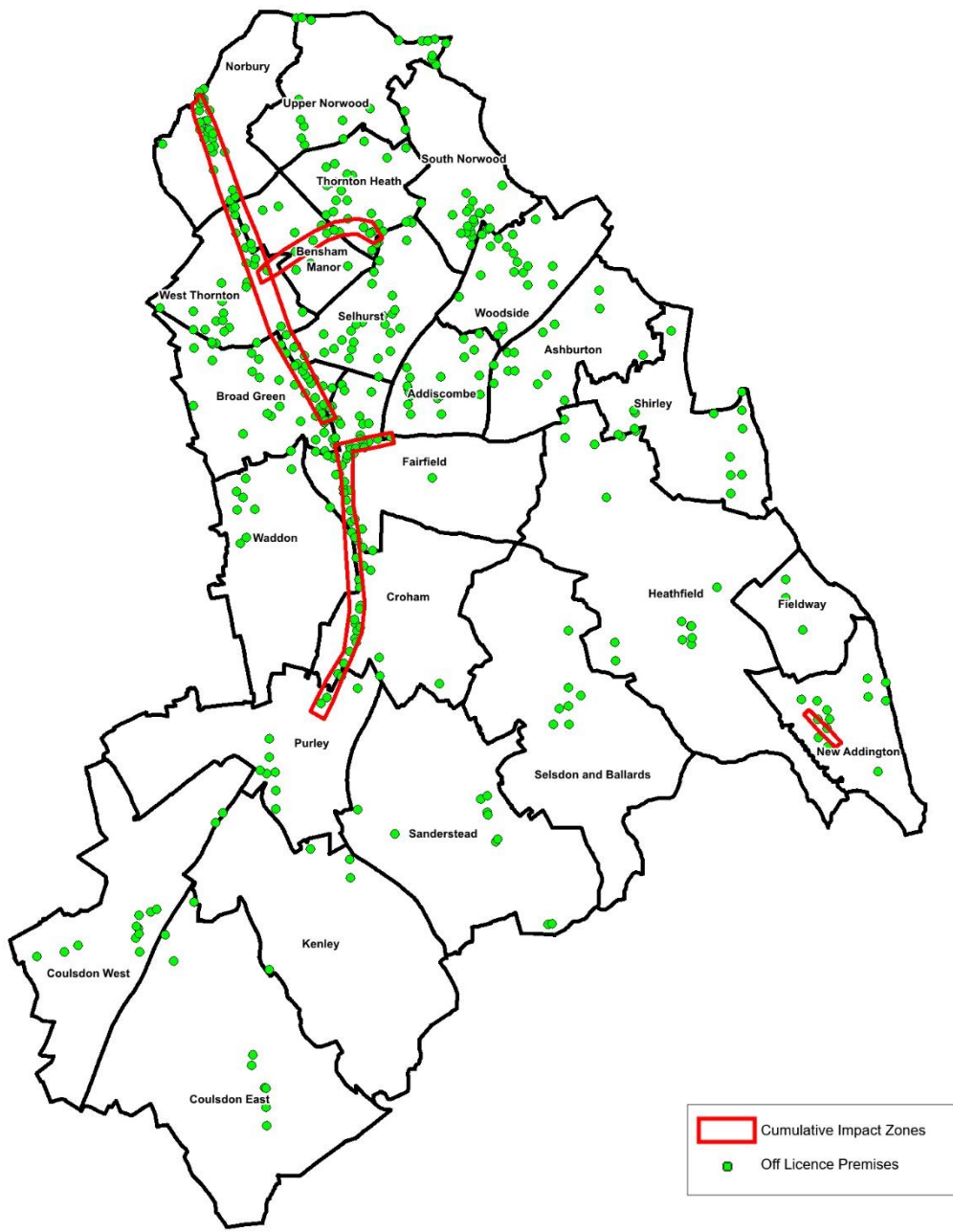
### **Central Parade, New Addington Cumulative Impact Area**

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

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

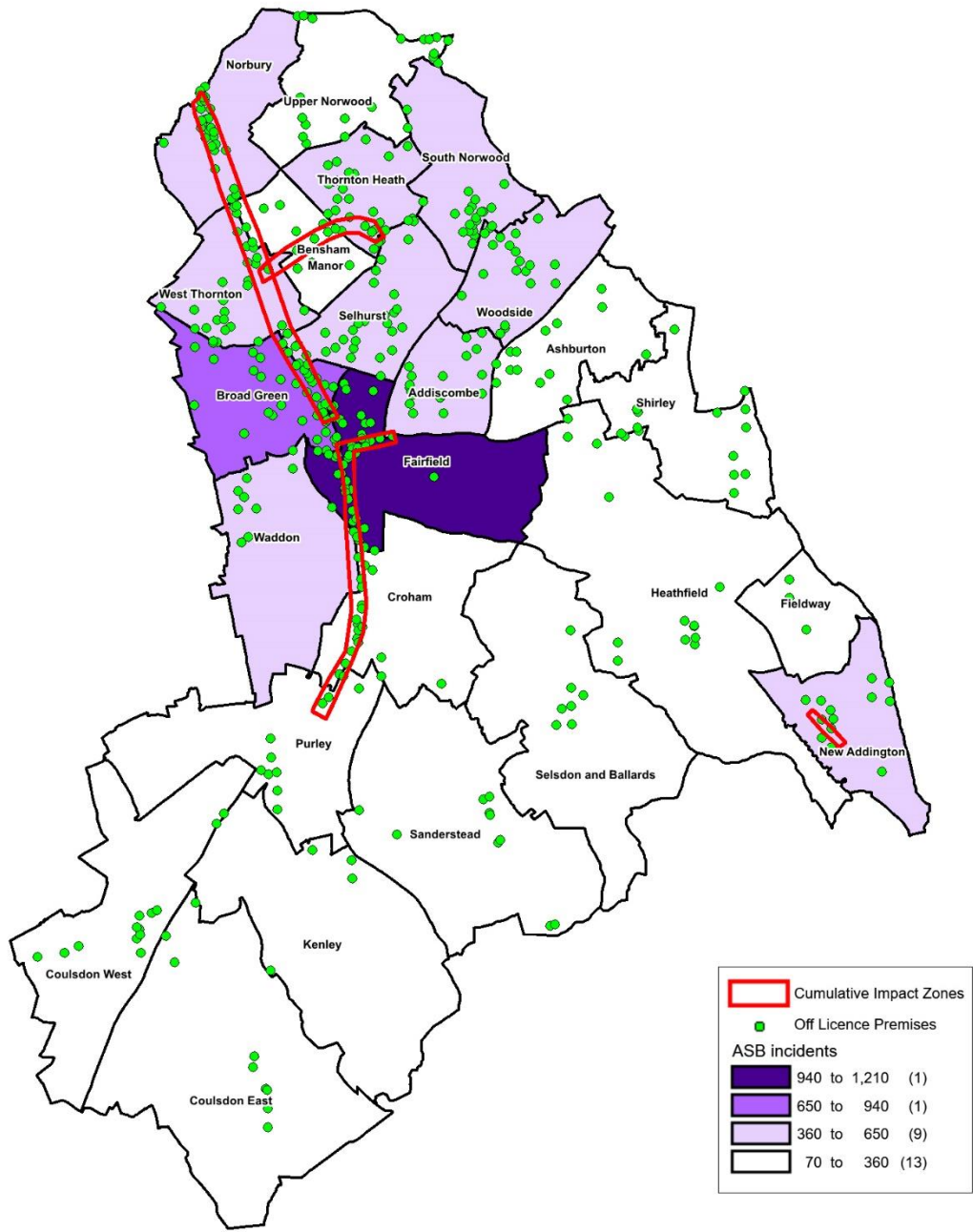
The 3 maps below detail off-licence density and indicate the four existing cumulative impact zones specific to off licences, antisocial behaviour incidents in 2016 and ambulance call-outs (dispatches) between 2011-13 & 2014-16, in Croydon.

Off Licence Premises in Croydon



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Total Anti-Social Behaviour (ASB) incidents 2016

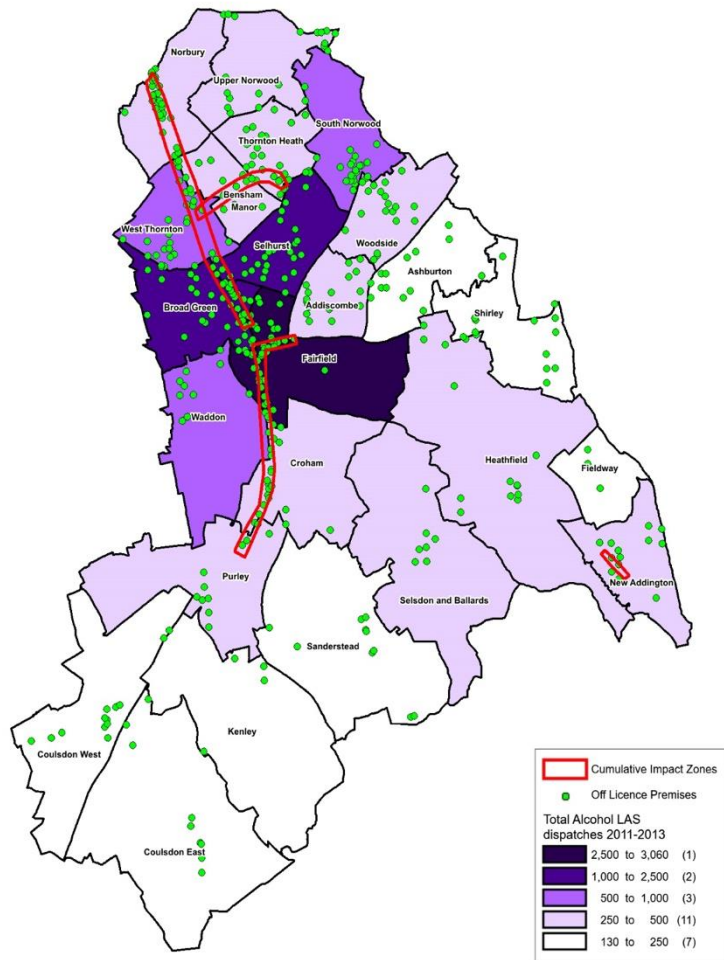


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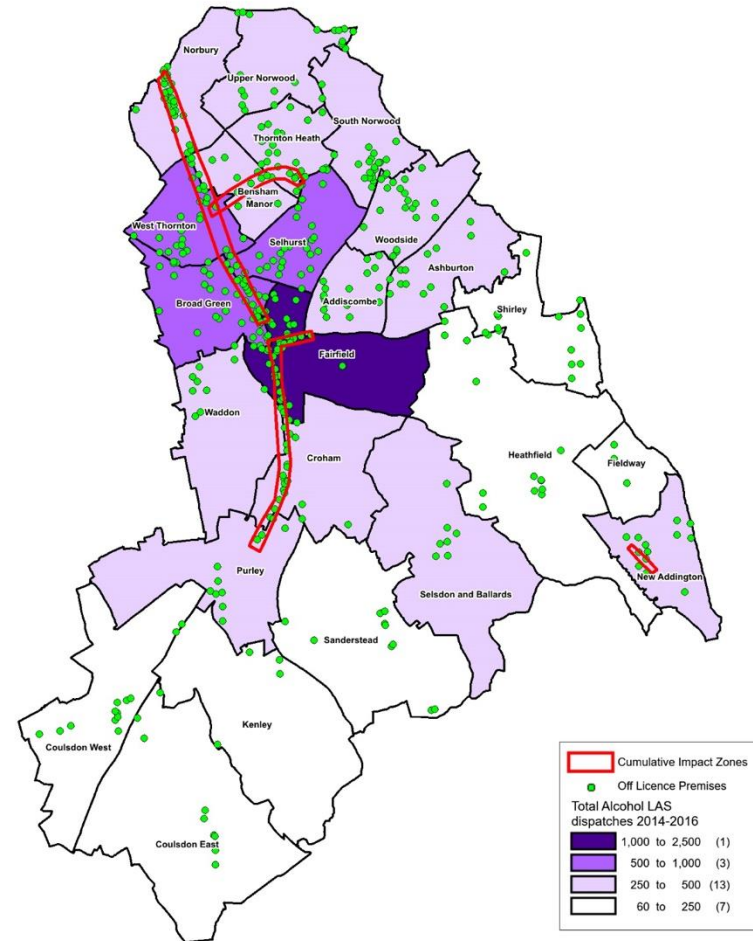
The maps below shows the total number of ambulance dispatches for alcohol-related reasons in the two years prior to and two years since the CIZs being in place

Total London Ambulance Services (LAS) dispatches for alcohol reasons (2011-2013)



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Total London Ambulance Services (LAS) dispatches for alcohol reasons (2014-2016)



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### CONTACT DETAILS, ADVICE and GUIDANCE

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

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

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

Alternatively, information, guidance and application forms can be obtained from the Home Office website at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) .

## Endnotes & References

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

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

<sup>3</sup> Metropolitan Police Service figures from Greater London Authority [https://data.london.gov.uk/dataset/recorded\\_crime\\_summary](https://data.london.gov.uk/dataset/recorded_crime_summary)

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

<sup>5</sup> Metropolitan Police Service figures from SafeStats, restricted access

<sup>6</sup> Metropolitan Police Service figures from SafeStats, restricted access

<sup>7</sup> Public Health Intelligence Profile on Croydon Crime Statistics

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

<sup>9</sup> London Ambulance Service data provided by Safestats, GLA

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

<sup>11</sup> Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5

<sup>12</sup> Croydon Council Licensing Team Data

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

<sup>14</sup> Croydon Town Centre Annual Town Centre BID Business and Consumer Survey 2013

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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

Please ask for/reply to: Michael Goddard

Your Ref:  
Our Ref:  
Date: 30 December 2020

Dear Stakeholder,

**Consultation on Review of Cumulative Impact Zones within the London Borough of Croydon's Statement of Licensing Policy – Statutory Three Year Review Of Cumulative Impact Under Licensing Act 2003**

In February 2018, the Council published its revised Statement of Licensing Policy under the Licensing Act 2003 ('the Act'). A copy of the current document can be found at: [\(link\)](#). I am writing to seek your views regarding a Statutory Review of the council's Cumulative Impact Zones within the current Statement of Licensing Policy. I should point out that the Council is not reviewing its Statement of Licensing Policy as yet, however part of the Statement of Licensing Policy provides details of four specific areas within the borough which have been identified as Cumulative Impact Zones, and it is on these zones we are seeking your views on cumulative impact as detailed below.

A licensing authority may publish a document ("a cumulative impact assessment") stating that the licensing authority considers that the number of relevant authorisations, (such as premises licenses) in respect of premises (all premises or of a particular type) in one or more parts of its area described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Licensing Act 2003 (Section 4(1)) to grant any further relevant authorisations in respect of premises in that part or those parts. A cumulative impact assessment must set out the evidence for the authority's opinion as set out in the cumulative impact assessment.

The four Cumulative Impact Zones (CIZ) in Croydon are areas where evidence has indicated that the number, type and density of licensed premises for off-sale consumption of alcohol (off sales) is having a detrimental impact on the licensing objectives.

The current Cumulative Impact Zones which include off licences, shops and supermarkets selling alcohol for consumption off the premises are as follows:

- I. Along the Brighton Road; South End; High Street, George Street corridor, from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street and Cherry Orchard Road in Central Croydon
- II. Along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with London Borough of Lambeth
- III. Along the Brigstock Road and High Street, Thornton Heath corridor, from the junction of Brigstock Road and London Road in Thornton Heath to the junction of High Street, Thornton Heath and Whitehorse Lane
- IV. Along the length of Central Parade, New Addington

Where the Licensing Authority has assessed cumulative impact and put cumulative impact zones in place, it has a responsibility to carry out a review of those zones every three years to assess whether cumulative impact remains an issue. If so, the authority must then produce and publish a Cumulative Impact Assessment. If the authority does not consider that such zones should be retained, it is required to publish a statement to that effect.

Ordinarily, throughout the course of 2020, the Council would have been gathering evidence about impacts of licensed premises in the borough which could either indicate there was the continued need for a cumulative impact assessment in the areas currently identified as cumulative impact zones, or indicate that there were no longer any issues with cumulative impact in those areas. Data gathered would also be used to assess whether or not cumulative impact presents an issue in any other areas in the borough, which could indicate a need for additional areas or types of premises to be included within the cumulative impact assessment.

Covid-19 measures required significant changes to people's behaviour during 2020 - business activity and people's movements have been restricted and disrupted. As a result, it is considered that any assessment of the effects of cumulative impact within the borough, and indeed any criminal and anti-social behavior linked to premises licensed for 'Off' sales, would not provide the accurate or robust data needed to determine whether cumulative impact is still an issue, or if any new areas should be considered.

The licensing authority must meet its statutory obligations to consider whether or not to retain existing CIZs. However, due to the impact Covid-19 has had on people's movements and behaviour in 2020, the Council, as licensing authority has decided to undertake a consultation on the proposal that we 'roll forward' our cumulative impact zones (and therefore the cumulative impact assessment). Under this proposal the council would carry out a comprehensive review at a later stage when there is a more accurate picture of whether or not cumulative impact remains an issue or has become an issue in other areas of the Borough.



Your response to this consultation will help the Council to undertake this consideration. The Council must review its overarching Statement of Licensing policy in 2022 and it will, at the same time review the cumulative impact areas within it. The Council will then produce a Cumulative Impact Assessment, if appropriate, or may decide to gather evidence and review cumulative impact separately, before that.

Please let us know your views on our proposal to “roll forward” Croydon’s four existing Cumulative Impact Zones. This consultation starts on 30 December 2020 and runs for seven weeks until 17 February 2021.

Before responding, you may find it helpful to read, in particular, paragraphs 4.17 – 4.36 and appendices 1-5 of the current Statement of Licensing Policy ([link](#)) which details the current CIZs and send us your comments on the proposal. **Please email your comments to [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk).**

To be taken into account, your comments need to be received by no later than **5pm on 17 February 2021**.

If you require this information in a different format, please contact the council’s licensing team on 020 8760 5466 or [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk) .

Yours faithfully,

A handwritten signature in black ink, appearing to read 'David Wood', with a long, sweeping horizontal line extending to the right.

Councillor David Wood  
Cabinet Member for Communities, Safety & Resilience

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- All LB Croydon Ward Councillors
- The three Borough MP's
- Metropolitan Police
- London Fire Brigade
- Public Health Department
- The New Addington, Purley and Croydon Town Centre BID's
- London Road Business Association
- Crystal Palace Business Association
- Croydon BME Forum
- Croydon Pub Watch
- 24 random holders of a personal licence issued by LB Croydon
- 10 random premises holding a Club Premises Certificate issued by LB Croydon
- 52 random holders (or their representatives) of premises licenses issued by LB Croydon, though we ensured a significant number were Off Licenses.
- The Federation of Small Businesses
- The Wine & Spirit Trade Association
- UK Hospitality (formed by the merger of the Association of Licensed Multiple Retailers and the British Hospitality Association)
- In addition to the above, the consultation documents were also placed on the Council website under the 'Get Involved' facility regarding current consultations.

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**From:** King, Stuart

**Sent:** 04 January 2021 19:01

**To:** LICENSING <[LICENSING@croydon.gov.uk](mailto:LICENSING@croydon.gov.uk)>

**Cc:** Wood, David <[David.Wood@croydon.gov.uk](mailto:David.Wood@croydon.gov.uk)>; Khan, Bernadette

<[Bernadette.Khan@croydon.gov.uk](mailto:Bernadette.Khan@croydon.gov.uk)>; Campbell, Janet <[Janet.Campbell@croydon.gov.uk](mailto:Janet.Campbell@croydon.gov.uk)>

**Subject:** Re: CIAConsDec20LA03CovLetDW

Dear ,

As the three ward councillors for West Thornton ward, we wish to express our support for the “rolling forward” of the following Cumulative Impact Zones:

- London Road
- Brigstock Road/Thornton Heath High Street

We are aware that despite the establishment of these Zones, there has nonetheless been an increase in incidences of anti-social behaviour that are alcohol-related and originate in particular from street drinking.

Yours sincerely

**Councillors Stuart King, Janet Campbell & Bernadette Khan**

West Thornton ward councillors | London Borough of Croydon

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