

# Licensing Sub-Committee Agenda



To: Councillors Robert Canning, Pat Clouder and Margaret Bird

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Wednesday, 24 March 2021** at **10.30 am**. Members will be sent a meeting invite in due course.

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Tuesday, 16 March 2021

Members of the public are welcome to watch the webcast both live and after the meeting has completed at <http://webcasting.croydon.gov.uk>

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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. Appointment of Chair**

To appoint a Chair for the duration of the meeting.

### **2. Apologies for Absence**

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

### **3. Disclosure of Interests**

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

### **4. Urgent Business (if any)**

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

### **5. Licensing Act 2003: Application for a Premises Licence at Merryn, The South Border, Purley, CR8 3LD (Pages 5 - 116)**

The Sub-Committee is asked to determine whether to grant the application for a premises licence.

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

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

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

## **PART B**



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<b>REPORT TO:</b>	<b>LICENSING SUB COMMITTEE 24 MARCH 2021</b>
<b>AGENDA ITEM:</b>	<b>5</b>
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE</b>
<b>LEAD OFFICER:</b>	<b>Executive Director, Place Department</b>
<b>CABINET MEMBER:</b>	<b>Cllr. David Wood, Cabinet Member for Communities, Safety &amp; Resilience</b>
<b>WARDS:</b>	<b>Purley &amp; Woodcote</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
This report is specific to this application and has no implications on the Council's Corporate Policies.	
<b>FINANCIAL SUMMARY:</b>	
This application is being processed as part of normal duties carried out by the Department with no additional costs involved.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> N/A	

For general release

<b>1.</b>	<b>RECOMMENDATIONS</b>
1.1	The Sub-Committee is asked to determine whether to grant the application for a premises licence at Merryn, The South Border, Purley, CR8 3LD.

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to advise the Sub-Committee that an application has been received for a premises licence under the Licensing Act 2003 ("the Act"). This application is the subject of representations, therefore a hearing is required.

## **3. DETAIL**

- 3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06, A/40/07 and A/07/12 refer and the Protocol was last amended by the licensing committee on 30 September

2020, minute 15/20 refers).

- 3.2 The applicant and the parties making the representations have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 “the Regulations”. Information to accompany the notice of hearing was provided to the applicant and the parties making representations in accordance with “the Regulations”.
- 3.3 Appendix A to this report provides details of this application.

#### **4. 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 4.2 & 4.3. This application is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

##### **2 The effect of the decision**

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

##### **3 Risks**

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

##### **4 Options**

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

##### **5 Savings/ future efficiencies**

None identified.

##### **6 (Approved by: Flora Osiyemi, Head of Finance Place, Residents & Gateway)**

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

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that the sub-committee must determine the application, taking into account relevant representations, the Licensing Act 2003, the regulations made thereunder statutory guidance and the Council’s own licensing policy.

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

## **6. HUMAN RESOURCES IMPACT**

- 6.1 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.
- 6.2 (Approved for and on behalf of Sue Moorman, HR Director, by Jennifer Sankar, Head of HR Place).

## **7. EQUALITIES IMPACT**

- 7.1 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.

## **8. ENVIRONMENTAL AND DESIGN IMPACT**

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

## **9. LICENSING OBJECTIVES IMPACT**

- 9.1 The licensing objectives contained in the Act are:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harm.
- 9.2 Officers comments and relevant representations on the impact of the application on these objectives appear in Appendix A to the application.

## **10. HUMAN RIGHTS IMPACT**

- 10.1 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*.
- 10.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Sub Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing

Sub Committee to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).

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

## 11. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

11.1 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  
Licensing Hearings and Protocol and Procedure

### APPENDICES:

#### Appendix A (Page 9-30):

Summary, Licensing Objectives & Policy

#### Appendix A1 (Page 31-42):

Application for a Premise License

#### Appendix A2 (Page 43):

Premises License Holder Expectations

#### Appendix A3 (Page 45-67):

Representation 1

#### Appendix A4 (Page 69-71):

Representation 2

#### Appendix A5 (Page 73):

Representation 3

#### Appendix A6 (Page 75-113):

Croydon Council Statement of Licensing Policy

#### Appendix A7 (Page 69-71):

Ordinance Survey Map

## **APPENDIX A**

### **1. The Application**

- 1.1 This report concerns an application by Cock & Tails Ltd. for a premises licence at Merryn, The South Border, Purley, CR8 3LD.
- 1.2 The application seeks the following licensable activity between the hours shown –

#### **The Sale By Retail of Alcohol ('Off' the Premises)**

Monday to Sunday 1200 hours (midday) to 1800 hours

- 1.3 A copy of the relevant pages of the application is attached at Appendix A1.
- 1.4 Would the sub committee please note that, following discussions with the Council's Trading Standards Officer, the applicant has amended their application to have the conditions at Appendix A2 attached to the licence, if granted.

### **2 Promotion of Licensing Objectives**

2.1 The applicant provides details in Section 18 of their application of the steps they intend to take to meet the four licensing objectives. These steps would in turn, where applicable, be made into conditions to be attached to the premises licence, if the variation application is granted.

### **3 Relevant representations**

- 3.1 Representations have been received on this application. Copies are attached at Appendices A3 to A5.
- 3.2 The applicant has been provided with a written copy of the representations made.
- 3.3 For the purposes of the report, certain personal data has been removed from the appendices due to issues relating to Data Protection and as to the relevancy of the concerns raised, having regard to the licensing objectives.
- 3.4 Because reference is made to the Council's Licensing Policy, a copy of the policy is attached at Appendix A6.

### **4 Policy Considerations**

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



4.8 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 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.

### **5.3 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.

5.3.8 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 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.

5.5.6 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.

#### **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.

## **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.

### **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.

## **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.

The Home Office has produced Statutory Guidance under Section 182 of the Licensing Act 2003. The following paragraphs from the Guidance are reproduced below to assist the sub committee –

#### Wholesale of alcohol

3.3 The sale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of “sale by retail” in section 192 of the 2003 Act. This section makes it clear that, to be excluded from the meaning of “sale by retail”, a sale must be: • made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and • for consumption off the premises.

3.4 In addition, to be excluded, the sales must be sales which are made to: • a trader for the purpose of his trade; • to a club for the purposes of that club; • to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or • a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.

3.5 If an employee were buying alcohol as an “agent” for their employer and for the purposes of their employer’s trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee’s own consumption, this would be a retail sale, and would require a licence.

3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where a caterer purchases alcohol and then sells this alcohol to its customer, an authorisation will be required at the location where the retail sale of the alcohol is made (likely to be the caterer’s own premises). If the customer was proposing to sell the alcohol under an authorisation, it is the customer who would need an authorisation under the 2003 Act. In this case, the exemption under the 2003 Act may apply to the sale made by the caterer.

3.7 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) Revised Guidance issued under section 182 of the Licensing Act 2003 I 15 against the HMRC online database which will be available



from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcoholwholesaler-registration-scheme-awrs>.

### Mobile, remote, internet and other delivery sales

3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

### Imposed Conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.



- 4.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.
- 4.3 An ordnance survey extract map of the area with the application premises at the centre is attached at Appendix A7.



\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="SGL:288"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	<input type="text" value="Monica"/>
* Family name	<input type="text" value="Costa"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?       Yes       No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="13045248"/>
Business name	<input type="text" value="Cock &amp; Tails Ltd"/>
VAT number	<input type="text" value="-"/> <input type="text"/>
Legal status	<input type="text" value="Private Limited Company"/>

If your business is registered, use its registered name.  
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

**Registered Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

The country where the headquarters of your business is located.

Address registered with Companies House.

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address
- OS map reference
- Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)



**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21****OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises licence application is for a private residential address where the applicants business is as follows:  
Blending of alcoholic and non alcoholic beverages to produce cocktails and mocktails with fresh fruit and snacks to sell as gift boxes on line. This is a delivery service only with no members of the public permitted on the premises to buy any of the products for sale. delivery will be via a once a day pick up from Parcelforce or similar.



**Continued from previous page...**

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21****PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

**Section 7 of 21****PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

**Section 8 of 21****PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21****PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

**Section 11 of 21****PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes  No

**Section 12 of 21****PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start 12:00 Start

End 18:00 End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 12:00 Start

End 18:00 End

WEDNESDAY

Start 12:00 Start

End 18:00 End

THURSDAY

Start 12:00 Start

End 18:00 End

FRIDAY

Start 12:00 Start

End 18:00 End

SATURDAY

Start 12:00 Start

End 18:00 End



Continued from previous page...

SUNDAY

Start  End

Start  End

Will the sale of alcohol be for consumption:

- On the premises
- Off the premises
- Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start  End

Start  End

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Empty box for seasonal variations]

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

[Empty box for non standard timings]

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)



*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

All people working in the business will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

Members of the public shall not be allowed on the premises at any time.

The licence and premises are to fulfil internet generated sales for delivery by courier and no direct sales shall take place to the general public from the site.

b) The prevention of crime and disorder

A CCTV system is in operation for the overall residence, to provide security and identify any culprit who is intent in causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police.

All current security measures will remain in operation. All household members will be fully trained in the operation of the CCTV to ensure it is operational all the hours of trade. Images will be made available to the police or authorised licensing officer from the council on request.

All potential customers must verify on the payment page of the website that they are at least 18 years of age. If the applicant is in any doubt as to the age of the customer, they will only deliver the alcohol if the owner of the card that made the payment is present at the delivery address.

Orders will only be dispatched to bona fide addresses. No deliveries will be made to an open space.

All sales of alcohol for delivery must be paid for by credit card, debit card (pre-paid or otherwise) or electronic payment.

Details of the order (including the type, amount of alcohol, name and address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the printout dispatched with the order.

All delivery drivers must allow any police or authorised local authority officers to inspect any alcohol.

c) Public safety

not applicable

d) The prevention of public nuisance

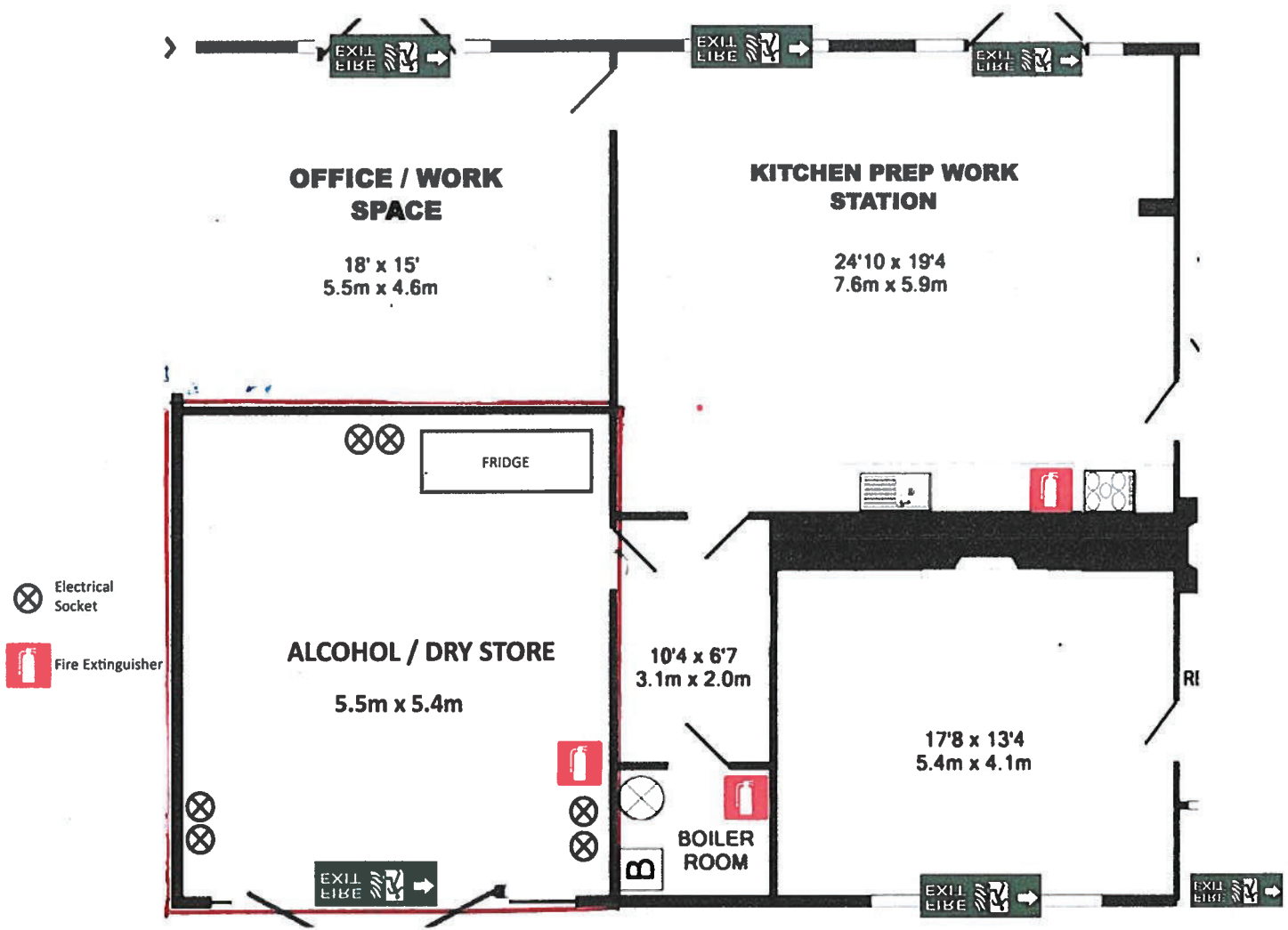
The premises will not cause any public nuisance, as it located in a residential area with once a day pick ups of stock,

e) The protection of children from harm

Deliveries only made to those over the age of 18. A challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not look 25 years old. They will be required to prove by way of photographic ID, either a passport or driving licence that they are at least 18. The card used for purchase will also be checked against the ID provided. If the business is in any doubt then the delivery of alcohol will not be made, and a full refund will be issued.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



COCK + TAILS LTD  
MERRYM  
THE SOUTH BORDER  
PURLEY  
SURREY  
CR8 3WJ.

 LICENSABLE AREA







The premises licence holder shall (ensure) –

1. Operate a Challenge 25 age-restricted sales policy.
2. Challenge 25 logos shall be prominently displayed in all advertising material associated with this premises, including any websites.
3. When placing orders for alcohol online, customers shall be reminded to provide acceptable ID - a Photo Driving Licence, Passport or PASS Card in order to take delivery of their purchase.
4. Products will be delivered by a third party courier who will employ the Challenge 25 scheme when alcohol deliveries are made, accepting only a Photo Driving Licence, Passport or PASS Card as ID.
5. Failure to provide proof of age will result in any alcohol not being delivered to the customer and returned to the premises. Records of all such refusals of delivery of alcohol, or declined sales, shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.
6. All product deliveries containing alcohol will be marked with a Challenge 25 (or similar) sticker by premises staff and the driver reminded that the customers photo ID (passport, photo driving licence or PASS proof of age card) must be requested and checked prior to fulfilling the delivery.

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Email 01.02.2021

**REP 1**

Re Cock & Tails Limited  
Merryn, The South Border, Purley, Surrey CR8 3LD

I live on the estate and wish to make an objection to the application for a new premises licence. My concerns are that the application does not fully promote the four licensing objective. Please note the following :-

**1 The Application**

There are parts of the form which are redacted in black. I believe that the public are entitled to know the name, licence number and date of birth of the DPS. This information is relevant as the DPS is the person who is accountable. Furthermore Section 17(5) of the Licensing Act 2003 require details of such person who has such an interest to be known. The consent form for the DPS is not disclosed on the council website.

**2 Planning permission**

The property is a residential property and does not have planning permission for this type of commercial use.

**3 Covenants.**

There are covenants on the Webb Estate preventing properties being used for commercial purposes. They must be used primarily as single private dwellings. This application breaches those restrictive covenants

**4 Conservation area**

The property is in a conservation area

**5 Food Registration**

The property is not registered under the Food Registration regulations 852/2009 with the Council. This is a requirement for the premises licence

**6 No Plan**

Section 17(3) Licensing Act 2003 requires the application to be supported by a plan. A plan is not attached to the application on the council website.

We have no information about the whereabouts of CCTV and the storage of the alcohol in the premises.

## 7 Prevent of Crime and Disorder.

The applicant mentioned a CCTV system. There is no plan attached of the CCTV system. The CCTV should be recording 24 hours per days, in good working order with suitable export method (CD/DVD/USB facility). Cameras should be on the entrances to capture full frame head shots

I believe that there is not enough protection from children under 18 clicking on website page using someone else's credit card stating they are 18 or over. There is no mentioned of a refusal's book or computer generated refusals recording system that can be examined on a regular basis and made available to a licensing officer, trading standards or the Police.

It is not clear who employs the delivery drivers. Are they employed by a delivery company ( or by the applicant) and how is the noise of engines and loitering of drivers to be addressed. A condition should be added so that the application is mandated to give a direct telephone number of the DPS or a manager at the premises for residents in the vicinity. What is the delivery policy of the applicant. Will drivers swich off their engines whilst waiting?

No consultation has taken place with the Neighbouring police or the Webb Estate Limited who represent the residents in connection with this application.

## 8 Public Safety.

The sale and supply of alcohol is 7 days per week from 1200 hour to 1800 hours. During the Covid 19 pandemic more the more people with children are using the roads on the Webb estate to walk and cycle, especially at weekends. The sale at weekends between 1200 and 1800 hours will make residents and others using the South Border and other roads on the Webb Estate. I request the licensing team look at this concern. It is unclear as to the size of the vehicles or motorbikes couriers will be using on the estate.

There has been an increase in crime on the estate and this has been reported to the Police. It is a concern that if people know that a property is being used for the storage of alcohol, It will generate an unhealthy interest in the area and likely to increase crime.

## 9 Public Nuisance

The use of additional vehicles used by the applicant will cause nuisance on a residential estate with noise, pollution and loitering of couriers. The applicant states that the premises are located in a residential area and if business increases the number of pickup of stocks will increase to the detriment of the residential estate.

## 10 Protection of Children from harm

There are children living in the property where alcohol is stored. The applicant does not address this issue. How will they be protected from harm ?



How will the applicant deal with an adult ordering online and accepting deliveries for consumption of alcohol by children. The applicant is not a member of the Alcohol aware registration scheme (AWRS) promoted by the government to cover Section 190 cases.

#### 11 Waste

The application offers no solutions to the accumulation and disposal of waste material from Merryn. Such material can be hazardous or an obstruction. Such material should be collected at agreed hours so as not to cause residents nuisance.

#### 12 Control of Sales

This issue should be clarified. Boxes or containers of alcohol should be clearly marked and the Premises Licence should confirm the types of alcohol (with ABV or units) and the packs of alcohol that are being sold. Documented delegation of authorisation to sell alcohol should be maintained at the premises.

#### **Email 08 02.2021**

Thank you for your email. I wish to make further representations in connection with my objection for a new Premises Licence:-

1 You kindly send me a plan. The prescribed regulations state that the scale must be 1:100. The plan does not comply with his requirement.

2 With regard to the licensing objective of Protection of Harm to children, the licensing committee should be made aware of the fact that there is a school on the estate and children use the green for amenity purposes.

3 You have kindly send me details of the DPS ( Mr Marcello Moscarello). The operating schedule states that the time for trading is 1200 hours to 1800 hours seven days a week. I have attached 8 documents to this email. Please note

A Mr Moscarello had had (Doc 1) 12 directorships. 10 companies ( some registered at Merryn) have gone into liquidation or been dissolved. The remaining two are Gran Caffè Londra Limited (Reg No 07294658) and Gran Moda Limited ( Reg No 08030243 ) which are licensed restaurants. It would be interesting to establish how many licensing establishments Mr Moscarello is the currently registered DPS of. This is not clear.

B One concern is that are other business Mr Moscarello connected with going to use Merryn on South Borders for the storage of alcohol in addition to Cocks & Tails turning the property into a warehouse. If that happens there will be more deliveries and surely premises licences of other properties would have to be informed of storage of alcohol at Merryn ( such as Timo in Elgin Crescent).

C The Director of Cocks & Tails ( Monica Dina Costa ) is a director of two other companies. They both operate restaurants which sell alcohol and the same question could be raised.

D Mr Moscarello is to be the DPS at Merryn. The business will trade between 1200 and 1800 Hours. If you look at Document 5 you will see that Mr Moscarello is the DPS of Kitchen and Pantry at 14 Elgin Crescent, London W11 2HZ. This is now trading as Timo and the hours of trading are 1000 hours to 2300 hour Monday to Sundays. Apart from all the other companies Mr Moscarello is a director of or a DPS of, how can he possibly be at Merryn a DPS, whilst he is a DPS at other properties such as Timo in 14 Elgin Crescent.

E The DPS is accountable. At Timo 14 Elgin Crescent he received two warning from the council for breaches ( See Doc 6 and 7) concerning licensing and one waste management enforcement warning (Doc 8). Are the licensing officers happy with the current licensing record of the DPS or does the application require a new DPS.

I am quite happy for you to release my address.

**Email 08.02.21**

Thank you for your email. Several other points I wanted to mentioned are :

1 The hours for the sale of alcohol on the application form are 1200 to 1800. The applicant's website states the hours are 9000 hours to 2000 hours Monday to Friday and 1100 hours to 1900 hours Sundays. I assume the website will be changing the hours.

2 During the summer 2020 residents on the Webb Estate received leaflets through their doors i(ncluding me) from Cocks and Tails Limited for the sale of alcohol online. Are the council aware of this. The website of the applicant is [www.cockntails.co.uk](http://www.cockntails.co.uk). The applicant has stated in her recent email that since April 2020 gift boxes containing alcohol have been finished off from Merryn when the premises did not have a premises licence.

3 The website states that there will be "same day delivery" and "now serves nationwide". It further states that the "brand has expanded through the home counties". However, the applicant has informed residents on the estate by a recent email that it is small seasonal business involving no machinery with collections by DHL or parcel force.

# Companies House

A3

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<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>

①

PRIMADELL LIMITED

Company number 03436015

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/03436015/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/03436015/persons-with-significant-control)

## Filter officers

Current officers

Apply filter

11 officers / 9 resignations

### COSTA, Monica

Correspondence address

Role Active **Secretary**

Appointed on 30 October 2010

### MOSCARELLO, Marcello

Correspondence address

Role Active **Director**

Date of birth

Appointed on 2 July 2001

Nationality

Country of residence **England**

Occupation **Director**

### COSTA, Christina

Correspondence address

Role Resigned **Secretary**

Appointed on 2 July 2001

Resigned on 30 November 2010

### SCALZO, Enzo Luigi

Correspondence address

Role Resigned **Secretary**

Appointed on 30 September 1997

Resigned on 13 October 1997

### SCALZO, Nicola Domenica

Correspondence address

Role Resigned Secretary

Appointed on 17 October 1997

Resigned on 2 July 2001

## TEMPLE SECRETARIES LIMITED

Correspondence address

Role Resigned Nominee Secretary

Appointed on 18 September 1997

Resigned on 30 September 1997

## COSTA, Marco Roberto

Correspondence address

Role Resigned Director

Date of birth

Appointed on 2 July 2001

Resigned on 30 October 2010

Nationality

Country of residence United Kingdom

Occupation Company Director

## SCALZO, Christopher Mark

Correspondence address

Role Resigned Director

Date of birth

Appointed on 30 September 1997

Resigned on 2 July 2001

Nationality

Occupation Film Industry Clerk

## SCALZO, Enzo Luigi

Correspondence address

Role Resigned Director

Date of birth

Appointed on 13 October 1997

Resigned on 2 July 2001

Nationality

Occupation Caterer

## SCALZO, Nicola Domenica

Correspondence address

Role Resigned Director

A-3

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A3

Date of birth

Appointed on 30 September 1997

Signed on 13 October 1997

Nationality

Occupation Banker

**COMPANY DIRECTORS LIMITED**

Correspondence address

Role Resigned Nominee Director

Appointed on 18 September 1997

Resigned on 30 September 1997

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# Companies House

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② 0

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(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

T.M HOSPITALITY TRADING LTD

Company number 12025699

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/12025699/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/12025699/persons-with-significant-control)

## Filter officers

Current officers

Apply filter

**2 officers / 0 resignations**

### MOSCARELLO, Marcello

Correspondence address

Role Active **Director**

Date of birth

Appointed on **31 May 2019**

Nationality

Country of residence **United Kingdom**

Occupation **Company Director**

### PARASCHIV, Nicusor

Correspondence address

Role Active **Director**

Date of birth

Appointed on **9 March 2020**

Nationality

Country of residence **England**

Occupation **Company Director**

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# Companies House

A3

(3)

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

GRAN CAFFE LONDRA LIMITED

Company number 07294658

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/07294658/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/07294658/persons-with-significant-control)

## Filter officers



Current officers

Apply filter

2 officers / 0 resignations

### MOSCARELLO, Monica

Correspondence address

Role Active **Secretary**

Appointed on 24 June 2010

### MOSCARELLO, Marcello

Correspondence address

Role Active **Director**

Date of birth

Appointed on 24 June 2010

Nationality

Country of residence **England**

Occupation **Director**

[Tell us what you think of this service \(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](https://www.research.net/r/S78XJMV) [Is there anything wrong with this page? \(link opens a new window\) \(https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/07294658/officers\)](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/07294658/officers)

**MAISON SAGNE LIMITED (05954806)**

Company status **Dissolved**

Correspondence address **Merryn, The South Border, Purley, Surrey, CR8 3LD**

Role **Secretary**

Appointed on **3 October 2006**

Nationality

**TMC FILMS LIMITED (05282393)**

Company status **Dissolved**

Correspondence address **Merryn, The South Border, Purley, Surrey, CR8 3LD**

Role **Secretary**

Appointed on **10 November 2004**

Nationality

Occupation **Director**

**TMC FILMS LIMITED (05282393)**

Company status **Dissolved**

Correspondence address **Merryn, The South Border, Purley, Surrey, CR8 3LD**

Role **Director**

Appointed on **10 November 2004**

Nationality

Country of residence **England**

Occupation **Director**

**PRIMADELL LIMITED (03436015)**

Company status **Liquidation**

Correspondence address

Role **Director**

Appointed on **2 July 2001**

Nationality

Country of residence **England**

Occupation **Director**

**MOSCOS LIMITED (03508543)**

Company status **Dissolved**

Correspondence address **Merryn, The South Border, Purley, Surrey, CR8 3LD**

Role **Director**

Appointed on **11 February 1998**

Nationality

Country of residence **England**

Occupation **Business Executive**

A3



# Companies House

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4

## Marcello MOSCARELLO

### Filter appointments

Current appointments

Apply filter

Total number of appointments 12

Date of birth

### GRAN CAFFE LONDRA LIMITED (07294658)

Company status Active

Correspondence address

Role Active Director

Appointed on 24 June 2010

Nationality

Country of residence England

Occupation Director

### MONEMI LIMITED (06514012)

Company status Dissolved

Correspondence address Merryn, The South Border, Purley, Surrey, CR8 3LD

Role Director

Appointed on 26 February 2008

Nationality

Country of residence England

Occupation Director

### MAISON SAGNE LIMITED (05954806)

Company status Dissolved

Correspondence address Merryn, The South Border, Purley, Surrey, CR8 3LD

Role Director

Appointed on 3 October 2006

Nationality

Country of residence England

Occupation Director

A3



### GRAN MODO LIMITED (08030243)

Company status **Active**  
Correspondence address  
Role Resigned **Director**  
Appointed on **29 January 2019**  
Resigned on **5 March 2019**  
Nationality  
Country of residence **England**  
Occupation **Director**

### CAFFE MODO LIMITED (08030241)

Company status **Dissolved**  
Correspondence address **Merryn, South Border, Purley, England, CR8 3LD**  
Role Resigned **Director**  
Appointed on **13 April 2012**  
Resigned on **6 September 2018**  
Nationality  
Country of residence **England**  
Occupation **Director**

### GRAN MODO LIMITED (08030243)

Company status **Active**  
Correspondence address **Merryn, South Border, Purley, England, CR8 3LD**  
Role Resigned **Director**  
Appointed on **13 April 2012**  
Resigned on **26 January 2013**  
Nationality  
Country of residence **England**  
Occupation **Director**

### CAPITAL WOOD COMPANY LIMITED (05007090)

Company status **Dissolved**  
Correspondence address **Merryn, The South Border, Purley, Surrey, CR8 3LD**  
Role Resigned **Director**  
Appointed on **6 January 2004**  
Resigned on **21 September 2007**  
Nationality  
Country of residence **England**  
Occupation **Director**

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**The Royal Borough of Kensington and Chelsea**  
**Decision of the Licensing Sub-Committee ("Committee")**  
**7<sup>th</sup> March 2019**

**Kitchen and Pantry, 14 Elgin Crescent, W11 2HZ ("the Premises")**

The Committee has considered an application for the grant of a premises licence under the Licensing Act 2003.

The Committee has considered the committee papers and the submissions made by all parties, both orally and in writing. **In summary, the Committee has decided, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives : -**

1. To grant the application for a premises licence for the sale by retail of alcohol for consumption on the Premises as follows:-

Monday – Saturday from 10:00 until 23:00  
Sunday from 10:00 until 22:00

2. The opening hours of the Premises are as follows:-

Monday – Saturday from 08:00 until 23:30  
Sunday from 08:00 until 22:30

3. The licence is subject to any mandatory conditions.

The licence is subject to the further conditions set out below.

**The following conditions were offered by the Applicant in the Operating Schedule and proposed by Environmental Health (as amended during the hearing):-**

- (1) Alcohol for consumption on the Premises shall not be sold on the premises otherwise than to persons seated at the tables, taking food there by waiter / waitress service and for consumption by such a person as ancillary to food which after 20:00 hours must be a substantial meal only.
- (2) On the Sunday and Monday of the Notting Hill Carnival the premises shall be closed.

**The following conditions were proposed by Environmental Health and agreed by the Applicant (with amendments made by the Committee as discussed at the Hearing):-**

1. The premises shall close, and all patrons to have left the premises, no later than 30 minutes after the end of the permitted hours for sale by retail of alcohol on the premises.
2. Rubbish including bottles or cans shall not be deposited outside the Premises between 23:00 hours and 07:00 hours the following day.
3. Refuse collections shall not take place between 23:00 hours and 07:00 hours the following day.
4. The external doors and windows of the Premises shall be kept closed after 20:00 hours except for immediate access and egress.
5. A litter sweep shall be carried out in the immediate vicinity of the Premises after the Premises closes to the public.
6. The forecourt and the pavement immediately outside the Premises shall be kept in a clean condition and clear of any grease or other stains caused by the operation of the Premises to the satisfaction of the Council's Director of Environmental Health.

**The following conditions were imposed by the Committee**

7. A maximum of 96 people including staff and performers shall be present on the Premises and forecourt at any one time.
8. A minimum of 7 members of staff shall be on duty in the Premises from 20:00 until the Premises close to the public.
9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them, or obstruct the highway.
10. No alcohol shall be taken from the Premises in an open container.
11. All members of staff, who sell alcohol both initially and on an ongoing basis, must be properly trained to understand their responsibilities in relation to the current licensing legislation and the conditions on the premises licence. A record shall be kept both of the training given to staff members and an acknowledgement kept that staff members have been so trained, which shall be available for inspection by the Licensing Authority and the Police.

**Procedural matters**

12. The Chair of the Committee introduced the Members of the Committee who all confirmed that they had no declarations of interests.
13. The evidence before the Committee was comprised in the Report by the Director for Environmental Health (pp. 1-79).

14. The applicant, Delish by Linda Ltd was represented by Adriatik Munishi, Director, Tony Garwood, Advisor and Marcello Moscarello (the proposed Designated Premises Supervisor).
15. Keith Mehaffy, Senior Environmental Health Officer represented Environmental Health.
16. The Objectors, attending the hearing, were Councillor Nadia Nail, Althea Bunce, Roxanne Besse, Rebekah Danatanas and Mr Patel. There were 8 other representations made opposing the application (thirteen in total).<sup>1</sup>
17. Mr Munishi asked for permission to submit further documents. One document submitted was a letter dated 4th March 2019 sent to residents from Mr Munishi. There were no objections to this letter being admitted. The Committee agreed to the letter being admitted. The letter was a letter from Mr Munishi addressed "Dear Neighbour" which he sent to objectors inviting them to contact him or to meet with him to discuss the application for a premises licence. The Committee ensured that all parties had a copy of this letter in front of them.
18. Mr Munishi also asked for permission to submit a petition which he said had been signed by residents and customers in support of the application. Councillor Nail and Keith Mehaffy objected to this late introduction of evidence. The Committee agreed that this evidence should not be admitted as the parties have not had sufficient time to consider the details and validity of such a document.

### **Applicant Submissions**

19. Mr Garwood opened by explaining that the application for the performance of live and recorded music was not to enable the premises have rock music but simply to have piano music playing on around 3 days of the week and possibly only every 3 to 4 weeks. This would just be light piano music as people are enjoying their food. It would not be amplified live music. There would be no loud bass or guitar music. The application for the licence to serve alcohol would be strictly by table service only. There would be no customers standing at the bar drinking. Customers would have to be seated with a meal and served food and drinks at the table.
20. Mr Moscarello confirmed that the premises could not operate simply as a coffee shop as it would not be able to make enough money in this way. However, they do not want to become a bar or a pub. They do not want to disturb their neighbours and appreciate that they are situated next to a church and a nursery. These neighbours would not be affected by the evening trade and the sale of alcohol would be controlled to ensure this. Mr Moscarello also explained an attempt to contact residents had been made by the letter dated 4th March 2019 although they did not realise that residents were communicating through Councillor Nail and then did not have time to arrange to meet with her before today.

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<sup>1</sup> Appendix D, pages 26-46. Report by the Director for Environmental Health to the Licensing Sub-Committee on 7<sup>th</sup> March 2019.

21. Mr Moscarello acknowledged that many of the representations made by objectors are in relation to the potential for an increase in litter. He explained that the premises had been trying to deal with problem of people waiting at the bus stop just outside the premises leaving litter. Under the new license staff would control this better. People leave litter on tables when waiting for the bus and sitting at the tables. Beggars sit down all day leaving rubbish behind. It is difficult to stop this at the moment because the staff are working behind the counter.
22. In a response to a question by the Committee, Mr Moscarello stated that the premises would operate with around 60 covers and this included the tables and chairs outside. Mr Moscarello also acknowledged that the permit or license for tables and chairs outside was due for renewal in August 2019. It was noted that the permission for the use of tables and chairs ceased at 8:00 p.m. On further examination and in response to questions by the Committee, Mr Moscarello and Mr Garwood together concluded that the maximum number of people, including staff on the licensed premises and outside on the tables and chairs would be 96. Alcohol would not be served at any time to people sitting outside at the tables and on the chairs on the forecourt. There would be no takeaway food sold to customers by way of a delivery service.
23. The legal advisor to the Committee advised that the application for the premises licence included off sales of alcohol which, if granted, would allow for alcohol to be served to people sitting outside.
24. In response to a question by the Chair of the Committee Mr Moscarello then confirmed that there would not be any off sales of alcohol and so no off licence was being applied for. Alcohol would only be served, within the premises, with light food until 8pm and after 8pm served only with a substantial meal.
25. The legal advisor noted that the premises are located within the footprint area of the Notting Hill Carnival. If the licence holder proposed to operate during this time the Committee would need to consider any relevant conditions which may need to be placed on the licence.<sup>2</sup> Mr Garwood stated that the premises would be closed for business during the Notting Hill Carnival.
26. It was noted that Keith Mehaffy had proposed a condition on the licence that refuse collections should not take place between 23:00 hours and 07:00 hours the next day.<sup>3</sup> This condition was proposed to prevent noise nuisance. Mr Garwood thought that compliance with this may depend on the Council or the private company used to take the rubbish away.
27. Keith Mehaffy proposed to the applicants that live and or recorded music played only as background music would not be a licensable activity if it was only played between 08:00 hours and 23:00 hours. The application was for live and recorded music to be played from 7:00 hours until 23:00 hours. Mr Mehaffy clarified that if the music was not going to be played at a level above normal conversation then

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<sup>2</sup> Section 23. RBKC Statement of Licensing Policy, as amended May 2018.

<sup>3</sup> pages 25. Report by the Director for Environmental Health to the Licensing Sub-Committee on 7th March 2019.



that would not be a concern for Environmental Health. Further, he stated, it was not a licensable activity which needed to be regulated.

28. Mr Garwood confirmed that there was no intention to have live or recorded music which would be played before 08:00 hours or that would be played at a level of sound over and above normal conversation. On this basis, Mr Garwood confirmed that this aspect of the application would now be withdrawn.
29. The objectors asked the applicant some further questions. Ms Danatanas was concerned about the tables and chairs and how these would be managed as it would be difficult to bring the chairs in at 8:00 p.m. when the restaurant was still occupied inside. The applicant explained that the chairs can be turned upside down to be made unusable.
30. Councillor Nail asked how the applicant would monitor alcohol and anti-social behaviour. Mr Moscarello stated that alcohol would only be served with food and if management see a person who is drunk they will stop serving alcohol to that person. Mr Garwood stated that is the law and that they cannot serve drunk people. Mr Moscarello said this is not a place where people come in just for drinks only. Mr Garwood added that he supports the Pub Watch scheme and is currently looking for a scheme to join which is being brought into different areas. If any there are any reported incidents involving violence, drugs or if the licensee feels they need to bar someone, then they can bar them from all licensed places in the area.
31. Councillor Nail asked how the applicant is going to control anti-social behaviour outside. Mr Moscarello replied they would call the police.
32. Ms Danatanas stated it was unclear what the applicant intended the premises to be and that the proposal appears to be a bar with live music, totally changing the current function. Mr Moscarello stated it is to be an all-day dining and coffee shop with breakfast, lunch, afternoon tea, dinner and alcohol to be served with food.
33. Mr Patel asked how the applicant knows if someone is drunk. Mr Moscarello stated that he could tell if someone is drunk. Mr Patel also asked how he would manage smokers outside. Mr Moscarello there would be an ash tray on each table.

#### **Environmental Health Submissions**

34. Mr Mehaffy was aware that the premises had been operating as a restaurant for some years but only till 8 pm. Mr Mehaffy appreciated that the applicant had today confirmed that the application for live music was now withdrawn. Provided the playing of music was kept to a background level it would not be a problem. Mr Mehaffy's concern was how residents nearby would be affected after 8:00 p.m. It was noted that there would be no-one sitting outside after 8:00 p.m. The potential for any noise nuisance would be internalised from 8pm. It would benefit residents if the premises were required to close the doors and windows as conditions on the licence.



35. Mr Mehaffy went onto address concerns for the potential of noise nuisance occurring by activities outside of the premises. Mr Mehaffy was concerned about people smoking outside premises. He added that his main concern related to deliveries and collections to and from the premises. This concern was especially in respect of the depositing and collection of glass bottles or cans due to the noise. This can be a very noisy operation and would disturb residents. Mr Mehaffy proposed licence conditions of bottles and cans not being deposited or collected between 11pm and 7am the next day.
36. Mr Mehaffy concluded by expressing the view that the applicant would benefit by building a better relationship with residents. Mr Mehaffy was encouraged by the intention expressed by the applicant to join Pub Watch, which he said was a good incentive.

### Objector Submissions

37. Councillor Nail stated that the premises are in a residential area. There is a flat upstairs, above the premises and a convenience shop next door. There are real concerns from residents, businesses, St. Peters Children Nursery and church and this licensing application does not meet the licensing objectives. The application should be rejected on the grounds of public nuisance. Sale of alcohol would result in concerns for public safety including the children going to nursery. There would be lots of people congregating outside the area, smoking and standing around. We feel it would be completely inappropriate to grant the application. The most important thing is for residents is to have peace and quiet and enjoy their businesses. Councillor Nail stressed they are not against businesses.
38. Mrs Bunce, lives in Kensington Park Road and is concerned about another alcohol license being granted in that area and about the management of the premises. Mrs Bunce stated that the way the application had been made, the applicant appeared to be making things up as they went along, and this had not left her with confidence in terms addressing concerns of residents.
39. Ms Besse stated that more restaurants trading at 11pm would exacerbate parking issues.
40. Mrs Danatanas stated her view that the applicant was not clear of the business model. Mrs Danatanas is particularly concerned about smokers outside, parking, crime and disorder. In the summer windows will be kept open making more noise and disturbance to people trying to get to sleep. Conditions applied to the licence are a good step forward, but Mrs Danatanas is still concerned.
41. Mr Patel stated that the points already made by the objectors were good ones. The concern of Mr Patel, from the standpoint of the business next door, is that the mood of the area would be changed if the license is granted.
42. Before closing the hearing, the Chair of the Committee asked the applicants if they would volunteer to conditions to keep the outside of the premises clear of litter and to keep the forecourt clean. Mr Moscarello confirmed they would do so.

## Reasons

43. In making its decision the Committee has taken into consideration all relevant sections of its Statement of Licensing Policy ("SLP") and the Guidance. The Committee considers the following paragraphs of the Guidance and its SLP are particularly important, but it should be emphasised this is not an exhaustive list as the Committee has considered all relevant provisions of both documents. Relevant paragraphs are: - 1.9, 1.11, 1.12, 1.16, 1.17, 1.19, 2.1 – 2.10, 2.15 – 2.31, 3.11, 8.38 - 8.40, 8.41 - 8.47, 9.14 - 9.17, 9.26 - 9.30, 9.33, 9.37 - 9.40, 10.10, 10.13 - 10.15, 13.10, 14.10, 14.12, 14.13, 14.51-14.52, 16.5 and 16.6 of the Guidance and paragraphs 2.1, 2.4, 2.5, 2.7, 3.9, 6.1 – 6.3, 13.1 – 13.5 and 14.3 – 14.7 of the SLP.
44. The Committee considered all the representations made at the hearing and all of those made in writing by those people who did not attend the hearing. The most serious concerns raised related to the prospect of the venue becoming a live music bar with outdoor drinking. The Committee agreed that this was a scenario which would bring an increase in the potential for a high level of disturbance to residents in the immediate area. The Committee agreed that these concerns were valid particularly as the premises are situated in a residential area, near to a church and a nursery.
45. The Committee acknowledged that the applicants do not want to disturb their neighbours and welcomed the application for regulated live and recorded music being withdrawn. The Committee also welcomed confirmation from the applicant that there would be no off sales of alcohol. As the tables and chairs on the forecourt of the premises are not within the curtilage of the licensed premises this means that alcohol will not be served to customers sitting outside on the forecourt near the pavement and bus stop. The applicant understood this and withdrew the application for off-sales of alcohol.
46. In considering these concessions made the Committee was inclined to grant the application. The Committee felt reassured that the consumption of alcohol would be contained within the premises. It was important that the doors and windows be kept closed after 8:00 p.m. to contain the noise from within the premises. The applicant had been responsive to suggestions made and was prepared to amend the application.
47. However, the Committee felt that the concerns about litter in the immediate vicinity of the premises needed to be addressed. The committee felt it was appropriate for there to be a condition on the licence for a litter sweep to be carried out after the Premises closes to the public. The forecourt and pavement should also be kept clean. The Applicant agreed to these conditions being placed on the licence.
48. The Committee agreed entirely with Mr Mehaffy that there was a potential noise nuisance to residents when glass bottles and cans are deposited or collected. The Committee agreed that licence conditions of bottles and cans not being deposited or collected between 11pm and 7am the next day were appropriate due to the location of the premises.

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49. The Committee felt it was important to limit the number of people on the premises to the number of people that can sit down to receive food. It was important that the restaurant does not become a drinking bar and a limit on the capacity would assist in doing this. Customers must not be allowed to temporarily leave the premises (e.g. to smoke) taking drinks or glass containers outside. After 8:00 p.m. it was important to have a minimum of 7 members of staff to provide adequate management of the premises as management of these conditions could become more demanding after that time and the potential risk of noise nuisance to neighbours would increase.
50. The Committee also considered that the applicants do not have relevant experience in managing a licensed premise but appeared to be flexible and willing to learn. For the premises to operate successfully within the terms and conditions of this licence it was particularly important that all members of staff have suitable training. This training is needed in respect of obtaining an understanding of the licensing legislation and the conditions being placed on this licence.

### Conclusions

51. The Committee considered that all the conditions added to the licence are appropriate and proportionate to promote the licensing objectives and to address the representations made.
52. For the reasons stated above the Committee decided to grant the application for a premises licence and attach the conditions specified in this Decision.
53. This licence becomes operational with immediate effect. If problems are experienced, then an application for a review of the premises licence can be made. If any of the parties are unhappy with the decision, they are entitled to appeal to the magistrates' court within 21 days from the date of notification of the full decision.

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**APPENDIX D1**

Environment, Leisure and Residents Services  
Council Offices, 37 Pembroke Road, London. W8 6PW

Bi-Borough Executive Director for Environment, Leisure and Residents Services  
Lyn Carpenter

Bi-Borough Director for Cleaner, Greener and Cultural Services  
Sue Harris

The Manager  
Kitchen & Pantry  
14 Elgin Crescent  
London  
W11 2HZ



22 April, 2013

Our reference: TBLCH/12/111683  
Please ask for: Neil Bates

**Written Confirmation of Verbal Warning**

**The Highways Act 1980 – Section 115K  
Consent to Place Tables and Chairs on the Highway**

Please accept this letter as confirmation of the verbal warning given on **22 Apr, 2013** by **Neil Bates** concerning the breach of conditions (shown below) in relation to the consent, issued by this authority, to place tables and chairs outside your business.

**Conditions Breached on 20 & 21 April, 2013:**

**more tables and chairs than licensed  
other items not licensed (5' advertising board, stools)**

You are required to comply with the conditions of the consent to place tables and chairs upon the highway. Further breaches of these conditions will result in more stringent action and may lead to the removal of your consent.

I trust you will give this matter your urgent attention. If you wish to discuss this matter further, please contact the officer shown above.

Yours faithfully,

Kenneth Thompson  
Contracts and Enforcement Area Manager



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A-D

**APPENDIX D2**

Environment, Leisure and Residents Services  
Council Offices, 37 Pembroke Road, London. W8 6PW

Bi-Borough Executive Director for Environment, Leisure and Residents Services  
Lyn Carpenter

Bi-Borough Director for Cleaner, Greener and Cultural Services  
Sue Harris

The Manager  
Kitchen & Pantry  
14 Elgin Crescent  
London  
W11 2HZ



2 May, 2013

Our reference: TBLCH/12/111683  
Please ask for: Neil Bates

**Written Warning**

**The Highways Act 1980 – Section 115K  
Consent to Place Tables and Chairs on the Highway**

Further to being verbally warned on 22 Apr 2013, which was confirmed in writing to you on 22 Apr 2013, it was found that on 02 May 2013, your premises committed a further breach of the conditions relating to the placing of tables and chairs on the highway, as detailed below:

- Not configured as per plan**
- More tables and chairs than licensed**
- Other items not licensed**

Therefore a formal written warning is being issued to you. You are required to fully comply with the conditions of your consent forthwith. Any further breaches of your conditions will result in your consent being reviewed by the Regulation and Enforcement Sub-committee where your consent could be withdrawn.

I trust that you will give this matter your urgent attention.

Yours faithfully,

Kenneth Thompson  
Contracts and Enforcement Area Manager



### **Waste Management and Leisure Enforcement Process for Enforcing conditions in Tables and Chairs Licensing**

1. Breaches of the Licence Conditions - if the Sub-Committee is minded to approve the application and authorise that a licence be issued, the Council's Waste Management and Leisure Enforcement Officers would closely monitor the situation and there is a clear and defined process as far as enforcement action is concerned.
2. Verbal Warning - If Enforcement Officers notice that there are breaches of the conditions of the licence, the matter would be formally brought to the attention of the premises in the normal way with a verbal warning advising that the licence conditions have been breached and requesting that remedial action be taken immediately. A letter would also be sent to the premises confirming the verbal warning. This approach would accord with the Council's commitment to the principles in the Good Enforcement Concordat.
3. Written Warning - If remedial action is not taken immediately, Enforcement Officers will issue a formal written warning to the premises that the licence conditions have been breached and that the requested remedial action in the verbal warning had not been carried out. Enforcement Officers will verbally advise the owner that a formal written warning would be sent.
4. Reporting breaches to the Regulation and Enforcement Review Committee or Sub-Committee - The head of Waste and Street Enforcement and his Enforcement Officers will liaise with the Director of Transportation and Highways on any breaches of licence conditions. If there are any further breaches of a licence, following the written warning, the Director of Transportation and Highways would report them to the next Regulation and Enforcement Review Committee or Sub-Committee for review of the licence.
5. Withdrawal of the Licence - Should the Committee decide to withdraw the licence, the applicant will be given seven days' notice in writing. Upon withdrawal of the consent the applicant shall remove the amenities from the public highway and, in default, the Council may remove the amenities and recover from the applicant its costs in so doing.

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RECEIVED FEB 2021

Please reply to [redacted] or by email to [redacted]  
www.webbestate.co.uk

The Licensing Team  
Croydon Council  
6<sup>th</sup> Floor Zone A  
8 Mint Walk  
Bernard Wetherill House  
Croydon CR0 1EA

February 2021

Dear Licensing Team

**License Application**  
**Merryn, The South Border, Purley CR8 3LD**

I write on behalf of Webb Estate Limited, a company owned by the residents of the Webb Estate Purley. We wish to object to the grant of a license to sell alcohol from these premises.

Webb Estate Limited is concerned with the preservation of the Estate, which has been designated as a Conservation Area by Croydon Council.

It is understood that objections to this proposal have been made by a number of individuals, I wish to base our objection on the requirement to prevent a public nuisance, and that no planning consent permits use other than a single residence..

Croydon Council's Statement of Licensing Policy dated 26 February 2018 in the section dealing with the prevention of public nuisance states (para. 5.4.11)

***"the location of the premises and proximity to residential or other noise sensitive premises"***

The applicant seems to be unaware that a location within a residential area can be a cause of a public nuisance as defined by the Council as he states in the application that:

***"the premises will not cause any public nuisance as it is located in a residential area"***

Since the Webb Estate became a conservation area, the Council has never granted a planning consent for a commercial use on the Estate. It is the Council's ambition that the residential.

**Webb Estate Ltd.**

Registered in England & Wales Company no: 3727126.  
Registered office: Flemmings, 76, Canterbury Rd. Croydon Surrey, CR0 3HA

Directors:

character of the Estate should be preserved, and the use of the premises for commercial purposes would be a breach of this policy

The applicant states that there will be a **“once a day pick up of stock”**. There is no indication of how frequently stock will be delivered to the premises. Should the Council be persuaded to grant a license it is requested that a condition is imposed to restrict deliveries to once a day only.

In Section 6 of the Statement of Policy dealing with Integrating Strategies and Avoiding Duplication at para. 6.10 the Council states:

***“The Council will expect applications for premises licences.... to be from businesses having the relevant planning consent for the property concerned.***

***Where this is not the case applicants will be expected to show good reasons why the premises do not have planning permission”***

Merryn does not have planning consent permitting this use, and, as at today’s date no application has been made.

No good reason has been given by the applicant for the lack of planning consent.

Whilst it is appreciated this is not of concern to the licencing authority, Webb Estate Limited has the benefit of a restrictive covenant against the use of the premise for any use other than a sole residence.

We request that this application is refused.

Yours sincerely,

Director



**REP 2**

Letter from Webb Estate 11/2/21

See attachment

**Email 16.2.21** Webb Estate

Thank you for your email dated 16 February.

I can firstly confirm that the Applicant can be advised that the Objection was made by me, on behalf of Webb Estate Limited. The other directors were aware of my letter before it was sent and agreed to it. The names of the directors are on our letter heading and I assume this will be shown to the applicants.

I am surprised by your request as Webb Estate Limited is the acknowledged residents association for the Webb Estate (which is a conservation area) and are acknowledged as such in other dealings with the Council.

I am also surprised that you need further clarification as to why the application could be a public nuisance as I would have thought this is clear from my letter dated 8 February.

I have followed the advice in Croydon Council's Statement of Licensing Policy, and I assume that you are aware of this and that this document is relevant to your decision making.

The property referred to is in a residential area and this is a reason why the application, if approved, could be a public nuisance (para 5.4.11).

When composing our letter of objection, I appreciated that licensing and planning are separate issues, but the proposed premises do not have planning consent for this use, and again I was following the advice in the Council's Statement of Policy (para 6.10) which states that "The Council will expect applications for premises licenses (will have) the relevant planning consent" and if not "applicants will be required to show good reasons why the premises do not have planning permission."

The advice in the Council's Statement of Policy seems pretty clear to me.

I therefore look forward to hearing from you that this application has been refused



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MS

**REP 3**

Councillor Badsha Quadir – Purley & Woodcote Ward

I would like to object the license application made by Merryn, The South Border, Purley for the following reasons;

1. The Webb Estate is a conservation area, therefore the license to sell alcohol should not be granted. The council has never granted consent for commercial use on the estate.
2. The alcohol license would cause public noise and visual nuisance.
3. The permission of the license could alter the character of the Webb Estate.
4. If this is granted, it will open many doors for other residents in the area to take lead and cause and accumulative negative impact.

Thinking about having a commercial license in a residential area is a mental nuisance. Several times a day, people coming and going is a nuisance for the residents in a conservation area. I understand during COVID people are having to work from home, however opening a business in the Estate is going too far.

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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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## **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), 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

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB - COMMITTEE</b>	<b>OFFICERS</b>
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.

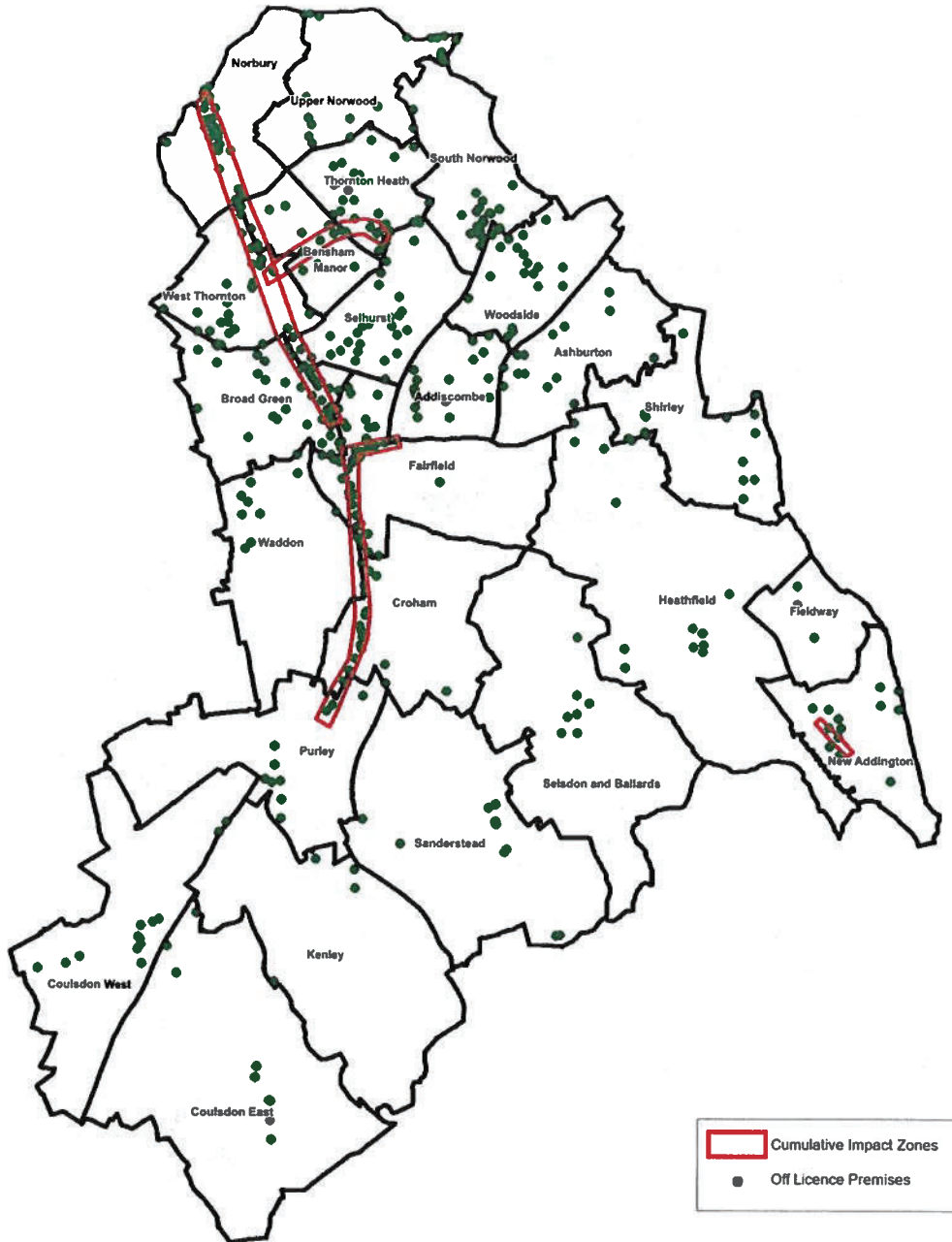
### **Central Parade, New Addington Cumulative Impact Area**

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.

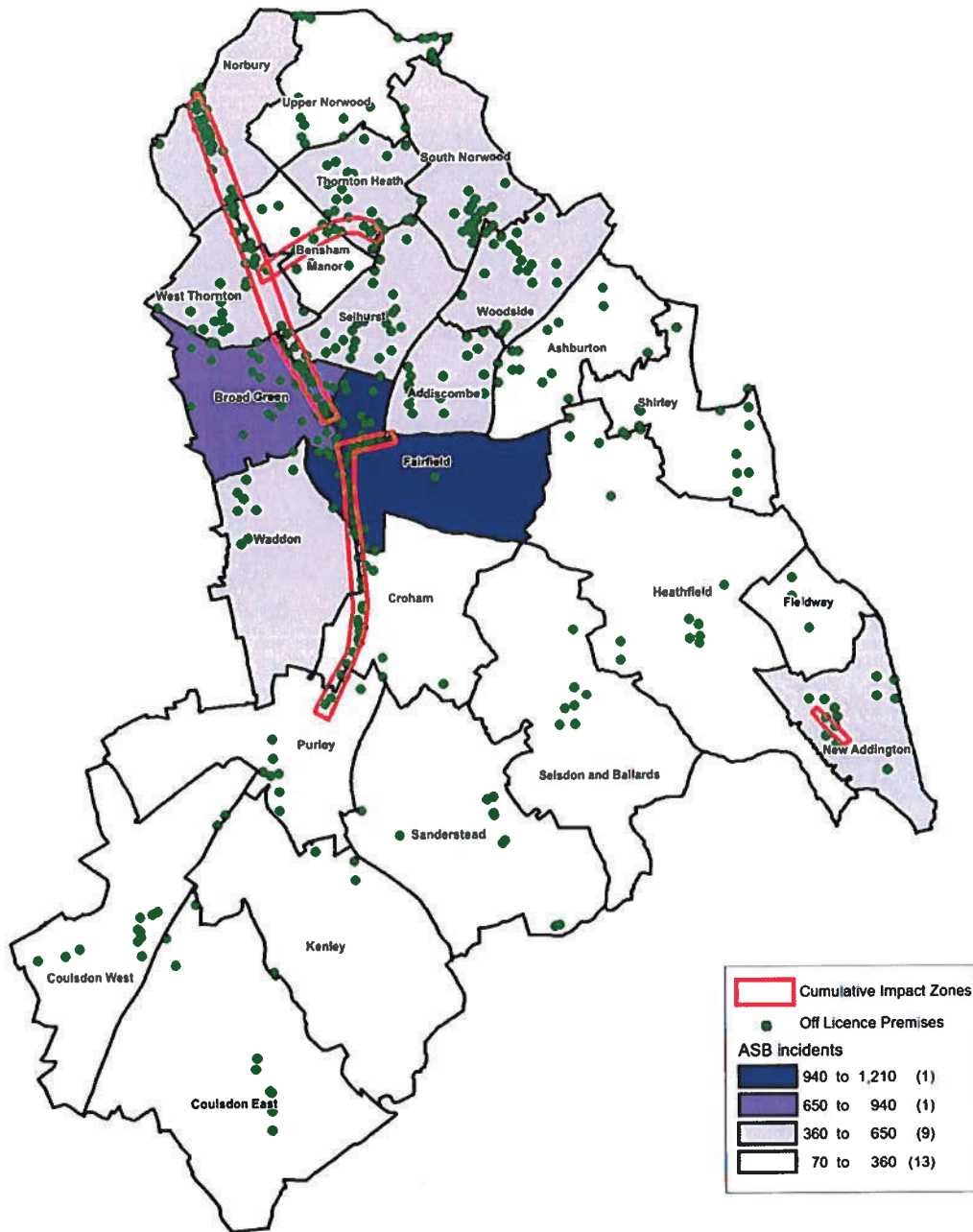
The 3 maps below detail off-licence density and indicate the four existing cumulative impact zones specific to off licences, antisocial behaviour incidents in 2016 and ambulance call-outs (dispatches) between 2011-13 & 2014-16, in Croydon.

Off Licence Premises in Croydon



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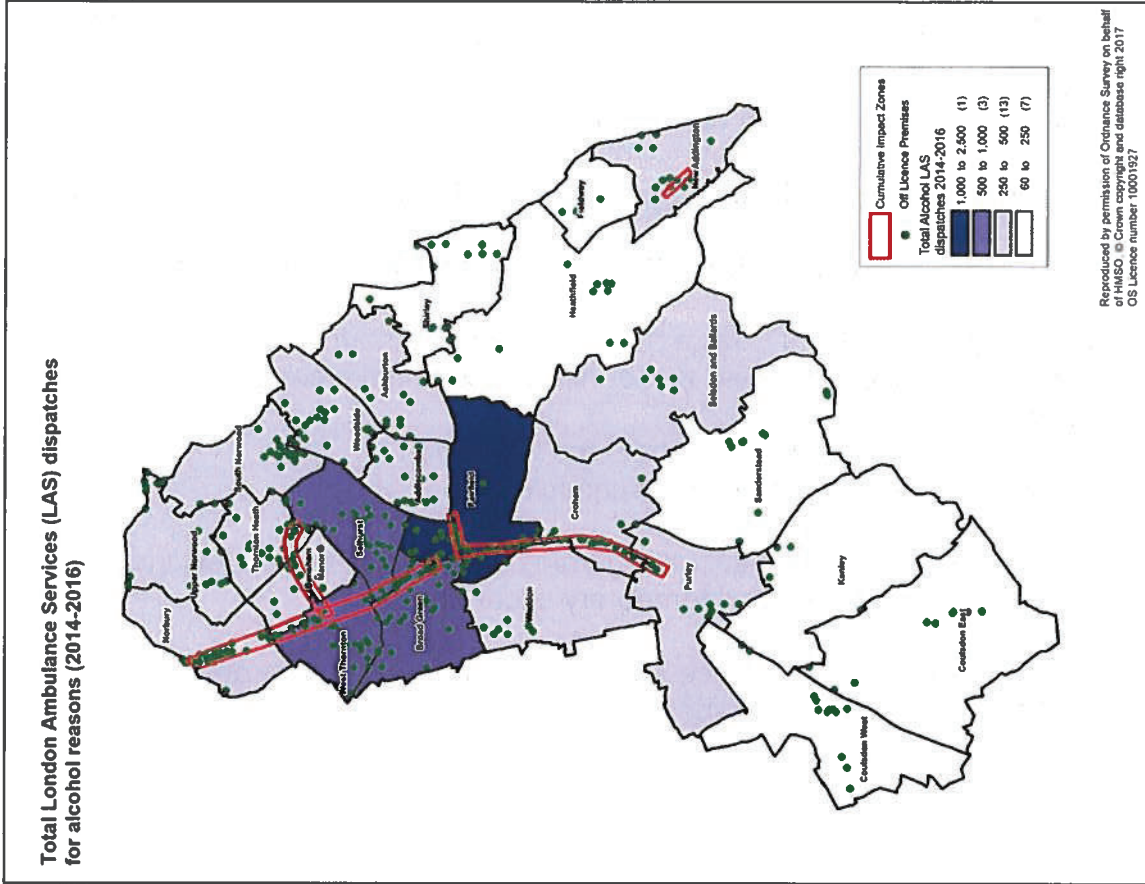
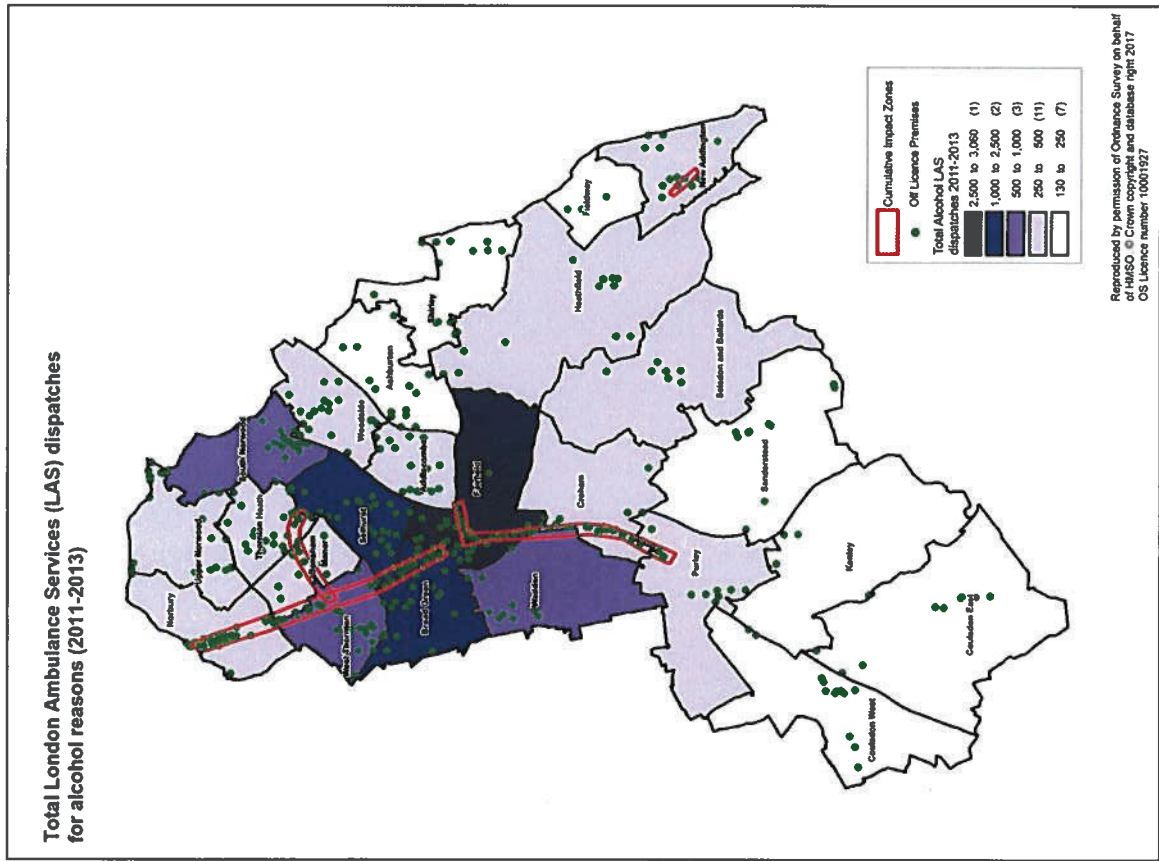
Total Anti-Social Behaviour (ASB) incidents 2016



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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





## 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

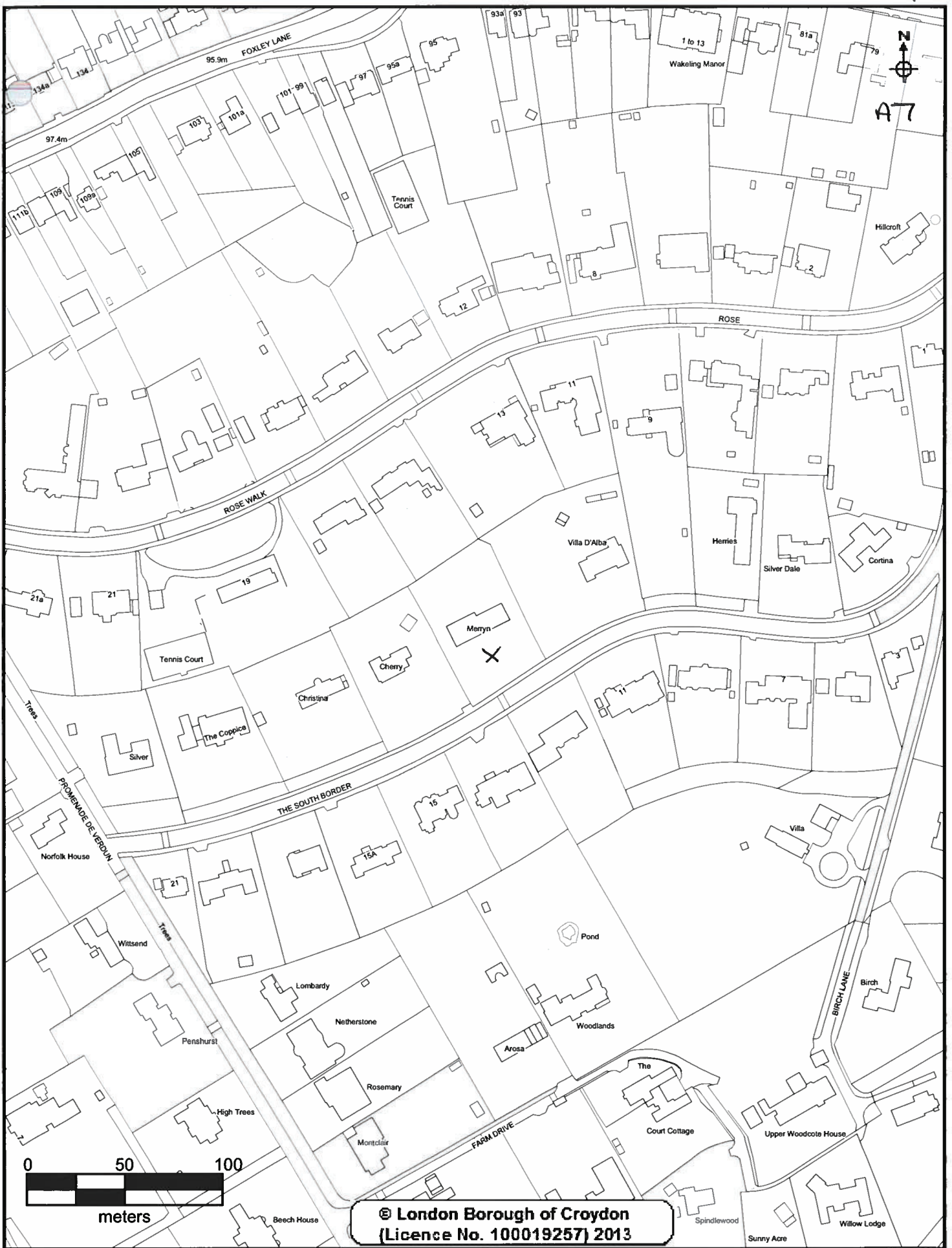
Alternatively, information, guidance and application forms can be obtained from the Home Office website at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) .



## Endnotes & References

- <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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