

# Licensing Committee Agenda



To:

Councillors Jewitt (Chair), Christopher Herman (Vice-Chair), Kola Agboola, Patsy Cummings, Nina Degrad, Stella Nabukeera, Margaret Bird, Richard Chatterjee, Ian Parker, Ria Patel and Tony Pearson

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Monday, 26 September 2022** at **6.30 pm** in **Council Chamber, Town Hall, Katharine Street, CR0 1NX**

Katherine Kerswell  
Chief Executive  
London Borough of Croydon  
Bernard Weatherill House  
8 Mint Walk, Croydon CR0 1EA

Marianna Ritchie  
Marianna.ritchie@croydon.gov.uk  
[www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)  
Thursday, 15 September 2022

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

The agenda papers for all Council meetings are available on the Council website [www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)

If you require any assistance, please contact Jayde Watts on 020 8726 6000 x 52729 as detailed above.

With permission of the Monitoring Officer in consultation with the Chair it has been agreed that these papers be published on Thursday 8 September 2022 as a matter of urgency.

## **AGENDA – PART A**

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

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

### **2. Minutes of the Previous Meeting (Pages 5 - 16)**

To approve the minutes of the meeting held on 12 April 2022 as an accurate record.

### **3. Minutes of Previous Licensing Sub-Committee Meetings (Pages 17 - 84)**

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

- 29 April 2022
- 21 June 2022
- 23 June 2022
- 7 July 2022
- 15 July 2022
- 21 July 2022
- 27 Jul 2022
- 28 July 2022
- 11 Aug 2022

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

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

### **5. Disclosure of Interests**

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), another registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

**6. London Local Authorities Act 1990 - Application For Street Designation Order x 3 (Pages 85 - 130)**

The purpose of this report is to seek the Committee's decision on the proposal to designate 3 sites in the Borough as a Licence Street for street trading and the granting of a street trading licence under the provisions of the London Local Authorities Act 1990.

**7. Pavement Licensing - The Business and Planning Act 2020 (Pages 131 - 138)**

This report provides background to the request that the Committee delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to extend and operate the pavement licensing arrangements under the Business and Planning Act 2020 as amended.

**8. Licensing Act 2003 - Consultation: Review of London Borough of Croydon Statement of Licensing Policy including review of**

**cumulative impact zones/policies and proposed introduction of a further cumulative impact area within the London Borough of Croydon Statement of Licensing Policy (Pages 139 - 218)**

The Committee is asked to:

- 1.1. Agree to commence consultation on the statutory 5 year review of the Council's Licensing Policy under the Licensing Act 2003;
- 1.2. Agree to consult on the review of current Cumulative Impact Areas as set out in the Statement of Licensing Policy to assess whether or not these ought to be retained;
- 1.3. Agree to consult on the potential introduction of a new Cumulative Impact Area as detailed in section 3.24 of the report;
- 1.4. Agree that the consultation referred to in paragraphs 1.1-1.3 shall be for a period of 6 weeks as detailed in paragraph 4.1 of the report;
- 1.5. Note that the outcome of the consultation exercise will be reported back to Committee for further consideration and then onward recommendation to Full Council regarding adoption of the Councils' Statement of Licensing Policy including Cumulative Impact Areas, if any.

**9. 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 during the course of a meeting:

Pursuant to the provisions of regulation 14 paragraph (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public. In light of the possibility of disclosing personal data if the photographs circulated by a party to the hearing were made available in public, members of the committee will be asked to agree to exclude the public from the hearing to enable members to view the photographs on the basis that doing so outweighs the public interest in that part of the hearing taking place in public.

**PART B**

**10. Part B Minutes of the Licensing Sub-Committee meeting held on 5 April 2022 (Pages 219 - 222)**



## Licensing Committee

Meeting held on Tuesday, 12 April 2022 at 6.30 pm in Room 1.01 and 1.02 - Bernard Weatherill House, Mint Walk, Croydon CR0 1EA

### MINUTES

**Present:** Councillor Robert Canning (Chair);  
Councillor Margaret Bird (Vice-Chair);  
Councillors Chris Clark, Nina Degrads, Karen Jewitt, David Wood,  
Maddie Henson, Simon Brew (in place of Councillor Jan Buttinger),  
Andy Stranack and Robert Ward

**Also**

**Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Fiona Woodcock (Markets and Street Trading Compliance Officer); Eunice Crassie (Markets and Street Trading Officer); Jayde Watts (Trainee Democratic Services Officer) and Tariq Aniemeka-Bailey (Trainee Democratic Services Officer).

**Apologies:** Councillor Pat Clouder, Oni Oviri and Jan Buttinger

### PART A

1/22 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 November 2021 were agreed as an accurate record.

2/22 **Minutes of previous Licensing Sub-Committee Meetings**

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

- 9 November 2021
- 8 December 2021
- 15 December 2021
- 26 January 2022
- 8 March 2022

3/22 **Urgent Business (if any)**

There were no items of urgent business.

4/22 **Disclosure of Interests**

There were none.

5/22 **London Local Authorities Act 1990 - Application for Street Designation  
x4**

The Committee considered the application to designate a site on the highway outside **46 High Street, Thornton Heath, CR7 8LE** for the purposes of street trading.

The Head of Environmental Health, Trading Standards and Licensing introduced the item, explaining the process of designation for street trading, applying for street trading licences and the details of the application before the Committee. The Head of Environmental Health, Trading Standards and Licensing highlighted the following:

- That the applicant had asked for a display area to trade and sell fruit and vegetables, Monday to Saturday 9am to 9pm and on Sunday 9am to 5pm.
- The application sought a trading area of length 2m and width of 2.4m. the total distance from the shop front to the curb was 7.3m. the nearest obstruction was a post which from the left of the display presented pedestrians with a space of 4.2m for clear movement. The section of highway in question was Croydon Council maintained and the minimum required between any display and the curb was 2m.
- This application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- There were seven other street trading sites nearby the applicant's premises, six of these sites were licensed to sell fruit and vegetables.
- The premises was in the saturation zone in the council's street trading policy.

The Chair invited Committee Members to ask questions of officers regarding the application.

A Member informed the Committee that they had visited the site recently and found that the display that was currently in place had made it difficult for pedestrians to walk past. The Member also stated that a neighbouring site

had an application to use a display area refused. There were also other sites along the High Street that protruded too far into the pavement, causing difficulties for the pedestrians as they walked past.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that once a license was issued, any overspreading by an individual afterwards would become an enforcement matter.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that each application should be treated on its own merits. The saturation policy would come into effect if the number of sites along the High Street would have a detrimental impact on the safe and convenient passage of pedestrians. In this event, the committee may be minded to refuse any further requests for street designations but would consider each applications on its merits.

A Councillor informed the Committee that despite the pavement width being narrower outside one of the sites that had an application rejected recently, this was down to the saturation policy and concerns around safe and convenient passage, rather than the amount of payment space.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer informed the Committee that they had not received any complaints regarding the overspreading of the display area on site whilst the applicant had been operating under a temporary license. The Markets and Street Trading Compliance Officer also stated that there were six displays on the same side of street as the applicant's site.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing stated that the saturation policy had not been triggered by a recent application.

In response to a question from a Councillor, the Solicitor and Legal Advisor to the Committee informed the Committee that the saturation policy gave a suggestion of the type of matters that they Committee may consider when determining whether the policy ought to be applied in the current case. The matters that were set out in the policy included the presence of existing street furniture, the proximity and nature of any road junctions and any pedestrian points, the number of sites already designated on the same street, whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction, whether it leaves a minimum clear passage of 2m, would it put the safety of pedestrians at risk, would it have a negative impact on the appearance and character of the area and are there any relevant Council policies relating to the town or district centre in question whose implementation may be compromised by the designation.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained that site had been visited recently by a ward Councillor and that the Markets and Street Trading

Compliance Officer had not received any complaints. If an issue was reported then an officer could be directed to the site, however if there were no issues reported then there would need to be a referral from a Councillor, a member of the public or an officer for a site to be investigated for a breach in the terms of their license.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing reiterated that enforcement was important, and the Markets and Street Trading Compliance Officer patrolled the area as often as she could. The Head of Environmental Health, Trading Standards & Licensing then went on to explain that if an applicant had overspread onto the pavement, then the focus would be on that individual site and other sites would not be penalised for their breach.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

The applicant was able to clarify the following:

- The reason that he made an application was because the interior of his store was relatively small, if he was granted permission to have a display area outside would allow him to sell more groceries.
- This was a new business, so he was keen to attract more customers using a display area outside of the store.
- That his current display under his temporary license was taking up less space than what had been allocated to him under the terms of the license.
- This was his first and only business.

Having regard to the Council's Policy and the Statutory provisions as detailed in the report of the Corporate Director, the Committee **RESOLVED**:

1. To **DESIGNATE** 46 High Street, Thornton Heath, CR7 8LE as detailed in the application for the purposes of street trading.
2. To **GRANT** a street trading license to the applicant.

The Committee considered the application to designate a site on the highway outside **30 High Street, Thornton Heath, CR7 8LE**.

The Head of Environmental Health, Trading Standards and Licensing introduced and outlined the Application (Appendix B). He explained the process of designation for street trading, applying for street trading licences and the details of the application for the Committee to consider as set out in the appendices. The Head of Environmental Health, Trading Standards and Licensing highlighted the following:

- The application was for a trading area with a length of 3.3m and a width of 2.2m. The total distance between the shop front and the nearest obstruction was 5.2m, this would leave sufficient space to allow pedestrian movement past the site.
- The section of highway in question was Croydon Council maintained and the minimum required between any display and the curb was 2m.
- The application was to display fruit and vegetables, Monday to Sunday 11am to 11pm.
- The application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- The premises was in the saturation zone in the council's street trading policy.

The Chair invited Committee Members to ask questions of officers regarding the application.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that even though the applicant had been issued with a temporary licence they did not have to produce a display area before applying for a street designation. The Head of Environmental Health, Trading Standards & Licensing stated that they believed the applicant had not produced a display area as their site was being refurbished and the application had been made in advance of opening.

The Markets and Street Trading Compliance Officer further clarified that the display area would be smaller than the display area at the neighbouring site.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing informed the Committee that area that the applicant had applied for was the same size as the area that had already been granted to the applicant under their temporary license.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer stated that the bus stop outside of the site would not have an impact on the ability of pedestrians to safely walk past the site as they were too far away.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer explained to the Committee that there had previously been a license granted to the applicants' site next door. The Committee would need to seek further clarification from the applicant in regard to the trading standards that they would plan to implement.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing informed the Committee that while the decision whether to designate a street trading license rested with the Committee, the saturation policy was in place to assist the decision-making process by assessing whether the cumulative impact of granting a license would have a detrimental effect on the safe passage of pedestrians. The Head of Environmental Health, Trading Standards & Licensing also explained that officers would not prevent an application coming before the Committee due to the saturation policy.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

The applicant was able to clarify the following:

- The bus stop and the phone booth on the High Street did not sit outside of the site which the application was for.
- The display area that he has applied for would allow pedestrians to have 3m of space to walk along the pavement.
- Which groceries he intended to keep inside and on the display outside.

In response to a question from a Councillor, the applicant stated that would not need to place rubbish outside the front of his store as he had enough space behind the shop to place his rubbish during the day. The alleyway behind his store was private property.

In response to a question from a Councillor, the applicant informed the Committee that he intended to sell meat and groceries, the first 2.5m of the display would be used for green groceries and the rest of the display would contain meat. The applicant also clarified that he had not began trading as the pandemic had caused the refurbishments to run behind schedule.

The applicant shared images of how he intended the display to look with the Committee members.

In response to a question from a Councillor, the applicant stated that the display would be 0.5m smaller than the size that had been applied for providing more space for customers to stand.

In response to a question from a Councillor, the applicant stated that he would have to move the display inside the store once he had finished trading at 11pm.

Having regard to the Council's Street Trading Policy, including in particular the saturation policy, and the statutory provisions, the Committee **RESOLVED**:

1. to **REFUSE** to designate 30 High Street, Thornton Heath, CR7 8LE for the purposes of street trading on the basis that they were not satisfied that it would not put the safety of pedestrians at risk. Therefore, there was no need to consider a street trading License as the site was not designated for street trading purposes

The Committee considered the application to designate a site on the highway outside **28 High Street, Thornton Heath, CR7 8LE**.

The Head of Environmental Health, Trading Standards and Licensing introduced and outlined the Application (Appendix C). He explained the process of designation for street trading, applying for street trading licences and the details of the application for the Committee to consider as set out in the appendices. The Head of Environmental Health, Trading Standards and Licensing highlighted the following:

- The application sought to display fruit and vegetables between 7am and 11pm Monday to Sunday.
- The application sought a display area with a length of 3m and a width of 2.2m.
- The total distance between the shop front and the nearest obstruction was 5.2m, this would leave sufficient space to allow pedestrian movement past the site.
- The section of highway in question was Croydon Council maintained and the minimum required between any display and the curb was 2m.
- The application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- The premises was in the saturation zone in the council's street trading policy.

The Chair invited Committee Members to ask questions of officers regarding the application.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer informed the Committee that an adjacent site had a display area that was 2.2m in width from the shop front out to the pavement. The applicant had been informed of this and was told not to apply for a larger display area than this.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

Having regard to the Council's Street Trading Policy, including in particular the saturation policy, and the statutory provisions, the Committee **RESOLVED:**

1. to **REFUSE** to designate 28 High Street, Thornton Heath, CR7 8LE for the purposes of street trading on the basis that they were not satisfied that it would not put the safety of pedestrians at risk. Therefore, there was no need to consider a street trading License as the site was not designated for street trading purposes.



The Committee considered the application to designate a site on the highway outside **1428 London Road, Norbury, SW16 4BZ**.

The Head of Environmental Health, Trading Standards and Licensing introduced and outlined the Application (Appendix D). He explained the process of designation for street trading, applying for street trading licences and the details of the application for the Committee to consider as set out in the appendices. The Head of Environmental Health, Trading Standards and Licensing highlighted the following:

- The application sought a trading area with a length of 3m to the left hand side and a length of 1.7m to the right hand side and a width on both sides of 0.6m.
- The total distance between the shop front and the nearest obstruction was 3m, this would allow 2.4m of space for pedestrians to safely walk past.
- The section of highway in question was Transport for London maintained, the minimum required between any display and the curb was 2m.
- The application sought to display fruit and vegetables between 8am and 11pm Monday to Sunday.
- The application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- There were eight street trading displays in the area surrounding the site for which the application was made.
- The applicant had indicated to officers that if the application was approved then he would invest in purpose made stands which could be wheeled in and out of the shop.
- The premises was in the saturation zone in the council's street trading policy.
- There had been an incident of overspreading on the 20th January 2022, this was after a previous warning and enforcement action was taken against the applicant.

The Chair invited Committee Members to ask questions of officers regarding the application.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer informed the Committee that a warning was given in the first instance, after further infringements a fixed penalty notice was issued, and this was paid by the applicant without being contested.

The Markets and Street Trading Compliance Officer went on to explain that the warning had been delivered approximately four weeks before the fine was issued, this had been the only incident of overspreading.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that the decision to introduce a saturation zone on London Road was made by a committee in 2009. The decision was taken as London Road was very busy and had a lot of business activity, many shops had display areas along the pavement. The Solicitor and Legal Advisor to the Committee then detailed the wording of the saturation policy and considerations which members may wish to have regard to in deciding whether or not to grant the application for designation. These included the presence of existing street furniture, the proximity and nature of any road junctions and any pedestrian points, the number of sites already designated on the same street, whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction, whether it leaves a minimum clear passage of 2m, would it put the safety of pedestrians at risk, would it have a negative impact on the appearance and character of the area and are there any relevant Council policies relating to the town or district centre in question whose implementation may be compromised by the designation.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained that the Transport for London had changed their policy to allow 2m between any display and the curb rather than 2.8m in August 2021.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

The applicant was able to clarify the following:

- Delivery drivers were instructed to place merchandise in trolleys while making deliveries rather than parking directly outside of the store.

In response to a question from a Councillor, the applicant informed the committee that he only had fruit and vegetables on display outside of his store.

In response to a question from a Councillor, the applicant explained that the adjacent sites did not have a display outside of their stores. The Head of Environmental Health, Trading Standards & Licensing then detailed the other sites which had street trading displays outside of their stores along the street.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing stated that the saturation zone policy that had been considered for this application covered the entire length of London Road.

Having regard to the Council's Street Trading Policy, including in particular the saturation policy, and the statutory provisions, the Committee **RESOLVED:**

1. To **DESIGNATE** 1428 London Road, Norbury, SW16 4BZ for the purposes of street trading.
2. To **GRANT** a street trading license to the applicant.

6/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 8.46 pm

**Signed:**

**Date:**

.....

.....

This page is intentionally left blank

# Public Document Pack Agenda Item 3

## Licensing Sub-Committee

Meeting of held on Friday, 29 April 2022 at 10.30 am. This meeting was held remotely, to view the meeting please click [here](#).

### MINUTES

**Present:** Councillors Robert Canning, Maddie Henson and Margaret Bird

**Also**

**Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Butta Singh (Corporate Lawyer); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

### PART A

73/22 **Appointment of Chair**

Councillor Maddie Henson nominated Councillor Robert Canning as chair and Councillor Margaret Bird seconded the motion.

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

74/22 **Disclosure of Interests**

There were none.

75/22 **Urgent Business (if any)**

There were no items of urgent business.

**LICENSING ACT 2003 - Application For a Premises Licence at Norbury Park, Green Lane, SW16 3LZ**

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

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

The Licensing Sub-Committee considered the application for a time limited Premises Licence at **Norbury Park, Green Lane, SW16 3LZ** contained within the report of the Corporate Director of 'Sustainable Communities, Regeneration & Economic Recovery', which was circulated prior to the meeting.

After considering the additional information received along with hearing from the Applicant and Other Person at the meeting, the Sub-Committee having regard to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S.182 of the Act and the Council's Statement of Licensing Policy, **RESOLVED** to **GRANT** the premises licence application.

The application has been granted with the following amendment, volunteered by the applicant, along with the additional conditions which are outlined below, as that the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

i) Amendment to the application:

The applicant only seeks to hold the event and have licensable activities on Sunday 7<sup>th</sup> August 2022.

ii) Additional Conditions:

1. The Applicant shall ensure there is continued dialogue with Residents and/or their Representatives, such as Ward Cllrs and/or Resident Associations in the lead up to the event and post the event, to enable any concerns or issues to be adequately addressed and/or considered.
2. A Noise Management Plan (the 'NMP') is to be produced and agreed, with the relevant Council Officers from the Noise Pollution Team, in advance of the event taking place.
3. Information will be produced for nearby residents giving them advanced notification about the event and who to contact with any noise concerns. The dedicated telephone and/or email address shall be monitored throughout the period for which the

licence is applicable and shall be in operation until 3 days after the event. This dedicated contact is also to facilitate and assist with any other related nuisance issues arising from the event taking place.

Reasons for the decision;

The Sub-Committee, took the following reasons into account, when making their decision:

1. The information provided both prior to and at the hearing, by the Applicant, to assist the Sub-Committee in clarifying and demonstrating the level of thought, consideration and discussion that has gone into the planning of this event along with the appropriate measures and polices in place to ensure the licensing objectives are to be continually promoted.
2. It was noted that no Responsible Authority had either made and/or maintained any representation, after submission of the applicant's application and operating schedule. The Sub-Committee accept that this was due to the discussions that had taken place with the Safety Advisory Group (SAG) and other regulatory partners, such as the Police.
3. The concerns raised by the Other Person as to the possible public nuisance and management of the event both before and during the event were duly noted by the Sub-Committee. However, the Sub-Committee were satisfied that the event has been subject to extensive consultation with SAG and the other related partners prior to the sub-committee hearing, as such it is believed that the relevant concerns have already been identified with the necessary steps either taken or will be taken before, during and/or after the event.
4. The Sub-Committee believed with the measures and polices, which are primarily set-out in the Event Management Plan, including licensable activities finishing at 2100 hours and those attending the event vacating the park by 2200 hours, will be overseen by the relevant security and other personnel.
5. This is in addition to the continued discussions with the relevant partners involved in SAG along with the supplementary conditions within the Premises Licence, which includes the applicant facilitating on-going dialogue with residents and/or their representatives.

6. These, measures, polices and continued dialogue will, in the Sub-Committee's view, ensure the licensing objectives are not be unduly undermined.

It is for these reasons, as set-out above, that the Sub-Committee approved the application having prime regard to the promotion of the four licensing objectives.

77/22      **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.15 am

**Signed:**

**Date:**

.....

.....



# Public Document Pack

## Licensing Sub-Committee

Meeting of held on Tuesday, 21 June 2022 at 10.30 am. This meeting will be held remotely, view the meeting please click [here](#).

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);  
Councillors Nina Degrads and Badsha Quadir

**Also Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

### PART A

#### 78/22 **Appointment of Chair**

Councillor Badsha Quadir nominated Councillor Karen Jewitt as Chair and Councillor Nina Degrads seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Karen Jewitt as Chair for the duration of the meeting of the Sub Committee.

#### 79/22 **Disclosure of Interests**

There were none.

#### 80/22 **Urgent Business (if any)**

There were no items of urgent business.

#### 81/22 **LICENSING ACT 2003 - Application For a Premises Licence at Purley Way Playing Fields, Croydon, CR2 6BU**

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Purley Way, Purley Playing Fields Croydon CR2 6BU** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery as well as the supplementary information provided prior to the hearing.

The Sub-Committee also considered the representations made on behalf of the Applicant, an objector and a Ward Councillor during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing, they had the benefit of the written representations as part of the report and supplementary information and had regard to them in their decision making.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”), the Statutory Guidance under S182 of the Act and the Council Licensing Policy, **RESOLVED to GRANT** the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The application as granted is subject to the amendments made by the applicant to include conditions agreed with the police and trading standards teams, the conditions offered by the applicant in their operating schedule and the mandatory conditions which are imposed under the Licensing Act 2003.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the applicant had done a significant amount of work to engage with and address concerns which had been raised not only by residents but also those of responsible authorities. Even during the hearing, the Applicant took the time to fully address the issues which were raised by those making representations and to address the questions of the sub-committee members.
2. The Applicant has amended their application to reduce the time frame during which it is proposed to undertake licensable activities (live music, recorded music and the sale of alcohol) so that these activities are only due to take place on one day (2<sup>nd</sup> July) and then only between the hours of 12 noon and 21:30.
3. The Police have withdrawn their objections in relation to the application on the basis of the ongoing discussions and measures which the applicant has put in place to deal with concerns and this, coupled with the proposed conditions which the applicant has amended their application to include, and the reduction in the duration of the event meant that the police were satisfied with the application from a crime and disorder and public safety perspective. The agreed conditions with the police are replicated at the end of this decision notice for ease of reference.
4. Following discussions with the Trading Standards Officer, the Applicant has agreed to amend their application to include the conditions at Appendix A3 to any license granted and these conditions relate to public safety and protection of children from harm.
5. There were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals. The testing and

setting of the volume levels will be taking place prior to the event and this will be undertaken with a member of the Council's Noise Nuisance team in attendance.

6. The Sub-Committee were clear that there were a number of matters in respect of which issues had been raised but which were not within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes – this included in relation to fireworks, traffic management and parking. Despite this, the Sub-Committee noted that the fireworks were proposed to be a 4–5 minute finale to the days' proceedings for which a specialist contractor had been hired; the applicant had a traffic management plan in place, had applied for a temporary traffic management order with a view to road closures in a number of nearby roads which would be closed to all who were not residents; and arrangements for stewards to manage this process. There would, following discussions with the Police, be no parking on site other than for blue badge holders with all attendees being encouraged to travel by public transport or to make use of the free shuttle busses which the applicant had arranged to transport those visiting the event from the centre of Croydon to the event site. Publicity would encourage attendees to use the shuttle busses or public transport.
7. In respect of prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. In this regard the Sub-Committee noted, in addition to the details provided within the noise management plan as to how such nuisance would be managed, the event was only on a single day and that the applicant had, as part of their engagement with residents and local businesses, provided a dedicated contact number and email to residents to allow them to raise concerns and that these contact means would be accessible to residents both before the event, but also throughout the event so that issues raised could be addressed as efficiently and effectively as possible. In addition, the Sub-Committee were reassured by the proposals in terms of litter and waste and ensuring that nuisance wasn't created by this means.
8. The Sub-Committee had regard to the Statement of Licensing Policy which provides that 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. 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. In addition, these provisions mirror similar provisions in the Statutory guidance which provides that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.

9. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right but despite this, noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour and crime and disorder once attendees left the event – this included stewards, dedicated contact details for residents to alert the applicant to issues and the updated traffic management plan and dispersal policy.
10. The Sub-Committee noted that the event is only accessible via tickets purchased in advance and would not be open to under 18's and all patrons would have to show appropriate identification to enter the premises. In addition, the applicant would be operating Challenge 25 scheme on the premises. The Sub-committee also noted that the applicant had detailed the demographic of the attendees which is predominantly female with an average age of between 25-44, so a slightly older demographic.
11. The Sub-Committee were reassured by the proposals to have not only a designated premises supervisor, as would be required by the Licensing Act but the additional arrangements around bar management and supervision at each of the bars on the premises.
12. The sub-Committee also noted the number of SIA staff which the applicant proposed to have deployed at the premises (at a ratio of 1:50 SIA staff to attendees which is significantly higher than the national standard of 1:100 or 1:75) to ensure public safety but who would also support the objectives of prevention of crime and disorder and prevention of public nuisance.
13. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

Conditions agreed with the Police and incorporated by the Applicant into their application:

*The premises licence holder shall (ensure) –*

1. *Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by SIA door supervisors to ensure that there is no nuisance or obstruction to the public highway and footpaths.*

2. *All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high-visibility jackets or vests.*
3. *Operate an anti-drugs policy in conjunction with a search and seizure policy. In compliance with agreed memorandum of understanding. This will also include storage and disposal procedures. Signage will be displayed throughout the premises. Any amendments to the policy must be agreed in writing with Croydon Police Licensing Team 30 days prior to any event.*
4. *Operate a weapons policy in conjunction with search and seizure. This will also include storage and disposal procedures. Any amendments to the policy must be agreed in writing with Croydon Police Licensing Team 30 days prior to any event.*
5. *Operate an anti-theft policy, which will include the reporting of theft, safe storage of found items, storage and disposal procedures for all items of property found or discarded at the premises. Signage will be on display in prominent places advising customers to safeguard their property. Any amendments to the policy must be agreed in writing with Croydon Police Licensing Team 30 days prior to any event.*
6. *Operate a search policy which includes searching everyone who enters the event including all staff and artists. All bags will be searched and all those entering will pass through the metal detector and/or wands search area.*
7. *A clear visible notice shall be placed at the entrance to the premises advising those attending, that it is a condition of entry that customers agree to being searched and that police will be informed if anyone is found in possession of controlled substance or weapons.*
8. *An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to police or an authorised officer. The following details shall be recorded:*
  - Date of incident*
  - Time of incident*
  - Location of incident*
  - Persons concerned*
  - Summary of incident*
  - Identification of any Emergency Services Personnel who attended*
9. *There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Police Licensing Team. Any amendments to the policy must be agreed in writing with Croydon Police Licensing Team 30 days prior to any event.*

10. *A Challenge 25 scheme must be operated to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving licence, military card or a card bearing the PASS hologram.*
11. *Ensure that polycarbonate drinking vessels are used for all alcoholic and soft drinks served to customers and that all drinks supplied in glass bottles will be decanted into polycarbonate serving or drinking vessels.*
12. *Ensure that customers are prevented from leaving the event site with bottles or open containers.*
13. *SIA door staff will be deployed at the event at a ratio of 1:50. Body Worn Video will be worn by all SIA door staff who are deployed at entry points and those dealing with the ejection of patrons from the event.*
14. *When SIA door staff are deployed ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -*
  - Name and date of birth*
  - Full 16 digit SIA badge number*
  - Dates and times employed*
15. *These records must be made available, in useable form, to the Metropolitan Police, Croydon Council officers or authorised officers of the Security Industry Authority upon request.*
16. *A direct telephone number (mobile to be held by duty manager) will be provided to neighboring premises to be used in the event of a complaint of noise nuisance.*
17. *The premises shall run each event with the latest Event Management Plan that has been agreed in writing at the latest SAG meeting.*
18. *The event management plans for each event shall include the following information as a minimum; site plans, stewarding/security plans to include regular weapon sweeps before, during and post egress, crowd management plans, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, possible noise nuisance plans, and ingress/egress plan.*
19. *All bar staff at the event will be trained, this training should reflect the Licensing Act 2003 and include the licensing objectives, proof of age, and conflict management. The training will be refreshed every 6 months and all staff training records should be maintained and kept on site. A designated member of staff should be able to produce the records on the request of police or other authorised person.*

20. *The event will operate a vulnerable person policy, this must include WAVE training for all members of staff.*
21. *Each bar shall be individually managed by a personal licence holder, during licensable hours.*
22. *CCTV shall be in operation throughout licensable hours, and must include: Main public gate, back of house gate, all stages and bars. CCTV must be retained for 31 days after the event and made available to Police or Council upon request. During the event any CCTV request made by Police should be provided on a useable digital format within 2 hours.*
23. *Engage with freely available counter terrorism advice and guidance through Counter Terrorism Protect Officers and Counter Terrorism Security Advisors.*

82/22     **LICENSING ACT 2003 - Application For a Premises Licence at 31 South End, Croydon, CR0 1BE**

The Licensing Sub-Committee considered the Application for a Premises Licence at **31 South End Croydon CR0 1BE** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant during the hearing. The Sub-Committee noted that although the objector was not present at the hearing, they had the benefit of the written representations as part of the report.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, Statutory Guidance under S182 of the Act and the Council Licensing Policy, **RESOLVED to GRANT** the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The grant is subject to the Conditions agreed with the police and offered by the applicant, the Applicant's operating schedule and the mandatory statutory conditions which apply under the Act.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on South End within a parade of shops with residential premises above. There is also a parade of shops on the other side of the road, also with residential premises above them. The immediately surrounding area includes both residential and commercial premises however it is situated in an area often described as the "restaurant quarter" and has numerous

restaurants, take aways and food outlets along this stretch of South End.

2. The premises license sought is only in relation to the provision of late night refreshment. There are no alcohol sales on the premises and none are sought.
3. Following discussions with the Police, the applicant has amended his application to have the conditions at Appendix A2 to the report placed on the license if the application is granted.
4. In addition, the applicant has amended their application to reduce the hours of opening and the hours of licensable activities. The requested terminal hour on Thursday to Sunday to 0100 hours on the following day and that the closing time for the premises will be 0230 hours Monday to Wednesday and 0130 hours Thursday to Sunday.
5. In respect of prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the *specific* premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to anti-social behaviour arising in the area due to the opening hours and noise disturbance to nearby residential properties but noted in this regard that there were no objections from the police or the noise nuisance team regarding potential crime and disorder or nuisance impacts and no specific concerns had been raised about the operation of the particular premises under consideration but rather a general concern that another premises would create/exacerbate nuisance and/or antisocial behaviour.
6. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.
7. The Sub-Committee noted that whilst the Council had adopted a cumulative impact policy which pertained to shops and supermarkets selling alcohol, this was not applicable to late night refreshment proposed for this operation.
8. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.



83/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.57 am

**Signed:**

**Date:**

.....

.....

This page is intentionally left blank

# Public Document Pack

## Licensing Sub-Committee

Meeting of held on Thursday, 23 June 2022 at 10.30 am. This meeting was held remotely, to view this meeting please click [here](#).

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);  
Councillors Margaret Bird and Nina Degrads

**Also Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

### PART A

#### 84/22 **Appointment of Chair**

Councillor Nina Degrads nominated Councillor Karen Jewitt as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Karen Jewitt as Chair for the duration of the meeting of the Sub Committee.

#### 85/22 **Disclosure of Interests**

There were none.

#### 86/22 **Urgent Business (if any)**

There were no items of urgent business.

#### 87/22 **GAMBLING ACT 2005 - Application for a Bingo Premises Licence at 1432-1434 London Road, Norbury, SW16 4BZ**

The Licensing Sub-Committee considered the Application for a Bingo Premises Licence at **1432-1434 London Road Norbury SW16 5BZ** under Section 159 of the Gambling Act 2005 ("the Act") and the representations

received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery. The Sub-Committee also considered the additional representations made by the Applicant and by interested parties which were circulated to the Sub-Committee and the Parties prior to the hearing. This included the additional written representations from an objector who had planned to attend the hearing but was subsequently unable to do so.

The Sub-Committee also considered the representations made by the Applicant's representative, a Ward Councillor on behalf of an objector and another objector during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing or did not wish to speak at the hearing, they had the benefit of the written representations and have had regard to these.

The Sub-Committee, having reference to the relevant code of practice under s.24 of the Act, the relevant guidance issued by the Gambling Commission under s.25 of the Act, the licensing objectives under the Act and the Council's statement of principles under the Act, **RESOLVED to GRANT** the application on the basis that it satisfied the duty in section 153 of the Act.

The reasons of the Sub-Committee were as follows:

1. S.153 provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it is:
  - a. in accordance with any relevant code of practice under s.24
  - b. in accordance with any relevant guidance issued by the Commission under s.25
  - c. reasonably consistent with the licensing objectives (subject to a and b above),
  - d. in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).
2. In exercising their functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, licensing

authorities must have regard to the licensing objectives set out in s.1 of the Act, namely:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. In determining applications for premises licences, the Act explicitly sets out two principles that licensing authorities should not have regard to:

- s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application
- s.210 (1) of the Act states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.

4. In addition, the Sub-Committee were mindful of the provisions of the statutory guidance which set out the following at paragraph 5.34:

*Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).*

5. The Act provides that licences may be subject to conditions in a number of ways:

- they may attach automatically, having been set out on the face of the Act
  - they may attach through regulations made by the Secretary of State
  - they may be attached to operating and personal licences by the Gambling Commission
  - they may be attached to premises licences by licensing authorities.
6. In relation to conditions and attaching conditions, the Sub-Committee was mindful of the statutory guidance, including at paragraph 9.28 which provides that *Licensing authorities should make decisions on conditions on a case-by-case basis, and in the context of the principles of s.153. They must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and this guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.* In addition, paragraph 9.31 provides that *Conditions imposed by the licensing authority must be proportionate to the circumstances which they are seeking to address. In particular, licensing authorities should ensure that the premises licence conditions are: relevant to the need to make the proposed building suitable as a gambling facility; directly related to the premises (including the locality and any identified local risks) and the type of licence applied for; fairly and reasonably related to the scale and type of premises; reasonable in all other respects.*
7. The Sub-Committee - whilst they had sympathy with the residents who had raised issues and who had a vision of the types of premises they may wish to see on their high street - were clear that the majority of those representations pertained to ethical or moral concerns relating to gambling or a desire not to have gambling (or additional gambling) being undertaken in their high street, which are not matters which the Sub-Committee can have regard to in reaching a decision on whether

or not to grant the application. A number of the representations related to the need or lack thereof for premises for gambling and again this was not a matter in respect of which the Sub-Committee could have regard to in reaching their decision. The Sub-Committee noted that they did not have before them any objections or concerns from any of the responsible authorities. These are bodies identified by S157 of the Act and are public bodies that must be notified of applications like the one under consideration and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. This includes police, fire authority, pollution team and the designated body who advises on protection of children from harm.

8. Specifically in relation to crime and disorder, the Sub-Committee noted that they did not have before them any objections from the police and indeed the police had agreed conditions with the applicant which are detailed in the report before members (paragraph 1.9 of Appendix A). In addition, the operator has detailed a number of conditions which they wish to have included on the license, if granted, to support the licensing objectives. These conditions are detailed within Appendix A4 of the report.
9. The Sub-Committee did not have before it any specific evidence which raised concerns about this operator or the operation of this premises at this location which would indicate that the objectives would not be or were unlikely to be met. In addition, the operators' detailed policies set out how they support the objectives and in relation to the protection of children from harm this includes such matters as this premises being strictly over 18's, operating a Think 25 policy regarding the checking of identification and the premises not being, in its external appearance, such as to attract or entice children to the premises.
10. In relation to comments in the representations about a decision taken by another licensing authority, with their own distinct licensing policy

and different individual circumstances and which pertained to an entirely different operator: the Sub-Committee did not consider that such a decision was a relevant consideration in relation to matters which they were called on to consider as part of this hearing.

11. In relation to the risk assessment the Sub-Committee considered the Council's statement of licensing principles under the Gambling Act which provides that *"This Council expects all operators to prepare robust and considered assessments of the local risks to the licensing objectives posed by the provision of gambling facilities at the application premises and address any factors that may have a negative impact on the licensing objectives. In addition, the Council expects all operators to review (and update as necessary) their local risk assessments:*

- *to take account of significant changes in local circumstances, including those identified in this statement of licensing policy;*
- *when there are significant changes at a licensee's premises that may affect their mitigation of local risks;*
- *when applying for a variation of a premises licence; and*
- *in any case, undertake a local risk assessment when applying for a new premises licence.*

The Sub-Committee were pleased to see that not only had the applicant undertaken a risk assessment prior to applying but that, as detailed by the Operator's Head of Compliance at the hearing, there had already been an updated assessment to take into account changing/additional information and there was an ongoing series of mechanisms by which the risk assessment was considered and updated to ensure that it remained relevant and appropriate to support the objectives throughout operation of the premises.

12. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration. The Sub-



Committee hopes that once the operation is in place it conducts its business in a neighbourly and considerate way.

**88/22 Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.57 am

**Signed:**

**Date:**

.....

.....

This page is intentionally left blank

# Public Document Pack

## Licensing Sub-Committee

Meeting of held on Thursday, 7 July 2022 at 10.30 am. This meeting will be held remotely, to view this meeting please click [here](#).

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);  
Councillor Christopher Herman (Vice-Chair) and Ria Patel

**Also Present:** Councillor Robert Ward, Councillor Richard Chatterjee, Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

**Apologies:** Councillor Nina Degrads

### PART A

#### 89/22 **Appointment of Chair**

Councillor Christopher Herman nominated Councillor Karen Jewitt as Chair and Councillor Ria Patel seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Karen Jewitt as Chair for the duration of the meeting of the Sub Committee.

#### 90/22 **Apologies for Absence**

Apologies were received from Councillor Nina Degrads. Councillor Karen Jewitt was in attendance as a substitute.

#### 91/22 **Disclosure of Interests**

There were none.

#### 92/22 **Urgent Business (if any)**

There were no items of urgent business.

**LICENSING ACT 2003 - Application for a Premises Licence at Addington Park, Croydon, CR0 5AR.**

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at Addington Park Croydon CRO 5AR and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery as well as the supplementary information provided prior to the hearing.

The Sub-Committee also considered the representations made on behalf of the Applicant, several objectors and a Ward Councillor during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing, they had the benefit of the written representations as part of the report and supplementary information and had regard to them in their decision making.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the Statutory Guidance under S182 of the Act and the Council Licensing Policy, RESOLVED to GRANT the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The application as granted is subject to the conditions offered by the applicant in their operating schedule, and to the mandatory conditions which are imposed under the Licensing Act 2003.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the applicant had sought to engage with and address concerns which had been raised by residents. It was noted that during the hearing, the Applicant addressed the issues which were raised by those making representations, and addressed the questions of the sub-committee members.
2. The Sub-Committee noted there was no objection from the Police, and therefore it was reasonable to conclude the Police were satisfied with the application from a crime and disorder and public safety perspective.
3. There were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals. The testing and setting of the volume levels will be taking place prior to the event and this will be undertaken with a member of the Council's Noise Nuisance team in attendance.
4. The Sub-Committee were clear that there were a number of matters in respect of which issues had been raised but which were not within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes – this included in relation to traffic management and parking in neighbouring streets, and littering and anti-social behaviour in the local area. Despite this, the Sub-Committee

noted that the applicant had arranged for shuttle-bus services to the premises, and intended to arrange for car parking at nearby school premises, that parking permits bearing individual codes would be issued to residents, and that if an individual parked in an unauthorised manner, they would be refused access to the premises. In addition, as part of the stewarding arrangements, the applicant will provide a highly trained, emergency response team to deal with any reported incidents of aggression. In addition, the permits provided to residents will have a contact number for the applicant's complaints team, and that number will be staffed during the events, so that issues raised can be addressed as efficiently and effectively as possible. The applicant also agreed to liaise with Parking Services at the Council as regards any parking enforcement measures which might be appropriate.

5. In respect of prevention of public nuisance objective, the Sub-Committee were reassured by the proposals to remove litter and waste, which was proposed on both event days, and on the day after with a view to ensuring that nuisance wasn't created by this means.
6. The Sub-Committee had regard to the Statement of Licensing Policy which provides that 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. 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. In addition, these provisions mirror similar provisions in the Statutory guidance which provides that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.
7. The Sub-Committee were aware of, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right but despite this, the Sub-Committee noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour once attendees left the event – this included stewards, and the dedicated contact details for residents mentioned above to alert the applicant to issues.
8. The Sub-Committee noted that the event is only accessible via tickets purchased in advance and would not be open to under 18's and all patrons would have to show appropriate identification to enter the premises. In addition, the applicant would be operating Challenge 25

scheme on the premises. The Sub-committee also noted that the targeted demographic of attendees was 28yrs+, so a slightly older demographic.

9. The sub-Committee also noted the number of SIA staff which the applicant proposed to have deployed at the premises (at a ratio of 1:50 SIA staff to attendees which is significantly higher than the national standard of 1:100 or 1:75) to ensure public safety but who would also support the objectives of prevention of crime and disorder and prevention of public nuisance.
10. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

94/22      **LICENSING ACT 2003 - Application for a variation to a Premises Licence at 10-14 Bywood Avenue, Croydon, CR0 7RA**

The Licensing Sub-Committee considered the Application for a Variation to a Premises Licence at 10-14 Bywood Avenue, Croydon CR0 7RA and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant, the objectors and a Ward Councillor during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 the Statutory Guidance issued under S182 of the Licensing Act 2003 and the Council Licensing Policy, RESOLVED to GRANT the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that following discussions with the Police licensing officer, the Applicant had amended their application and now sought a permitted start time of 7am for the sale of alcohol as opposed to 6am as listed in their original Application. In addition, the Sub-Committee noted the Applicant had also amended their application to have the conditions at Appendix A3 in the report placed on the licence if the Variation application was granted.
2. The Sub-Committee noted that the Council Licensing Policy acknowledges that the Guidance issued under S182 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.

3. The Sub-Committee noted there was no objection from the Police, and therefore it was reasonable to conclude the Police were satisfied with the Application from a crime and disorder and public safety perspective.
4. In respect of prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effects of the variation of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. The Sub-Committee also noted this may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. In this regard the Sub-Committee considered concerns raised relating to an increase in nuisance from customers parking irresponsibly, more deliveries to the premises, and littering.
5. The Sub-Committee were reassured however, by the Applicant's confirmation that the number and times of deliveries to the premises would not change if the Variation were granted, and that the Variation as regards late night refreshment was required only for the use of a coffee machine. Whilst the Sub-Committee noted that customer parking was an individual responsibility, they were also reassured that a member of the management team will be on the premises at all times that the premises are open and will be the initial point of contact for any issues which might arise. The Sub-Committee were also reassured that the Applicant has a "good neighbour" policy, and that there are litter bins outside the premises.
6. The Sub-Committee were also reassured that whilst the Statutory Guidance provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law, the Applicant agreed to work with local residents to try and deal with any litter and waste problems beyond that immediate area.
7. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

95/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 12.11 pm

**Signed:**

**Date:**

.....

.....



# Public Document Pack

## Licensing Sub-Committee

Meeting held on Friday, 15 July 2022 at 10.30 am. This meeting was held remotely.

### MINUTES

**Present:** Councillor Christopher Herman (Vice-Chair);  
Councillors Margaret Bird and Nina Degrad

**Also Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Mark Turnbull (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

### PART A

#### 96/22 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Christopher Herman as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Christopher Herman as Chair for the duration of the meeting of the Sub Committee.

#### 97/22 **Disclosure of Interests**

There were none.

#### 98/22 **Urgent Business (if any)**

There were no items of urgent business.

#### 99/22 **LICENSING ACT 2003 - Application For a Premises Licence at 890 London Road, Thornton Heath, CR7 7PB**

The Licensing Sub-Committee considered the Application for a Premises Licence at **890 London Road, Thornton Heath, CR7 7PB** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the further information submitted by the Applicant in support of the Application, representations made on behalf of the Applicant by their representative, and representations made by an objector during the hearing. The Sub-Committee noted that although the other objectors were not present at the hearing, they had the benefit of the written representations as part of the report. The Sub-Committee also noted that in relation to Representation (4) – Signed Petition, as only 2 persons had consented to the disclosure of their names and addresses, the Petition should be treated as 2 valid representations only.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Licensing Act 2003 Statutory Guidance, and the Council Licensing Policy, **RESOLVED to GRANT** the Application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter as well as the Cumulative Impact policy adopted by the Council which relates to high levels of alcohol related crime and alcohol related hospital admissions in areas 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 reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A23 in a parade of shops with a primary school diagonally opposite the premises. There was a petrol station and large retailer on the other side of the road. The Sub-Committee heard that there were a number of off-license premises in close proximity to the proposed premises.
2. In respect of the prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to anti-social behaviour arising in the area due to drunkenness and the associated harms.
3. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.
5. The Sub-Committee noted that there was no objection to the Application from the Police, and noted also that in accordance with the Statutory Guidance the Police should usually be the licensing

authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

6. The Sub-Committee noted that there was no objection to the Application from Environmental Health, which is the main source of advice in relation to the public nuisance licensing objective.
6. The Sub-Committee noted that the premises in question fall within a cumulative impact area as detailed within the Council's Statement of Licensing Policy. The effect of this is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, there will be a presumption under the special policy that the application will be refused. The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Sub-Committee was clear that it considered each matter on its own merits and did not apply this policy 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.
7. The Sub-Committee also noted that as provided by the Statutory Guidance, whilst the Cumulative Impact Policy should be regarded as a strong statement of its intent about its approach to considering such applications, it does not change the fundamental way that licensing decisions are made, and it is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the Applicant can demonstrate that they would not be adding to the cumulative impact.
8. In relation to the impact of the licensable activity, the Sub-Committee noted the premises were a small, family run specialist convenience store selling Sri Lankan groceries, modest hours were proposed (0900 – 2200), and the Applicants had offered extensive conditions in the Application, including all alcohol products will be displayed from behind the counter and there will be no self-service of alcohol product, and no more than 10% of the sales area shall be used at any one time for the sale etc. of alcohol.
9. The Sub-Committee also noted that in the Statement of Licensing Policy, it is recognised that the diversity of premises selling alcohol covers a wide range of contrasting styles and characteristics and full regard will be had to those differences and the differing impact these will have on the local community. In this respect, the Sub-Committee noted a level of support from local residents indicated by the petition presented by the Applicant.
10. Having regard to all of the above matters, the Sub-Committee concluded it was reasonable to make an exception to the Cumulative Impact Policy and that this would be consistent with its duty to promote the licensing objectives.

11. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

100/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.19 am

**Signed:**

**Date:**

.....

.....

# Public Document Pack

## Licensing Sub-Committee

Meeting held on Thursday, 21 July 2022 at 10.30 am. This meeting was held remotely.

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);  
Councillors Margaret Bird and Nina Degrad

**Also Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Mark Turnbull (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Jayde Watts (Trainee Democratic Services Officer)

**Apologies:** Councillor Christopher Herman

### PART A

#### 101/22 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Karen Jewitt as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Karen Jewitt as Chair for the duration of the meeting of the Sub Committee.

#### 102/22 **Disclosure of Interests**

There were none.

#### 103/22 **Urgent Business (if any)**

There were no items of urgent business.

#### 104/22 **LICENSING ACT 2003 - Application For a Review of a Premises Licence at Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA**

The Licensing Sub-Committee considered an application to adjourn the hearing for a Review of the premises licence held by Oceanic Bar Ltd, in respect of Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA. The

Sub-Committee considered representations on behalf of Oceanic Bar Ltd. and representations on behalf of the Police.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005 RESOLVED to ADJOURN the Review until 28 July at 3pm on the basis that the Sub-Committee was satisfied that it was in the public interest to do so and that this was necessary for the Sub-Committee's consideration of representations made on behalf of a party, namely Oceanic Bar Ltd.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted in particular the difficulties with viewing video evidence submitted by the Police.
2. The Sub-Committee also noted the shortness of time available to Oceanic Bar's representative to prepare and put forward representations and the reason put forward by Oceanic Bar Ltd. for this

105/22 **Exclusion of the Press and Public**

The following motion was moved to exclude the press and public:

"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."

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

The meeting ended at 11.19 am

**Signed:**

**Date:**

.....  
.....

## Licensing Sub-Committee

Meeting held on Wednesday, 27 July 2022 at 10.30 am. This meeting was held remotely.

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);  
Councillors Margaret Bird and Nina Degrad

**Also Present:** Councillor Tony Pearson, Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Corporate Lawyer); Jayde Watts (Trainee Democratic Services Officer).

### PART A

#### 11/22 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Karen Jewitt as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Karen Jewitt as Chair for the duration of the meeting of the Sub Committee.

#### 12/22 **Disclosure of Interests**

There were none.

#### 13/22 **Urgent Business (if any)**

There were no items of urgent business.

#### 14/22 **LICENSING ACT 2003 - Application for a premises licence at 21-22 Central Parade, New Addington, CRO 0JB**

The Licensing Sub-Committee considered the Application for a Premises Licence at **21-22 Central Parade, New Addington, CRO 0JB** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, as well as the supplementary information provided.

The Sub-Committee also considered the representations made on behalf of the Applicant, an objector and a Ward Councillor during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing, they had the benefit of the written representations as part of the report and published information.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT** the application subject to the imposition of the conditions detailed in Appendix A2 agreed with the police and subject to the conditions set out in the operating schedule submitted by the Applicant in Appendix A1, on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on Central Parade in a lengthy parade of shops with residential premises above the shops. The Sub-Committee heard that there were a number of off-license premises in close proximity to the proposed premises on the parade— one of the parties making representations indicated that half the shops on the parade sold alcohol, another indicated that there were 9 such shops, whilst the another indicated that there were 10 in the parade of over 50 commercial premises, which included a McColls, a Co-op, an Iceland, a Food and Wine convenience store and several takeaway premises
2. The Sub-Committee noted that the location of the premises was within one of the areas in which the Cumulative Impact policy adopted by the Council is in place, which applies in respect of off licences and shops and supermarkets selling alcohol for consumption off the premises. The Cumulative impact policy was introduced due to high levels of alcohol related crime and alcohol related hospital admissions in areas



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 Council policy indicates that reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.

3. The effect of the Cumulative impact policy is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, there will be a presumption under the special policy that the application will be refused. The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Sub-Committee was clear that it considered each matter on its own merits and did not apply this policy 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. The Sub-committee were clear that the cumulative impact policy could not be used as a blanket ban on any premises seeking to sell alcohol for consumption off the premises in the area. Each application must be considered on its merits and in light of the representations received. In addition, the cumulative impact policy must be considered in context and against other policy aims which form part of the Council's Statement of Licensing Policy. The Sub-Committee were also clear that they had to have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 in exercising their functions.
5. The Statutory guidance sets out that a cumulative impact area does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application in a cumulative impact area where it considers it is appropriate and where the applicant has demonstrated in their operating schedule that they

would not be adding to the cumulative impact. Cumulative impact policies must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas indirectly have the effect of predetermining the outcome of any application and would have no regard to the individual characteristics of the premises concerned.

6. The premises is proposed to be a Turkish supermarket which supplies what the Applicant terms “ethnic” goods which people from Turkey, the middle east and surrounds would normally purchase, and which are not readily available in the surrounding stores. The Applicant indicated that they were not seeking to sell cheap alcohol but to ensure that they catered to their proposed customers. The premises is a large one with a butchery and bakery as part of the offering. The Applicant’s operating schedule also included a number of measures which were designed to reduce the attractiveness and accessibility of alcohol, some of which are detailed below in paragraphs 9 and 10. This indicates to the Sub-Committee the Applicant’s awareness of, and willingness to operate in a manner which does not add to the cumulative impact in the area.
7. In considering Cumulative Impact, the Statement of Licensing Policy indicates that the Council will recognise 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.
8. The representations detail existing issues with alcohol reliant individuals, youth congregating and harassing people to buy alcohol on their behalf, anti-social behaviour in the area and the concern being expressed that with each premises selling alcohol the risk of crime and disorder increases. Views were also expressed that there was no need for an additional outlet which was permitted to sell alcohol or that the Applicant ought to consider selling products which were of more benefit

to the community than alcohol. In the first instance, the Sub-Committee were clear that matters of commercial need or lack thereof, were not relevant considerations for the sub-committee to take into account. This premise is set out in both the Council's Statement of Licensing Policy and the Statutory Guidance. Whilst the Sub-Committee were sympathetic to the concerns about anti-social behaviour of this nature in the area, the representations before the sub-committee did not relate to what this specific premises was or was not proposing to do and how it was proposed to operate, rather they expressed the general view that any premises would exacerbate the issues without considering the proposals, the measures to be put in place and manner in which the premises was proposed to be run. The Sub-Committee were however clear that they had to consider the individual circumstances of this premises in light of the Council's policy and the statutory guidance.

9. In respect of Crime and Disorder, the Sub-Committee noted the recommendation in the Statutory Guidance that the Licensing Authority should look to the police as the main source of advice on crime and disorder. In this regard, the Sub-Committee had before it a set of conditions which the Applicant had discussed with and agreed with the Police with a view to supporting the licensing objectives. These include such matters as the following:

- “No more than 10% of the total shop floor space shall be given for the sale of alcohol”;
- “All spirits on sale will be kept behind the cigarette/kiosk counter”;
- “There shall be no sale of beer, lager or cider with an ABV content above 6% save for premium products/artisan products which have been agreed with the police”;
- “ There shall be no self-service of spirits except for spirit mixtures with an ABV content below 6%.”

10. In addition, the Applicant has included the following as part of their operating schedule which the sub-committee considered pertinent to the representations made:

- “All alcoholic drinks which are displayed shall be in sight of the till”;
- “There shall be a minimum of three personal license holders present on the premises at all times”;
- “ There shall be no advertisements for alcohol in the shop window” and
- “There shall be no display boards or other advertising for alcohol showing on the shop floor”.

11. Having regard to the proposed conditions set out in the operating schedule in Appendix A1 and as agreed with the Police in Appendix A2, and having regard to the nature of the proposed business the Sub-committee is of the view that the proposed conditions would support the licensing objectives at this premises and not exacerbate cumulative impact issues and was of the view that the proposals in some instances go substantially beyond what might be expected of a premises license holder in other circumstances – for example the provision in the operating schedule that three personal license holders being on the premises at all times. As such, and in all the circumstances of this matter, the Sub-Committee considered that it was appropriate that the application be granted despite being in a cumulative impact area.

12. In respect of prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effect of the licensable activities *at the specific premises* on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to anti-social

behaviour arising in the area due to drunkenness and the associated harms but noted that these did not relate to the specific premises but to the area in general and did not consider, with the proposals before the sub-committee, that this premises would exacerbate the existing issues.

13. The Sub-Committee were also aware and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. In addition, the offered conditions in the operating schedule and agreed with the police sought to address such issues as they apply at the premises and within the control of the premises license holder.

14. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

15/22 **LICENSING ACT 2003 - Application for a review of the premises licence at 3 Brighton Road, South Croydon, CR2 6EA**

The Licensing Sub-Committee considered the SUMMARY REVIEW of the Premises Licence at **3 Brighton Road, South Croydon, CR2 6EA** under Section 53C of the Licensing Act 2003 and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant and Parties to the hearing prior to the hearing and incorporated in the supplementary information published as an addendum to the report and videos considered by the Sub-Committee in private session.

The Sub-Committee also considered the representations made by the Applicant, the premises license holders, responsible authorities and other persons and their representatives during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to Modify the conditions which apply to the license as detailed below in paragraphs 3, 6, 11 and 12** on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The Sub-Committee considered that the licensing objectives of the prevention of crime and disorder, public safety and public nuisance were particularly relevant in relation to the consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A235 two doors down from a residential block of flats, residential premises further along both sides of the Brighton Road, with a small parade of shops with residential premises above on the opposite side of the road and a mental health hospital across the road from the premises.
2. The Sub-Committee noted that not only had the Police raised concerns about serious crime and disorder associated with the premises, as evidenced by, among other matters the stabbing of three persons in the area immediately outside/ on the threshold of the premises, but that the Sub -Committee had also been provided evidence of public safety concerns by Environmental health, pertaining to fire exits, fire hazards and missing fire extinguishers and public nuisance issues by the Council's Pollution team and a resident who had been in extensive contact with the premises license holder about the ongoing issues.

3. In respect of the Prevention of Crime and Disorder objective, the Sub-Committee noted that following discussions between the Police and the representative for the Premises License Holders, the below amended conditions had been agreed should the Sub-Committee be minded not to suspend or revoke the license. The Sub-Committee has agreed that the premises license be amended accordingly:

- That the existing conditions 1-6 in Annex2 to the premises license be removed and replaced with the following:

1. Staff must be given training in relation to Licensing Act 2003, conflict management and the protection of children from harm. Refresher training shall be given every 6 months and records shall be kept at the premises and made available for inspection by the police or authorised official from the local authority.

2. All members of staff working at the premises will undertake counter terrorism training, on an annual basis, this may include (but is not limited to) Action Counter Terrorism Awareness E-learning (ACT-E). Such training is available through <https://www.gov.uk/government/news/act-awareness-elearning>

3. The premises licence holder will operate a vulnerable person policy, this must include (but not limited to); Welfare And Vulnerability Engagement (WAVE) and Ask For Angela training for all staff, on an annual basis (As long as such, or similar training is available).

4. A CCTV system must be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard must be

captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

5. The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

6. CCTV signage must be displayed, reminding customers that CCTV is in operation.

7. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.

8. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to the public in order to show police images if required. A member of staff suitably trained to download CCTV footage must then be available within 24hrs. The downloaded footage is to be supplied in a useable digital format.

9. A comprehensive incident register must be maintained, at the premises. Details of incidents shall be added to the register within 24hrs of any incident. CCTV images of any incident will be recorded and kept at the premises along with a copy of the incident report and written reports from all members of staff involved

a. The following details must be recorded: -

b. Date of the incident

c. Time of the incident

d. Location of the incident

e. Persons concerned in the incident

f. Summary of incident



g. Identification of any Emergency Services Personnel attending where possible

10. A challenge 25 policy shall be in operation at the premises with appropriate signage on display throughout the premises.

11. Ensure that a refusal book or electronic system to record all refusals of sales of alcohol shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.

12. A personal licence holder must be present at all times that licensable activities are taking place.

13. Ensure all bookings are made at least 14 days in advance of the event and may only be made by a person over the age of 21 years.

14. Ensure all bookings are made in person at the premises and an application completed on a booking agreement form agreed with the Metropolitan Police and all records of these bookings and a guest list must be available for inspection by an authorised officer of the police at any time that the premises is open. Copies of photographic ID must accompany any application (Passport, Driving Licence, Pass logo ID)

15. There shall be no promoted events held in any area of the premises, events should not be advertised on social media and no tickets should be sold for events.

16. All events held in any part of the premises must be ancillary to a table meal, the main function of the premises is to operate as a restaurant.

17. The premises will provide all alcohol and food for events. Only alcohol purchased by the DPS or premises licence holder can be sold at the premises and these events are to be staffed by persons employed by the premises.

18. When the upstairs event space is being used a minimum of two SIA door supervisors shall be deployed at the venue from 21:00hrs until the premises closes.

19. Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -

- a. Name and date of birth
- b. Full 16 digit SIA badge number
- c. Dates and times employed

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

- That the existing hours of sales of alcohol, late night refreshment and regulated entertainment be amended by replacing the existing provisions in the license with the following:

Sale by Retail of Alcohol

Monday to Thursday & Sunday 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Provision of Regulated Entertainment

Monday to Thursday & Sunday 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Provision of Late Night Refreshment

Friday and Saturday 23:00 to 00:00

No seasonal variations

- That the hours of operation of the premises be reduced so that the premises close at midnight.
4. The Sub-Committee also noted that the representative of the premise license holders conceded the following in written representations and during the hearing: That the statements of the police officers are not challenged and that a suspension of the licence was correct pending enquiries being made.
  5. In respect of the Promotion of Public Safety objective, the Sub-Committee noted the statutory guidance in this regard which provides that Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. The statutory guidance goes on to provide that a number of matters should be considered in relation to public safety, including such matters as fire safety; ensuring appropriate access for emergency services such as ambulances; ensuring the safety of people when leaving the premises, ensuring appropriate and frequent waste disposal, particularly of glass bottles.
  6. The Sub-Committee were concerned about the public safety issues raised due to the removal of fire extinguishers, the blocking of fire exits and issues of fire safety at the premises which could arise as a result. It is clear from the information provided to the Sub-Committee that there was a significant accumulation of rubbish obstructing an emergency exit and the removal/inaccessibility of fire extinguishers as well as accumulation of glass bottles at the premises prior to and during the incidents which gave rise to the review, some of which were used as

potential weapons in the incidents. Each of those matters gave rise to concern that the premises license holder was not adequately addressing the licensing objective of public safety. Accordingly, the Sub-Committee considered that it is appropriate to impose the below additional conditions in order to support the promotion of public safety at the premises. In addition, the Sub-committee considered that the below conditions are proportionate to the harm they have been made aware of by virtue of the representations before the Sub-Committee. The imposed conditions are as follows:

- The Premises Licence holder/s shall ensure that there is no accumulation of rubbish or waste obstructing the emergency exits from the property
- The Premises License Holder/s shall ensure that fire extinguishers are appropriately located, operational and available at the premises to the satisfaction of the London Fire Brigade.
- The Premises License Holder/s shall ensure that there is no accumulation of glasses, glass bottles or glass containers in those parts of the premises open to the public and shall ensure that regular sweeps are made by staff to remove these so that these do not present a public safety issue to patrons at the premises.
- Any SIA accredited door supervisors who are employed at the premises shall be readily identifiable to patrons.

7. In respect of Prevention of Public Nuisance, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance.

8. In this regard the Sub-Committee noted the concerns raised by the Noise Nuisance team and a resident who had been in contact with the premises license holder/s for some time about ongoing and seemingly escalating issues of noise nuisance for residents of the nearby properties. The issues have been ongoing for a substantial amount of time and there appears to be an unwillingness or inability of the premises license holder to deal with the issues arising around nuisance to the neighbours including disturbances several times a week, including during the week.
  
9. The Sub-Committee considered that the noise nuisance complained of and the impacts thereof on local residents, jeopardised the licensing objective of prevention of public nuisance and accordingly considered what options might be appropriate in order to promote the prevention of public nuisance licensing objective.
  
10. In the first instance, the Sub-Committee considered whether it would be appropriate to impose conditions in order to address the concerns. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 regarding the imposition of conditions and noted that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions) as well as the potential benefit in terms of the promotion of the licensing objectives. The above referenced paragraph also suggests that the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.

11. The Sub-Committee observed that the variation to the conditions as detailed above in paragraph 3 in relation to operation of the premises and hours during which licensable activities would be permitted, did go some way to mitigating the public nuisance which residents have suffered. However, the Sub-Committee considered that, in light of the representations before them, it was appropriate for there to be additional conditions imposed to manage the issues raised pertaining to public nuisance. Accordingly, the Sub-Committee imposed the following additional conditions to support the prevention of Public Nuisance objective:

- The Premises License holder/s shall ensure that the emergency exit is used only for that purpose by patrons and no patrons are permitted to gather outside the emergency exit for purposes of smoking.
- The Premises License holders/ shall ensure that doors and windows are kept closed after 23h00 on any evening that the premises is open for business.
- The Premises License holder/s shall ensure that any patrons are reminded to be mindful of not disturbing the neighbours and to leave in a quiet manner.
- The Premises License holder/s shall ensure that they put in place a dispersal policy to ensure patrons' safety whilst leaving the premises and to ensure that patrons do not gather outside the premises and disturb neighbours. The dispersal policy shall be agreed with the Council's Licensing officers and noise nuisance team.

12. The Sub-Committee noted that one of the premises license holders was both the owner of the business and Designated Premises Supervisor ("DPS") for the premises in respect of sale of alcohol. The DPS is the key person who is responsible for the day to day

management of the premises, including the promotion of the licensing objectives. The Sub-Committee considered that the DPS for this premises has indicated a lack of awareness and ability to uphold the licensing objectives in the operation of his business. Accordingly, the Sub-Committee considered that it was appropriate to impose the following additional condition on the license:

- The Designated Premises Supervisor shall undergo refresher training under the Licensing Act 2003 and confirm to the Licensing Authority when this refresher training has been completed.

Pursuant to Section 53D, the Sub-Committee considered the Interim Steps currently imposed on the Premises Licence at **3 Brighton Road, South Croydon, CR2 6EA** under Section 53B of the Licensing Act 2003 and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery and the additional documentary evidence submitted by the Parties and the representations made by and on behalf of the various Parties to the hearing. The Sub-Committee considered whether the current interim steps are appropriate for the promotion of the licensing objectives, the relevant representations received and those made at the meeting and considered whether to withdraw or modify the current interim steps. The Sub-Committee **RESOLVED to remove the suspension in place as an Interim Step imposed under S 53B but to modify the conditions of the premises license as detailed above in paragraphs 3, 6, 11 and 12 as an interim Step under S53D. The sub-committee resolved that these revised interim steps shall remain in place pending the expiration of the time period for appeal or the determination of the appeal if one is lodged, whichever is the later.** [Note: Any interim steps taken at the review hearing apply until— (a) the end of the period given for appealing against a decision made under section 53C (21 days), (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or (c) the end of a period

determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above)].

The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

16/22 **Exclusion of the Press and Public**

The Sub-Committee agreed to exclude the press and public during the course of the meeting for the following reasons:

The Licensing Sub-Committee deemed it appropriate to exclude the public from part of the hearing having considered the nature of some of the evidence that was to be taken into account. In making this decision, the public interest test was considered, and it was felt necessary to hear the relevant evidence in private, as in doing so it outweighed the public interest in hearing the relevant evidence in public. On this basis the motion was put forward and agreed by the Committee to exclude the press and public for a portion of the meeting.

The meeting ended at 1.47 pm

**Signed:** .....

**Date:** .....



# Public Document Pack

## Licensing Sub-Committee

Meeting held on Thursday, 28 July 2022 at 3.00 pm. This meeting was held remotely.

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);

Councillors Margaret Bird and Nina Degrad

**Also**

**Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Mark Turnbull (Corporate Lawyer); Jayde Watts (Trainee Democratic Services Officer).

### PART A

112/22 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Karen Jewitt as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Karen Jewitt as Chair for the duration of the meeting of the Sub Committee.

113/22 **Disclosure of Interests**

There were none.

114/22 **Urgent Business (if any)**

There were no items of urgent business.

115/22 **LICENSING ACT 2003 - Application For a Review of a Premises Licence at Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA**

The Licensing Sub-Committee considered the Application for a Review of the Premises Licence at **Oceanic Bar, 83-84 High Street, South Norwood SE25 6EA** made by the Police as a responsible authority under S51 of the Licensing Act 2003 on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. The Sub-Committee also considered the further information submitted by the Applicant in support of the

Application, comprising statements by Police officers and copies of letters sent to the licensed premises by the Applicant, and the written representation in support of the Application by Croydon Council Environmental Health Practitioner as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the information submitted by the premises licence holder before the hearing, and representations made on behalf of the Applicant, and on behalf of the premises licence holder during the hearing. The Sub-Committee noted that although some of those making representations were not present at the hearing, they had the benefit of the written representations as part of the report.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 the Statutory Guidance issued under S182 of the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to REVOKE** the premises licence on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee were mindful that the Statutory Guidance provides “Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review”. In this respect, the Sub-Committee noted the strenuous efforts made by the Applicant to work with the premises licence holder in trying to ensure that the premises were run safely, in particular the many visits to the premises by the Applicant, and the Applicant’s comprehensive letters to the premises licence holder whereby the premises licence holder was directed to the relevant licence conditions, provided with advice and instructions as to what action was required, and warned that if there were continuing breaches of the licence conditions, the Applicant would apply for a Review.
2. In respect of the prevention of crime and disorder objective, the Sub-Committee noted the many breaches of the licence conditions, in particular the conditions relating to CCTV, signage for Challenge 25, use of an identification scanning device, the deployment of SIA door staff, the searching of members of the public at the premises, and the use of the basement for licensable activities after the hours permitted by the licence.
3. The Sub-Committee was mindful that the Statement of Licensing Policy provides “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”, and that the premises licence holder had failed to respond positively to the many attempts by the Applicant to work with him.

4. The Sub-Committee also noted that when requested by the Council Environmental Health practitioner, the premises licence holder failed to produce documents relating to Staff refresher training, Welfare and Vulnerability & Counter Terrorism training, a written Policy in relation to Drugs, Weapons and Theft, a Refusal Book or Electronic System to record refusal, or a Dispersal Policy.
5. In respect of the prevention of public nuisance licensing objective, the Sub-Committee noted the importance of focussing on the effects of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. The Sub-Committee also noted this may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. The Sub-Committee noted that there are residential premises above, beside and opposite the licensed premises. The Sub-Committee noted the phone calls to the Applicant by members of the public complaining about loud music coming from the premises after the hours permitted by the licence, and in particular the Sub-Committee noted the Witness Statement submitted by the Applicant as to the impact of noise, and anti-social behaviour on local residents. The Sub-Committee also noted that there were breaches of the licence conditions in that there was no Dispersal Policy, and no Signage displayed asking customers to leave quietly.
6. In respect of the public safety licensing objective, the Sub-Committee noted breaches of the licence conditions relating to CCTV, use of an identification scanning device, the deployment of SIA door staff, the searching of members of the public at the premises and the failure by the licence holder to produce the documents referred to above.
7. The Sub-Committee was mindful that where it considers action under its statutory powers is appropriate, a licensing authority may take any of a number of steps, namely modify the conditions of a premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor, suspend the licence for a period not exceeding three months, or revoke the licence. As provided by the Statutory Guidance, in deciding which power to invoke, the remedial action taken should always be no more than an “appropriate and proportionate response to address the causes of concern that instigated the review”.
8. As regards removal of the designated premises supervisor, the Sub-Committee was mindful of the Statutory Guidance which provides the

removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. In this respect, the Sub-Committee noted the licence holder had accepted there was a need to remove and replace the designated premises supervisor. However, the Sub-Committee noted that the licence holder had not identified another individual to become the designated premises supervisor after 7 months.

9. The Sub-Committee also noted the representation on behalf of the licence holder that other appropriate and proportionate measures would be a suspension of the licence to permit time for training, and the modification of certain of the licence conditions relating to the number of SIA door staff, when they should be deployed, the wearing of body worn cameras, and the searching of customers. The Sub-Committee was also mindful that as provided by the Statutory Guidance, “it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives”.
10. However, the Sub-Committee was also mindful that as provided by the Statutory Guidance “where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence”.
11. The Sub-Committee noted that the Applicant considered the cause of the concerns was the management of the premises, and the Applicant had lost faith in the licence holder’s ability to operate the premises safely and responsibly in accordance with the licence conditions, and consistently with the licensing objectives. The Sub-Committee also noted the lack of any positive response by the licence holder to the many attempts by the Applicant to work with him, and the serious and persistent breaches of the licence conditions over the last 7 months. For these reasons, the Sub-Committee considered that in the circumstances the suspension of the licence, the modification of the licence conditions, and the removal of the designated premises supervisor were insufficient and inadequate measures to address the causes of the concerns, and that it was appropriate and proportionate and would support the licensing objectives to revoke the licence.
12. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee’s consideration.

116/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 4.19 pm

**Signed:**

**Date:**

.....

.....

This page is intentionally left blank

## Licensing Sub-Committee

Meeting held on Thursday, 11 August 2022 at 10.30 am. This meeting was held remotely, to view the meeting please click [here](#).

### MINUTES

Present: Councillors Patsy Cummings, Margaret Bird and Nina Degrad

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) and Michelle Gerning (Democratic Services Officer)

### PART A

#### Appointment of Chair

Councillor Nina Degrad nominated Councillor Patsy Cummings as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Patsy Cummings as Chair for the duration of the meeting of the Sub Committee.

#### Disclosure of Interests

There were none.

#### Urgent Business (if any)

There were no items of urgent business.

#### **LICENSING ACT 2003 - Application for a premises licence at 19 High Street, South Norwood, SE25 6EZ**

The Licensing Sub-Committee considered the Application for a Premises Licence at **19 HIGH STREET, SOUTH NORWOOD, SE25 6EZ** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, the additional documentary and audio evidence submitted by the Parties to the hearing prior to the hearing and the information incorporated in the supplementary documentation published as an addendum to the report.

The Sub-Committee also considered the representations made by the Applicant and the objectors and their representatives during the hearing. The Sub-committee noted that whilst not all those making

representations were before the Sub-Committee at the hearing, it had the benefit of their written representations and had regard to these in reaching its decision.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”) and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended subject to conditions set out in the Applicant’s operating schedule, in Appendix A2 to the report and as detailed below in paragraph 13 on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was particularly relevant in relation to the consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A213 in a parade of shops with residential premises above and were surrounded by residential premises, including three blocks of flats nearby and a nursing home in close proximity to the premises. There was also a parade of shops on the other side of the road, also with residential premises above them.
2. As set out in the Council’s statement of Licensing Policy and in the Statutory Guidance to which the Sub-Committee must have regard in considering matters under the Act; the planning and licensing regimes involve consideration of different matters. The Sub-Committee noted that planning permission is currently outstanding in respect of the premises but that this would not preclude the Licensing Sub-Committee from making a determination regarding Licensing matters under the Licensing Act 2003. The Licensing Sub-Committee were clear that they are not able to make determinations pertaining to planning or building control matters – for example the nature or suitability of a building from a planning or building control perspective, the “change of use” arguments, the flue or siting thereof, the sufficiency of facilities and the parking situation are not matters for the Licensing Sub-Committee to consider or determine, nor is the Licensing Sub-Committee bound by decisions made by a planning committee, and vice versa. However, there are circumstances when, as a condition of planning permission, a terminal hour has been or is subsequently set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission could be liable to prosecution under planning law. Similarly, an operator who acts contrary to the conditions on their license under the Act could also be liable for prosecution and their license



could be subject to review. The Sub-Committee wished to make clear to residents that such a review could be triggered not only by responsible authorities under the Act, but also by residents where there was evidence that there had been a failure to adhere to conditions on the license or that the licensing objectives were being compromised by the actions of the operator at a licensed premises.

3. The Sub-Committee were also mindful of the statutory guidance which provides that the permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005 and the sub-committee noted that they had no representations from the London Fire Brigade as responsible authority in this regard even though they were consulted on the application as a responsible authority.
4. The Sub-Committee noted that the Applicant had been in discussion with the Police regarding the application and had consequently amended their application to reduce the proposed hours to those detailed in paragraph 1.2 of Appendix A1 of the report, with no seasonal variations to those timings and in addition, had amended their application to include that the conditions at Appendix A2 be placed on the license should the Sub-Committee be minded to grant the application. Consequently, there were no objections from the police in relation to the application.
5. The Sub-Committee noted that there were similarly no objections from the Pollution Team before them in relation to noise or other nuisance issues, however they did have before them concerns raised by residents that there was the potential for noise disturbance to be created for them simply by virtue of the operation of a premises license for the times requested, at the location.
6. The Sub-Committee had regard to the representations that indicated there were a number of families with young children in the surrounding area and the presumed detrimental impact which noise nuisance would have on them given the proposed late hours of operation. As provided in paragraph 2.22 of the Statutory Guidance, the Sub-Committee noted that the protection of children from harm includes the protection of children from moral, psychological and physical harm however, beyond the presumption by residents that the premises would result in noise nuisance, the sub-committee did not have before it any evidence relating to the proposed operation of the premises or the Applicant as operator which indicated that this

would transpire or impact on the protection of children from harm objective. The Sub-Committee noted that the Applicant ran a restaurant across the road from this proposed premises and there had been no issues reported to the Sub-Committee with regard to the operation of that premises in terms of noise nuisance or crime and disorder, which the Sub-Committee would have expected if it presented an issue for residents.

7. The Sub-Committee also noted the applicant had made provision, in the extensive operating schedule, for the following which the Sub-Committee considered indicated a willingness to work with residents and the community:

“A telephone number will be made available to any local resident or member of the public if any matters of concern arise in relation to the operation of the premises, and this will reinforce the assurances the management have already given to some local residents”

Residents are urged to make use of this facility if they experience issues so that this can be appropriately managed by the premises.

8. In respect of Prevention of Public Nuisance, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. The statutory guidance specifically references the more sensitive period of the evening, namely between 11pm and 8am in this regard.

9. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, as made clear in the statutory guidance, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. The Sub-Committee noted that the Applicant had already offered, as part of the proposed conditions to have such conditions on the license if granted and would have a dispersal policy in place to secure the safe and appropriate dispersal of patrons from the premises. In addition, the applicant had proposed conditions around litter and waste storage designed to minimise nuisance to neighbours. Provision was also made that the placing of bottles into receptacles outside the premises by staff would take place at times

that will minimise disturbance to nearby residents. The Sub-Committee considered that these were all positive noise nuisance mitigation measures in terms of the Licensing Act activities.

10. The Sub-Committee noted the audio evidence submitted by the Parties which demonstrated the low level of ambient noise which can be experienced by residents currently in the area after midnight. The sub-committee noted in this regard that the Applicant had undertaken soundproofing of his premises, indicated that the premises was to be operated as a lounge and bar rather than as a nightclub and the proposals outlined by the Applicant during the hearing that no use would be made of outdoor rear areas at the premises or the alleyway, although smoking would be permitted to the front of the premises under oversight of security to ensure minimum disturbance in the area, and that the music in the ground floor areas of the premises would cease at 11pm at night whilst continuing in the basement areas of the premises.
11. The Sub-Committee were also pleased to hear that even where the Applicant let the premises for hire for occasional private functions, the ID checks proposed for the premises would still be taking place and management from the premises would still be in attendance to ensure that the venue was appropriately managed and license conditions adhered to, during the hire.
12. The Sub-Committee considered whether it would be appropriate to impose further conditions in order to address the concerns raised. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 regarding the imposition of conditions and noted that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions) as well as the potential benefit in terms of the promotion of the licensing objectives. The above referenced paragraph also suggests that the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.
13. The Sub-Committee were made aware via the representations that there is a door that leads from the main ground floor unit that opens direct on to the alleyway opposite two of the doors to residential units and the concerns that not only would any access or egress from this

door cause noise nuisance but also that it could potentially be used to circumvent the security and safety measures which the Applicant proposed putting in place at the front entrance of the premises. The Applicant indicated to the Sub-Committee that this side doorway was only to be used for emergency exit purposes. The Sub-committee considered that the concerns of the residents regarding the use of the alleyway engaged their discretion in relation to potential public nuisance and the risk of this doorway being used by Patrons for access and associated safety concerns. The Sub-Committee considered that condition 19 agreed with the police, namely that “No customers shall congregate in the side/service alleyway which runs adjacent to the premises to either smoke or drink. This area must remain clear at all times”, goes some way to addressing the residents’ concerns about the alleyway and the doorway access. However, the Sub-committee considered that it would be appropriate to impose a further condition in relation to the access and egress from this door. Accordingly, the Sub-Committee imposed the following condition:

“The door/s to the side of the premises shall only be used by patrons for emergency exit purposes.”

14. The Sub-Committee were impressed by the Applicant and his dedication to the community and the manner in which he had operated his restaurant across the road from this proposed premises and noted that there were no licensing issues raised in relation to this Applicant or in relation to the application under consideration in terms of the manner in which the applicant proposed to operate his premises. In this regard the Sub-Committee noted that the Applicant’s history of working with and in the community in the area and expressed desire that this proposed premises be operated to ensure that relationship continued.
15. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee’s consideration.

**LICENSING ACT 2003 - Application for a premises licence at 77-79 Mitchley Avenue, Croydon, CR2 9HN**

The Licensing Sub-Committee considered the Application for a Premises Licence at **77-79 Mitchley Avenue, Croydon, CR2 9HN** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant and their representative during the hearing. The Sub-committee noted that whilst those making representations were not before the Sub-Committee, it had the benefit of their written representations and had regard to these in reaching its decision.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended, subject to the conditions set out in the operating schedule and those set out in Appendix A2 to the report on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was particularly relevant in relation to the consideration of the representations on the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A2022 in a parade of shops, comprising only two other premises with residential premises above and surrounding the premises on all sides with gardens of residential premises backing onto the rear of the premises.
2. The Sub-Committee had regard to the Council's Statement of Licensing Policy which provides that the Council will treat each case on its individual merits, however, in general, 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. The Sub-Committee were mindful that although this area was certainly one of denser residential accommodation, the proposed premises license was not for a public house but for a restaurant which sought on sales of alcohol, which sales would only be made with a table meal.
3. The Sub-Committee noted that following discussions with the Police and the Council's Trading Standards team, the Applicant had amended their application to have the conditions set out at Appendix A2 to the report placed on their license if the Sub-Committee were minded to grant the application.
4. The Sub-Committee noted the representations that indicated there were proposals to offer drinking and dining in the rear courtyard of the premises as well as on the pavement. The Sub-Committee were clear that this was not the application before them for consideration and in addition, any use of the pavement would, unless it was private forecourt, be subject to application for use under a different licensing regime if the Applicant wished to make use of it in that way.
5. In respect of Prevention of Public Nuisance, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance.
6. The Sub-Committee were aware and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in

antisocial behaviour is accountable in their own right. This was particularly relevant in relation to the apparent existing issue expressed by the objectors of “genital exposure and public urination” on the private road behind the premises. The Sub-Committee were clear that even if this is an issue, this is not a matter within the control of the premises even where a license has been granted.

7. The Sub-Committee noted that the nature of the premises was proposed to be a fine dining restaurant which would only be serving alcohol with food and that alcohol sales would be ancillary to a table meal.
8. The Sub-Committee also noted that some of the matters raised in the representations were not matters which were within the remit of the Licensing Sub-Committee or Licensing Act— for example in relation to the change of use/appropriateness of use of the premises, which is a matter for planning and covenants, which are matters of private law.
9. The Sub-Committee considered whether it would be appropriate to impose conditions in order to address concerns raised in the representations. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 regarding the imposition of conditions and noted that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions) as well as the potential benefit in terms of the promotion of the licensing objectives. The above referenced paragraph also suggests that the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. In light of the above and given the representations received and conditions already proposed to form part of the license if granted, the Sub-Committee did not consider that it was appropriate for the promotion of the licensing objectives to impose any additional conditions.
10. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee’s consideration.

#### **LICENSING ACT 2003 - Application for a premises licence at 290 Lower Addiscombe Road, CR0 7AE**

The Licensing Sub-Committee considered the Application for a Premises Licence at **290 Lower Addiscombe Road, CR0 7AE** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant during the hearing. The Sub-committee noted that whilst those making representations were not before the Sub-Committee, it had the benefit of their written representations and had regard to these in reaching its decision. The Sub-Committee noted that the written representations comprised those which were in support of the proposed premises as well as those which opposed the premises license application.

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

GRANT the application as amended, subject to conditions set out in the applicants' operating schedule and in Appendix A2 and A3 to the report on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was particularly relevant in relation to the representations in opposition of the application.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A222 in a parade of shops with residential premises above and were surrounded by a number of commercial premises on both sides of the road. There were residential premises, to the rear of the premises along Fernwood Road and Sherwood Road and residential properties diagonally across the A222 along Blackhorse Lane. There are a number of other licensed premises in the area including takeaways, shops and restaurants.
2. The Sub-Committee noted that following discussions with the Police and the Council's Pollution Team, the applicant has amended their application to have the conditions at Appendix A2 and A3 to the report placed on their license if the Sub-Committee is minded to grant the application. These included conditions that there would be no external music played at the premises.
3. The Sub-Committee were pleased to note the engagement which the Applicant had undertaken with residents, businesses in the surrounding area and responsible authorities in considering how the proposed premises would impact on the area including the obvious consideration given to those living above the premises which the Applicant had demonstrated.
4. The Sub-Committee had regard to the Council's Statement of Licensing Policy which provides that: "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" in addition, "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."
5. In respect of Prevention of Public Nuisance, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance.
6. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. The Sub-Committee noted that the Applicant had

already offered, as part of the proposed conditions to have such conditions on the license if granted.

7. The Sub-Committee noted that a number of those objecting had indicated that the premises was proposed to be operated as a “nightclub” however it is clear from the Application and the representations made during the hearing that this is not at all what the proposals for the premises entail. The premises is seeking to operate as a Deli with some artisan goods from local suppliers with space for patrons to sit down and have a drink at the deli if they wish to do so. To this end, the sub-committee specifically noted the following condition which had been agreed:

“The Premises will adopt a no vertical drinking policy; therefore, all alcohol drink purchases will be consumed whilst seated and be subject to table service”

8. The Sub-Committee noted that there was to be background music and occasional live unamplified music. The Sub-Committee were clear that unamplified live music or background music were not licensable activities in the context of this application unless these took place between 11pm – 8am.
9. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 regarding the imposition of conditions and noted that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions) as well as the potential benefit in terms of the promotion of the licensing objectives. The above referenced paragraph also suggests that the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Having considered the proposed conditions in the operating schedule and the amendments made to incorporate the Conditions at Appendix A2 and A3, the Sub-Committee did not consider that it was appropriate to impose any additional conditions to support the licensing objectives.
10. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee’s consideration.

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

This item was not required.

The meeting ended at 1.35pm



# Agenda Item 6

<b>REPORT TO:</b>	<b>LICENSING COMMITTEE</b> <b>26 September 2022</b>
<b>SUBJECT:</b>	<b>London Local Authorities Act 1990</b> <b>Application for Street Designation Order x3</b>
<b>LEAD OFFICER:</b>	<b>Corporate Director, Sustainable Communities, Regeneration &amp; Economic Recovery</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Scott Roche</b> <b>Streets &amp; Environment</b>
<b>WARDS:</b>	<b>Fairfield, Broad Green</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> <b>This report is specific to this application and has no implications on the Council's Corporate Policies</b>	
<b>FINANCIAL SUMMARY:</b> <b>There are no direct financial implications arising from this report.</b>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>	

**For general release**

## **1. RECOMMENDATIONS**

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

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate 3 sites in the Borough as a 'Licence Street for street trading and the granting of a street trading licence under the provisions of the London Local Authorities Act 1990 (as amended.)

## **3. DETAIL**

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

#### **4. CONSULTATION**

- 4.1 The applications were advertised in the Croydon Guardian and brought to the attention of the police, planning, highways or TfL (as applicable), parking services and the food & safety team. No comments/objections have been received.

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

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

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

##### **Risks**

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

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

##### **Options**

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

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

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

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

## **6. LEGAL CONSIDERATIONS**

### **LICENCE STREET**

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

### **STREET TRADING LICENCE**

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

## **7. GROUNDS FOR REFUSAL**

- 7.1 Under Section 25(4) of the Act, a street trading licence:
  - a) shall not be granted:
    - (i) to a person under the age of 17 years; or
    - (ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of the Act but nothing in this paragraph shall prevent the renewal of such a licence; or
    - (iii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a body corporate or to an unincorporated association;
    - (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
    - (v) where the street to which the application relates is a street

in respect of which the borough council have by resolution passed under Sub-Section 1) (b) of Section 24 of this Act, specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;

- b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons or vehicular traffic using the street.

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

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

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

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

## **8. HUMAN RESOURCES IMPACT**

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

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

## **9. CUSTOMER IMPACT**

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

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

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

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

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

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

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

## **13. HUMAN RIGHTS IMPACT**

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

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

13.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Committee to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).

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

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

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

---

**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health,  
Trading Standards and Licensing, Place  
Department, ext. 28259.

**BACKGROUND DOCUMENTS:** Application Forms

## APPENDIX A

- Applicant:** Mr Hiratullah Salem
- Location:** On the highway outside **5 London Road**, Croydon, CR0 2RE
- Measurement:** The application seeks trading area of: Length 1.7 m, Width 1.7 m. The total distance between the shop front and the nearest obstruction, in this case the kerbside leaves 4.10 m clear pedestrian pavement.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix A1 shows photographs and a diagram of the site, display and available pavement space.

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

Monday to Sunday 8 am to 12:00 midnight

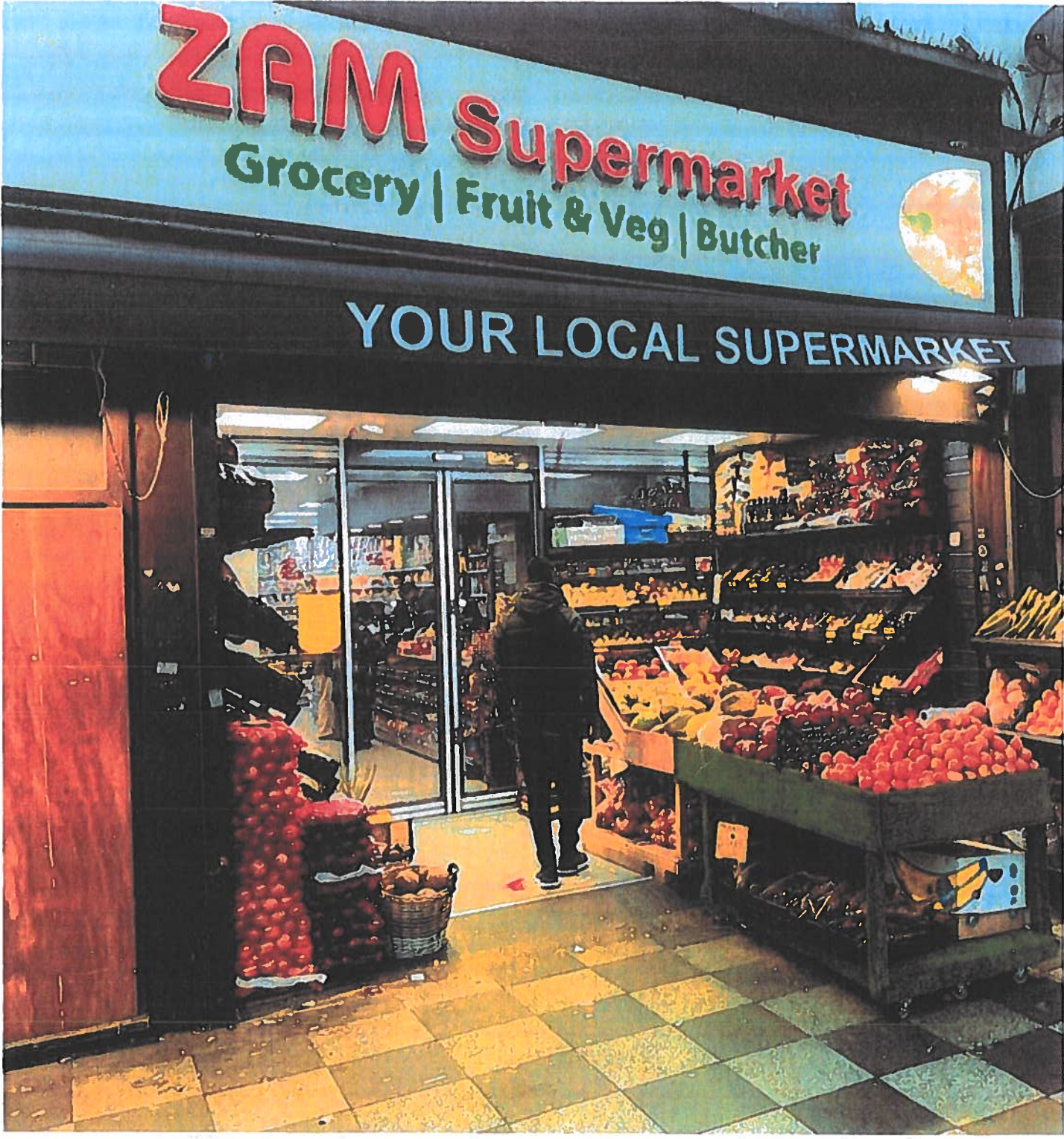
### **To Display: Fruit & Vegetables**

#### **1. Detailed Consideration**

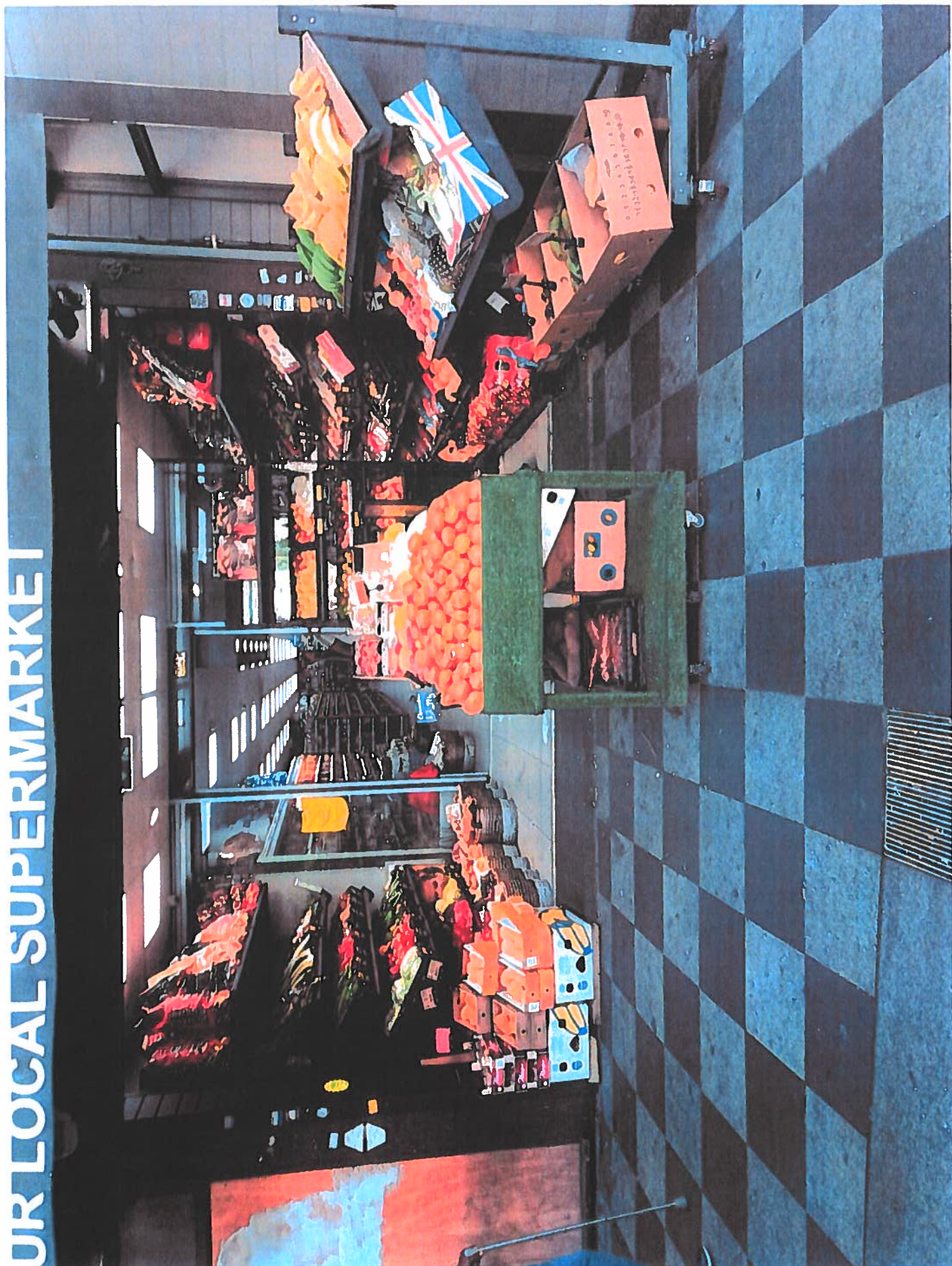
- 1.1 A copy of the application is attached at Appendix A2
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments/objections have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.

- 1.5 A temporary licence was made available to the applicant which is valid until 23.09.2022. A copy is attached at Appendix A3
- 1.6 There are fifteen designated street trading sites nearby. Three on the opposite side of the road between 24 and 64 displaying fruit and vegetables. On the same side of the road there are five phone card stands & seven fruit and vegetable displays. All are marked on the map at Appendix A4.
- 1.7 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix A5.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.

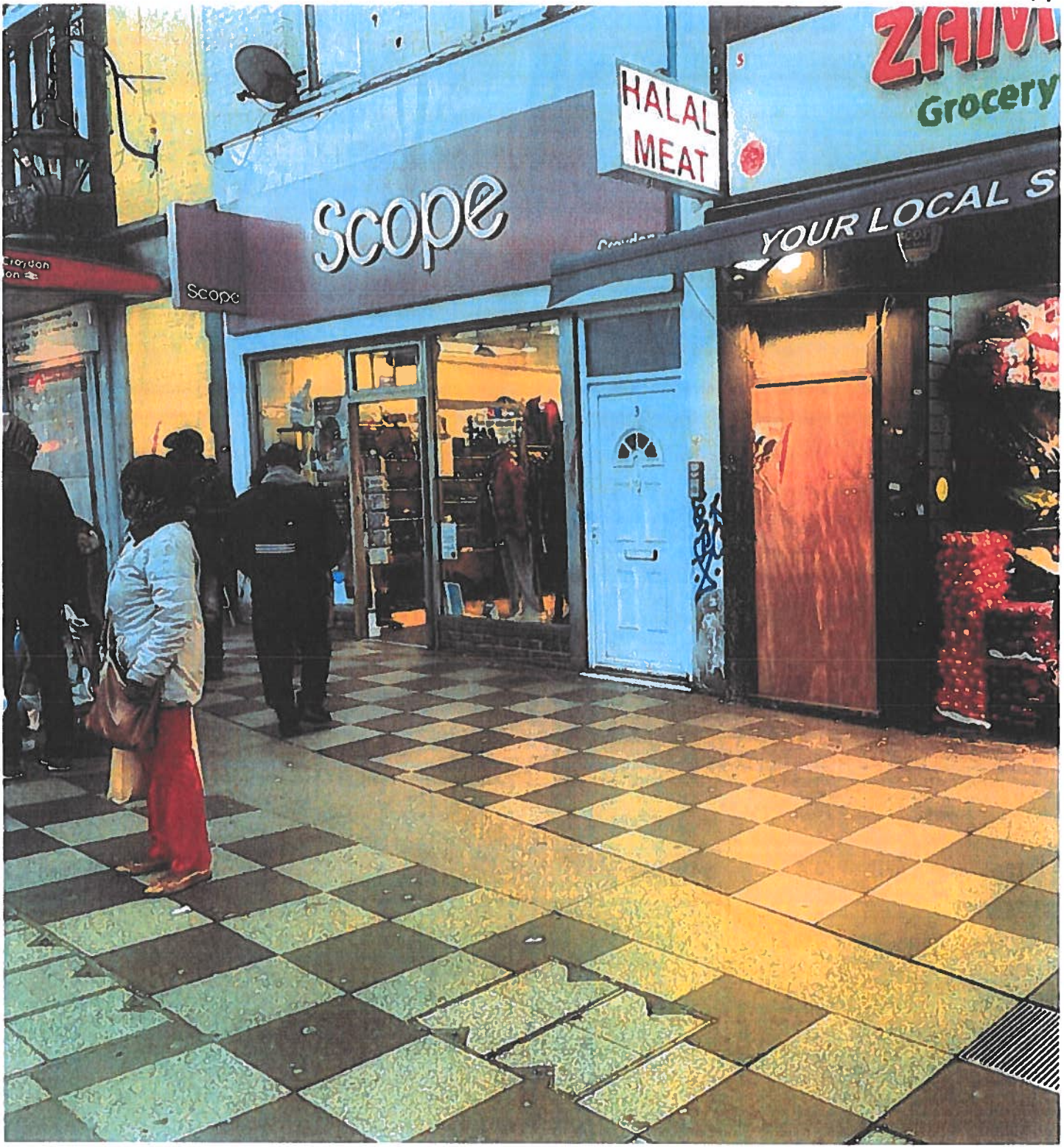




















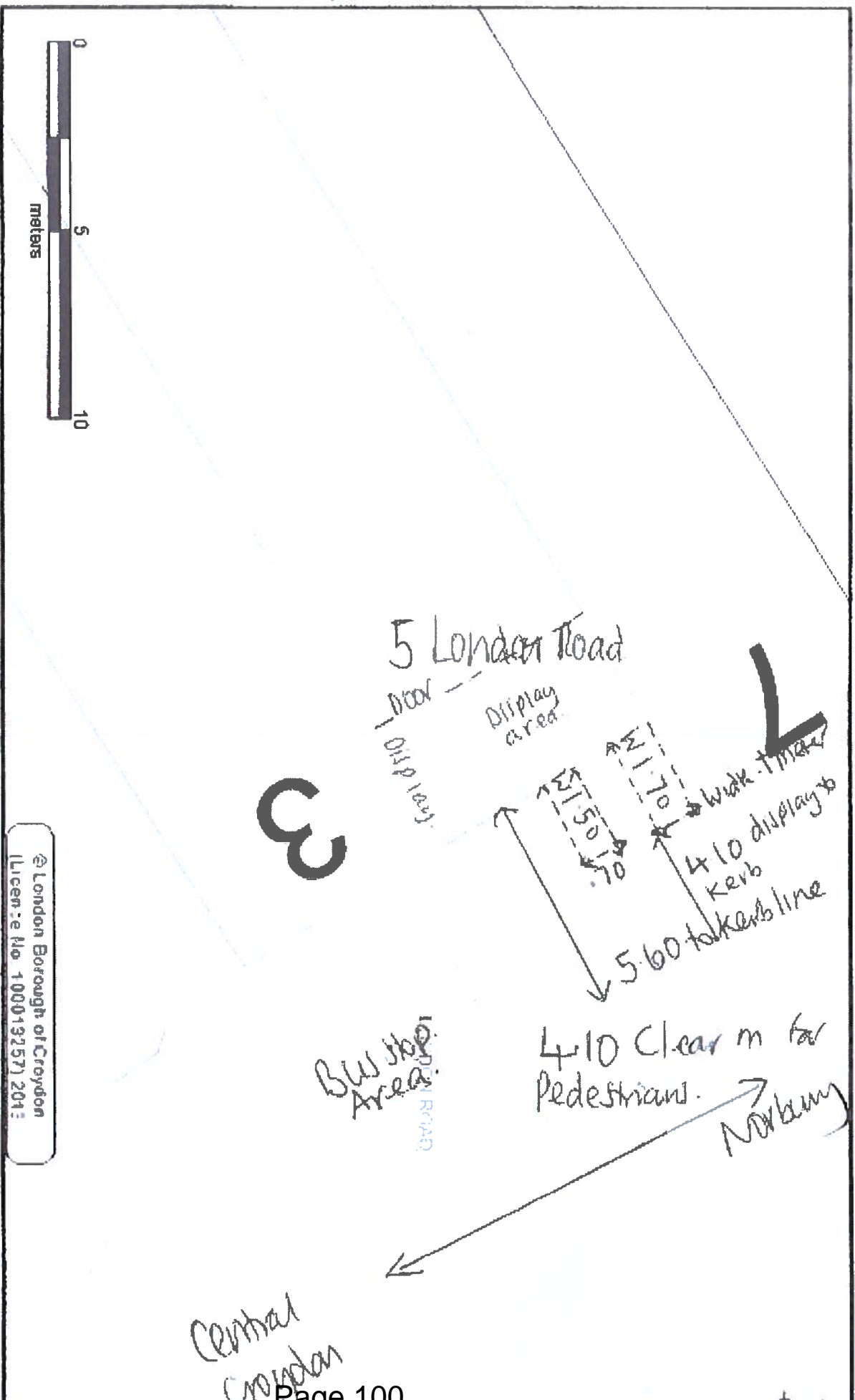








# 5 London Road.



**CROYDON COUNCIL**

Scale 1:137  
23-Mar-2022

Crown Copyright Ordnance Survey (License No: 100019257) 2009

London Borough Croydon





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

a) Address of proposed pitch .....

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

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

c) Registration No .....

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

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

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

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

I enclose a fee of **£ 365**.

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

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

 Date: 26 JULY 2022

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

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

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

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



A4

London Road 5-89 = 15 designated sites



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

Crown Copyright Ordnance Survey (License No: 100019257) 2011

**London Borough Croydon**

Scale 1:1500

22-Jul-2022

Place Department  
Licensing Team  
6<sup>th</sup> Floor, Zone B  
Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA

A5

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

Mr Hijratullah Salem

[REDACTED]  
[REDACTED]  
London

Your Ref:  
Our Ref:

Dear Sir

**Subject: Street Designation Order**

**Address: 5 London Road Croydon CR0 2RE**

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

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

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

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

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

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

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

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

Yours sincerely

*E. Crassie*

Eunice Crassie  
Licensing Officer



## APPENDIX B

**Applicant:** Mr Ercan Ucar

**Location:** On the highway outside **TFC Croydon Limited 73 - 77 London Road Croydon CR0 2RF**

**Measurement:** The application seeks trading area of **Length 7.20 m, Width 1.0 m, Height 1.5 m**. The total distance between the shop front and the nearest obstruction, in this case the kerbside is 3m. This leaves 2 m clear pedestrian pavement.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix B1 shows photographs and a diagram of the site, display and available pavement space.

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

Monday to Sunday 8 am to 10:00 pm

### **To Display: Fruit & Vegetables**

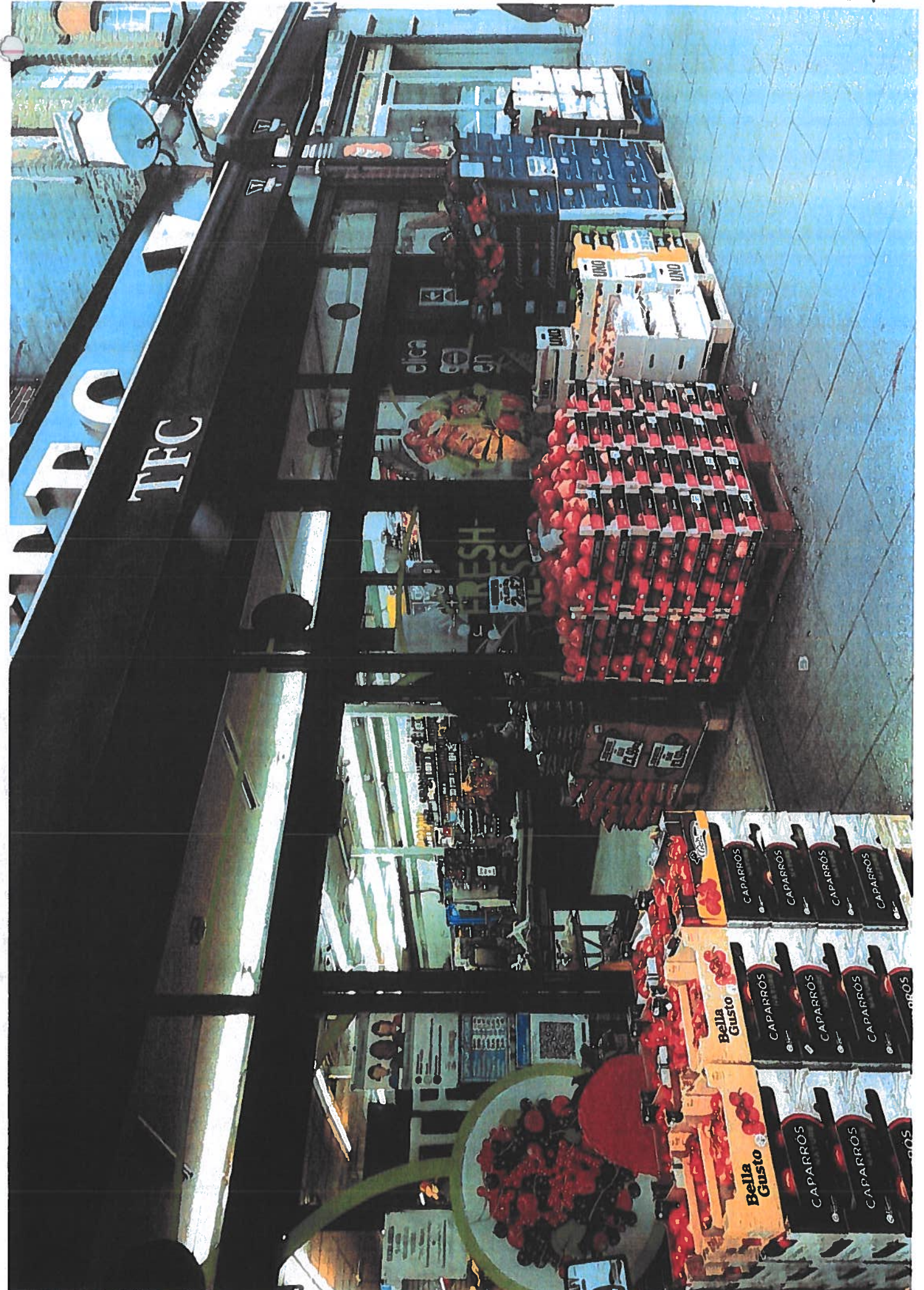
#### **1. Detailed Consideration**

- 1.1 A copy of the application is attached at Appendix B2
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments/objections have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.

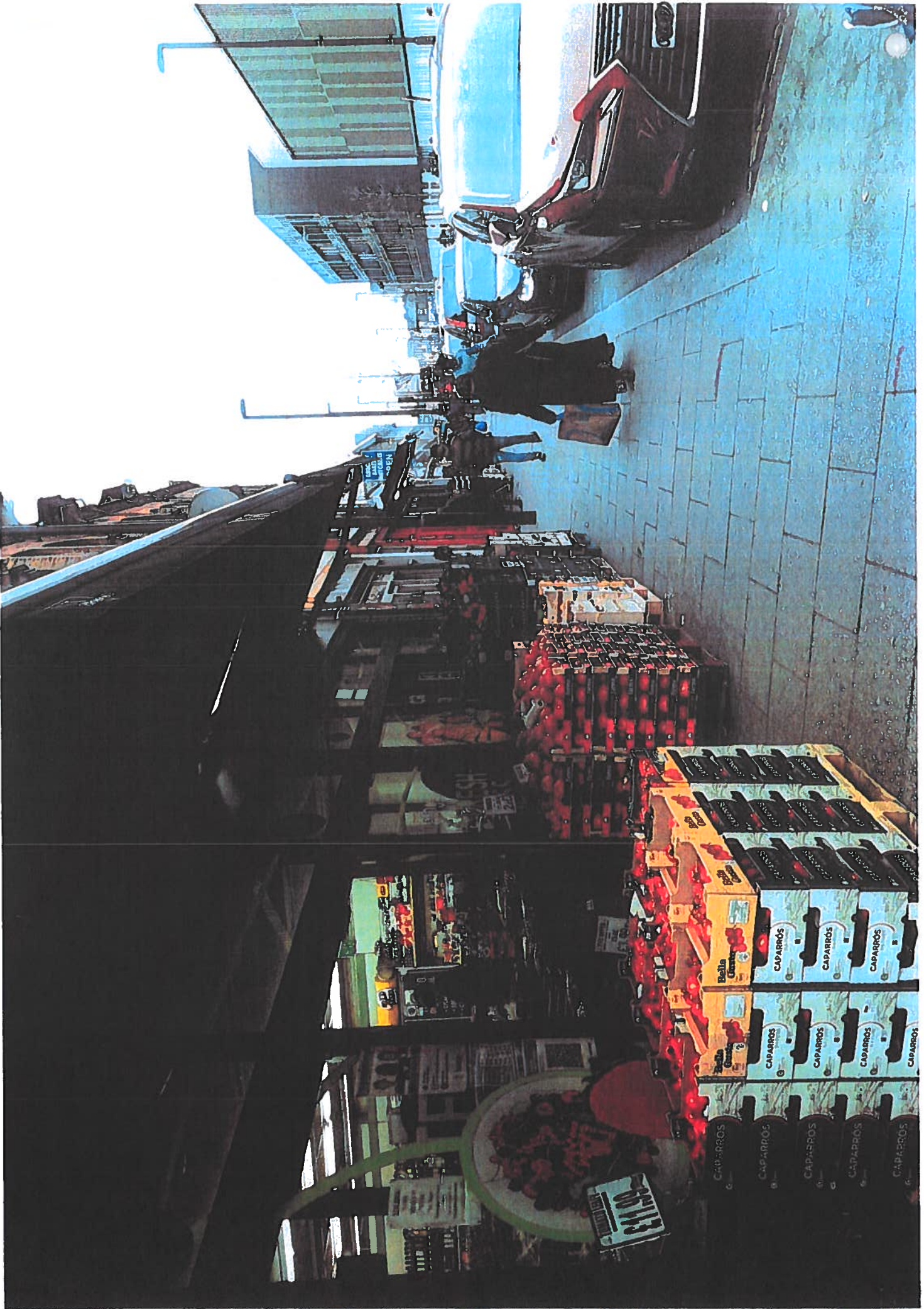
- 1.5 A temporary licence was made available to the applicant which is valid until 23.09.2022. A copy is attached at Appendix B3
- 1.6 There are fifteen designated street trading sites nearby. Three on the opposite side of the road between 24 and 64 displaying fruit and vegetables. On the same side of the road there are five phone card stands & seven fruit and vegetable displays. All are marked on the map at Appendix B4.
- 1.7 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix B5.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.



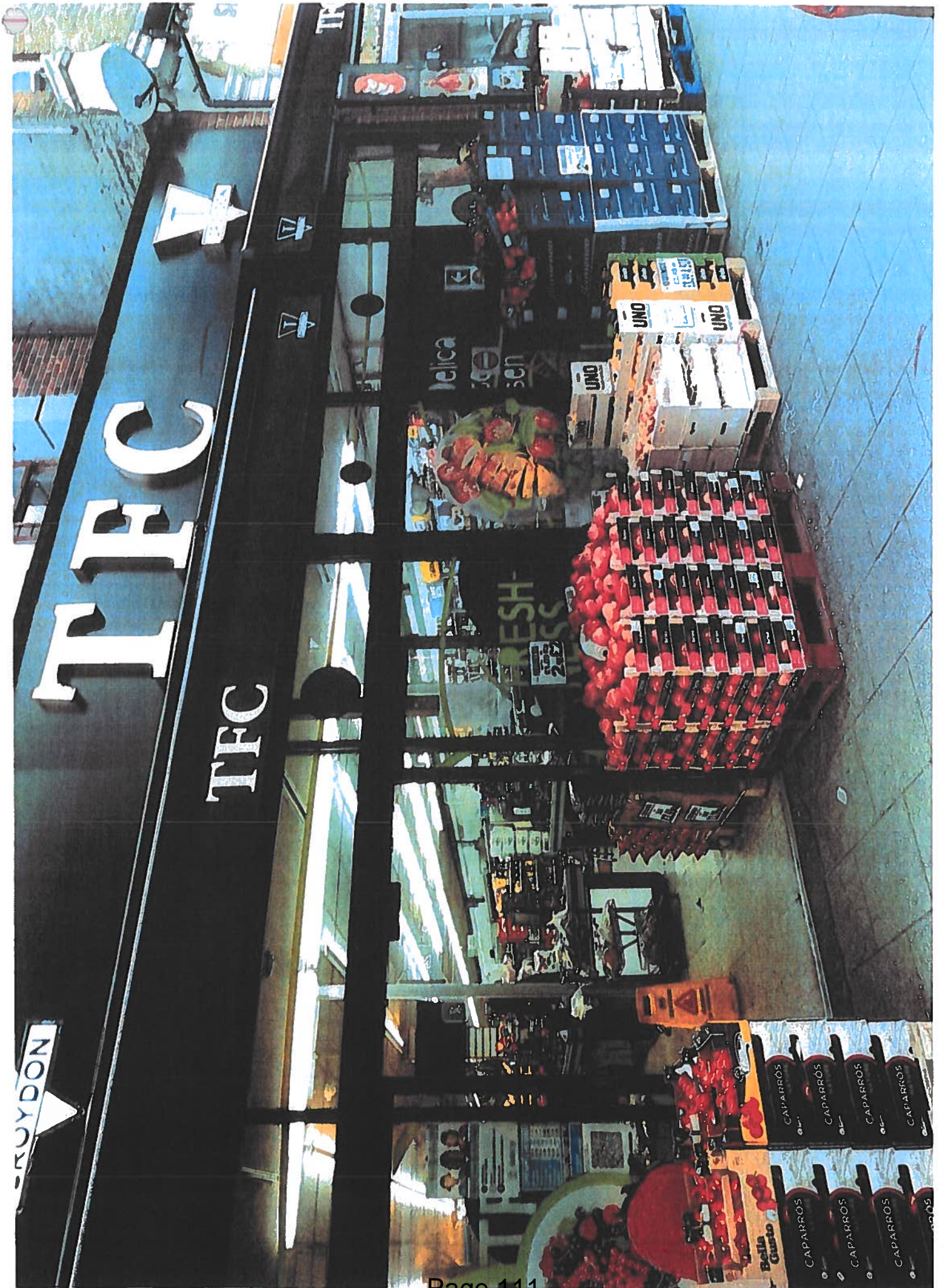






















d) Hours that you would like to display the goods/services on the highway.

Sunday: from 8AM to 10PM Thursday: from 8AM to 10PM

Monday: from 8AM to 10PM Friday: from 8AM to 10PM

Tuesday: from 8AM to 10PM Saturday: from 8AM to 10PM

Wednesday: from 8AM to 10PM

c) Type of goods or services to be displayed : FRUIT & VEG

4. MOBILE VEHICLE/TRAILER (See note D )

a) Address of proposed pitch

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

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

c) Registration No

d) Proposed hours and days of trading:

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

Office Use only Premises Licence No

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

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit credit card on 0208 760 5466 / 0208 726 6000 Ext 64080

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

Date 20/1/2022

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

Office Use Only Uniform No:

Receipt No ; Date received:





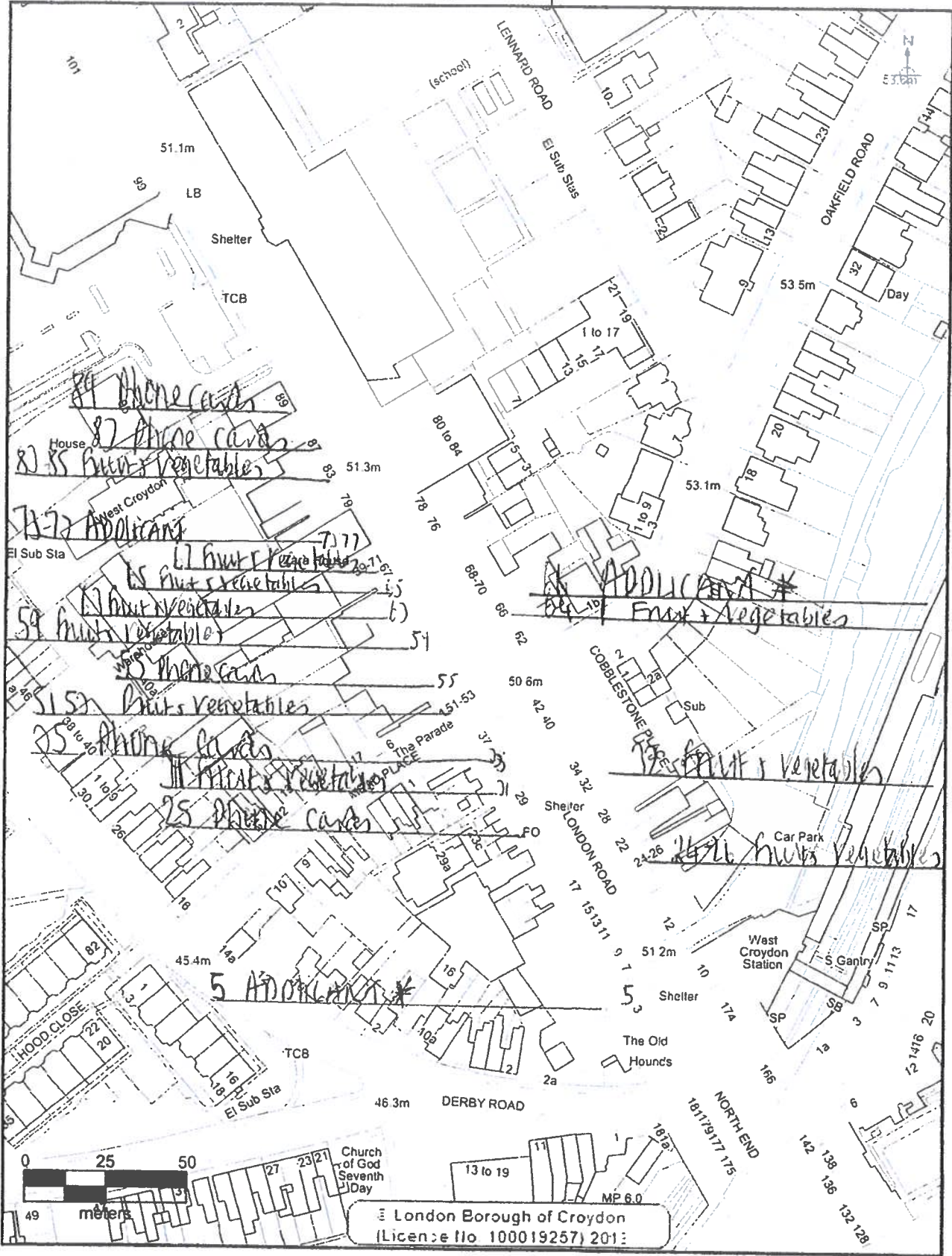
**LICENCE CONDITIONS**

**NON TRANSPORT FOR LONDON MAINTAINED ROADS**

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



London Road 5-89 = 15 designated sites



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

Crown Copyright Ordnance Survey (License No: 100019257) 2011

**London Borough Croydon**

Scale 1:1500

22-Jul-2022

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

Mr Ecan Ucar

~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

Your Ref: 22/00444/STT  
Our Ref:  
Date: 22 February 2022

Dear

**Subject: Street Designation Order**

**Address: 73 - 77 London Road Croydon CR0 2RF**

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

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

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

**- Entire length of London Rd**

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

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

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

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

Yours sincerely

*E. Crassie*

Eunice Crassie  
Licensing Officer

## APPENDIX C

**Applicant:** Khalil Khidir

**Location:** On the highway outside **66 London Road Croydon CR0 2TB.**

**Measurement:** The application seeks trading area of Length 1.6 m x Width 80 cm

The total distance from the shop front to the kerb is 3.8m. The nearest obstruction is a tree base to the left of the display which leaves 2.10 clear meters of clear pavement space.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2 m metres.

Appendix C1 shows photographs and a diagram of the site, display and available pavement space.

For the Committee's information, 64 London Road has been previously designated over 15 years ago with the dimensions of 4.1m length and 90 cm width. There is a 2m space between the display and the traffic light showing in the photograph.

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

Monday - Saturday 8:00 pm - 9:00 pm

Sunday 9:00 pm - 8:00 pm

### **To Display: Fruit & Vegetables**

#### **1. Detailed Consideration**

1.1 A copy of the application is attached at Appendix C2

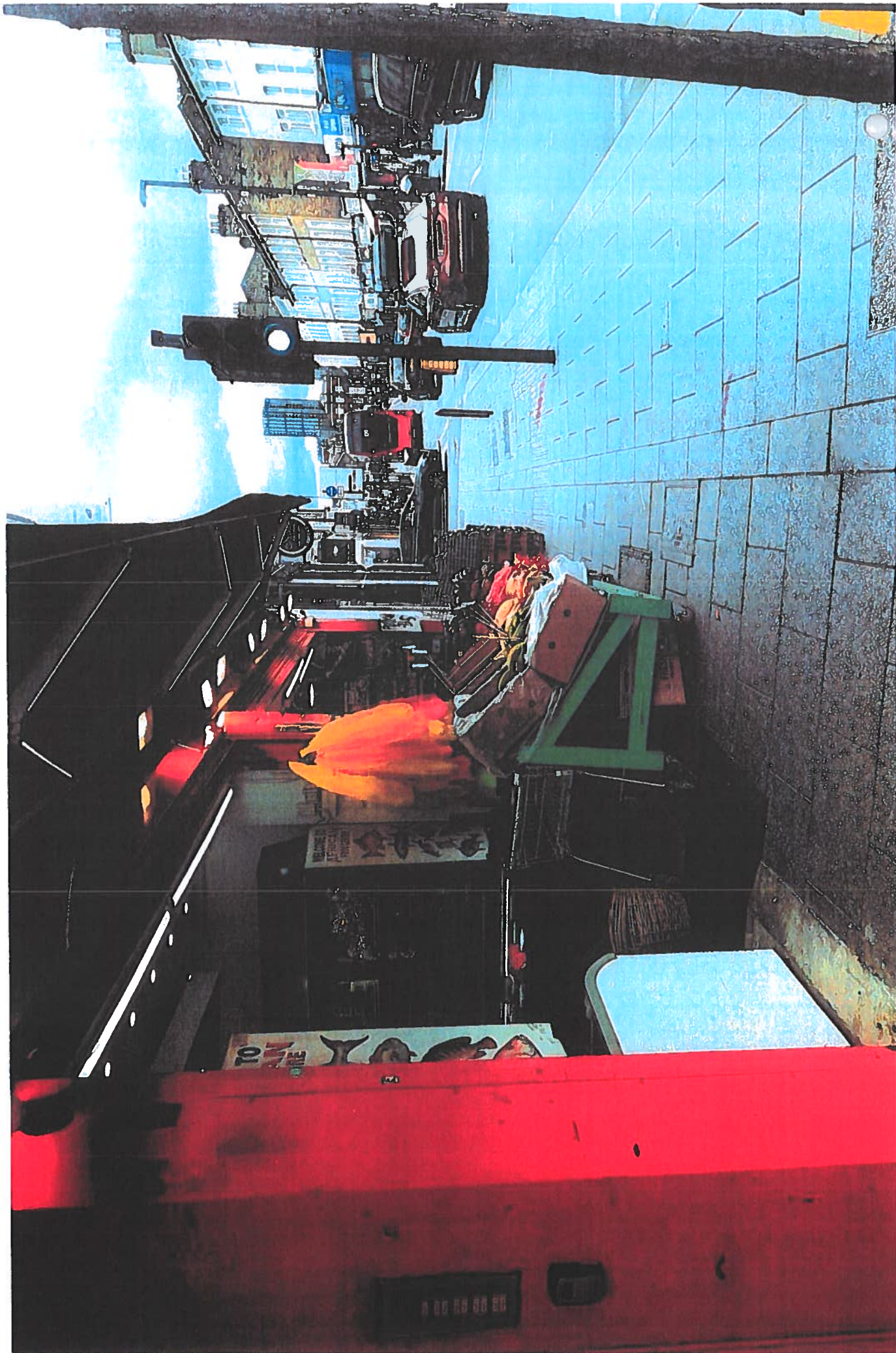
1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received. However he has recently

- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 12.09.2022. A copy is attached at Appendix C3.
- 1.6 There are 15 street trading sites nearby. On the opposite side of the road there are 5 phone card stands and 7 fruit and vegetable displays. On the same side of the road there are 3 street trading sites displaying fruit and vegetables.
- 1.7 This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2 metres. All are marked on the map at Appendix C4.
- 1.8 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix C5.
- 1.9 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading licence which will then be valid for a year.







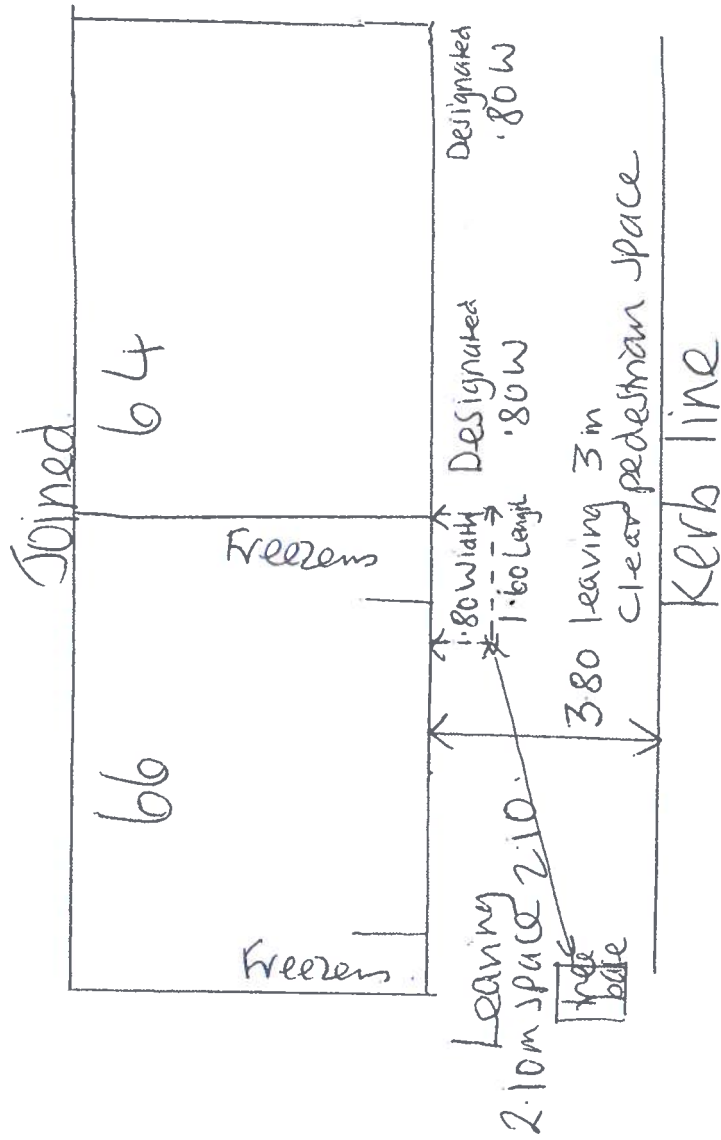








66 London Road



Broad Green ← London Road → North End







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

Sunday from 8 A.M. to 9 P.M. Thursday: from 8 A.M. to 9 P.M.  
Monday from 8 A.M. to 9 P.M. Friday: from 8 A.M. to 9 P.M.  
Tuesday from 8 A.M. to 9 P.M. Saturday from 8 A.M. to 9 P.M.  
Wednesday from 8 A.M. to 9 P.M.

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

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch .....

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

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

c) Registration No .....

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

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

Office Use only Premises Licence No .....

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

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466 / 0208 726 6000 Ext 64080

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

*[Signature]*

Date *22.7.22.*

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

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

Office Use Only Uniform No: .....

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

**TEMPORARY LICENCE –  
STREET TRADING**

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

<b>HEREBY LICENCE</b>	<b>MR KHALIL KHIDIR</b>
<b>TO USE SITE KNOWN AS</b>	<b>66 London Road Croydon CR0 2TB</b>
<b>TO DISPLAY</b>	<b>Fruit &amp; Vegetable</b>
<b>SIZE OF DESIGNATED DISPLAY</b>	<b>Length 1.6 m x Width 80 cm</b>
<b>PERMITTED DAYS &amp; TIMES</b>	<b>Monday - Saturday 8:00 pm - 9:00 pm Sunday 9:00 pm - 8:00 pm</b>

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

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

<b>Date Licence Valid From:</b>	<b>12.03.2022</b>
<b>Date Licence Expires:</b>	<b>12.09.2022</b>
<b>Licence Number:</b>	<b>22/01734/STT</b>



*Issued on Behalf of : Licensing Manager  
Place Department*



**Licence Conditions**

**Non Transport for London Maintained Roads**

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

London Road 5-89 = 15 designated sites



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

Crown Copyright Ordnance Survey (License No: 100019257) 2011

**London Borough Croydon**

Scale 1:1500

22-Jul-2022

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

Mr Khalil Khidir  
~~XXXXXXXXXX~~  
Croydon  
~~XXXXXXXXXX~~

Your Ref:  
Our Ref:  
Date: 8 July 2022

Dear Sir

**Subject: Street Designation Order**

**Address: 66 London Road Croydon CR0 2TB**

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

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

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

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

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

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

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

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

Yours sincerely

*E. Crassie*

Eunice Crassie  
Licensing Officer



**For General Release**

<b>REPORT TO:</b>	<b>Licensing Committee 26 September 2022</b>
<b>SUBJECT:</b>	<b>Pavement Licensing The Business and Planning Act 2020</b>
<b>LEAD OFFICER:</b>	<b>Corporate Director, Sustainable Communities, Regeneration &amp; Economic Recovery</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Scott Roche Streets &amp; Environment</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<p>The Council’s Corporate Plan 2018-2022 seeks to ensure that <i>Business moves here and invests, our existing businesses grow</i>. The covid pandemic has had a significant financial impact on business nationally, notably the hospitality sector. The Government introduced ‘pavement licenses’ via the Business and Planning Act 2020 in an effort to support hospitality businesses get back on their feet as they emerged from lockdown. Aiding the recovery (and therefore assisting with the growth) of the hospitality sector in the borough and supporting the extension of the ‘pavement licensing’ facility meets one of the aims of the Corporate Plan.</p>	
<b>FINANCIAL IMPACT</b>	
<p>The maximum cost for a pavement licence is £100 and this is less than the published fee that business would normally pay under the relevant street trading legislation which the Council issues licenses under however, the requirements of the Business and Planning Act 2020 are statutory rather than discretionary and so the Council must make the facility available. This change based on 21/22-year end actuals is anticipated to cost the council £40k in lost income.</p>	

**1. RECOMMENDATIONS**

That the Licensing Committee:

- 1.1 Delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to extend and continue to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020, as amended, including but not limited to the determination of standard conditions which apply, determining applications, revocation of licenses and authorising officers to enforce and exercise these functions.

- |     |   |
|-----|---|
| 1.2 | Set the fee for an application for a pavement licence at £100, which is the maximum fee permitted under the legislation for these licenses, such licenses to be granted for a period up to and including 30 September 2023. |
|-----|---|

## **2. EXECUTIVE SUMMARY**

- 2.1 This Report provides background to the request that the Committee delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to extend and operate the pavement licensing arrangements under the Business and Planning Act 2020 as amended.
- 2.2 Members will recall that Pavement Licensing under the Business and Planning Act 2020 was initially only in force until September 2022. However, the Government, by secondary legislation has further extended the pavement licensing provisions until 30 September 2023 at which point it is then proposed they will cease. There has however been a recent announcement of proposals that these provisions be made permanent next year. This will be subject to legislative changes and members will be updated as this progresses.

## **3. DETAIL**

- 3.1 The London Borough of Croydon is the licensing authority for a broad range of legislation and licensable activities.
- 3.2 The Business and Planning Act 2020 (the 'Act') was introduced on 22 July 2020. Due to the timing of the legislation and the last minute change from an executive function to a non-executive function, the Council Solicitor exercised powers under Article 15 of the Constitution (paragraph 15.2 (d)) to make changes to the Council's Constitution arising as a result of legislative changes brought about by the Business and Planning Act 2020 in relation to Pavement Licensing and changes necessitated by administrative convenience to delegate authority to the Executive Director Place to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020 when enacted. This was reported to Committee and the report can be accessed here: <https://democracy.croydon.gov.uk/documents/g2198/Public%20reports%20pack%2030th-Sep-2020%2018.30%20Licensing%20Committee.pdf?T=10>
- 3.3 Accordingly, following the introduction of the Act, the Council, using the delegated powers, authorised decision making and made provisions for the operation of the Pavement Licensing regime under the Act. The legislation was brought in specifically as a result of the covid pandemic, and was intended to be temporary in nature and so the delegation made only had effect until 30 September 2021, when the legislation was originally intended to cease.
- 3.4 However, in light of the third lockdown and the continuation of the pandemic into 2021 and the ongoing impact that was having on the business sector, the Government introduced secondary legislation which saw the pavement licence facility extended to 30 September 2022. As the existing delegation was going to expire on 30 September 2021, this required a further consideration as to delegation of the functions and on 14 July 2021, the Council's Licensing Committee further delegated the functions until 30 September 2022. The relevant Committee report can be accessed here:

<https://democracy.croydon.gov.uk/documents/s31242/Pavement%20Licensing%20Report.pdf>

- 3.5 Further amendments have now been made to the Business and Planning Act 2022 to extend these legislative provisions until September 2023 with the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 coming into force. The Government has also published updated guidance on pavement licensing.
- 3.6 The Act permits premises to apply for a pavement licence to place furniture outside, adjacent to their premises on the public highway. In this context, furniture means stalls for selling or serving food or drink, tables and chairs and articles such as umbrellas, barriers and heaters.
- 3.7 The application process is intended to be streamlined and fast track in order to enable business to recover having reopened following lockdown by legally placing table and chairs and other furniture outside their premises to boost trade and assist with social distancing.
- 3.8 Part of the Act therefore introduced the concept of a fast track pavement licensing process which requires a 7 day consultation period and a 7 day determination period. This is different to the normally used street trading legislation which has a 28 day consultation period and thereafter sufficient time for determination. The implications for the authority if it fails to determine the matter within the 7 days is that the licence is deemed to be granted and the Council loses the ability to impose restrictions or bespoke conditions for the license applied for.
- 3.9 Accordingly it was imperative not only that the Council had its processes and procedures in place in advance of the commencement of these extended provisions but also that there is a sufficiently expedient means of allowing determinations to be made.
- 3.10 The Act caps the fee which may be charged for such applications to £100. The Business and Planning Act 2020 specifies a minimum statutory duration of 3 months. To help support local businesses, the guidance indicates that the expectation is that local authorities are pragmatic and will grant licences for 12 months (or until 30 September 2023 if shorter), unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.. This fee is significantly less than the Council charges in respect of an annual street trading licence under existing legislation. It is proposed that all existing licence holders be invited to re-apply for a pavement licence in advance of the expiry of their current licence on 30 September 2022 and that all licenses issued as a result, both renewal and new, shall have an expiry date of 30 September 2023.
- 3.11 In determining the applications, the principal matters the Council need to consider are set out in the Act and guidance and include the amount of available pavement to allow passers-by free, clear access and egress to/from and access along the pavement, especially wheelchair users, those with reduced mobility and the visually impaired and ensuring that there is no obstruction of statutory undertakers, utility providers or operators of an electronic communications code network in having access to any apparatus of theirs kept, installed, under, in, on or over the

highway.

3.12 As the expiry date for pavement licenses is to be extended by the Government from 1 October 2022 to 30 September 2023, this request seeks that decision making powers with regard to pavement licensing under the Act, be delegated to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery in order for the Council to continue to assist relevant businesses as they seek or continue to establish trade again following lockdown, whilst at the same time complying with the requirements set out by Government and the new legislative requirements by ensuring that the Council is able to publish and determine the applications within the very short time scale allowed for this purpose. It should be noted that the Act includes a requirement that publication by the authority take place by electronic means.

3.13 Accordingly authorisation is sought via a delegation of authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020, as amended, including but not limited to the determination of standard conditions which apply, determining applications made at the fee set by the licensing committee, revocation of licenses and authorising officers to enforce and exercise these functions.

#### 4. CONSULTATION

4.1 There are no consultation requirements associated with this matter.

#### 5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

	Current year	Medium Term Financial Strategy – 1 year forecast (as temporary legislation due to end on 30 September 2022)		
	2022/23 £'000	2023/24 £'000	2024/25	2025/26
<b>Revenue Budget available</b>				
Expenditure				
Income	(101)	(101)	(101)	(101)
<b>Effect of decision from report</b>				
Expenditure				
Income	(101)	40	40	40
<b>Remaining budget</b>	<u>0</u>	<u>(61)</u>	<u>(61)</u>	<u>(61)</u>
<b>Capital Budget available</b>				
Expenditure	0	0	0	0
<b>Effect of decision from report</b>				
Expenditure	0	0	0	0
<b>Remaining budget</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

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

The £101k figure above is the current budgeted income for street trading across the borough. Should the decision be approved and given the recent announcement that that the pavement license is likely to become permanent then there will an adverse £40k effect on the income budget (based on 21/22 actual income) from 23/24 financial year. It therefore likely that a realignment of this budget will be required either found within the Safer Community Budgets or through a Growth bid to the Corporate Centre. In the current financial year a pressure of £40k against this budget line will need to be reported.

The cost of administration of this scheme are amalgamated in other budget lines but again no change is anticipated in budgetary requirement or cost.

## **3 Risks**

If the recommendations in this report are not approved the Council will be operating against statute as per the Business and Planning Act 2020 and would risk future income for the council.

## **4 Options**

As this is a statutory requirement under the Business and Planning Act 2020 there are no current alternative options to be considered.

## **5 Future savings/efficiencies**

Although there are no future anticipated efficiencies from this paper given the likely permanent change is projected to result in a loss of £40k income. In 21/22 the Government paid a £21k compensatory amount to local authorities which it was indicated would be repeated in 22/23. This has not yet been confirmed but should this be the case this income will be used to offset the pressure stated above. Going into future years if any compensatory income is available this again will be used to offset any pressures, but this is unknown at this time. Additionally, there is an indication that a review of the £100 fee may be undertaken by the Government, again any changes that increase income levels will be utilised to offset pressures.

## **6 Approved by: Darrell Jones Acting Head of Finance SCRER**

## **6. LEGAL CONSIDERATIONS**



- 6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that as set out in Part 3 of the Constitution, the Licensing Committee is responsible for all licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. The functions relating to pavement licensing under the Business and Planning Act 2020, as amended, are such licensing functions.
- 6.2 Unlike certain licensing matters, including certain functions under the Licensing Act 2003, the Licensing Committee is able to delegate the performance of the pavement licensing functions to officers to undertake and authority is sought by way of this report for such delegation particularly given the short time frames within which such decisions need to be made.
- 6.3 The remaining legal considerations are addressed within the body of the report.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no human resources implications associated with this report.

## **8. EQUALITIES IMPACT**

- 8.1 The Equality Act (2010) requires public bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  - foster good relations between people who share a protected characteristic and people who do not share it.
- 8.2 The protected characteristics covered by the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.3 The recommendations are to extend delegated powers in relation to pavement licensing. There are no changes proposed to the licensing arrangements that have been operating under the Business and Planning Act 2020 since last summer. No equalities concerns have been raised under these licensing arrangements.
- 8.4 There is therefore no indication that the recommendations will have a disproportionate impact on any individuals or groups with a shared protected characteristic.

Approved by: Gavin Handford Director of Policy, Programmes and Performance

## **9. ENVIRONMENTAL IMPACT**

9.1 There are no perceived environmental impacts associated with this report.

**10. CRIME AND DISORDER REDUCTION IMPACT**

10.1 There are no perceived crime and disorder implications associated with this report.

**11. DATA PROTECTION IMPLICATIONS**

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

**NO**

(Approved by: Steve Iles, Director of Sustainable Communities)

---

**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health, Trading Standards and Licensing Ext. 28259

**APPENDICES TO THIS REPORT:** None

**BACKGROUND DOCUMENTS:** None

This page is intentionally left blank

# Agenda Item 8

<b>REPORT TO:</b>	<b>LICENSING COMMITTEE 26 SEPTEMBER 2022</b>
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 – CONSULTATION: REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY INCLUDING REVIEW OF CUMULATIVE IMPACT ZONES/POLICIES AND PROPOSED INTRODUCTION OF A FURTHER CUMULATIVE IMPACT AREA WITHIN THE LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY</b>
<b>LEAD OFFICER:</b>	<b>Corporate Director, Sustainable Communities, Regeneration &amp; Economic Recovery</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Scott Roche Streets &amp; Environment</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<b>FINANCIAL SUMMARY:</b> <p>The Licensing Act 2003 became fully operational on 24 November 2005. The local authority has been processing applications with regard to this legislation since 7 February 2005, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the Licensing Sub-Committee, the substantive licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>	

**For general release**

<b>1. RECOMMENDATIONS</b>  The Committee is asked to:  1.1. Agree to commence consultation on the statutory 5 year review of the Council's Licensing Policy under the Licensing Act 2003;
---

- 1.2. Agree to consult on the review of current Cumulative Impact Areas as set out in the Statement of Licensing Policy to assess whether or not these ought to be retained;
- 1.3. Agree to consult on the potential introduction of a new Cumulative Impact Area as detailed in section 3.24 of the report;
- 1.4. Agree that the consultation referred to in paragraphs 1.1-1.3 shall be for a period of 6 weeks as detailed in paragraph 4.1 of the report;
- 1.5. Note that the outcome of the consultation exercise will be reported back to Committee for further consideration and then onward recommendation to Full Council regarding adoption of the Councils' Statement of Licensing Policy including Cumulative Impact Areas, if any.

## 2. EXECUTIVE SUMMARY

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

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

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

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

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

2.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. The Act requires the Council to review & re publish its policy every 5 years but it may also review it at any time within that 5 year period should it see fit. The policy was last reviewed in 2017 and re- published in February 2018 and is therefore due to be reviewed in 2022. A copy of the current policy is attached at Appendix 1.

2.3 There is a statutory consultation process in place both in relation to the Statement of Licensing Policy review and any review of or introduction of Cumulative Impact Areas which are detailed in the body of the report below. Since the Licensing Act 2003 was enacted, the Government has produced statutory guidance to accompany the Act to which the Council shall have regard when exercising its Licensing Act functions. The concept of 'cumulative impact' has always been detailed in this statutory guidance however the most recently updated statutory guidance provides more detail on cumulative impact areas and how these must be managed subsequent to legislative amendments in that regard which placed cumulative impact on a statutory footing. The Current



Statement of Licensing Policy was adopted prior to these amendments in guidance and statute.

- 2.4 Cumulative impact is the potential impact on the promotion of the licensing objectives (listed at 2.1 above) of a number of licensed premises concentrated in one area which are disproportionate and arise as a result of the concentration of particular types of premises in close proximity. In other words, where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives the Council as Licensing Authority may consider it appropriate to introduce Cumulative Impact Areas to manage this cumulative impact.
- 2.5 This Council had one cumulative impact zone in its policy from first publication in 2004 and introduced a further four 'cumulative impact zones' (CIZ's) into its licensing policy when it was reviewed in 2013. When the policy was last reviewed, the original one from 2004 that concerned 'On' licensed premises was removed due to the change in premises type in the area meaning it was no longer appropriate. The four later ones that relate to 'Off' licensed premises were retained.
- 2.6 Last year the Committee considered the current Cumulative Impact Areas in place and determined that pending the statutory review of the Council's Statement of Licensing this year, the current cumulative impact areas would remain in force. This report initiates the process of statutory review of the Statement of Licensing Policy and the Cumulative Impact areas which are set out in the policy.

### 3. **DETAIL**

#### Statement of Licensing Policy:

- 3.1 In reviewing and adopting a Statement of Licensing Policy, the Licensing Authority and in turn the Council when it is asked to approve the policy, must have regard to the following fundamental principles:
  - All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to the Statutory Guidance and give appropriate weight to the views of consultees.
  - While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.
  - Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.
  - Statements of policy should make clear that:

- ❖ licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
- ❖ conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.
- A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

3.2 In summary, it is proposed to consult on the following proposed amendments to the policy:

- maintain the four existing cumulative impact areas listed within the policy.
- To propose a new, fifth cumulative impact area in part of the borough that is currently identified as a 'special stress area'.
- To remove the "special stress areas" referenced in the policy
- To make other necessary amendments/updates to the policy, for example in respect of the Council's obligations under the Equality Act 2010 and further administrative updates, for example in respect of the borough population and also to reflect any amendments to statutory guidance or national policy that require amendments to the local policy.
- To make administrative updates to the policy document including to reflect current committee and board names and responsibilities, relevant officer titles and related matters.

#### Cumulative Impact Areas (CIA's):

3.3 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. They do not relate to existing licenses granted.

3.4 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 3.5 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.
- 3.6 CIAs may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to Temporary Event Notices (TEN's).
- 3.7 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Members will also be aware that it is only when an application has drawn relevant representations and been referred to the licensing sub-committee as a result of those representations, that cumulative impact can be considered. Where no relevant representations have been received, the Sub-Committees ability to consider the matter is not engaged.
- 3.8 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The steps to be followed in considering whether to publish a CIA are summarised below.
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
  - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
  - Identify the boundaries of the area where problems are occurring
  - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).

- For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
  - the reasons why it is considering publishing a CIA;
  - a general indication of the part or parts of its area which it is considering describing in the assessment;
  - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.
- Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.
- After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3). If having consulted with the statutory list of persons the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.

3.9 If, having consulted, the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. The licensing authority must also at this stage publish any other material change to the assessment. For example, if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem.

3.10 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel or shop and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

### 3.11

#### Review of Current CIA's:

- 3.12 All four current CIA's relate specifically to premises that are permitted to sell alcohol for consumption 'Off' the premises – Off Licenses. In April 2018, just after the Council published its current policy, the Government gave cumulative impact a statutory footing by incorporating it into the legislation. Any decision to introduce a CIA must be evidence based and a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described. That evidence is then used to justify the statement that it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives.
- 3.13 When Cumulative Impact Assessments were given statutory status on 6 April 2018, there were no transitional or grandfather provisions applying to cumulative impact zones already in existence which had been introduced in line with the then Statutory Guidance. They remained in place as part of the Council's Statement of Licensing Policy but it was recommended in current guidance that they be reviewed within a maximum of three years following the legislative change or when the licensing policy was next reviewed, whichever was the sooner. The requirement to consider and review any Cumulative Impact Areas in place also forms part of the statutory requirements on the Council. At their meeting on 17 March 2021, the Council's Licensing Committee considered a report and determined that the four existing cumulative Impact Area's be retained in the Licensing Policy, pending the statutory review of the Statement of Licensing policy that would take place in 2022.
- 3.14 As part of the review process, the Council has gathered data relating to alcohol use from Public Health and Violence Reduction Network officers and this is set out in Appendix 2. Cognisant of the fact that there is no Public Health licensing objective in the Licensing Act 2003, the data needs to be assessed in respect of its relevance to the four licensing objectives in the Act. Accordingly, in precis -
- Data shows that there is a strong relationship between alcohol and a range of crimes including violence.
  - Graphs illustrate the volume and harm of alcohol related crime in the borough over the last 5 years. Volume has shown a steady increase. Harm figures have fluctuated but as can be seen, 2021/22 gave the highest figures over the last five years for both alcohol volume and harm.
  - The data shows that over 60% of alcohol related crime volume committed in the borough in 2021/22 was violence against the person. In relation to alcohol related crime harm in the borough in 2021/22, over half of all committed were sexual offences and around a third was violence.
  - Alcohol related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon. Alcohol related crime flagged as domestic has increased year on year over the past five years with 40% of all crimes being domestic in 2021/22.
  - That said, the proportion of alcohol related crime harm flagged as domestic committed over the last five years has stayed fairly static at 27%.
  - PHE analysis of alcohol sales data has shown a positive association at local authority level between off sales and alcohol specific hospital admissions.



- 3.15 In respect of cumulative impact area 1 (Along the Brighton Road; South End; High Street, George Street corridor) members will notice that this corridor flows through one of the areas in the borough with the highest density of off licenses per population. It will also be noted that this corridor flows through the area in the borough with the highest rates in 2021/22 for both alcohol related crime volume and harm. In addition, it can be seen that this corridor flows through one of the two areas in the borough with the highest volume of ASB incidents in 2021/22.
- 3.16 In respect of cumulative impact area 2 (Along the London Road/Streatham High Road corridor) members will note that this corridor flows through areas with high numbers of off licenses per population and also one of the areas in the borough with the highest density of off licenses per population. It will also be noted that this corridor flows through two areas with high rates in 2021/22 for both alcohol related crime volume and harm. In addition, it can be seen that this corridor flows through one of the two areas in the borough with the highest volume of ASB incidents in 2021/22.
- 3.17 In respect of the cumulative impact area 3 (Along the Brigstock Road and High Street, Thornton Heath corridor) members will note that this corridor abuts two of the areas in the borough with the highest density of off licenses per population. It will also be noted that this corridor flows through areas that in 2021/22 had high levels of both alcohol related crime volume and harm. In addition, it can be seen that this corridor flows through two areas with high volumes of ASB incidents in 2021/22.
- 3.18 In respect of the cumulative impact area 4 (Along the length of Central Parade, New Addington) members will notice that that this corridor flows through one of the areas in the borough with the highest density of off licenses per population. Members will also note that in 2021/22, this area had lower (though not the lowest in the borough) levels alcohol related crime volume and harm and anti-social behaviour than the three preceding CIA's.
- 3.19 Members will note that the four current CIA's saw the highest volume of alcohol related offences in 2021/22 in the last five years. This was measured by identifying the number of offences in a 150m area of the CIA's. It is considered that the above referenced problems are being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described which sell alcohol for consumption off the premises and accordingly consultation on these four areas being cumulative impact areas in future is suggested so that the Council is able to determine whether or not it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives.
- 3.20 In light of the above and the contents of Appendix 2, it is proposed that the Council, as licensing authority undertakes a six week consultation on a review of the existing policy which will also include a proposal that the four existing current cumulative zones be retained in respect of sales of alcohol from off licenses, supermarkets and shops for consumption off the premises. For members ease of reference, maps showing the four areas are set out at Appendix 3.
- 3.21 In terms of impact of the current CIA's, the below table sets out the number of applications received in the current CIA areas since the last Statement of

Licensing Policy Review. Where relevant representations were received on the applications in the CIA's the table also sets out the volume of those applications which were refused because of the CIA's and which were granted. Members will recall that it is only when an application has drawn relevant representations and has therefore been referred to the licensing sub-committee as a result of those representations, that cumulative impact can be considered however, even in cumulative impact areas, each application must still be considered on its individual merits and against the evidence presented at the hearing. Where no relevant representations have been received, the Sub-Committees' ability to consider the matter is not engaged and the numbers are therefore not reflected in the below.

CIA Area	No. of Applications Received in area for "off" sales February 2018 – July 2022	No. of Applications with objections refused by licensing sub committee	No. of Applications with objections granted by licensing sub committee
Along the Brighton Road; South End; High Street, George Street corridor	7	0	0
Along the London Road/Streatham High Road corridor	7	1	1
Along the Brigstock Road and High Street, Thornton Heath corridor	2	0	0
Along the length of Central Parade, New Addington	4	1	1
Total:	20	2	2

Cumulative Impact Area: proposed new area: High Street and Portland Road, South Norwood:

3.22 Members will recall that the current statement of licensing policy at paragraph 4.34 identifies two special stress areas where there has been concern about the number of shops licensed to sell alcohol for consumption off the premises and the impact they may be having on crime and disorder but in respect of which there was insufficient data to warrant introducing a CIA. Those areas are as follows –

- High Street & Portland Road, South Norwood
- Lower Addiscombe Road

3.23 Between February 2018 and July 2022, the Licensing Authority has received 9 applications for premises which sell alcohol off the premises in this area and this

has led to a net increase in the number of premises selling alcohol for consumption off the premises by 2 premises. In this area, there are currently 30 premises which are classified as shops, supermarkets or off licenses and are authorised to sell alcohol off the premises, with 10 being on High Street and 20 on Portland Road.

- 3.24 Having regard to Appendix 2, members will notice that in the High Street & Portland Road area of South Norwood, both alcohol related crime volume and alcohol related harm were at their highest in that area in 2021/22 over the previous five year period, with significant increases in both volume and harm between 2019/20 and 2021/22. Two of the licensing objectives in the Act are the prevention of crime and disorder and the prevention of public nuisance.
- 3.25 In light of the increased alcohol related crime volume and alcohol related harm, It is considered that the above referenced problems are potentially being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described which sell alcohol for consumption off the premises. Accordingly, consultation on the area detailed in paragraph 3.25 below being a future cumulative impact area is suggested so that the Council is able to determine whether or not it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives under the Act.
- 3.26 In light of the above and the contents of Appendix 2, it is recommended that the consultation include a proposed new cumulative impact area of High Street, South Norwood from the junctions with Oliver Grove and Station Road to the junction with Lancaster Road and Portland Road from the junction with High Street to the junction with Spring Lane, Woodside in respect of sales of alcohol off the premises from off licenses, supermarkets and shops on the basis that the current evidence indicates that it experiences high levels of alcohol related crime and alcohol related hospital admissions and the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough. For Members' ease of reference, a map showing the proposed area is set out at Appendix 4.
- 3.27 In light of the above, it is also proposed that the two 'special stress areas' listed at 3.20 above be removed from the Licensing Policy document. It is proposed that one is considered as a potential a cumulative impact area as part of the consultation but because the data does not suggest similar or ongoing issues in the other named stress area, that this area be removed from the policy document and that references to special stress areas are no longer included in the policy.

#### **4. CONSULTATION**

- 4.1 It is proposed that the Consultation in respect of the review of the Statement of Licensing Policy, the review of the existing Cumulative Impact Areas and the consultation regarding the proposed introduction of an additional Cumulative Impact Area be undertaken together and for a 6 week period.
- 4.2 Section 5(3) of the Licensing Act 2003 specifies which parties must be consulted with as part of any review of a Statement of Licensing Policy or in respect of

cumulative impact area reviews or the introduction of new cumulative impact areas and these are –

- the chief officer of police for the licensing authority's area
- the fire and rescue authority for that area
- each Local Health Board for an area any part of which is in the licensing authority's area
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4.3 In terms of selecting “such other persons” as are referenced in paragraph 4.2 above, it is proposed to consult residents associations, relevant trade associations, all Croydon ward councillors and the three borough MP’s. In addition, the consultation will be published on the Council’s website and through relevant social media via the Council’s Comms. Team.

4.4 The timetable leading up to the Licensing Policy being republished is as follows:

DATE	ACTION
26.09.2022	Licensing Committee
28.09.2022	Proposed commence consultation
09.11.2022	Deadline for consultation responses
28.11.2022	Licensing Committee
14.12.2022	Full Council

## 5. FINANCIAL CONSIDERATIONS

### 1 Revenue and Capital consequences of report recommendations

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

### 2 The Effect of the Decision

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

### 3 Risks

An appeal against a decision of the Licensing Sub-Committee or a Judicial Review of the application and/or policy making processes, including a

Judicial review in respect of the Statement of Licensing Policy or adoption or retention of cumulative impact areas may present financial risks to the Council with regard to undertaking litigation and any award of costs against it which might arise as a result.

#### **4 Options**

There are no other options available to the Council. The Council is required to review its statement of Licensing Policy in the statutory time frame. In addition, the Council is required to review existing Cumulative Impact Areas to consider whether or not it is of the view that they ought to be retained. The Council has the power to consider the introduction of further cumulative impact areas subject to the necessary evidence.

#### **5 Savings/Future Efficiencies**

None identified

(Approved by: Alan Layton, Head of Finance)

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

- 6.1 The Solicitor to the Council comments that the Statement of Licensing Policy provides the framework under which the licensing function is administered and the Council's approach under the Licensing Act 2003 ("The Act"). Cumulative Impact Areas and arrangements form part of the Council's Statement of Licensing Policy.
- 6.2 The Licensing Act 2003 requires the determination and publication of a Statement of Licensing Policy for each successive five-year period. The current policy expires in 2023. The Council must keep the policy under review during the five-year period and make such changes as are considered necessary.
- 6.3 In accordance with the Licensing Act 2003 the Statement of Licensing Policy must be determined by full Council after consultation with prescribed bodies. These prescribed bodies are detailed in section 4 above.
- 6.4 The views of all the above persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.
- 6.5 The Act requires that a review of the Cumulative Impact Assessment is undertaken within a three year period either following the introduction of the statutory provisions pertaining to cumulative impact, which came into force on 6 April 2018 or within three years of previously introducing a cumulative impact assessment. In undertaking the required review the Licensing Authority must consult the parties identified in Section 5(3) of the Act (as detailed in section 4 in the report above) and provide them with the information required in section 5A(6) in other words:
- a) the reasons why it is considering publishing a cumulative impact assessment;

b) a general indication of the part or parts of its area which it is considering describing in the assessment;

c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

6.6 If the outcome of the consultation indicates that there needs to be an amendment or update to the Statement of Licensing Policy, this must be referred to Full Council for consideration and determination.

6.7 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy and in undertaking any reviews of existing cumulative impact areas or seeking to remove or introduce new cumulative impact areas. The latest version of the Statutory Guidance was issued by the Home Office in April 2018.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of, Director of Legal Services and Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

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

## **8. EQUALITIES IMPACT**

8.1 The council has an obligation under the Public Sector equality duty, which is to eliminate unlawful discrimination, to advance equality of opportunity and to build better relationships between groups with protected characteristics. All negative impacts associated with this proposal have been identified and mitigated for groups with protected characteristics in the EQIA.

Approved by: Gavin Handford (Director of Policy, Programmes and Performance)

## **9. ENVIRONMENTAL IMPACT**

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

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

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

## **11. DATA PROTECTION IMPLICATIONS**

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



Whilst personal data may be processed as part of the consultation, the information will not be shared any further. A DPIA is mandatory where data processing “is likely to result in a high risk to the rights and freedoms of natural persons”. In this instance the information that may be processed has been categorised as low risk and therefore a DPIA is not required.

(Approved by: Steve Iles, Director of Sustainable Communities)

**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health,  
Trading Standards and Licensing  
Tel. Ext. 28259

**BACKGROUND DOCUMENTS:** None

**APPENDICES:**

Appendix 1: Current Statement of Licensing Policy

Appendix 2: Preliminary evidence regarding potential cumulative impact for consultation

Appendix 3: Maps of Current Cumulative Impact Areas

Appendix 4: Map of proposed Cumulative Impact Area 5

# **‘STATEMENT OF LICENSING POLICY’**

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

## CONTENTS

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

## **APPENDICES**

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

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

## **1. INTRODUCTION**

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

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

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

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

- 3.1 This 'Licensing Statement' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued by the Home Office under Section 182 of the Act.
- 3.2 There are a number of groups who have a stake in licensing, including providers, customers, residents and regulators, all who have views and concerns that require consideration as part of the licensing function.
- 3.3 Before publishing this Licensing Statement, the Council consulted widely, including with the Chief Borough Police Officer, the Chief Officer of the London Fire Brigade and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the Borough.
- 3.4 The Council also consulted with the Director of Public Health, local bodies representing consumers and promoting tourism and neighbouring authorities.
- 3.5 The Council has given proper weight to the views of all the persons/bodies consulted before publishing this finalised Licensing Statement.
- 3.6 The revised Licensing Statement will take effect on the 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 reclassification 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.

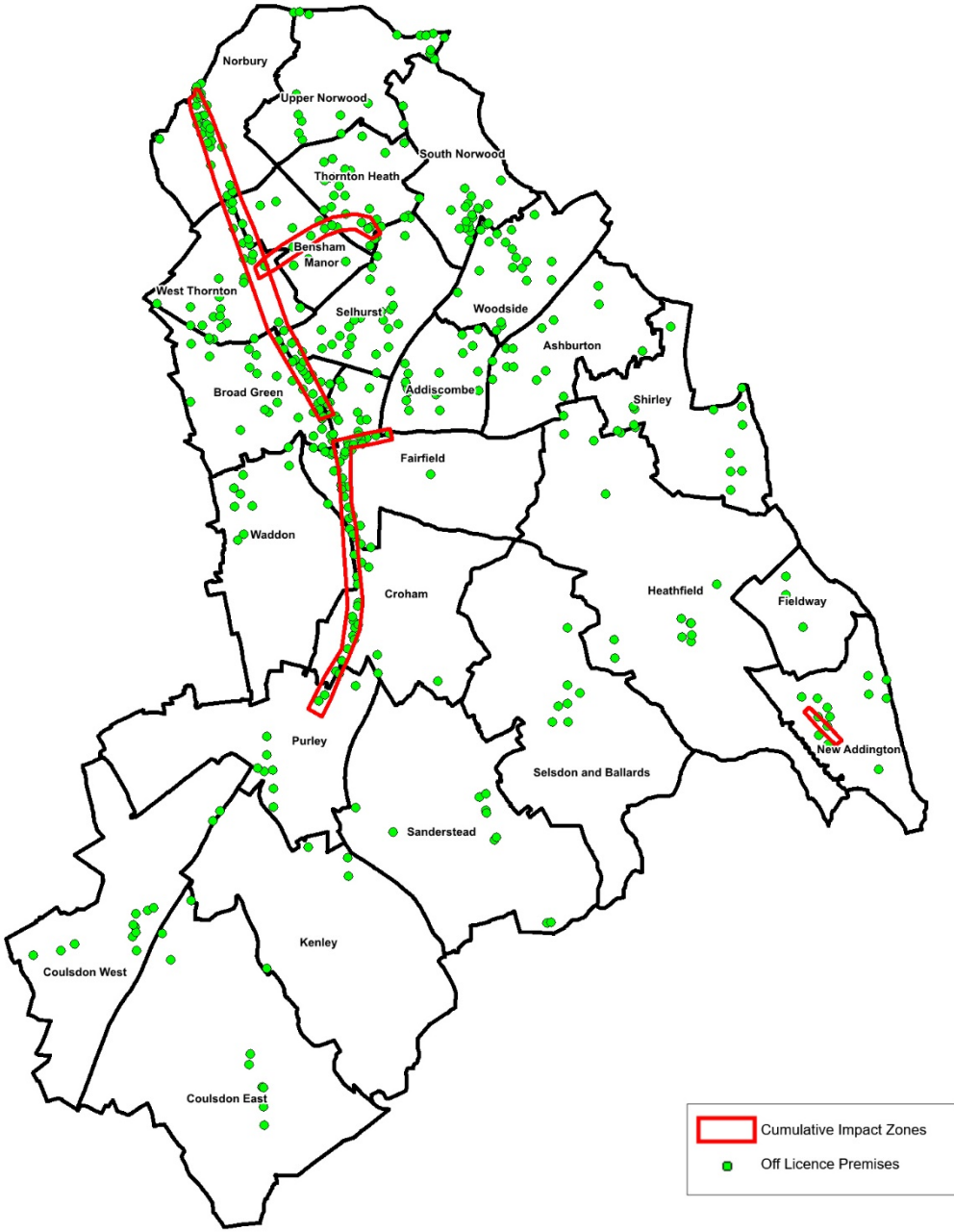
### **Central Parade, New Addington Cumulative Impact Area**

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.

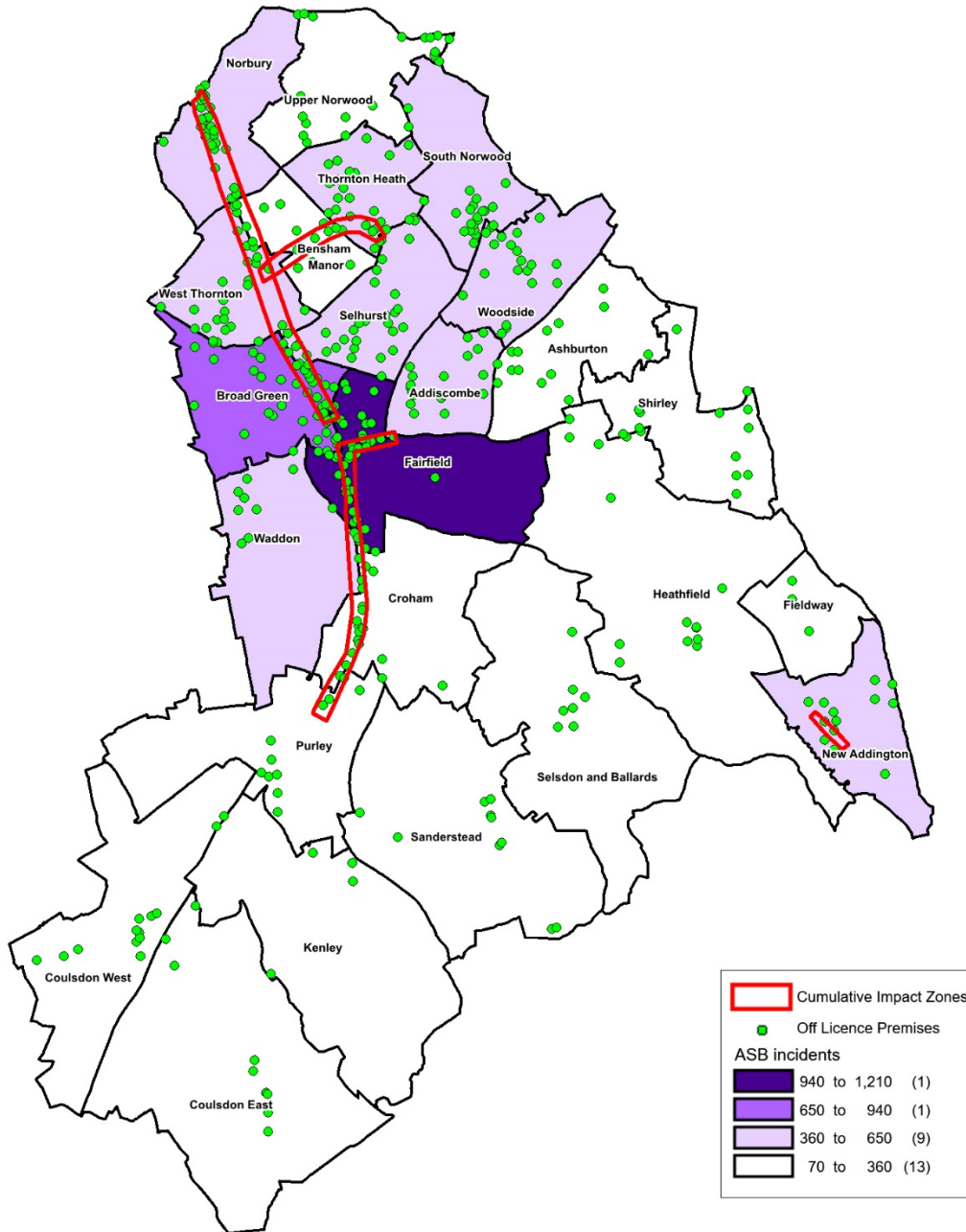
Off Licence Premises in Croydon



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



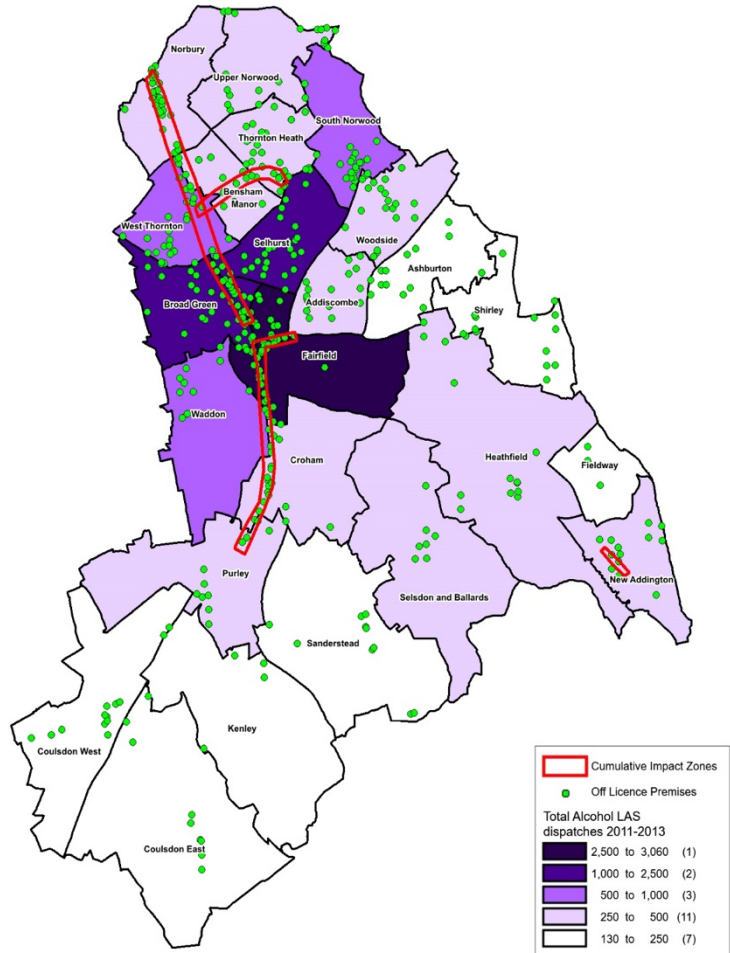
**Total Anti-Social Behaviour (ASB) incidents 2016**



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

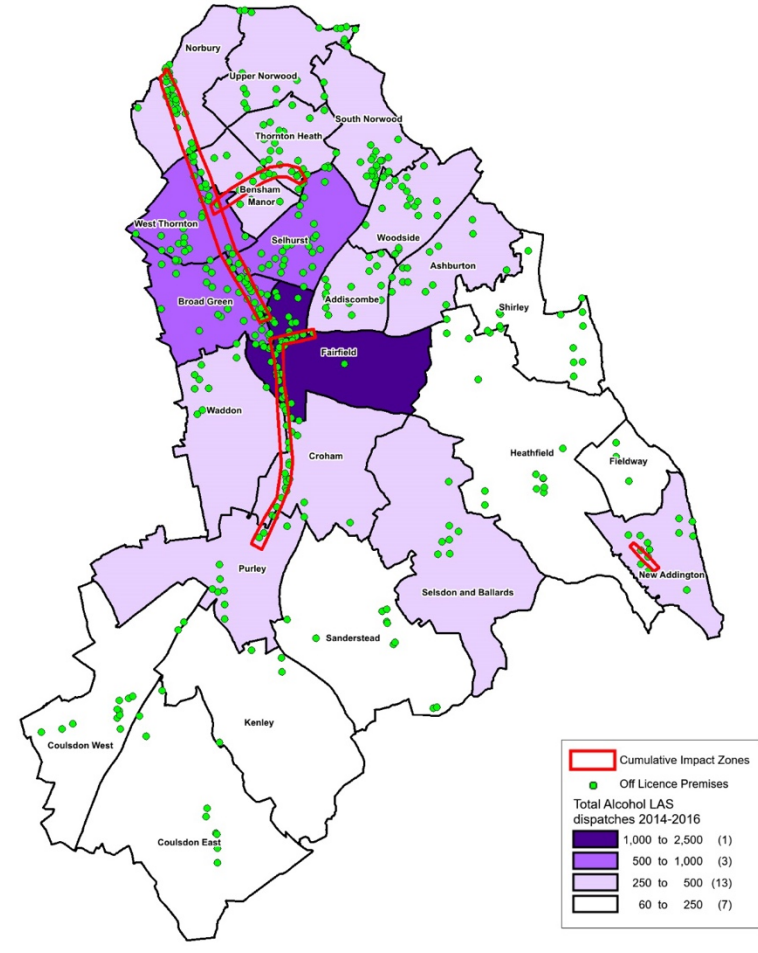
The maps below shows the total number of ambulance dispatches for alcohol-related reasons in the two years prior to and two years since the CIZs being in place

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



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

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



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

**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

---

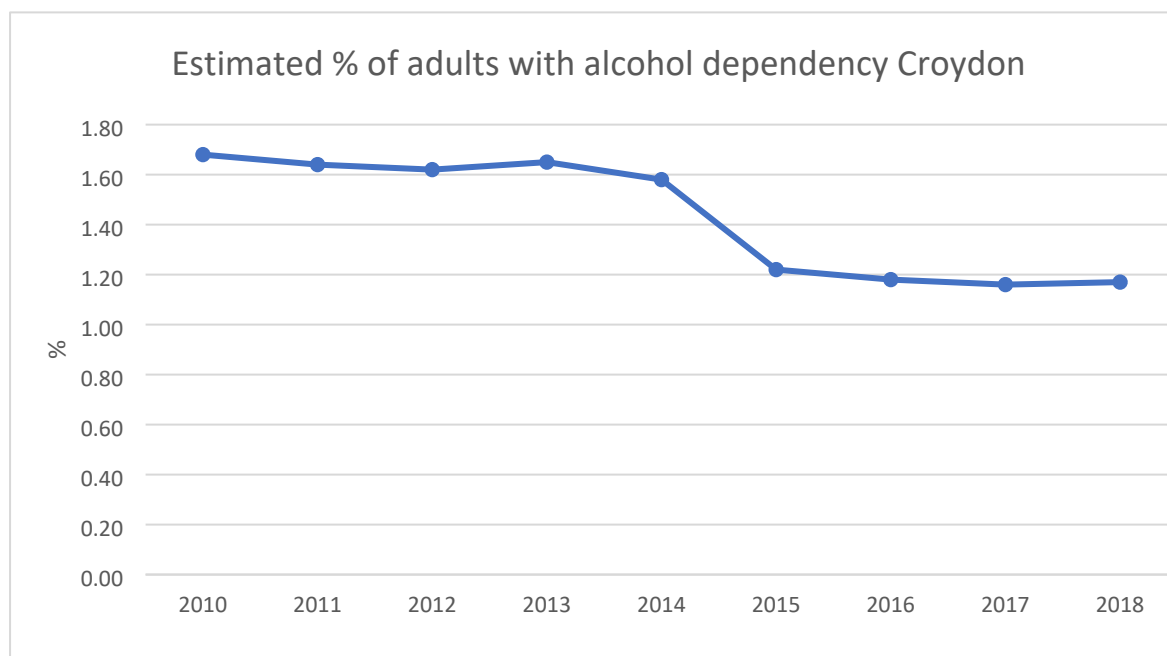
- <sup>1</sup> The Estimates of Alcohol Dependence in England based on APMS 2014, <http://www.nta.nhs.uk/facts-prevalence.aspx>
- <sup>2</sup> Off-licence numbers taken from local council licensing team. Density based on number of households with at least one resident from 2011 Census, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/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

This page is intentionally left blank

## Alcohol use

Between 2,718 and 4,485 adults in Croydon were estimated to be alcohol-dependent in 2018-19, between 0.9% and 1.5% of the adult population<sup>1</sup>

When looking at trend data, the estimated percentage of adults with alcohol dependency appears to have decreased in recent years.



21% of adults in Croydon abstain from alcohol. 8.6% binge drink on their heaviest drinking day and 15.8% drink more than 14 units of alcohol a week as estimated by the Health Survey for England (2015-18).<sup>2</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.<sup>3</sup>

## Off licenses

As at June 2022, there are 473 premises in Croydon licensed to sell alcohol to drink off the premises (off-licenses). This is equal to a rate of 1.95 off-license premises for every 1,000 people estimated to be living in Croydon and 2.6 per 1,000 of the adult 18+ population.<sup>4</sup>

In 2014, a total of 1,398,180 litres of alcohol were through the off trade, this is equivalent to 4.9 litres per adult (aged 18+).<sup>2</sup>

<sup>1</sup> Public Health England. 2018-19 Estimates of alcohol dependent adults, based on 2014 Adult Psychiatric Morbidity Survey. <https://www.gov.uk/government/publications/alcohol-dependence-prevalence-in-england>

<sup>2</sup> OHID, Local Alcohol Profiles for England. <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

<sup>3</sup> OHID, Child and Maternal Health. <https://fingertips.phe.org.uk/profile/child-health-profiles>

<sup>4</sup> ONS. 2020 mid-year population estimates. Off-licence numbers taken from local council licensing team. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2019estimates>



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.

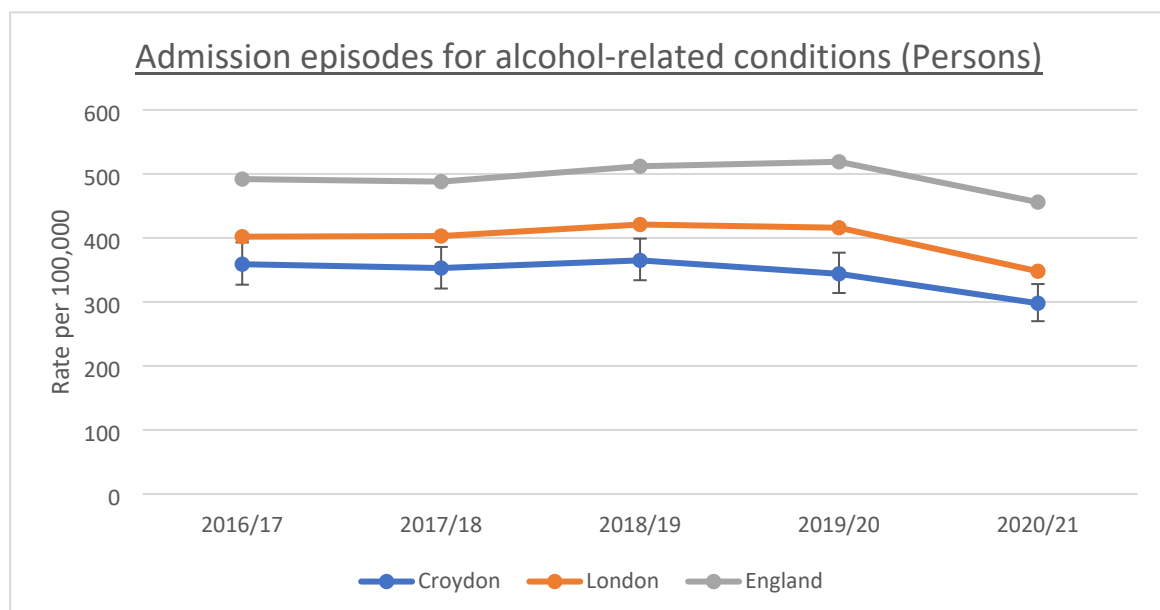
### Alcohol-related Road traffic accidents<sup>2</sup>

26 road traffic accidents in Croydon in 2014-16 were alcohol related. This is a rate of 9.4 per 1,000 road accidents. This is a similar rate to London (10.7) and lower rate than England (26.4).

### Hospital admissions<sup>2</sup>

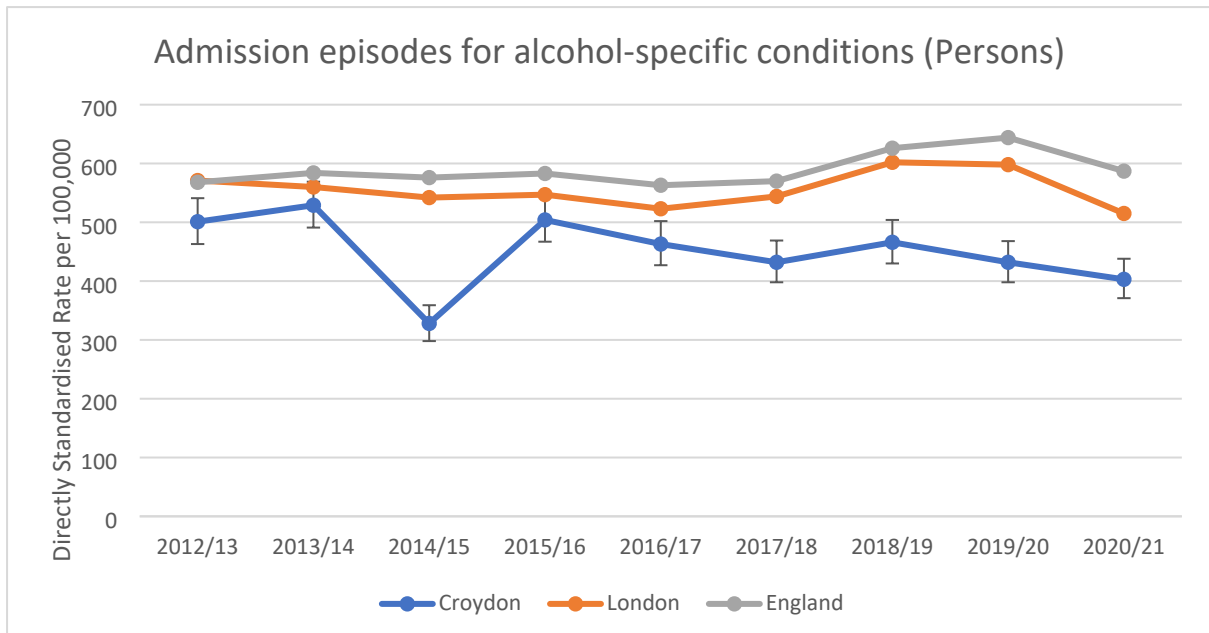
In 2020/21 there were 1,051 admissions to hospital for alcohol-related conditions (narrow definition). This is a rate of 298 per 100,000 population, lower than the rates seen across England (456) and London (348). 22% of these admissions were in people under 40 years of age, 53% in people aged 40-64 years and 25% in people aged 65 or above. In all age groups the rate of hospital admissions for alcohol related conditions is higher in males than females.

When looking at trend data admissions for alcohol related conditions in Croydon have been significantly decreasing and getting better in recent years.



A further 1,440 admissions occurred in the same year for alcohol-specific conditions. This is a rate of 403 per 100,000 population, again lower than the rates seen across England (587) and London (515).

When looking at trend data, admissions for alcohol-specific conditions in Croydon have been significantly decreasing and getting better in recent years.



## Mortality<sup>2</sup>

Latest data (2020) shows that Croydon had an alcohol-specific mortality rate of 10.6 and an alcohol-related mortality rate of 31.3. Rates are directly standardised per 100,000 population. Croydon alcohol-specific mortality rates were similar to both England (13.0) and London (9.9). Alcohol-related mortality rates in Croydon were similar to both England (37.8) and London (32.2). Alcohol-related mortality rates in Croydon were higher in males (46.9) than females (17.9) which were also similar to England and London.

When looking at trend data for alcohol specific mortality and alcohol related mortality in Croydon there is no significant change over the recent years.

## Crime

Data<sup>5</sup> shows that there is a strong relationship between alcohol and a range of crimes including violence. Alcohol-related crime is measured by the Metropolitan Police Service as notifiable crimes which have at least one of the following flags:

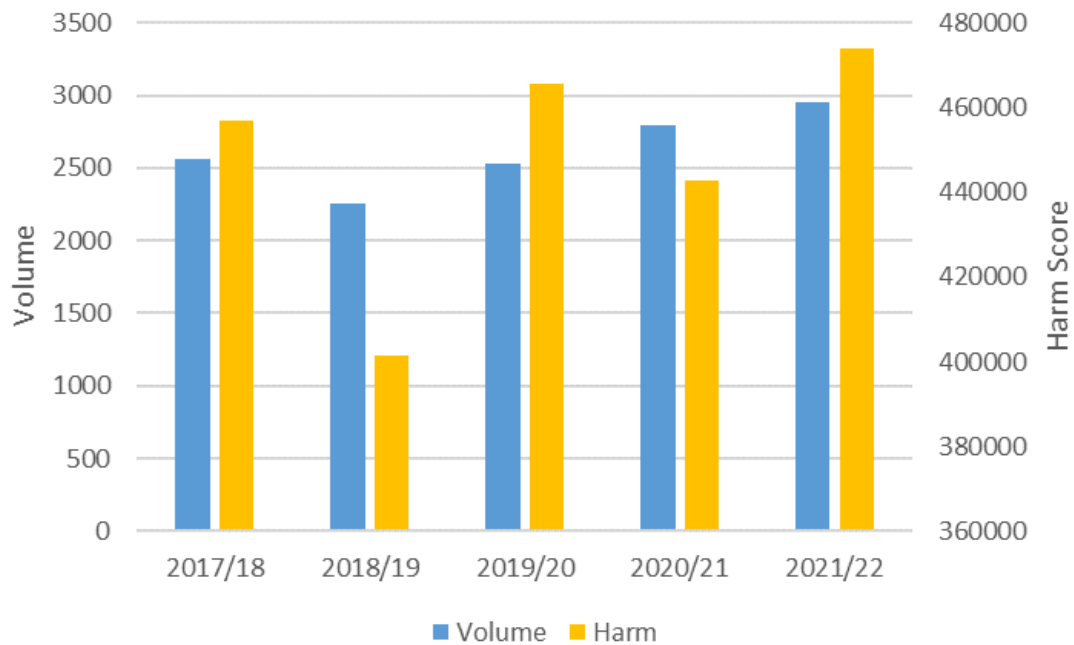
- Alcohol consumed at scene by suspect/accused.
- Suspect/accused had been drinking prior to committing offence.
- Victim had been drinking prior to the offence.

Also, there are specific alcohol-related crimes which are also included in the data (e.g., causing death by careless driving under influence of drink or drugs) and they are the only ones which are notifiable to the Home Office. As there is an issue of reliability of the above flags being recorded consistently, 'wildcards' are also used to identify crimes where alcohol featured e.g., searching for words including 'drunk', 'drinking alcohol' etc in the crime report. However, it must be emphasised that the following statistics on alcohol-related crime in the borough should be treated as the minimal number of crimes where alcohol featured.

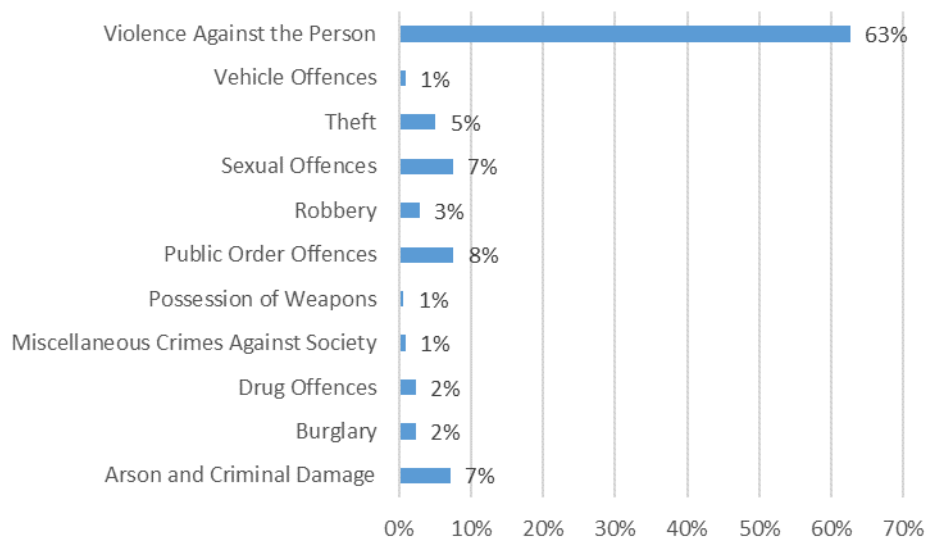
<sup>5</sup>Crime Survey for England and Wales, nature of crime tables (violence)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimetablesviolence>

The following graph shows the volume and harm<sup>6</sup> of alcohol-related crime in the borough in the last five years. As shown there has been an overall increase in volume over the last five years and 2021/22 was the highest for alcohol-related crime. In regards to harm, even though this has fluctuated over the same period, 2021/22 was also the highest in five years.

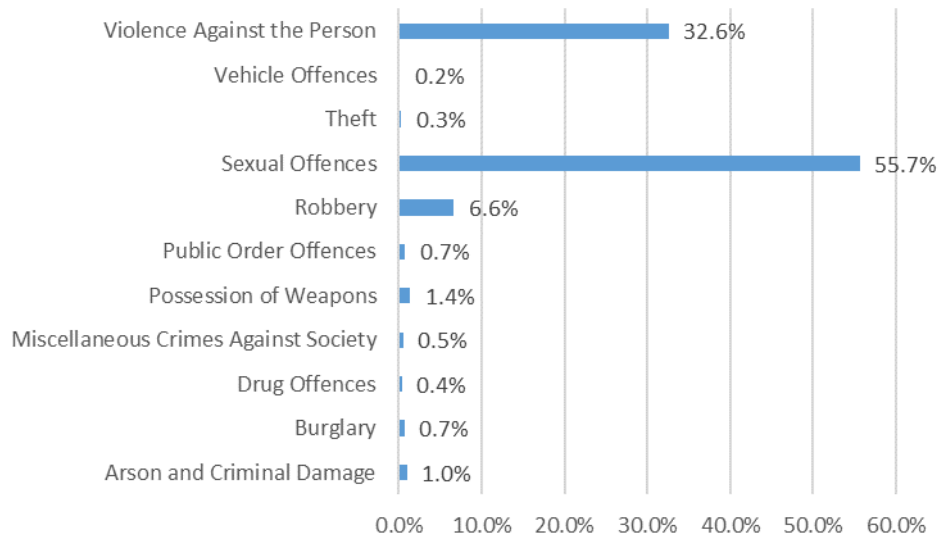


The following chart shows that over 60% of alcohol-related crime volume committed in the borough in 2021/22 was violence against the person. This is followed by 8% being public order offences.

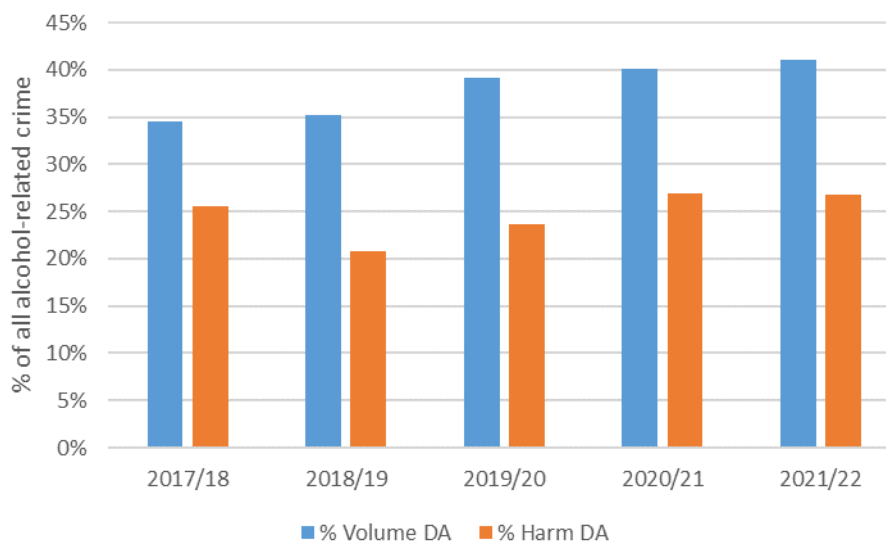


By looking at alcohol-related crime harm in the borough in 2021/22, over half of all harm committed were sexual offences and around a third was violence.

<sup>6</sup> Crime Harm is measured using the Cambridge Crime Harm Index <https://www.crim.cam.ac.uk/research/thecambridgecrimeharmindex>



Alcohol-related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon. The following chart shows that the proportion of all alcohol-related crime volume which is flagged as domestic has been increasing year-on-year with over 40% of all crimes being domestic in 2021/22. In contrast, the proportion of all alcohol-related crime harm which was flagged as domestic as relatively stable over the last five years with it representing 27% in 2021/22.

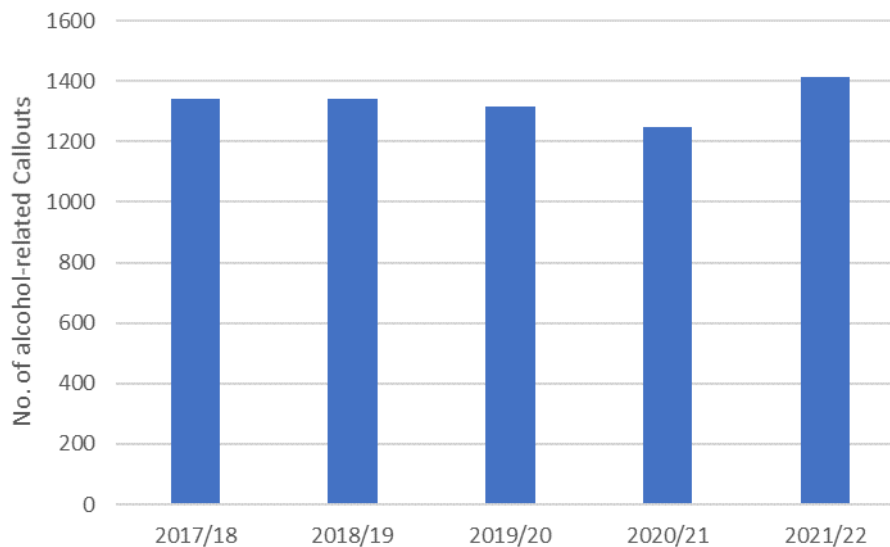


In 2020/21, the Metropolitan Police Service recorded 34,068 crimes within Croydon, of which 11,645 were violence against the person (34.2% of all recorded crimes)<sup>7</sup>. The CSEW shows that, in 2017/18, 42% of the victims of violent incidents believed the offender(s) to be under the influence of alcohol. In Croydon this would result in a total of 4,891 offences of violence against the person were alcohol-related.

<sup>7</sup>Crime Statistics in Croydon in 2021/22 published by the Metropolitan Police Service [https://public.tableau.com/shared/RMW9PB8ZH?:display\\_count=y&:origin=viz\\_share\\_link&:embed=y](https://public.tableau.com/shared/RMW9PB8ZH?:display_count=y&:origin=viz_share_link&:embed=y)

### London Ambulance Service – Alcohol-related Callouts<sup>8</sup>

In 2021/22 there were 1,415 alcohol-related callouts to the London Ambulance Service – the highest in the last five years. Also, 2021/22 saw the only year-on-year increase over the same period with callouts rising to 13%. This large increase can be partly attributed to Covid-19 and the consequential government restrictions where many businesses were closed for substantial periods of time. Therefore, by comparing 2021/22 to 2019/20, there was still an 8% increase in callouts.

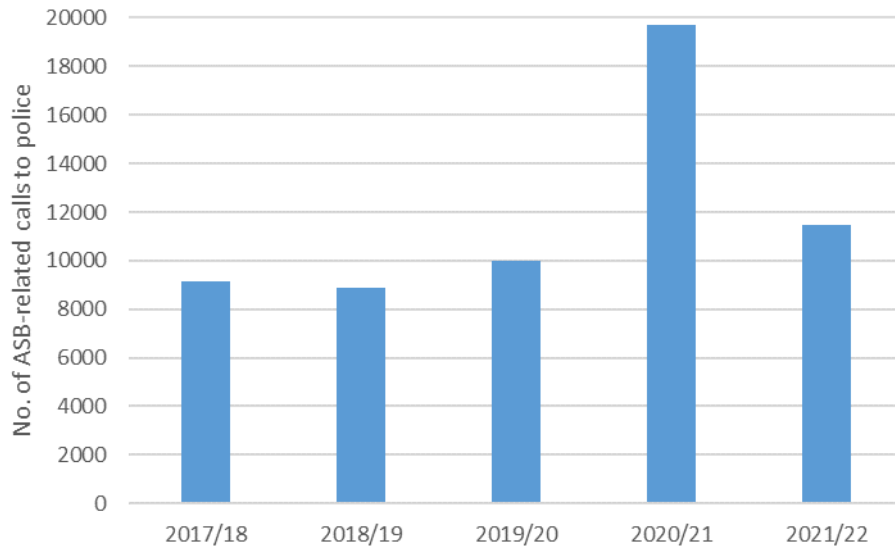


### Anti-social Behaviour<sup>8</sup>

Another reliable indicator of identifying the level of alcohol-related nuisance or disorder is by looking at anti-social behaviour in the borough. In 2021/22 there were 10,087 calls of anti-social behaviour (ASB) made to the police in Croydon. This is a 42% decrease compared to the year before. However, it must be noted that incidents linked to Covid-19 restrictions are recorded as ASB (e.g. lack of social distancing, no mask wearing etc.) therefore this was the main contributor for the large number of calls in 2020/21 as shown in the following chart.

---

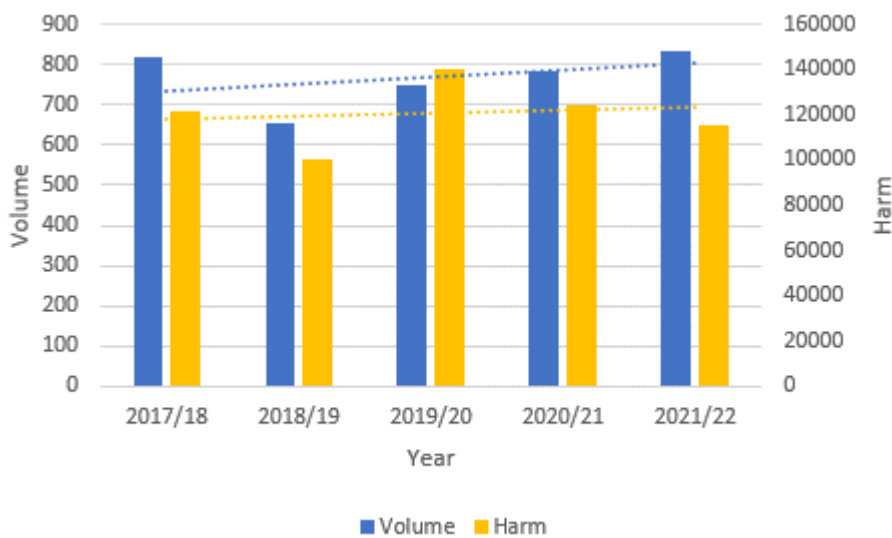
<sup>8</sup> London Ambulance Service incidents and Dispatches figures from Greater London Authority SafeStats tool, <https://www.london.gov.uk/what-we-do/research-and-analysis/safestats?source=vanityurl>. The same tool used to identify antisocial behaviour incidents from London Ambulance Service, British Transport Police, London Fire Brigade, Metropolitan Police Service and Transport for London. SafeStats contains non-official data for the purposes of operational and strategic insight and is accurate only at the point in time that it is received by SafeStats therefore there are caveats regarding the accuracy of this data.



Even though Covid-19 related calls partly contribute to the number of calls in 2021/22, there were much less restrictions in place compared to the year before. Therefore, a fairer comparison is comparing 2021/22 to 2019/20, where there was a 15% increase in incidents.

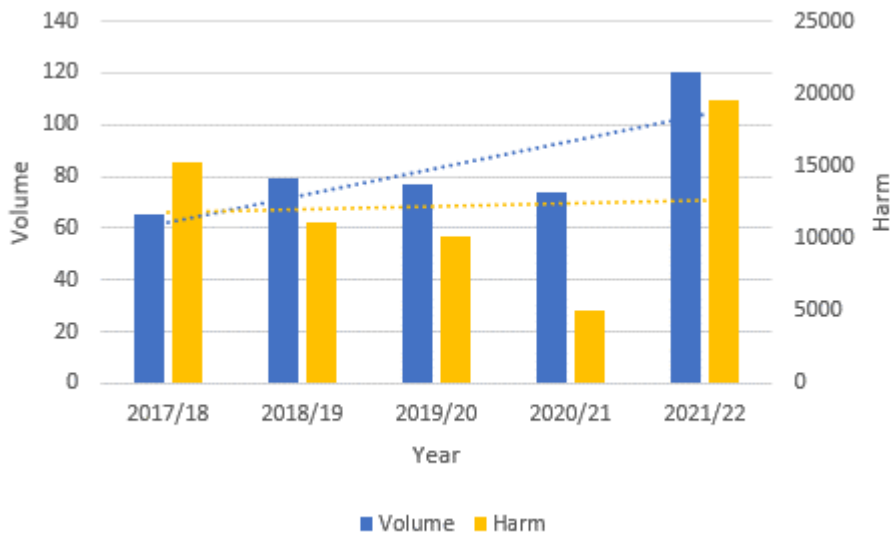
The current CIA's together have seen the highest volume of alcohol-related offences in 2021/22 in the last five years. This is measured by identifying the number of offences in a 150m area of the CIA's. The volume of offences has risen for the third consecutive year. By comparing 2021/22 to the year before there has been a 6% increase in the number of offences. By comparing 2021/22 to 2019/20 (pre-covid year) there has been an 11% increase.

By looking at harm in the current CIA's, it has fallen for the second consecutive year and it is at its second lowest in 2021/22 in the last five years. In 2021/22, alcohol-related harm dropped by 7% compared to the year and compared to 2019/20 (pre-covid year) it has dropped by a fifth (20%).



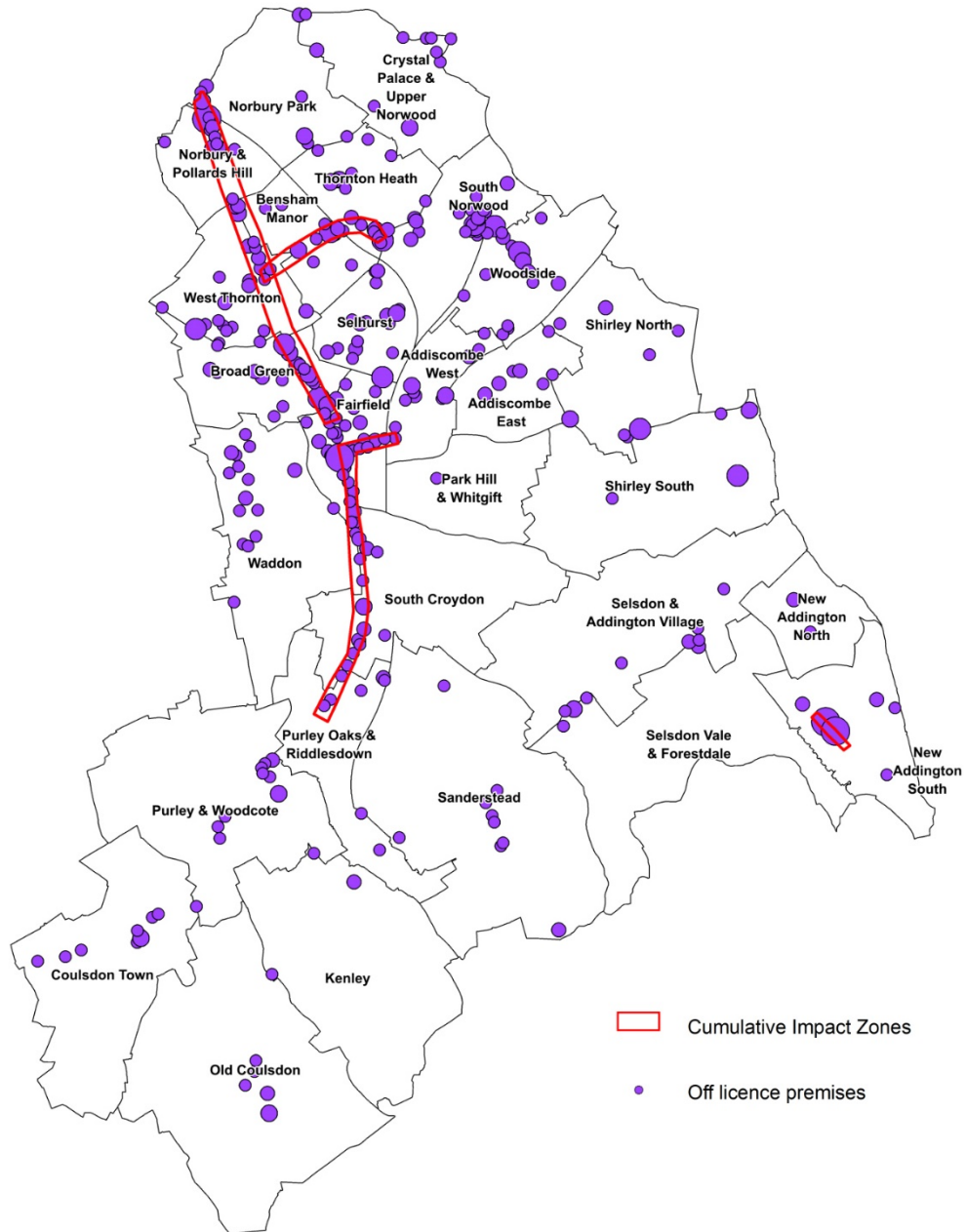
In respect of the proposed new South Norwood CIA, both alcohol-related volume and harm have been at their highest in this area in 2021/22 over the five year period. By comparing

2021/22 to the year before, volume has gone up 62% and harm has gone up 294%. By comparing 2021/22 to 2019/20 (pre-covid year), volume has increased 56% and harm has increased 94%. This data appears to support the proposal to introduce a CIA in this area.



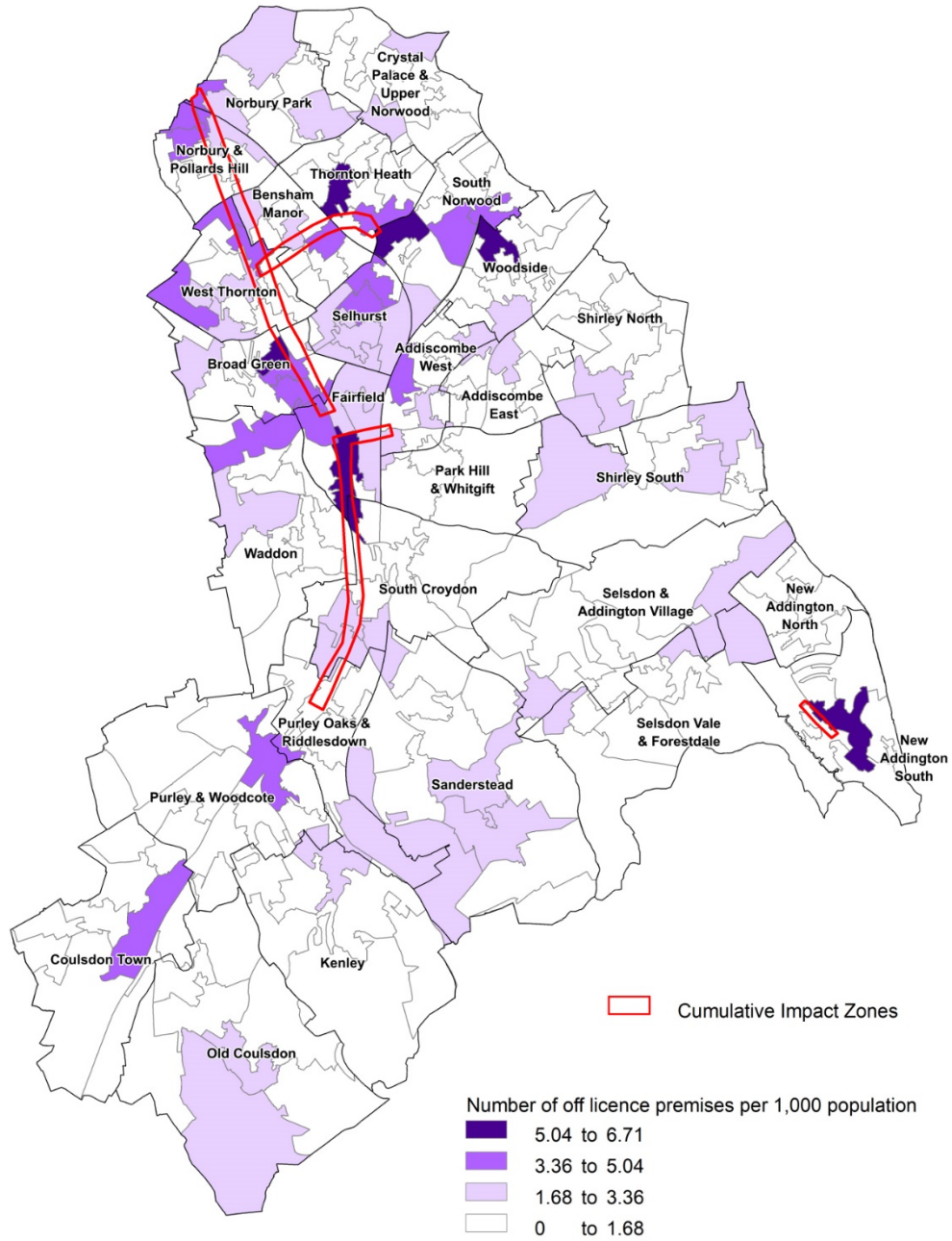


# Off Licence Premises in Croydon



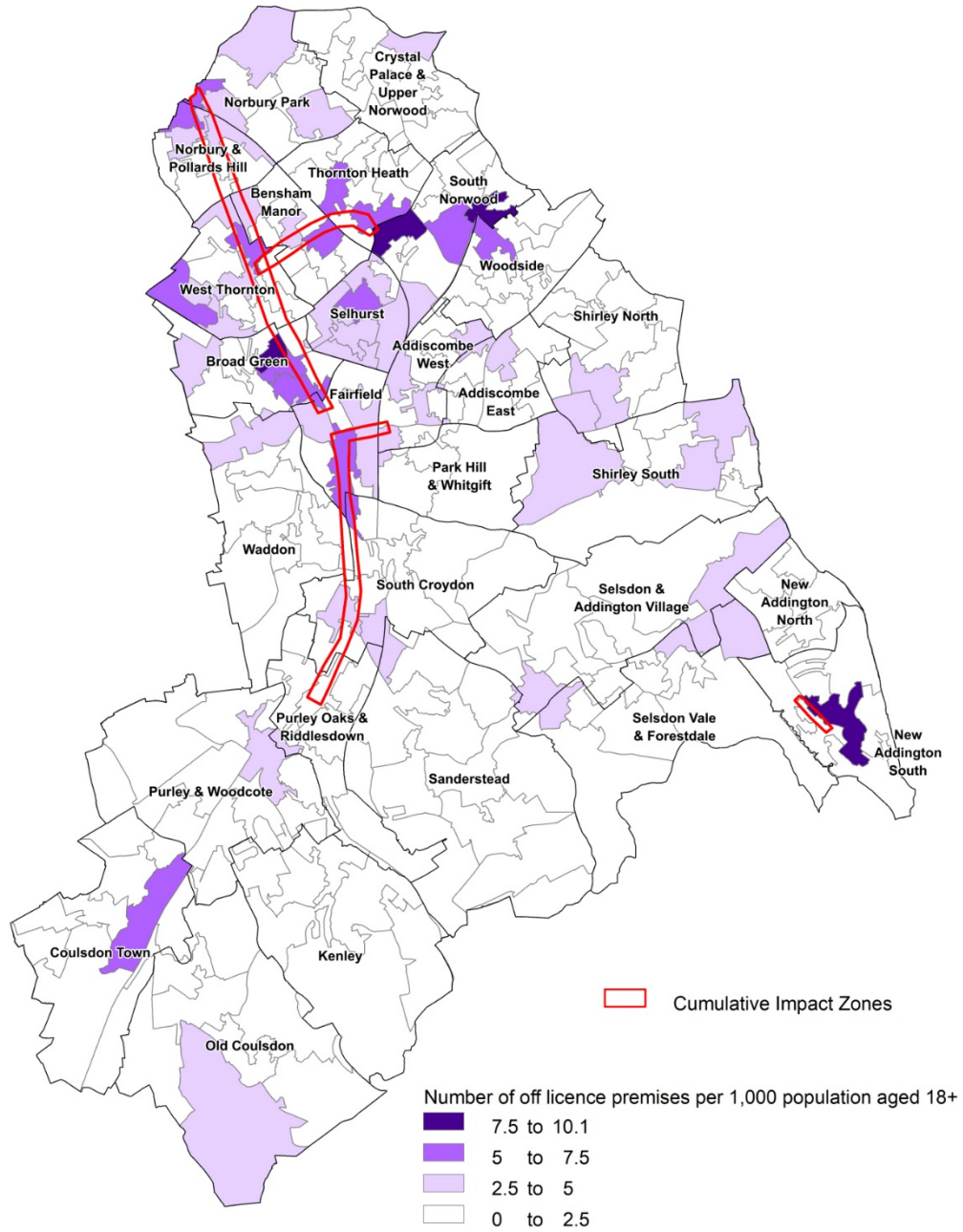
Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2019  
OS Licence number 10001927

# Off Licence Premises in Croydon: rate of premises per 1,000 population



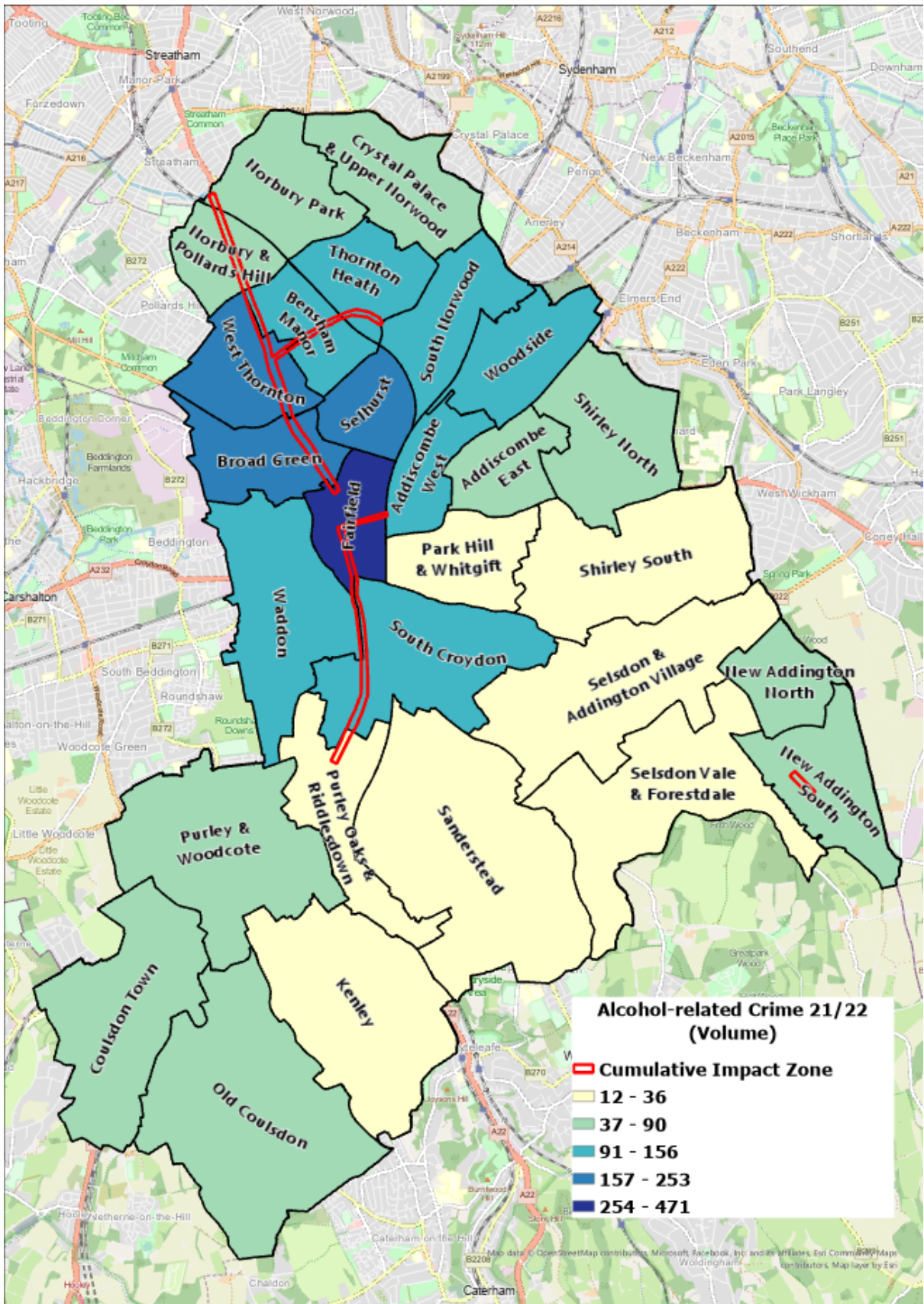
Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2019  
OS Licence number 10001927

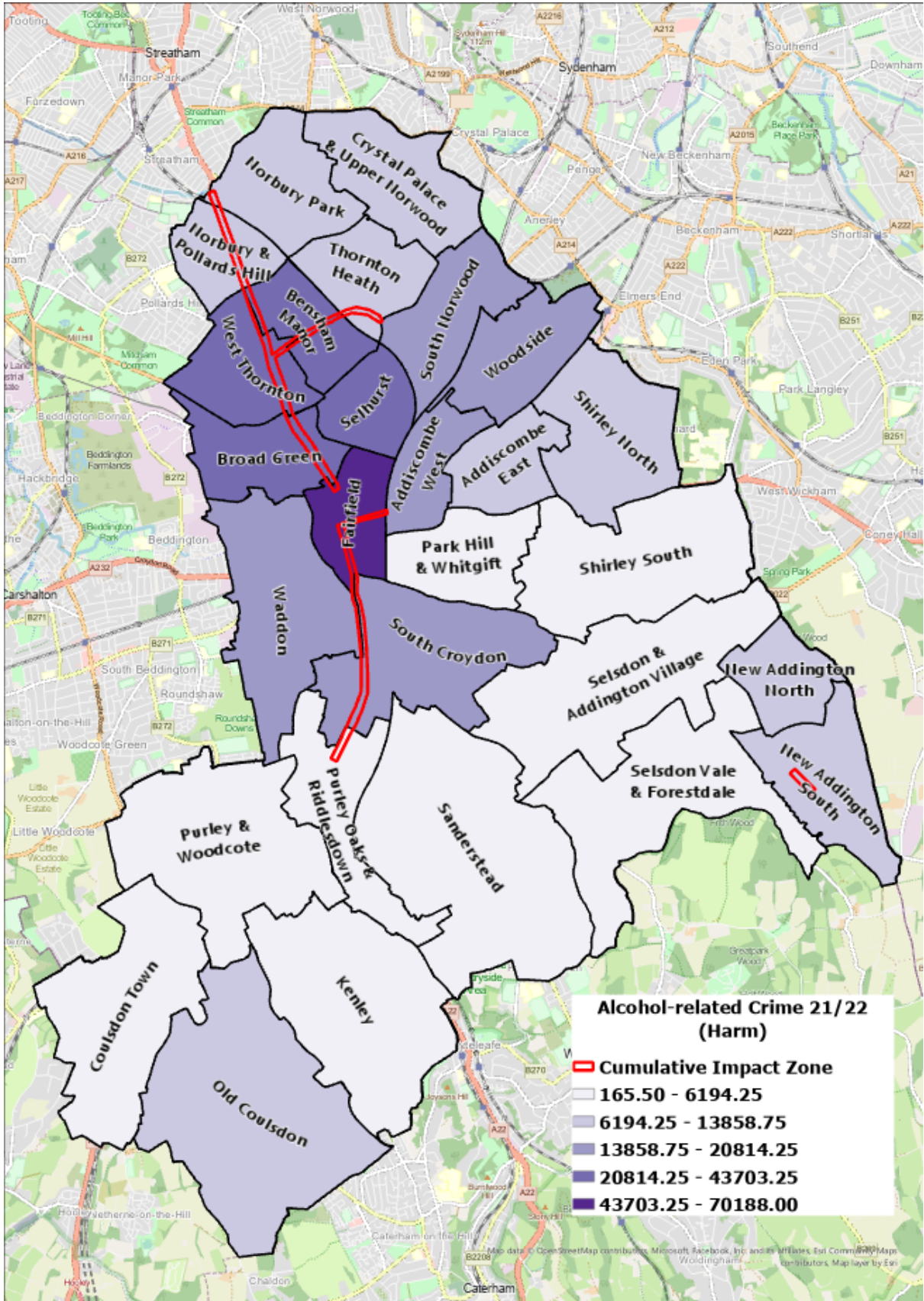
# Off Licence Premises in Croydon: rate of premises per 1,000 population aged 18+



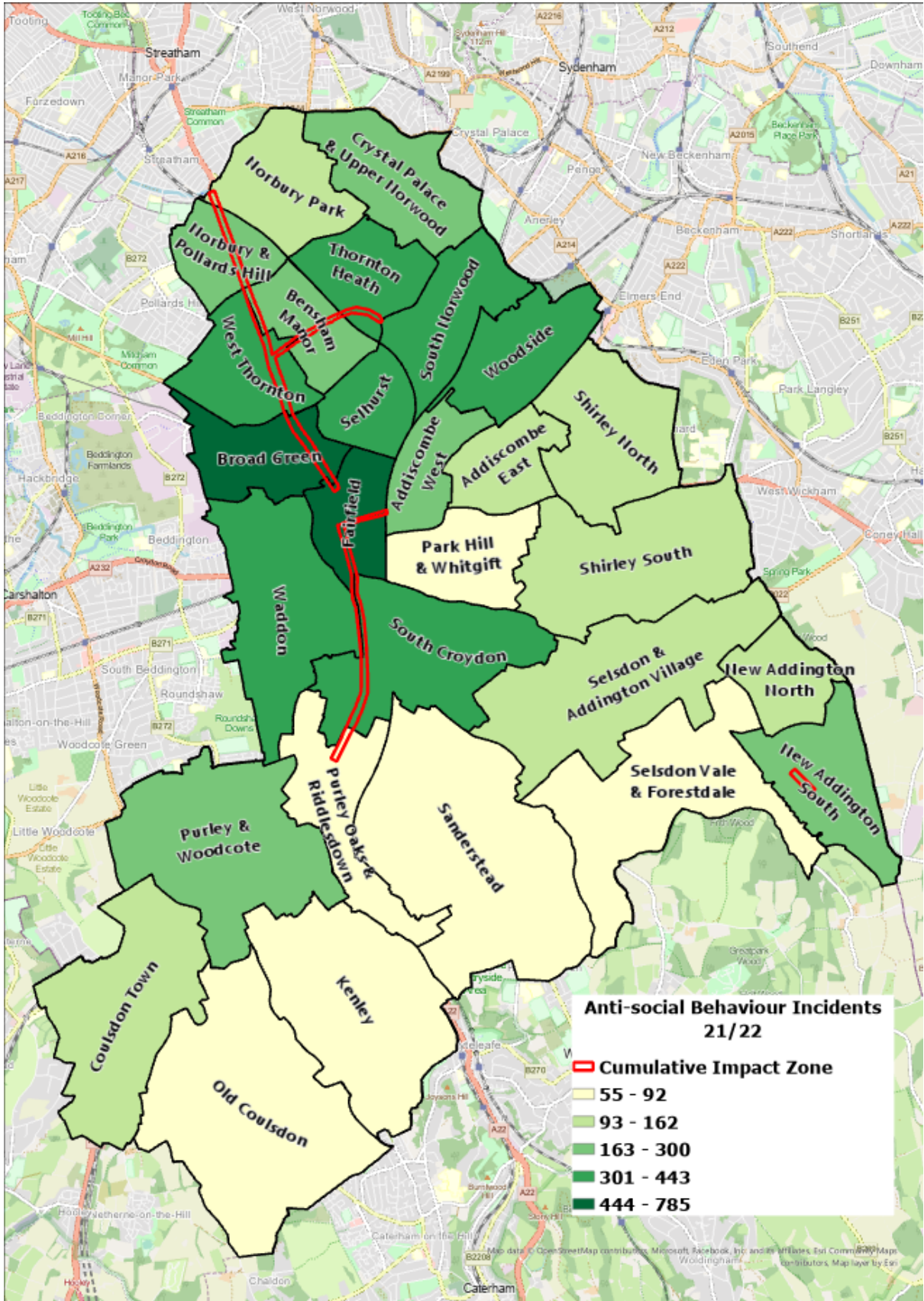
Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2019  
 OS Licence number 10001927

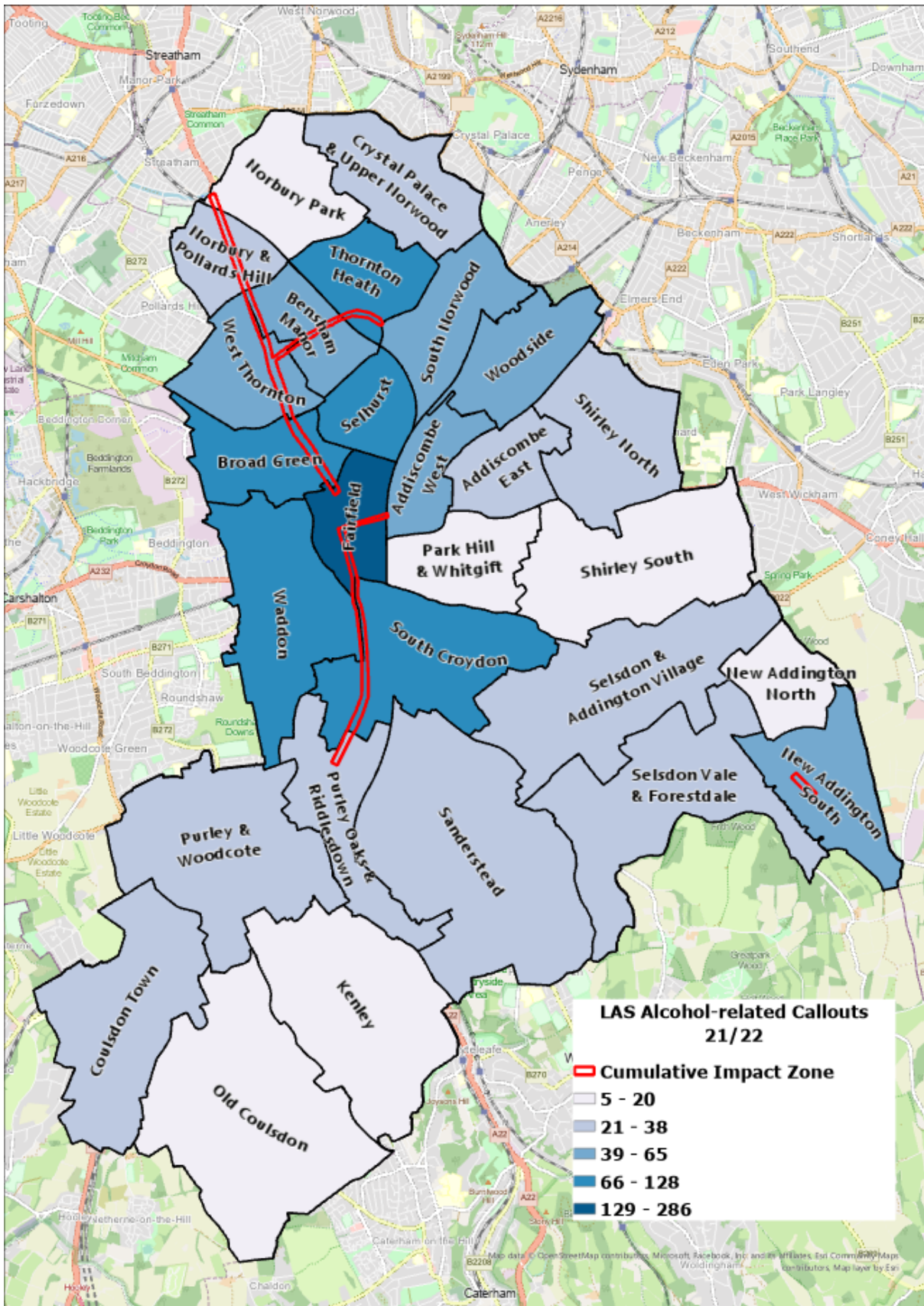






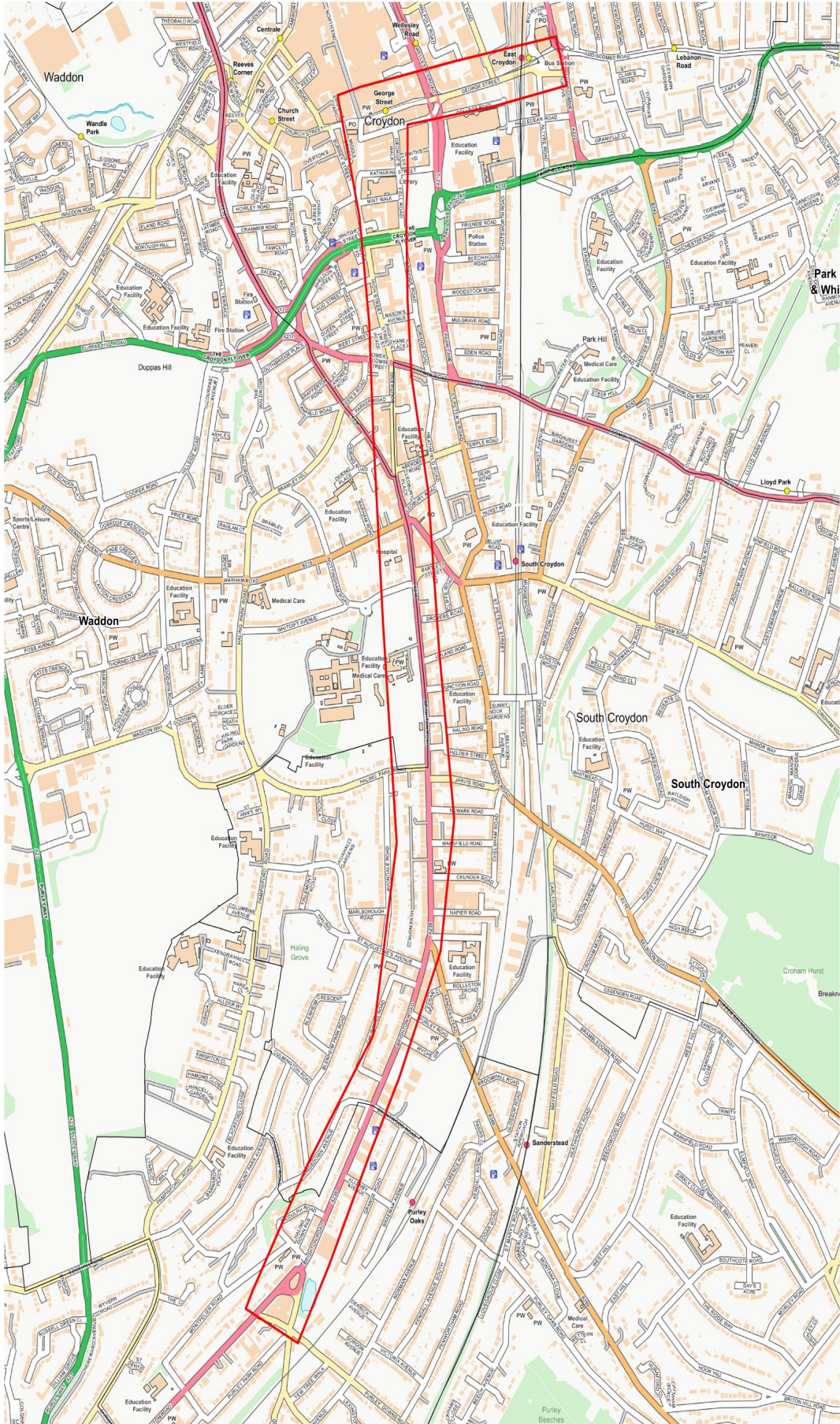






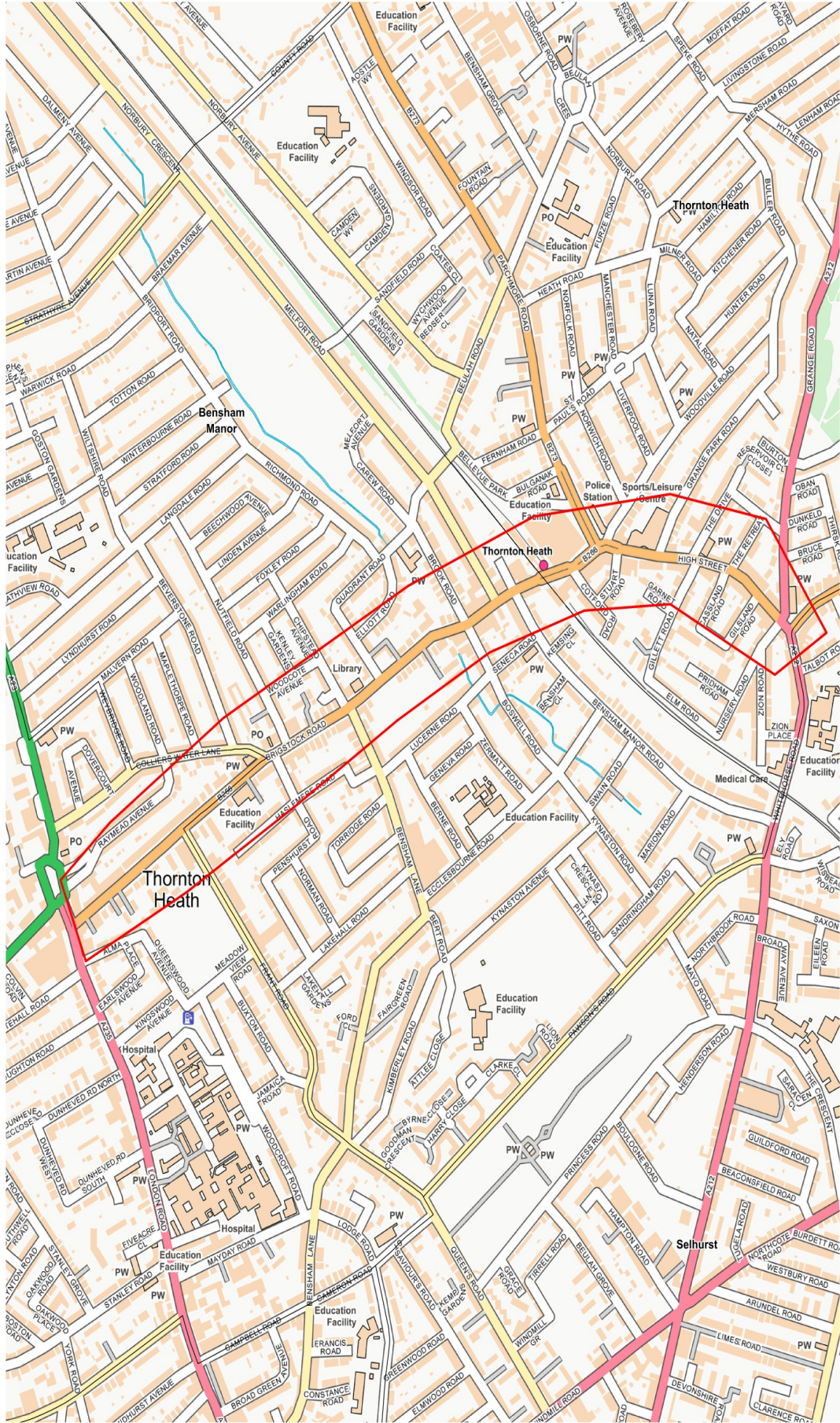


This page is intentionally left blank



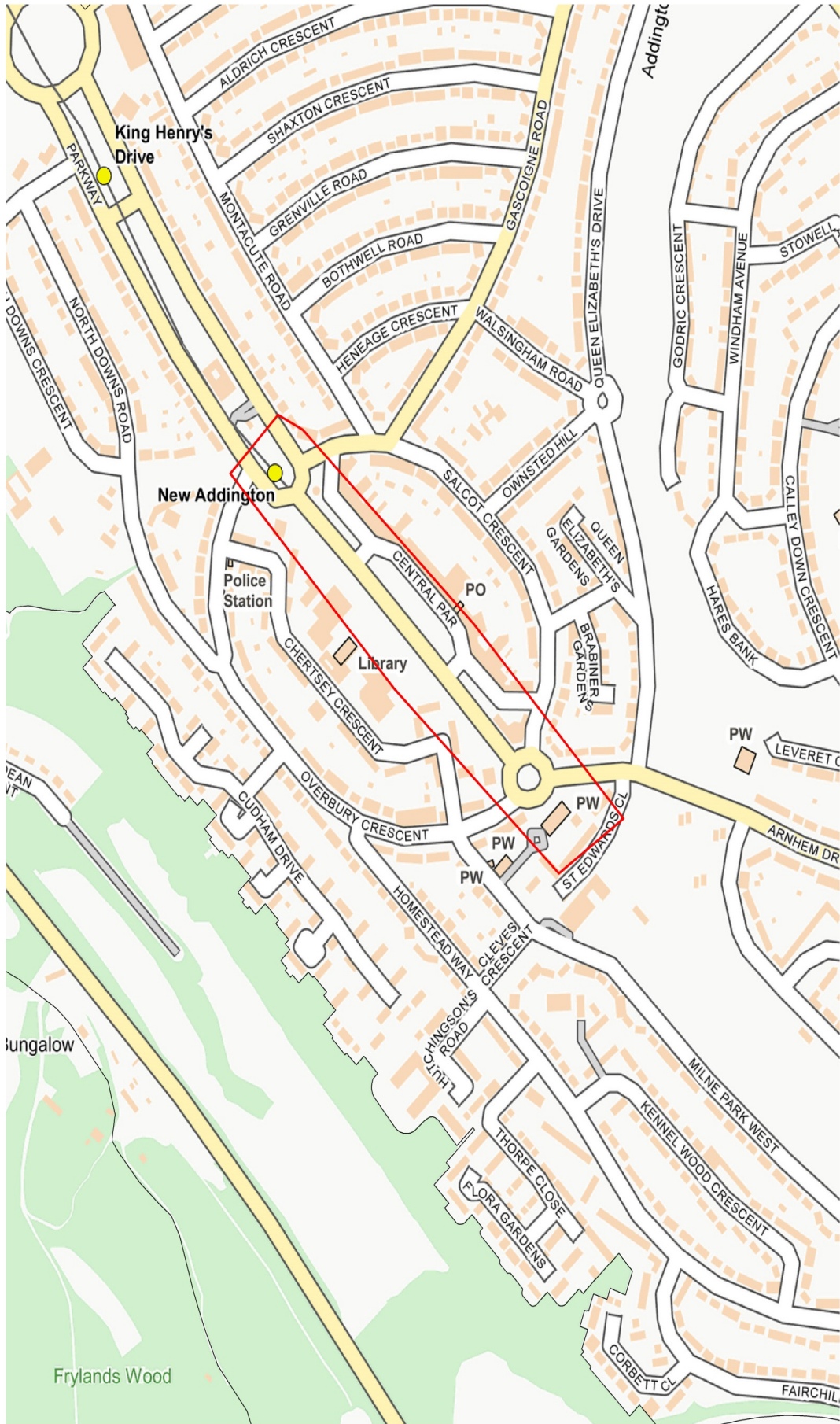
This page is intentionally left blank





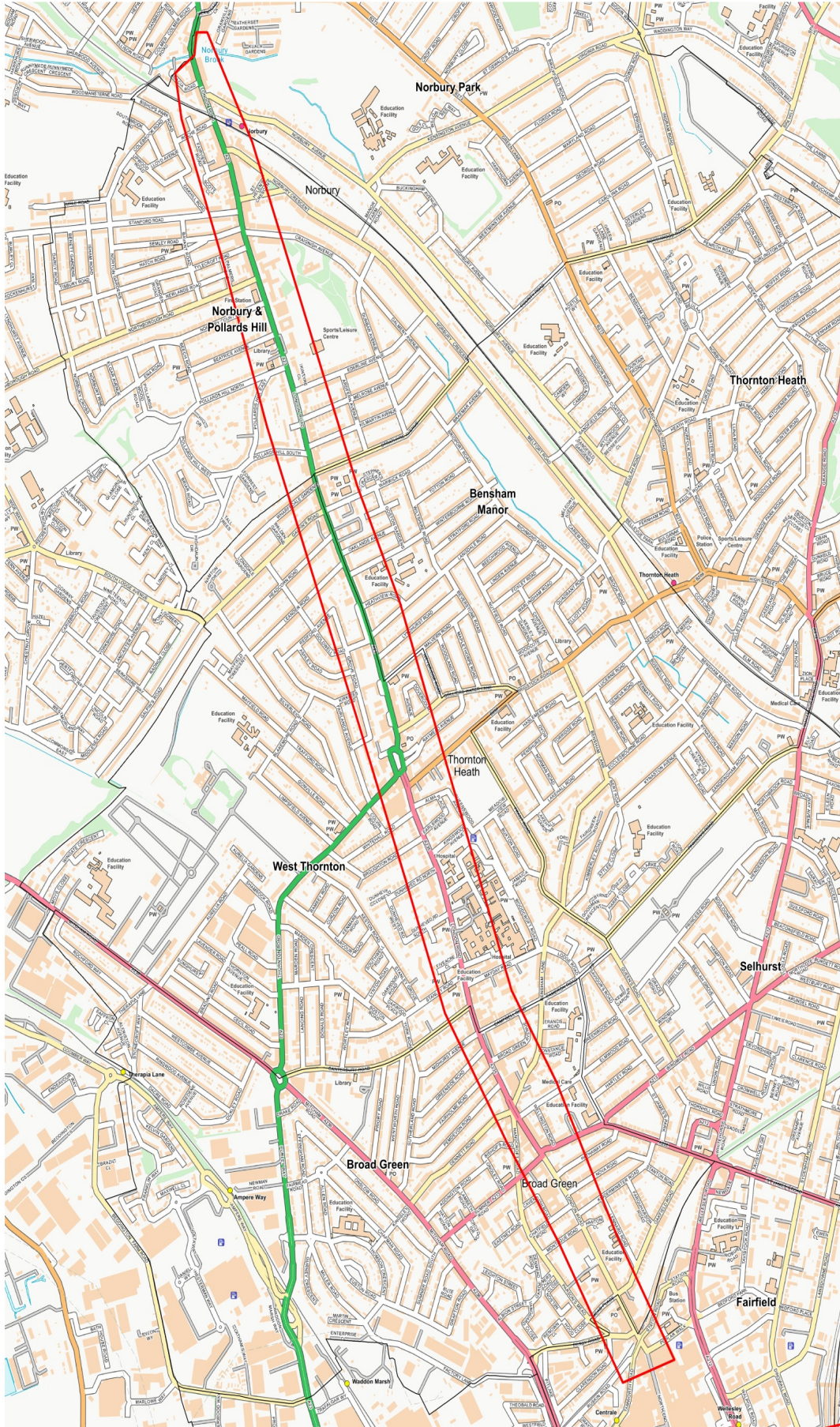
This page is intentionally left blank





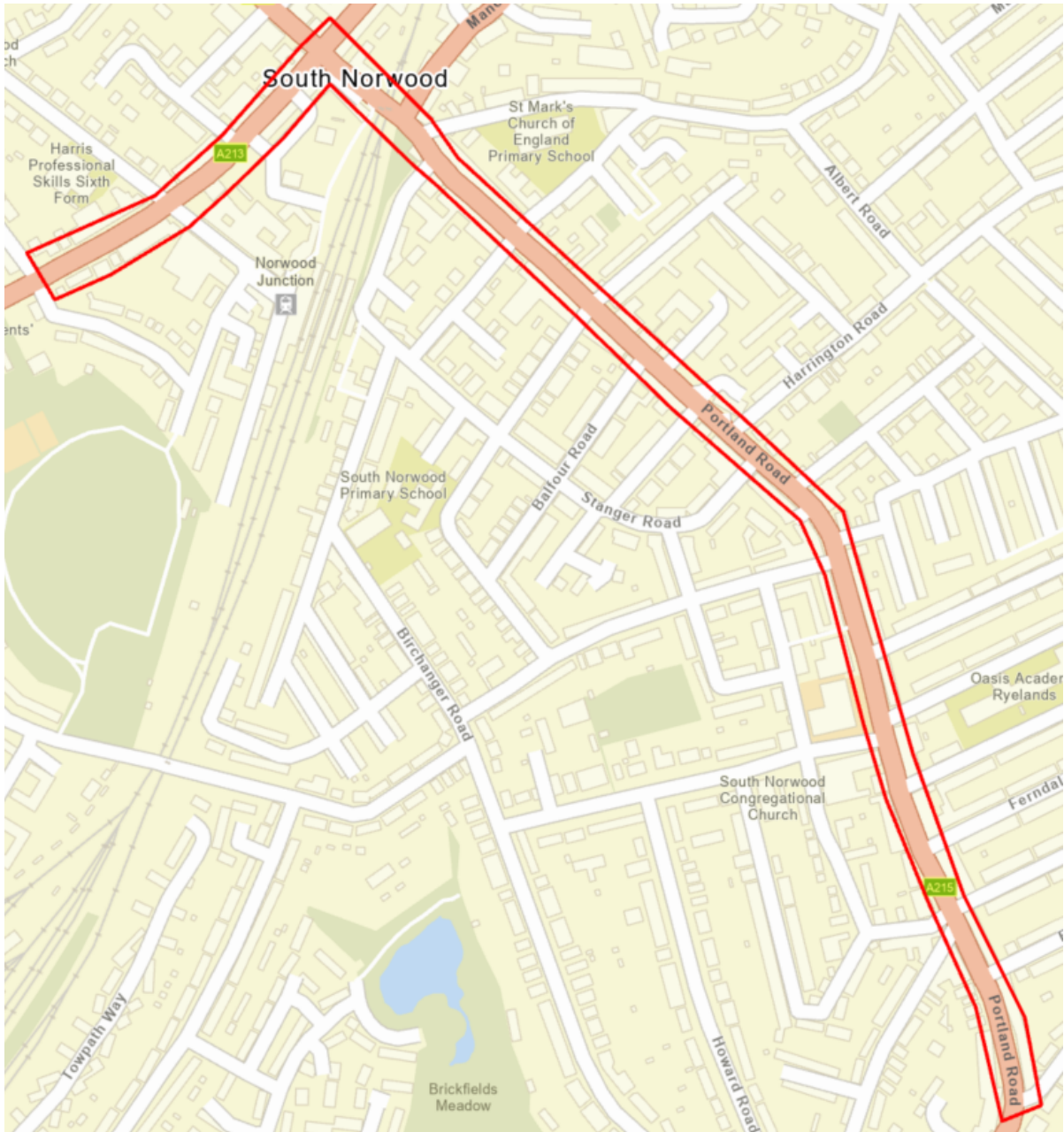


This page is intentionally left blank



This page is intentionally left blank





This page is intentionally left blank

Document is Restricted



This page is intentionally left blank