

<b>REPORT TO:</b>	<b>LICENSING SUB-COMMITTEE</b> 16 October 2014
<b>AGENDA ITEM:</b>	<b>7</b>
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 – APPLICATION FOR PREMISES LICENCE</b>
<b>LEAD OFFICER:</b>	<b>Executive Director, Development &amp; Environment Department</b>
<b>CABINET MEMBER:</b>	<b>Councillor Mark Watson, Cabinet Member for Communities, Safety &amp; Justice</b>
<b>WARDS:</b>	<b>Fairfield</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> This report is specific to this application and has no implications on the Council's Corporate Policies.	
<b>FINANCIAL SUMMARY:</b> This application is being processed as part of normal duties carried out by the Department with no additional costs involved.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> N/A	

For general release

<b>1. RECOMMENDATIONS</b>
1.1 The Sub-Committee is asked to determine whether to grant the application for a premises licence at 3-7 Middle Street, Croydon, CR0 1RE.

## **2. EXECUTIVE SUMMARY**

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

## **3. DETAIL**

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

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

#### **4. FINANCIAL CONSIDERATIONS**

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

There are no direct financial implications associated with this report, subject to the risks at 4.2 & 4.3. This application is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

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

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

##### **3 Risks**

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

##### **4 Options**

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

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

None identified.

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

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

- 5.1 The Solicitor to the Council comments that the sub-committee must determine the application, taking into account relevant representations, the Licensing Act 2003, the regulations made thereunder, statutory guidance and the Council’s own licensing policy.
- 5.2 (Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Solicitor to the Council.

## 6. HUMAN RESOURCES IMPACT

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

6.2 (Approved by: Heather Daley, Director of Human Resources)

## 7. EQUALITIES IMPACT

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

## 8. ENVIRONMENTAL AND DESIGN IMPACT

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

## 9. LICENSING OBJECTIVES IMPACT

9.1 The licensing objectives contained in the Act are:

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

9.2 Officers comments and relevant representations on the impact of the application on these objectives appear in Appendix A to the application.

## 10. HUMAN RIGHTS IMPACT

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

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

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

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

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

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

---

**CONTACT OFFICER:** Michael Goddard, Licensing Manager, Development & Environment Department, ext. 61838

**BACKGROUND DOCUMENTS:** Application Forms  
Licensing Hearings Protocol and Procedure

## APPENDIX A

### 1. The Application

- 1.1 This report concerns an application by PHK Enterprises Ltd. for a premises licence at 3-7 Middle Street, Croydon, CR0 1RE.
- 1.2 The application seeks the following licensable activities, between the hours shown –

#### **The sale by retail of alcohol (On the premises) -**

Monday to Sunday 0930 hours until 0100 hours on the following days  
Two hours to be added to the terminal hour on Christmas Eve, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Diwali, all four Saints days, Valentine's Day and the 7 consecutive days prior to and leading up to Christmas Day

New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day

On 12 occasions during the year, with the prior consent of the Police, the applicant may extend the terminal hour for events held within the premises, with the Police having an absolute veto on such events.

#### **The Provision of regulated entertainment –**

Recorded music/Performance of dance/ The provision of entertainment of a similar description to recorded music and the performance of dance

Monday to Sunday 0800 hours until 0130 hours on the following days

Two hours to be added to the terminal hour on Christmas Eve, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Diwali, all Saints days, Valentine's Day and the 7 consecutive days prior to and leading up to Christmas Day

New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day

On 12 occasions during the year, with the prior consent of the Police, the applicant may extend the terminal hour for events held within the premises, with the Police having an absolute veto on such events.

#### **The provision of late night refreshment –**

Sunday to Thursday 2300 hours until 0100 hours on the following days  
Friday & Saturday 2300 hours until 0200 hours on the following days  
In addition, the application requests a terminal hour of 0200 hours during the period of Ramadan.

Two hours to be added to the terminal hour on Christmas Eve, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Diwali, all Saints days, Valentine's Day and the 7 consecutive days prior to and leading up to Christmas Day

New Year's Eve 2300 hours until 0500 hours on New Year's Day

On 12 occasions during the year, with the prior consent of the Police, the applicant may extend the terminal hour for events held within the premises, with the Police having an absolute veto on such events.

- 1.3 The relevant pages of the application are attached at Appendix A1

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

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

## **3. Relevant representations**

- 3.1 Representations have been received on this application. Copies are attached at Appendix A2.
- 3.2 The applicant has been provided with a written copy of the representations made.

## **4. Policy Considerations**

- 4.1 Under the terms of the Act, the Council has published a Statement of Licensing Policy. This is available on the Council website at [www.croydon.gov.uk](http://www.croydon.gov.uk). Hard copies are also available from the Council's Development & Environment Department and copies of the policy will also be available at the licensing sub committee hearing. The following paragraphs from the Statement are considered particularly relevant with regard to this application.
- 4.1 Nothing in the 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
  - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 4.2 Parties should be aware that, for a representation to be considered relevant, it must be one that is about the likely effect of the grant of a

new licence/variation of an existing licence on the promotion of the four licensing objectives. Also, if the representation is made by an 'other person', it will not be relevant if the licensing authority considers it to be 'vexatious or frivolous', or in the case of a review, 'repetitious'.

- 4.3 Applicants and those making relevant representations in respect of applications or seeking a review of a licence or a certificate have the right of appeal to the Magistrates' Court against the decisions of the Council.
- 4.4 In considering all licence applications, the Council will take into account the character of the surrounding area, the impact of the licence on that area and the nature and character of the operation.
- 4.5 As part of any application for a premises licence/club premises certificate or a variation to an existing licence/certificate, applicants are required to submit an 'Operating Schedule', which must include the steps proposed to promote the Licensing Objectives set out in paragraph 2.2.
- 4.6 Part 5 of this Statement gives guidance to applicants on some of the matters applicants may wish to consider when preparing their Operating Schedules.
- 4.7 Licensing is about the responsible management of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received on an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.
- 4.9 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.10 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.

- 5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.
- 5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.
- 5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.
- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.2.6 The Licensing Authority recommends that for certain events (please see note below), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (as defined below) the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

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

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



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

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

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

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

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

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

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

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

5.2.8 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from Council Licensing Officers and

Croydon Borough Police, as well as taking into account, as appropriate, local planning and transport policies, and, tourism, cultural and crime prevention strategies.

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

1. The licensee shall undertake a risk assessment of any promotion/event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.
2. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this\* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

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

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

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

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

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

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

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

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

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

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

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

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

- 5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop.
- 5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.
- 5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.
- 5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.
- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, necessary to reduce the friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas (“zoning”) as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.
- 5.4.8 The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 5.4.9 However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits there will be a

presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of shops in residential areas or within one of the four relevant Cumulative Impact Zones where representations are made by the police and/or local residents and where premises are shown to be a focus of crime, disorder or nuisance. Applications to vary the permitted hours for the sale of alcohol off the premises within the above hours shall similarly be treated on their merits

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

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

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

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

- effective and responsible management and supervision of the premises, including any outside areas
- appropriate instruction, training and supervision of staff to prevent public nuisance
- adoption of current best practice guidance (i.e. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics), including designing shop fronts so as to limit noise nuisance from premises, i.e. from opening windows or continental-style concertina doors

- control of opening hours for all or part (i.e. garden areas) of the premises – including other times when deliveries take place/rubbish and bottles are binned – and the operation of generating plant and equipment
- installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation and limiting devices
- managing people, including staff and traffic, arriving and leaving the premises, including patrolling entrance queues
- managing the departure of customers
- liaising with transport providers
- siting and operation of necessary external lighting, including security lighting, with the possible nuisance to nearby properties
- suitable arrangements for collection and disposal of litter, including bottles, so as to minimise disturbance to nearby properties
- no flyposting of events/careful distribution of flyers, including by promoters
- effective ventilation systems to prevent nuisance from odour

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

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

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

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

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

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

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

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

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

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

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

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

The Home Office has produced Statutory Guidance under Section 182 of the Licensing Act 2003.

At Chapter 10 of the Guidance, paragraph 10.8 states:

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

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

4.3 An ordinance survey extract map of the area with the application premises shown at the centre is attached at Appendix A3.



\* required information

**Section 1 of 19**

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

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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

Applying as an individual

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

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number   Put "none" if the applicant is not registered for VAT.

\* Legal status

Continued from previous page...

\* Applicant's position in the business

Director

Home country

United Kingdom

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies Hou.

\* Building number or name

[REDACTED]

\* Street

[REDACTED]

District

[REDACTED]

\* City or town

Croydon

County or administrative area

Surrey

\* Postcode

[REDACTED]

\* Country

United Kingdom

**Agent Details**

\* First name

Christopher

\* Family name

Gould

\* E-mail

c.gould@premierlicensing.co.uk

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?

 Yes  No

\* Registration number

5870980

\* Business name

Premier Licensing Consultants Ltd

If your business is registered, use its registered name.

\* VAT number

GB

100352482

Put "none" if you are not registered for VAT.

\* Legal status

Private Limited Company

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address
- OS map reference
- Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 19****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

PHK Enterprises Ltd

**Details**

Registered number (where applicable)

07348365

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

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

This is a 3 story building which is located in the centre of Croydon  
The ground floor of the premises is a café which serves food and coffee and wishes sell alcohol during the daytime and will not be open in the evening after 8pm  
  
The 1st floor of the premises is an open plan floor area with steps leading up to a bar area and toilets. This area will only be open to the public for pre booked private events such as Birthdays or Anniversaries. Other events at the premises such as Pre booked small events may take place providing the appropriate risk assessment is completed and notified to the police.  
  
The second floor is currently an office and will not be licenced

**Continued from previous page...**

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

**Section 6 of 19****PROVISION OF PLAYS**

Will you be providing plays?

 Yes

 No
**Section 7 of 19****PROVISION OF FILMS**

Will you be providing films?

 Yes

 No
**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

*Continued from previous page...*

Will the exhibition of films take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

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

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

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

### Section 8 of 19

#### PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes       No

### Section 9 of 19

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes       No

### Section 10 of 19

#### PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes       No

### Section 11 of 19

#### PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes       No

#### Standard Days And Timings

Continued from previous page...

MONDAY

Start 08:00

End 01:30

Start

End

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

TUESDAY

Start 08:00

End 01:30

Start

End

WEDNESDAY

Start 08:00

End 01:30

Start

End

THURSDAY

Start 08:00

End 01:30

Start

End

FRIDAY

Start 08:00

End 01:30

Start

End

SATURDAY

Start 08:00

End 01:30

Start

End

SUNDAY

Start 08:00

End 01:30

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

[Empty box for activity details]

State any seasonal variations for playing recorded music

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

2 hours added to the terminal hour on Christmas Eve and Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Divali, all 4 saints days, St. Valentines day, and for 7 days prior to Christmas Day



Continued from previous page...

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

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

On 12 occasions during the year with the prior consent of the police the applicant may extend the terminal hour for events held within the premises, the police having an absolute veto on such events

The hours to be extended from the end of licensing hours on New Years Eve to the commencement of licensing hours on New Years Day.

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

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

2 hours added to the terminal hour on Christmas Eve and Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Divali, all 4 saints days, St. Valentines day, and for 7 days prior to Christmas Day

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

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

On 12 occasions during the year with the prior consent of the police the applicant may extend the terminal hour for events held within the premises, the police having an absolute veto on such events

The hours to be extended from the end of licensing hours on New Years Eve to the commencement of licensing hours on New Years Day.

### Section 13 of 19

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

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

Yes       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Give a description of the type of entertainment that will be provided

Will this entertainment take place indoors or outdoors or both?

- Indoors     
  Outdoors     
  Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment

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

2 hours added to the terminal hour on Christmas Eve and Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Divali, all 4 saints days, St. Valentines day, and for 7 days prior to Christmas Day

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

Continued from previous page...

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

On 12 occasions during the year with the prior consent of the police the applicant may extend the terminal hour for events held within the premises, the police having an absolute veto on such events

The hours to be extended from the end of licensing hours on New Years Eve to the commencement of licensing hours on New Years Day.

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors
  Outdoors
  Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

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

2 hours added to the terminal hour on Christmas Eve and Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Divali, all 4 saints days, St. valentines day, and for 7 days prior to Christmas Day

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

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

On 12 occasions during the year with the prior consent of the police the applicant may extend the terminal hour for events held within the premises, the police having an absolute veto on such events

The hours to be extended from the end of licensing hours on New Years Eve to the commencement of licensing hours on New Years Day.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes
  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

2 hours added to the terminal hour on Christmas Eve and Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Divali, all 4 saints days, St. Valentines day, and for 7 days prior to Christmas Day

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

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

On 12 occasions during the year with the prior consent of the police the applicant may extend the terminal hour for events held within the premises, the police having an absolute veto on such events

The hours to be extended from the end of licensing hours on New Years Eve to the commencement of licensing hours on New Years Day.

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

Continued from previous page...

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

14/00772/LIPERS

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

None

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

Continued from previous page...

### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

2 hours added to the terminal hour on Christmas Eve and Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Divali, all 4 saints days, St. Valentines day, and for 7 days prior to Christmas Day

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

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

On 12 occasions during the year with the prior consent of the police the applicant may extend the terminal hour for events held within the premises, the police having an absolute veto on such events



*Continued from previous page...*

The hours to be extended from the end of licensing hours on New Years Eve to the commencement of licensing hours on New Years Day.

## Section 18 of 19

### LICENSING OBJECTIVES

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

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

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

Ground Floor - alcohol may only be supplied between the hours of 08.30 - 1900 hours

1st Floor - alcohol may only be supplied to guests attending a private function.

Bookings must be made at least 14 days in advance of the event and may be made by any person over the age of 21.

All Bookings must be 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 )

b) The prevention of crime and disorder

1. Install and maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and recordings shall be stored for a minimum of 31 days and CCTV images shall be delivered to Police or Council Officers, in DVD format on request.

2. A person who is able to operate the system and download images must be on duty when licensable activities are taking place at the premises

3. Ensure CCTV cameras shall be installed at the entrance doors to enable head and shoulders images to identification standard, of each person entering, to be captured as they enter the premises.

4. Ensure that the CCTV system is operating and recording 24 hours every day. (Motion sensitive equipment is acceptable to reduce storage of images).

5. Door Supervisors will only be required when an event of music and dancing is linked together with the sale of alcohol and employment of a DJ

6. Ensure that a suitable and sufficient number of male and female SIA registered door supervisor staff are employed at the premises based on the risk of crime and disorder and agreed in writing with the Metropolitan Police and availability of female door staff.

7. Any door supervisor employed at the premises must be licensed by the Security Industry Authority (the SIA) and must wear their SIA authorisation badge in a prominent place on their person at all times whilst on duty.

8. 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
- Signature of door-supervisor, countersigned by duty manager
- These records shall be made available, in usable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.

*Continued from previous page...*

9. The adoption of a Door Security Policy which must be agreed by the police and must include the random searching of customers attending an event at the venue and searching again prior to re entry to the venue after smoking. The searching, when requested, is to be a condition of entry to the function

9. Comply with all reasonable requests of the Metropolitan Police consistent with the Prevention of Crime and Disorder Licensing Objective.

10. Ensure that all staff are given regular training, supervised by the DPS, in relation to the Licensing Act 2003 and conflict management. Training records will be kept at the premises and refresher training will be given to all staff at least every six months.

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

A)\*696 documents are submitted in electronic form by e-mail.

B) A significant event will be deemed to be: - any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be DJs or MCs ; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

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

11. Ensure that a comprehensive incident register is maintained, at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24hrs of any incident.

The following details shall be recorded: -

- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended.

11. A personal Licence Holder must be present at all times that alcohol is being sold at an event being held on the 1st Floor.

#### c) Public safety

The applicant is fully aware of their responsibilities under the Health and Safety

A fire risk assessment has been prepared by a specialist company and will be adopted in compliance to The Regulatory Reform Orders.

All fire safety equipment is maintained to legislative standards and recently inspected by the Fire Service

The capacity of the premises will be restricted to the number agreed with the London Fire Brigade and recorded in the Fire Safety Risk Assessment

#### d) The prevention of public nuisance

At all times that Licensable activities are taking place at the venue after 2130 hours the external doors of the premises shall be kept closed except for immediate access and egress of customers and the windows shall be secured from 21:30 hours

*Continued from previous page...*

until the premises closes or licensable activities cease.

Hourly monitoring of the outside area from 2130 hours will be conducted by the duty manager during all events and written records of decibel sound levels recorded and be available for inspection by an authorised officer of the council.

e) The protection of children from harm

When children are present on the premises they must be supervised at all times by an appropriate adult

An age verification policy will be adopted for Challenge 25, requiring any person under the age of 25 to prove they are over the age of 18 years to purchase a restricted product.

The only forms of identification which are acceptable are, Passport, photo driving Licence or an ID card bearing the PASS logo.

There will be no AWP machines present on the venue.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fees are calculated on the valuation of the premises. The value can be found on voa.gov.uk Fees range from £100 - £315 please phone Licensing team to confirm 020 87605466 Rateable Value (commerical) £0 - £4,300= £100 £4,301 - £33,000= £190 £33,001 - £87,000=£315 £87,001 - £125,000=£450 £125,000 and over=£635

Please note there is a surcharge of 1.65% if you pay by credit card. There is no surcharge for debit card▲

\* Fee amount (£)

0.00

### DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Christopher James Gould

\* Capacity

Licensing Consultant

\* Date

25 / 08 / 2014

dd mm yyyy

Add another signatory

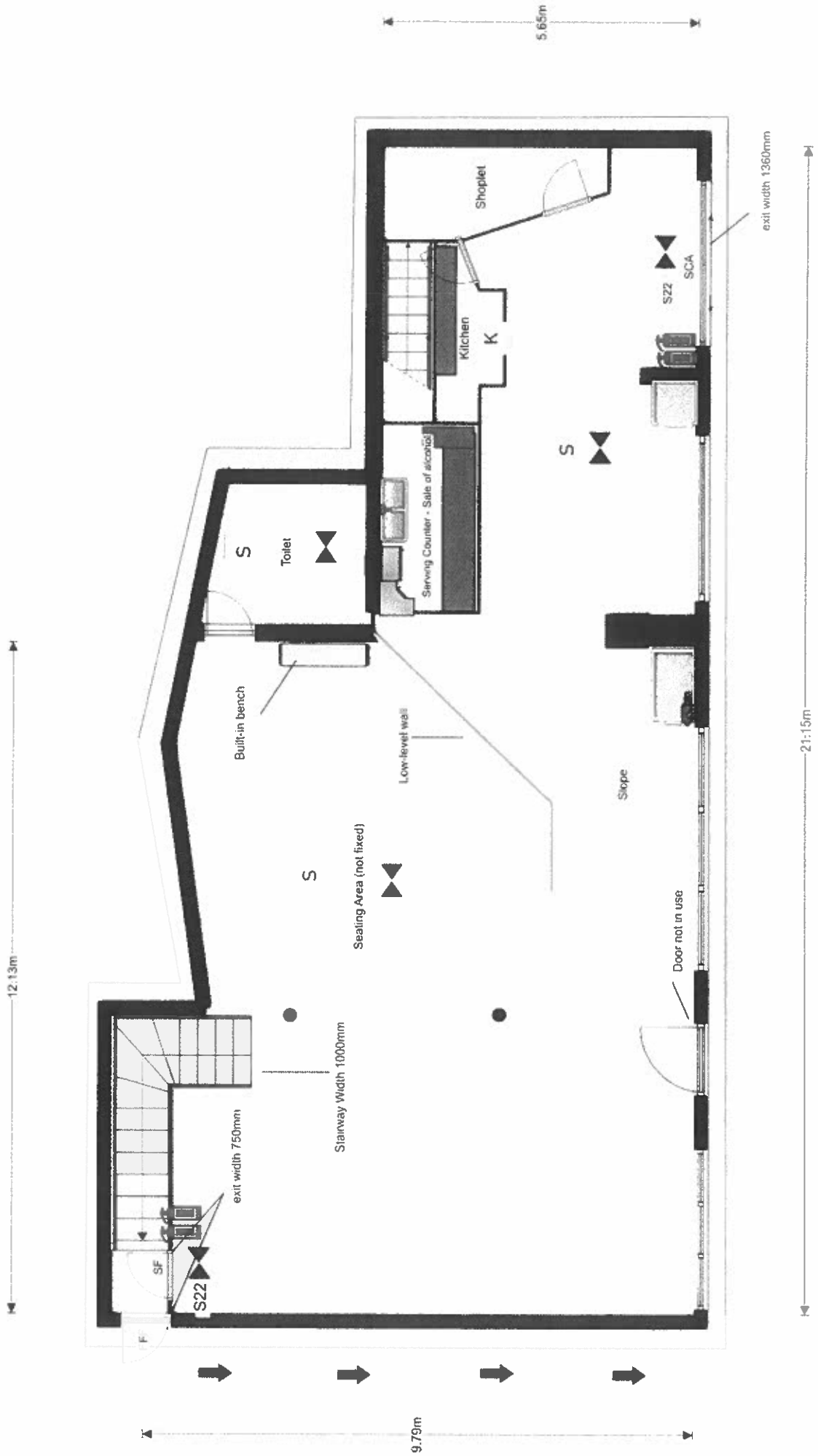
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/croydon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

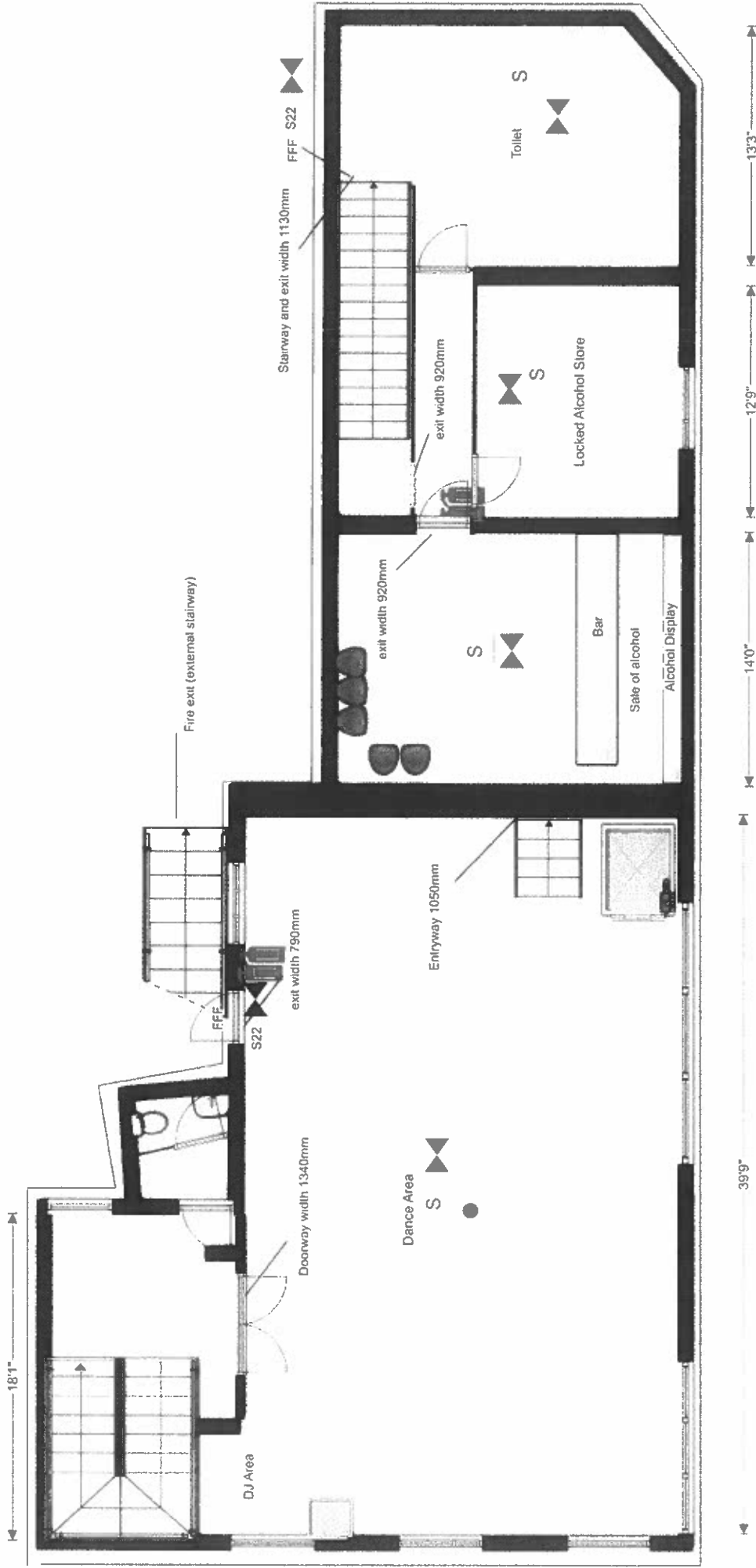
# GROUND FLOOR PLAN



A1




MIDDLE FLOOR PLAN




71

FFF – Doors that are free from fastenings (other than a ball or roller fastening or lever-handled latch).


SCA – Self-closing door incorporating an automatic release

 - Area covered with a system of escape lighting that will illuminate the area upon failure of the normal lighting power supply to a sufficient standard to enable persons to leave the area safely.

 - Area covered by Automatic Smoke Detectors

 - Area covered by Automatic Heat Detectors

 - Fire Exit, exit or emergency exit notice graphic symbol

 - Indicates that the notice is internally illuminated

**Goddard, Michael**

---

**From:** Koosyial, Shriya  
**Sent:** 22 September 2014 15:20  
**To:** Goddard, Michael  
**Cc:** Moore, Stephen  
**Subject:** Beanies - 3-7 Middle Street Croydon, CR0 1RE  
**Attachments:** Beanies inf Notice 22-10-14.rtf

Michael

I carried out a health and safety visit to the above premises on the 15<sup>th</sup> September in response to the premises licence application made.

I put forward safety representation on the basis of the following, which are all legal requirements for any commercial premises to be opened to the public or to be used as a place of work: -

- There is no Health and Safety Policy to show the commitment of the business to ensure the health, safety and welfare of staff and the public.

***The Health and Safety at Work etc. Act 1974 Section 2 (3)***

- There are no Health and Safety Risk Assessments to demonstrate a suitable and sufficient assessment of the risks to ensure hazards were identified and control measures implemented to manage these to ensure the safety of staff and the public.

***The Management of Health and Safety at Work Regulations 1999***

- The Fire Safety Risk Assessment and fire prevention arrangements presented for viewing the time of the visit was incomplete and insufficient. A recent inspection carried out by the Fire Authority on the .....June 2014, highlighted contraventions of the Regulatory Reform (Fire Safety) Order 2005. The business was notified of fire safety deficiencies and are required to complete a schedule of works to by the 12<sup>th</sup> November 2014 to comply with fire safety requirements. These are still incomplete.

***Fire precautions (Workplace Regulations) 1997***

- Report and Certification for safe electrical and gas installation in the premises were not available. These are required to ensure checks were carried out for any deterioration of the system to identify any deficiencies which may be a source of danger to staff and public.

***The Electricity at Work Regulations 1989, Regulations 4 (2)***  
***Gas Safety (Installation and Use) Regulations 1998***

A Health and Safety Notice, attached, is served to inform the business of what is required to be compliant as a place of work and for members of the public.

Should the Committee be minded to grant a Licence, I ask that the Committee attach suitable conditions which reflects the following: -

Notification to the Council Safety Officer when the attached schedule of works are completed and a compliance visit to be carried out by the safety officer to check works are completed to a satisfactory standard, with relevant supporting documents and certification available for viewing.

Further the authority granted by the licence shall not be used until such time as the Safety officer is satisfied the premises, systems and documentation for management of health and safety is in place.

Regards  
Shriya Koosyial

Safety & Licensing Officer  
Croydon Council

London Borough of Croydon Food & Safety Team, Regulatory Services, Planning & Environment, Floor 10, Zone B Bernard Weatherill 8 Mint Walk Croydon CR0 1EA  
Food & Safety Team. telephone : 020 8726 6000 x 62725



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

*Twinned with Arnhem*

Development & Environment  
Regulatory Services (Food & Safety Team)  
Bernard Weatherill House  
Floor 10, Zone B  
8 Mint Walk  
Croydon CR0 1EA  
Tel/Typetalk: 020 8726 6000 Ext 62725  
Fax: 020 8760 5786  
Minicom: 020 8760 5797  
E-mail: shirya.koosyial@croydon.gov.uk

Company Director  
PHK Enterprises Ltd - 07348365  
34 Temple Road  
Croydon  
CR0 1HT

Please ask for/reply to: Shirya Koosyial

Your Ref:  
Our Ref: 14/01676/HSWINF  
Date: 22 September 2014

Dear Sir/Madam

**Subject: Premises Licence Application visit 15<sup>th</sup> September 2014**  
**Legislation: Health and Safety at Work etc. Act 1974**  
**Address: 3-7 Middle Street Croydon CR0 1RE**

A visit to check compliance with health and safety requirements for a premise licence application, at the above premises was carried out on 15<sup>th</sup> September 2014. A number of health and safety non-compliance were identified. The attached schedules give details of the legal requirements and recommendations for good practice.

Schedule A – (legal requirements) lists works, which are required by law, these should be completed by the time stated in the schedule. Failure to complete this schedule within the time specified may result in more formal action.

Schedule B – (recommendations) gives details of works, which are considered good working practice. These recommendations should be seen as important guidance for the development of a safe working environment.

If in your opinion, the legal requirements outlined in the attached schedule(s) appear unjustified, you can contact my manager Abigail Courtney on telephone number 020 8 760 5462 within days of the receipt of this letter in order to discuss your concerns.

Yours sincerely

Shirya Koosyial  
**Safety and Licensing Officer**

## **Schedule A – (legal requirements)**

**These items should be completed within 28 days in order for the premise to be open to the public and/or used as a place of work.**

### **A) Health and Safety Policy**

As your business is likely to have more than four employees, you must produce a written Health and Safety Policy which sets out your general approach and objectives and the arrangements you have put in place for managing health and safety in your business. It is a unique document that says who does what, when and how. A written policy statement shows your staff, and anyone else, your commitment to health and safety. It describes how you will implement and monitor your health and safety controls and should include three main sections:

- a) The general statement of company policy
- b) The organisation for achieving this – i.e. which directors, managers and workers must do what tasks
- c) The arrangements for health and safety – e.g. how risk assessment and control measures are managed

The policy must be signed and dated by the proprietor or the responsible director.

*The Health and Safety at Work etc. Act, 1974 Section 2(3).*

### **B) Health and Safety Poster**

You are required to display the official Health and Safety Law Poster in a place where all staff may read it or give a copy of the related leaflet to all of your employees.

*Health and Safety Information for Employees Regulations 1989*

### **C) Risk Assessments**

You must make a suitable and sufficient assessment of the health and safety risk to your employees and others, to help ensure hazards are being properly managed. This risk assessment should cover all hazardous work activities and show what the foreseeable dangers are, who could be harmed and how serious this might be, what is already being done to prevent the problem and what extra precautions you now realise should be taken and when you will do so. Your risk assessments should list all the control measures needed to reduce these foreseeable dangers as far as reasonably possible.

Make sure that you clearly communicate the relevant findings of your risk assessment to all employees and check they follow the control measures you have established.

*The Management of Health and Safety at Work Regulations 1999.*

#### **D) Fire risk assessment**

Since April 1998 businesses have a duty to assess the risks from fire and control them as far as reasonably practicable, by modification of the structure of the premises to ensure adequate means of escape, provision and maintenance of fire extinguishers and fire alarms, training of staff, and display of notices etc. You must ensure that you fully assess the risk of fire and introduce all necessary controls.

*Fire Precautions (Workplace Regulations) 1997*

#### **E) Emergency Evacuations etc.**

You must produce clear instructions for your workers to follow in the event of an emergency such as a fire bomb alert. This should include means for alerting staff, evacuation to a safe place, stopping dangerous processes or equipment, calling the emergency services, notifying neighbours who may be affected etc. You may need to give key staff duties as fire marshals etc. should the occasion arise. You should have regular rehearsals of your plan to ensure it works and staffs follow it.

You may need to run some training sessions to ensure the message is properly understood. You should keep training records when this is done for each member of staff and could even require them to do an examination test to check that they really understand.

*The Management of Health and Safety at Work Regulations 1999.*

#### **F) Accident and Incident Recording**

It is recommended that all accidents/incidents are recorded, whether they are officially notifiable or not. This information will assist you in identifying and managing potentially hazardous situation.

In addition to ensuring that all accidents are recorded, please note that serious accidents must be promptly reported to the enforcing authority via the Incident Contact Centre. The following types are reportable: –

- a) Fatalities
- b) Major injuries, such as broken bones etc.
- c) Injuries preventing a member of staff during their usual jobs for more than 7 days
- d) Injuries to members of the public resulting in removal to hospital
- e) Dangerous occurrences

Please refer to the HSE website for information on accident reporting.

*The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995*

### **G) First Aid and Emergencies**

All employers are required to provide a first aid kit in accordance with the Guidance (L74) relating to the Health and Safety (First Aid) Regulations 1981. In addition a person must be appointed to take charge of the first aid equipment and any first aid situation that might arise. First aid should be available at all times people are at work, this may mean appointing more than one.

You are also required to record emergency procedures clearly setting out the limits of actions to be taken by employees.

A means of keeping records of all first-aid cases treated it should be kept in a suitable place, preferably with a first aid facilities

*Health and Safety (First Aid) Regulations 1981*

### **H) Electrical Safety**

At the time of the inspection electrical inspection report and certification was not available for the premises. This is essential to check for any deterioration of the system such that could give rise to a risk of electrical danger. It is a legal requirement that the electrical installation and portable equipment are maintained in a safe working condition. In most commercial premises it is appropriate for the electrical installation to be inspected by a suitably competent electrician at least once every five years. Portable electrical appliances should be inspected on an annual basis. Electricians who are registered with the NICEIC are likely to be suitably competent persons. Ensure your premises comply with these regulations.

You are therefore required to engage a competent person to inspect and report on the installation so as to identify those deficiencies which may be a source of danger from electric shock, burn or fire. This periodic inspection report will indicate the date of the next inspection. You must keep the certificate obtained as evidence of the maintenance carried out.

All significant defects noted in the report must be remedied by a competent person in accordance with the Electricity at Work Regulations 1989 and to the standards laid down in the current edition of the IEE Wiring Regulations.

*The Electricity at Work Regulations 1989, Regulation 4(2)*

### **I) Emergency Lighting**

The system with emergency safety lighting must be thoroughly overhauled, and any defective units repaired or replaced. On completion of any works competent electrician (e.g. NICEIC approved) must be employed to examine and test the system and provide unnumbered certification to the effect that the emergency lighting installation is in proper working order. Certification must be carefully retained. This testing must be repeated as often as electrician advises.

*Electricity at Works Regulations 1989*

**J) Gas Safety**

At the time of inspection there was no evidence that the gas appliances at the premises are maintained in a safe condition. All gas appliances must be maintained in a safe condition so as to reduce the risk of explosions backward/fires and poisoning from carbon monoxide gas.

You are required to arrange to have all gas appliances examined and tested by a gas safe installer as part of the preventative maintenance programme. This person will advise you how frequently each appliance will need to be re-examined. Please provide a copy of your report to this Authority.

*Gas Safety (Installation and Use) Regulations 1998*

**K) Work Equipment**

You must ensure that equipment provided for use at work is suitable for use, maintained in a safe condition and inspected by a competent person to ensure that it is, and continues to be, safe for use.

Adequate information, instruction and training must be provided for persons using the equipment.

*Provision and Use of Work Equipment Regulations 1998, Regulation 6(1)*

**L) Workplace and Welfare**

Throughout the premise, you are required to comply fully with the general requirements for the Workplace and Welfare Regulations for: –

1. Work environment – lighting, ventilation etc.
2. Safety – Windows, doors and floors safety etc.
3. Workplaces – walkways, traffic routes, etc.
4. Facilities – toilets
5. Housekeeping – cleanliness, maintenance, etc.

You must ensure that any work areas used by employees within your company meet the minimum standards outlined in the Workplace (Health, Safety and Welfare) Regulations 1992.

*Workplace (Health, Safety and Welfare) Regulations 1992.*

**N). Smoke-free**

You currently have no written policies and procedures to demonstrate your compliance with the law relating to smoke-free premises. I have reason to believe that you are committing the offence of allowing smoking in a smoke-free premises.

As the person in control of a smoke-free premise you are required to: –

Develop a smoke-free policy

Adopt procedures for dealing with any people who smoke attempt to smoke within the premises

Train staff in both the smoke-free policy and the written procedures their roles and responsibilities for implementation

Keep written records of any incident where an individual smokes on the premises in contravention of the legislation, together with any action taken by any member of staff and the outcome

Keep a written record of any designated area in which smoking will be permitted accordance with the legal requirements

*The Health Act 2006, Section 7*

### **O) Training**

Employers have a duty to provide suitable and sufficient information, instruction, supervision and training to staff to enable them to carry out their duties safely. This is so that they do not endanger themselves or other persons who may be exposed to the work activities. Adequate training, instruction and information must be given to staff to ensure that safe working practices are followed in the business.

A training programme should be devised and staff sent on appropriate courses. Training records should be kept.

*Health and Safety at Work Act 1974, Section 2*

**Schedule B – (Recommendations)****Fire Safety**

It is recommended that the fire extinguishers on the premises are inspected and maintained on a regular basis in accordance with the manufacturer's instruction at least once a year.

**First aid**

It is recommended that the person appointed as the first aider receives the one-day training in emergency first aid, if not the full three-day qualifying course.

**Goddard, Michael**

---

**From:** Moore, Stephen  
**Sent:** 22 September 2014 15:28  
**To:** Goddard, Michael  
**Subject:** Representation Beanies 3-7 Middle Street Croydon

Hi Michael

Attached are the following representations for Beanies 3-7 Middle Street, Croydon

On the 2nd June 2014 I original visit both applicants Ms Shah & Ms Cartwright explained they wished to use the 1st floor of the

Middle Street premises for holding Pop-UP promoted events as a way of generating income., without knowing the organiser, make up of the guests, or type of event.

When questioning in depth about their experience in running entertainment venues they admitted to none.

During the discussion it became apparent that the current layout of the first floor was unsuitable for any form of public entertainment. Particularly the exits could not sustain the large number of patrons the applicants needed to cover event staff costs. (250 persons)

At the time of our visit when the premises were in use as a nursery, obstructions and detritus made exit from the 1st floor evacuation route hazardous.

The applicants could not show any Fire Risk Assessment, or Health and Safety Risk Assessment for its current or projected use.

The application did not contain the requisite plan.

Following our visit the application was withdrawn.

A few days later I had a conversation with the applicants agent who described to me a new business plan. The description which was given to me, I could only describe as grandparents of nursery attendees organising sherry parties, albeit these running to 3am in the morning.

I explained I would consider a fresh application when the premises had been brought up to a certifiable standard, and a safe income stream could be identified which did not present the same risks identified in the business plan described to me on the 2nd June 2014.

A new application was submitted on the 25 August 2014 without the consultation recommended in the Section 182



Guidance of the Licensing Act 2003. and therefore a further visit was made on the applicants Ms Shah And Ms Crabtree, trading as PHK Enterprises Limited.

I found there were certain issues still to address.

Firstly

Whilst the application relates to the ground and first floors, neither fire risk assessment nor the Health & Safety risk assessment for the use as a licensed premises could be viewed on my visit.

I was not able to see the Fire Risk Assessment and Health & Safety risk assessments for the current operation as a childrens nursery.

Without the documentation for the current operations at the premises nor the intended operations at the premises. I was therefore unable to confirm the overall capacity for the intended licensable area and the none licensed areas.

Secondly

My concern is that the whole building is operated by PHK Enterprises Ltd. The building stands on 3 floors with a basement area.

Each of the floor are interlinked internally, without substantial physical barriers, or staff intervention, patrons have access to the whole building.

The application only makes reference to a capacity for the 1st floor, with no capacity mentioned to the ground and third floors.

I have to consider the overall picture for the building when assessing the risk to PUBLIC SAFETY. and without any evidence to the contrary I have to consider the following:-

The consumption of alcohol is not a licensable activity and some forms of entertainment are not licensable. It is then possible under the wording of the current application to have the following

The ground floor used to its floorspace capacity of 288 persons for licensed and none licensed activity The first floor used to its agreed capacity of 110 persons (it has a floorspace capacity of 200 persons) The third floor used to its floorspace estimated capacity of 100 persons (estimated because I have not been allowed access at this time).

Without evidence to the contrary I have to presume the total capacity able to be used for the whole building is nearing or exceeding 600 patrons, bringing the establishment into the category of a "Large Place of Public Assembly". [Note a small to medium establishments have a maximum capacity of 300 patrons].

### Third

I have to look at the current use, the use within this application and the use in the future. With this in mind I then look at the applicants fire survey commissioned by the applicants themselves.

It shows shortfalls in the fire warning systems which were never intended for the building being used as an entertainment venue.

The omission of any calculations for the first and Third Floors together with an overall capacity for the building.

It shows concern that the main entry doors to the building are sliding doors with no confirmation these doors can 'fail safe' i.e. on activation of an alarm the doors will automatically lock in the open position.

It shows that the fire warning system is "immediately audible" and cannot provide a silent "management warning" period. This short period of time "management warning" period of time is to allow key staff to position themselves within the building to facilitate evacuation. Without this facility key staff would be trapped behind patrons as patrons respond to the audible alarm.

### Fourth

The plan submitted with the application is not only completed in a mixture of imperial and metric measurements, it is incomplete inasmuch as the critical stairways are wrongly positioned and incomplete.

### Fifth

Conditions B1, B6, both conditions B9 (2 listed) are not enforceable and not transparent denying the Licensing Authority that information it needs to take immediate or subsequent action in circumstances where risk is suspected or contravention is suspected. It denies the Licensing Authority the ability to conform with its legal requirement to provide a meaningful public register.

When I consider that it has been 4 months since the first application and the applicants having used the services of a licensing agent and a fire safety consultant, work still to be done to bring the premises to the minimum standards required encompass the PUBLIC SAFETY needs I have to ask the committee to consider if the application has reached the criteria required.

Should the committee be minded to grant the application I ask them to consider the following control measures.

To address second point I ask that the committee attach the following condition. "That at any time when the first floor premises are used for any licensable event, the maximum capacity for the whole premises inclusive of staff shall be no more than 110 persons".

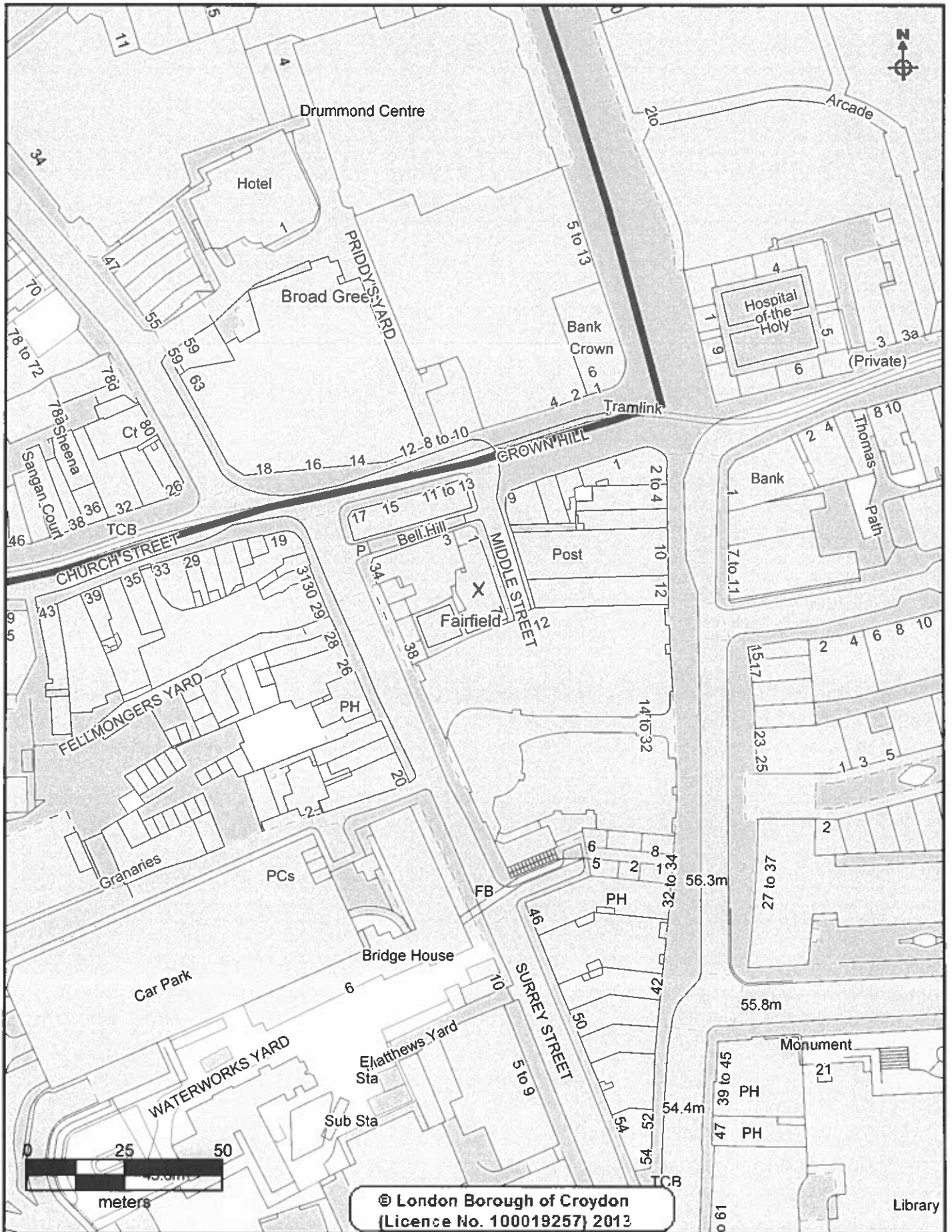
To address the fourth point I ask that the committee attach the following condition "That the authority within the premises licence cannot be used until such time as the Local Authority Safety officer and Local Authority Licensing Officer have sufficient time to inspect the premises, those certificates and documents required under legislation to ensure the safe operation of these premises.

To address the fifth point I ask the committee to attach the following condition "That if at any time a local agreement is made between the licence holder and any relevant authority. It must be an agreement in writing and shall not take effect until 72 hours after the written agreement (signed and dated by such parties) has been received by the Licensing Authority.

Steve

++++

Stephen M Moore Licensing Officer (Enforcement) London Borough of Croydon Licensing Team, Regulatory Services, Development & Environment, Floor 10, Zone B Bernard Weatherill 8 Mint Walk Croydon CR0 1EA Licensing Team direct line: 020 8760 5466 Fax: [[02086339410]] [stephen.moore@croydon.gov.uk](mailto:stephen.moore@croydon.gov.uk)



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

Crown Copyright Ordnance Survey (License No: 100019257) 2011

**London Borough Croydon**

Scale 1:1250

08-Oct-2014

X = 3-7 MIDDLE STREET

