

To: Councillors Jane Avis, Simon Brew and Andrew Pelling

Reserve Members drawn from the Members and Reserve Members of the Licensing Committee.

A meeting of the **LICENSING SUB-COMMITTEE** which you are hereby summoned to attend, will be held on **Friday 6th November 2015** at **10:30am**, in **Room F10, The Town Hall, Katharine Street, Croydon, CR0 1NX**.

JULIE BELVIR  
Borough Solicitor & Monitoring Officer  
Director of Legal & Democratic Services  
London Borough of Croydon  
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[www.croydon.gov.uk/agenda](http://www.croydon.gov.uk/agenda)  
29 October 2015

Adjournment Room: F5

Members of the public are welcome to attend this meeting. If you require any assistance, please contact Solomon Agutu as detailed above.

## **AGENDA - PART A**

- 1. Appointment of Chair for the meeting**
- 2. Apologies for absence**
- 3. Disclosure of Interest**

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality in excess of £50. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Business Manager at the start of the meeting. The Chairman will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

- 4. Urgent Business (if any)**

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

- 5. Exempt Items**

To confirm the allocation of business between Part A and Part B of the Agenda.

- 6. Licensing Act 2003 - Review of Premises Licence (Page 1)**

### **Recommendation:**

The sub-committee is asked to consider the application for a review of the premises licence at 791 London Road, Thornton Heath, CR7 6AW and whether to take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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

**7. Camera Resolution**

To resolve that, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

The Public Interest Test provided for in paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 has been applied and favours exclusion of the information from the Press and Public.

**AGENDA - PART B**

None

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# Croydon Council

<b>REPORT TO:</b>	<b>LICENSING SUB COMMITTEE</b> <b>6 November 2015</b>
<b>AGENDA ITEM:</b>	<b>6</b>
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE</b>
<b>LEAD OFFICER:</b>	<b>Executive Director, Place Department</b>
<b>CABINET MEMBER:</b>	<b>Councillor Mark Watson, Cabinet Member for Communities, Safety &amp; Justice</b>
<b>WARDS:</b>	<b>West Thornton</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

## 1. RECOMMENDATIONS

1.1 The sub-committee is asked to consider the application for a review of the premises licence at 791 London Road, Thornton Heath, CR7 6AW and whether to take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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

## **2. EXECUTIVE SUMMARY**

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

## **3. DETAIL**

- 3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06, A/40/07 and A/07/12 refer).
- 3.2 The premises licence holder and the applicant have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 (the Regulations). Information to accompany the notice of hearing was provided to the licence holder and the applicant in accordance with the Regulations.
- 3.3 Appendix A to this report provides details of the application for review.

## **4. CONSULTATION**

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

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

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

There are no direct financial implications associated with this report, subject to the risks at 5.2 & 5.3. This application is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

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

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

### **3 Risks**

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

### **4 Options**

The options available are as detailed in the recommendations at paragraph 1 above.

## **5 Future savings/efficiencies**

None identified.

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

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

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

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

(Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer).

## **7. HUMAN RESOURCES IMPACT**

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

7.2 (Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Director of Human Resources, Chief Executive's Department )

## **8. CUSTOMER IMPACT**

8.1 Apart from the powers available to the sub committee, there are no specific customer services issues relating to this matter.

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

9.1 The arrangements for the Licensing Hearings seek to ensure that all applicants, licence/certificate holders and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

## **10. ENVIRONMENTAL AND DESIGN IMPACT**

10.1 The effective implementation of the Licensing Act 2003 contributes to an improved environment for local residents and other stakeholders.

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

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

## 12. HUMAN RIGHTS IMPACT

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

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

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

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

## 13. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

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

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**CONTACT OFFICER:** Michael Goddard, Licensing Manager, Place Department, ext. 61838.

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



## **APPENDIX A**

### **1. The Application**

- 1.1 This report concerns an application for a summary review of the premises licence held by Mr. Kibuuka Fred Kyeyune in respect of 791 London Road, Thornton Heath, CR7 6AW. The application is made by the Police, as a responsible authority under the Licensing Act 2003 and was made on 12 October 2015.
- 1.2 The premises licence was granted to Mr. Kyeyune, by way of transfer in March 2011.
- 1.3 The application is made under section 53A of the Licensing Act 2003 (as amended) which allows the police, where they consider that a licensed premises is associated with serious crime or serious disorder (or both), to apply to the licensing authority for an expedited/summary review of the licence. This power only applies where a premises licence authorises the sale of alcohol.
- 1.4 The Licensing sub committee took the interim step on 12 October 2015 of suspending the premises licence pending the full review hearing. The premises licence holder made representations against this interim step and those representations were heard by the Licensing sub committee on 22 October 2015. On that date, the sub committee determined that the suspension of the licence be lifted pending the full review hearing and replaced with the following conditions -
  - The Premises will only be open for pre booked events, that is those that are already booked as of 21 October 2015. The pre booked events will be held within the licensing times and the police would be informed of the pre-booked events by 5pm today (22 October 2015)
  - The Premises will operate Club Scan and Search Hatch
  - An Approved Door Supervision company will be used and a minimum of 6 door staff will be on duty, in accordance with condition 6 of the licence.
- 1.5 Between 13 and 26 October, there was a statutory 10 working day period in which responsible authorities and 'other persons' could make representations on the application. No further representations were made on the application.
- 1.6 A copy of the review application and accompanying certificate is attached at Appendix A1.
- 1.7 A copy of the representations made by the premises licence holder against the interim step is attached at Appendix A2.

1.8 A copy of a Home Office guidance document on summary reviews is attached at Appendix A3.

1.9 A copy of the premises licence is attached at Appendix A4.

2. **Promotion of Licensing Objectives**

2.1 There are four licensing objectives that underpin the Licensing Act 2003 and section 4 of the Act states that a licensing authority must carry out its functions with a view to promoting those licensing objectives, which are:

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

3. **Relevant representations**

3.1 No other representations have been made on the application.

3.2 The premises licence holder has been provided with a copy of the review application.

4. **Policy Considerations**

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

4.1 Nothing in the 'Statement of Policy' will:

- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
- override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act

4.4 In considering all licence applications, the Council will take into account the character of the surrounding area, the impact of the licence on that area and the nature and character of the operation.

4.7 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

- 4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received to an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations.
- 4.9 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.10 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.
- 5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.
- 5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.
- 5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.
- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.29 Where relevant representations have been made, the Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises, and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder contained in the Statutory Guidance to the Act and the following examples of conditions specifically with regard to 'significant events':
1. The licensee shall undertake a risk assessment of any significant promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

2. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this\* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

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

- 5.3.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.
- 5.3.2 The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 5.3.3 Each of these types of premises present a mixture of different risks, with many common to most premises and others unique to specific operations. These will range from fire safety, including fire precautionary and means of escape arrangements in all types of premises, to the use of scenery and pyrotechnics in theatres and special lighting effects in night clubs.
- 5.3.4 It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 5.3.7 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire and Emergency Planning Authority.
- 5.3.8 The Council will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety' contained in the Statutory Guidance to the Act.
- 5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of the licensed premises, while balancing the rights of businesses to develop.
- 5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.
- 5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.
- 5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the

potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.

- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, necessary to reduce the friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas (“zoning”) as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant opening hours beyond 23.30 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.
- 5.4.8 There will be a presumption that the Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for trading.
- 5.4.9 However, the Council may consider there are very good reasons for restricting hours for licensable activities, for example where representations are made by the police and/or local residents as interested parties in respect of shops in residential areas or shops which are known to be the focus of disorder and nuisance because young people gather there. Although the Council will treat each case on its individual merits, generally in such cases the Council will not grant permission for licensable activities beyond 2330 hours on Sunday to Thursdays and midnight on Friday and Saturday.
- 5.4.10 The Council will expect applicants to demonstrate in their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance, having due regard to the style, characteristics and activities of their particular premises and events.
- 5.4.13 Additionally, when preparing their Operating Schedules applicants are recommended to seek advice from Council Pollution Enforcement Officers.

- 5.4.14 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance'.
- 5.5.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, to buy food and/or for entertainment.
- 5.5.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.
- 5.5.3 The Council will consider the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 5.5.7 The Council will not impose conditions on licences or certificates requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. However, where applicants volunteer prohibitions and limitations in their operating schedules and no relevant representations have been made to the Council, these will become conditions attached to the licence/certificate conditions and will be enforceable as such.

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

## **The review process**

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.

- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give

grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 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. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

### **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to



the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

#### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring

improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that 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.

11.22 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. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting

the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, 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. But 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.

### **Reviews arising in connection with crime**

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the

licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### **Review of a premises licence following closure order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

- 11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.
- 4.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.
- 4.3 An ordinance survey extract map of the area with the application premises shown at the centre is attached at Appendix A5.

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## PROTECTIVE MARKING

METROPOLITAN  
POLICE

TOTAL POLICING

Form 693

**Form for Applying for a Summary Licence Review****Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
(premises associated with serious crime, serious disorder or both)**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

Use additional sheets if necessary.

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

Name:	CROYDON COUNCIL		
Address:	BERNARD WEATHERILL HOUSE, 8 MINT WALK		
Post town:	CROYDON	Post code:	CR0 1EA
Ref No.:			

I **DARREN RHODES PC194ZD**

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

## 1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:			
CLUB 791, 791 LONDON ROAD			
Post town:	THORNTON HEATH	Post code: (if known)	CR7 6AW

## 2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):	
MR KIBUUKA FRED KYEYUNE	
Number of premises licence or club premises certificate (if known):	
10/00547/LIPREM	

## 3. Certificate under section 53A(1)(b) of the Licensing Act 2003. (See the guidance notes.)

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

Please tick the box to confirm:

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

On Saturday 10th October 2015 between 0410hrs and 0440 hours a male customer was stabbed in the neck inside the premises. The suspect and the people he was with then left the premises and are at this moment in time unidentified. The victim was rushed to hospital and has undergone surgery on this serious wound. At this stage it seems apparent that neither the suspect or victim have been scanned on the ID scanner.

On 9th June 2015 PC Rhodes wrote to the premises licence holder following another assault, and in order to prevent a review of the premises licence and or criminal proceedings, the premises licence holder agreed to install an ID scanner and confirmed that everyone entering the premises regardless of age would have their photo ID scanned.

On 1st August 2015 PC Rhodes attended the premises and spoke at great length with the door team about the use of the ID scanner, ensuring that everyone was searched, and about the victim scene suspect system (VSS).

Having now viewed the CCTV footage from the premises the suspect and his friends are allowed entry to the premises without presenting any form of ID, the searching of these males was of a very poor standard. This has directly resulted in a near fatal stabbing inside the premises and has seriously hindered the apprehension of the person(s) responsible. Whilst the management at the premises have always responded to police requests and advice in a positive way there is no confidence in the ability of the security team to perform their role. This is not however the first time something of a serious nature has happened at this venue and under the circumstances of such a serious nature this application is essential in order to support and promote the Prevention of Crime and Disorder licensing objective. The Metropolitan Police also request that this premises licence is suspended with immediate effect until a full review can be heard by a licensing sub committee.

Signature of applicant

Signature:	<i>[Handwritten Signature]</i>	Date:	12TH OCTOBER 2015
Capacity:	APPLICANT		

Contact details for matters concerning this application

Surname:	RHODES	First Names:	DARREN
Address:	CROYDON POLICE STATION,		
Post town:	CROYDON	Post code:	CR9 1BP
Tel. No.:	020 8649 0167	Email:	ZD-Licensing@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years  
MP 146/12



A1

PROTECTIVE MARKING

**METROPOLITAN  
POLICE**

Form 693A

**TOTAL POLICING**

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

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

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

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

Postal address of premises or club premises, or if none, ordnance survey map reference or description:  
CLUB 791, 791 LONDON ROAD  
Post town: THORNTON HEATH Post code: (if known) CR7 6AW  
Premises licence number (if known):  
10/00547/LIPREM  
Name of premises supervisor (if known):  
KIBUUKI FRED KYEYUNE

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

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

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)  
This incident of serious crime involves a male being stabbed in the neck and could very easily resulted in a fatality. This has been allowed to take place because of the failings of the licensed premises and it security team. My licensing office have had numerous interventions with the venue and its staff up to the point of a standard review application. They have negotiated a number of measures and procedures to prevent this from happening yet still these types of incidents continue. This application is both necessary and proportionate considering the serious nature of this incident. This premises cannot be allowed to continue to be open to the public until the matter can be heard before a licensing sub committee

Signature  
Signature:  Date: 12-10-2015.

Retention Period 7 years  
MP 147/12

## PREMISES LICENCE

Premises licence number

10/00547/LIPREM

### Part 1 – Premises details

**Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**

791 London Road  
Thomton Heath  
Surrey  
CR7 6AW

<b>Telephone number</b>	N/A
-------------------------	-----

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a) live music b) recorded music and c) the provision of entertainment facilities for dancing.

The provision of late night refreshment -.



**Registered number of holder, for example company number, charity number  
(where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor  
where the premises licence authorises the supply of alcohol**

Mr Kibuuka Fred Kyeyune

~~020320123456789~~

~~020320123456789~~

~~020320123456789~~

**Personal licence number and issuing authority of personal licence held by  
designated premises supervisor where the premises licence authorises the  
supply of alcohol**

Personal Licence No.: LN/201000125

Licensing Authority: L B of Enfield

**Date Original Licence Issued: 08.07.2010**

**Date This Licence Valid From: 04.03.2011**

K. M. 

**Safety and Licensing Manager  
Community Services Department**

## **Annex 1 - Mandatory conditions**

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. 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.

4. (1) The responsible person\* shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

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

## Annex 2 - Conditions consistent with the Operating Schedule

The Premises Licence Holder shall:-

1. Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and retain images for a minimum of 28 days and deliver CCTV images to Police or Council Officers, in useable, form on request.
2. Events.
  - Ensure that each event held at the premises shall be subject to a crime and disorder risk assessment, at least 14 days in advance of the event. This shall be carried out as agreed from time to time with the Metropolitan Police.
  - Consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is **significant**
  - Undertake a risk assessment of any **significant promotion or event** (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) 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.

\*(696 documents will be submitted in electronic form by e-mail)

3. Metropolitan Police Definition of a '**Significant Event**' (This definition relates to events that require a Promotion/Event Risk Assessment Form 696).
4. 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 a live performer(s) – meaning 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.
5. Ensure that for **significant events** an anti-drugs policy is in operation in conjunction with a search and seizure policy as agreed from time to time in writing with the Metropolitan Police.
6. **Door-supervisors**
  - Ensure that a suitable and sufficient number of male and female door supervisor staff are employed at the premises, based on risk, as agreed from time to time with the Metropolitan Police.
  - 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
    - Signature of door-supervisor
    - Dates and times employed
    - The responsible person must countersign each daily record.
  - These records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.
7. Ensure that the premises is a member of the Safer Croydon Radio system. The equipment shall be kept in working order. The Premises Licence Holder or an authorised deputy will be responsible for ensuring the proper use and monitoring of the equipment and that contact is maintained with the Croydon Council monitoring centre at all times when Licensable Activities are being provided at the premises. When available in the area.
8. Ensure that for the Prevention of Crime and Disorder, the maximum number of persons allowed to be in the premises is 200 and that records are kept, half hourly, of the total number of persons present in the premises from the commencement of each until the premises closes.
9. Ensure that no members of the public are admitted after 0230hrs, save for the re-admission of customers who have temporarily left the premises to smoke.
10. 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.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

**Annex 4 – Plans**

Attached



## PREMISES LICENCE SUMMARY

**Premises licence number**

10/00547/LIPREM

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**

791 London Road  
Thornton Heath  
Surrey  
CR7 6AW

<b>Telephone number</b>	N/A
-------------------------	-----

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a)live music b) recorded music and c) the provision of entertainment facilities for dancing.

The provision of late night refreshment -.



**Registered number of holder, for example company number, charity number  
(where applicable)**

N/A

**Name of designated premises supervisor where the premises licence  
authorises the supply of alcohol**

Mr Kibuuka Fred Kyeyune

**State whether access to the premises by children is restricted or prohibited**

As per Licensing Act 2003

A1



Working together for a safer London

TERRITORIAL POLICING

**Croydon Borough  
Licensing Office**

Kibuke Fred Kyeyune

791 London Road  
Thornton Heath  
Surrey  
CR7 6AW

Croydon Police Station  
71 Park Lane  
Croydon  
CR9 1BP

Telephone: 0208 649 0172  
Facsimile: 0208 649 0186

Email: [Darren.rhodes@met.police.uk](mailto:Darren.rhodes@met.police.uk)

9th June 2015

- **Prevention of Crime and Disorder**

**10/00547/LIPREM**

Dear Fred

On 11th May 2015 between 0320hrs & 0340hrs two females have alleged that they were victims of a serious unprovoked assault in your premises. This matter is currently being investigated by the CID from Croydon Police Station. I have read the details from the crime report and I am very disappointed by the comments which relate to the capturing of the incident from your CCTV system. As I understand on the night your security ejected the suspect from the premises following the assault. This is unacceptable and does not support the Prevention of Crime and Disorder Licensing Objective. All of your door supervisors should be in possession of VSS cards (Victim, scene, suspect). This is an aid memoire on how to deal with suspects, victims and crime scenes. The very minimum I would expect is for you to provide first aid to the victims, detain the suspect and alert the police via Safer Croydon Radio or 999 telephone system.

I note from the crime report that you have told the investigating officer that your CCTV system only records for 21 days and that the footage is now lost. Annex 2 Condition 1 states that CCTV should record for a minimum of 28 days and be made available on request.

Annex 2 Condition 10 states that you must maintain a comprehensive incident register detailing the date, time, location, persons concerned, summary of the incident and identification of emergency personnel in attendance.

I consider the failure to provide CCTV to police on request as a serious breach of your premises licence bearing in mind the nature of the incident. If you are unable to provide me with the footage which was requested by the police on the 2nd June during a telephone conversation between you and Pc Garrod then you are in breach of your premises licence. This constitutes an offence under Section 136 of the Licensing act 2003.

As a minimum I will review your premises licence with a view to reducing your hours and imposing conditions appropriate to supporting the Prevention of Crime and Disorder Licensing Objective, such as a reduction in hours and the installation of an ID scanner whilst also giving consideration to instigating criminal proceedings in relation to the 136 offence.

I also want to see your incident report for this night and a list of all door supervisors who were on duty. I must remind you that all door supervisors who were involved in both the ejecting of the suspect and the victim should have completed written reports outlining their actions and their decision making process. I would also like to see a copy of the door supervisor reports.

**The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'**

Darren Rhodes PC194ZD  
Licensing Officer  
Croydon Police Station



Licensing Team  
 Croydon Council  
 Floor 10, Zone B  
 Bernard Weatherill House  
 8 Mint Walk  
 Croydon, CR0 1EA

Our Ref: dd/lb/KYE1-1

Your Ref: 10/00547/LIPREM

20<sup>th</sup> October 2015

Dear Sirs,

**Re: Club 791, 791 London Road, Thornton Heath, CR7 6AW**

We have been instructed to act on behalf of Mr Fred Kibuuka Kyeyune of the above premises.

We understand an expedited review under S.53A has been made in respect of the above premises and the Licensing Sub-Committee has made the decision to suspend the Premises Licence.

We wish to make application against interim steps made under S.53A. Please accept this letter as formal notice of representation under S.53B(6), amongst other things:

1. That the interim steps to suspend the licence is disproportionate and not necessary; and
2. That our client wishes to have an opportunity to be heard to make further representations and provide the aforementioned at a hearing.

Please confirm safe receipt.

We look forward to hearing from you and would be grateful if you could advise the date and time of the hearing. We would be grateful if you could kindly consider holding the hearing on Thursday morning.

Yours faithfully

*Dadds*

DADDS LLP

## Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX  
 T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk  
 W: www.dadds.co.uk DX: 32202 BILLERICAY

Authorised and regulated by the Solicitors Regulation Authority - Dadds LLP (OC358152). A list of the members is open to inspection at the office.



A2



Licensing Team  
Croydon Council  
Floor 10, Zone B  
Bernard Weatherill House  
8 Mint Walk  
Croydon, CR0 1EA

Our Ref: dd/lb/KYE1-1

Your Ref: 10/00547/LIPREM

21<sup>st</sup> October 2015

Dear Sirs,

**Re: Club 791, 791 London Road, Thornton Heath, CR7 6AW**

We write with reference to the above and further to our letter dated 20<sup>th</sup> October 2015 which included our client's clear indication that the letter was notice of his representation against the interim steps.

We write further today to confirm that our letter dated 20<sup>th</sup> October 2015 was our client's representation against interim steps and in accordance with Section 53B (9) (C) the relevant licensing authority must consider the representations made by the holder of the premises licence made at the hearing.

Our client will say, amongst other things:-

1. That the interim steps to suspend the licence is disproportionate and not necessary, and
2. That he wishes to have an opportunity to be heard to make further representations and provide the aforementioned at a hearing.

We are further somewhat perplexed as to how you accepted a similar letter dated 13<sup>th</sup> October 2015 as a notice of representation and yet have not acted consistently in accepting yesterday's letter as the same.

Our client is entitled to a hearing and if you are refusing him the opportunity to be heard then we will have to consider what advice to give to our client in relation to opening.

We would therefore ask you to confirm that you accept yesterday's letter, along with this letter, as a letter of representation against the interim steps and we await hearing from you with details of the date and time of the hearing for tomorrow.

**Dadds Solicitors**

Crescent House, 51 High Street, Billericay, Essex CM12 9AX  
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk  
W: www.dadds.co.uk DX: 32202 BILLERICAY

Authorised and regulated by the Solicitors Regulation Authority - Dadds LLP (OC358152). A list of the members is open to inspection at the office



We look forward to hearing from you.

Yours faithfully

*Dadds*

**DADDS LLP**





Home Office

**Section 53A Licensing Act 2003**  
Summary Review Guidance



## **CONTENTS**

- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

## **ANNEX A**

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

## **ANNEX B**

- 2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

## INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 ("the 2003 Act"), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 The powers allow:
- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious crime or serious disorder (or both)**; and
  - the licensing authority to respond by taking interim steps quickly, **where appropriate, pending a full review.**
- 1.5 In summary, the process is:
- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
  - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
- modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

## THE STEPS

### 2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

#### Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
  - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
  - (b) involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

### 3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.<sup>1</sup>

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at:

[www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing](http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing) ).

3.5 If the licensing authority decides to take steps at the interim stage:

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<sup>1</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

#### 4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

**4.3 At the hearing the licensing authority must:**

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

**4.4 When considering the case the licensing authority must take into account:**

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

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

**5. The review of the premises licence**

**5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:**

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

**5.2 The steps the licensing authority can take are:**

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.



Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

**5.3 The licensing authority must:**

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority<sup>2</sup>.

**5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –**

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

**5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.**

**5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:**

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<sup>2</sup> Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

## 6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>3</sup>.

*Premises*<sup>4</sup>:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a \_\_\_\_\_<sup>5</sup> in the  
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>6</sup>:

.....

<sup>3</sup> Delete as applicable.

<sup>4</sup> Include business name and address and any other relevant identifying details.

<sup>5</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>6</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

A3

(Signed) \_\_\_\_\_ (Date) \_\_\_\_\_  
**Statutory Form For Applying For A Summary Licence Review**

**Annex B**

[Insert name and address of relevant licensing authority and its reference number (optional)]

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

---

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I _____ [on behalf of] the chief officer of police for the _____ police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.
--

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:
--

Post town:
------------

Post code (if known):
-----------------------

**2. Premises licence details:**

Name of premises licence holder (if known):
---

Number of premises licence holder (if known):
---

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

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

*(Please tick the box to confirm)*

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

**Contact details for matters concerning this application:**

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

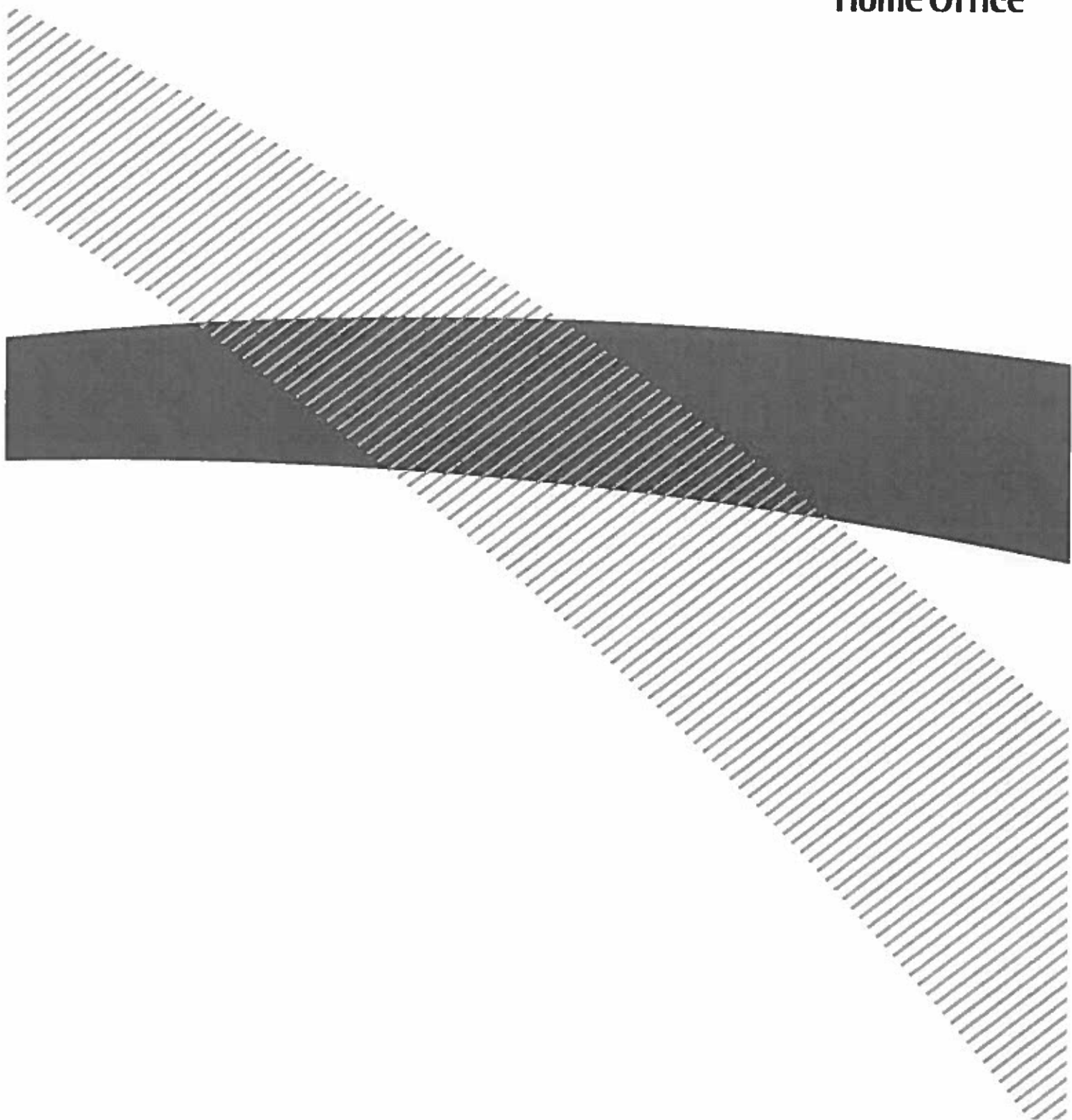
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

A3



Home Office



ISBN: 978-1-84987-918-7  
Published by the Home Office

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## PREMISES LICENCE

Premises licence number

10/00547/LIPREM

### Part 1 – Premises details

**Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**

791 London Road  
Thornton Heath  
Surrey  
CR7 6AW

<b>Telephone number</b>	N/A
-------------------------	-----

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a) live music b) recorded music and c) the provision of entertainment facilities for dancing.

The provision of late night refreshment -.



**The times the licence authorises the carrying out of licensable activities**

The sale by retail of alcohol on the premises

Monday & Tuesday 1200 hours (noon) until 0200 hours on the days following

Wednesday 1200 hours (noon) until 0100 hours on Thursday

Thursday to Sunday 1200 hours (noon) until 0400 hours on the days following

The provision of regulated entertainment namely:

Recorded music and the provision of entertainment facilities for dancing.

Monday & Tuesday & Thursday 2000 hours until 0200 hours on the days following

Wednesday 2000 hours until 0100 on Thursday

Friday to Sunday 1200 hours 0500 hours on the days following

Live music

Monday & Tuesday 2000 hours until 0200 hours on the days following

Wednesday 2000 hours until 0100 on Thursday

Thursday to Sunday 1200 hours 0500 hours on the days following

The provision of late night refreshment –

Monday & Tuesday 2300 hours until 0200 hours on the days following

Wednesday 2300 hours until 0100 hours on Thursday

Thursday to Sunday 2300 hours until 0500 hours on the days following

**The opening hours of the premises**

Monday & Tuesday 1200 hours (noon) until 0200 hours on the days following

Wednesday 1200 hours (noon) until 0100 hours on Thursday

Thursday to Sunday 1200 hours (noon) until 0500 hours on the days following

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Mr Kibuuka Fred Kyeyune

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Kibuuka Fred Kyeyune

[Redacted address and telephone number]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Personal Licence No.:** LN/201000125      **Licensing Authority:** L B of Enfield

**Date Original Licence Issued:** 08.07.2010

**Date This Licence Valid From:** 04.03.2011



**Safety and Licensing Manager  
Community Services Department**

## Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. 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.

4. (1) The responsible person\* shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
 (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 8. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

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

**Annex 2 - Conditions consistent with the Operating Schedule**

The Premises Licence Holder shall:-

- 1. Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and retain images for a minimum of 28 days and deliver CCTV images to Police or Council Officers, in useable, form on request.
- 2. Events.
  - Ensure that each event held at the premises shall be subject to a crime and disorder risk assessment, at least 14 days in advance of the event. This shall be carried out as agreed from time to time with the Metropolitan Police.
  - Consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is **significant**
  - Undertake a risk assessment of any **significant promotion or event** (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) 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.

\*(696 documents will be submitted in electronic form by e-mail)

3. Metropolitan Police Definition of a '**Significant Event**' (This definition relates to events that require a Promotion/Event Risk Assessment Form 696).
4. 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 a live performer(s) – meaning 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.
5. Ensure that for **significant events** an anti-drugs policy is in operation in conjunction with a search and seizure policy as agreed from time to time in writing with the Metropolitan Police.
6. **Door-supervisors**
  - Ensure that a suitable and sufficient number of male and female door supervisor staff are employed at the premises, based on risk, as agreed from time to time with the Metropolitan Police.
  - 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
    - Signature of door-supervisor
    - Dates and times employed
    - The responsible person must countersign each daily record.
  - These records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.
7. Ensure that the premises is a member of the Safer Croydon Radio system. The equipment shall be kept in working order. The Premises Licence Holder or an authorised deputy will be responsible for ensuring the proper use and monitoring of the equipment and that contact is maintained with the Croydon Council monitoring centre at all times when Licensable Activities are being provided at the premises. When available in the area.
8. Ensure that for the Prevention of Crime and Disorder, the maximum number of persons allowed to be in the premises is 200 and that records are kept, half hourly, of the total number of persons present in the premises from the commencement of each until the premises closes.
9. Ensure that no members of the public are admitted after 0230hrs, save for the re-admission of customers who have temporarily left the premises to smoke.
10. 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.

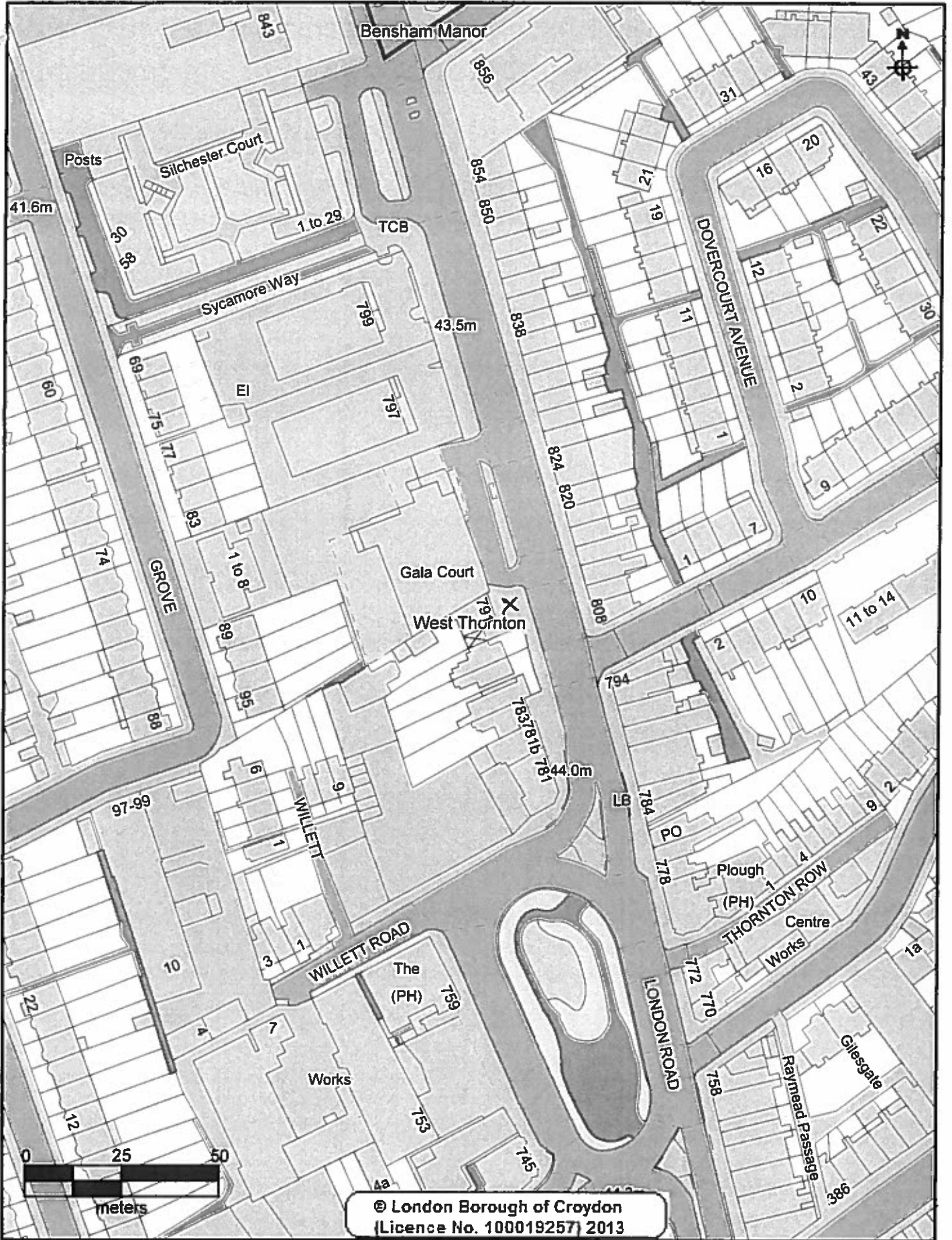
- The following details shall be recorded: -
- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

**Annex 4 – Plans**

Attached



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