

# Licensing Sub-Committee Agenda



To:

Councillors Jane Avis, Pat Clouder and Sue Winborn

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 1 March 2018** at **10.30 am** in **F9, Town Hall, Katharine Street, Croydon, CR0 1NX**

JACQUELINE HARRIS-BAKER  
Director of Law and Monitoring Officer  
London Borough of Croydon  
Bernard Weatherill House  
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www.croydon.gov.uk/meetings  
Wednesday, 21 February 2018

Members of the public are welcome to attend this meeting.  
If you require any assistance, please contact the person detailed above, on the righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at [www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)

## **AGENDA – PART A**

**1. Appointment of Chair**

To appoint a Chair for the duration of the meeting.

**2. Apologies for Absence**

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

**3. Disclosure of Interests**

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

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

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

**5. Licensing Act 2003: Application for Variation to Premises Licence  
(Pages 5 - 30)**

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

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

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

## **PART B**

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<b>REPORT TO:</b>	<b>LICENSING SUB COMMITTEE</b> 1 March 2018
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 – APPLICATION FOR VARIATION TO PREMISES LICENCE</b>
<b>LEAD OFFICER:</b>	<b>Executive Director, Place Department</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Hamida Ali, Cabinet Member for Communities Safety &amp; Justice</b>
<b>WARDS:</b>	<b>Fairfield</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
This report is specific to this application and has no implications on the Council's Corporate Policies.	
<b>FINANCIAL SUMMARY:</b>	
This application is being processed as part of normal duties carried out by the Department with no additional costs involved.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> N/A	

<b>1.</b>	<b>RECOMMENDATIONS</b>
1.1	The Sub-Committee is asked to determine whether to grant the application for a variation to a premises licence at BoxBar, Units 22-26, Boxpark, 99 George Street, Croydon, CR0 1LD.

**2. EXECUTIVE SUMMARY**

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

**3. DETAIL**

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

3.2 The applicant and the party making representations have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations

2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 “the Regulations”. Information to accompany the notice of hearing was provided to the applicant and the party making representations in accordance with “the Regulations”.

3.3 Appendix A to this report provides details of this application.

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

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

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

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

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

##### **3 Risks**

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

##### **4 Options**

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

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

None identified.

6 (Approved by: Zulfiqar Darr, Interim Head of Finance, Place & Resources)

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

5.1 The Solicitor to the Council comments that the sub-committee must determine the application, taking into account relevant representations, the Licensing Act 2003, the regulations made thereunder statutory guidance and the Council’s own licensing policy.

5.2 (Approved for and on behalf of Jacqueline Harris-Baker, Director of Law & Monitoring Officer)

## 6. HUMAN RESOURCES IMPACT

- 6.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.
- 6.2 (Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Director of Human Resources, Chief Executive's Department)

## 7. EQUALITIES IMPACT

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

## 8. ENVIRONMENTAL AND DESIGN IMPACT

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

## 9. LICENSING OBJECTIVES IMPACT

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

## 10. HUMAN RIGHTS IMPACT

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

- 10.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Sub Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Sub Committee to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).
- 10.3 So, while it is good practice to make a hearing before the Licensing Sub Committee as A6 compliant as possible, it will not be a breach of the HRA if it is not. Further, the hearing of all applications is subject to the principles of Natural Justice and the requirement for decisions to be 'Wednesbury reasonable'.

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

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

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

**APPENDICES:** Application Forms  
Licensing Hearings and Protocol and Procedure

## **APPENDIX A**

### **1. The Application**

- 1.1 This report concerns an application by Boxpark Trading Limited for a variation to the premises licence they hold at BoxBar, Units 22-26 Boxpark, 99 George Street, Croydon, CR0 1LD.
- 1.2 A copy of the current premises licence is attached at Appendix A1
- 1.3 The variation application seeks the following licensable activities between the hours shown -

#### **The sale by retail of alcohol -**

Monday to Sunday 1100 hours until 0100 hours on the following days.

The relevant pages of the application are attached at Appendix A2

- 1.4 Would the sub committee please note that, following discussions with the Police, the premises licence holder/applicant has amended their application to have the following conditions added to the premises licence, should the variation application be granted –
- That all patrons leaving the BoxBar after 2200 be hand stamped and that no entry/re-entry to the premises be permitted after 2300 unless patrons have been hand stamped
  - That notices to this effect be displayed within Box Bar, at the entrance to BoxBar and at the entrance to BoxPark Croydon
- 1.5 In addition, the applicant advises that they are aware of the planning position with regard to the premises and would intend to address the sub committee on that point, should the sub committee be minded to grant the variation application.

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

2.1 The applicant provides details in Section M of their application of the additional steps, if any, they think appropriate to meet the four licensing objectives should the application to vary be granted.

### **3 Relevant representations**

- 3.1 Representations have been received on this application. A copy is attached at Appendix A3.
- 3.2 The applicant has been provided with a written copy of the representations made.

## **4 Policy Considerations**

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

4.1 Nothing in the 'Statement of Policy' will:

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

4.2 Parties should be aware that, for a representation to be considered relevant, it must be one that is about the likely effect of the grant of a new licence/variation of an existing licence on the promotion of the four licensing objectives. Also, if the representation is made by an 'other person', it will not be relevant if the licensing authority considers it to be 'vexatious or frivolous', or in the case of a review, 'repetitious'.

4.3 Applicants and those making relevant representations in respect of applications or seeking a review of a licence or a certificate have the right of appeal to the Magistrates' Court against the decisions of the Council.

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

4.5 As part of any application for a premises licence/club premises certificate or a variation to an existing licence/certificate, applicants are required to submit an 'Operating Schedule', which must include the steps proposed to promote the Licensing Objectives set out in paragraph 2.2.

4.6 Part 5 of this Statement gives guidance to applicants on some of the matters applicants may wish to consider when preparing their Operating Schedules.

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

4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received on an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations. Where no relevant representations

have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.

- 4.9 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.10 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.
- 5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.
- 5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.
- 5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.
- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.2.6 The Licensing Authority recommends that for certain events (please see note below), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (as defined below) the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop.

- 5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.
- 5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.
- 5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.
- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, necessary to reduce the friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas (“zoning”) as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.
- 5.4.8 The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 5.4.9 However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of shops in residential areas or within one of the four relevant Cumulative Impact Zones where representations are made by the police and/or local residents and where premises are shown to be a focus of crime, disorder or nuisance. Applications to vary the permitted hours for the sale of

alcohol off the premises within the above hours shall similarly be treated on their merits

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

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

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

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

- effective and responsible management and supervision of the premises, including any outside areas
- appropriate instruction, training and supervision of staff to prevent public nuisance
- adoption of current best practice guidance (i.e. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics), including designing shop fronts so as to limit noise nuisance from premises, i.e. from opening windows or continental-style concertina doors
- control of opening hours for all or part (i.e. garden areas) of the premises – including other times when deliveries take place/rubbish and bottles are binned – and the operation of generating plant and equipment
- installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation and limiting devices
- managing people, including staff and traffic, arriving and leaving the premises, including patrolling entrance queues

- managing the departure of customers
- liaising with transport providers
- siting and operation of necessary external lighting, including security lighting, with the possible nuisance to nearby properties
- suitable arrangements for collection and disposal of litter, including bottles, so as to minimise disturbance to nearby properties
- no flyposting of events/careful distribution of flyers, including by promoters
- effective ventilation systems to prevent nuisance from odour

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

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

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

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

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

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

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

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

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

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

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

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

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

At Chapter 10 of the Guidance, paragraph 10.8 states:

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

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

**PREMISES LICENCE**

Premises licence number

16/00846/LIPREM

**Part 1 – Premises details**

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

Boxpark Bar (BoxBar)  
 Units 22-26  
 Boxpark  
 99 George Street  
 Croydon  
 CR0 1LD

**Telephone number**

N/k

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

N/a

**Licensable activities authorised by the licence**

The sale by retail of alcohol.

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

Sale by retail of alcohol –  
 Monday to Sunday 1100 hours until 2300 hours

**The opening hours of the premises**

Monday to Sunday 0800 hours until 2330 hours

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

On &amp; Off

**Part 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Boxpark Trading Limited  
 Unit 4 Regents Studios  
 20 Regent Street  
 Brighton  
 BN1 1UX

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

10338083

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

 Michael Murrant  
  
  


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

LP7002144 Reading Borough Council

**Date Original Licence Issued: 04.10.2016****Date This Licence Effective: 25.10.2017**

Licensing Manager  
 Place Department

## Annex 1 - Mandatory conditions

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing *Conditions*) Order 2010 and Order 2014.

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 must 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.
    - 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 in a manner which carries a significant risk of undermining a licensing objective;
    - 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 in a manner which carries a significant risk of undermining a licensing objective;
    - d) 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 anti-social behaviour or to refer to the effects of drunkenness in any favourable

manner.

5. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either:-
- (a) a holographic mark or
  - (b) an ultraviolet feature.

7. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**\*Responsible person is defined as:**

- (a) In relation to licensed premises:
  - (i) The holder of a premises licence in respect of the premises,
  - (ii) The designated premises supervisor (if any) under such a licence, or
  - (iii) Any individual aged 18 or over who is authorised for the purposes of section 153 (4) of the Licensing Act 2003 by such a holder or supervisor,
- (b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

8. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in the paragraph (1) above
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula –  

$$P = D + (D \times V)$$
- Where
- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (5) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

The premises licence holder shall ensure –

1. A closed circuit television system is installed at the premises with cameras located within the premises to cover all public areas including all entrances and capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises. Images must be securely retained for a minimum of 31 days. In addition –
  - a. That the CCTV system is operating and recording 24 hours every day (motion sensitive equipment is acceptable to reduce storage of images).
  - b. All equipment must have a constant and accurate time and date generation.
  - c. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998.
2. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
3. The premises shall operate a Challenge 25 policy and appropriate signage will be displayed inside the premises. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
4. That a refusals register is maintained recording when sales of alcohol are refused and the reason why.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
  - a. All crimes reported:
  - b. All ejections of patrons
  - c. Any complaints received.
  - d. Any incidents of disorder.
  - e. Seizure of drugs or offensive weapons.
  - f. Any faults in the CCTV system or searching equipment or scanning equipment.
  - g. Any refusal of the sale of alcohol.
  - h. Any visit by a relevant authority or emergency service.
6. All staff are trained in the relevant requirements of the Licensing Act 2003, including the licensing objectives, proof of age, and conflict management. The training will be refreshed every 6 months and all staff training records should be maintained and kept on site. A designated member of staff should be able to produce the records on the request of police or other authorised person.
7. No noise generated on the premises shall emanate from the premises nor vibration within the premises be transmitted through the structure of the premises which gives rise to a nuisance.
8. The sound limiter shall not be altered without prior agreement with the Croydon Environmental Health Department. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Croydon Environmental Health Department.
9. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

10. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

11. No rubbish including bottles will be 'moved, removed or placed in' areas outside of the Boxpark development between 00:00 hours and 08:00 hours.

12. The Premises Licence Holder shall produce a Security Management Plan and provide a copy of said plan to the Police prior to opening.

13. Operate an anti-drugs policy in conjunction with a search and seizure policy. This will also include storage and disposal procedures. Signage will be displayed throughout the premises.

Operate a weapons policy in conjunction with search and seizure policy. This will also include storage and disposal procedures.

Operate an anti theft policy, which will include the reporting of theft, safe storage of found items, storage and disposal procedures for all items of property found or discarded at the premises. Signage will be on display in prominent places advising customers to safeguard their property.

14. BoxBar (Units 22-26) will employ 2 SIA licensed door supervisors to control entry to the premises when it is open post 11pm. All customers seeking to gain entry to the premises after 11pm will be turned away. The last entry time will be detailed on BoxBar marketing material to aid in customer awareness. Persons who have been refused entry will be asked to leave the BoxPark complex as this is private property, providing staff with a helpful mechanism in ensuring the immediate vicinity remains clear. There will be a stamping/marking system in place to enable customers to leave the premises for a short period of time in order to smoke or use the toilet facilities.

15. When either of the Boxpark 'event' premises licences are in use, an additional 2 SIA door supervisors will be on duty from 10:45pm to close of business in order to ensure that persons attending the event disperse away from BoxBar (Units 22-26). This will be an additional security presence, employed by BoxBar, on top of the security provision detailed in the relevant event management plan. The dispersal of persons attending BoxPark events takes 30 minutes and so, by 11:30pm the main BoxPark complex will be empty of visitors. The additional security staff will then patrol the BoxBar and BoxPark area to ensure event goers are not attempting to remain on BoxPark property.

16. On Fridays and Saturdays and on any occasion that either of the Boxpark 'event' premises licences are in use the premises (Units 22-26) shall employ a minimum of 2 SIA licensed door supervisors from 2100 hours until the premises closes. Where the premises operates beyond 11pm, entry to the premises is to be controlled by SIA licensed staff. On any day on which an event takes place under the BoxPark Events Licence and the premises is to operate beyond 11pm, an additional 2 SIA licensed door supervisors are to be employed from 10.45pm to close of business. These additional security staff are to assist in the effective dispersal of event-goers so as to avoid said persons seeking admission to the premises. From 11.30pm onwards, these staff are to patrol the premises and the BoxPark complex to ensure event-goers have effectively dispersed.

17. No alcoholic drinks shall be taken from the premises between 11pm and 8am the following day on any day.

18. A noise limiting device shall be installed at the premises and appropriate sound levels set in consultation with the Council's Pollution Team.

19. A wind down period shall be operated from midnight to 0100 hours with the music volume reduced steadily for the last 30 minutes.

20. The Premises Licence Holder or BoxBar Management Team will produce a BoxBar specific 'event related security/management plan' to coincide with any plan put forward by BoxPark for each BoxPark event. Depending on the nature and timing of the relevant event, the BoxBar plan will identify any risk of overcrowding, delayed dispersal and general crime and disorder that may affect BoxBar. Appropriate steps are to be taken to counter any identified risk. This will include, but is not limited to, the deployment of additional SIA licenced security staff. This plan must be submitted to the Council and Police licensing team a minimum of 30 days before the event"

21. Only a security provider who has been awarded Approved Contractor Status by the Security Industry Authority be authorised to deploy door supervisors or manned guard positions.

22. One Body worn camera will be deployed by the Atrium team between the hours of 1200 (midday) - 0000 (midnight).

23. Three Body Worn Cameras will be deployed by the Bar team between the hours of 1900 - 0000 (midnight) on Thursdays, Fridays and Saturdays (this is in addition to the Atrium team's deployment).

24. Deployment on event days will be assessed on an individual basis and included in the events safety management policy.

25. Test footage from all cameras shall be provided to the Metropolitan Police Licensing Office Croydon on the 1st Monday of every month.

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

N/a

### **Annex 4 – Plans**

Attached

Application to Vary a Premises Licence under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I/We Boxpark Trading Limited  
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 16/00846/LIPREM
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  Boxpark Bar (BoxBar) Units 22-26 Boxpark 99 George Street			
Post town	Croydon	Post code	CR0 1LD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£60,000.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Boxpark Trading Limited Unit 4 Regent Studios 20 Regent Street		
Post Town	Brighton	Postcode	BN1 1UX

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year
↓	-	↓ ↓ ↓ ↓ ↓ ↓ ↓

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To vary the hours for sale of alcohol Monday to Sunday from 1100 hours until 0100 (the following morning).

To vary the opening hours on Monday to Sunday from 0800 hours until 0130 (the following morning).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment   | Please tick yes                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/>            |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I)                                     | <input type="checkbox"/>            |
| <u>Sale by retail of alcohol</u> (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol (please read guidance note 6)</u>  <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Mon	0000	0100			
	1100	2359			
Tue	0000	0100			
	1100	2359			
Wed	0000	0100			
	1100	2359			
Thur	0000	0100			
	1100	2359			
Fri	0000	0100			
	1100	2359			
Sat	0000	0100			
	1100	2359			
Sun	0000	0100			
	1100	2359			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0000	0130	
	0800	2359	
Tue	0000	0130	
	0800	2359	
Wed	0000	0130	
	0800	2359	
Thur	0000	0130	
	0800	2359	
Fri	0000	0130	
	0800	2359	
Sat	0000	0130	
	0800	2359	
Sun	0000	0130	
	0800	2359	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the Premises Licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

All existing conditions to continue

b) The prevention of crime and disorder

All existing conditions to continue

c) Public safety

All existing conditions to continue

d) The prevention of public nuisance

All existing conditions to continue

e) The protection of children from harm

All existing conditions to continue

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

one rep

APPENDIX A3

**From:** LICENSING  
**Sent:** 29 January 2018 09:02  
**To:** [REDACTED]  
**Subject:** FW: Objection to Boxpark premises licence extension

**From:** [REDACTED]  
**To:** LICENSING <[LICENSING@croydon.gov.uk](mailto:LICENSING@croydon.gov.uk)>  
**Subject:** Objection to Boxpark premises licence extension

Good afternoon,

Please register my objection to the application to extend the licensing hours of Boxbar to 8am until 1:30am.

My reasons are listed below:

1. Boxpark already generates anti-social behaviour at times. The licence form shows that on and off sales are requested - off-sales would add to the likelihood of anti-social behaviour, and would lead to the risk of open containers of alcohol being carried in an alcohol-free zone, thus creating more strain on police resources.
2. There have been instances of violent behaviour within Boxpark.
3. At times the noise levels are excessive and can be heard as far away as West Addiscombe.
4. At a recent event a local resident asked to see the Premises Supervisor and was told that there was no supervisor on the premises.
5. There is absolutely no reason why alcohol needs to be served from 8am.
6. Favourable treatment of Boxbar in comparison with other outlets within Boxpark (which will still need to close by 11pm) appears to be an unfair restraint on trade.

Yours faithfully,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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