

Licensing Sub-Committee Agenda



To:

Councillors Margaret Bird, Callton Young and Nina Degrad

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Tuesday, 6 October 2020 at 10.30 am. This meeting is being held remotely; to view the meeting, please click [here](#).**

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
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www.croydon.gov.uk/meetings
Monday, 28 September 2020

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If you require any assistance, please contact Thomas Downs
020 8726 6000 x86166 as detailed above.

AGENDA – PART A

1. Appointment of Chair

To appoint a Chair for the duration of the meeting.

2. Apologies for Absence

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

3. Disclosure of Interests

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

4. Urgent Business (if any)

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

5. Licensing Act 2003 (Hearings) Regulations 2005 Procedures for Licensing Sub-Committee Hearings (Pages 5 - 12)

This Report provides background to the request that the Chair of the Licensing Sub-Committee exercise delegated authority set out in Annex 1 to Part 5F of the Constitution to agree a change to the current Licensing Sub-Committee procedure to take account of remote hearings.

6. Licensing Act 2003 - Application for a Premises Licence - 1336 London Road, Norbury, SW16 4DG (Pages 13 - 84)

7. 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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For general release

REPORT TO:	LICENSING SUB COMMITTEE 6 October 2020
SUBJECT:	LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 PROCEDURES FOR LICENSING SUB-COMMITTEE HEARINGS
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: This report details the recommended changes to the Licensing Sub-Committee hearings protocol by virtue of Covid-19 requirements.	
FINANCIAL SUMMARY: There are no financial implications arising from the recommendations in this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	
1. RECOMMENDATIONS That the Chair of the Licensing Sub-Committee agree: 1.1 The revised protocol for Licensing Sub-Committee hearings as set out in full at Appendix 1. 1.2 That the decision be reported to the next available meeting of the Licensing Committee.	

2. EXECUTIVE SUMMARY

- 2.1 This Report provides background to the request that the Chair of the Licensing Sub-Committee exercise delegated authority set out in Annex 1 to Part 5F of the Constitution to agree a change to the current Licensing Sub-Committee procedure to take account of remote hearings.

3. DETAIL

- 3.1 The purpose of the recommended changes are to facilitate the proper consideration of the application/s before the Licensing Sub-Committee. As a result of the coronavirus pandemic it has not been possible to hold Licensing

Sub-Committee hearings in person. The duration of disruption is unclear, and in the meantime, the Council wishes to continue to progress decision making.

- 3.2 Currently the Council's arrangements for Licensing Sub-Committee hearings do not specifically reference remote/virtual hearings although remote hearings are possible both under the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 which govern Licensing Sub-Committee hearings under the Licensing Act but also by virtue of the introduction of new powers set out in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the Flexibility Regulations') which was introduced pursuant to the Coronavirus Act 2020 and allows for remote attendance at council meetings.
- 3.3. The Coronavirus Act 2020 ('the CV Act') is the government's main legislative change in response to the pandemic. Most of its provisions came into effect on 25 March 2020 but detailed further legislation in the form of statutory instruments and government guidance have been issued since that date and continue to be published.
- 3.4 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 ('the Flexibility Regulations') exercise powers set out in section 78 of the CV Act and make specific legislative provision for remote attendance at meetings including public and press access to those meetings. The Flexibility Regulations came into force on 4 April 2020 and apply to local authority meetings held on or before 7 May 2021.
- 3.5 The Chair of the Licensing Sub-Committee is authorised to vary the procedure which applies to Licensing Sub-Committee hearings in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee. In addition, the Licensing Sub-Committee may waive, vary or modify any part of Part 5F protocol in relation to a particular case if it considers that this is necessary to ensure fairness to the Parties and/or proper consideration of the application in question, provided always that this does not result in any contravention of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations").
- 3.6 The proposed amendments are:
- to make specific reference (in Note 3) to remote meetings and how this is defined
 - consequential wording alterations to incorporate the remote meeting arrangements
 - to provide (in paragraphs 19 and 20) that where a decision is required to be made at the conclusion of a hearing and members' deliberations, members will return from private deliberations to announce the decision and reasons. Where however the Regulations do not require a decision to be given at the conclusion of the hearing, it will be given to the Parties in writing within 5 working days following the conclusion of the hearing.

- 3.7 In light of the above, the Chair of the Licensing Sub-Committee is recommended to approve the amendments to Annex 1 to Part 5F as set out in Appendix 1 to this report.

4 FINANCIAL CONSIDERATIONS

- 4.1 There are no direct financial implications arising from this report. The work associated with it is contained within the departmental budget. This decision will enable officers and Members to be efficient and focus limited resources appropriately in a timely manner.
- 4.2 Approved by: Felicia Wright, Head of Finance - Place

5. LEGAL CONSIDERATIONS

- 5.1 The Head of Corporate Law and Litigation comments on behalf of the Director of Law and Governance that there are no additional legal implications arising from the recommendations beyond those set out in the body of the report.
- 5.2 Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer.

6. HUMAN RESOURCES IMPACT

- 6.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.
- 6.2 (Approved for and on behalf of Sue Moorman, HR Director, by Jennifer Sankar, Head of HR Place).

7. EQUALITIES IMPACT

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

8. ENVIRONMENTAL AND DESIGN IMPACT

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

9. LICENSING OBJECTIVES IMPACT

- 9.1 The licensing objectives contained in the Act are:
- the prevention of crime and disorder
 - public safety

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

9.2 The proposed amendments to 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 whilst being mindful of the current restrictions as a result of Covid-19

10. REASONS FOR RECOMMENDATIONS

11.1 The recommendations are to revise Annex 1 to Part 5F to take account of the need to undertake remote hearings as well as the legislative changes set out in the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which permit remote attendance at meetings to take place during the pandemic.

12. OPTIONS CONSIDERED AND REJECTED

12.1 The alternative options would be continue to hold Licensing Sub-Committee hearings but this would be a breach of the government's regulations regarding social distancing and would not be compatible with measures in place to stop the spread of coronavirus or not to alter the current provisions within Annex 1 of Part 5F. The latter is not considered to facilitate the proper consideration of the application/s before the Licensing Sub-Committee in the same way that the proposed amendments would do.

13. DATA PROTECTION IMPLICATIONS

13.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

REPORT AUTHOR / CONTACT OFFICER:	Michael Goddard, Licensing Manager, Place Department ext. 61838
BACKGROUND DOCUMENTS:	None
APPENDICES:	ANNEX 1 - Procedure for Licensing Sub-Committee Hearings

ANNEX 1 - Procedure for Licensing Sub-Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the Licensing Sub-Committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee.

Note: (2) The hearing shall take the form of a discussion led by the Licensing Sub-Committee. Cross-examination shall not be permitted unless the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice before it.

Note: (3) Having regard to the Licensing Act 2003 (Hearings) Regulations 2005, The Coronavirus Act 2020 (in so far as it impacts on licensing proceedings) and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020: any reference to hearing may be to a virtual or remote hearing which is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers and "present", "appear" and "attend" shall be construed accordingly.

1. The Licensing Sub-Committee will elect a Chair from amongst their number
2. The Chair will invite those present to introduce themselves, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the Licensing Sub-Committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The Licensing Sub-Committee will confirm or vary the time limits set out below to be applied to contributions from the Parties. (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the Licensing Sub-Committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any requests to adduce additional documentary or other information.
7. The Licensing Officer will outline:

- details of the application and relevant representations received from the Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the Parties or their representative in turn to address the Licensing Sub-Committee and invite any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the Licensing Sub-Committee and call persons on his/her behalf, and clarify any points on which the Licensing Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Licensing Sub-Committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
 9. Members of the Licensing Sub-Committee or their Legal Adviser may ask questions of any Party, at any time throughout the proceedings.
 10. The sequence in which each of the Parties will be invited to address the Licensing Sub-Committee will normally be in the order of:
 - the Police;
 - the Fire Authority;
 - the Health and Safety at Work Enforcing Authority;
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers, Waste Management Officers;
 - the Local Trading Standards Authority;
 - the Authority Responsible for the Protection of Children from Harm;
 - any Other Party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Licensing Sub-Committee (if there are a large number of Other Persons present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf); and
 - the Party that has submitted the application, certificate, notice or other matter appearing before the Licensing Sub-Committee.
 11. At the discretion of the Licensing Sub-Committee the above order may be varied.
 12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
 13. If the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each submission.

14. The Sub-Committee will then ask any outstanding points requiring clarification.
15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the Licensing Sub-Committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.
18. The Licensing Sub-Committee will deliberate on and determine the matter under consideration. The Licensing Sub-Committee may withdraw to do this privately.
19. Where a decision is required to be made at the conclusion of the hearing, the Licensing Sub-Committee will return to open session following their private deliberations. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the Licensing Sub-Committee's private discussion that has informed their decision. The Chair will then announce in open session to all Parties the decision of the Licensing Sub-Committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.
20. Where a decision is not one which is required to be made at the conclusion of the hearing, the meeting will be concluded and thereafter the Members will undertake their deliberations. Parties will be notified of the decision of the Sub Committee and the reasons for that decision in writing within 5 working days following the conclusion of the hearing.

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REPORT TO:	LICENSING SUB COMMITTEE 6 October 2020
SUBJECT:	LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	Norbury and Pollards Hill
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council's Corporate Policies.	
FINANCIAL SUMMARY: This application is being processed as part of normal duties carried out by the Department with no additional costs involved.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS
1.1 The Sub-Committee is asked to determine whether to grant the application for a premises licence at 1336 London Road, Norbury, SW16 4DG.

2. EXECUTIVE SUMMARY

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

3. DETAIL

- 3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06, A/40/07 and A/07/12 refer). The Chair of the Licensing Sub-Committee is authorised to vary the procedure which applies to Licensing Sub-Committee hearings in respect of any hearing if he/she considers that this would facilitate the proper consideration of the

application or notice before the Licensing Sub-Committee. In addition, the Licensing Sub-Committee may waive, vary or modify any part of Part 5F protocol in relation to a particular case if it considers that this is necessary to ensure fairness to the Parties and/or proper consideration of the application in question, provided always that this does not result in any contravention of the Licensing Act 2003 (Hearings) Regulations 2005.

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

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

4. FINANCIAL CONSIDERATIONS

4.1 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.

4.2 The effect of the decision

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

4.3 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.

4.5 Options

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

4.6 Savings/ future efficiencies

None identified.

4.7 (Approved by: Flora Osiyemi, Head of Finance Place, Residents & Gateway)

5. COMMENTS OF THE SOLICITOR TO THE COUNCIL

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

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

6. HUMAN RESOURCES IMPACT

- 6.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.
- 6.2 (Approved for and on behalf of Sue Moorman, HR Director, by Jennifer Sankar, Head of HR Place).

7. EQUALITIES IMPACT

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

8. ENVIRONMENTAL AND DESIGN IMPACT

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

9. LICENSING OBJECTIVES IMPACT

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

10. HUMAN RIGHTS IMPACT

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

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

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

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

11. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

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

CONTACT OFFICER: Michael Goddard, Interim Head of Public Protection and Licensing, Place Department ext. 61838

BACKGROUND DOCUMENTS: None

APPENDICES:

Appendix A (Page 17-35): Summary, Licensing Objectives & Policy

Appendix A1 (Page 37-64): Application for a Premises Licence to be granted under the Licensing Act 2003

Appendix A2 (Page 65-66): Safety Team proposed conditions for 1336 London Road, Norbury, SW16 4DG

Appendix A3 (Page 67-68): Ward Councillor Representations

Appendix A4 (Page 69-82): Supporting evidence served on behalf of the Applicant

Appendix A5 (Page 83): Ordinance Survey Map

APPENDIX A

1. The Application

- 1.1 This report concerns an application by Josephine Pitt for a premises licence at 1336 London Road, Norbury, SW16 4DG.
- 1.2 The application seeks the following licensable activities between the hours shown –

Sale by Retail of Alcohol – for consumption ‘On’ and ‘Off’ the premises –

Sunday 1100 – 2300 hours

Monday to Thursday 1100 – 0000 hours (midnight)

Friday and Saturday 1100 hours – 0100 hours the following day

The Sunday of each Bank Holiday weekend, Easter Sunday, Christmas Eve & New Year’s Eve 1100 hours – 0100 hours the following day

Provision of late night refreshment –

Monday to Thursday 2300 hours – 0000 hours (midnight)

Friday and Saturday 2300 hours until 0100 hours the following day

The Sunday of each Bank Holiday weekend, Easter Sunday, Christmas Eve & New Year’s Eve 2300 hours – 0100 hours the following day

- 1.3 A copy of the application is attached at Appendix A1.
- 1.4 Will the sub committee please note that, following discussions with the Council’s Safety Team, the applicant has amended their application to have the conditions at Appendix A2 attached to the licence, if the application is granted.

2 Promotion of Licensing Objectives

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

3 Relevant representations

- 3.1 Representations have been received on this application. A copy is attached at Appendix A3. The applicant has been provided with a written copy of the representations.
- 3.2 Having had sight of the representations made, the applicant has submitted further information in support of their application and a copy of that information is attached at Appendix A4. A copy of this further information has been sent to the parties making representations.

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 . Hard copies are also available from the Council's Place Department and copies of the policy will also be available at the licensing sub committee hearing. The following paragraphs from the Statement are considered particularly relevant with regard to this application.

4.8 The fundamental principles of the Act and its accompanying guidance are that nothing in this 'Statement of Policy' will:

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

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

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

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

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

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

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

4.15 However, the Council acknowledges that it can only impose conditions where relevant representations have been received on an application and that such conditions must be considered necessary for the promotion of the licensing

objectives. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.

- 4.16 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

NEED and CUMULATIVE IMPACT

- 4.17 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.
- 4.18 However, the Council recognises that a significant number and type of licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Council to consider. For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions.
- 4.19 Where the Council recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for that area, if this is shown to be necessary. Reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.
- 4.20 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a special policy whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused. A material variation may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.
- 4.21 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Council will consider the following:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
 - statistics on local anti-social behaviour offences
 - the density and number of current premises selling alcohol
 - Alcohol use and misuse in Croydon's population
 - Claimants of benefits due to alcoholism
 - Alcohol specific hospital admissions for under 18's
 - Ambulance incidents and dispatches
 - Alcohol related road traffic accidents
 - Statistics on alcohol related emergency attendances and hospital

- admissions
 - Mortality
 - Complaints recorded by the local authority
 - Evidence from local councillors and
 - Evidence obtained through local consultation.
- 4.22 There are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.
- 4.23 As a result, the Council has considered it appropriate to designate, the following four areas within Croydon as being subject to a special Cumulative Impact Policy in respect of off licences and shops and supermarkets selling alcohol off the premises:
- i. Along the Brighton Road; South End; High Street, George Street corridor, from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street and Cherry Orchard Road in Central Croydon
 - ii Along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with London Borough of Lambeth
 - iii Along the Brigstock Road and High Street, Thornton Heath corridor, from the junction of Brigstock Road and London Road in Thornton Heath to the junction of High Street, Thornton Heath and Whitehorse Lane
 - iv Along the length of Central Parade, New Addington
- 4.24 The effect of a Cumulative Impact Zone Policy for each of the areas listed above is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused. A material variation would be, for example, an increase in permitted hours for the sale of alcohol or to add the sale of alcohol off the premises as a licensable activity to the premises licence.
- 4.25 The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.
- 4.26 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.

- 4.27 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 4.28 The Council will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.
- 4.29 The Council will not use these policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.
- 4.30 The Council recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.
- 4.31 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 4.32 Where an application is made for a new or transfer and variation of a licence, in respect of premises that have closed and been unused and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Council would expect the applicant to make clear in their operating schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.
- 4.33 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.
- 4.34 In addition to the cumulative impact zones listed above, the Council is aware of concerns amongst responsible authorities and residents about the number of shops licensed to sell alcohol for consumption off the premises in certain other areas of the borough and the impact they may be having on crime and disorder. It is not intended at this time to introduce cumulative impact zones in these areas, however, they will be monitored and assessed regularly and should concerns increase, consideration will given to formally identifying them

as cumulative impact zones. For the time being, those areas will be classed as special stress areas and they are as follows:

- High Street & Portland Road, South Norwood
 - Lower Addiscombe Road
- 4.35 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned and that apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises.
- 4.36 In recognising the importance of such measures, the Council will continue to seek further improvements to those already achieved in respect of planning controls and working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in the following areas:
- Provision of extensive CCTV and radio communication systems
 - Improvements to street lighting
 - Rubbish collection and street cleaning
 - Provision of better late night bus, tram, rail and taxi/minicab services
 - Provision of Police Officers/street and litter wardens
 - Designation of areas within the borough, as part of a Public Space Protection Order, where alcohol may not be consumed publicly and monitoring the possible need for future designations in other parts of the borough*
 - Working in partnership with Croydon Borough Police on law enforcement issues relating to disorder and anti-social behaviour. These include the use of powers to issue fixed penalty notices, prosecuting those selling alcohol to people who are underage and/or drunk, confiscating alcohol from adults and children in designated areas and instant closure of licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
 - Working in partnership with Licensees and expecting them to support existing and future agreed measures set up to promote the strategic objectives for crime and disorder reduction within the Borough
 - Acknowledging the powers of the police or other responsible authorities, or a local resident or business under the 2003 Act, to seek a review of the licence or certificate

*Would existing licence/certificate holders and new applicants please note that a number of areas within the borough of Croydon are to lie within Public Space Protection Orders (PSPO's) that may control the consumption of alcohol in public areas. Please contact the Council's licensing team if you wish to discuss how such orders may affect licensed premises.

5. LICENSING OBJECTIVES and OPERATING SCHEDULES

- 5.1.1 The following sections set out the Council's Policy relating specifically to the four Licensing Objectives:

- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.1.2 In each section the Council defines its intended outcome and lists the factors that may influence achieving that particular objective, but because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.
- 5.1.3 Further, each section lists possible control measures to assist applicants, but again these lists are not exhaustive. Also, many of the control measures achieve more than one Objective but have not been listed under each Objective and applicants do not need to mention a control measure more than once in their Operating Schedule.

5.2 Crime and Disorder

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

recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning.

5.2.7 Applicants and premises licence holders may wish to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police regarding the process, although the responsibility for undertaking the risk assessment remains with the Applicant/Premises License holder as neither body is able to actually undertake such risk assessments for applicants/licence holders. Applicants and premises licence holders are also reminded that the Licensing Authority is not able to recommend the services of a particular individual or company for this purpose.

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

- effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
- participation in responsible management schemes such as the 'Best Bar None' accreditation/award scheme
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- adoption of existing and future best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Toolkit and other recognised codes of practice including those relating to drinks' promotions, i.e. The Point of Sale Promotions published by the British Beer and Pub Association and cheap drinks deals/Happy Hours)
- acceptance of accredited 'proof of age' documentation, as recognised by the Council in consultation with the Police
- maintaining appropriate signage and a refusals log
- employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards
- provision of toughened or plastic glasses
- provision of secure deposit boxes for confiscated items as recognised by the Council in conjunction with the Police
- provision of litter bins and security measures, such as lighting outside premises
- Other schemes including only purchasing alcohol from authorised wholesalers, not selling certain alcohol types/strengths (e.g. high strength beers/ciders or single cans above 6% ABV), restricting sales on

certain alcohol types (e.g. miniature spirits), allowing a 'track and trace' identifier on products so Police/Trading Standards can identify which off-licence seized alcohol is from, signing up to local responsible retailer schemes

- Provision of closed circuit television, with cameras covering relevant internal and external areas (including beer gardens) and entrances/exits to premises

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

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

5.2.10 Where relevant representations have been made, the Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises.

5.3 Public Safety

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

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

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

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

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

- the number of people attending the premises

- the condition, design and layout of the premises, including the means of escape in case of fire
 - the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
 - the hours of operation and hours of opening if different
 - customer profile (i.e. age, mobility)
 - the use of special effects such as strobe lighting, lasers, pyrotechnics, smoke machines, foam machines etc.
- 5.3.6 Public safety issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:
- effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards (and having SIA accreditation where necessary)
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
 - suitable customer-care policies for assisting lone customers taken ill or injured etc. at the premises
 - provision of effective CCTV in and around premises
 - provision of toughened or plastic glasses
 - implementation of crowd management measures
 - regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety codes and standards
- Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases and in some cases additional matters may need addressing.
- 5.3.8 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire Brigade.
- 5.3.9 The Council will consider attaching Conditions to licences and permissions to promote public safety.

5.4 Prevention of Public Nuisance

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

- 5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.
- 5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.

LICENSING HOURS

- 5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.
- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, which is necessary to reduce the potential for friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas (“zoning”) as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

SHOPS, STORES AND SUPERMARKETS

- 5.4.8 The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 5.4.9 However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits there will be a presumption that

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

PREVENTION OF PUBLIC NUISANCE - GENERALLY

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

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

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

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

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

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

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

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

5.4.14 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance.

5.5 Protection of Children from Harm

ACCESS TO LICENSED PREMISES

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

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

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

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

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

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

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

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

RESPONSIBLE AUTHORITY

5.5.8 The Council recognises the Croydon Children's Safeguarding Board and any successor groups to be the 'responsible authority' competent to advise on matters relating to the 'protection of children from harm', and to whom copies of applications should be sent.

CHILDREN IN LICENSED PREMISES – GENERALLY

5.5.13 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, having due regard to the style, characteristics and activities of their particular premises and/or events.

5.5.14 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. Applicants should consider the following influencing factors, for which there is the potential for children to be exposed, when addressing the issue of protecting children from harm during the preparation of their Operating Schedule:

- drugs, drug taking or drug dealing
- gambling
- activities of an adult or sexual nature
- incidents of violence or disorder
- environmental pollution such as noise or smoke
- special hazards such as falls from heights
- opportunities to purchase, acquire or consume alcohol

Note: A number of these factors are listed in more details in paragraph 5.5.6, but as this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, and in some cases additional matters may need addressing.

5.5.15 Protection of children from harm issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (Public Places Charter)
- limitations on the hours when children may be present in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirement for children to be accompanied by an adult
- appropriate instruction and training for counter staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo and keeping a 'refusal' book.

5.5.16 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from Council Licensing and Child Protection Officers.

5.5.17 The Council will consider attaching Conditions to licences and certificates to protect children from harm.

- 5.5.18 While the Council expects Licence holders to comply with the law, the 2003 Act details a number of specific offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the underage sale and supply of alcohol to children.

6. INTEGRATING STRATEGIES and AVOIDING DUPLICATION

- 6.1 There are many stakeholders in the leisure industry covering a wide range of disciplines and although their strategies are not always directly related to the promotion of the licensing objectives, they often indirectly impact upon them.
- 6.2 The Council therefore acknowledges the importance of co-ordinating and integrating these policies, strategies and initiatives and will maintain multi-disciplinary working groups to ensure its licensing policy integrates with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies, as well as any other plans relating to the management of the town centre and the night-time economy.

CRIME PREVENTION

- 6.3 Conditions attached to Licences and Certificates will, so far as possible, reflect local crime prevention strategies. Examples of such conditions can be found in the Pool of Conditions relating to prevention of crime and disorder contained in the Statutory Guidance to the Act.

CULTURAL STRATEGIES

- 6.4 The Council will make arrangements to monitor the impact of licensing on regulated entertainment, particularly live music, ensuring that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.
- 6.5 Where there is any indication that such events are being deterred by licensing requirements, the statement of licensing policy will be examined to see if the situation might be reversed.

PLANNING AND BUILDING CONTROL

- 6.8 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 6.9 Licensing applications will not be a re-run of the planning application and will not cut across decisions made by the planning committee or permissions granted on appeal.
- 6.10 The Council will however expect applications for premises licences or for a variation to an existing premises licence at permanent commercial premises to be from businesses having the relevant planning consent for the property

concerned. In addition, persons submitting temporary event notices should ensure the premises in question has the requisite planning consent for the proposed activities and hours of operation. Where this is not the case, applicants will be expected to show good reason why the premises do not have planning permission.

- 6.11 The Croydon Local Plan sets out the criteria that will be used to assess planning applications for any changes of use that require planning permission. Some changes of use do not require planning permission but an application for prior approval may be required to ascertain whether there are matters related to the change of use that do require planning permission. Applicants should contact the Council's Development Management service at development.management@croydon.gov.uk with any enquiries related to planning applications or the prior approval process.
- 6.12 Any application for planning permission will be expected to take into account the impact of noise and fumes (and other forms of potential nuisance) on neighbouring premises and to provide details of any mitigating measures, as applicable.
- 6.13 The Council will ensure that if requested, reports will be sent from the licensing committee to the planning committee advising them of the situation regarding licensed premises in Croydon, including the general impact of alcohol related crime and disorder, to assist them in their decision-making.

ADVANCING EQUALITY

- 6.14 The Council recognises its legal obligation under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a characteristic and those who don't.
- 6.15 The Council will assess and consult on the likely impact and monitor for any adverse impact on the advancement of equality which may arise as a result of this Policy Document and will publish the results.

DUPLICATION

- 6.16 The Council will, so far as possible, avoid duplication with other legislation and regulatory regimes that already place obligations on employees and operators, e.g. the Health and Safety at Work etc. Act 1974, the Environmental Protection Act 1990, the Regulatory Reform Fire Safety Order 2005 and the Equality Act 2010 in respect of accessibility for disabled people.
- 6.17 Conditions relating to public safety will only be attached to premises licences and club premises certificates where considered necessary for the promotion of that licensing objective and not covered by any other legislation and where regulations do not cover the unique circumstances of certain licensable activities in specific premises.

- 6.18 The Council acknowledges that bingo clubs are dealt with under the Gambling Act 2005 and will have due regard to the relevant advice regarding duplicating licence conditions which has been given under both this legislation and the 2003 Act when dealing with applications relating to alcohol, regulated entertainment or late night refreshment under the 2003 Act.

9. STANDARDISED CONDITIONS

- 9.1 Where Conditions are properly attached to licences or certificates they will be tailored to the individual style and characteristics of the particular premises and events concerned.

10. ENFORCEMENT

- 10.1 It is essential that licensed premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and it is the responsibility of premises licence holders and designated premises supervisors (where applicable) to ensure this happens and that regulatory compliance is maintained. The Council and its partners will make arrangements to monitor premises and take appropriate enforcement action to ensure this but enforcement action should be considered to be the last resort and such intervention should not be necessary where premises are operated & managed effectively.
- 10.2 Each of the Responsible Authorities under the Act may make representations on an application or seek a review of a premises licence/club premises certificate, based on concerns around any of the licensing objectives. That said, it is anticipated that specific responsible authorities will take a central advisory & enforcement role, as necessary, with regard to relevant licensing objectives, for example –
- Prevention of crime and disorder – Police
 - Prevention of Public Nuisance – Council Environmental Health (Pollution) Team and the Planning Department
 - Public Safety – Council Food & Safety Team or HSE (as applicable) and the LFB
 - Protection of Children from Harm – Croydon Children's Safeguarding Board, Police and the Trading Standards Team
- 10.3 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, originally approved by the Council's substantive Licensing Committee on 21 June 2006, using the principles of risk assessment, the Council will work closely with the responsible authorities in enforcing licensing law and inspecting licensed premises. This should ensure that resources are more effectively concentrated on problem and high risk premises. This Protocol shall be reviewed, through a separate process to this policy review in the coming months and an updated version shall be available from the Council Licensing Team and posted on the Council's website.

10.4 The Council will carry out its regulatory functions in accordance with good enforcement practice and particular regard will be had to fundamental principles. In that regard, Enforcement shall be:

- Targeted
- Consistent
- Transparent
- Proportionate
- Necessary

Any enforcement activity shall be undertaken in a fair, open and consistent manner in conformity with the above principles.

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

Imposed Conditions

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

- 4.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.
- 4.3 An ordnance survey extract map of the area with the application premises at the centre is attached at Appendix A5.

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AI

* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

Applicant Details

* First name

JOSEPHINE EDITH

* Family name

PITT

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

☒ Applying as an individual

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

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Address

* Building number or name	[_____	_____
* Street	[_____	_____
District	[_____	_____
* City or town	[_____	_____
County or administrative area	[_____	_____
* Postcode	[_____	_____
* Country	[_____	_____

Agent Details

* First name	_____
* Family name	_____
* E-mail	_____
Main telephone number	_____
Other telephone number	_____

Include country code.

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

Are you:

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

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

Agent Business

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

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

Registration number	_____
Business name	_____
VAT number	_____
Legal status	_____
Your position in the business	_____
Home country	_____

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21**PREMISES DETAILS**

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Plus 233

Street

1336 LONDON ROAD

District

City or town

NORBURY

County or administrative area

SURREY

Postcode

SW16 4DG

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

10,750

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

JOSEPHINE EDITH

Family name

PITT

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

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

/ /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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

The premises is located on London Road in a local shopping parade that also includes other small business operators. The applicant is in the process of completely refurbishing the premises since acquiring the lease in July 2020. The premises was previously a restaurant, but closed for business in middle of 2019. Recommendations for all public safety and security measures to be put in place are covered on the floor plan. Food safety measures will be included in Food Safety Management System prior to opening the premises to general public. This will include the extractor system in the kitchen area for odour, noise and smell control.

The applicant will offer menu dishes to suit West African and Caribbean cuisine and the emphasis will be more on table dining with alcohol complimenting the enjoyment of meals. There will be a table booking service made available through the website. The premises dining capacity is limited to 20 when it is fully occupied. The entire premises covers 45 sq meters and the building is brick wall construction with residential flats on floors above.

The applicant is aware that the premises fall under Cumulative Impact Zone as defined in the current Croydon Statement of Licensing Policy. However, it is worth noting that the premises will be operated as a family run business providing a unique blend of menu dishes and alcohol consumption is ancillary to consumption of food as a table meal. Monitoring customers activity within the premises and external front area at all times is further supported by CCTV system.

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

Section 6 of 21**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

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

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

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

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Continued from previous page...

THURSDAY

Start 23:00

End 00:00

Start

End

FRIDAY

Start 23:00

End 00:00

Start

End

SATURDAY

Start 00:00

End 01:00

Start 23:00

End 00:00

SUNDAY

Start 00:00

End 01:00

Start

End

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

☐ Indoors☐ Outdoors☒ Both

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

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

No amplified music

State any seasonal variations

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

NONE

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

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

On New Year's Eve, Christmas Eve; Easter Sunday and Sunday of each Bank Holiday weekend until 01:00 hours the following day.

Continued from previous page...

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

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No**Section 11 of 21****PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes ☒ No**Section 12 of 21****PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No**Section 13 of 21****PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

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

☐ Yes ☒ No**Section 14 of 21****LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☒ Yes ☐ No**Standard Days And Timings****MONDAY**Start End Start End **TUESDAY**Start End Start End **WEDNESDAY**Start End Start End

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

Continued from previous page...

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

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

On New Year's Eve, Christmas Eve; Easter Sunday and Sunday of each Bank Holiday weekend until 01:00 hours the following day.

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

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No**Standard Days And Timings****MONDAY**

Start 11:00

End 00:00

Start

End

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

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 00:00

Start

End

FRIDAY

Start 11:00

End 00:00

Start

End

SATURDAY

Start 00:00

End 01:00

Start 11:00

End 00:00

SUNDAY

Start 00:00

End 01:00

Start 11:00

End 23:00

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations

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

NONE

Continued from previous page...

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

Section 16 of 21**ADULT ENTERTAINMENT**

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

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

No other Licensable activity is applied for or will be carried out in the premises that gives rise to concern or cause any harm to children. It is important to **AKNOWLEDGE THAT CONSUMPTION OF ALCOHOL IS NOT EXCLUSIVE OR PRIMARY ACTIVITY** on applicant's premises. It is made available for customers who wish to enjoy it with their table meal and is served by waiter service. The main emphasis is to promote the premises as family friendly small restaurant serving the local residents with unique blend grilled and cooked food. The children under the age of 18 will be expected to be accompanied by responsible adult. Conditions proposed for the protection of children from harm are proposed under Operating Schedule (refer to Appendix 1)

Section 17 of 21**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings****MONDAY**Start End

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

Start End **TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End

Continued from previous page...

SUNDAY

Start 11:00

End 23:30

Start

End

State any seasonal variations

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

NONE

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

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

On New Year's Eve, Christmas Eve; Easter Sunday and Sunday of each Bank Holiday weekend until 02:30 hours the following day.

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

Please refer to Appendix 1 attached with this application (following consultation with Croydon Met Police Licensing)

Following further information is provided after considering the Croydon Council - STATEMENT OF LICENSING POLICY 2018: The applicant recognises the premises are located on London Road (A23) that provides both public and private transport links to all parts of Croydon and even to Lambeth. There is constant use by vehicular traffic and it causes a level of background noise also from passengers catching and alighting from buses, cars and taxis. This noise disturbance is far more significant than any effects of the customers using the applicant's premises. The applicant will remind patrons leaving his premises to respect the local residential/business amenity and display the appropriate signage.

The Designated Premises Supervisor shall be present on the premises when alcohol is supplied with table meals at most times. However in her absence there will be written authorisation for members of staff who can retail alcohol. All staff shall receive training on retail of alcohol, Licensing Conditions, promotion of Licensing Act 2003 objectives, Fire Safety, Food Safety and required record keeping. The premises capacity for consumption of table meals by patrons is limited to 20 when it is fully occupied. The management and staff are capable of monitoring the behaviour of patrons while they are on the premises, or in the immediate vicinity of the premises as they seek to enter or leave. Internal and External area of the premises are clearly visible from the counter area to detect any signs of public disorder or nuisance. This is fully supported by the CCTV system covering all internal and external areas at the front.

OFF sale of Alcohol will only be made available with Counter/Delivery orders in sealed containers together with substantial meal order. There is no vertical drinking permitted on the premises. The applicant will use the last 30 minutes prior to terminal hours as a measure for the winding down of alcohol sales and food orders so that the premises can be vacated quickly and in a staggered manner. The applicant has taken into consideration the steps necessary for the provision of public safety. This covers Fire Safety, Public Health Rescue Service and Food Safety.

Smoking will not be permitted on the premises. The applicant will provide and maintain suitable receptacles for customers smoking outside, to dispose of cigarette litter. Staff will monitor and encourage patrons smoking outside to respect the

A1

Continued from previous page...

local amenity and resident's privacy. Patrons will not be allowed to take alcohol in open containers outside the premises at any time while premises are open to public.

The premises will open at 9.00 am to serve morning breakfast served with tea, coffee or non-alcoholic beverage.

b) The prevention of crime and disorder

Please refer to Appendix 1 attached with this application (following consultation with Croydon Met Police Licensing)

Analysis of crimes committed within half a mile of the premises is covered in Appendix 1. It shows there is an increase of crimes committed during the last 4 months in comparison to similar period last year. However, it is not possible to ascertain if this is due to COVID 19 restrictions or the demonstrations related to Black Lives Matter. The increase is predominantly related to anti-social behaviour, violence and sexual offences. There is no indication from the Metropolitan Police crime statistics whether the recorded offences under these categories are linked to on site consumption of alcohol or provision of late night hot food. The measures put in place together with the conditions proposed in Appendix 1 by the applicant are sufficient to ensure there will be no adverse impact on the Prevention of Crime and Disorder, Public Safety, Public Nuisance or the Protection of Children from Harm with the grant of premises licence.

c) Public safety

Please refer to Appendix 1 attached with this application (following consultation with Croydon Met Police Licensing)

All required regulatory Public Safety measures will be in place at the premises which is being completely refurbished and modernised.

This includes:

- Fire Safety measures - emergency lighting, smoke detectors, fire blanket, fire extinguishers, and emergency plan
- Food Safety measures - food hygiene, pest control, cleaning, and waste disposal
- Health & Safety at work measures

Fire Risk assessment will be carried out when the refurbishment work is complete and prior to opening for food business.

d) The prevention of public nuisance

Please refer to Appendix 1 attached with this application (following consultation with Croydon Met Police Licensing)
Required signage will be displayed by the front access door. This will include a kind request to keep the external area at the front free of any litter and reminding customers to respect the privacy of local residents and businesses in the area when entering or leaving the premises.

Anyone that does not give due regard to this policy will be requested to leave the premises and refused future entry.

Any complaints from local residents will also be dealt with in a professional and timely manner.

There will be a crowd dispersal policy in place to prevent public nuisance and any further impact on the local area.

e) The protection of children from harm

Please refer to Appendix 1 attached with this application (following consultation with Croydon Met Police Licensing)

The premises is intended to be used as a community/family restaurant. Children under the age of 18 will only be permitted when they are accompanied by a responsible adult especially at private functions. During these functions staff have the duty to provide appropriate level of supervision to secure and protect children from any harm or exposure to any hazards. When necessary adults are reminded to supervise the activity and behaviour of their children. To protect children under the age of 18 from any access to alcohol, management shall implement following measures:

Implement Challenge 25 policy with only a suitable identification which includes Passport, UK Driving Licence or an ID card bearing the 'PASS' hologram. If such identification cannot be provided, or there is any doubt or concern in any way, then sale of alcohol shall be refused and the record shall be recorded in the "Refusal Register".

Continued from previous page...

Alcohol shall not be sold to anyone who may be attempting to purchase it on behalf of children under the age of 18 or to someone who appears or is already drunk.

All Staff will be made aware of providing assistance to young people in case of fire emergency.

Challenge 25 signage shall be displayed prominently in the premises.

There shall be no other adult entertainment or services, activities, or matters ancillary to the use of the premises that may give rise to concern in respect of attracting children to the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) Issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21**NOTES ON REGULATED ENTERTAINMENT**

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21**PAYMENT DETAILS**

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

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

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

* Fee amount (£)

190.00

ATTACHMENTS**AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my

* licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☐ Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

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

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

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

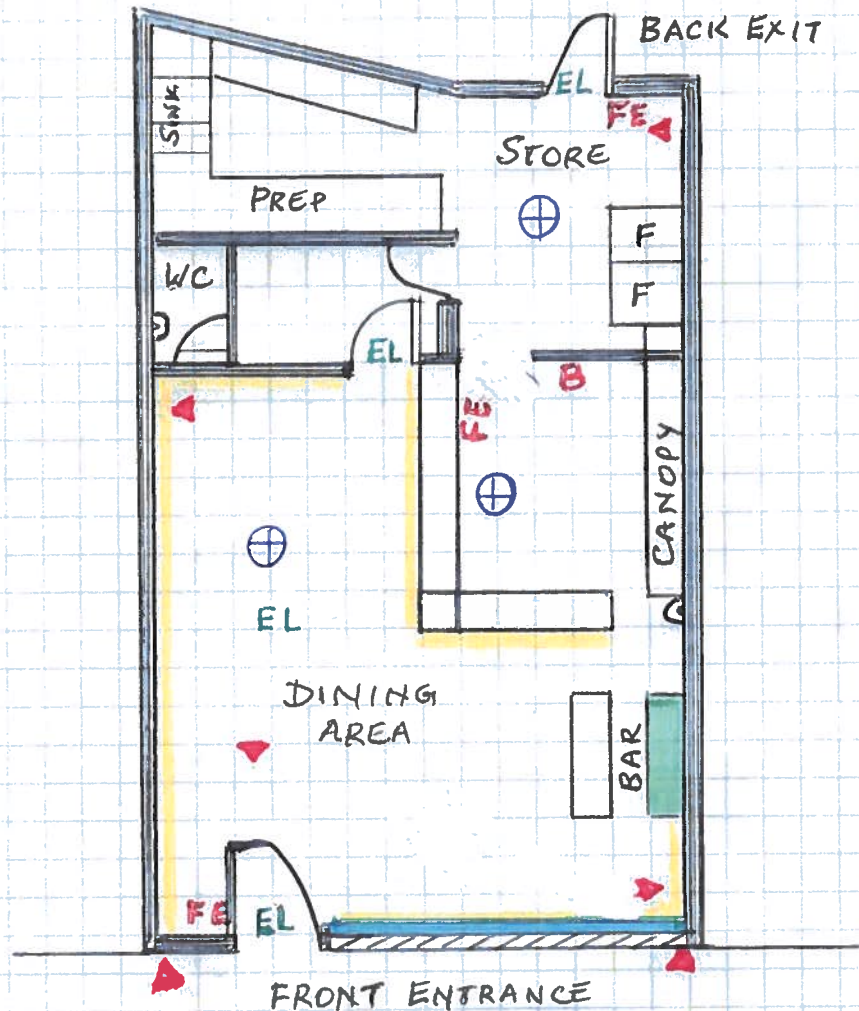
Don't forget to make sure you have all your supporting documentation to hand.

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

1336 LONDON ROAD NORBURY SW16 4DG

SCALE 1:100



LONDON ROAD

EL	EMERGENCY LIGHTING	▼	CCTV CAMERAS
⊕	SMOKE/HEAT DETECTOR	⦿	HAND WASH BASIN
FE	FIRE EXTINGUISHER	///	METAL SHUTTER
B	FIRE BLANKET	—	GLASS FRONTAGE
■	ALCOHOL DISPLAY	■	LICENSABLE ACTIVITY

APPENDIX 1

APPLICATION FOR PREMISES LICENCE
UNDER LICENSING ACT 2003

Premises Address: PLUS 233, 1336 LONDON ROAD, NORBURY, SW16 4DG

Section 18 of 21 – Licensing Objectives of the Application

A. Introduction

1. The applicant is applying for licensable activities: SALE BY RETAIL OF ALCOHOL and PROVISION OF LATE NIGHT REFRESHMENT
2. The applicant is seeking for the following licensing hours:

	Sale of Alcohol	Provision of late night Refreshment
Monday to Thursday	11:00 to 00.00 (midnight)	23:00 to 00.00 (midnight)
Friday & Saturday	11:00 to 01:00 (following day)	23:00 to 01:00 (following day)
Sunday	11:00 to 23:00	

3. This document is produced by taking into account London Borough of Croydon Statement of Licensing Policy (February 2018). The objective is to propose the conditions that are appropriate, relevant and within the control of the applicant to help promote the licensing objectives through a well managed licensed premises. The primary aim is to ensure that the conditions address the main issues that have been identified as risks associated with the premises operation during extended terminal hours. The Risk Assessment has been carried out and the keys issues that have been identifies are as follows:
 - *Controlling the Entry & Queuing/Waiting outside the premises due to limited dining capacity*
 - *Noise nuisance from dispersal of patrons during extended hours*
 - *Management of waste disposal, litter, pest infestation, and cooking smell/odour*
 - *Managing Public & Staff Safety*
4. The applicant is in the process of completely refurbishing the premises since acquiring the lease in July 2020. Recommendations for all public safety and security measures to be put in place are covered on the floor plan. Food safety measures will be included in Food Safety Management System prior to opening the premises to general public. This will include the extractor system in the kitchen area for odour, noise and smell control.
5. CCTV system with 6 cameras is recommended to be installed. The location includes 4 internal cameras to monitor customers/staff activity and two external cameras in the front to monitor activity of customers waiting/queuing for their table or dispersing and general public passing by. Internal Lighting with glass frontage will provide clear visibility to monitor customer/public activity.
6. The applicant will offer menu dishes to suit West African and Caribbean cuisine and the emphasis will be more on table dining with alcohol complimenting the enjoyment of meals. There will be a table booking service made available through the website. The premises capacity for consumption of table meals by patrons is limited to 20 when it is fully occupied. The management and staff are capable of monitoring the behaviour of patrons while they are on the premises, or in the immediate vicinity of the premises as they seek to enter or leave. Internal and External area of the premises are clearly visible from the counter area to detect any signs of public disorder or nuisance. This is fully supported by the CCTV system covering all internal and external areas at the front.

7. This is a new start up business by Josephine Pitt – a passionate young lady that currently works for London Ambulance service, but with an ambition to open her own business.
8. Take away food will be available as a service for those who would prefer to enjoy their meal in the comfort of their home/family and to customers who are unable to wait for their table to be ready or available.

B. Consideration to London Borough of Croydon Statement of Licensing Policy

The applicant has taken into consideration the following Section of the Statement of Licensing Policy (February 2018):

Section 4 – Aspiration & Fundamental Principles

The premises is located on London Road in Norbury. It falls within Croydon Council's designated area which is subject to a special Cumulative Impact Policy (CIP) in respect of off licences and shops and supermarkets selling alcohol off the premises. This area being along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with London Borough of Lambeth.

However, the objective of this CIP policy is to reduce availability, affordability and attractiveness of alcohol to effectively reduce alcohol-harm, alcohol related crime & disorder and alcohol-specific hospital admissions.

In this instance the emphasis is on provision of multi-national cuisine – fusion of food with the Caribbean, African and East Indian origin - prepared in its unique flavours, family traditions, and cultural background.

Over 80% of the population within this area is over the age of 25. 65% of the people are from ethnic background and over 40% are employed in health, hospitality, education, and transportation sector.

London Road, Croydon, London, SW16 4DG is within the **Norbury and Pollard's Hill** policing neighbourhood, under the **Metropolitan Police Service** force area.

Crime analysis within half a mile of the centre of the above postcode indicates that there is an increase of crimes committed during the last 4 months in comparison to similar period last year. It is not possible to ascertain if this is due to COVID 19 restrictions or the demonstrations related to Black Lives Matter. The increase is predominantly related to anti-social behaviour, violence and sexual offences.

The operating conditions proposed and the measures put in place by the applicant reflect the risks associated with crime & disorder within this area. They are appropriate, proportional and relevant to the risks that have been identified after undertaking the Risk Assessment. Consultation has been carried out with Croydon Metropolitan Police for an agreement on the proposed operating conditions. The application submitted should be considered on its own merit where there is clear intention that extended hours will have no negative impact on the surrounding area or any of the licensing objectives.

The applicant is committed to work in partnership with responsible authorities to support and promote the strategic objectives for crime and disorder reduction within the Borough in the future. With regard to Child Sexual Exploitation (CSE), the applicant recognises and accepts the need to protect children from any sort of "physical, psychological and moral harm" taking place on the premises.

C. Proposed Conditions consistent with the Operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points shall be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Croydon Council.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
3. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority without difficulty, delay or charge.
4. Any CCTV breakdown or system failure shall be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and service area.
7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of Croydon Council at all times whilst the premises is open.
8. The supply of alcohol at the premises shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal and it shall be served by waiter or waitress service only. There shall be no vertical drinking at the premises
9. An incident log shall be kept at the premises and retained for a period of 12 months and made available on request to an authorised officer of Croydon Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all ejections of patrons
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any visit by a relevant authority or emergency service.
10. All staff members shall receive full training pertinent to the Licensing Act before being allowed to sell alcohol, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Croydon Council.

11. Notices shall be prominently displayed at all exits and at the area used for smoking requesting patrons to respect the needs of local residents and businesses and leave or use the area quietly.
12. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
13. All premises waste shall be properly presented and placed out for collection before the scheduled collection times.
14. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
15. The supply of alcohol at the premises shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal and it shall be served by waiter or waitress service only. There shall be no vertical drinking at the premises
16. Devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.
17. Non-intoxicating beverages, including drinking water, shall be available at all times for consumption on the premises.
18. Children under the age of 18 shall only be permitted on the premises if they are accompanied by a responsible adult.

PLUS 233
1336 London Road
Norbury SW16 4DG

Management of Risks to keep staff and customers safe and prevent spread of COVID 19

The following provision will be implemented by Plus 233 to follow government guidelines for social distancing and to prevent the spread of COVID 19.

CUSTOMER MANAGEMENT

- Indoor seating will be limited to groups of up to two households
- Additionally seating capacity will be reduced to 14 from 20 patrons so that tables can be set to accommodate 2 or 4 or 6 people per table and arranged to maintain social distancing (2m or 1m)
- Introduction of online booking system for restaurant dining with staggering entry times to avoid queues
- Manage customer entry and seating arrangements for their allocated tables
- Waiter/Counter Staff will manage customers having to wait for their table outside (maintaining 2m social distancing guidelines or advised to stay safe in their car until their table is ready)
- Provision of clear signage on arrival to ensure customers follow social distancing guidance
- Internal area managed by waiter staff to avoid congestions, keeping a safe distance between customers from other households, and ensuring safe use of common areas (toilets)
- Provision of hand sanitiser on entry and outside toilet facilities for customers to use
- Reminding customers who are accompanied by children that they are responsible for supervision of them at all times and to follow social distancing guidelines
- Signage will be displayed to remind customers of good hand washing technique
- In line with government guidance collect & keep accurate temporary record of customers and staff on daily basis for 21 days. Such records will be made available to assist NHS Test and Trace when needed for contact tracing and the investigation of local outbreaks.

STAFF MANAGEMENT

- Stay vigilant at all times to avoid any contact with other seated customers
- Ensure tables and chairs are cleaned and sanitized after each use
- Remind customers to be seated at their table
- Wash their hands or use hand sanitiser as frequently as possible
- Wear face mask if they feel it is safe to do so while serving their customers
- Avoid any direct contact with kitchen staff or other waiter staff
- Maintain safe distance between their customers while taking orders or serving them their orders or collecting payment – keeping the activity time as short as possible
- Frequent cleaning of objects, surfaces, menus etc

MANAGING THE PREMISES

- All booking records are maintained on daily basis to support NHS Test and Trace request for 21 days and support this with CCTV footage if required
- All other essential services (deliveries, premises maintenance etc) carried out outside normal restaurant hours
- Increasing the frequency of toilet cleaning and waste disposal facilities at busy periods
- Ensure all staff are made aware to follow the guidelines and measure put in place
- Ensure waiter staff can work apart from each other and limiting kitchen access to as few people as possible
- Debrief staff to ensure if any additional measures can be implemented to mitigate the risk of transmission or if any issues other require further action
- Review & update the measures as and when further guidelines are announced

A-1

The premises shall install and maintain a comprehensive CCTV system covering all licensable points of sale. All entry and exit points shall be covered enabling clear frontal head and shoulders identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open and during all times that customers are on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Croydon Council.

Notices shall be prominently displayed within the premises stating that CCTV is in operation.

No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Food&Safety Team at which time this condition shall be removed from the Licence by the licensing authority and be replaced with other conditions subsequently agreed with the applicant.

From: Khan, Shafi
Sent: 19 August 2020 16:08
To: LICENSING <LICENSING@croydon.gov.uk>
Cc: Ben-Hassel, Leila
Subject: Week 32 (items 4 and 6)

1336 London Road SW16 4DG
1348 London Road SW16 4DE

We would like to make a representation and object to the above licensing applications for sale of alcohol, serving late night refreshments and extended opening hours, as these will compromise public order and safety in the area.

We do not welcome any more places to be operating late night /early morning to serve refreshments or alcohol. Norbury is not the Town centre. It is predominantly a residential area with a village atmosphere. Nights are for resting and sleeping here.

We have too many convenient stores, eating places and take away outlets in Norbury. They generate litter, noise and anti social activities in the Norbury area.

Granting permission to sell alcohol will attract more crowd, noises and antisocial behaviours in the area. The area is already saturated with other outlets operating with late night opening times, serving refreshments / food and selling alcohol. On top of that, allowing consumption of alcohol until late night or early morning will compromise public safety.

It would encourage Anti Social Behaviour and hence may compromise public order. In Norbury area along A23 / London Road, we have our fair share of issues with attracting unauthorised selling of alcohol and drugs according to the local residents.

Would you please accept our objections on both these applications en block please.

Thanks

Cllr Leila Ben-Hassel

Cllr Shafi Khan

Norbury and pollards Hill ward

A3

BEFORE LONDON BOROUGH OF CROYDON
LICENSING SUB-COMMITTEE

APPLICATION FOR A PREMISES LICENCE UNDER LICENSING ACT 2003

PREMISES:

PLUS 233
1336 LONDON ROAD
NORBURY
SW16 4DG

**SUPPORTING EVIDENCE SERVED ON BEHALF
OF THE APPLICANT**

JOSEPHINE PITTS

Date Submitted: 26 September 2020

1. INTRODUCTION

REGARDING REPRESENTATION RECEIVED FROM COUNCILLORS SHAFI KHAN AND LEILA BEN-HASSEL (DATED 19TH August 2020) IN CONNECTION WITH PREMISES LICENCE APPLICATION SUBMITTED TO LONDON BOROUGH OF CROYDON LICENSING AUTHORITY UNDER LICENSING ACT 2003

The representation refers to the following two premises licence applications submitted to the Council:

1336 London Road SW16 4DG
1348 London Road SW16 4DE

"We would like to make a representation and object to the above licensing applications for sale of alcohol, serving late night refreshments and extended opening hours, as these will compromise public order and safety in the area.

We do not welcome any more places to be operating latenight /early morning to serve refreshments or alcohol. Norbury is not the Town centre. It is predominantly a residential area with a village atmosphere. Nights are for resting and sleeping here.

We have too many convenient stores, eating places and take away outlets in Norbury. They generate litter, noise and anti social activities in the Norbury area.

Granting permission to sell alcohol will attract more crowd, noises and antisocial behaviours in the area. The area is already saturated with other outlets operating with late night opening times, serving refreshments / food and selling alcohol. On top of that, allowing consumption of alcohol until late night or early morning will compromise public safety. It would encourage Anti Social Behaviour and hence may compromise public order. In Norbury area along A23 / London Road, we have our fair share of issues with attracting unauthorised selling of alcohol and drugs according to the local residents."

Grounds for Representation:

- a) The representation from the Councillors was made concerning both applications together but the application for 1348 London Road was granted since the representation was out of time. This application requested the provision of late night refreshment – Sunday to Thursday from 23:00 to 00:00 hours (Midnight) and Friday & Saturday from 23:00 to 02:00 hours.
- b) Issues highlighted in the representation for 1336 are noise, anti-social behaviour and public safety as of concerns and so it is acceptable as submitted. This was confirmed to the applicant by Council Licensing Authority.

2. RESPONSE ON BEHALF OF THE APPLICANT – 1336 LONDON ROAD, SW16 4DG

- i. The applicant acknowledges the representation received from the Norbury and Pollards Hill ward Councillors.
- ii. However, the applicant would like to draw the attention to Appendix 1 that was attached with the application submitted.

Section A (point 3) clearly states that the risk assessment has been carried out and the key issues identified are:

- *Controlling the Entry & Queuing/Waiting outside the premises due to limited dining capacity*
- *Noise nuisance from dispersal of patrons during extended hours*
- *Management of waste disposal, litter, pest infestation, and cooking smell/odour*
- *Managing Public & Staff Safety*

Section A (points 4, 5, 6) clearly states the Public Safety & Security measures put in place including environmental measures for odour, noise, and smell control.

- ✓ CCTV system with 4 internal and two external cameras provides ability to monitor and manage the activity of customers inside the premises and those waiting /queuing, or dispersing or general public just passing by.
- ✓ This is a very small restaurant with a limited capacity of 20 when it is fully occupied under normal circumstances. However under current COVID-19 guidelines the applicant has acknowledged that the seating capacity will have to be reduced to 14 so that there is provision for social distancing and only 2 or 4 or 6 people per table can be allowed.
- ✓ The applicant have agreed to apply pre-table booking service to avoid unnecessary congregation of customers outside the premises. The management and staff are capable and have full confidence in their ability to monitor the behaviour of patrons while they are on the premises, or within immediate vicinity of the premises as they seek to enter or leave the premise.

Under Section 4 of Appendix 1 – it is clearly stated the application submitted was after carrying out consultation with the Croydon Metropolitan Police to agree on the proposed hours and the Operating Conditions as outlined in Section C of Appendix 1.

****** At this point I would like the sub-committee to note that condition number 8 and condition number 15 on Appendix 1 are duplicated. Please therefore remove condition number 15.

- iii. The Croydon Metropolitan Police confirmed on 07/08/2020 they have no objections to the application and take the conditions agreed with them as per the operating schedule.
- iv. The London Fire & Rescue authority have confirmed on 13/08/2020 that they do not propose to make any representation.

- v. On 12/08/2020 an email was sent to Kay Jones (Croydon Environmental Health Officer) on behalf of the applicant agreeing to accept the change in wording on the proposed condition 1 in Section C of Appendix 1. At the same time two further conditions she proposed were accepted on behalf of the applicant. This email was copied to Croydon Council Licensing Team so that they can include the change in wording and two additional conditions with the grant of the licence.
Refer to EXHIBIT 1.
- vi. Then on 19/08/2020 an email was received from Caroline Dawson (Croydon Council Senior Fair Trading Officer) stating that in the application submitted there was no mention of any provision to implement social distancing rules and prevent the spread of Covid-19. On 20/08/2020 the applicant's response was sent to Caroline Dawson stating clearly how the premises will make provisions to implement government guidelines. Please refer EXHIBIT 2 & EXHIBIT 3 for further details.
- vii. After the 28 day representation period was over an email was sent out on 15/09/2020 to the two Norbury and Pollards Hill ward Councillors on behalf of the applicant. Refer to EXHIBIT 3. On a follow up telephone conversation with Cllr Shafi Khan, the invitation to meet was declined.
- viii. An email was also sent ON 14/09/2020 to Croydon Council's Pollution and Food Safety Departments with a request for any evidence of complaints they may have received in relation to noise or public safety over the last 12-16 months from residents with regards to any licensed premises located in Norbury. No response has been received by the time when this applicant's response is submitted.
- ix. Finally an email was sent on the 14/09/2020 to Croydon Licensing Team to provide a list of all licensed premises in Norbury area and this was received on 20/09/2020.

This list of licensed premises has been analysed from j/w Strathyre Avenue/London Road (South) to the boundary with London Borough of Lambeth (north).

There are:

- 12 Premises with provision of late night refreshment (including 2 premises that have closed)
- 22 Premises with ON/OFF sale of alcohol (including 3 Pubs and 3 premises that have closed)
- 15 Premises with ON sale of alcohol – restaurants (including 2 that have closed)

3. CONCLUSION

With regards to the statement "Norbury is not the Town centre" made by the honourable Councillors. How can A23 London Road, which is a major highway from Central Croydon in the south to Streatham and to Lambeth in the north and the area near Norbury station with shopping parade on both sides of the road made up of variety of shops, restaurants, and take away food businesses cannot be classified as a Town Centre or District Town centre.

There are 7 licensed premises that have closed. This is 14% of the total licensed premises. The applicant would like the Licensing Committee to make up their own mind on how the cumulative impact on the area is adversely affected by closure of licensed premises against new ones opening.

The applicant also wishes Licensing Sub-Committee to consider the following sections under the current Statement of Licensing Policy:

4. ASPIRATIONS AND FUNDAMENTAL PRINCIPLES

4.3 Croydon desires and is aiming to ensure that there are diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other, **both in the town centre and in the district centres**. Croydon is 'open for business' and is keen to attract a broad a leisure offer as possible.

Our district and local centres will be 'neighbourhoods of choice': With their own distinctive characters, they will provide a mix of new homes, jobs and community facilities.

4.4 Clearly, the commercial market is an influencing factor for new and existing licensed premises and they also need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the Council's local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved.

4.5 Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types.

4.6 The London Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Croydon wishes to be part of that and to be a destination for tourists and visitors as well as ensuring people who live and work in the borough are provided with as wide a range of entertainment facilities and food venues as possible. These desires can be met and can be provided safely, so long as businesses are well run.

4.7 However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses and to ensure that where a premises provides licensable activities, this is done in a way that promotes the four licensing objectives in the Act and complies with the Statutory requirements. Licensing is a balance and requires consideration of all these various needs.

4.33 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.

4.35 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned and that apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises.

5. LICENSING OBJECTIVES and OPERATING SCHEDULES

LICENSING HOURS

5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.

EXHIBIT 1

From: Dean White <@croydon.gov.uk>
12/08/2020 16:09

To:
Jones, Kay <Kay.Jones@croydon.gov.uk>
Cc:
LICENSING@croydon.gov.uk

Good afternoon

I am happy to read that the conditions I proposed in Appendix 1 that accompanied the above premises licence application are acceptable to you.

a) I am also happy to accept the changes you have proposed to Condition 1 in Appendix 1 to read:

In addition to your proposed condition No.1, to read:

1. The premises shall install and maintain a comprehensive CCTV system covering all licensable points of sale. All entry and exit points shall be covered enabling clear frontal head and shoulders identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open and during all times that customers are on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Croydon Council.

b) I am happy to accept the following conditions you proposed to be added:

- Notices shall be prominently displayed within the premises stating that CCTV is in operation.
- No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Food&Safety Team at which time this condition shall be removed from the Licence by the licensing authority and be replaced with other conditions subsequently agreed with the applicant.

I have fwd this email to Croydon Licensing Team so that they can take of the above acceptance with the grant of the licence.

Over the next two week I am going to work with the applicant to complete the Food Registration process and seek an early assessment and approval.

Kind regards

Jay Patel

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EXHIBIT 2

Email correspondence

From: Jay Patel <jay.patel@bhfint.net>

20/08/2020 11:45

To: Dawson, Caroline <Caroline.Dawson@croydon.gov.uk>

Plus 233 COVID 19 management of risks.doc

Hi Caroline

Thank you for your email.

Please refer to my response in the attachment with this email. **EXHIBIT 3**

As stated in my application, the premises are currently being refurbished by the applicant and I am told that the work should be completed by the end of this month. The good news is that the applicant has passed her PHL training course and her Personal Licence application will shortly be submitted to Lambeth Council Licensing Team.

My next task with the applicant is to guide her on the application to Register her Food Business with Croydon Council and put all Food Safety Measures in place prior to opening. She will be following SAFER FOOD BETTER BUSUNESS guidelines. The attached document for managing COVID 19 risks will be also followed and if required it will be updated with any further announcements/guidelines announced by the Government.

Please come back to me if you require any further clarification from me.

kind regards

Jay Patel

Mobile: 07946 123456

----- Original Message -----

From: "Dawson, Caroline" <Caroline.Dawson@croydon.gov.uk>

To: "Jay Patel" <jay.patel@bhfint.net>

Sent: Wednesday, 19 Aug, 2020 At 15:03

Subject: Premises Licence application - Plus 233, 1336 London Road

Hi Jayant,

I am currently reviewing the licensing application for the premises above. I note that there is no mention of any provision to implement social distancing rules and prevent the spread of COVID19. Please can you provide details of what provision your client will put in place to abide by these rules.

Thank you

Regards

Caroline Dawson

Senior Fair Trading Officer

Please refer to Exhibit 3 referred to as an attachment in the email reply to Caroline Dawson

PLUS 233
1336 London Road
Norbury SW16 4DG

Management of Risks to keep staff and customers safe and prevent spread of COVID 19

EXHIBIT 3

The following provision will be implemented by Plus 233 to follow government guidelines for social distancing and to prevent the spread of COVID 19.

CUSTOMER MANAGEMENT

- Indoor seating will be limited to groups of up to two households
- Additionally seating capacity will be reduced to 14 from 20 patrons so that tables can be set to accommodate 2 or 4 or 6 people per table and arranged to maintain social distancing (2m or 1m)
- Introduction of online booking system for restaurant dining with staggering entry times to avoid queues
- Manage customer entry and seating arrangements for their allocated tables
- Waiter/Counter Staff will manage customers having to wait for their table outside (maintaining 2m social distancing guidelines or advised to stay safe in their car until their table is ready)
- Provision of clear signage on arrival to ensure customers follow social distancing guidance
- Internal area managed by waiter staff to avoid congestions, keeping a safe distance between customers from other households, and ensuring safe use of common areas (toilets)
- Provision of hand sanitiser on entry and outside toilet facilities for customers to use
- Reminding customers who are accompanied by children that they are responsible for supervision of them at all times and to follow social distancing guidelines
- Signage will be displayed to remind customers of good hand washing technique
- In line with government guidance collect & keep accurate temporary record of customers and staff on daily basis for 21 days. Such records will be made available to assist NHS Test and Trace when needed for contact tracing and the investigation of local outbreaks.

STAFF MANAGEMENT

- Stay vigilant at all times to avoid any contact with other seated customers
- Ensure tables and chairs are cleaned and sanitized after each use
- Remind customers to be seated at their table
- Wash their hands or use hand sanitiser as frequently as possible
- Wear face mask if they feel it is safe to do so while serving their customers
- Avoid any direct contact with kitchen staff or other waiter staff
- Maintain safe distance between their customers while taking orders or serving them their orders or collecting payment – keeping the activity time as short as possible
- Frequent cleaning of objects, surfaces, menus etc

MANAGING THE PREMISES

- All booking records are maintained on daily basis to support NHS Test and Trace request for 21 days and support this with CCTV footage if required
- All other essential services (deliveries, premises maintenance etc) carried out outside normal restaurant hours
- Increasing the frequency of toilet cleaning and waste disposal facilities at busy periods
- Ensure all staff are made aware to follow the guidelines and measure put in place
- Ensure waiter staff can work apart from each other and limiting kitchen access to as few people as possible
- Debrief staff to ensure if any additional measures can be implemented to mitigate the risk of transmission or if any issues other require further action

- Review & update the measures as and when further guidelines are announced

EXHIBIT 4**Email sent to the Councillors with regarding to their Representation.**

From: jayapatel@btinternet.com
15/09/2020 13:16

To: Shafi.Khan@croydon.gov.uk
leila.ben-hassel@croydon.gov.uk

Good Afternoon Councillors for Norbury and Pollards Hill Ward

As an authorised agent, I am writing to you both with regards to the representation you submitted to Croydon Council Licensing team in relation to premises licence application for 1336 London Road. This application was submitted by me on behalf of my client, Josephine Pitt.

I am aware that at the time you were also considering an application submitted by 1348 London Road premises and hence you refer to both applications in your representation.

I do appreciate the concerns you have raised with regards to public order and safety in the area surrounding the premises.

It is my duty to liaise with you both and identify how we can support the applicant to put in measures that would mitigate the adverse impact on the area with the licensable activity & hours proposed by the applicant.

If you were not aware, I have worked with Croydon Council ever since the Licensing Act 2003 came into force in 2005 - helping both the Council/Responsible authorities and the local businesses. I am on Croydon Council website site list of recommended consultant. I am a member of the Institute of Licensing and with the experience I have gained over the last 15 years, I have a reputation to support all my clients (Off-Licenses, Restaurant, Pubs, Night Clubs, Hotels and Take Away premises) with training and support services to ensure they have the capability, understanding and measures in place to promote the Licensing Act 2003 after the licence is granted.

As I do in all cases (not just in Croydon but also all in all surrounding Councils):

1. I carry out the risk assessment to identify the key issues that requires to be addressed with the application.
2. I consider the Council's Statement of Licensing Policy to ensure what requires to be addressed for each application
3. I carry out the research to have a clear understanding of the local area, issues, crime rate etc
4. I carry out my initial consultation with Met Police Licensing and send them a proposal so that they have the opportunity to advise me on other aspects based on their knowledge of the local area.
5. Once this consultation process is complete, I submit the application. In this case I have also addressed the issues raised raised by Food Safety Team, Public Safety & Environmental Pollution Team to agreed to further conditions appropriate to their concerns.

I have lived in Croydon for 30 years and my first location was Norbury.

I have requested Croydon Licensing to provide me with a list of all Licensed Premises in Croydon which they have agreed to do so. I have sent an email to Environmental Team and Food Safety Team and requested a record of all complaints received from local residents in the area pertinent to noise, anti-social behavior, or public safety.

Hopefully, I will have this information in time to prepare my response for the Licensing Sub-Committee Hearing on 6 October 2020.

In the meantime, the applicant and I would be grateful for a meeting with you both so we can discuss your concerns and see if there is anything else we can take into account as measures over and above what is already in place and the operating conditions we have proposed to manage & promote the Licensing Act 2003 objectives.

I am aware you both have surgery on first Saturday of the month at 11.00 to 12.00 noon. Unfortunately this will be too late for the response I need to prepare for the 6th October Hearing.

Are you able to suggest any date/time in the week beginning 21/09/20 that would suit you both ? I am happy with any local venue where we can meet safely and follow social distancing guidelines and discuss if there is any amicable way we can work together for a way forward.

I look forward to your reply.

Kind regards

Jay Patel
Mobile: 07-825 007

