

Licensing Sub-Committee Agenda



To: Councillors Pat Clouder, Maddie Henson and Margaret Bird

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Wednesday, 25 August 2021** at **10.30 am**. **This meeting will be held remotely**

ASMAT HUSSAIN
Executive Director of Resources and
Monitoring Officer (Interim)
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www.croydon.gov.uk/meetings
Tuesday, 17 August 2021

Members of the public are welcome to watch the webcast both live and after the meeting has completed at <http://webcasting.croydon.gov.uk>.

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If you require any assistance, please contact Tariq Aniemeka-Bailey 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 - Application For a Premises Licence at 17 Portland Road, South Norwood, SE25 (Pages 5 - 74)

The Sub-Committee is asked to determine whether to grant the application for a premises licence.

6. Exclusion of the Press and Public

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

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt

information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

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Agenda Item 5

REPORT TO:	LICENSING SUB COMMITTEE 25 August 2021
SUBJECT:	LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Manju Shahul-Hameed, Cabinet Member for Communities, Safety & Business Recovery
WARDS:	South Norwood
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	

1. RECOMMENDATIONS

- 1.1 The Sub-Committee is asked to determine whether to grant the application for a premises licence at 17 Portland Road, South Norwood, SE25 4UF.

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 and the Protocol was last amended by the licensing committee on 30 September 2020, minute 15/20 refers).

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

4. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

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

2 The effect of the decision

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

3 Risks

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

4 Options

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

5 Savings/ future efficiencies

None identified.

6 (Approved by: 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, Head of Environmental Health,
Trading Standards and Licensing, Place
Department ext. 61838

BACKGROUND DOCUMENTS: Application Forms
Licensing Hearings and Protocol and Procedure

APPENDIX A

1. The Application

- 1.1 This report concerns an application by Seafood Den Ltd. for a premises licence at 17 Portland Road, South Norwood, SE25 4UF.
- 1.2 The application seeks the following licensable activities between the hours shown –

The Sale by Retail of Alcohol (for consumption On and Off the premises)
Monday to Sunday 1200 hours (midday) to 2300 hours

The Provision of Regulated Entertainment, namely –
Recorded Music
Performances of Dance
Monday to Sunday 1200 hours (midday) to 2300 hours

- 1.3 A copy of the application is attached at Appendix A1.
- 1.4 The applicant provided a list of conditions with their application that sets out how they intend to promote the licensing objectives should the application be granted. A copy is attached at Appendix A2.
- 1.5 Following discussions with the Trading Standards Officer, the applicant has amended their application to have the two conditions listed at Appendix A3 attached to the licence if the application is granted.

2 Promotion of Licensing Objectives

- 2.1 The applicant provides details under Section M in their application of the steps they intend to take to meet the four licensing objectives. Relevant matters would be taken from this 'operating schedule' and added to the licence, as suitably worded conditions should the application be granted.

3 Relevant representations

- 3.1 Representations have been received on this application from the Police and the Council's Pollution Team as responsible authorities under the Licensing Act 2003. The Police have also included an impact statement with their representations which draws together concerns that have been raised with them by local residents. A Ward Councillor has also made representations and again, those draw together concerns that have been raised with the Councillor by residents. Copies are attached at Appendix A4.
- 3.2 The applicant has been provided with a written copy of the representations made.
- 3.3 The applicant has subsequently submitted seven short video clips in support of their application. These have been sent to the parties who have made

representations and will be available for the licensing sub committee to view at the hearing.

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

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

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

4.36 In recognising the importance of such measures, the Council will continue to seek further improvements to those already achieved in respect of planning controls and working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in the following areas:

- Provision of extensive CCTV and radio communication systems
- Improvements to street lighting
- Rubbish collection and street cleaning
- Provision of better late night bus, tram, rail and taxi/minicab services
- Provision of Police Officers/street and litter wardens
- Designation of areas within the borough, as part of a Public Space Protection Order, where alcohol may not be consumed publicly and monitoring the possible need for future designations in other parts of the borough*
- Working in partnership with Croydon Borough Police on law enforcement issues relating to disorder and anti-social behaviour. These include the use of powers to issue fixed penalty notices, prosecuting those selling alcohol to people who are underage and/or drunk, confiscating alcohol from adults and children in designated areas and instant closure of licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- Working in partnership with Licensees and expecting them to support existing and future agreed measures set up to promote the strategic objectives for crime and disorder reduction within the Borough
- Acknowledging the powers of the police or other responsible authorities, or a local resident or business under the 2003 Act, to seek a review of the licence or certificate

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

5. LICENSING OBJECTIVES and OPERATING SCHEDULES

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

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

5.1.2 In each section the Council defines its intended outcome and lists the factors that may influence achieving that particular objective, but because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

5.1.3 Further, each section lists possible control measures to assist applicants, but again these lists are not exhaustive. Also, many of the control measures achieve more than one Objective but have not been listed under each Objective and applicants do not need to mention a control measure more than once in their Operating Schedule.

5.2 Crime and Disorder

5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.

5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.

5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.

5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.

5.2.6 The Licensing Authority recommends that for certain events, a comprehensive risk assessment is undertaken by premises licence applicants & holders to

ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning.

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

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

- effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
- participation in responsible management schemes such as the 'Best Bar None' accreditation/award scheme
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- adoption of existing and future best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Toolkit and other recognised codes of practice including those relating to drinks' promotions, i.e. The Point of Sale Promotions published by the British Beer and Pub Association and cheap drinks deals/Happy Hours)
- acceptance of accredited 'proof of age' documentation, as recognised by the Council in consultation with the Police
- maintaining appropriate signage and a refusals log
- employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards
- provision of toughened or plastic glasses

- provision of secure deposit boxes for confiscated items as recognised by the Council in conjunction with the Police
- provision of litter bins and security measures, such as lighting outside premises
- Other schemes including only purchasing alcohol from authorised wholesalers, not selling certain alcohol types/strengths (e.g. high strength beers/ciders or single cans above 6% ABV), restricting sales on certain alcohol types (e.g. miniature spirits), allowing a 'track and trace' identifier on products so Police/Trading Standards can identify which off-licence seized alcohol is from, signing up to local responsible retailer schemes
- Provision of closed circuit television, with cameras covering relevant internal and external areas (including beer gardens) and entrances/exits to premises

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

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

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

5.3 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 –

Wholesale of alcohol

3.3 The sale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of "sale by retail" in section 192 of the 2003 Act. This section makes it clear that, to be excluded from the meaning of "sale by retail", a sale must be: • made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and • for consumption off the premises.

3.4 In addition, to be excluded, the sales must be sales which are made to: • a trader for the purpose of his trade; • to a club for the purposes of that club; • to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or • a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.

3.5 If an employee were buying alcohol as an "agent" for their employer and for the purposes of their employer's trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee's own consumption, this would be a retail sale, and would require a licence.

3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where a caterer purchases alcohol and then sells this alcohol to its customer, an authorisation will be required at the location where the retail sale of the alcohol is made (likely to be the caterer's own premises). If the customer was proposing to sell the alcohol under an authorisation, it is the customer who would need an authorisation under the 2003 Act. In this case, the exemption under the 2003 Act may apply to the sale made by the caterer.

3.7 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) Revised Guidance issued under section 182 of the Licensing Act 2003 I 15 against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcoholwholesaler-registration-scheme-awrs>.

Mobile, remote, internet and other delivery sales

3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Disclosure of personal details of persons making representations

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

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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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we SEAFOOD DEN (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description: 17 PORTLAND ROAD. Post town: LONDON. Postcode: SE254UF. Telephone number at premises (if any): [redacted]. Non-domestic rateable value of premises: £ 5900.

Part 2 - Applicant details

- Please state whether you are applying for a premises licence as: a) an individual or individuals * b) a person other than an individual * i) as a limited company/limited liability partnership ii) as a partnership (other than limited liability) iii) as an unincorporated association or iv) other (for example a statutory corporation) c) a recognised club d) a charity. Please tick as appropriate: [] please complete section (A) [x] please complete section (B) [] please complete section (B) [] please complete section (B) [] please complete section (B) [] please complete section (B) [] please complete section (B)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name	SEAFORD DEN
Address	17 PORTLAND ROAD LONDON SE25 4UF
Registered number (where applicable)	11847611
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	XXXXXXXXXXXX
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY 1 2 0 7 2 0 2 1

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

Please give a general description of the premises (please read guidance note 1) THE RESTAURANT HAS A FRONT AND REAR EXIT. THE SHOP FLOOR HAS A BAR AND CAN SIT ABOUT 20-30 PEOPLE. THERE IS A MALE AND FEMALE TOILET, A KITCHEN AND GARDEN. THE OUTDOOR AREA CAN SIT ABOUT 80 PEOPLE

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment (please read guidance note 2) Please tick all that apply a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) e) live music (if ticking yes, fill in box E) f) recorded music (if ticking yes, fill in box F) g) performances of dance (if ticking yes, fill in box G) h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur					
Fri				<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	Please give further details here (please read guidance note 4) BACK GROUND MUSIC PLAYED ON SPEAKERS USING APPS SUCH AS YOUTUBE. NO MUSIC TO BE PLAYED OUTDOORS State any seasonal variations for the playing of recorded music (please read guidance note 5) Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	Both	<input type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	12:00	23:00	Please give further details here (please read guidance note 4) CUSTOMERS ARE REQUIRED TO BE SEATED ALWAYS DUE TO COVID REGULATIONS. HOPING THIS ENDS SOON, CUSTOMERS CAN DANCE	Both	<input type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	12:00	23:00			
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	23:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) SALES OFF PREMISES WILL BE THROUGH OUR DELIVERY PARTNERS LIKE UBEREATS OR JUST EAT Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	OLUKAYODE ENIOLA
Date of birth	01/01/1980
Address	123 Street, London, E1 1AA
Postcode	E1 1AA
Personal licence number (if known)	20/03677/LIPERS
Issuing licensing authority (if known)	CROYDON

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WELL TRAINED STAFF ON PREMISE TO FULFIL TERMS AND CONDITIONS OF THE LICENCE ESPECIALLY IN REGARDS TO ALCOHOL SALE AND CONSUMPTION. CCTV ON PREMISES ALWAYS AND SAVES AT LEAST 31 DAYS.

b) The prevention of crime and disorder

ANY INCIDENT OF CRIMINAL NATURE MUST BE RECORDED AND REPORTED TO THE POLICE. CCTV MUST COVER ALL AREAS OF THE PREMISE AND BE AVAILABLE FOR AUTHORITIES IF NEEDED.

c) Public safety

EXIT SIGNS ARE AVAILABLE, FIRE EXTINGUISHERS (FOAM, H₂O & CO₂). AS WELL AS SMOKE DETECTORS MUST BE PRESENT ON PREMISES. ANNUAL INSPECTION OF ALL APPLIANCES. EXITS FREE OF OBSTRUCTION

d) The prevention of public nuisance

CUSTOMERS ARE ASKED TO LEAVE QUIETLY AND HAVE REGARD FOR NEIGHBOURS. SIGNS WILL BE POSTED ASKING EVERYONE TO LEAVE QUIETLY. NO OUTDOOR MUSIC AS THIS WILL DISTURB RESIDENTS

e) The protection of children from harm

PHOTOGRAPHIC IDENTIFICATION WILL BE REQUIRED FROM ANYONE THAT LOOKS UNDERAGE BEFORE ALCOHOL SALE STAFF WILL BE TRAINED FOR UNDERAGE SALES PREVENTION. CCTV COVERING ALL PREMISES. UNDER 25 SIGN POSTED ~~to~~

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

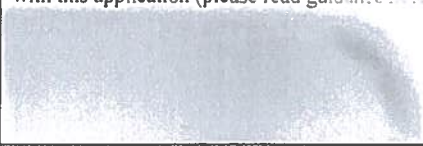
Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

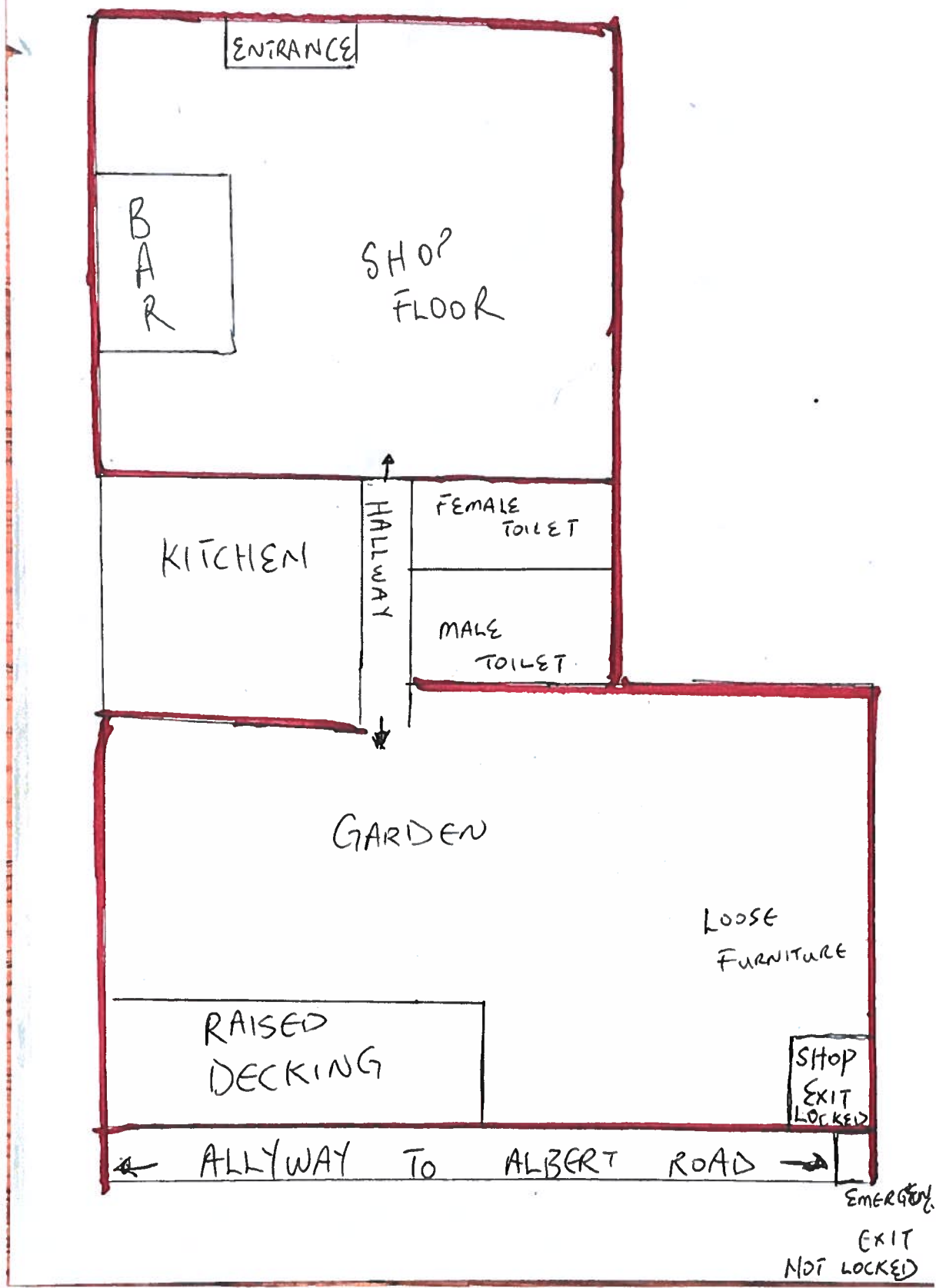
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject 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)
Signature	
Date	29/06/2021
Capacity	OWNER

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
	
Post town	Perth
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

17 PORTLAND ROAD
SE25 4UF



Proposed conditions for Seafood Den, 17 Portland Rod, South Norwood, SE25 4UF.

1. There will be no regulated entertainment at the premises, this includes a DJ. Any music shall be limited to background music only.
2. A member of staff must be in the garden at all times that licensable activity takes place. To monitor noise levels of customers and to ensure no customers are permitted entry or exit to the premises via rear access gate.
3. Staff must be given training in relation to Licensing Act 2003, conflict management and the protection of children from harm. Refresher training shall be given every 6 months and records shall be kept at the premises and made available for inspection by the police or authorised official from the local authority.
4. The venue must provide its own written policy in relation to searching, drugs, weapons and theft. Signage shall be displayed at the entrance of the premises and in toilets explaining a zero tolerance to drugs
5. A CCTV system must be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard must be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.
6. Police are to be notified immediately of any CCTV faults and licensable activities should cease until the repair is complete.
7. The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.
8. CCTV signage must be displayed, reminding customers that CCTV is in operation.
9. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to the public in order to show police images if required. A member of staff suitably trained to download CCTV footage must then be available within 48hrs. The downloaded footage is to be supplied in a useable digital format.
10. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
11. On days when Crystal Palace Football Club are playing at home a minimum of 2 door supervisors shall be deployed at the venue before the match, throughout the match and a suitable time after finishes.
12. Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -
 - a. Name and date of birth

- b. Full 16 digit SIA badge number
 - c. Dates and times employed
13. These records must be made available, in useable form, to the Metropolitan Police, Croydon Council officers or authorised officers of the Security Industry Authority upon request.
14. Ensure that when Crystal Palace football club are playing at Selhurst Park plastic/polycarbonate glasses will be used and all bottles decanted from 3 hours before the start of the game until 3 hours after the finish of the game.
15. Ensure all bookings are made at least 14 days in advance of the event and may only be made by a person over the age of 21 years.
16. Ensure all bookings are made in person at the premises and an application completed on a booking agreement form agreed with the Metropolitan Police and all records of these bookings and a guest list must be available for inspection by an authorised officer of the police at any time that the premises is open. Copies of photographic ID must accompany any application (Passport, Driving Licence, Pass logo ID)
17. A comprehensive incident register must be maintained, at the premises. Details of incidents shall be added to the register within 24hrs of any incident. CCTV images of any incident will be recorded and kept at the premises along with a copy of the incident report and written reports from all members of staff involved
- a. The following details must be recorded: -
 - b. Date of the incident
 - c. Time of the incident
 - d. Location of the incident
 - e. Persons concerned in the incident
 - f. Summary of incident
 - g. Identification of any Emergency Services Personnel attending where possible
18. No alcohol or glass ware shall be permitted to leave the premises.
19. A challenge 25 policy shall be in operation at the premises with `appropriate signage on display throughout the premises.
20. Ensure that a refusal book or electronic system to record all refusals of sales of alcohol shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.

21. The premises shall have a written dispersal policy, which must be stored at the premises and be available for Police and Council Officers to view on request.
22. Alcohol deliveries shall only to be made to business and/or private residences and not to any public/open spaces.
23. All delivery shall be made by persons over the age of 18 and have received training in the age verification namely Challenge 25.
24. The premises will operate as a restaurant, all alcohol will be ancillary to a table meal.
25. There will be no vertical drink at the premises.

1. Third party delivery drivers to be advised at time of collection that age verification is required for the delivery if it containing alcohol.
2. Where age verification by third party delivery service fails, the delivery is to be returned to the restaurant and recorded in the refusals book or electronic system to record all refused of sales of alcohol.

Dear Licensing Department

MUSIC & ALCOHOL LICENSE APPLICATION - 17 PORTLAND ROAD, SOUTH NORWOOD SE25 4UF

Application for a premises licence under the Licensing Act 2003

Proposed hours for Supply of Alcohol:

Monday to Sunday 12:00 to 23:00

Proposed hours for Performance of Dance:

Monday to Sunday 12:00 to 23:00

Proposed hours for Recorded Music:

Monday to Sunday 12:00 to 23:00

Proposed opening hours:

Monday to Sunday 08:00 to 23:00

As one of the South Norwood Councillors, I have received a number of objections from residents who have been affected by the music and unlicensed alcohol consumption, antisocial behaviour and criminality emanating from these premises for a number of months, some for years.

They have reported many of the issues to the Local Authority, as detailed in their emails, and have a huge number of CAD numbers from the police regarding the problems from these premises. They are frightened to provide their contact details which would be available to the applicant, due to potential reprisals as they have previously been threatened in the past when attempting to ask for the music to be turned down, and as they would be unable to send in anonymous objections, they have asked me as their elected representative to submit their objections.

Therefore, these objections have been forwarded to me with the request that their details remain confidential, and as their elected member for the ward in which the premises sits, I am making representations and will articulate the concerns of residents who have contacted me. They have also provided information to the local police who I understand are also objecting to this application.

Below are the residents' objections omitting their names and addresses as requested.

**Representations in relation to the Application for a premises music,
alcohol and dancing license for 17, Portland Road SE25 4UF**

Under the Licensing Act 2003 I represent that the 'prospective consideration' of the above licence application has not taken into account the adverse impact on the local residents and surrounding area.

Currently I understand that No17, the Seafood Den is meant to be operating as a restaurant/café. In the licence application Mr Eniola states that sales off premises will only through our 'delivery partners like UberEats and Deliveroo'. I have tried to order food through both services, over the last couple of weeks (since food places reopened more widely) to no avail. UberEats has said 'not available' and Deliveroo notes delivery only the next day, but then would not take it the following day and again today 04.06.2021 no order could be made.

The premises is already operating as an open air music/alcohol/ DJ (speakers/microphone) and dance club, most days each week. The volume of noise from amplified music, live music, DJ, crowds and dancing in the garden is overwhelming and is adversely affecting the many families who live overlooking, around or near to it.

The detrimental effect on local residents now continues apace as Covid restrictions are lifted. My understanding is that the premises owner/manager has been advised on numerous occasions by the Community Safety police and Anti-pollution team that loud music and crowds in the garden was inappropriate and was a disturbance to local residents. The loudness of the music and the number of people attending has continued. In fact, it feels like it has got louder and is happening more frequently.

Please see my further detailed objections below as noted under the 4 statutory licensing objectives:

1. The prevention of crime and disorder.

I, family members and neighbours have been consistently advised by council employees (Jason Andrews the first anti-pollution Team Manager we has contact with) and local police not to approach the owners/operators of the premises due to concerns about the people involved with and attending the premises at 17, Portland Road and police operations taking place.

I have witnessed unlicensed activities already taking place: Live music/DJ most days of the week – mostly starting at 12pm and continuing until 11pm. After 11pm there are still crowds gathered in the garden area and noise levels remain high. There is then the associated loud noise, raised voices and beeping of cars which can continue until the early hours of the morning. The premises remains open and accessed via the alley way at the rear of the premises after 11pm. Over the last two weeks the DJ has loudly proclaimed that live music and DJ and dancing and drink will now take place more often and for longer.

I understand from Simon Lewis, from the local South Norwood Community Safety Team that local police are objecting to this application. They have documented the numerous CAD records and telephone concerns and meetings that residents have attended to raise concerns in relating to inappropriate use of the gardens to the rear of 17, Portland Road. These have been raised with both current and past officers (Chris Cooper, Gavin Taylor, and Tracey Isaacs). Following the recent concerns on Saturday 31st May, Simon advised that the matter was being discussed with his Sergeant to take matters further.

Criminal offence – these are always reported to the metropolitan police:

Men urinating into the school playground; Men urinating along Albert Road.

Cars illegally parked on pavements and blocking the road;

People from the garden of 17, Portland Road getting into their illegally parked cars when inebriated and driving away. Reported to the police and on occasion number plates provided.

Antisocial behaviour - Noise, alcohol, vehicle nuisance and litter:

Croydon has adopted the definition of Anti-social Behaviour (ASB) as detailed section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. 'Antisocial behaviour' means behaviour by a person which causes or is likely to cause harassment, alarm or distress to any person, conduct capable of causing nuisance or annoyance to any person in relation to that person's occupation of residential premises or conduct capable of causing housing related nuisance or annoyance to any person.

Concerns about the inappropriate use of the gardens at the rear of 17, Portland Road have been raised over many years with several local councillors and Steve Reed MP. Hamida Ali and Jane Avis previously met with residents and conducted site visits due to the concerns of local residents well before Covid restrictions. Current concerns continue to be raised with

the Metropolitan Police, the Community Safety Police and the Anti-Pollution team.

This premises has been visited numerous times by the police and the local anti-pollution team due to antisocial behaviour. I understand that the premises has previously been served with Abatement Orders due to unacceptable levels of noise and music and crowds in the garden.

Linda Johnson, The Pollution Team Manager, and Leigh Bourne and Eddie Adjei, Pollution Enforcement Officers have detailed records of the concerns raised about noise levels, crowds and antisocial behaviour stemming from the use of the garden of 17, Portland Road dating back to 2011. There is now no out of hours Pollution Enforcement Officers. As residents, we were always very grateful for the efforts of Leigh and Eddie in trying to resolve the ongoing concerns. Sadly at times they were advised not to enter the premises (100 plus people) without police support. Copies of emails can be provided if needed.

The activities in the rear garden of the premises have caused great distress to my family and other residents. We have been kept awake at night and unable to work during the day due to the high level of noise/music/bass beat (loud speakers in use) screaming/shouting. Microphone use and now 'fog horn' over the last couple of nights. Some of the music has been particularly distressing e.g. playing Cardi B "WAP" unfiltered and so loudly that children have asked questions about the lyrics and the DJ continued to make sexual references very loudly – quite deafening – so loud you cannot think straight, you cannot enjoy meals together or family time in your own home. Sleep and health is disturbed. **I believe this is harassment under the definition of ASB.**

I have witnessed on more than one occasion women who are partially undressed getting in and out of cars along Albert Road. Several times (as reported to the police pre Covid) several residents witnessed two women come out of the garden of 17, Portland Road, go inside a car (light goes on), wipe their vaginas and go back into the garden to be met by 'Whoop Whoop' and sexual references being made by the DJ. The used tissues were littered along the road. There are children in bedrooms overlooking the garden area of No 17 Portland Road.

Given that alcohol is being served, the noise levels from crowds also increases as the night progresses and previously we have witnessed aggressive arguments between people from this premise taking place at the end of Albert Road. Again reported to police.

Litter – after several music nights litter is placed in overflowing bins outside of the premises not on bin days and broken glass/discarded bottles have littered the road.

Most days now, but even more so at weekends and evening, there are increasing numbers of cars parking on the pavement on Albert Road – parked illegally and blocking the pavement and driveways. On Saturday 29th May it was particularly worrying as the road was blocked by cars and an ambulance would have found it difficult to pass.

2. **Public safety.**

The planning application stated that the garden area can house 30-50 people. What is not stated is that the rear garden of No 17, Portland Road falls within the South Norwood Conservation area. There has been a reconfiguration of the outside space to the rear of Seafood Den, 17 Portland Road, affording the premises to have a bigger outdoor space than on the associated plans. The garden of 19, Portland Road and possibly 21 Portland Road have been merged into a bigger space.

I have not been made aware any notice about regarding the redevelopment of the outside

area, or change of licence for the premises or for the rear gardens to be licenced as an outdoor venue.

As government evidence shows, overcrowding leads to an increased risk of violence and risks to the safety of people in the premises as well as people in the surrounding areas. I believe that the fire brigade attended No 17 last year because of a fire in the garden. The garden is also adjacent to residential flats and other shops – in particular there is now a bed shop right next door filled with mattresses - posing a possible increased risk of fire and therefore public safety.

As noted previously the amount of parked cars blocking pavements and people leaving the premises inebriated and getting into cars at a risk to themselves and others is also of concern to public safety. Again these matters have been reported to the police.

3. **The prevention of a public nuisance.**

Public nuisance in the 2003 Licensing Act retains a broad narrative. As detailed above No17, Portland Road - use of the garden is already causing a noise nuisance and litter. The amplified noise and DJ shouting is happening frequently, for a long time and is interfering with our normal activities. I work from home. Often zoom calls are interrupted by the noise from the garden at No17 Portland Road, even when my windows are shut. I have also had to delay times for going to bed as the noise and shouting from the DJ, music and the crowds was too loud.

I believe a recording of noise from the garden of no17 Portland Road has been previously taken in resident's home by the Anti-pollution Team pre Covid and should be on record. A resident also has a current recording of level of noise from this last weekend.

Many of us have lived in our homes for at least two decades. Our children have grown up here, go to good local schools and we have active roles in our community – we are a mixed group of mostly home owners who are professionals and work in the Home Office, local government, local schools, the Royal Marsden or are business owners, self-employed and retired elders. We support our local churches, leisure centre, Stanley Halls, Scout groups and St John Ambulance. We are looking forward to the development of Socco Cheta as our local community hub where South Norwood Community Kitchen will be based, alongside our Independent Cinema and planned social café. We are concerned that use of this new development will be adversely affected by the disturbance and anti-social behaviour created by having an extremely loud outdoor music/drinking venue almost opposite. We want this new community enterprise scheme to thrive and offer opportunities for all residents of South Norwood to use freely. At present there are a lot of people in South Norwood who do not feel safe at the top end of Portland Road (as documented in several meeting with the police in 2019 which took place in Stanley Halls and were attended by amongst others the local Community Safety Teams, a senior borough officer and Hamida Ali). We are hoping the Socco Cheta development will help change this – but this could be adversely affected by the current and proposed use of the garden area of No17 Portland Road.

We already are part of and support a local and thriving, diverse community, are delighted that the new Library is going ahead and that funding is available for the High Street and Stanley Halls. There is a lot to be proud about in South Norwood.

4. **An outdoor DJ/music/dance venue is not safe or suitable for the garden of the small restaurant/café on Portland Road which is a frontage of small shops, as well as residential flats. The small shops include amongst others a few take away premises alongside a dentist, a well-known (very community minded) barbers, a Chinese restaurant which has no outside public space (and has never caused any noise nuisance), a dry cleaners and a newsagent/corner shop.**

5. The protection of children from harm.

The protection of children from harm remains a significant priority of the Licensing Act 2003. Our children are witnesses to the anti-social behaviour, shouting, loud music, sexual lyrics in the music and by the DJ being boomed into our homes most days now. They have often been unable to sleep because of the loud music, DJ and crowd noise. People are already leaving well after 11pm.

This activity is especially worrying as St Mark's Primary School playground backs onto the garden area of No17 Portland Road.

Children have had to step over broken bottles and litter strewn across the road after events at No 17 Portland Road.

Local residents have also witnessed children in the rear garden of 17, Portland Road whilst some music events/DJ sets and dancing is taking place. The music and DJ activity that they would have experienced is adult in nature – lyrics, sexual references and comments made during dancing activities. It certainly calls into question the need to consider the fullest possible safeguards for the protection of children of patrons and local children witnessing/hearing the activity.

Please note, as discussed, due to exceptional circumstances, I am not giving my consent for my details to be shared with any other parties, including the licensing applicant because of the following reasons:

Advice received from the Local Safer Neighbourhood Team, the Anti-Pollution Team and Hamida Ali when she was leader of the Violence Reduction Network, to not approach the premises owner/manager directly and that we could be putting ourselves at risk if we did so.

Advice that connections across several premises around No17 continue and concerns remain about criminal activity.

I respectfully requesting that my personal details are redacted and that you as my local Councillor make representations on my behalf to the licensing committee.

I remain happy for you to contact me if you need any further information.

Yours Sincerely, "

Re: Representation in relation to the Application for a premises music, alcohol and dancing licence for 17, Portland Road SE25 4UF

I am asking you as my local councillor to make representations on my behalf to the licensing committee. I do not give my consent for my details to be shared with anyone else, but I am happy for you to contact me further if needed.

Please see below my representations under the 4 statutory licensing objectives:

1. The prevention of crime and disorder.

Antisocial behaviour: Men urinating on the street, also doing the same in the school.

Vehicle nuisance Cars illegally parked on the pavement, blocking driveways.

Litter: food, food containers, Glass bottles, cans, etc.

Public safety

Crowds

Parking

The prevention of a public nuisance.

Noise nuisance, duration and frequency

No 17 is not a suitable venue for an outdoor DJ/ music/dance premises. It lies within a residential and conservation area.

The protection of children from harm.

St Marks School playground backs onto the garden area of No 17 Portland Road

May I add that No 17 Portland Road already appears to be operating as an open air music/DJ/alcohol dance club.

Yours Sincerely

Dear Patsy

I am requesting that you make representations on my behalf in relation to the licence application for No17 Portland Road SE25 4UF.

I do not consent to my personal details being shared with anyone.

Do please keep me updated. It's causing significant stress to me and my young sons.

Many thanks,

Dear Patsy,

I am requesting that you make representations on my behalf in relation to the licence application for No17 Portland Road SE25 4UF.

I do not consent to my personal details being shared with anyone.

Many thanks,

Dear Patsy,

I am requesting that you make representations on my behalf in relation to the licence application for No17 Portland Road SE25 4UF.

I do not consent to my personal details being shared with anyone.

Many thanks

Hi Patsy,

I hope this finds you well. I got your email from [REDACTED]. She told me you would be representing everyone in the street regarding objecting to the licence application. She asked me to communicate our objections via you, I hope this information is correct. Apologies for emailing so close to the deadline but I have only just returned from being away. Thank you in advance for this. I really hope we are successful!

Dear Patsy,

I am requesting that you make representations on my behalf in relation to the licence application for No17 Portland Road SE25 4UF.

I do not consent to my personal details being shared with anyone.

As you heard last night, Patsy has confirmed that our details will remain confidential and she will take our concerns forward.

Here is the objection from myself and my partner.

To whom it may concern:

We do not want permission to be granted for the proposed club due to noise. We have young children, both under the age of 9, and go to work in the early morning and this will cause us all unreasonable stress. My 6 year old daughter has had trouble sleeping when these events are on already, as have we.

If the amplified music was going to be played inside a sound proofed building it would potentially be easier to accept but this is not the case, music is going to be played to outside at a high volume and additionally the noise of the people in attendance will be very loud. Granting licence for this club will be very unfair to us as local residents and would overlook our right to a peaceful and private home life.

There are also other issues that accompany such events - the roads down Albert road become full of parked cars making it impossible to park outside our homes. Significant rubbish appears on the street - quite often there are glass bottles strewn about that then smash and are a hazard for the many primary school children walking down the road to attend St Marks in the morning.

We have also witnessed an increase in various other undesirable issues such as men peeing in the street outside the school and drug dealing.

The fact that the police object to this licence should be enough to deny it as they are the people responsible for keeping the streets and community safe. If they, the ones who are responsible for dealing with it all, believe it will cause unreasonable disruption and do not support it that should be enough reason to deny this license.

I would ask you on the council to think about if you would like to try to live and sleep next to an open air events space playing loud music every night until 11pm?

.....

As other residents have said we would prefer it if our names weren't commonly known. We don't want to cause unnecessary trouble for ourselves.

I hope that is of some help, let me know if there are any issues with it. Any further help required, please let us know.

Many thanks.
Kind regards,

Dear Patsy,

Re: Representations in relation to the Application for a premises music, alcohol and dancing licence for 17, Portland Road SE25 4UF

As discussed, I am asking you as my local councillor to make representations on my behalf to the licensing committee. I do not give consent for my details to be shared with anyone else, but I am happy for you to contact me further if needed.

No 17 already appears to be operating as an open air music/alcohol/ DJ and dance club.

Please see below my representations under the 4 statutory licensing objectives:

1. The prevention of crime and disorder.

Antisocial behaviour : Men urinating into the school playground; Men urinating along Albert Road.
Vehicle nuisance Cars illegally parked on pavements, blocking driveways
Litter

1. Public safety.

Crowds

Parking

2. The prevention of a public nuisance

Noise nuisance, duration and frequency.

No17 is not a suitable venue for an outdoor DJ/music/dance premises. It lies within a residential and conservation area.

3. The protection of children from harm.

St Mark's Primary School playground backs onto the garden area of No17 Portland Road.

I wish to be not named.

Yours Sincerely,

Dear Patsy,

I wish to request you to make a representation on my behalf objecting to the licence application for the above premises for loud music, alcohol, dance club etc. under the public nuisance act of 2003 & prevention of crime & disorder.

I have been a resident of Albert Road for the past 20 years or more. However, the events taking place almost every day during the week and weekend with loud music and anti-social behaviour for the past few years have affected our lifestyle that so much so that deprivation of sleep has contributed to our mental & physical wellbeing.

I hope this will be taken into consideration when considering the licensing application.

I do not wish for my personal details to be shared with anyone without my consent.

Should you need further details please do not hesitate to contact me.

Regards,

Dear Patsy,

I am writing to request you to make representations on my behalf, as I do not consent to my details being shared.

I wish to state the following the reasons why I object for the above licence been granted.

Although without such licence for years there have been gatherings, parties that has happened and given our neighbourhood tremendous troubles.

There have been occasions middle of the night I have woken up with noise just outside our house, to see hundreds of people shouting screaming women been pulled inside cars, as such times I have been not able to go back to sleep, and I work in the morning at times this has been a problem.

Many a time I have called Police when I have noticed other illegal activities seen just in front after and during these parties.

I have had dozens of times men and women come and urinating in our front garden and also many times noticed faeces behind vehicles.

I have been very disturbed to learn re. The above application, and if granted how further disturbances will make above matters worse.

I have had incident where when urinating in our garden when asked to leave, a glass of alcohol been thrown at me while shouting at me.

Please be good enough not to disclose some details of above when representing us due to fear of recognising who we are by the applicants.

Thanking you

Dear Patsy,

As discussed I do request that you act on behalf of me and keep my details confidential as I am scared to have my details visible to the people operating out of 17 Portland Road.

Re: Representations in relation to the Application for a premises music, alcohol and dancing licence for 17, Portland Road SE25 4UF

1. The prevention of crime and disorder.
2. Public safety.
3. The prevention of a public nuisance.
4. The protection of children from harm.

As you know from our meeting and discussions the anti-social behaviour has continued in our residential area and sadly we have been suffering for many year at the hand of those living and working out of 17, 19 and 21 Portland road (where businesses and antisocial activity is linked) .

We have lived with unbearable loud music that penetrated shut windows and vibrates our windows ,
music sirens , microphone DJing double parking and party goers urinating and engaging in sexual
activity in the street , gardens and into the school playground. A4

Over a very long period of time evidence of all of this has been given to the local police .it has also
been witnessed by the council police.

My health and well-being is consequently effected due to stress levels and anxiety caused by worry
about what kind of sleep or rest we may or may not get.

There seems to be no escape, we have had to accept that we have no peace even in our own home.

Going to work every day with poor sleep and stress is now taking its toll.

It's not acceptable for my neighbours and I to have to call the police regularly about people having
club nights in a back garden - it's not an appropriate location for this noise and behaviour.

Patsy please continue to advocate for me and my family, we appreciate all that you have done and
are doing for us and hope that we can find a way for Albert Road to stay a safe and peaceful place to
live .

Kind regards

Dear Patsy,

Re: Application for a music, alcohol and dancing premises licence for 17, Portland Road SE25 4UF

The Community police just came to our area today, 1st June, to let the residents know about this.

As discussed yesterday, I am writing to request you make representations on my behalf to the
licensing Committee as I am frightened to do so. I do not consent for my contact details to be shared
with the licence applicant or others, so please keep confidential.

Please see my objections below as noted under the 4 statutory licensing objectives :

1. The prevention of crime and disorder.
2. Public Safety
3. The Prevention of a public nuisance
4. The protection of children from harm

· The met police and our community police have received many complaints for many years
concerning in regards to the excessive noise levels and antisocial behaviour over consecutive days
and continuous hours.

· In the garden of No17 Portland Road they have repeatedly played music well above acceptable
levels for many continuous hours. The recent pandemic has meant they were not able to open, but
before that, they would often play very loud music for many hours as well.

· As their music equipment seems to be outside and under a gazebo, this allows the music to
travel easily. The speakers have very loud bass and the vibrations can be felt constantly. They also

have a person on the microphone deejaying whose volume is just as, if not louder than the music. Their application states they ask customers to leave quietly and have regard to neighbours, yet they themselves had no issue disturbing us.

- An example would be the last few days. Even with the windows closed, the music can be still be easily heard and drowns out whatever activity we are doing. This means that it is mentally very tiring to endure this. I imagine that for anyone who has depression or suffers from mental health issues, it would be even more taxing on them.
- As described above, I list below the times that I am aware of when they were playing excessively loud music in the premises over the last few days. It was constant with no breaks and at the volumes that were distressing for me and my elderly [REDACTED]:

29 May 5pm-11pm

30 May 5-6 hours

31 May 3pm-11pm

02 June 1.30pm-5pm

03 June 12pm-3pm

People remain in the garden when the music stops and do not leave until later.

Another issue is the amount of vehicles, of people attending the open air events in the garden of No17 that are parked on the pavement, blocking some driveways and at times the road, which would make it difficult for emergency vehicles to pass.

There is also St Marks's primary school behind the premises which would be affected as well. It would be totally unfair for the schoolchildren to have to experience the noise while they are trying to learn.

Even without the licence being in place, we are experiencing disturbance and extremely high noise levels most days. The owners/managers do not seem to have any regard for the local residents or area and the police are having to be called and support sought.

If this licence is granted, I believe disturbance and anti-social behaviour will continue as they plan for music 11 hours a day, 7 days a week.

Thank you for your time.

Yours Sincerely,

Re: Seafood Den, 17 Portland Road SE25

I'm sorry to say that problems with the above premises are once again ruining the lives of local residents.

An illegal drinking and music venue has now been restarted in the rear garden of the above premises. They have now also applied for a alcohol and music licence for 7 days a week - with speakers/ live music in the garden.

Yesterday, from 2:30pm until just after 11pm there was deafening music/ DJ, over 100 people in the garden. Cars blocking Albert Road, men urinating against the fence into the school playground and women getting in and out of cars half dressed outside my house.

This activity is having a serious affect on myself and my families lives.

We have been informed today by the police that the premises has applied for a music and alcohol licence. They said they and Croydon licensing team are objecting, but at present there is not enough evidence to stop it.

Residents are now preparing their objections, but I was so shocked to hear about the lack of evidence, especially as your team has a comprehension file dating back many years which records all the same difficulties with this premises.

Can you please confirm that your team is using your knowledge and evidence to object to this application? I think the court should be advised about the numerous Abatement Orders that have been served.

Given the continued issues, what are the other further steps that can be taken? What other more punitive orders could be served?

I have still been advised by the community police not to speak directly to the premises myself as it would not be safe. We need your help - our health is suffering greatly.

Please keep my details confidential and do not share or forward this email.

Kind regards,

Dear Patsy,

I should like to extend a personal thank you for meeting with some residents of Albert Road yesterday evening, and for the support you have offered to provide as their elected representative at the forthcoming meeting of the Licensing Committee where the unacceptable application for a licence for both live and recorded music, dancing and sale of alcohol will be heard.

My objections are:-

1. There is inadequate provision for dance facilities in the premises. Dancing activities will therefore occur outside the rear of the site, thereby being a nuisance to neighbours and the neighbourhood.
2. The sound level of recorded music is already above acceptable levels, and all too frequently occurs at unsociable hours. The provision of a licence is likely to exacerbate this.
3. There is insufficient parking available on Portland Road or in nearby Albert Road. Present parking already inhibits free use of the pavement. The licence will attract visitors to the site for which there is inadequate parking space without there being a deleterious effect on the safety of pedestrians.
4. The provision of alcohol across such broad time parameters is likely to lead to objectionable behaviour occurring in an area of South Norwood where there is already considerable unacceptable behaviour.
5. The activities raised in the application will impinge on St. Mark's C of E Primary School. The garden of the property's applicant is adjacent to the school grounds.

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Following advice, I require anonymity because I fear threat to my safety and well-being otherwise.

I trust this is helpful.

Yours sincerely,

Kind Regards
Cllr Patsy Cummings
South Norwood Ward
Race Equality Champion for Croydon



From: Police Licensing Team,
Addington Police Station
Addington Village Road,
CROYDON CR0 5AQ

To: The Licensing Committee
Bernard Weatherill House,
8 Mint Walk,
CROYDON CR0 1EA

Monday 26th July 2021

Re: Premises Licence Application for Seafood Den, 17 Portland Road, South Norwood, SE25 4UF

Members of The Licensing Committee,

I respectfully submit the following representations under the Licensing Act 2003 for the proposed premises licence application for Seafood Den, 17 Portland Road, South Norwood, SE25 4UF.

The proposed licence hours on the application are 12:00 hours and 23:00 hours, 7 days a week, for sale of alcohol for consumption both on and off the premises, recorded music, and performance of dance. Under recorded music the applicant has stated background music to be played on speakers using apps such as youtube, no music to be played outdoors.

Opening hours of the premises will be 08:00 hours to 23:00 hours, 7 days a week. The applicant describes the premises within his application as: "The restaurant has a front and rear exit, the shop floor has a bar and can sit about 20-30 people. There is a male and female toilet, a kitchen and a garden. The outdoor area can sit about 80 people"

The premises is located on A215 Portland Road a busy main road, the nearest junction is Albert Road. The premises has residential premises above and premises either side and opposite have residential accommodation above. The garden backs onto the playground of St Marks Church of England Primary School in Albert Road.

The premises has a large rear garden approximately 20 meters x 8 meters, the size of the garden is increased by the combining of two gardens numbers 17 and 15. The same person owns both premises, he has given permission for the applicant Mr Eniola to have the use of both gardens. This area has been covered with artificial grass, and has a wooden structure to allow shelter for customers. The garden could hold up to 100 people. Access can be gained to the rear of premises via an alleyway in Albert Road, it is situated between the playground and residential flats, this gate is insecure so the premises cannot control who accesses their garden.

The Premises Licence application was submitted to Police on 1st July 2021, the application was submitted with an attachment detailing conditions that were agreed by Police and the applicant Mr Eniola during the first application process. This application was received by Police on 17th May 2021 and after visiting Mr

Enoila and working along side South Norwood Safer Neighbourhood Team, we agreed conditions that would allow the premises to play only recorded music, with no provision for a DJ. The premises was to operate as a restaurant with all alcohol being ancillary to a table meal. There would be no vertical drinking at the premises. However since agreeing to these it is evident that Mr Enoila has not showed he has any intention of adhering to them, with an increase in calls made to Police in relation to noise and antisocial behaviour attributed to the premises. We no longer feel these conditions would be sufficient to enable this premises to operate without causing serious public nuisance to the local community.

Police have been aware of the premises for some time and have tried to work with Mr Enoila to ensure it is run in a way that not only complies with the four licensing objectives, but ensures it does not have a negative impact upon the community.

From 19th -22nd July 2020 police received 12 calls stating that the premises was playing loud music, there were 100-150 people in the rear garden. One call received at 0245 hours stated the party is still going on, drugs are being sold and used, people urinating in the street. On 20th July 2020 a member of the Croydon Council Noise Team attended at 23:11 hours, it was stated that there was a large party happening at the premises, with huge speakers, screaming and shouting could be heard. At the time the premises had no premises licence and had not submitted a Temporary Event Notice.

On 23rd July 2020 a letter was sent by Croydon Council Licensing Team advising them that the premises licence had lapsed and the ramifications of providing regulated entertainment without a premises licence.

On 25th July 2020 at 20:30 hours officers from The Police Central Licensing Team attended the premises in response to a call from a local resident, stating that the premises had held parties the last three Saturdays, tonight there was another party with loud music. When officers arrived at the premises there were approximately 25-30 persons in attendance, a mixture of adults and children.

There was a bouncy castle and buffet food in the garden. Within the bar area was a sound system and alcohol exposed for sale. The male running the event identified himself to officers as Mr Enoila Olukayode, he informed the officers that alcohol was being sold. As no premises licence could be located and no summary displayed, Mr Enoila Olukayode was served with a form 694 notification of alleged offences under the Licensing Act 2003 namely section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the licence. Section 57(7) Failure to produce a premises licence or a certified copy. And section 136(1) carrying on or attempting to carry on a licensable activity on or from a premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. Mr Enoila was advised he would need to apply for a premises licence if he wished to sell alcohol and play amplified music at the premises.

Police continued to receive calls from concerned residents throughout August, September and into October. Outlining the noise coming from the premises, in the form of music and patrons of the venue shouting and screaming. On 29th August Police visited the premises again, Mr Olukayode Enoila identified himself as the premises licencer holder, telling officers he was having a silent disco. No premises licence or temporary event notice was in place therefore this was an unauthorised event. Mr Enoila had stated to Police that the venue had been rented out for a private party for between 50-60 guests. During this event covid restrictions were in place preventing events being held, people could only meet as two households or 6 people from different households. **As this was a private party for 50-60 people it shows Mr Enoila's disregard for the covid restrictions.**

South Norwood Safer Neighbourhood teams officers visited in October to remind Mr Enoila that due to covid restrictions his premises needed to be closed by 22:00 hours daily. At 23:00 hours people could still be seen inside the premises, Mr Enoila stated he had run three events and that the people still inside were collecting

equipment. Again this was a breach of the covid restrictions, Mr Eniola continued to have people inside his premises despite a 2200 hours curfew.

Police and Council continued to urge Mr Eniola to apply for a personal licence and a premises licence, so the premises could operate legally and conditions could then be added to the licence to ensure the premises would no longer cause issues for the local residents.

When the second and third lockdowns took place from December 2020-April 2021, Police received no calls regarding noise or anti social behaviour. Confirming the impact this premises was having on the community, its enforced closure stopped all calls to police.

On 12th April 2021 under step 3 on the covid restrictions roadmaps, premises were allowed to operate outside only, with table service.

On 17th May 2021 a premises Licence application was received by Police for Seafood Den, 17 Portland Road, SE25 4UF, within this application Mr Eniola stated music would be played on speakers using apps such as youtube to entertain customers. Birthday bookings, kids activity days at the restaurant might include performances.

On 28th May Police Licensing Team and Ward Sergeant for South Norwood attended the premises and spoke to Mr Eniola about his premises licence application. It was explained to him the amount of calls received by police in relation to noise and anti social behaviour coming from his premises. How we would like to work in partnership with him to make the premises operate without causing such issues. It was explained to Mr Eniola that an important tool in preventing crime and disorder is to install a comprehensive CCTV at the premises, giving good coverage of all areas both internal and external. Mr Eniola had two cameras installed, both plugged into a wall socket. The camera by the main entrance, could simply have been turned off by customers, as the plug socket was so accessible. It was explained to him that this was not an adequate system.

On bank holiday weekend 29th-31st May 2021 police received several calls from residents stating there were approximately 100 people at the premises. A DJ was hired for the party and was heard to advertise future events, stating 'Enjoy your night, we'll do this every weekend'. This again was an unlicensed music event and was again a breach of the covid regulations at that time.

In an email dated 7th June 2021 Mr Eniola agreed to operate the premises in accordance with the proposed conditions, in fact he stated "With PC Zoe Garrod's kind assistance, I have full understanding of all the conditions listed as she talked me through the few I had questions about it". These questions related to vertical drinking, and how we did not want the premises to operate as a bar, but as a sit down restaurant as stated in the application. With Mr Eniola agreeing to these conditions, it was felt that we would have no further complaints about this premises.

However, calls to Police continued throughout June, during which time the venue was found to be advertising an event for 27th -28th June 2021 on two event sites shoobs and eventbrite. The flyer stated it was a clubbing event, at this time nightclubs could not legally operate due to covid restrictions. Mr Eniola did not have a premises licence or apply for a temporary event notice. Mr Eniola was contacted by Croydon Council and the event did not go ahead.

The original premises licence application was found to be invalid so Mr Eniola submitted a new one which we received on 1st July 2021. Throughout July, police continued to receive calls from local residents. These calls mainly referred to loud music and noise during the day, with one caller stating you can hear it over the school children playing during their break time.

On Wednesday 21st July 2021 officers from Police licensing and ASB team, attended the premises with Croydon Council ASB Team. A meeting was arranged with the property owner and the applicant. Sergeant Wright expressed his concerns to Mr Eniola in regard to the level of complaints received and noted that despite advice provided on previous engagement visits, the rear alleyway was still NOT secure. Mr Eniola claimed he had recently spent £300.00 clearing the area of Fly tipped rubbish only to have it replaced with more in the following weeks.

A further inspection of the rear garden and bordering gardens was completed to assess the viability of Mr Eniola's claims that people are not using the alleyway to access his Venue. Mr Eniola claimed the issues were from number 21, but on inspection of the fence line bordering number 21, this was all seen as intact and provided no option to access. This was put to Mr Eniola asking for his views on how people are supposed to enter 21 when all fences were intact, to which he replied "I don't know".

At this meeting it was view from Sergeant Wright that Mr Eniola took no responsibility for the problem and even at one stage blamed the community culture as a whole, citing examples of loud intoxicated people in the streets and that is what happens in Portland Road. He stated that it was a problem everywhere. He was asked by Sergeant Wright whether he had reported this issue in the past, to which the reply was "Why would I, it doesn't affect my business".

Mr Eniola has stated in the application of this premises licence that he will be the Designated Premises Supervisor, Police feel that he has shown he is unable to manage this premises in a way that supports the licensing objectives and would have no confidence in his ability to run the premises safely.

Crime and disorder licensing objective -

In a statement dated 6th June 2021 Safer Neighbourhoods officer PC Charlie Jones spoke to nine local residents, who wish to remain anonymous due to the intimidation they feel from the management and customers attending this premises. In the statement submitted with these representations, residents refer to drug dealing associated to the premises, residents have witnessed people urinating and on one occasion defecating in their garden. One resident has witnessed a couple having sexual intercourse up against a neighbour's vehicle.

Police are receiving regular calls from residents regarding anti-social behaviour and noise nuisance; this has an impact on policing resources not only for the emergency response team officers, but also South Norwood Safer Neighbourhoods Team, who are spending a considerable amount of time liaising with the local community.

Throughout the covid restrictions, Mr Eniola has repeatedly breached the restrictions, in terms of number of people within the venue and not adhering to the 2200 hours curfew. This does not support the licensing objective prevention of crime and disorder.

Protection of children from harm licensing objective –

This premises intends to operate from 0800-2300 hours daily, this will therefore include the entire school day of children attending of St Marks Church of England Primary School in Albert Road. Police have received calls during the day from residents stating that the venue is causing a noise nuisance. One caller states the noise can be heard over the children in the playground.

In the statement provided residents have stated women are getting into cars after the leaving the premises and are engaging in sexual activities, when out of the vehicles they are seen cleaning themselves and throwing the used tissues in Albert Road, used condoms and broken glass are also being discarded in Albert Road. This is not appropriate in any circumstances, but for these items to be found outside a primary school

could seriously affect the young children attending that school. One resident describes witnessing people attending the venue, urinating over the school gate and into the playground.

The DJ within the premises has been heard shouting inappropriate comments; some of these are of a sexual nature. This venue is situated in a resident area, where families live with young children.

Public nuisance licensing objective-

In the statement provided more than one resident states, the music from this venue is so loud, it causes their windows to vibrate. Residents are suffering depression, anxiety and sleep deprivation due to the noise and anti-social behaviour associated to this premises. The impact of this noise has contributed to one resident being hospitalised, further information can be provided at the committee hearing.

Public safety licensing objective –

In the statement provided one resident states, fights occur constantly when there is an event on. I feel it is only a matter of time before weapons are involved and someone gets seriously injured or even stabbed. This venue makes my family fear their own safety. Another resident describes an incident involving their daughter being assaulted, when they went to her aid the people attending the premises threw bottles at them.

The rear of this premises is insecure and therefore unmanageable by the premises, we have raised our concerns to Mr Eniola during previous visits but whilst visiting the premises last week, this gate was still insecure leaving the premises constantly accessible.

It is clear from the attached statement and repeated calls to Police that this premises, is having a detrimental impact of the lives of those within the local community.

At this point in the submission I would like to refer you to your Statement of Licensing Policy:

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.

5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.

5.4.11 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**

In 2015 Regulated Entertainment was deregulated under certain circumstances:

Whether a licence is needed for music entertainment will depend on the circumstances. A licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

By allowing this premises to have an on the premises alcohol licence, they will by virtue of that licence be allowed the provision of regulated entertainment from 08:00 hours to 23:00 hours daily. I cannot express enough how this will cause constant Public Nuisance to the local residents.

We therefore ask the Committee not to grant this premises licence, as will feel it will strongly undermine all four of the licensing objectives: Public Nuisance, prevention of crime and disorder, public safety and protection of children from harm.

I thank the Croydon Licensing Committee for its consideration of these matters and would be glad to assist with any further enquiries they have if required.

Yours Sincerely,

PC Zoe Garrod 28015N

Croydon Police Licensing Team

Please find below images of Seafood Den, 17 Portland Road, South Norwood, SE25 4UF, courtesy and copyright of Google Images:



Aerial view of the premises yellow arrows indicate entry from Portland Road and entry via an alleyway in Albert Road, this is where patrons are seeing entering and exiting cause noise and ASB.



Picture of the garden 17 Portland Road taken by Police on Wednesday 21st July 2021:





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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: PC Charlie Jones

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police officer p257020

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: Date: 06/06/2021

This statement refers to the SeaFood Den on Portland Road. This contains information gathered from residents in the vicinity of the SeaFood Den who have experienced separate incidents of Anti-Social Behaviour, drug use and noise complaints over a period of time. All the residents' wish to remain anonymous due to the nature of the behaviour coming from partygoers and owners of the establishment. Below is a breakdown of their personal experiences and issues they have dealt with that they have personally told myself.

Resident A has spoken to police and disclosed the following information anonymously. Throughout the last 4/5 years there has been constant noise and anti-social behaviour that occurs outside our address which is coming from 17 PORTLAND ROAD, SEAFOOD DEN. This address has parties with hundreds of people in their back garden which spills out into the road where we live. About 4 years ago the parties started out just being on bank holiday weekends but in the last year or so it has been constant. The parties occur all through the week and every weekend, it begins around midday and finishes early hours of the morning. The past few events have turned the music off at 2300hrs but this does not stop the people who attend from hanging around the local roads. This is really having an impact on our family. Firstly it is disturbing ours and our children's sleep and I'm concerned that it is going to affect their school work. Both I and my partner work jobs that if you are sleep deprived it can put other people's lives at risks who we deal with on a day to day basis. There is rubbish everywhere outside my address, I have seen drugs being dealt on numerous occasions and it's not a safe area for my children to be growing up. The venue backs onto a primary school and I have seen people on numerous occasions throwing litter into the school which could put those children at risk. I am becoming depressed and anxious and the sleep deprivation is driving us crazy. The last bank holiday in May was the worst so far. Our windows in our address were actually shaking from the vibration of the bass from the music. I don't feel safe anymore even in my own home and if a license is given to this premises it will really take a toll on my mental health.

Resident B has spoken to police and disclosed the following information anonymously. 17 PORTLAND ROAD, SEAFOOD DEN have parties on a regular basis with hundreds of people. Throughout COVID restrictions they were even doing this. The whole thing has been going on for around 5/6 years now and it's taking a toll on my mental health. I am a shift worker and I am being woken up in the middle of the night due to the loud bass from the music and the constant screaming. I have actually seen someone being dragged into a car screaming, I'm not sure if they were joking around but that has stuck in my mind. A male from the party actually pulled down his trousers on my front lawn and left a faeces in my front garden. On a number of occasions I have caught males urinating in my front lawn. The people attending the party always block my driveway so I am unable to leave my address and when asked to move they refuse. I fear their behaviour. I have seen drug dealing occur and I am extremely nervous for my daughter's safety when she is walking home. This license cannot be granted for the sake of the residents.

Resident C has spoken to police and disclosed the following information anonymously. 17 PORTLAND ROAD, SEAFOOD DEN has had a negative effect on a number of residents in the community. Over the years I have seen other resident's mental health deteriorate which has been caused by the anti-social behaviour on 17 PORTLAND ROAD. I now go away every weekend for some peace and quiet as I cannot cope with the constant banging headaches. Its effecting my hearing, I am already deaf in one ear and I'm worried it's going to weaken my good ear. Once they even pushed a neighbours car into the middle of the road and just left it there

Witness Signature:

Signature Witnessed by Signature:

Continuation of Statement of:

blocking the road. Please do not grant this license I already don't feel safe and if you give them permission to have these events it's only going to get worse.

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Resident D has spoken to police and disclosed the following information anonymously. 17 PORTLAND ROAD, SEAFOOD DEN is affecting my whole family. We have to keep our windows closed all day in the hot weather to stop some of the noise and also the smell of cannabis that drifts in from outside our property. We are sleep deprived, and my children struggle to concentrate on school work. My husband and I work from home at the moment and we cannot even focus on our own work due to the loud vibrations and the constant screaming. One occasion a tree caught fire in the rear of SEAFOOD DEN and the Fire service had to attend this worried me that the fire would spread and set alight all the shops. The venue shares the garden at the back over 3 premises to allow more room for the hundreds of people that attend the address. On one occasion I have even witnessed two people having sexual intercourse up against a neighbour's car in the road outside the premises, I would be mortified to think my young children have witnessed that. Fights occur constantly when there is an event on, I feel it's only a matter of time before weapons are involved and someone gets seriously injured or even stabbed. This venue makes my family fear their own safety, Please do your residents a favour and not grant this license to these people.

Resident E has spoken to police and wish to remain anonymous: The most recent event was the last Bank Holiday in May, the SeaFood Den was so loud I has to close my windows on a really hot day and I really struggled to sleep. It was going on past 2200 hours and even when it finishes they all sprawl out onto the street and carry on shouting. They make me so scared, I don't want to leave my home when it's going on. Cars park all over the street and block us in.

Resident F has spoken to police and wish to remain anonymous: This has been happening for 11 years from the same people who own this establishment but change the name every now and then. There has been a few occasions where the partying hasn't stopped for 2 days running non-stop. The SeaFood Den only seems to operate outside in the gardens that back onto residential apartments and a school. Every time they have a party there is at least 100 people outside with the music on full blast, it's so loud it vibrates my house and I can't sleep at all. It's come to a point where I have to sleep on my sofa which isn't is shocking as I cherish my house and shouldn't have to be made to do something because of people having a party. I'm like a prisoner in my own home when they are there, I can't leave because they are all so aggressive towards the residents in the area. I constantly see people exchanging small packages between each other in the street and also people having sex in full view of the public passing by. The DJ who speaks with a microphone is the same person who's been there for years and he doesn't care at all, he is so loud he shouts until the early hours of the morning. This has left us depressed, anxious, scared and very angry, we feel like we are being tortured in our own home with these people. We see them urinating over the school gates and over cars every week and a few years ago my daughter was walking past outside on Portland Road when she was assaulted so badly she had to be taken to hospital, and when I went to help her the partygoers just threw bottles at us. It's got to the point where one of the workers or owners stands at the end of the street now and spies on us before they have an event or if we are speaking to police officers, it's so intimidating it's ruining our lives.

Resident G has spoken to police and wish to remain anonymous: I have been living here for over 10 years now and it's worse now than ever. The base coming out of the speaker they use is so loud it vibrates my bedroom which keeps me awake all night because it constantly plays for 6 to 8 hours a day. I so stressed with this and my anxiety is so high it's unbearable now, whenever a car goes past me with loud music on my street I get nervous and scared thinking they are having another party. My room is at the front of the house and you cannot sleep at all when they have their music on and they normally start around 5pm and don't finish until 11pm minimum but then they all go out onto the street and carry on drinking and shouting at each other, I'm so scared I don't even like opening my curtains.

Resident H has spoken to police and wish to remain anonymous: The noise is awful the last bank holiday kept me up for hours it's disgusting, I work shifts and it affects my work and home life. At least 100 people were there. The road is packed with cars, they litter with bottles smashing glass over the road. I can smell weed. I feel intimidated, I'm tired and drained all the time. I feel like my property will be smashed up whenever they are there. It makes me so nervous because my job is important and being tired and exhausted can put people's lives at risk.

Witness Signature:

Signature Witnessed by Signature:.....

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Continuation of Statement of:

Resident I, who has lived there for 21 years, stated that they have had problems with numbers 17, 19, 21, and 23 since 2011 in relation to ASB. The resident shared that 17 was originally a barbers called MATHEW BARBERS and has changed names numerous times over the years. When the noise initially became a problem in 2011 a meeting was held with the council and police where the issues were raised. All of the gardens of the above properties are linked and the gardens are joined together making one large garden. The parties usually consist of well over 100 people and are extremely loud. Throughout the parties the DJ shouts inappropriate and sexual things down the microphone which the resident has to explain to their children. Women are seen leaving the parties and getting into cars to engage with sexual activities. These women can then be seen cleaning themselves after and leaving the tissues in the road which is by a primary school. The DJ can be heard advertising the venue as a dance venue and that it is advertised on social media. Whilst the parties are going on, people from the parties can be seen exchanging small packages along ALBERT ROAD, along with cars slowing down to hand small packages to people.

After the parties have finished people can be seen leaving in their cars when they are intoxicated and after they have been using drugs. People have also been seen urinating in the street on ALBERT ROAD and into the primary school behind the venue. There is also broken glass bottles left in the road along with used condoms. The resident stated they have had balloon canisters left in their front garden. The noise has also effected the residents work life due to working from home and interrupting zoom calls. All through the parties cars are parked illegally along ALBERT ROAD and the parties end between 2300Hours and 0300Hours.

The resident stated these premises have a complete lack of respect for the residents and that it is a conservation area. The resident has stated that over the years they have been stressed and anxious because of the parties. It has caused her to get very little sleep leaving her exhausted and frustrated. Due to the constant and non-stop ASB they feel very harassed.

Witness Signature:

Signature Witnessed by Signature:.....

Pollution Team,
Place Department
Floor 6,
Bernard Weatherill House,
8 Mint Walk,
Croydon, CR0 1EA
pollution@croydon.gov.uk

Licence Representation

This representation is made by the Pollution Team as a responsible authority under the Licensing Act 2003.

It concerns issues relating to the prevention of public nuisance.

Details of this representation.

This representation is intended to provide additional information to the Licensing Committee about the Pollution Teams involvement with **Seafood Den, 17 Portland Road SE25 4UF**

Complaints about noise from the premises:

Since 21/06/2019, 23 noise complaints have been made by 21 nearby residents about the premises.

- Complaint made on the 21/06/2019 about loud music
- Complaint made on the 02/07/2019 about loud music. Licensee informed to control the noise
- Complaint made on the 04/07/2019 about loud party, duty officer attended and advise the licensee.
- Complaint made on the 17/07/2019 about loud party. A warning letter was sent
- Complaint made on the 20/07/2019 about loud party at rear of premises, officer attended and spoke to the DJ to turn the music down. More complaints received after the officer has left and had to return later again to ask the DJ to turn the volume down
- More complaints made on 17/09/2019 , 08/10/2019, 02/01/2020, 20/02/2020, 25/08/2020 , 02/9/2020

Statutory nuisance;

- Complaint made on 21/07/2020 and a duty officer attended and felt that the noise was so loud it constitute a statutory nuisance and served an abatement notice.
- Contravention of the said notice was witnessed on 25/08/2020 when an officer attended in response to a loud music complaint.
- On 27/8/2020 a contravention letter was sent to the licensee.

- On 02/09/2020 more complaints received an officer attended and spoke to licensee to turn the music down.
- More complaints received on 30/06/2021 and 07/07/2021
- On 22/07/2021 an officer visited the premises and spoke to licensee about the impact of loud music having on nearby residents, at the meeting he was advised to ensure that no nuisance be caused to local residents.
- On 25/07/2021 more complaints of loud music received.

Concerns of the Pollution Team

The pollution team as a responsible authority take the view that due to this premises being close to residential dwellings there has to be more mitigation measures to be in place to prevent nuisance to the nearby residents. The applicant has not demonstrated willingness or put in place adequate mitigation measures to address the issue of noise affecting the nearby residents.

The statutory abatement notice served on the premise and contravene is still valid

This application sought to request the premises to operate until 2300hrs, however, the statutory nuisance was witnessed within the hours sought so as most of the complaints

I therefore object to this application given my concerns and reasons as that the said premises has generated several complaints from local residents of which the council has taken a considerable time, efforts and resources to investigate and we do still receive complaints

We have had a number of visits, meetings and engagements with the licensee, the local Police, The Councils Anti-Social Behaviour Team, the residents in a cooperative efforts to come up with a solution however, important to note that as of yet we are still receiving complaints.

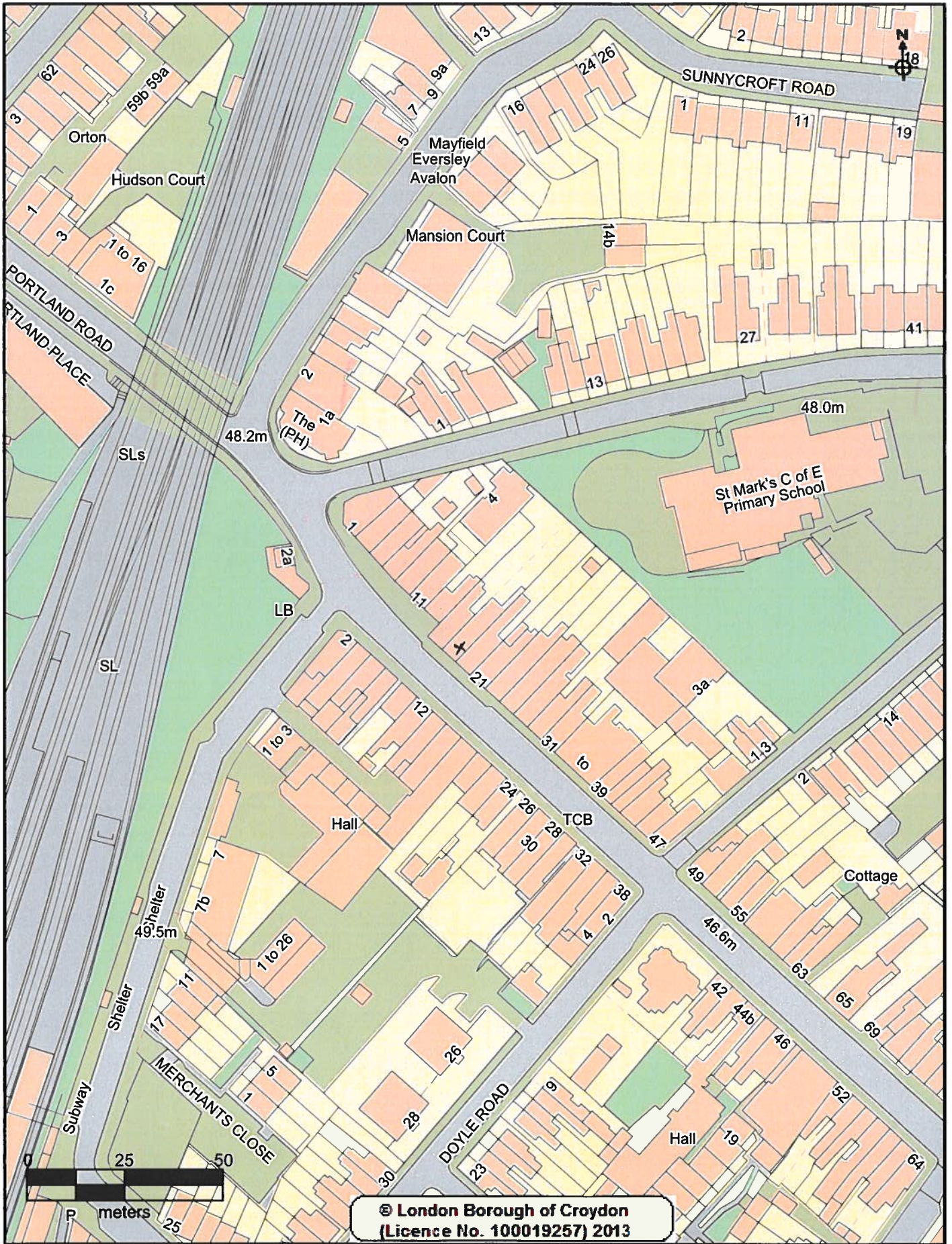
To allow the premises to operate as requested will increase the likelihood of complaints from the affected residents and more enforcement officers' time to investigate them. I have communicated these concerns to the applicant. Notwithstanding all these complaints made against the premises the applicant appears evasive and insisted that other premises within the vicinity were to blame.

The pollution team as a responsible Authority is under duty to take proactive regulatory measures to control any noise and nuisance associated with premises license applications and for that reason I ask the Committee to consider the complaints and its anticipated impact on the pollution team's limited resources and the ability to respond to extra complaints from residents

and to protect residents from suffering noise nuisance as intended under the Prevention of Public Nuisance licensing objective

My plea, therefore is to request the Committee to refuse this application to prevent the public licensing objective

Completed by: Eddie Adjei
Position: Senior Pollution Enforcement Officer
Date: 27 July 2021



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