

Licensing Sub-Committee Agenda



To: Councillor Pat Clouder,
Councillors Karen Jewitt and Margaret Bird

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Wednesday, 15 December 2021** at **10.30 am**. This meeting will be held remotely and members will be sent a link to attend the meeting; To view the meeting please click [here](#).

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Tuesday, 7 December 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>.

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Jayde Watts on 020 8726 6000 Ext: 52729 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**

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider **in advance of each meeting** whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer **in good time before the meeting**.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

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: An application for a Premises Licence at 100a George Street, Croydon (Pages 5 - 48)

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

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 during the course of a meeting:

Pursuant to the provisions of regulation 14 paragraph (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public. In light of the possibility of disclosing personal data if the photographs circulated by a party to the hearing were made available in public, members of the committee will be asked to agree to exclude the public from the hearing to enable members to view the photographs on the basis that doing so outweighs the public interest in that part of the hearing taking place in public.

PART B

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REPORT TO:	LICENSING SUB COMMITTEE 15 December 2021
SUBJECT:	LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE
LEAD OFFICER:	Interim Corporate Director – Sustainable Communities, Regeneration and Economic Recovery
CABINET MEMBER:	Cllr. Manju Shahul-Hameed, Cabinet Member for Communities, Safety & Business Recovery
WARDS:	Fairfield
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council’s Corporate Policies.	
FINANCIAL SUMMARY: This application is being processed as part of normal duties carried out by the Department with no additional costs involved.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1.	RECOMMENDATIONS
1.1	The Sub-Committee is asked to determine whether to grant the application for a premises licence at Unit 1, 100A George Street, Croydon, CR0 1PJ.

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

4. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

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

2 The effect of the decision

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

3 Risks

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

4 Options

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

5 Savings/ future efficiencies

None identified.

6 (Approved by: 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 Surrey Street Holdings Limited for a premises licence at Unit 1, 100A George Street, Croydon, CR0 1RJ.
- 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 0900 hours to 2330 hours

New Year's Eve 0900 hours until 0300 hours on 1 January

Provision of Regulated Entertainment, namely Live Music

Monday to Sunday 1200 hours (midday) to 0000 hours (midnight)

New Year's Eve 1200 hours (midday) until 0300 hours on 1 January

Provision of Regulated Entertainment, namely Recorded Music

Monday to Sunday 0800 hours to 0000 hours (midnight)

New Year's Eve 0800 hours until 0300 hours on 1 January

Provision of Late Night Refreshment

Monday to Sunday 2300 hours to 0000 hours (midnight)

New Year's Eve 2300 hours until 0300 hours on 1 January

- 1.3 A copy of the application is attached at Appendix A1.
- 1.4 Would the sub committee please note that the terminal hours requested above for New Year's Eve differ to those sought in the original application. This is because following discussions with the Police Licensing Officer, the applicant has voluntarily amended their application and now seeks the amended hours above for the licensable activities on New Year's Eve.
- 1.5 In addition, following discussions with the Police Licensing Officer, the applicant has amended their application to have the conditions at Appendix A2 added to the premises licence should the application be granted.
- 1.6 For the sub committee's information, in respect of Live & Recorded Music, would the sub committee please note that due to previous entertainment deregulation, where a premises licence authorises the sale of alcohol for consumption On the premises, if the capacity of the premises is less than 500 persons, the playing of Live & Recorded Music would not be a licensable activity between the hours of 8am and 11pm.

2 Promotion of Licensing Objectives

- 2.1 The applicant provides details under the Licensing Objectives section 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 and a copy is attached at Appendix A3.
- 3.2 The applicant has been provided with a written copy of the representations made.
- 3.3 In response to the representations made, the applicant submitted a response to the party making representations. The party making representations has responded to that communication and both pieces of correspondence are attached at Appendix A4.

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.

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.



New Premises Licence

Premises Details

Premises Address *	100A GEORGE STREET CROYDON CROYDON CR0 1PJ
Telephone number at premises (if any)	
Non-domestic value of premises. *	£ 0

Applicant Details

I/We 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.

Please state whether you are applying for a premises licence as:

	a person other than an individual -as a limited company/ limited liability partnership
--	---

Applicant Details

If you are applying as a person described in one of the above please confirm: *

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
--	---

Other Applicant (Non Individual)

Name *

SURREY STREET HOLDINGS LIMITED

Registered Address *

34 SURREY STREET

Town/City *

CROYDON

County

CROYDON

Postcode *

CR0 1RJ

Registered Number (where applicable)

12329456

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

PRIVATE LIMITED COMPANY

Telephone Number

Email *

[REDACTED]

Operating Schedule

When do you want the premises licence to start? *

01/11/2021

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

Please give a general description of the premises. *

The premises will be known as FERN and will operate as an all day bar and restaurant concept serving the local and business communities from the new Ten Degrees development. Operating from 8am on weekdays the premises will be the perfect venue for early morning meetings, lunch and drinks and dinner into the evening. This will be the second Croydon venue from the team behind the award winning Mr Fox located on Surrey Street.

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

Operating Schedule

What licensable activities do you intend to carry on from the premises? * (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) *

- Plays
- Films
- Indoor Sporting Events
- Boxing or Wrestling
- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

Live Music Standard Times

Standard days and timings, where you intend to use the premises for the performance of live music. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Every Day

12:00

00:00

Live Music

Will the Performance of Live Music take place indoors or outdoors or both? (please read guidance note 3) *

Indoors

Please provide further details. (please read guidance note 4)

Live performances of Artists and Live Bands on an irregular basis.

State any seasonal variations for the Performance of Live Music. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the performance of live music at different times from the Standard days and times listed? (please read guidance note 6)

NYE from the end of hours permitted on New Years Eve to the start of trade on New Years Day.

Recorded Music Standard Times

Standard days and timings, where you intend to use the premises for the performance of recorded music. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Every Day

08:00

00:00

Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 3) *

Indoors

Please provide further details.(please read guidance note 4)

Background music played throughout the venue, through a house music system or on occasion a DJ

State any seasonal variations for the playing of recorded music. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the performance of recorded music at different times from the Standard days and times listed? (please read guidance note 6)

NYE - from the end of hours permitted on New Years Eve to the start of trade on New Years Eve.

Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Every Day

23:00

00:00

Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 3)*

Indoors

Please provide further details.(please read guidance note 4)

Provision of hot drinks and hot food.

State any seasonal variations for the provision of late night refreshment.(please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for late night refreshmentat different times from the Standard days and times listed?(please read guidance note 6)

NYE - from the end of hours permitted on New Years Eve to the start of trade on New Years Day.

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Every Day

09:00

23:30

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *	<input type="text" value="Every Day"/>
	<input type="text" value="08:00"/>
	<input type="text" value="00:00"/>

Licensing Objectives

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

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

Location of fire safety and other safety equipment subject to change following a risk assessment. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale.

b) The prevention of crime and disorder

A CCTV system must be installed at the premises covering the entrance, the external 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. The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

c) Public safety

Checks shall be undertaken prior to opening to ensure that all public areas are kept clear and fire exits are unlocked and capable of use in an emergency. The external area will be lit adequately during the hours of operation. Locations of fire safety and other safety equipment to be clearly signed throughout the premises. The premises shall have a written dispersal policy.

d) The prevention of public nuisance

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents to leave the area quietly. A direct telephone number for management at the premises shall be publicly available at all times the premises is open. The telephone number will be made available to residents in the vicinity. The area in the immediate vicinity of the premises shall be regularly cleared of rubbish.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, military identification, EU identity card or proof of age card with the PASS hologram.

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand 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 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.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

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).

Full Name *

Andrew Taylor

Date *

26/10/2021

Capacity *

Applicant

Declaration made

Do you wish to provide alternative correspondence details? *

No

Licence
23/10/2021



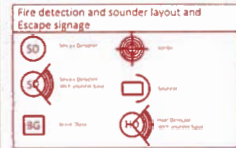
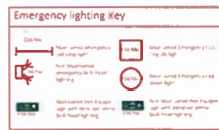
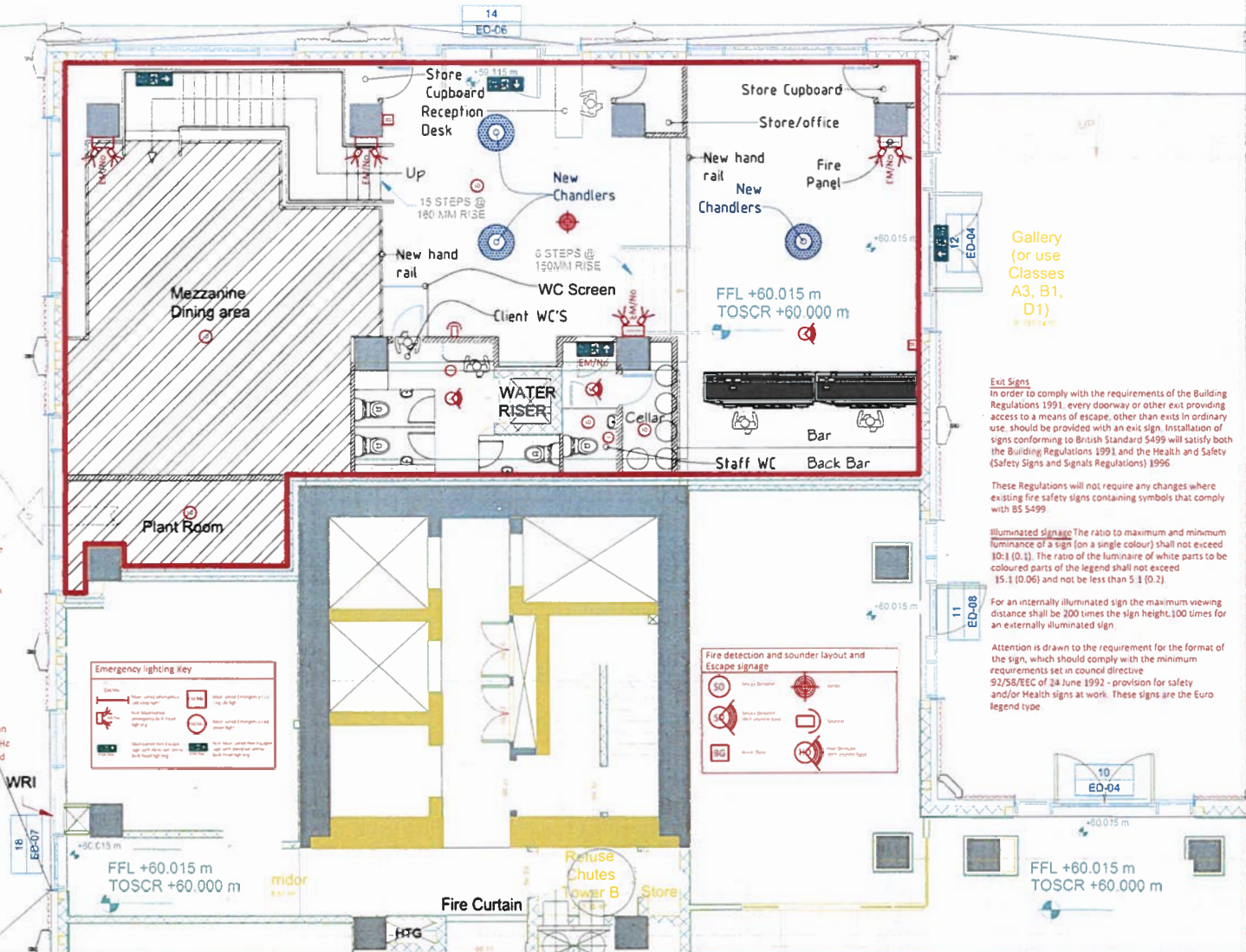
3485 1667.5 979.5 2927 205 2722 920.5 1666.5 962 2861 49
337 260 320

Please note
All lighting positions shown could be subject to change due to ceiling constraints and design alterations. Appointed Electrician to assess all existing lighting for adequacy and conformity to current regulations, and up date or replace where necessary.
Please note:
All light fittings must be approved by the client or appointed designer for approval before purchase.

Ventilation out and in

Smoke detection
provide new mains operated linked smoke alarm detection system designed to BS 5446 1:2000 and BS5839 6:2004 to at least a Grade D category LD3 standard and to be mains powered with battery back up. Smoke alarms should be sited so that there is a smoke alarm in the circulation space on all levels/ stores and within 7.5m of the door to every room. If ceiling mounted they should be 300mm from the walls and light fittings. Installation to include a interlinked heat detector in the kitchen.

Sounders. The minimum sound level of a sounder device should be 65dB(A) or 53dB(A) above a background noise (if lasting more than 30 seconds) and at a frequency between 500Hz and 1000Hz. The maximum sound level should not exceed 120dB(A).



Exit Signs
In order to comply with the requirements of the Building Regulations 1991, every doorway or other exit providing access to a means of escape, other than exits in ordinary use, should be provided with an exit sign. Installation of signs conforming to British Standard 5499 will satisfy both the Building Regulations 1991 and the Health and Safety (Safety Signs and Signals Regulations) 1996.

These Regulations will not require any changes where existing fire safety signs containing symbols that comply with BS 5499.

Illuminated signage The ratio to maximum and minimum luminance of a sign (on a single colour) shall not exceed 10:1 (0.1). The ratio of the luminance of white parts to be coloured parts of the legend shall not exceed 15:1 (0.06) and not be less than 5:1 (0.2).

For an internally illuminated sign the maximum viewing distance shall be 200 times the sign height; 100 times for an externally illuminated sign.

Attention is drawn to the requirement for the format of the sign, which should comply with the minimum requirements set in council directive 92/58/EEC of 24 June 1992 - provision for safety and/or Health signs at work. These signs are the Euro legend type.

Design Doctor

Mobile: 07700 800000

- Terms & Conditions**
- All dimensions must be checked on site prior to the start of any building works and manufacture of fittings, ordering of materials.
 - All goods and equipment must be approved by client and project manager before purchasing and commencing on site.
 - Do not scale from this drawing.
 - Any conflicting information found on the drawing must be clarified with Design Doctor.
 - All materials and workmanship to be in accordance with relevant and current British Standards and codes of practice.
 - This drawing remains the copyright of Design Doctor until otherwise agreed (or full payment has been received and contract completed).
 - Drawings cannot be reproduced in any form without prior written consent from Design Doctor.
 - Drawings also cannot be issued to sub-contractors without prior written consent from Design Doctor.
 - These drawings have been primarily created for planning approval.
 - These drawings are also designed to assist in project scheduling, material & labour budget analysis purposes.
 - Drawings must only be read in conjunction with the other associated drawings which make up a complete set for a specific project.
 - All details shown must only be regarded as a guideline (as no structural engineer has been appointed or Building Control engaged).
 - They therefore must not be used for construction.
 - All building works must be carried out in accordance with current Building Control regulations and British Standards.
 - All works cannot be started until full local authority Planning Permission has been granted and a Start Certificate has been issued by independent Building Control.
 - The designs shown are only a guideline and should be read in conjunction with a full package of detail drawings marked 'Approved' [and] have been sent to Building Control and registered in the appropriate manner.
 - It should also be noted demolition or works should not be carried out before a full asbestos survey has been carried out by the appropriate authorities.
 - Please Note: If any one of the above terms are deliberately contravened, Design Doctor cannot be held responsible for any second and third party actions [and may be forced to withdraw any pre-agreed consent, terminating any open contracts].

Rev No.	Details of Revision	Date:
A	Tweeked	11-10-21
B	Altered after site visit	14-10-21
C	Tweeked	17-10-21
D	Licence	23-10-21

Andrew
Unit one
Ten Degrees

Proposed layout showing Mezzanine

Rev: D	Date: 11-10-2021
Drawn By: LK	Approved By:
Drawing No. 002	Scale: 1:100 @ A3

17

Proposed conditions for Fern, Unit 1, 100A George Street, Croydon, CR0 1GP

1. 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
2. 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
3. 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.
4. The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.
5. CCTV signage must be displayed, reminding customers that CCTV is in operation.
6. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
7. 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
8. 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
9. A challenge 25 policy shall be in operation at the premises with appropriate signage on display throughout the premises.

10. 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.
11. The premises shall have a written dispersal policy.
12. When the venue operates solely as a bar without the provision of food, then on Fridays, Saturdays, Sundays before a Bank Holiday Monday, Christmas Eve and New Year's Eve. A minimum of one SIA door supervisor must be deployed from 2000 hours until the close of the premises.

London Borough of Croydon
Place Department, Licensing Team
6th Floor, Zone A
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

RECEIVED - 2 2021

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ Ten Degrees
100A George Street
Croydon
CR0 1GP

RE: Unit 1, 100A George Street, Croydon, CR0 1GP

Dear Sir or Madam,

I would like to register my objection to the hours requested for the Premises Licence for the above address.

I live on floor ~~00~~ of Tower A at Ten Degrees. My master bedroom and living area are on the northern aspect, directly above the Winter Garden which will house the main entrance of the planned development. I am concerned that the licensing hours go beyond those of the carefully controlled hours applied to the Boxpark development, which I accepted to be reasonable when I decided to live here.

The Boxpark development ceases all live and amplified music by 11pm every night, and as such any remaining customers will have dispersed by midnight. I worry that by allowing this venue to open later, it will provide a place for the Boxpark customers to immediately gravitate to for "just one more", or give licence for Boxpark to request a later licence as a result.

Having amplified live music until midnight daily also seems excessive. The Ten Degrees development is designed with live/work in mind with multiple shared workspaces throughout the building. Bass easily travels through structures such as this and I am concerned that such live music, and the additional cheering it brings, will disrupt my right to quiet enjoyment of my property.

Due to the location of Unit 1 with egress through the glass roofed Winter Garden, it will encourage those leaving to wait under the canopy to smoke and continue to gather whilst waiting for onward travel, whether by taxi, train or bus - the former of which there is little by means of stopping space or parking. Already the noise on weekend evenings from residents gathering in the Winter Garden is proving a noise nuisance (due to smoking restrictions all apartments within the building people regularly gather here). In the winter, or otherwise wet weather, I feel this will be harder for the venue to control or mediate.

I would like to state that I am of course in favour of a good quality local restaurant, but I feel the licensing hours seem more that of a gig venue rather than a neighbourhood restaurant, and there is absolutely no reason why a venue in such proximity to 546 residential units should be permitted to operate beyond 11pm at any time.

There are a lot of families living in the towers above, and I don't think it's suitable that a venue encouraging drinking until midnight on a daily basis suits the needs of those, nor will it do anything but negatively affect quality of life of all those living here.

Additionally, I would like to draw attention to the provision of notices on unit only being sited on the northern aspect facing on to George Street. There are no notices placed on the eastern aspect which faces the main entrance into Ten Degrees, and over towards East Croydon Station, where the majority of resident walk. This means it's significantly less noticeable and seems rather underhand.

Yours faithfully,

~~XXXXXXXXXX~~

[REDACTED]
 [REDACTED] Ten
 Degrees
 100A George
 Street
 Croydon
 01/12./21

CRO 1GP
 Bart & Taylor
 34 Surrey Street
 Croydon
 CRO 1RJ

RE: Unit 1, 100A George Steet, Croydon, CRO 1GP

Dear [REDACTED],

I am writing you in response to your recent objection to the Premises License Application for Unit 1, 100A, George Street.

Having read your objection, I would like to reassure you that I completely understand why you may have initial reservations.

If you would allow me, I would like to put your mind at ease by explaining the format of our upcoming venue, and the processes we will have in place.

The venue will be called Fern, we aim to trade from 8am to 11pm through the week, and up to 12am on the weekends. Our primary focus is high quality food, service and atmosphere, something our sister site, the award-winning Mr Fox on Surrey Street Croydon has successfully achieved and is regularly used by the council as a case study of how a town centre restaurant and bar should operate.

To reassure you, we will not in any way be a late night entertainment venue, gig venue or what would be considered a "last stop before home" bar for Boxpark patrons. Our core venue concept will be of a high-end offering, to cater for local residents and business commuter coffees, breakfasts and lunches, date night dinners and post work meals and corporate entertaining.

The purpose of our application for a 12am license is to allow our guests an extended time at their tables to finish their meals and have after dinner drinks, coffees or await taxis.

Please note that Boxpark currently trades until 1am Thursday to Saturday.

In response to your point regarding our guests using the winter garden as a smoking area late into the evening. Our main entrance/exit will be the door located on George Street; this will be used for all guests from 11am until closing time. The door that leads into the winter gardens will only be used in the mornings, pre 12pm for morning trade. After that it will become a fire exit, and only to be used in an emergency. It is in our security/egress policy that all guests will be directed away from using the enclosure as a smoking or waiting area.

In addition to the above, as Unit 1 is located in tower B, and you are located in Tower A, there will be no risk of sound reverberation into your property. As a means of mitigation, we will have professional sound limiters installed as a matter of good practice.

I have had one of my team visit site today and they have seen that there are still four notices displayed, two on the George Street side, one on the windows in the Winter Garden and one on the windows to the rear access to college road. These have been displayed since our application was submitted and are a requirement of the application.

FERN



I do hope that our above comments have reassured you of your initial doubts and you will see fit to remove your objection to our application.

If you still have any doubts, or would like to discuss this in more details I would love to invite you down to Mr Fox for a coffee and a chat with me or my Operations Director who will be charge of the venue at Ten Degrees.

Please let me know if you would be free for this in the near future and I would be happy to work around your availability.

I look forward to your response via phone or email.

Best regards,

Andrew Taylor
Managing Director
Bart & Taylor Ltd



Dear Mr Taylor,

Thank you for taking the time to respond to my representation.

I want to make clear I don't want my representation to be a barrier to Fern being able to occupy the unit. My remaining objections are purely around the timings on the license application, and what is reasonable for a unit in this particular location.

I have, as it turns out, recently visited Mr Fox and whilst I appreciate it is much more food oriented than drink, there were still parties and groups drinking a lot, not necessarily with food. Many of these groups frequently went outside smoking, which does cause significant noise and very hard to control.

Mr Fox as you say is a successful town centre venue, but it does not have 550 residential units directly on top of it, or indeed any residential units in the close vicinity being right in the commercial centre.

Indeed my apartment is in Tower A but it does adjoin Tower B. Two of my rooms (including my master bedroom) face the unit. I find that dropping my representations purely because my apartment isn't directly above the unit would be rather self-serving and make me a poor Ten Degrees community member (assuming that those living in apartments 101B - 207B did not see the notices, considering they would have been directly notified despite being the those most affected by the unit).

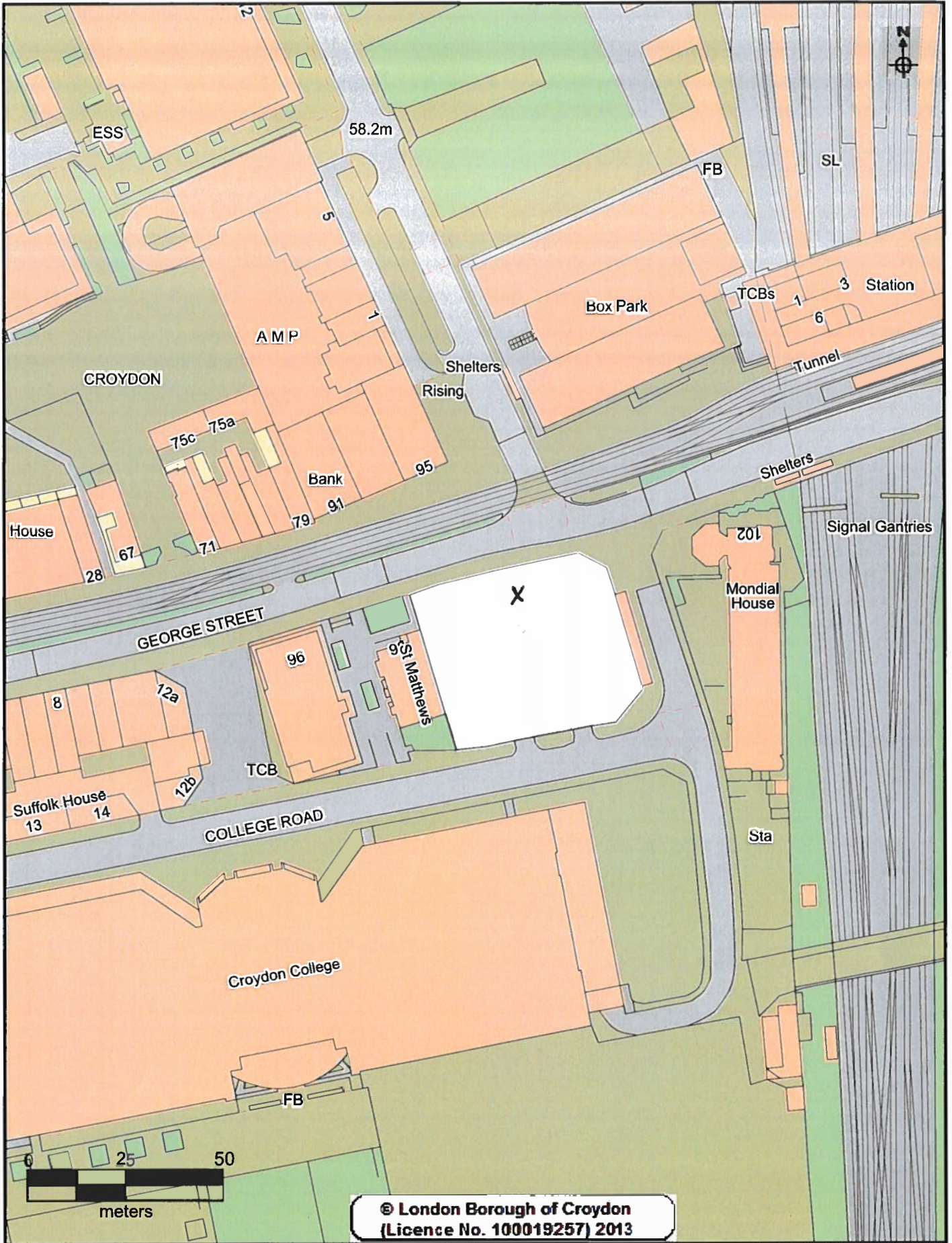
Noting that Boxpark trades until 1am is misleading, as only "Beatbox" trades until this time. Notably, this is the club which is underground beneath the station concourse so is heavily soundproofed and shielded by the concrete walkways above. Entry/Egress from Beatbox is only on the station side once the central atrium of Boxpark ceases all amplified sound at 11pm at weekends.

Considering there is no legal "drinking up" time after the end of sales, nor is it required to have a license for drinking time, why it should be necessary for a license to sell alcohol right up until your closing time? This purely causes more of an issue in asking patrons to leave who choose to purchase a drink minutes before closing. Likewise, I feel live music should finish 30mins prior to closing time. If you have no intention of opening beyond 11pm during the week, this should be specified in the licensing application. By requesting a license for a daily midnight closing time means you could choose to extend hours at any time, which would be completely unsuitable for what is now a residential area. As such, I think it is reasonable to stop serving alcohol thirty minutes prior to closing. Live music should end one hour prior to closing. I also don't think it is reasonable to have any business in a residential building closing later than 11pm on any evening due to noise nuisance, particularly on nights prior to working days. I would urge the licensing committee to fully consider this, and cap the trading hours accordingly.

As for the printed notices, signage was added to the side doors some time during the week of 1st November. I assume this was done by someone in the Licensing department following my letter sent on 30th October.

Many thanks,





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London Borough Croydon

Scale 1:1250

07-Dec-2021

X = Page 47 of 47
185 A FORT STREET



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