

# Licensing Sub-Committee Agenda



To: Councillors Karen Jewitt (Chair); Christopher Herman (Vice-Chair) and Margaret Bird

A meeting of the **Licensing Sub-Committee** which you are hereby invited to attend, will be held **Thursday, 21 July 2022 at 10.30 am**. This meeting will be held remotely and members will be sent a link to attend the meeting.

KATHERINE KERSWELL  
Chief Executive  
London Borough of Croydon  
Bernard Weatherill House  
8 Mint Walk, Croydon CR0 1EA

Tariq Aniemeka-Bailey  
020 8726 6000 x 64109  
tariq.aniemeka-bailey@croydon.gov.uk  
[www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)  
Wednesday, 13 July 2022

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings here before attending.

The agenda papers for all Council meetings are available on the Council website [www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings).

If you require any assistance, please contact Tariq Aniemeka-Bailey on 020 8726 6000 x 64109 as detailed above.

## **AGENDA**

### **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 - Application For a Review of a Premises Licence at Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA (Pages 5 - 86)**

The sub-committee is asked to consider the application for a review of the premises licence.

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

The following motion is to be moved and seconded where it is proposed to exclude the press and public 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.

**PART B**

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| <b>REPORT TO:</b>  | <b>LICENSING SUB COMMITTEE</b><br><b>21 July 2022</b>  |
| <b>SUBJECT:</b>  | <b>LICENSING ACT 2003 – APPLICATION FOR REVIEW OF<br/>A PREMISES LICENCE</b>                 |
| <b>LEAD OFFICER:</b>   | <b>Corporate Director, Sustainable Communities,<br/>Regeneration &amp; Economic Recovery</b> |
| <b>CABINET MEMBER:</b>   | <b>Cllr. Scott Roche<br/>Streets &amp; Environment</b>                                       |
| <b>WARDS:</b>  | <b>South Norwood</b>   |
| <b>CORPORATE PRIORITY/POLICY CONTEXT:</b><br>This report is specific to this application and has no implications on the Council's Corporate Policies.      |  |
| <b>FINANCIAL SUMMARY:</b><br>This application is being processed as part of normal duties carried out by the Department with no additional costs involved. |  |
| <b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> N/A  |  |

**For general release**

## **1. RECOMMENDATIONS**

1.1 The sub-committee is asked to consider the application for a review of the premises licence at Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA and whether to take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## **2. EXECUTIVE SUMMARY**

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

## **3. DETAIL**

- 3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06, A/40/07 and A/07/12 refer and the Protocol was last amended by the licensing committee on 30 September 2020, minute 15/20 refers).
- 3.2 The premises licence holder, the applicant and those who have made relevant 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 licence holder, the applicant and those who have made 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 HR 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. In exercising licensing functions, the Council is required to comply with Section 149 of the Equality Act 2010 which requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

7.2 For these purposes the protected characteristics are

- age
- disability
- gender reassignment

- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

7.3 The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## 8. ENVIRONMENTAL AND DESIGN IMPACT

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

## 9. LICENSING OBJECTIVES IMPACT

9.1 The licensing objectives contained in the Act are:

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

9.2 Officers comments and relevant representations on the impact of the application on these objectives appear in Appendix A to the application.

## 10. HUMAN RIGHTS IMPACT

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

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

10.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Sub Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Sub Committee to a Court that does meet the full A6 standards and can



consider all aspects of the case (even if that does not include a full re-hearing of the facts).

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

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

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

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**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health,  
Trading Standards and Licensing, Place  
Department ext. 61838

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

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## **APPENDIX A**

### **1. The Application**

- 1.1 This report concerns an application for a review of the premises licence held by Oceanic Bar Ltd. in respect of Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA. The application is made by the Police as a responsible authority under the Licensing Act 2003.
- 1.2 The premises licence was granted to Oceanic Bar Ltd. on 9 December 2021.
- 1.3 This application is made under section 51 of the Licensing Act 2003 which states that, where a premises licence has effect, an interested party or responsible authority may apply to the licensing authority for a review of the licence.
- 1.4 The applicant has applied for a review of the premises on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the review application is attached at Appendix A1 and this was accompanied by a supporting statement/letter.
- 1.5 A copy of the premises licence is attached at Appendix A2.
- 1.6 An extract concerning Reviews from the Home Office statutory guidance to local authorities under the Licensing Act 2003 is attached at Appendix A3.
- 1.7 Subsequent to submitting the application, the Police (as applicant) submitted further information in support of the review application. This comprises statements from officers and copies of letters previously sent to the licensed premises. Copies of this correspondence are attached at Appendix A4.

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

- 2.1 There are four licensing objectives that underpin the Licensing Act 2003 and section 4 of the Act states that a licensing authority must carry out its functions with a view to promoting those licensing objectives, which are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance and
  - The protection of children from harm.

### **3. Relevant representations**

- 3.1 The Council's Safety Team, a responsible authority under the Act, have made representations on this application. A copy is attached at Appendix A5.
- 3.2 The premises licence holder has been provided with a copy of the review application and accompanying letter, the representations by the Safety Team and copies of the further information submitted by the Police (as applicant).

## **4 Policy Considerations**

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

4.8 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](mailto: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 –

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 A6.

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**Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I **PC Zoe Garrod 2801SN**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**

Oceanic Bar, 83-84 High Street, South Norwood,

**Post town:** London **Post code:** SE25 6EA  
(if known)

**Name of premises licence holder or club holding club premises certificate (if known):**

Mr Olukayode Aderemi Akinsayna

**Number of premises licence or club premises certificate (if known):**

21/02798/LIPREM

**Part 2 – Applicant details**

**I am:**

Please tick Yes

- |          |  |                                     |
|----------|--|-------------------------------------|
| <b>1</b> | <b>an individual, body or business which is not a responsible authority</b><br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
| <b>2</b> | <b>a responsible authority (please complete (C) below)</b>   | <input checked="" type="checkbox"/> |
| <b>3</b> | <b>a member of the club to which this application relates (please complete section (A) below)</b>  | <input type="checkbox"/>            |

PROTECTIVE MARKING

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

|  |                          |     |                          |      |                          |    |                          |                                |                          |
|--|--------------------------|-----|--------------------------|------|--------------------------|----|--------------------------|--------------------------------|--------------------------|
| Mr   | <input type="checkbox"/> | Mrs | <input type="checkbox"/> | Miss | <input type="checkbox"/> | Ms | <input type="checkbox"/> | Any other title<br>(e.g. Rev.) | <input type="checkbox"/> |
| Surname:   |                          |     |                          |      | First Names:             |    |                          |                                |                          |
| I am 18 years old or over <input type="checkbox"/>         |                          |     |                          |      |                          |    |                          |                                |                          |
| Current postal address if different from premises address: |                          |     |                          |      |                          |    |                          |                                |                          |
| Post town:   |                          |     |                          |      | Post code:               |    |                          |                                |                          |
| Daytime Tel. No.:  |                          |     |                          |      | Email: (optional)        |    |                          |                                |                          |

**(B) DETAILS OF OTHER APPLICANT** (fill in as applicable)

|                            |  |
|----------------------------|--|
| Name and Address:          |  |
|                            |  |
| Telephone Number (if any): |  |
| Email address: (optional)  |  |

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT** (fill in as applicable)

|                            |  |
|----------------------------|--|
| Name and Address:          |  |
|                            |  |
| Telephone Number (if any): |  |
| Email address: (optional)  |  |

**This application to review relates to the following licensing objective(s)**

|   |                                      | Please tick one or more boxes       |
|---|--------------------------------------|-------------------------------------|
| 1 | The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2 | Public safety                        | <input checked="" type="checkbox"/> |
| 3 | The prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4 | The protection of children from harm | <input type="checkbox"/>            |

Please state the ground(s) for review: (please read guidance note 2)

Please see attached statement by PC Garrod



Please provide as much information as possible to support the application: (please read guidance note 3)

Please see attached statement by PC Garrod

Have you made an application for review relating to this premises before?

(Please tick yes)

Day      Month      Year

If yes, please state the date of that application:

If you have made representations before relating to this premises please state what they were and when you made them:

## PROTECTIVE MARKING

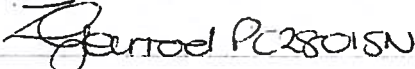
Please tick Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:  Date: 30/05/2022

Capacity: Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Addington Police Station, Addington Village Road

Post town: Croydon Post code: CR0 5AW

Telephone Number (if any):

07900 160144 0208 649 0043

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

zoe.p.garrod@met.police.uk

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years  
MP 321/12



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

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

**Monday 30<sup>th</sup> May 2022**

**Re: Review of Premises Licence for Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA**

Members of The Licensing Committee,

I respectfully submit the following representations under the Licensing Act 2003 seeking a review of the premises licence for Oceanic bar, 83-84 High Street, South Norwood, SE25 6EA.

The premises is located on South Norwood High Street a busy main truck road between Crystal Palace and Penge, the nearest junction is Station Road, where access can be gained to the premises via an alleyway. The premises has residential premises situated above, beside and opposite. The venue itself consists of a ground floor, which can be accessed via the front and rear of the premises. And a basement that can be accessed from within the premises or from the rear.

The first application for a premises licence was submitted to Police on 23<sup>rd</sup> July 2020. The application was made by Mr Akinsayna. The proposed licensable hours were Sunday – Thursday 1200-2300 hours, Friday and Saturday 1200-0230 hours. On receipt of the application, Police met the applicant at the premises and discussed conditions that would enable the premises to run according to the four Licensing Objectives. The applicant Mr Akinsanya agreed to 20 conditions including the use of an ID Scanner, SIA Security provisions, policies relating to searching weapons and drugs.

Due to objections received by local residents, a licensing committee hearing was arranged and on 1<sup>st</sup> October 2020 the sub-committee stated "The sub-committee resolved to refuse the application on the basis that it does not adequately address the Licensing Objectives of the preventing public nuisance" However the premises was however permitted to operate as a restaurant up until 2300 hours daily, when no licensable activities would have taken place.

On 3<sup>rd</sup> August 2021 the Police were contacted by a victim of assault, stating that they had been in the premises at **0420 hours** collecting a food order. It was stated that the bar was quiet as it was nearly closing time. It is alleged there was an altercation between two parties who are known to each, the owner of the premises got in between then and tried to eject the suspect.

The victim and suspect then have a physical altercation with the suspect punching the victim in the face, it is alleged he then grabs her hair, pulls her through the bar where he kicks her. The owner of the bar then pulls the victim up, and a second suspect picks up a bottle and throws it whilst swinging punches at the victim.

Suspect one then re-enters the room and victim throws a glass at him. Victim takes herself to Lewisham Hospital. Police were not called by the premises to report this violent assault.

On Wednesday 4<sup>th</sup> August 2021 PC Zoe Garrod phoned the applicant Mr Akinsanya to discuss this incident, he stated that he knew both parties and was only serving food. It was explained to Mr Akinsanya that he was unable to serve hot food and drink after 23:00 hours, as he did not have an authority for late night refreshment. I can confirm no Temporary Event Notice had been applied for and as per the subcommittee hearing the premises did not at that time have a premises licence.

Mr Akinsanya stated that he only operates until 02:30 hours Friday and Saturdays, it was explained to him that as he has no authority to conduct licensable activities, no food or drink could be served after 2300 hours daily. This was followed up by a visit to the premises by PC Chris Woods and Kay Jones from Croydon Council Licensing Team. During this meeting Mr Akinsanya altered his explanation as to what had happened that evening, stating he was heating soup for a friend. This account does not match that of the victim of the violent assault. Letter following visit dated 10<sup>th</sup> August 2021 sent by PC Chris Woods.

On 14<sup>th</sup> October 2021 with no prior consultation with Police, a second premises licence application was received for Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA. Again the application was made by Mr Akinsayna.

The proposed licensable hours on the second application were Sunday – Thursday 1000-0230 hours, Friday and Saturday 10:00-05:00 hours, which was a significant increase in licensable hours to the previously rejected application. This application was for the following licensable activities; recorded music, late night refreshment and the supply of alcohol.

During the 28 day consultation period, Police met with the Mr Akinsayna on Monday 8<sup>th</sup> November 2021 where it was explained that due to the prior incident at the venue and breaches during covid the Police did not feel he would be a suitable designated premises supervisor (DPS). Mr Akinsayna agreed stating that he would be making Mr Edwards DPS. Mr Edwards has previous experience within the hospitality sector and holds a personal licence.

Police did inform Mr Akinsayna that they would be unable to support the extended licensable hours and therefore agreed Sunday, Monday, Tuesday, Wednesday and Thursday 10:00-00:00, closing time of premises 00:30 hours. Friday and Saturday 10:00- 02:00 hours, closing the premises at 02:30 hours. Mr Akinsanya agreed to 24 conditions including the use of an ID Scanner, SIA Security provisions, and policies relating to searching of patrons, weapons and drugs. A personal licence holder was to be on the premises at all times that licensable activities were taking place and no members of the public were to be admitted to the premises after 01:00 hours save for re-admission of customers who have left the premises temporarily to smoke.

Due to objections made by local residents this application was referred to the Licensing Sub-Committee with a hearing taking place on 8<sup>th</sup> December 2021. The outcome of the hearing was that the licence was granted in accordance with the reduced hours set by Police and an additional 34 conditions set by both Police and Croydon Council Noise Pollution Team.

On 15<sup>th</sup> February 2022 nearly two months after the licence had been granted, PC Woods contacted Mr Akinsanya asking for an update regarding the new proposed DPS Mr Edwards. Mr Akinsayna replied stating the venue had only been open on a part time basis and they he had already started the process of varying the DPS to Mr Edwards. To date there has been no application to vary the DPS at the venue.

### Crime and disorder licensing objective –

Information received by Police on 25<sup>th</sup> February 2022 that unauthorised licensable activities were taking place at the weekends, with events going on until 06:00 hours. The events were alleged to take place in the rear of the venue and in the basement to avoid Police detection.

On the evening of Friday 25<sup>th</sup> February 2022, officers from the Police Licensing Team attended the premises in order to view CCTV from the previous week, when Police had received calls from local residents complaining about loud music was coming from the venue at 03:18 and 03:57 hours. The CCTV at the premises was not working and Mr Akinsayna was unable to operate the system. Mr Akinsayna was informed by Police that this breach of his premises licence and that it was an offence under the Licensing Act 2003. He was told that all licensable activities must cease until he was fully compliant with the conditions set out in Annex 2 of his premises licence. This visit was followed by a letter from PC Woods.

On 14<sup>th</sup> March 2022 PC Woods contacted Mr Akinsayna to arrange a visit to the premises to check that the previous breaches of the premises licence had been addressed, a meeting was arranged for two days later. PC Woods sent a confirmation email, within this he listed all 32 conditions under Annex 2 and asked that Mr Akinsayna to go through them to ensure full compliance.

On the day Police were due to visit the premises, Mr Akinsayna sent an email stating that having looked at all the conditions he still needed to put up further signs, and therefore needed more time before officers visited. He informed Police that the CCTV was now fully operationally and additional cameras had been installed. PC Woods replied, reminding Mr Akinsayna that the premises should not open without being fully compliant with all the conditions on the premises licence.

On 24<sup>th</sup> March 2022 information received by Police stating that late night unlicensed events continue to take place most nights in OCEANIC BAR 83 - 84 HIGH STREET SOUTH NORWOOD SE25. Access to these events is gained via the rear doors to avoid attracting attention from the front. Further information received on the same day states, class A & B drugs are being supplied and consumed at regular UMEs at OCEANIC BAR 83 - 84 HIGH STREET SOUTH NORWOOD SE25.

On 1<sup>st</sup> April 2022 officers from the Police Licensing Team attended the venue to meet with Mr Akinsayna to discuss the recent intelligence regarding the use of the basement to hold events after licensable hours. The attending officers could see that the basement was accessible via an alleyway at the rear of the premises, therefore Police asked Mr Akinsayna to view CCTV of the basement area.

The CCTV for the basement appeared to only start recording one hour prior to our visit, Mr Akinsayna has stated this is due to the system being motion detection. There were only a few cameras in the basement area, which do not provide fully coverage, it is a requirement of the premises licence that all internal areas shall be covered. CCTV for the stairs and doorway leading to the rear alley, had a camera which was facing upwards and therefore provided no coverage of the stairs leading into the basement. The lack of CCTV would allow patrons to enter and exit the premises undetected outside of the premises operating hours.

During the visit Police asked Mr Akinsayna if they could look at his ID scanner, which is a condition on the premises licence that states all patrons entering the premises from 21:00 hours every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes, must have their ID scanned. Mr Akinsayna stated he did not have an ID scanner and had not used one during the four months he had been open.

Police asked Mr Akinsayna if they could look at his SIA records, Mr Akinsayna told officers that over the last four months he had been open he had not deployed any door staff, stating that people using the venue are family and friends. This is a breach of Annex 2 condition 10, which states *a minimum of two SIA door*

*supervisors shall be deployed at the venue every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes.*

Further conditions on Annex 2 refer to the need to search patrons when entering the venue at certain times. No members of the public are to be admitted or re-admitted to the premises after 20:00hrs every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday unless they have undergone a search procedure including the use of metal detecting wand. Mr Akinsayna confirmed that since the premises licensing had been issued, no one has been searched when they enter the premises.

Police explained to Mr Akinsayna that they were extremely concerned about the breaches of his premises licensing, which are not only an offence under the Licensing Act 2003 but are not upholding the four licensing objectives especially the prevention of crime and disorder. Again Mr Akinsayna was advised that the premises should cease all licensable activities until he was fully compliant with all conditions on the premises licence. This visit was followed up by a letter from PC Garrod and a follow up meeting was arranged for 7<sup>th</sup> April 2022.

On 7<sup>th</sup> April 2022 Police attended the premises and viewed CCTV in the basement area, additional CCTV cameras had been installed and provided good coverage. As the visit was on a Friday and Mr Akinsayna was awaiting delivery of his ID scanner, he was again reminded that he should not operate after 21:00 hours, as this would be a breach of his premises licence.

On 7<sup>th</sup> April 2022 information received by police states a named male is believed to have threatened unknown males with a knife, following a dispute in OCEANIC BAR. The owner of OCEANIC BAR rents out the venue for various events including parties and gambling. These events go beyond the licenced hours.

On 11<sup>th</sup> April 2022 information received by Police states there is an all-night unlicensed music event (UME) planned for tonight 11<sup>th</sup> April at the OCEANIC BAR, 83 - 84 HIGH STREET, SOUTH NORWOOD, SE25. Entry to the premises is via the rear of the premises. DJ [REDACTED] will be in attendance. He will be bringing a large Entourage.

On 6<sup>th</sup> May 2022, Police attended the premises as a result of a call made to Police on 4<sup>th</sup> May 2022 stating ongoing noise issues until 05:00-06:00 hours daily. CCTV was viewed by officers for 4<sup>th</sup> May at 01:09 hours there are approximately 10 people in the venue, with a male behind the bar serving drinks, at 03:00 hours some more people arrive. Mr Akinsayna states he told them the premises was closed so they left soon after entering. At 03:30 hours following a phone call made by Police to the venue, the venue is empty. As this is a weekday evening the premises has no authority to conduct licensable activities, and should have been closed by 00:30 hours. The operating hours of the premises were set during a subcommittee hearing to address concerns by local residents and Police would expect strict compliance.

During the visit CCTV of Saturday 29<sup>th</sup> April 2022 was viewed by Police at 2222 hours there are three people in the premises playing pool, when a group of females are seen enter the premises. These patrons are not searched and no SIA door staff are deployed as per conditions on the premises licence. Mr Akinsayna was asked where the ID scanner was, he stated it was in the office as although he now had one, it did not have the correct software and therefore could not be used. It was again explained to Mr Akinsayna that as he did not have a fully operational ID scanner and door staff, the premises should not have been open for licensable activities after 2100 hours.

During this visit Police explained to Mr Akinsayna that they were not confident in his ability to run the premises safely and in accordance with the licensing objectives, he was advised that Police had no faith in his

ability to remain as DPS and that was why during the application period they had requested a new DPS. This visit was followed by a letter from PC Garrod.

On 11<sup>th</sup> May 2022 Police received intelligence that a known male who is thought to have previously threatened unknown males with a knife, runs events at Oceanic bar every Thursday. Further intelligence states Oceanic Bar in Norwood Junction has a back room, which is rented out for events which lasts until the early hours of the morning. Police from the emergency response team were tasked to visit the premises after at 0100 hours and 0200 hours on Thursday 12<sup>th</sup> May 2022 the premises was in darkness and no noise was coming from inside. Licensable activities finish at midnight on Thursday nights.

Police have received intelligence that both class A and B drugs are being supplied to patrons attending this premises, other information states a male has threatened unknown males with a knife. Police have serious concerns that by not operating in accordance of the conditions on his premises licence, Mr Akinsayna is doing very little to prevent crime inside his venue.

In the early hours of Friday 20<sup>th</sup> May 2022, officers from Croydon Police Emergency Response Team attended Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA. Officers attended as a tasking had been created, asking officers to visit the venue Thursday night after midnight to see if the venue was operating outside of its licensable hours. Police have received information that the venue is being used on Thursday evenings to hold late night events, with access being gained via the rear alleyway to avoid Police detection.

Body Worn Video of the visit shows officers arriving at 0134 hours, the officers note the front of the premises is closed, with access being gained via the rear alleyway. Patrons are seen stood at the rear of the premises, with two males seemingly door supervisors stood at the rear door. Loud music could be heard from the downstairs of the premises, along with people laughing and shouting.

Whilst officers were in attendance, patrons were still arriving to attend the premises.

On 24<sup>th</sup> May 2022, Police arranged to meet Mr Akinsayna at the premises to discuss the visit by officers on Friday 20<sup>th</sup> May 2022. Mr Akinsayna stated that he left the premises at 2230 hours on Thursday 19<sup>th</sup> May 2022, allowing friends to use the venue. CCTV viewed of the basement shows at 0215 hours Friday 20<sup>th</sup> May 2022, people are dancing and loud music can be heard.

As this event was on Thursday 19<sup>th</sup> May 2022 going into a Friday, licensable activities should have ended at 00:00 with the premises being closed at 00:30 hours. Therefore, Mr Akinsayna has allowed the venue to be used several hours after all licensable hours should have ceased.

Condition 26 of the premises licence states - A personal licence holder must be present at all times that licensable activities are taking place. Mr Akinsayna left the premises without a personal licence knowing this would be a breach of his premises licence. As discussed during previous meetings Mr Akinsayna is aware of this condition and has stated to Police that he is always at the premises.

Police have received various reports that the rear alleyway is being used as an entry and exit point to avoid Police detection; this has been confirmed by officers during their visit on Thursday 19<sup>th</sup> May 2022.

Whilst at the premises Police viewed CCTV from Friday 20<sup>th</sup> May 2022 going into Saturday 21<sup>st</sup> May 2022. Licensable activities should have ceased at 0200 hours, yet at 0244 hours people are still dancing in the basement. CCTV then stops recording, however on looking at the main system people are still in the upstairs of the venue at 0400 hours. Showing for the second consecutive night the premises is operating two hours



outside of its authorised hours, Mr Akinsayna's explanation for this is that people are stubborn and it is hard to get them to leave.

Police have serious concerns that Mr Akinsayna is not in control of this venue, leaving the premises with friends who have a total disregard for the premises licence hours or conditions. There is absolutely no consideration for how these events are affecting the local community, who objected to both premises licence applications.

Police are receiving regular information regarding the premises, the latest information stating underage girls are attending the location. Mr Akinsayna stated the party on Friday night was for a 20<sup>th</sup> birthday party, as Police could not view the information from the ID Scanner for Fridays event, Police are unable to confirm that all those attending the event were over 18. Violence against women and girls is of the upmost importance and by not checking ID's, the premises is potentially allowing young girls to access alcohol on your premises. This visit was followed by a letter from PC Garrod

The continued breaches of his premises licence show Mr Akinsayna has no regard for the Licensing Act 2003 and the offences he continues to commit.

Police should not wait until a serious crime has been committed, when it is clear that by allowing this venue to continue to operate as it is doing, it will only be a matter of time before serious crime and disorder happens at the premises.

#### **Public nuisance licensing objective-**

On 20<sup>th</sup> February 2022 at 03:18 and 03:57 police received calls stating the music coming from the venue was very loud. This was in the early hours of Sunday morning and therefore licensable activities including recorded music should have stopped at 02:00 hours, nearly two full hours later the music was so loud it was keeping local residents awake.

On 4<sup>th</sup> May 2022 Police a call from a member of the public at 03:00 hours concerned about the loud music coming from the venue. This was Tuesday going into Wednesday and therefore the premises is only licence for recorded music until midnight. The call received some three hours after the end of licensable activities. The informant further stated that music is being played every night until 0500-0600 hours. At 0400 hours, Police attended and were unable to gain entry to the premises, but could hear music coming from inside the premises.

The local residents have objected to both application made by Mr Akinsayna to open this venue as a late night bar/nightclub. Although strict conditions and hours have been set by the licensing committee, Mr Akinsayna's blatant disregard of those conditions and hours, means this premises is having a negative impact upon the local community.

#### **Public safety licensing objective –**

On 13<sup>th</sup> December 2020 at 01:27 hours Police received a call from a female stating she had just been into the premises, stating it was packed, approximately 100 people inside it is so hot you can't breathe, breach of covid rules. CAD 680/13DEC refers. Police attended the premises at 01:49 hours where it was quite clear people were inside the premises and loud music could be heard. Officers were denied entry, entry not forced due to risk assessment carried out by officers on scene. Body worn video of officers attending show lights and people in venue, loud music can be heard but it off a few minutes after their arrival.

On Monday 14<sup>th</sup> December 2020 PC Chris Woods and PS Peter Wright from Croydon Police Licensing Team attend the premises and meet with the applicant Mr Akinsanya. He stated he was at the premises at approximately 0200 hours, but was testing the speakers with a friend. He stated a small group of 10-15 had been inside the venue until 21:00-22:00 hours. CCTV was requested during this visit.

On Wednesday 16<sup>th</sup> December 2020 PC Zoe Garrod and PC Chris Woods attend the premises with PC Baggely from the Metropolitan Police Visual Images, Identification and Detections Office, to collect CCTV. Hard drive seized from the premises, hard drive had been formatted at 11:30 hours that morning. First image recorded shows Mr Akinsanya leaving the room containing the CCTV with a ladder. The CCTV is situated high up in a void within the ceiling which would require a ladder to access, it is suspected that the CCTV was formatted on this date, which would delete any recordings

Police obtained CCTV from the rear alleyway which shows between 01:48 and 02:00 hours on Sunday 13<sup>th</sup> December 2020 96 people leaving the premises, with one person still drinking from a glass. This coincides with officers arriving, and the music being turned off.

CCTV was obtained from Croydon Council this shows two officers on scene at 01:47 hours and leaving at 01:51 hours. At 01:55 hours customers believed to be from the venue come into view, at 01:57 hours groups of people are seen leaving the alleyway.

On Tuesday 22<sup>nd</sup> December 2020 Mr Akinsanya attended Windmill Road custody centre where he was interviewed under caution for breaching covid regulations. After denying the party took place and not knowing how CCTV was formatted. The evidence from officers and CCTV footage resulted in Mr Akinsanya receiving a £10,000 fine.

This incident highlights a blatant disregard of the covid regulations and The Licensing Act 2003, during a global pandemic resulting in thousands of death. Mr Akinsanya took it upon himself to host an unlicensed music event causing serious public health implications to those attending. At the time of the event London was in Tier 2 meaning venues had to close at 2300 hours. People attending had to be from the same household or support bubble. It is clear that the 96 people attending this event, were not from the same household.

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

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

**5.4.2 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.**

**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.**

I would also like to refer you to the revised guidance under section 182 of the Licensing Act 2003:

**11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.**

Both throughout the licence application process and since the granting of the licence the Police have continued to engage with Mr Akinsayna. They have offered advice and guidance in helping Mr Akinsayna meet not only the conditions on his premises licence but to ensure he is meeting the requirement of the four licensing objectives. However, it is clear that despite the best efforts of the Police Mr Akinsayna is unable to operate this premises safely.

We therefore feel there are no other alternatives but to ask the Committee to revoke this premises licence.

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

Yours Sincerely,

**PC Zoe Garrod 2801SN**

**Croydon Police Licensing Team**

Please find below images of Oceanic bar, 83-84 High Street, South Norwood, SE25 6EA, taken by PC Chris Woods:

Front of the premises clearly showing residential premises above -



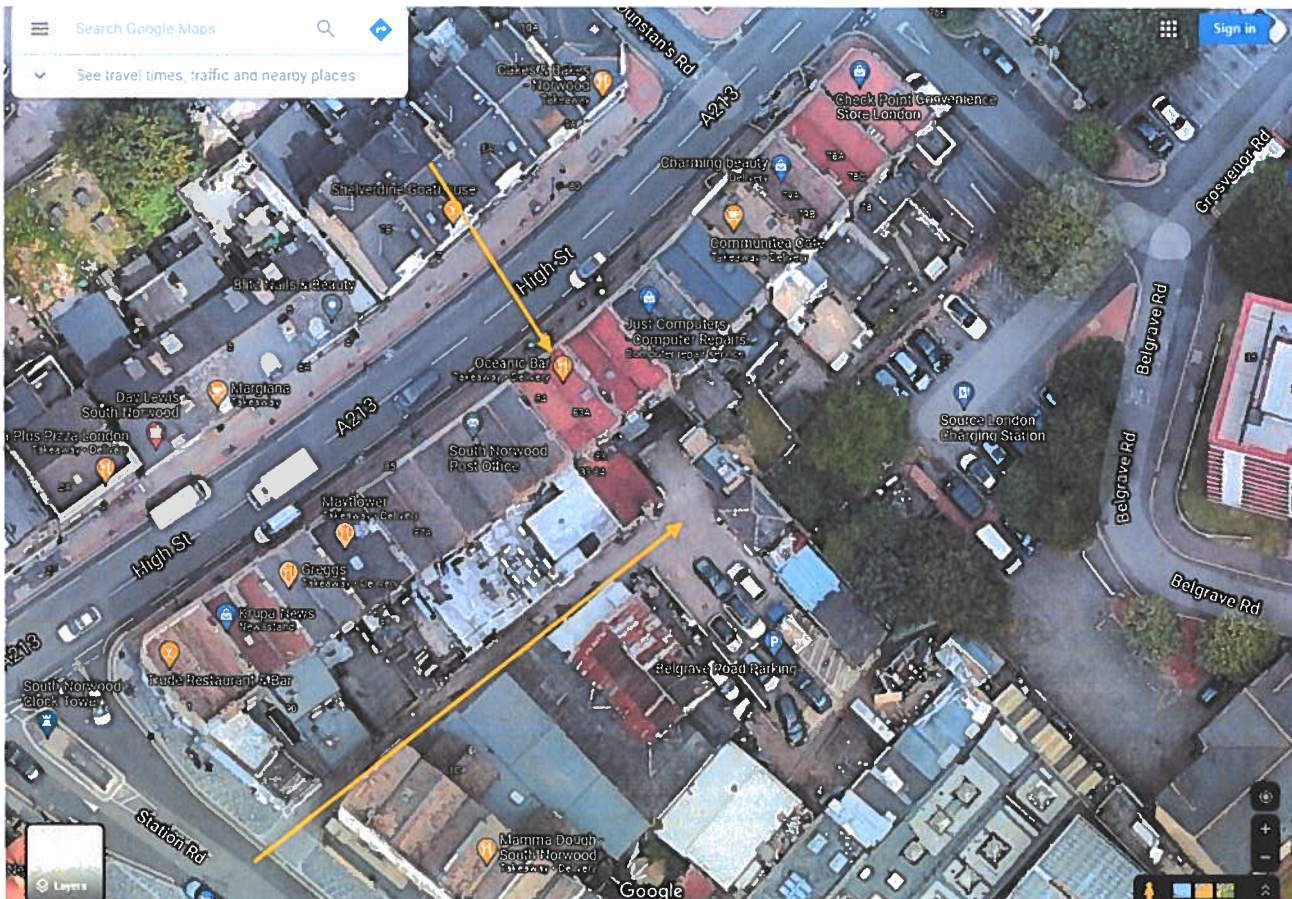
Alleyway on Station Road leading to the rear of the premises-



Rear of the premises, showing entrance to both basement and ground level. Also clearly shows proximity to residential premises. Orange arrows mark both entrances.



Aerial view of the premises yellow arrows indicate entry from High Street and entry via rear alleyway in Station Road, this is where patrons have been seen leaving the premises during covid restrictions.



## Premises Licence

**Premises Licence Number**

21/02798/LIPREM

### Part 1 – Premises Details

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

83-84 High Street  
South Norwood  
London  
SE25 6EA

**Telephone number:** N/K

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

N/a

**Licensable activities authorised by the licence**

Provision of Regulated Entertainment, namely Recorded Music  
Provision of Late Night Refreshment  
Sale by retail of alcohol

**Times the licence authorises the carrying out of licensable activities**

**Recorded Music**

Sunday to Thursday  
Friday and Saturday

10:00 - 00:00 (midnight)  
10:00 - 02:00

**Provision of Late Night Refreshment**

Sunday to Thursday  
Friday and Saturday

23:00 - 00:00  
23:00 - 02:00

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**Sale by retail of alcohol**

|                     |               |
|---------------------|---------------|
| Sunday to Thursday  | 10:00 - 00:00 |
| Friday and Saturday | 10:00 - 02:00 |

**The opening hours of the premises**

|                    |               |
|--------------------|---------------|
| Sunday to Thursday | 10:00 - 00:30 |
| Friday to Saturday | 10:00 - 02:30 |

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

On only

**Part 2**

**Name, (registered) address of holder of premises licence**

Oceanic Bar  
83-84 High Street  
South Norwood  
SE25 6YZ

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

12115255

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

Mr Olukayode Aderemi Akinsanya

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~

~~XXXXXXXXXX~~

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

**Personal Licence Number:** 20/01927/LIPERS

**Licensing Authority:** London borough of Croydon

**Date Original Licence Granted:** 09.12.2021

**Date This Licence Valid From:** 09.12.2021

**Licensing Manager**  
**Place Department**



## Annex 1 – Mandatory conditions

### The supply of alcohol

#### Condition A1.

No supply of Alcohol may be made under the Premises Licence:

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence is suspended.

#### Condition A2

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

#### Condition A3

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### Condition A4

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

#### Condition A5

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Condition A6**

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Additional Mandatory Licensing Conditions, Minimum Drinks Pricing:**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted" price is the price found by applying the formula -  $P=D+(D \times V)$  where:
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **MANDATORY CONDITIONS - Door Supervision - except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - (b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

The premises licence holder shall (ensure that) –

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. All staff shall undertake, yearly, Welfare and Vulnerability Training and in addition to Counter Terrorism Training ACTE.
3. The venue must provide its own written policy in relation to drugs, weapons and theft. Signage

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shall be displayed at the entrance of the premises and in toilets explaining a zero tolerance to drugs.

4. No members of the public are to be admitted or re-admitted to the premises after 2000hrs every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday unless they have undergone a search procedure including the use of metal detecting wand.
5. A CCTV system must be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard must be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.
6. The CCTV system shall display, on screen and on any recording, the correct time and date that images were captured.
7. CCTV signage must be displayed, reminding customers that CCTV is in operation.
8. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
9. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to the public in order to show police images if required. A member of staff suitably trained to download CCTV footage must then be available within 48hrs. The downloaded footage is to be supplied in a useable digital format.
10. A minimum of two SIA door supervisors shall be deployed at the venue every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes.
11. On days when Crystal Palace Football Club are playing at home a minimum of 2 door supervisors shall be deployed at the venue before the match, throughout the match and a suitable time after finishes.
12. Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -
  - a. Name and date of birth
  - b. Full 16 digit SIA badge number
  - c. Dates and times employed
13. These records must be made available, in useable form, to the Metropolitan Police, Croydon Council officers or authorised officers of the Security Industry Authority upon request.
14. Ensure all bookings are made at least 14 days in advance of the event and may only be made by a person over the age of 21 years.
15. Ensure all bookings are made in person at the premises and an application completed on a booking agreement form agreed with the Metropolitan Police and all records of these bookings and a guest list must be available for inspection by an authorised officer of the police at any time that the premises is open. Copies of photographic ID must accompany any application (Passport, Driving Licence, Pass logo ID)

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16. All promoted events must have a written risk assessment (RA), this must include SIA numbers and search regime for the event. This RA must be submitted to Croydon Police Licensing Team 14 days before the event takes place
17. A comprehensive incident register must be maintained, at the premises. Details of incidents shall be added to the register within 24hrs of any incident. CCTV images of any incident shall be recorded and kept at the premises along with a copy of the incident report and written reports from all members of staff involved
  - a. The following details must be recorded: -
  - b. Date of the incident
  - c. Time of the incident
  - d. Location of the incident
  - e. Persons concerned in the incident
  - f. Summary of incident
  - g. Identification of any Emergency Services Personnel attending where possible
18. No alcohol or glass ware shall be permitted to leave the premises.
19. From 2000hrs on Thursday, Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday, all drinking vessels, glasses and bottles provided to customers at the premises shall be polycarbonate
20. A challenge 25 policy shall be in operation at the premises with `appropriate signage on display throughout the premises.
21. 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.
22. The premises must ensure that an identification scanning device, capable of recording and checking details of identity documents is in use at the entrance of the premises from 2100 hours every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes. Every person regardless of age shall have valid and in date photo ID scanned. All photo ID must bear a resemblance to the person who enters the premises so that they can be easily identifiable on the head and shoulders on entry camera.
23. Ensure that when Crystal Palace football club are playing at Selhurst Park, plastic/polycarbonate glasses shall be used and all bottles decanted from 3 hours before the start of the game until 3 hours after the finish of the game.
24. The premises shall have a written dispersal policy.
25. Ensure that no members of the public are admitted to the premises after 01:00hrs save for the re-admission of customers who have left the premises temporarily to smoke.
26. A personal licence holder must be present at all times that licensable activities are taking place.
27. The licensee shall ensure that doors and windows are kept closed (but easily openable for

8

Premises Licence:- 21/02798/LIPREM

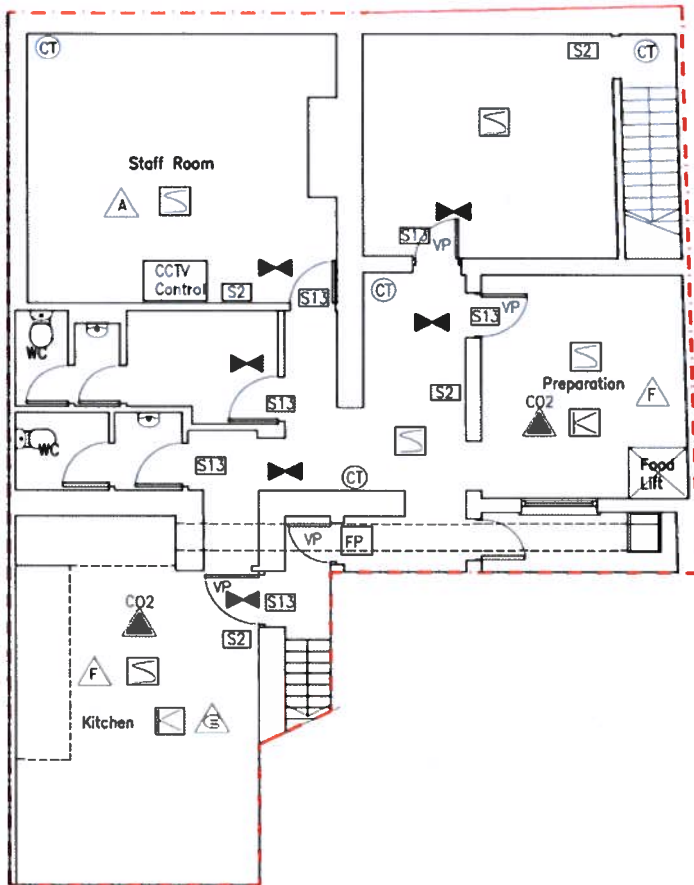
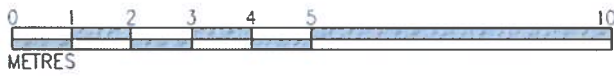
safety reasons) during events involving live and recorded music, including the appropriate use of lobby doors.

28. The licensee shall ensure that patrons are managed to ensure that noise from exiting and entering is kept to minimum.
29. The licensee shall ensure that there is close and regular liaison with the landlords and residents within close proximity of the premises to address complaints and concerns.
30. The licensee shall ensure that no noise nuisance be caused to local residents from any activity associated with the premises licence.
31. Signage shall be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
32. A noise limiter be installed and set by the Council's Pollution team.
33. Children under 12 shall be accompanied by an adult to attend the premises.

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

N/a

Annex 4 – Plans



BASEMENT FLOOR PLAN Scale 1:100

KEY TO PLANS

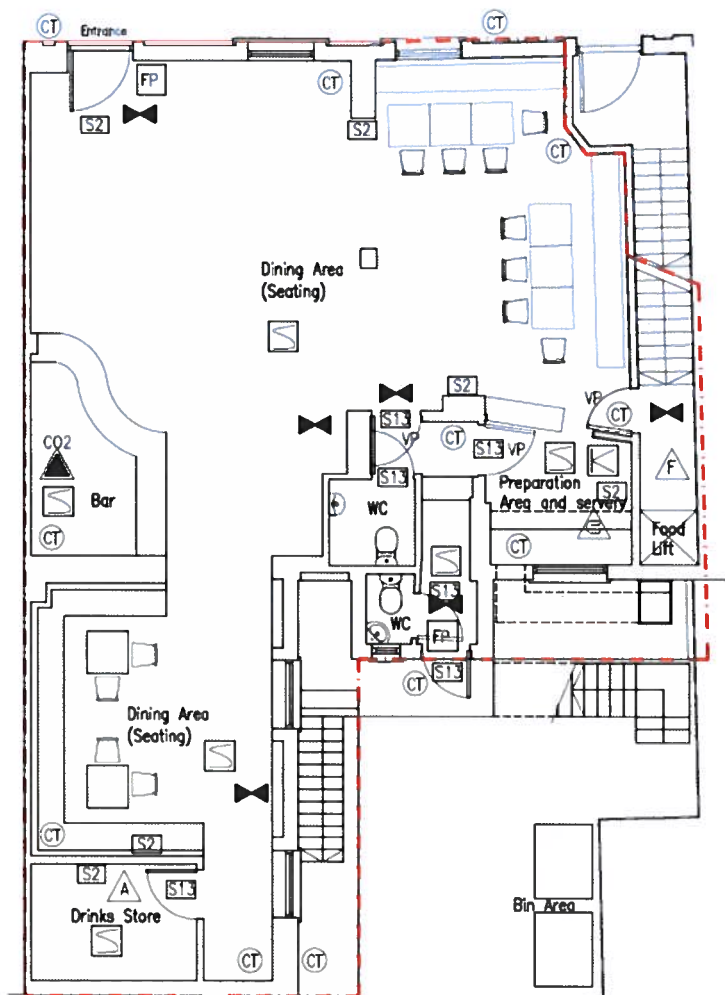
- No Smoking notice
- Area covered with a system of escape lighting
- Area covered by automatic smoke detectors
- Area covered by heat detectors
- Fire blanket in container
- Class F
- Class F fire extinguisher
- VP Fire resisting vision glass panel in door
- S13 Fire door keep shut
- CO2 Carbon dioxide fire extinguisher
- S14 Fire door keep locked
- Class A
- Class A (water) fire extinguisher
- FP Fire alarm point
- - - - - Licensable area
- CT CCTV Camera

Revisions

|   |  |                               |                   |           |   |
|---|--|-------------------------------|-------------------|-----------|---|
| <b>T Joseph Associates Limited</b><br>Chartered Architect | Client:<br>MR O AKINSANYA  | Title:<br>BASEMENT FLOOR PLAN |                   |           |   |
|   | Project:<br>OCEANIC BAR 83-84 HIGH STREET<br>SOUTH NORWOOD LONDON SE25 6YZ | Project Ref:<br>2050          | Drawing no:<br>02 | Revision: | Date:<br>JUL 2020<br>Scale:<br>1:100 @ A4 |

LICENCE APPLICATION ISSUE

10  
 Premises Licence:- 21/02798/LIPREM



GROUND FLOOR PLAN

Scale 1:100

KEY TO PLANS

- No Smoking notice
- Area covered with a system of escape lighting
- Area covered by automatic smoke detectors
- Area covered by heat detectors
- Fire blanket in container
- Class F
  - Class F fire extinguisher
- VP Fire resisting vision glass panel in door
- Fire door keep shut
- Carbon dioxide fire extinguisher
- Fire door keep locked
- Class A
  - Class A (water) fire extinguisher
- Fire alarm point
- Licensable area
- CCTV Camera

Revisions

|   |  |                             |                   |           |   |
|---|--|-----------------------------|-------------------|-----------|---|
| <b>T Joseph Associates Limited</b><br>Chartered Architect | Client:<br>MR O AKINSANYA  | Title:<br>GROUND FLOOR PLAN |                   |           |   |
|   | Project:<br>OCEANIC BAR 83-84 HIGH STREET<br>SOUTH NORWOOD LONDON SE25 6YZ | Project Ref:<br>2050        | Drawing no:<br>01 | Revision: | Date:<br>JUL 2020<br>Scale:<br>1:100@A4 |

LICENCE APPLICATION ISSUE



# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

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

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

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

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

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

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

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

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



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

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

**Friday 24<sup>th</sup> May 2022**

**Re: Review of Premises Licence for Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA**

Members of The Licensing Committee,

Further to my original representations dated 30<sup>th</sup> May 2022, officers from Police Licensing Teams have continued to visit the premises, statements from PC Woods dated 21<sup>st</sup> June 2022 and PC Sear dated 22<sup>nd</sup> June 2022 outline these visits.

An impact statement dated 18<sup>th</sup> June 2022 from PC Rudans, outlines concerns raised by residents.

Further submissions include letters from Police Licensing Team to Mr Akinsanya dated 26<sup>th</sup> February 2022, 4<sup>th</sup> April 2022, 6<sup>th</sup> May 2022 and 25<sup>th</sup> May 2022.

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

Yours Sincerely,

**PC Zoe Garrod 2801SN**

**Croydon Police Licensing Team**





Continuation of Statement of:

A4

Mr Akinsanya agreed he would be operating exactly to his licence conditions and operating times. He then showed us his newly acquired scanner and switched it on.

Mr Akinsanya scanned his own driving licence to prove it was working but unfortunately no saved data could be found on this occasion which indicated the scanner had not been previously used. This should not have been the case as we know he was open after 9pm the previous Friday and Saturday evening.

During our visit I also looked into the basement area which was empty at the time. The visit lasted approximately 15mins before we left.

*[Large handwritten signature]*

Witness Signature: *[Signature]*

Signature Witnessed by Signature: .....

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

A4

Statement of PC SEAR 2157SN..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police OFFICER.....

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

Signature: PC Edwin Sear 2157SN..... Date: 22nd June 2022.....

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

This statement refers to a visit to Oceanic Bar, 83-84 High Street, South Norwood on Friday 3rd June 2022. The persons I will refer to in this statement are Olukayode Aderemi AKINSANYA, the premises license holder and designated premises supervisor of Oceanic Bar. Also present were PC Tina DANDRIDGE, my colleague in the Police Licensing Team and PS Peter WRIGHT, and Kay JONES from Croydon Council Licensing Office. At around 2220 hours I was in plain clothes and visited Oceanic Bar when it was open to the public. There was no security staff present at the venue, just bar staff behind the bar and a small number of customers. We were met by Olukayode Aderemi AKINSANYA. The lights and television was on at the venue too. AKINSANYA switched on the security scanner that was stationed inside the main entrance. On a previous visit the month before it was broken and not working. He demonstrated the last time the device had recorded was several weeks previously. He said the reason why no customer details had been recorded at the venue since this time was that the customer's didn't like having their details recorded. At around 2300 hours several men, members of the public, walked into the venue from the street and walked up to the bar and asked for a drink. The bar man apologised and told the men they were not open and to try up the street, so they walked out the venue. AKINSANYA was asked why there was no security on the door, and no ID was asked for from the people coming in or searches done. He did not answer. JONES and PS WRIGHT pointed out several breaches of the premises license and told AKINSANYA to start operating within his premises license. I exhibit body worn video evidence from the visit as ES/1. On Saturday 21st May 2022 I visited with PC Tina DANDRIDGE. At around 2030 hours. AKINSANYA showed me the ID scanner which was in a back office and not in operation. I exhibit footage of that as ES/2.

Signature: ..... Signature witnessed by: .....

**STATEMENT OF WITNESS***(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

A4

URN


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|  |  |  |  |
|--|--|--|--|

Statement of: Constable Arturs Rudans

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date: 18 Jun 2022


This statement refers to the noise and Anti-Social Behaviour that has been impacting the local residents due to OCEANIC BAR operating past and breaching their licensing hours. This contains information gathered from residents in the vicinity of the bar who have been experiencing incidents of Anti-Social Behaviour, drug use and noise complaints over a long period of time. All the residents' wish to remain anonymous due to the nature of the behaviour coming from partygoers and owners of the establishment. Below is a breakdown of the impact the local residents have been experiencing.

Resident A has spoken to police and disclosed information anonymously. "I have lived at my home for over 40 years with my wife and for a good while now there has constantly been noise and music coming from the Oceanic Bar on the high street. Random people have been parking along my street into the early hours of the morning, mostly around 0200 hours and 0300 hours. The height of the activity seems to be Friday and Saturday night. This has been affecting not only my sleep but my wife's sleep and also my 2 grandchildren who are 2 and 5 years old."

Resident B has spoken to police and disclosed information anonymously. "I have lived at my home for approx. 5 years and I do sometimes hear music at around 0200 hours in the morning on a Friday or Saturday, I thought it was music coming from a flat near me but I believe it's coming from the high street. I have had many people in the early morning park their cars outside my house and they would be wearing casual/smart clothing; something I would wear to a club. Also as a result when the noise stops and the people return to their cars, some have previously urinated on my lawn. This made me upset and had to purchase a ring doorbell to prevent such future behaviour."

Resident C has spoken to police and disclosed information anonymously. "I have lived here since 1999 and it has always been noisy, but the OCEANIC BAR creates a lot of noise. It used to be very bad, but now mainly it is at the weekend. There is a lot of noise and it blocks out the sounds from my television. I have had to buy headphones and turn my TV right up so that I can hear it. People are hanging outside the bar around 0230 - 0300hrs and are buying alcohol from the off licence next door to the pub. They are rowdy and shouting and screaming sometimes until 0500 in the morning, keeping me awake. I also think they are taking drugs and there are lots of cars that pull up outside making really loud noises. I would love to move but where would I go? I can't afford to move."

Resident D has spoken to police and disclosed information anonymously. "I was first aware when I moved in a year ago, I instantly felt threatened and scared due to the noise being so close to my flat. There is constantly noise, shouting and screaming in the alley behind my flat which runs Continuation of Statement of: Constable Arturs Rudans Witness Signature: Signature Witnessed by: Page 2 of 2 eStatement no SN-1007150-2022

Signature: 

Signature Witnessed by:

A4

RESTRICTED (when complete)

MG11C

Continuation of Statement of: Constable Arturs Rudans

RESTRICTED (when complete) MG11C RESTRICTED (when complete) behind the shops. The noise often runs into the early hours of the morning until approx. 0300 hours. This has been ongoing for a long time most nights, loud music, shouting and swearing. This is impacting my sleep and ability to work through the day being kept up. I am so happy you are doing something about it."

Resident E has spoken to police and disclosed information anonymously. "I have lived at my property for a number of years however, I have recently moved away from that property and moved to Shirley to get away from all the noise and ASB occurring from the Oceanic Bar. I operate a business close to the bar and used to live above my business. Due to me living at such a close proximity it was unbearable in regards to the noise. It normally would get unbearable on Fridays and Saturday nights."

Witness Signature: *Arturs Rudans*

Signature Witnessed by:

RESTRICTED (when complete)

Acc



**METROPOLITAN  
POLICE**

Working together for a safer London

TERRITORIAL POLICING

**Croydon Borough  
Licensing Office**

Mr Olukayode Akinsanya

Oceanic Bar  
83-84 High Street  
South Norwood  
SE256EA

- **Prevention of Crime and Disorder**
- **Protection of Children from Harm**
- **Prevention of public nuisance**
- **Public Safety**

Addington Police Station  
Addington Village Road  
Croydon  
CR0 5AQ

Telephone: 0208 649 0172  
Facsimile: 0208 649 0186

Email:  
chris.m.woods@met.police.uk

26<sup>th</sup> February 2022

21/02798/LIPREM

**Re: Licensing Visit – non compliance**

Dear Mr Akinsanya

I attended your premises on Friday evening, 25<sup>th</sup> February 2022 with my colleague PC Dandridge. We have recently received a complaint from a nearby resident that loud music had been heard emanating from your premises at 0310 and 0354hrs on Sunday 20<sup>th</sup> February 2022. Your licensable hours finish at 0200hrs on both Friday's and Saturdays. The purpose of the visit was to enquire whether your venue had been opening after its licenced hours.

It was extremely disappointing to find your venue breaching some of the conditions on its Licence.

As you are aware our visit was recorded on Body Worn Video should it be needed as evidence for future prosecution. As stated during the visit, your CCTV was clearly not working and you could not operate it properly either. These are both breaches of your licence conditions. There were other breaches too like the lack of 'challenge 25' signage.

**You have only had this licence for 3 months and it is clear that although you agreed to these conditions, you did not intend to adhere to them. This must be addressed as a matter of urgency; until you are fully compliant with all conditions on your premises licence, you must cease the sale of alcohol.**

**I must advise you that to conduct a sale of alcohol in breach of premises licence conditions is an offence under section 136 of The Licensing Act 2003. You should therefore cease conducting sales of alcohol until you are compliant with all the conditions on your premises licence.**

I will speak to you on Monday 28<sup>th</sup> February to arrange a visit for when all of the breaches have been remedied.

If you have any questions, please feel free to contact me on the below email or phone number. Alternatively you can call my colleague PC Zoe Garrod on 07900160144.

**This will be monitored and another visit will take place to check your compliance. Failure to rectify these issues could end in a review of your Licence.**

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

Regards

PC Woods 2471SN  
Licensing Officer  
Croydon Police Station  
07789933024  
020 8649 0043



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**Croydon Borough  
Licensing Office**

Mr Olukayode Aderemi Akinsanya

Oceanic Bar  
83-84 High Street  
South Norwood  
SE25 6EA

- **Prevention of Crime and Disorder**
- **Protection of Children from Harm**
- **Prevention of public nuisance**
- **Public Safety**

Croydon Police Station  
71 Park Lane  
Croydon  
CR9 1BP

Telephone: 0208 649 0172  
Facsimile: 0208 649 0186

Email: Zoe.garrod@met.police.uk

Monday 4<sup>th</sup> April 2022

**21/02798LIPREM**

**Re: Compliance Visit Friday 1<sup>st</sup> April 2022**

Dear Mr Akinsanya,

On Friday 1<sup>st</sup> April 2022 I attended Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA with my colleagues PC Chris Woods and PC Ryan Mills. The purpose of our visit was to carry out a compliance inspection of your premises licence 21/02798/LIPREM. The licence was issued to you by Croydon Council, on 9<sup>th</sup> December 2021 following a committee hearing. The Licensing authority therefore added 34 conditions under Annex 2 and 3 of your Premises Licence.

Since this licence has been issued, Police from the Licensing Team have visited the premises to view CCTV, during that meeting it was evident that CCTV was not recording. During a follow up email from PC Chris Woods dated 16<sup>th</sup> March 2022. PC Woods has stated **"All signage for Challenge 25 and CCTV MUST be present and visible to customers, CCTV MUST be working and recordings available to view, your scanner at the entrance MUST be scanning ID of every person entering your premises after 9pm on Fridays and Saturdays. Your two door supervisors at weekends need to have their badge numbers recorded"**

It was therefore extremely disappointing that during our visit to your premises on Friday 1<sup>st</sup> April 2022, we found the CCTV in the basement was not recording. The recordings start an hour and a half prior to our visit. Which is in breach of condition 5 on your premises licence:

- 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.

As quite clearly stated all internal areas must be covered by CCTV, the basement consists of two large rooms with an entrance/exit leading out into the alleyway. The lack of CCTV would allow patrons to entry and exit undetected outside of your operating hours.

In PC Woods's email he reminded you of the need for an ID Scanner as per condition 22 on your premises licence:

- The premises must ensure that an identification scanning device, capable of recording and checking details of identity documents is in use at the entrance of the premises from **2100 hours every Friday, Saturday**, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes. Every person regardless of age shall have valid and in date photo ID scanned. All photo ID must bear a resemblance to the person who enters the premises so that they can be easily identifiable on the head and shoulders on entry camera.

You do not have an ID scanner and have never used one in the four months you have been operating. It was made very clear to you during the 28-day consultation period that the premises would need an ID scanner. In venues that operate late hours ID scanners are used not only in crime prevention, but should an incident happen within the premises and the suspects leave the scene. The ID Scanner will provide vital information needed by Police Officers attending the scene.

In PC Woods email you were reminded of the need to deploy door staff from **2100 hours** Friday and Saturday. When asked for your SIA door staff records we were given a blank document, you were asked if you deployed door staff at the venue, again you said you did not, as some nights only 20 people were at the premises. You confirmed that in the four months you have been operating you have not deployed any door staff this would therefore have included Christmas Eve and New Year's Eve. Condition 10 on your premises licence relates to the deployment of SIA door staff:

- A minimum of two SIA door supervisors shall be deployed at the venue every **Friday, Saturday, Christmas Eve, New Year's Eve**, bank holidays and Sundays before a bank holiday from **21:00hrs** until the premises closes.

During our visit we asked about your search policy, you confirmed that you **DO NOT** search patrons entering the premises regardless of the time they enter. Condition 4 on your premises licence refers to the searching of persons entering your premises:



- No members of the public are to be admitted or re-admitted to the premises after 2000hrs every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday unless they have undergone a search procedure including the use of metal detecting wand.

It is extremely worrying that you are allowing unsearched patrons into the venue; you are making no effort to prevent Crime and Disorder happening within the premises. The lack of an ID scanner, fully recording CCTV within the premises and deployment of door staff at the premises, means you are not only breaching your premises licence conditions, but you are also not running this premises in accordance with the four licensing objectives.

We have made every effort to work with you in opening the premises and in trying to ensure it is run safely. Despite several conversations, emails and visits you are still not operating this premises correctly. This licence was only issued four months ago and we are now at the point that if you continue to breach this premises licence, we will have no alternative but to seek a review of your premises licence, asking that it be revoked.

When at the premises we asked if patrons from the venue were putting you under pressure to operate outside of your licensed hours and conditions, you stated that during the pandemic you had people ask you to open when you should not. If you have any concerns about the people attending your premises, or ever feel under any, pressure to operate later hours. Please feel free to contact us anytime.

We would like to visit the premise again on Thursday 7<sup>th</sup> April can you please meet us there at 2pm.

I must advise you that to conduct a sale of alcohol in breach of premises licence conditions is an offence under section 136 of The Licensing Act 2003. You should therefore cease conducting sales of alcohol until you are compliant with all the conditions on your premises licence.

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

If I can be of any further assistance to either of you please let me know.

Regards

Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
07900 160144  
020 8649 0043



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TERRITORIAL POLICING

**Croydon Borough  
Licensing Office**

Mr Olukayode Aderemi Akinsanya

Oceanic Bar  
83-84 High Street  
South Norwood  
SE25 6EA

- **Prevention of Crime and Disorder**
- **Protection of Children from Harm**
- **Prevention of public nuisance**
- **Public Safety**

Croydon Police Station  
71 Park Lane  
Croydon  
CR9 1BP

Telephone: 0208 649 0172  
Facsimile: 0208 649 0186

Email: Zoe.garrod@met.police.uk

Friday 6<sup>th</sup> May 2022

**21/02798LIPREM**

**Re: Noise Complaint Wednesday 4<sup>th</sup> May 2022**

Dear Mr Akinsanya,

On Friday 6<sup>th</sup> May 2022 I attended Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA with my colleagues PC Chris Woods and PC Peter Wright. The purpose of our visit was to carry out a compliance inspection of your premises licence 21/02798/LIPREM. The licence was issued to you by Croydon Council, on 9<sup>th</sup> December 2021 following a committee hearing. The Licensing authority therefore added 34 conditions under Annex 2 and 3 of your Premises Licence.

During a visit to your premises on Friday 1<sup>st</sup> April 2022, and a letter dated Monday 4<sup>th</sup> April 2022 was sent to you following that visit stating a number of breaches to your premises licence. These included CCTV, no use of the ID Scanner and SIA door staff from 2100 hours Friday and Saturday's.

The reason for our visit to your premises today was to view CCTV following information received by a member of the public at 0300 hours on Wednesday 4<sup>th</sup> May 2022, the informant stated music is being played every night until 0500-0600 hours. At 0400 hours, Police attended and were unable to gain entry to the premises, but could hear music coming from inside the premises.

During our visit today we viewed CCTV from Wednesday 4<sup>th</sup> May 2022 which shows you and other people within the premises playing pool and sitting at the bar.

You stated that you and your friends are using the venue to play pool and listen to music, you are underneath residential properties and have residential properties above either sides of the shops adjacent to you. This is a licenced premise and therefore should only operate within the hours set out on the premises licence. Residents objected to the granting of this premises licence, as they were concerned about noise and other related issues. They are now in a position where they are having to call Police to complain about your premises, this then puts added pressure on Police resources within Croydon Borough.

Whilst viewing the CCTV we noted it is only recording for 18 days, the last date any data was recorded was on 18<sup>th</sup> April 2022. This is not only a breach of your premises licence but could be considered a measure taken by you to ensure no recordings from Easter Bank holiday weekend, which provide us with integrity concerns.

Please note your premises licence states:

- 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.**

During our last visit, we outlined the need for an ID Scanner and SIA door staff, you are still not employing door staff Friday and Saturday's and the ID Scanner you have purchased is not yet working and remains in your office.

Please note these conditions from your premises licence:

- The premises must ensure that an identification scanning device, capable of recording and checking details of identity documents is in use at the entrance of the premises from **2100 hours every Friday, Saturday**, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday from 21:00hrs until the premises closes. Every person regardless of age shall have valid and in date photo ID scanned. All photo ID must bear a resemblance to the person who enters the premises so that they can be easily identifiable on the head and shoulders on entry camera.
- A minimum of two SIA door supervisors shall be deployed at the venue every **Friday, Saturday, Christmas Eve, New Year's Eve**, bank holidays and Sundays before a bank holiday from **21:00hrs** until the premises closes.

During our visit you again confirmed that you **DO NOT** search patrons entering the premises regardless of the time they enter. Your reason is that patrons coming to the premises are

friends and family, can I please remind you any patron entering the premises adhere to all conditions on your premises licence.

Condition 4 on your premises licence refers to the searching of persons entering your premises:

- No members of the public are to be admitted or re-admitted to the premises after 2000hrs every Friday, Saturday, Christmas Eve, New Year's Eve, bank holidays and Sundays before a bank holiday unless they have undergone a search procedure including the use of metal detecting wand.

It is extremely worrying that you are allowing unsearched patrons into the venue; you are making no effort to prevent Crime and Disorder happening within the premises. The lack of an ID scanner and deployment of door staff at the premises, means you are not only breaching your premises licence conditions, but you are also not running this premises in accordance with the four licensing objectives.

We have made every effort to work with you in opening the premises and in trying to ensure it is run safely. Despite several conversations, emails and visits you are still not operating this premises correctly. This licence was only issued five months ago and we are now at the point where we will have no alternative but to seek a review of your premises licence, asking that it be revoked.

I must advise you that to conduct a sale of alcohol in breach of premises licence conditions is an offence under section 136 of The Licensing Act 2003. You should therefore cease conducting sales of alcohol until you are compliant with all the conditions on your premises licence.

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

If I can be of any further assistance to either of you please let me know.

Regards

Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
07900 160144  
020 8649 0043



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TERRITORIAL POLICING

**Croydon Borough  
Licensing Office**

Mr Olukayode Aderemi Akinsanya

Oceanic Bar  
83-84 High Street  
South Norwood  
SE25 6EA

- **Prevention of Crime and Disorder**
- **Protection of Children from Harm**
- **Prevention of public nuisance**
- **Public Safety**

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71 Park Lane  
Croydon  
CR9 1BP

Telephone: 0208 649 0172  
Facsimile: 0208 649 0186

Email: Zoe.garrod@met.police.uk

Wednesday 25<sup>th</sup> May 2022

**21/02798LIPREM**

**Re: Police visit 20<sup>th</sup> May 2022**

Dear Mr Akinsanya,

In the early hours of Friday 20<sup>th</sup> May 2022, officers from Croydon Police Emergency Response Team attended Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA. Officers attended as a tasking had been created, asking officers to visit the venue Thursday night after midnight to see if the venue was operating outside of its licensable hours. Police have received information that the venue is being used on Thursday evenings to hold late night events, with access being gained via the rear alleyway to avoid Police detection.

Body Worn Video of the visit shows officers arriving at 0134 hours and officers attended stated

“The front of the Oceanic Bar appeared to be locked up and closed when we initially drove past. There was an unusual amount of footfall for the area at the time of night, with the people we spotted dressed up as if they were going on a night out. We turned down Station Road, observing a few cars dropping off passengers, who then headed down the side street leading to the rear of the Oceanic Bar.

They bypassed a large metal gate and we observed around 8 people waiting outside the rear entrance to Oceanic Bar. This entrance consist of a mesh gate reinforced with Perspex, which

was being guarded by what appeared to be 2 bouncers, although they were not wearing anything identifying them as such. I could hear loud music playing, muffled by the doors downstairs along with people laughing and shouting.

We asked for the licence holder or property owner to come and speak to us. One of the bouncers went down to find him but came back saying he was not there. During the time we were there, people continued to turn up, seemingly knowing that an event was going on."

On Tuesday 24<sup>th</sup> May 2022, I attended the premises with my colleague PC Chris Wood, to discuss the Police visit. You stated that you left the premises at 2230 hours on Thursday 19<sup>th</sup> May 2022, allowing friends to use the venue. CCTV viewed of the basement shows at 0215 hours Friday 20<sup>th</sup> May 2022, people are dancing and loud music can be heard.

As this event was on Thursday 19<sup>th</sup> May 2022 going into a Friday, licensable activities should have ended at 00:00 with the premises being closed at 00:30 hours. By leaving the premises with friends, you have allowed unauthorised licensable activities to continue for more than two hours after all licensable activities should have ceased.

#### **Times the licence authorises the carrying out of licensable activities**

##### **Recorded Music**

Sunday to Thursday 10:00 - 00:00

Fridays and Saturdays 10:00 - 02:00

##### **Provision of Late Night Refreshment**

Sunday to Thursday 23:00 - 00:00

Fridays and Saturdays 23:00 - 02:00

##### **Sale by retail of alcohol**

Sunday to Thursday 10:00 - 00:00

Fridays and Saturdays

##### **The opening hours of the premises**

Sunday to Thursday 10:00 – 00:30

Friday to Saturday 10:00 – 02:30

In leaving the premises at 2230 hours, you left the premises with no personal licence holder on site, this is a breach of condition 26 on your premises licence which states-

A personal licence holder must be present at all times that licensable activities are taking place.

Police have received various reports that the rear alleyway is being used as an entry and exit point to avoid Police detection; this has been confirmed by officers during their visit on Thursday 19<sup>th</sup> May 2022.

Whilst at your premises we viewed CCTV from Friday 20<sup>th</sup> May 2022 going into Saturday 21<sup>st</sup> May 2022. Licensable activities should have ceased at 0200 hours, yet at 0244 hours people are still dancing in the basement. CCTV then stops recording, however on looking at the main system people are still in the upstairs of the venue at 0400 hours. Again, you were operating two hours outside of your authorised hours, your explanation for this is that people are stubborn and it is hard to get them to leave.

We are seriously concerned that you are not in control of this venue, leaving the premises with friends who have a total disregard for the premises licence hours or conditions. There is absolutely no consideration for how your events are affecting the local community, who objected to both premises licence applications.

Police are receiving regular information regarding your premises, the latest information stating underage girls are attending the location. You have stated the party on Friday night was for a 20<sup>th</sup> birthday party, as you could not show the information from the ID Scanner for Fridays event, Police are unable to confirm that all those attending the event were over 18. Violence against women and girls is of the utmost importance and by not checking ID's, you are potentially allowing young girls to access alcohol on your premises.

It is clear that despite repeated Police visits and interactions, you have no intention of running this premises in accordance with your licensed hours or the conditions set under Annex 2 of that premises licence.

A review of the premises is to be submitted to you and Croydon Council in due course.

I must advise you that to conduct a sale of alcohol in breach of premises licence conditions is an offence under section 136 of The Licensing Act 2003. You should therefore cease conducting sales of alcohol until you are compliant with all the conditions on your premises licence.

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

If I can be of any further assistance to either of you please let me know.

Regards

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Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
07900 160144  
020 8649 0043



Representation to support the Review bought by Metropolitan Police Licensing for:

**Oceanic Bar, 83-84 High Street South Norwood, SE25 6EA**

Mr Akinsanya applied for a licence on 23 July 2020 and a visit in conjunction with the police licensing team was made on 28 July. Alterations to the premises were still under construction in the basement area.

Mr Akinsanya confirmed that the basement would be used as per the plans submitted which were for food preparation, staff room and toilets for customers. Mr Akinsanya wanted to utilise the rear of the premises for smoking. It was discussed that this would not be acceptable for several reasons including that it would be a disturbance to the residents above, the access/egress was unsuitable and at the rear of the premises appeared to be a storage area for gas cylinders.

The application was subsequently refused on 1 October 2020 by the sub-committee due to objections from local residents.

On 9 August 2021, a visit was made to the premises with PC Chris Woods from the police licensing team in regards to an incident they were investigating. Mr Akinsanya understood that he could operate from his the premises until 02:30hrs as long as he did not sell alcohol. Mr Akinsanya admitted to selling hot soup which requires a licence. It was explained that in order to offer hot food or drink between 23:00hrs and 05:00 hrs (Late Night Refreshment), a Premises Licence is required regardless of whether planning permits the premises to trade. I subsequently sent a letter to the premises reiterating what are licensable activities.

I also had safety concerns in that a gas bottle was located next to a cooker in an unventilated area in the basement. This was subsequently reported to FSR (Fire Service Referrals). Mr Akinsanya stated in an email that it was there only for storage but had subsequently been moved. No Gas Certificate had been provided as per my request.

A further application was received by the council on 13 October 2021 and was referred to the Licensing Sub-Committee following objections from residents. The licence was subsequently granted.

A licensing compliance visit by the council was made to the premises on 3 June 2022 in the presence of the police licensing team. Several of the conditions on the licence were not being complied with and Mr Akinsanya admitted to operating the basement area for parties and events.

**Breach of licensing conditions:**

Sgt Wright, PC Dandridge, PC Sears and Kay Jones, Croydon Council Licensing, arrived at the premises at approximately 22:15 hrs and noted that the door to the

premises was open and we were freely able to walk in and were unchallenged. There were no SIAs present. An SIA is a security operative who is required to hold a licence and are commonly known as an SIA.

Mr Akinsanya stated that he was not open and knew that we would be visiting. Due to this he had decided not to have an SIA. It was explained that at any time the premises were open, then all of the licensing conditions were to be observed.

I explained further to Mr Akinsanya that although I was aware that the police licensing team had recently visited, the Council also wanted to talk about his licensing conditions to confirm that they were being adhered to.

Sgt Wright, Mr Akinsanya and I took a seat and started to go through the licence conditions.

**Mr Akinsanya was unable to produce the following documents:**

Staff refresher training – **Condition 1**

Welfare and Vulnerability Training & Counter Terrorism Training – **Condition 2**

Written Policy in relation to Drugs, Weapons and Theft – **Condition 3**

Refusal Book or Electronic System to record refusal – **Condition 21**

Dispersal Policy – **Condition 24**

**The following signage was not in place:**

No signage displayed asking customers to leave quietly – **Condition 8 & 32**

No Challenge 25 Signage displayed – **Condition 20**

**SIA's**

No SIA's were present at the premises – **Condition 10**

The 'sign in sheet' was produced stated 2 SIA's for 13 May 2022, but Sgt Wright confirmed that it was the same name and badge number written twice. Therefore only one SIA was booked in - **Condition 12**

With no SIA in situ, no-one was checking if alcohol or glassware was leaving the premises – **Condition 18**

**ID Scanner**

An ID scanner was situ, however the last entry was noted by Sgt Wright as Saturday 7 May 2022. Whilst at your premises three people walked into the premises and were unchallenged and were not scanned – **Condition 22**

**Last entry**

The last entry to the premises is 01:00hrs (save for re-admission). On Saturday 7 May 2022, a total of 65 people had been scanned in from 01:00hrs with several arriving just prior to 02:30 hrs which is the time of closing. The last entry was shown at 02:28 hrs – **Condition 25**

**Events**

Mr Akinsanya confirmed that he had two "Parties" in the basement of the premises in the last two weeks. He stated one was at the end of April 2022 and the other on 7 May 2022. He did not produce any papers to support this. Bookings should be made at least 14 days in advance of an event – **Condition 14, 15 & 16**

**Floor Plan**

The floor plan of the premises states that the basement will be used for food preparation, kitchen and staff room. Police and Council licensing had confirmed with Mr Akinsanya prior to the grant of his licence, that the area would not be used for anything other than the description as provided. However, Mr Akinsanya confirmed that he has a DJ downstairs to ensure that noise does not travel to people living upstairs and confirmed that the basement was used for parties.

**Noise**

As Mr Akinsanya has confirmed that the DJ has moved downstairs, there is a requirement to understand where the noise limiter has been placed. Mr Akinsanya confirmed that it was installed 2 months previously. Croydon Council Pollution Team have confirmed they have not been informed that the limiter is in situ and therefore it has not been checked – **Condition 33**

**Other conditions**

We were unable to confirm the following conditions for various reasons e.g. Crystal Palace non match day: 4, 11, 19, 27, 28, 29, 30, 31, 34

**Conditions that are being complied with:**

CCTV as confirmed by police licensing - Conditions 5, 6, 7, 9  
Incident Register – Condition 17

A letter has been sent to the premises to state that we will be supporting the Metropolitan Police in their review of the licence and will be making representations.

**The non-compliance of conditions are compromising the Public Safety and Public Nuisance Objectives which are detailed on the following pages.**

### **Public Safety Objectives:**

**No staff refresher training – Condition 1**

**No Welfare & Vulnerability Training/Counter Terrorism Training – Condition 2**

**No Challenge 25 Signage – Condition 20**

Without refresher training we are unsure the venue has a current understanding of the sale of alcohol not how to protect the public.

**No Written Policy in relation to Drugs, Weapons and Theft – Condition 3**

Although signage is in place, there is no policy to reference how to stop the items entering the premises and if subsequently located how to deal with the situation. This may lead to confrontation and subsequently place the public in danger.

**No SIA's were present at the premises – Condition 10**

**Incorrectly completed Sign in Sheet for SIAs - Condition 12**

**Alcohol or glassware not being checked if leaving the premises – Condition 18**

With no SIAs in place, there are inadequate checks of patrons entering the premises. There would also be no checking if alcohol or glassware is leaving the premises. With an inaccurate sign in sheet for SIAs it is also unknown who would be on duty in order to undertake any such checks on access or egress. This could potentially cause safety issues both inside and outside of the premises.

**ID Scanner in place, but not all patrons being scanned after 21:00hrs**

It was observed on the day of my visit on 3 June that the ID scanner was not being used to scan patrons as 3 people walked in unchallenged. There was no attempt to stop them entering or checking IDs. The last recording of patrons was 7 May 2022 of which 65 entered the premises after the last access time of 23:00hrs. There premises therefore did not know who was on their premises. Public safety is being compromised by not using the scanner correctly - Condition 22 & 25

### **Public Nuisance Objectives**

**No Dispersal Policy – Condition 24**

**No Signage displayed asking customers to leave quietly – Condition 8 & 32**

With no dispersal policy in place persons leaving the premises may linger and cause a nuisance to residents. There is also no signage to ask customer to leave quietly.

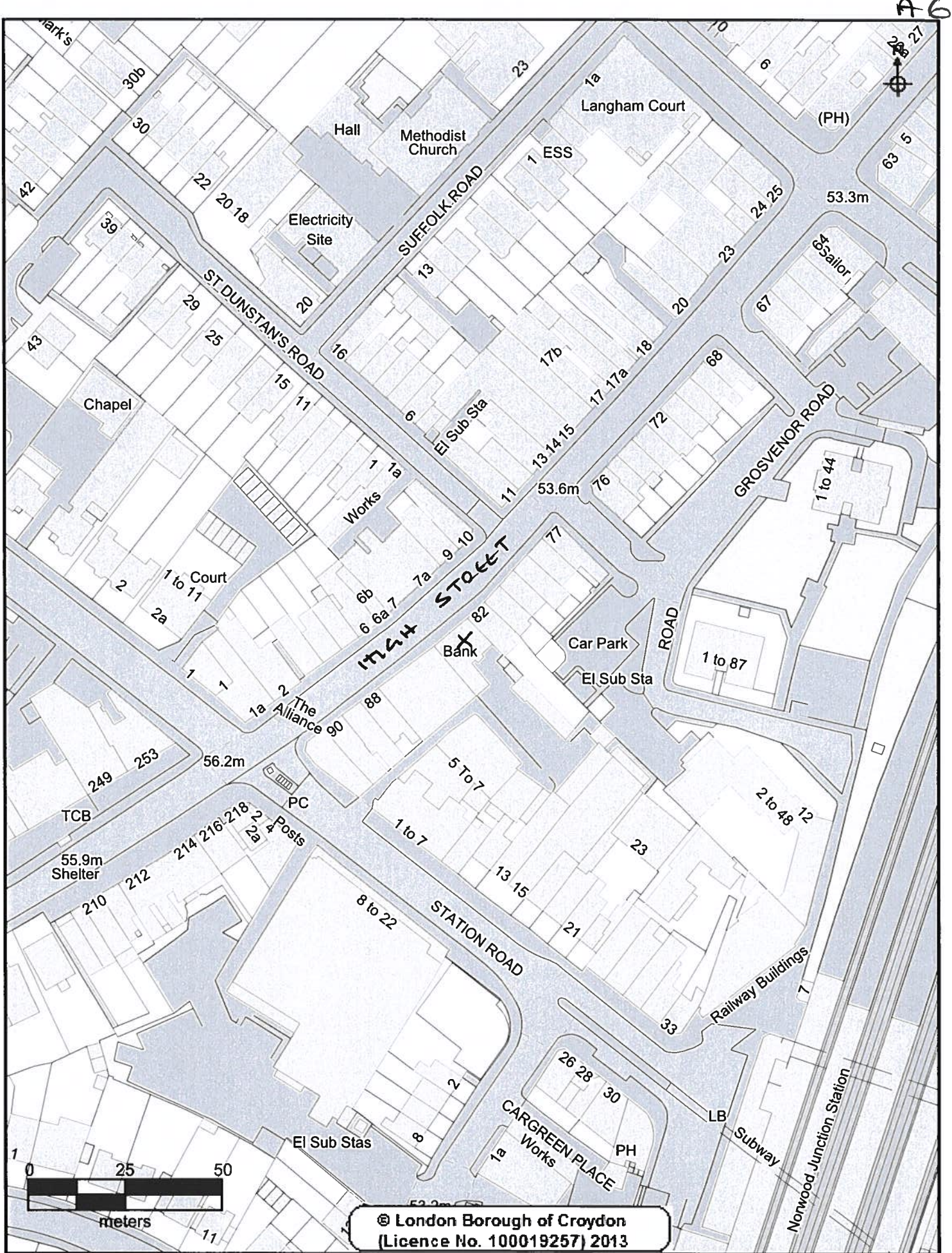
**Noise – Condition 33**

Mr Akinsanya confirmed that he has a Noise Limiter installed and a DJ in the basement to ensure that noise does not travel to people living upstairs and confirmed that the basement was used for parties. I have since spoken with the Croydon Council Pollution Team who have confirmed that they have not been contacted by the Premises Licence Holder to set the Limiter.

**Public Safety and Public Nuisance Objectives:****Events - Condition 14, 15 & 16**

Parties are being held in the basement area of the premises which should only be used as a staff rest room, kitchen and preparation area. As patrons were not scanned in, there is no knowledge of who attended. The entrance to the basement from within the building is via a narrow staircase. However, access is may also be gained via a rear door which leads from a back alleyway directly to the basement. With patrons arriving within 2 minutes of closing time, then it is presumed that the events continue after the closing time of the premise and from the outside at street level the premises appears closed.

**Kay Jones  
Croydon Council  
Environmental Health Practitioner / Licensing Compliance  
Sustainable Communities  
Food & Safety Team  
6<sup>th</sup> Floor, Zone A  
Bernard Weatherill House  
8 Mint Walk  
Croydon CR0 1EA**



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13-Jul-2022

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