

<b>REPORT TO:</b>	<b>LICENSING SUB COMMITTEE</b> <b>7 December 2023</b>
<b>AGENDA ITEM:</b>	
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 – APPLICATION FOR REVIEW OF A PREMISES LICENCE</b>
<b>LEAD OFFICER:</b>	<b>Corporate Director, Sustainable Communities, Regeneration &amp; Economic Recovery</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Scott Roche</b> <b>Streets &amp; Environment</b>
<b>WARDS:</b>	<b>Thornton Heath</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<b>This report is specific to this application and has no implications on the Council's Corporate Policies.</b>	
<b>FINANCIAL SUMMARY:</b>	
<b>This application is being processed as part of normal duties carried out by the Department with no additional costs involved.</b>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>	

**For general release**

## **1. RECOMMENDATIONS**

1.1 The sub-committee is asked to consider the application for a review of the premises licence at Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF 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 SCRER).

#### **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. 28259

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

## **APPENDIX A**

### **1. The Application**

- 1.1 This report concerns an application for a review of the premises licence held by Roberta Asafu-Adjaye in respect of Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF. The application is made by the Police as a responsible authority under the Licensing Act 2003.
- 1.2 The premises licence was granted to Roberta Asafu-Adjaye on 31 March 2016.
- 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. 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 The Chapter 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 review 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 Sustainable Communities 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 ASSESSMENT**

- 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 Assessment 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 five areas within Croydon as being subject to a Cumulative Impact Assessment in respect of off licences and shops and supermarkets selling alcohol for consumption off the premises:

- i. Cumulative impact area 1: 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. Cumulative impact area 2: 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. Cumulative impact area 3: 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. Cumulative impact area 4: Along the length of Central Parade, New Addington
- v. Cumulative impact area 5: Along the length of High Street, South Norwood from the junctions with Oliver Grove and Station Road to the junction with Lancaster Road and along the length of Portland from the junction with High Street to the junction with Spring Lane, Woodside

4.24 The effect of a Cumulative Impact Assessment 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 assessment 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 Assessment 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 assessment.
- 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 assessment regularly to see whether the cumulative impact areas have had the effect intended and whether they are still needed or whether they need expanding.
- 4.29 The Council will not use this assessment and areas 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 prevention of crime and disorder and prevention of 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 assessment 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 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.
- 4.35 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 may 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 Licensing Authority 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 Nightlife, 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 Licensing Authority 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 Licensing Authority 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 to be addressed.

- 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.
- 5.2.11 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises and licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. Further advice can be obtained by contacting the Metropolitan Police or the Council's Licensing Team.

### **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.

5.3.7 Licence applicants, licence holders and organisers of public events are also advised to familiarise themselves with the Croydon Council Events Policy that is currently being developed. This policy will set out the key principles by which Croydon Council, with its key partners and other stakeholders, will approach the authorisation of public events.

The Events Policy aims include –

- ensuring effective planning and management of events
- to provide a fair, consistent and well co-ordinated approach to how events are supported and facilitated by the Council and
- to ensure that safety is placed as a priority in decision making

Further information on the Croydon Council Events Policy can be obtained by emailing [specialevent@croydon.gov.uk](mailto:specialevent@croydon.gov.uk) .

- 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. 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 five relevant Cumulative Impact areas where relevant representations are made 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 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap-table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.
- 5.5.6 When dealing with a licence application where limiting the access of children is considered necessary, the Council may consider any of the following options, in combination where appropriate:
- limitations on the hours when children may be present;
  - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
  - limitations on the parts of premises to which children might be given access;
  - age limitations (below 18);
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and

- full exclusion of people under 18 from the premises when any licensable activities are taking place.

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

### **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 AND REGULATED ENTERTAINMENT**

5.5.12 The Council considers that specific arrangements relating to the supervision and safety of children may be required for occasions when they go to see and/or take part in regulated entertainments arranged especially for them and, where appropriate, will consider attaching appropriate Conditions to licences and certificates.

### **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.

5.5.19 While each case will be treated on its merits, where offences are disclosed the Trading Standards Service, as a responsible authority under the Licensing Act 2003, will consider seeking a review of a premises licence.

5.5.20 Designated premises supervisors and personal licence holders are also reminded of their responsibilities under the legislation to ensure that the licensing objectives are met, specifically here with regard to the protection of children from harm and are also reminded that enforcement action is not restricted solely to premises licence or certificate holders.

## **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, equality schemes and cultural strategies, as well as any other plans relating to the management of the town centres 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 non-statutory licensing requirements, the statement of licensing policy will be examined to see if the situation might be reversed.

### **TRANSPORT**

- 6.6 The Council will, if necessary make arrangements with Croydon Borough Police and other licensing enforcement officers for reports to be made on any matters relating to the need for the swift and safe dispersal of people from the town centre to avoid concentrations which can produce disorder and disturbance.

### **TOURISM AND EMPLOYMENT**

- 6.7 Arrangements will be made for licensing committees to receive, when appropriate, reports on the following matters to ensure these are reflected in their considerations:
- the needs of the local tourist economy and the cultural strategy for the Borough, and,
  - the employment situation in the Borough and the need for new investment and employment where appropriate

## **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 policy that will be used to determine planning applications for any changes of use that require planning permission, unless material considerations indicate otherwise. 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 Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for

businesses, which can be found on the Equality & Human Rights Commission website

- The Act makes discrimination against any person (including employees and customers) unlawful.
- Section 149 (7) of the Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- Any activity in breach of the Act may be considered an offence and may lead to enforcement by the Equality and Human Rights Commission.

- 6.15 The Council recognises its public sector equality duty under the Equality Act 2010 and the legal obligation to have due regard, when exercising its functions, to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who do not and to foster good relations between people who share a protected characteristic and those who do not.
- 6.16 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**

- 6.17 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.
- 6.18 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.
- 6.19 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.

## **7. LIVE MUSIC, DANCING AND THEATRE**

- 7.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote the broadest possible range of entertainment, particularly live music, dance, street arts and theatre, for the wider cultural benefits of the community, especially for and/or involving children. In order to assist performers and entertainers, consideration will be



given to obtaining licences for public spaces within the Borough where such uses take place/could take place on a regular basis.

- 7.2 In considering applications for such events, this cultural need will be carefully balanced against possible neighbourhood disturbance so that, when determining what conditions to attach to licences/certificates to promote the licensing objectives, the Council will be aware of the need to avoid measures which might deter such events by imposing substantial indirect costs.

## **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 Health and Safety Executive (as applicable) and the London Fire Brigade
  - Protection of Children from Harm – Croydon Children's Safeguarding Board, Police and the Trading Standards Team
- 10.3 Under the departmental enforcement policy 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.

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.

#### Imposed Conditions

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

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

4.3 An ordnance survey extract map showing the licensed premises is attached at Appendix A6.

## PROTECTIVE MARKING


**METROPOLITAN  
POLICE**
**TOTAL POLICING**

Form 691

**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**
**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:**

EFIE NE FIE, 50 HIGH STREET, THORNTON HEATH, CR7 8LF

<b>Post town:</b>	THORNTON HEATH	<b>Post code: (if known)</b>	CR7 8LF
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**Name of premises licence holder or club holding club premises certificate (if known):**

MRS ROBERTA ASAFU-ADJAYE

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

16/00156/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<br/>(please read guidance note 1 and complete (A) or (B) below)</b> | <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 (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:	
METROPOLITAN POLICE SERVICE, ADDINGTON POLICE STATION, ADDINGTON VILLAGE ROAD, CR0 5AQ	
Telephone Number (if any):	0208 649 0043
Email address: (optional)	SNMailbox-.LicensingCroydon@met.police.uk

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 type="checkbox"/>
3	The prevention of public nuisance	<input 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 DOCUMENT

PROTECTIVE MARKING

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:

N/A

**PROTECTIVE MARKING**

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

PLEASE SEE ATTACHED DOCUMENT

## PROTECTIVE MARKING

<b>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.</b>	Please tick Yes <input type="checkbox"/>
<b>I understand that if I do not comply with the above requirements my application will be rejected.</b>	<input type="checkbox"/>
<b>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.</b>	

<b>Part 3 – Signatures</b> (please read guidance note 4)	
<b>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.</b>	
<b>Signature:</b> 	<b>Date:</b> 13 <sup>TH</sup> October 2023
<b>Capacity:</b>	APPLICANT
<b>Contact name (where not previously given) and postal address for correspondence associated with this application:</b> (please read guidance note 6)	
METROPOLITAN POLICE SERVICE, ADDINGTON POLICE STATION, ADDINGTON VILLAGE ROAD, CR0 5AQ	
<b>Post town:</b>	NEW ADDINGTON
<b>Post code:</b>	CR0 5AQ
<b>Telephone Number (if any):</b>	
0208 649 0043	
<b>If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):</b>	
SNMailbox-.LicensingCroydon@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.



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 13<sup>th</sup> October 2023**

**Re: Review of Premises Licence for Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF**

Members of the Licensing Committee,

Croydon Police Licensing respectfully submit the following representations under the Licensing Act 2003 seeking a review of the premises licence for Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF under the Prevention of Crime and Disorder objective.

The premises is located on Thornton Heath High Street a busy high street, the nearest junction is The Retreat. The premises has residential premises above and business premises either side, which also have residential properties above. Thornton Heath High Street is a mixture of retail premises, food shops and licensed premises. In close proximity to the premises are The Salvation Army Christian Church, Thornton Heath Islamic Centre and large accommodation blocks for the elderly and other vulnerable people. Thornton Heath Leisure Centre and a Job Centre are also just a few minutes' walk from the premises

The premises is located is approximately half a mile from Crystal Palace Football Club so would see an increase of footfall on match days. Thornton Heath High Street has issues with Anti-Social behaviour this is especially prevalent in those individuals that are alcohol dependent. Croydon Council have included Thornton Heath High Street in its Cumulative Impact Area in regards to the off sales of alcohol. The Council created the Cumulative Impact Areas due to their concerns around high levels of alcohol related crime and alcohol related hospital admissions in certain areas within Croydon Borough.

The premises is a ground floor unit, customer access is via a door leading onto the High Street. The original plan submitted was for a ground floor restaurant with a kitchen to the rear. Over the past few months it has become apparent that the internal areas used for licensable activities have been enlarged and now include a room at the rear of the premises that was not included on the original licence application. This room contains tables and chairs, two sofas and this leads to a temporary structure that has been erected at the rear of the property and is used as a smoking area. This additional room has been used for private hire and could easily hold 30-40 additional people. The premises has not submitted a full variation to their premises licence to enable them to use this area.



The premises licence was granted on 31<sup>st</sup> March 2016 and has only one licensable activity, the sale by retail of alcohol on the premises. The times authorised are Monday to Sunday 1000 hours until 2230 hours. The licence has only five conditions under Annex 2 –

1. A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police of authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.
2. A refusals register is kept at the premises to record any refused sales of alcohol. The register shall include the date and time of the refused sale and the details of the staff member who refused the sale and shall be made available to Police and authorised Council officers on request.
3. A log book is maintained in which any incidents of crime and disorder at the premises shall be recorded. The log book shall be made available to Police or authorised Council officers on request.
4. The premises operates a Challenge 25 policy, whereby anyone attempting to purchase alcohol who looks under 25 years of age shall be asked to provide identification proving they are over 18 years of age.
5. All staff receive training with regard to the Challenge 25 policy and that records of that training are kept at the premises and made available to Police or authorised Council officers on request.

#### **Crime and disorder licensing objective –**

On 30<sup>th</sup> December 2019, Police were called to deal with an allegation of common assault at the premises. A male customer who Police state was drunk alleged he was pushed in the chest by his friend who then went on to steal some of his property. Reporting Police officers state there was no CCTV available at the premises of the incident.

On 11<sup>th</sup> January 2020, PC Garrod visited the premises with Kay Jones from Croydon Council to discuss the incident and conduct a full licensing compliance visit. Mrs Roberta Asafu-Adjaye who is the Premises Licence Holder was on site and it became apparent that although the premises licence only has five conditions under Annex 2, it was non-compliant with ALL five conditions. PC Garrod expressed her concerns and advised Mrs Asafu-Adjaye that these must be addressed immediately. This was followed up in a letter dated 14<sup>th</sup> January 2020, which was emailed to the premises licence holder.

On 31<sup>st</sup> January 2020, PC Garrod again visited the premises with Kay Jones from Croydon Council to conduct a further licensing compliance visit. The premises holder was not on site and staff were unable to locate training records, an incident book or refusals register. Police were also unable to view CCTV and therefore unable to confirm if it was operating as per condition one of the premises licence. It was concerning that advice given both verbally and in writing to the premises licence holder had not been acted upon. This visit was again followed with a letter dated 31<sup>st</sup> January 2020, which was emailed to the premises licence holder.

In an email dated 11<sup>th</sup> February 2020 sent to Police Licensing Team the premises licence holder stated “all requirements had been met, CCTV is working, and 4 cameras out of 5 engineer will be attending tomorrow to reset the last camera.”

A further visit to the premises would have been made but in March 2020, the country went into an enforced lockdown and all licenced premises were closed. Licensed premises were permitted to reopen on Saturday 4<sup>th</sup> July 2020.

On 28<sup>th</sup> July 2020 a 21 year old female reported to Police that she had been at the premises and an older male had made sexual comments to her making her feel uncomfortable. She then went outside to avoid this male but left her phone behind in the premises. When she returned her mobile phone had been stolen. As there was no working CCTV at the premises it could not be established who had taken her phone.

On 6<sup>th</sup> August 2020 PC Garrod and Kay Jones from Croydon Council attended the premises to conduct a licensing compliance visit and to discuss the incident. Although the premises licence holder was not on site it was apparent that although new CCTV cameras had been installed, the CCTV system did not actually record. This was therefore the second crime that a crime had taken place on the premises and Police officers attending had been unable to proceed any further with their investigation due to lack of CCTV evidence. The importance of CCTV evidence had now been pointed out to the premises licence holder by Police officers attending the premises to investigate crimes and PC Garrod, Croydon Police Licensing officer. CCTV is vital in crime prevention, a fact that we were repeatedly pointing out to the premises licence holder. This was followed up in a letter dated 7<sup>th</sup> August 2020, which was emailed to the premises licence holder.

On 17<sup>th</sup> July 2023 Police were called to the premises by a male who stated he had been attacked by a person with a knife and the attacker was still in the vicinity. When officers arrived on scene they established the victim had a laceration to his right hand, which was 2-3cm long, he stated the incident had happened inside the premises and named the suspect as [REDACTED] Police went into to the premises to speak to the suspect to find he had left the scene prior to their arrival. They asked the premises licence holder if they could view the CCTV and were informed it was not working. On viewing the kitchen area where it is alleged the incident happened, no blood could be seen, meaning the crime scene had likely been cleaned prior to Police arrival. The [REDACTED] arrested for GBH and interviewed, however due to lack of CCTV and forensic evidence no further action was taken against him. The DPS and Premises Licence Holder were both aware that this incident had happened within the premises, they took no steps to preserve a crime scene, no first aid was offered to the victim and the suspect who [REDACTED] fled the scene knowing Police would need to discuss this incident with him.

On 19<sup>th</sup> July 2023 PC Woods, PS Wright and Kay Jones attended the premises to conduct a licensing compliance visit and to discuss the incident involving [REDACTED], which at that time was an ongoing investigation. The premises licence holder confirmed the CCTV was not recording, the premises was advised to cease all alcohol sales until they were fully compliant with the premises licence. They were reminded of the three CCTV licence breaches in 2020 and were told in very strong terms that this must not continue. Once again, the premises had no staff training records or refusals register. This shows that despite repeated visits in 2020 the premises had continued to operate for three years with no working CCTV with total disregard to their premises licence conditions and knowing from previous incidents that should a crime happen within the premises the Police investigation would be hindered due to the lack of CCTV evidence. This visit was followed up by a letter by PC Woods dated 19<sup>th</sup> July 2023.

On 13<sup>th</sup> August 2023 at 02:11 hours Police received a call from the premises licence holder stating that people were attacking her shop, breaking the door and windows. She stated "that are a lot of youths, about 20-30 people outside". When officers attended they found a 17 year old female on the pavement outside the premises who was unresponsive, friends of the female stated they had all been at a party at the premises. Although they denied drinking alcohol they admitted taking a large quantity of Nitrous Oxide whilst at the party. A London Ambulance crew said that Nitrous Oxide alone would have been unlikely to have had that effect of the 17 year old girl and that it was highly likely that a combination of alcohol and Nitrous Oxide were responsible.

Officers attended the premises to speak to the premises licence holder and view her CCTV so that they could ascertain exactly what had happened and arrest those responsible for causing criminal damage to the premises. The premises licence holder explained that the CCTV was not working and she was therefore unable to provide the officers with any further assistance in their investigation of this crime.

On Tuesday 15<sup>th</sup> August 2023 PC Garrod and Kay Jones from Croydon Council attended the premises to discuss the incident that occurred at 02:11 hours two days previously. The premises licence holder stated the restaurant had been hired out for a private party that night. As the premises is licenced until only 2230 hours Police requested to view CCTV after that time to ensure no unauthorised alcohol sales had been made at the premises. Police were informed that although a new CCTV system had been installed it was not recording. Police therefore suspect that this was an unauthorised event in which alcohol sales continued until 0200 hours. Police also believe that when intoxicated customers left the premises after that time and could not be managed adequately by the premises due to the disorder they were causing, the premises called Police to deal with the issues arising from this private event. It is clear under that under aged girls were on the premises during this event and had access to alcohol and Nitrous Oxide. As both the DPS and Premises Licence Holder were on site PC Garrod expressed her concerns regarding the running of the premises, the use of the new event space at the rear of the premises and the continued lack of CCTV at the premises.

PC Garrod explained to both DPS Mr Aaron EZU and PLH Mrs Roberta Asafu-Adjaye that Police had continued to work with them for many years in regards to the continually breaching of CCTV and were going to be left with very few options. This was confirmed in a letter dated 17<sup>th</sup> August 2023 "we have now reached a point where Police feel we have no other options available to us having repeatedly discussed this matter with you over the course of several years" this letter was emailed to both the DPS and PLH in the hope that full compliance of the premises licence would be achieved.

On 24<sup>th</sup> September 2023 Police received an allegation of crime involving a member of staff at the premises, as the crime is alleged to have happened at the premises and is a live investigation further details can be provided during the review hearing.

On 5<sup>th</sup> October investigating officers attended the premises requesting to view the CCTV as per condition one of the premises licence. The premises licence holder Mrs Roberta Asafu-Adjaye was obstructive and refused to allow officers to either view or download the CCTV. The DPS Aaron Ezu told officers they must provide a warrant to view CCTV, despite being aware that his premises licence states CCTV shall be made available to Police upon request. They finally allowed officers to view CCTV but it was only recording for 15 days the last date recorded was 20<sup>th</sup> September. The officers emailed their concerns to Croydon Police Licensing Team.

On 6<sup>th</sup> October PC Garrod, PS Wright and Kay Jones from Croydon Council attended the premises to confirm that CCTV was only recording for 15 days. The premises licence holder was on site and Police were shown CCTV confirming the last recorded date which was now 21<sup>st</sup> September. Police confirmed the poor quality of some of the cameras, and confirmed that the premises still had no staff training records and no refusals register. PC Garrod has attended the premises on many occasions and therefore explained to Mrs Roberta Asafu-Adjaye, that Police have done all they can to work with the premises and no longer felt they had any other options but to submit a review of the premises licence. Mrs Roberta Asafu-Adjaye was advised that she must address the breaches of her licence immediately and she was further instructed to stop all use of the rear events space especially after the premises has closed.

This premise has only five premises licence conditions and it is clear that even with the most thorough stepped approach from Croydon Police Licensing Team and Croydon Council Licensing Team, the Premises Licence Holder has absolutely no intention of ever running this premises in accordance with these five conditions. Most worryingly over the past few months Police have seen an increase in violent incidents at the premises and the lack of CCTV leaves Police unable to investigate crimes that happen at the premises. These crimes often involve a member of staff or customer.

It is clear that despite the best efforts of the Police, Mrs Roberta Asafu-Adjaye is unable to operate this premises safely.

At this point in the submission, I would like to refer you to your Statement of Licensing Policy published 5<sup>th</sup> January 2023:

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

**5.2.4 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.**

**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.**

At this point in the submission, I would like to refer you to the revised guidance under section 182 of the Licensing Act 2003 revised August 2023 addition:

**11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's 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.**

Police therefore feel there are no other alternatives but to ask the Committee to revoke this premises licence, there has been numerous examples of where Police Licensing have taken measures to Engage and Educate the operators, but unfortunately this has not achieved the desired outcome which has led to a loss of confidence in the Premises Licence Holder and the Designated Premises Supervisor.

Police Licensing 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.

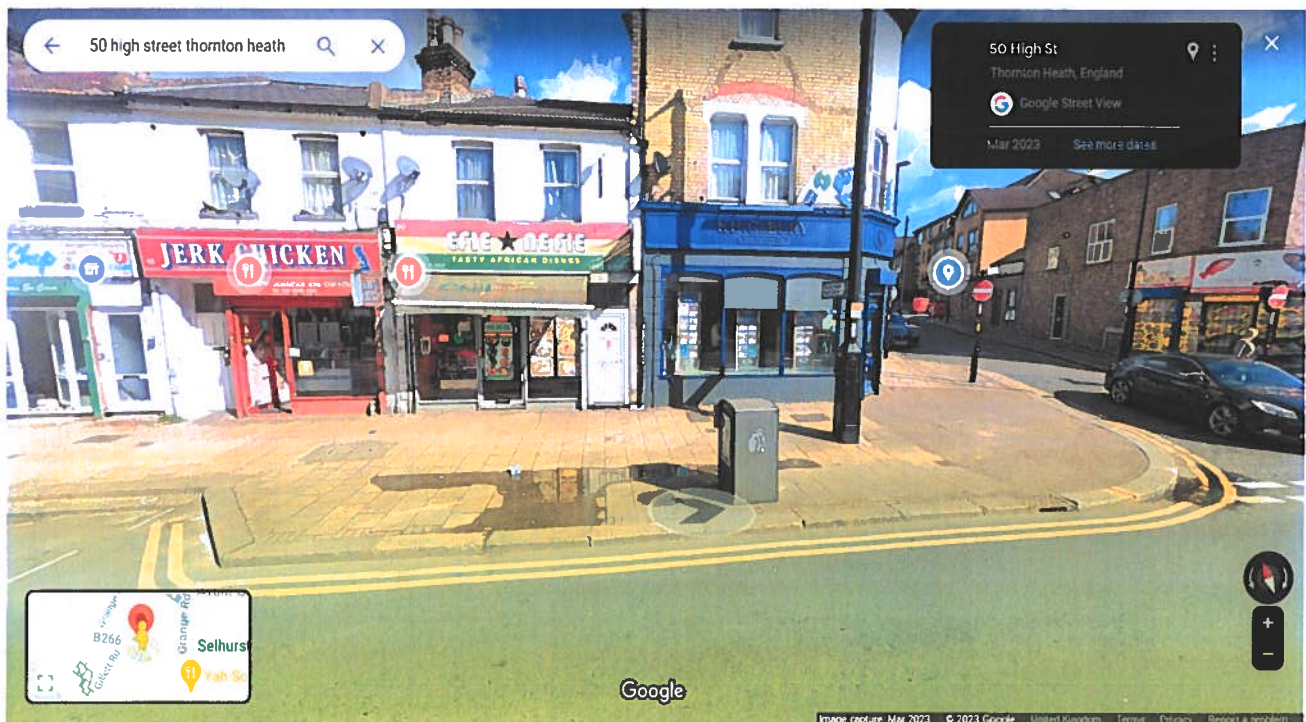
Yours Sincerely,

**PC Zoe Garrod 2801SN**

**Croydon Police Licensing Team**

Please find below images of Efie Ne Fie 50 High Street, Thornton Heath, CR7 8LF

Front of the premises clearly showing residential premises above -



## PREMISES LICENCE

**Premises licence number**

16/00156/LIPREM

### Part 1 – Premises details

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

Efie Ne Fie  
50 High Street  
Thornton Heath  
CR7 8LF

**Telephone number**

020 3556 2068

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

N/a

**Licensable activities authorised by the licence**

The sale by retail of alcohol.

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

The sale by retail of alcohol –  
Monday to Sunday 1000 hours until 2230 hours

**The opening hours of the premises**

Monday to Sunday 1000 hours until 2300 hours

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

On

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

Ms. Roberta Asafu-Adjaye

~~XXXXXXXXXX~~

~~XXXXXX~~

~~XXXXXX~~

~~XXXXXXXXXX~~

**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr. Aaron Ezu

~~XXXXXXXXXX~~

~~XXXXXX~~

~~XXXXXX~~

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

Personal Licence No: 16/00125/LIPERS

Licensing Authority: LB Croydon

**Date Original Licence Issued: 31.03.2016**

**Date This Licence Effective: 31.03.2016**

Licensing Manager  
Place Department

Licence No: 16/00156/LIPREM  
Date Effective from: 31.03.2016

## Annex 1 - Mandatory conditions

A2

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall 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).
4. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder shall 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.

**6. 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.”

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

(a) In relation to licensed premises:

- (i) The holder of a premises licence in respect of the premises,
- (ii) The designated premises supervisor (if any) under such a licence, or
- (iii) Any individual aged 18 or over who is authorised for the purposes of section 153 (4) of the Licensing Act 2003 by such a holder or supervisor,

(b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question

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

**7. 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.**

For the purposes of the condition set out in the above paragraph

(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.

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

The premises licence holder shall ensure –

1. A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police or authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.
2. A refusals register is kept at the premises to record any refused sales of alcohol. The register shall include the date and time of the refused sale and the details of the staff member who refused the sale and shall be made available to Police and authorised Council officers on request.
3. A log book is maintained in which any incidents of crime and disorder at the premises shall be recorded. The log book shall be made available to Police or authorised Council officers on request.
4. The premises operates a Challenge 25 policy, whereby anyone attempting to purchase alcohol who looks under 25 years of age shall be asked to provide identification proving they are over 18 years of age.
5. All staff receive training with regard to the Challenge 25 policy and that records of that training are kept at the premises and made available to Police or authorised Council officers on request.

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

N/a

## **Annex 4 – Plans - Attached**

## PREMISES LICENCE SUMMARY

**Premises licence number**

16/00156/LIPREM

### Premises Details

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

Efie Ne Fie  
50 High Street  
Thornton Heath  
CR7 8LF

**Telephone number** 020 3556 2068

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

N/a

**Licensable activities authorised by the licence**

The sale by retail of alcohol.

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

The sale by retail of alcohol –  
Monday to Sunday 1000 hours until 2230 hours

**The opening hours of the premises**

Monday to Sunday 1000 hours until 2300 hours

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

On

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

Ms. Roberta Asafu-Adjaye  
Efie Ne Fie  
50 High Street  
Thornton Heath  
CR7 8LF

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

N/a

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr. Aaron Ezu

**State whether access to the premises by children is restricted or prohibited  
As per Licensing Act 2003**

# 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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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, 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

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<sup>10</sup> See chapter 16 in relation to the licensing of live and recorded music.



action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

**Review of Premises Licence Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF****Index**

1. Premises Licence for Efie Ne Fie, 50 High Street, Thornton Heath, CR7 8LF 16/00156/LIPREM dated 31<sup>st</sup> March 2016
2. Signed Form 691 dated 13<sup>th</sup> October 2023
3. Representations dated 13<sup>th</sup> October 2023 by PC Garrod
4. Statement from PC Eastwood dated 28<sup>th</sup> October 2023
5. Statement from PC Loader dated 31<sup>st</sup> October 2023
6. Statement from DC Mason dated 6<sup>th</sup> November 2023
7. Letter dated 14<sup>th</sup> January 2020 by PC Garrod
8. Letter dated 31<sup>st</sup> January 2020 by PC Garrod
9. Letter dated 7<sup>th</sup> August 2020 by PC Garrod
10. Email from PS Wright dated 18<sup>th</sup> July 2023
11. Letter dated 19<sup>th</sup> July 2023 by PC Woods
12. Letter dated 17<sup>th</sup> August 2023 by PC Garrod
13. Letter dated 6<sup>th</sup> October 2023 by PC Garrod

RESTRICTED (when complete)

MG11

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN [ ] [ ] [ ] [ ]

Statement of: Constable Rhianna Eastwood
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: PC EASTWOOD
2842SN
Date: 28 Oct 2023

On the 13th of OCTOBER 2023, call sign SN35N, PC EASTWOOD 2842SN and PC LOADER 2260SN attended CAD 793/13AUG23 in relation to a criminal damage incident. Officers arrived on scene at 0219hrs at a restaurant called EFIE NE FIE, 50 HIGHSTREET, THORNTON HEATH, CR7 8LF. The CAD stated that there had been a massive fight which broke out in front of the restaurant which lead a young girl to end up unconscious due to being hit over the head with a glass bottle and LAS were called to deal.

Upon arrival there were roughly TWENTY people outside the restaurant, PC LOADER spoke to the lady who owns the restaurant, I now know her to be called ROBERTA. ROBERTA stated that she had hired out her restaurant for someone to hold a party, however when the party was held the music was becoming too loud and ROBERTA told the party multiple times to turn down the music however they did not. Eventually ROBERTA kicked the party out of her restaurant. However a fight broke out between the party inside the restaurant and the family who owned the restaurant.

ROBERTA stated that a male who was part of the party I now know to be \*\*\*\*\* had got angry and started smashing the window of the restaurant causing damage of under £500. When officers spoke to ROBERTA about making a report on the damage done to her restaurant she stated that she will not share the CCTV footage from the restaurant, that she will not provide a statement and that she will not support any police action. \*\*\*\*\* was not arrested for criminal damage. ROBERTA is aware that the a report was put on however she knows it was closed straight away.

Signature: PC EASTWOOD
2842SN

Signature Witnessed by:

RESTRICTED (when complete)

**STATEMENT OF WITNESS**


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

URN 

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Statement of: Constable Oliver Loader  
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: 31 Oct 2023

This statement refers to an incident I attended at around 0219 on Sunday 13th August 2023 I was on company with PC EASTWOOD 2842SN when we attended a call to EFIE NEFIE, 50 HIGH STREET THORNTON HEATH to reports of an altercation at the location. When we arrived on scene there was a large number of people present with one female being treated on the floor. Initially it was alleged that this female had been assaulted by a male inside the venue however it later transpired that she had simply fallen over whilst drunk. I spoke with a female at the address who identified herself as the owner, Roberta ASAFUADJAYE. She stated that she had hired the venue out for a Birthday Party. She had asked them to leave as they had been playing the music too loud and had refused to turn it down. Things had escalated and it had culminated in a group of people smashing the window to the property. One of these people was pointed out to Police.

Whilst speaking with ROBERTA there were various other people within the address. One IC3 male repeatedly told ROBERTA not to speak with us. This male did not identify himself to me. ROBERTA declined to provide a statement and did not wish to make a formal allegation. I asked her if she had any CCTV footage that we could view. She did not answer and simply began speaking to other people. She clearly did not wish to assist the Police any further despite having called us herself. The various people who had been hanging around outside the address dispersed and Police left the location.

Signature: 

Signature Witnessed by:

### WITNESS STATEMENT

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

URN

Statement of: PC Rose Mason

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

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

Witness Signature:  Date: 6/11/2023

On Thursday 5<sup>th</sup> October 2023 I was on duty working at Bromley Police Station as the part of the public protection unit. At about 1700hrs I attended Efie Nefie restaurant and bar with DC Hannah Bates in order to carry out CCTV enquiries for an investigation. Efie Nefie is located at 50 High St, Thornton Heath CR7 8LF.

I was aware that one of our colleagues DC Bolton had already spoken to the licensee Ms Roberta Asafu-Adjaye the day before to arrange for us to attend in order to view the CCTV. On arrival we saw two males by the bar area, one sitting behind it and other sitting in front of it, I believe the male sitting in front of it was Aaron Ezu. I could see the CCTV screen and hard drive were situated behind the bar about 6-7ft high up. We introduced ourselves showing our police warrant cards as we were in plain clothes.

We asked to speak with Roberta who then came from the kitchen area. We explained to her why we were present and asked to view her CCTV at the premises. She told us she had spoken with DC Bolton yesterday but was unsure why we wanted it. We explained that it was due to an allegation being made which had involved people that had been in her premises and therefore may have captured evidence. She continued to refuse us access to view the CCTV as she wanted more details of the event. We told her we could not discuss it further. Roberta was obstructive and refused us to view or download it at all unless we told her why. This conversation lasted for about 15 minutes with us explaining that we do not have to inform her why we needed to view it and it is actually in her licensing conditions that it should be made available to Police on request and they should be able to provide these recordings without delay.

Roberta was still refusing to allow us to view it. During this time Roberta and Aaron even mentioned that we should have a warrant to view it. We explained this was not the case as part of her licence conditions she should provide it. If she does not we could consider seizing it under section 19 of Police and criminal evidence act.

Finally Roberta allowed us to be able to view it. When asked how long it is kept for she told us 21 days. It was pointed out to her that as part of her licence conditions it should be kept for 31days. When we then tried to view it the days footage we needed it was not available and was showing "no data". We asked the male behind the bar to check to see the last date they have with a recording on, this was 20<sup>th</sup> September 2023 therefore saving it for 15days. Unfortunately this meant the CCTV footage we required was now not available as it had expired. This was pointed out to Roberta and she was advised we would be passing this information onto the licensing office.

Witness Signature: 

Signature Witnessed by Signature: .....



Working together for a safer London

**Croydon Borough  
Licensing Office**

Ms. Roberta Asafu-Adjaye

~~XXXXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

Croydon Police Station  
71 Park Lane  
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CR9 1BP  
Telephone: 0208 649 0172  
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Email:  
Zoe.garrod@met.police.uk

14<sup>th</sup> January 2020

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

**16/00156/LIPREM**

**RE- Police Visit 11/01/2020**

Dear Ms. Roberta Asafu-Adjaye

I visited your premises on Saturday 11<sup>th</sup> January 2020 with my colleague Kay Jones from Croydon Council Licensing Team to conduct a licensing inspection.

There are five conditions on your premises licence and you were non-compliant with all five conditions. You have been running the premises for several years and it is therefore disappointing that you are not fully compliant with your premises licence this is something that must be immediately addressed.

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. If you continue to commit offences under the act then serious consideration would be given to prosecution.

These are the conditions on your premises licences:

1. A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police or authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.
2. A refusals register is kept at the premises to record any refused sales of alcohol. The register shall include the date and time of the refused sale and the details of the staff member who refused the sale and shall be made available to Police and authorised Council officers on request.
3. A log book is maintained in which any incidents of crime and disorder at the premises shall be recorded. The log book shall be made available to Police or authorised Council officers on request.
4. The premises operates a Challenge 25 policy, whereby anyone attempting to purchase alcohol who looks under 25 years of age shall be asked to provide identification proving they are over 18 years of age.
5. All staff receive training with regard to the Challenge 25 policy and that records of that training are kept at the premises and made available to Police or authorised Council officers on request.

I await a reply from you confirming you are now fully compliant with all of these conditions.

**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'**

**Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
020 8649 0043**

A4



Working together for a safer London

**Croydon Borough  
Licensing Office**

Ms. Roberta Asafu-Adjaye

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

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Zoe.garrod@met.police.uk

31st January 2020

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

**16/00156/LIPREM**

**RE- Police Visit 31/01/2020**

Dear Ms. Roberta Asafu-Adjaye

I visited your premises on Friday 31st January 2020 with my colleague Kay Jones from Croydon Council Licensing Team to conduct a licensing inspection.

Having already visited your premises on Saturday 11<sup>th</sup> January 2020 and establishing you had no working CCTV you assured me this would be rectified immediately. During my last visit you were non-compliant with all five conditions on your licence. I wrote a letter to you which was emailed to you on Monday 14<sup>th</sup> January 2020. I am yet to receive a response to this letter however you confirmed to my colleague Kay Jones that you did receive this email.

I note on this visit a challenge 25 sign has been put up, you were not on the premises at the time of our visit and staff were unable to locate training records, incident book and refusals register.

Therefore you are still non-compliant on the following conditions:



1. A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police or authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.
2. A refusals register is kept at the premises to record any refused sales of alcohol. The register shall include the date and time of the refused sale and the details of the staff member who refused the sale and shall be made available to Police and authorised Council officers on request.
3. A log book is maintained in which any incidents of crime and disorder at the premises shall be recorded. The log book shall be made available to Police or authorised Council officers on request.
4. All staff receive training with regard to the Challenge 25 policy and that records of that training are kept at the premises and made available to Police or authorised Council officers on request.

I would like you to contact me on Monday to arrange an appointment to attend Addington Police Station so that you can provide me with CCTV footage from the venue, training records, incident log and refusals register.

This licence was issued to you in 2016 and all of the conditions were measures you agreed to with Police to prevent Crime and Disorder at the premises. I feel two weeks is more than enough time to have become fully compliant with this licence. If these matters are not addressed immediately I will have to consider a review of the premises licence.

I must once again 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. If you continue to commit offences under the act then serious consideration would be given to prosecution.

**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'**

**Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
020 8649 0043**

A4



Working together for a safer London

Croydon Borough  
Licensing Office

Ms. Roberta Asafu-Adjaye

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~

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7<sup>th</sup> August 2020

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

**16/00156/LIPREM**

**RE- Police Visit 06/08/2020**

Dear Ms. Roberta Asafu-Adjaye

I visited your premises on Thursday 6<sup>th</sup> August 2020 with my colleague Kay Jones from Croydon Council Licensing Team. The visit was due to an incident that had been reported to Police and is alleged to have taken place on Tuesday 28<sup>th</sup> July 2020 at 1930 hours inside your venue, involving two of your customers. Reporting Officers were told that there was no working CCTV at the premises.

On attending your premises we spoke to your staff who could not operate the CCTV, so we waited for you and your CCTV engineer. It then became apparent that although new cameras had been installed since my last letter to you in January 2020. The system was still not recording.

As you are know this is a condition on your premises and must be adhered to at all times:

1. A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police or authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.

The CCTV engineer assured us he would not leave until it was recording for 31 days. If we find the premises without CCTV again we will seek a review of your premises licence.

This is the second time an incident has happened on your premises and Police were unable to continue their investigations due to lack of CCTV evidence. If for any reason your CCTV stops working in the future, you must STOP all sales of alcohol. And must not sell any hot food and drink after 11pm until it is fully operational again.

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. If you continue to commit offences under the act then serious consideration would be given to prosecution.

**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'**

**Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
020 8649 0043**

A4

Good Morning Ms Asafu-Adjaye,

In relation to the attached letter that you received from my officers after a second notification of CCTV conditions being breached in August 2020 after already outlining the issues in January 2020, I find it extremely disappointing that we are now yet again having to communicate with you on the exact same issue.

Yesterday evening there was an incident that I am sure you are well aware of which involved a believed known member of the public to you and ~~XXXXXX~~ of the Venue you operate the Licence for. This incident is currently open and being investigated so I am not in a position to expand any further on that.

What I would like to do is meet with you in person at the location tomorrow afternoon. Can you please let myself and PC Chris Woods ( CCd into this email ) if you are available from 1330hrs. I will also copy in our colleagues at Croydon council Licensing, to see if they are available to join us. Can you please reply all to this email letting us know your availability. Can you please give this your immediate attention as I am deeply concerned as to the operating standards in place at your premises which has now revealed a THIRD occasion where a breach of your Licensing condition in regards to CCTV has come to notice.

Many thanks in advance for your cooperation in this matter.

**Peter Wright - PS 201SN | Licensing Sergeant – Croydon, Bromley and Sutton.**

☎ Telephone: 07768 006056

☎ Metphone:

Check out our [Site](#) for information and help with Licensing: [P&P Sharepoint](#)



TERRITORIAL POLICING

Working together for a safer London

**Croydon Borough  
Licensing Office**

Ms. Roberta Asafu-Adjaye

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19<sup>th</sup> July 2023

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

**16/00156/LIPREM****RE- Police Visit 19/07/2023**

Dear Ms. Roberta Asafu-Adjaye and Aaron Ezu

I visited your premises today with my colleague Sgt Wright and Kay Jones from Croydon Council Licensing Team to conduct a compliance check and discuss outstanding licence fees.

What prompted our need to visit was an incident that took place at your premises on Monday 17<sup>th</sup> July at 2130hrs. The incident involved one of your staff members, ~~XXXXXXXXXX~~ and another male receiving a significant injury to his hand. A different department is investigating this.

The officers attending the crime on Monday were informed the CCTV was not recording, hence the need for our visit. Having a working CCTV system, which records, is one of the conditions on your premises licence (see below)

**A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for**

**a minimum of 31 days and shall be made available to Police of authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay**

This has been a well documented issue in the past and been addressed with three letters dated 14<sup>th</sup> January 2020, 31<sup>st</sup> January and 12<sup>th</sup> August. All of these letters refer to a lack of CCTV which records as well as other condition breaches.

Although the COVID pandemic has effected trading for many businesses, we expect all licensed premises to be fully compliant in adhering to their conditions if they wish to remain open.

**This is the final warning you will receive before we are forced to take enforcement action.**

As discussed today, I will be visiting next week at a suitable time for you to see the new CCTV system up and running with the ability to view recordings. I also expect to see a Refusals Book and records of your Staff Training.

I must remind you – you cannot sell/supply alcohol without a licence. Neither can alcohol be displayed for sale/supply in your premises.

The fees which are owed will be dealt with by Ms Jones.

I await a reply from you confirming you are now fully compliant with all of these conditions before next weeks visit.

**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 you have any questions please do not hesitate to ask.

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

A4



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**Croydon Borough  
Licensing Office**

Ms. Roberta Asafu-Adjaye

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

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CRO 5AQ

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17<sup>th</sup> August 2023

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

**16/00156/LIPREM**

**Re- Repeated breach of premises licence conditions**

Dear Ms. Roberta Asafu-Adjaye

I visited your premises on Tuesday 15<sup>th</sup> August 2023 with my colleague Kay Jones from Croydon Council Licensing Team. The purpose of our visit was to discuss an incident that happened at the premises, in the early hours on Sunday 13<sup>th</sup> August 2023.

Officers arrived on scene at 02:19 hours and saw about twenty people outside the premises, with London Ambulance Staff who were giving CPR to a female who was believed to have been hit over the head with a bottle. Officers spoke to you and you stated the female had hired the restaurant for a party. You stated to officers that the group were playing the music too loudly and were asked to turn it down. This has then caused an altercation resulting in a broken window and the assault of the female.

Please note the hours that your premises is licenced - Monday to Sunday 1000 hours until 2230 hours.

During our visit, you stated that this was a birthday party for your goddaughter but as your CCTV was again not working, you could not prove that no alcohol sales were made after 2230 hours. You explained that the engineer that fitted the system without a disc to record any footage.

With Police attending several hours after the premises was due to close we now have no way of confirming that the premises has not held an illegal event.

I was extremely disappointed to find that your CCTV was not recording, as it was less than a month ago that officers attended following another incident at the premises and found it was not working. It is a requirement of your licence to have CCTV and should it not be present or recording, you should cease all sales of alcohol immediately.

If Police attend and find that the CCTV is again not recording we will review the premises licence and ask that it is revoked. This is a historic problem, and we cannot continue to attend the premises following incidents of crime and disorder simply to be told this is no evidence of that crime as your CCTV does not work or record.

You have held this licence since 2016 and have repeatedly been visited by Police where this issue has been raised, we have now reached a point where Police feel we have no other options available to us having repeatedly discussed this matter with you over the course of several years. So would ask that you ensure the CCTV is fully maintained and checked on a regular basis.

Please ensure you are fully aware of condition one on your premises licence-

1. A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police of authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.

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. If you continue to commit offences under the act then serious consideration would be given to prosecution.



A4

**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**

**Zoe Garrod PC8012D  
Licensing Officer  
Croydon Police Station  
020 8649 0043**



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**Croydon Borough  
Licensing Office**

Ms. Roberta Asafu-Adjaye

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6<sup>th</sup> October 2023

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

**16/00156/LIPREM**

**Re- Repeated breach of premises licence conditions**

Dear Ms. Roberta Asafu-Adjaye

I visited your premises on Friday 6<sup>th</sup> October 2023 with my colleagues PS Peter Wright from Croydon Police Licensing Team and Kay Jones from Croydon Council Licensing Team. The purpose of our visit was to conduct a compliance inspection of your premises licence 16/00156/LIPREM/. Which was issued on 31<sup>st</sup> March 2016 and has five conditions under Annex 2.

Police officers investigation an allegation of crime attended your premises yesterday requesting to view your CCTV. It is noted in their correspondence to us, that you were obstructive and refused to let the officers view the CCTV. Even though it is a condition on your premises licence. Once officers viewed the CCTV it became apparent it was only recording for 15 days, so the last date recorded on the system was 20<sup>th</sup> September

2023. Condition one of your premises licence states that your CCTV must be kept for a minimum of 31 days and shall be made available to police or authorised council officers on request.

When we attended today, we confirmed that the CCTV does only record for 15 days. Therefore the last date now held on the system is 21<sup>st</sup> September. Although you have 7 cameras. Camera 4 which covers the internal area of the premises is so blurry people and objects are unrecognisable.

On looking at the other conditions on your premises licence. You have no refusals register which is a breach of condition 2. There are no staff training records on site so it cannot be confirmed that staff working at the premises, have received any training in regards to Challenge 25 as per condition 5 of your premises licence.

I only visited the premises seven weeks ago following an incident of crime and disorder at the premises. Police dealing with the incident were unable to investigate this incident further as you had no working CCTV at the premises. In a letter dated 17<sup>th</sup> August 2023 I explained to you -

**If Police attend and find that the CCTV is again not recording we will review the premises licence and ask that it is revoked. This is a historic problem, and we cannot continue to attend the premises following incidents of crime and disorder simply to be told this is no evidence of that crime as your CCTV does not work or record.**

We now find ourselves in a position whereby a Police investigation is again being hampered by your lack of CCTV. The crime officers are dealing with is alleged to have happened on your premises.

The continued breaches of your premises licence shows your total disregard for supporting the Licensing objective the Prevention of Crime and Disorder.

In July, August and September Police have been required to attend the premises in response to allegations of crime. On all three occasions the premises has been unable to provide CCTV. Police will now be submitting a review of your premises licence, in the meantime can I please request that you ensure you are fully compliant with your licence before anymore alcohol sales are made.

We have also discussed the use of the room at the back of the premises, I must advise that you stop using this area as an extension to your home. This is a business premises and any crimes committed or linked to the premises especially those involving alcohol being used from the bar within the premises are going to have a detrimental effect on your premises licence going forward.

A4

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. If you continue to commit offences under the act then serious consideration would be given to prosecution.

**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**

**Zoe Garrod PC801ZD  
Licensing Officer  
Croydon Police Station  
020 8649 0043**

Rep 1

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

**Efie Nefie, 50 High Street, Thornton Heath CR7 8LF**

Ms Roberta Asafu-Adjaye applied for a new Premises Licence in March 2016. Ms Asafu-Adjaye is the premises licence holder and Mr Aaron Jesse Ezu is the Designated Premises Supervisor.

On Saturday 11 January 2020 I visited the premises Efie Nefie with PC Zoe Garrod from the Police Licensing Team to conduct a licensing inspection. It was found that none of the 5 conditions on the licence were being adhered to. With regards the CCTV, Ms Asafu-Adjaye indicated that there was a noise emanating from the device and she was instructing an engineer to fix it.

A request was made to Croydon Council Licensing team on 16 January 2020 for a copy of their licence.

On Friday 31 January 2020, I revisited the premises with PC Zoe Garrod and the premises were still not compliant with four of the five conditions on the licence, including that of CCTV.

During COVID, a visit was made to the premises on Saturday 24 October 2020 and I spoke with Mr Ezu and highlighted the areas of non-compliance under the then current Coronavirus Restrictions.

Wednesday 19 July 2023, I visited the premises with Sgt Wright and PC Chris Woods to conduct a compliance check and discuss the outstanding fees for the Premises Licence which at the time was suspended. The CCTV was again not recording to the 31 days as per the condition on the licence. There was also no Refusals Book or Staff Training records that could be produced. No alcohol was on display at the time of our visit as Ms Asafu-Adjaye had been advised that fees whilst Premises Licence fees were outstanding, the licence was suspended.

I sent a letter to Ms Asafu-Adjaye stating that fees were outstanding and the licence was currently suspended. She was advised that whilst the licence was suspended she was not permitted to display or sell alcohol. A link was supplied to the Council website to enable payment to be made. A request was also made for some Health and Safety documents including Electrical Installation due to trailing wires, Portable Appliance Certificate to ensure that all items that had a plug, including CCTV, were tested by a competent electrician and a Gas Safe Certificate.

On Monday 14 August, I visited the premises with PC Edwin Sear but the premises were closed. Looking through the window, I observed that the bar had been moved.

PC Sear telephoned Ms Asafu-Adjaye to discuss a police matter and subsequently agreed to be at the premises the following day to allow CCTV to be checked.

On Tuesday 15 August 2023, I visited your premises with PC Zoe Garrod as I had not received the requested documentation. We noted that the bar location had been re sited to the rear the premises but no variation to the plans had been received by Croydon Council Licensing Team. We also noted that there was an additional seating area within the premises which had been unknown to us and not on the layout plans for the premises. Ms Asafu-Adjaye was advised at the time of our visit that a Full Variation of the Premises Licence would be require for moving the bar and the additional room.

The CCTV was again not recording but we were advised that it was operational. This was a breach of the conditions of the Premises Licence.

On 6 October 2023, I visited the premises with Sgt Wright and PC Zoe Garrod to check that the premises were adhering to their licence conditions. It was noted that the CCTV does not record for 31 days; no refusal book was available and no training records could be produced. PC Zoe Garrod informed M Ms Asafu-Adjaye that the Police were intending to bring a review of the Premises Licence.

I subsequently sent Ms Asafu-Adjaye a letter confirming the three non compliant licensing conditions and my previous letter dated 21 August with a link to the Croydon Council website to submit a variation of the licence to incorporate the new location of the bar and additional area not on the current plans.

### **Breach of licensing conditions:**

#### *Annex 2, Condition 1*

*A closed circuit television (cctv) system, with a minimum of 5 cameras is installed, operated and maintained at the premises with cameras covering the entrance and exit point to/from the premises. The system shall record whenever licensable activities are being provided and whenever customers are on the premises. Recordings shall be kept for a minimum of 31 days and shall be made available to Police of authorised Council officers on request. There shall always be a member of staff on the premises who is conversant with the operation of the cctv system and who is able to provide recordings without delay.*

On every occasion I have visited the premises, the CCTV is not compliant with the above condition.

#### *Annex 2, Condition 3*

*A refusals register is kept at the premises to record any refused sales of alcohol. The register shall include the date and time of the refused sale and the details off the staff member who refused the sale and shall be made available to Police and authorised Council officers on request.*

On every occasion I have visited the premises, the CCTV is not compliant with the above condition.

*Annex 2, Condition 5*

*All staff receive training with regard to the Challenge 25 policy and that records of that training are kept at the premises and made available to Police or authorised Council officers on request.*

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

#### **Public Safety Objectives:**

An additional room at the rear/side of the premises which is only accessible via the kitchen was not part of the plans submitted for the Premises Licence. This area cannot be seen from the road. It appears that this may be used for parties/events.

The seating area appears to be not of brick construction, has uneven floor surfaces which contribute to trip hazards. Croydon Council Planning Enforcement were made aware of the structure and were copied into a letter sent to the premises regarding the floor plans.

There is a CCTV Camera within the additional seating area but there is not full coverage.

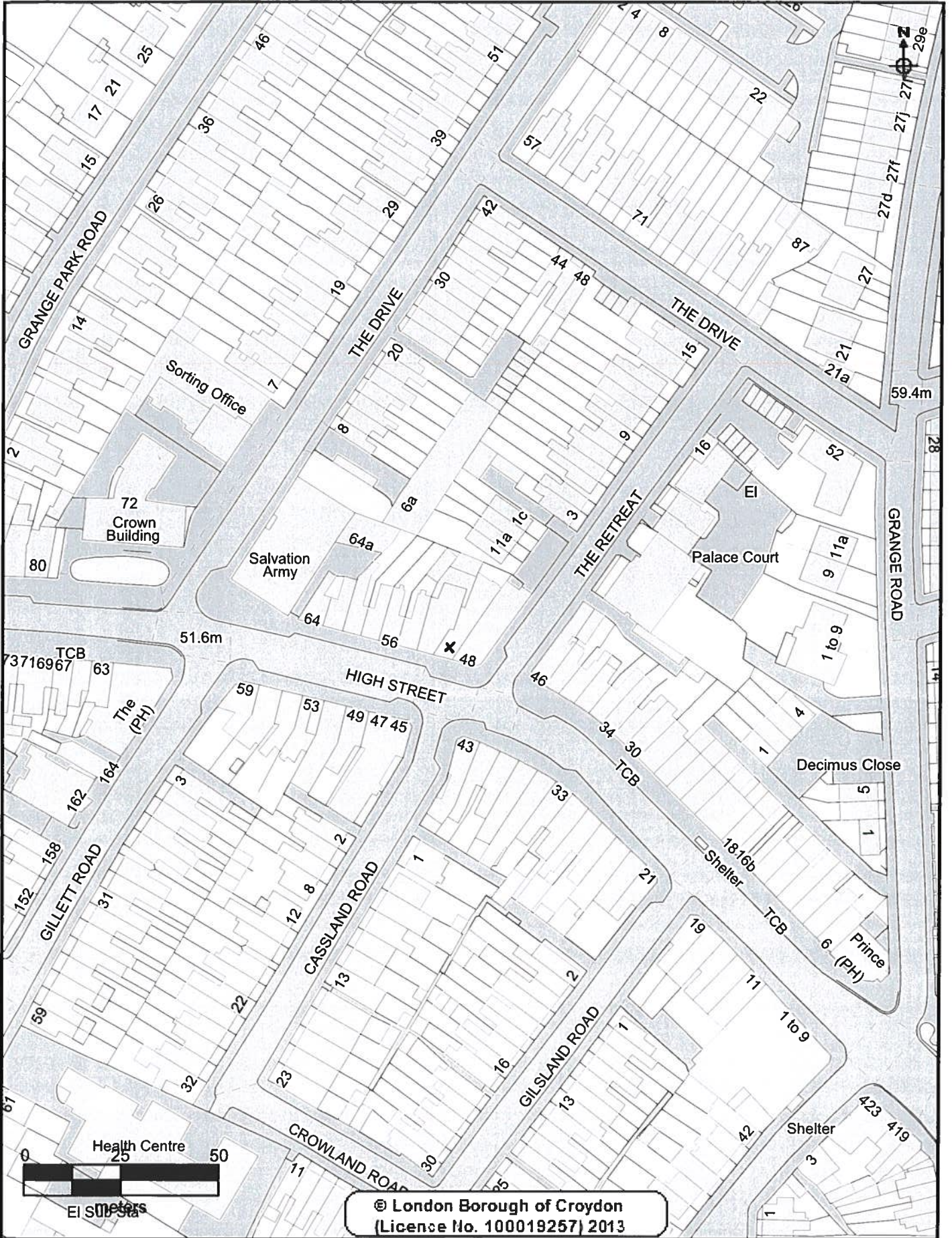
Smoking is taking place within this area as an ashtray has been observed. Smoking is also taking place in a small outside space. The premises were advised that they should not be smoking within close proximity to gas canisters. FSR (Fire Safety Regulations), who are part of LFB (London Fire Brigade) were copied into a letter sent to the premises regarding this matter.

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Sustainable Communities  
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X = 50 High Street, Thornton Heath