

## **APPENDIX A**

### **1. The Application**

- 1.1 This report concerns an application for a summary review of the premises licence held by Kevents Limited in respect of 34 Surrey Street, Croydon, CR0 1RJ. The application, received on 20 December 2017, is made by the Police, as a responsible authority under the Licensing Act 2003.
- 1.2 The application is made under section 53A of the Licensing Act 2003 (as amended) which allows the police, where they consider that a licensed premises is associated with serious crime or serious disorder (or both), to apply to the licensing authority for an expedited/summary review of the licence. This power only applies where a premises licence authorises the sale of alcohol.
- 1.3 The Licensing sub committee took the interim step on 20 December 2017 of suspending the premises licence pending the full review hearing. The premises licence holder made representations against this interim step and those representations were heard by the Licensing sub committee on 22 December 2017. On that date, the sub committee determined that the interim steps be modified.
- 1.4 Between 22 December 2017 and 9 January 2018, there was a statutory 10 working day period in which responsible authorities and 'other persons' could make representations on the application.
- 1.5 A copy of the review application and accompanying certificate is attached at Appendix A1, together with the supporting paperwork that accompanied the application. In addition, the Police provided a disc containing cctv images with and in support of their application. The Police intend to show images from this disc at the full review hearing. The premises licence holder has been provided with a copy of the application, certificate, supporting paperwork and the disc.
- 1.6 A copy of the premises licence is attached at Appendix A2.
- 1.7 Attached at Appendix A3 is an extract pertaining to summary reviews from the Home Office guidance to the Licensing Act 2003.
- 1.8 A copy of the letter containing the determination of the licensing sub committee on 22 December, modifying the interim steps, is 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 premises licence holder has been provided with a copy of the review application and a copy of the disc containing cctv footage.

### 4. **Policy Considerations**

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

4.1 Nothing in the '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

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

4.7 Licensing is about the control 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.

4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received to an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations.

4.9 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.

- 4.10 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.
- 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 reasonable can to prevent crime and disorder in the Borough.
- 5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.
- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.29 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, and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder contained in the Statutory Guidance to the Act and the following examples of conditions specifically with regard to 'significant events':
1. The licensee shall undertake a risk assessment of any significant promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.
  2. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this\* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.
- \*submission of electronic documents by e-mail is preferred.
- 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, cafes/restaurants and fast food outlets/takeaways.
- 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 precautionary 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.
- 5.3.7 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire and Emergency Planning Authority.
- 5.3.8 The Council will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety' contained in the Statutory Guidance to the Act.
- 5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of the licensed premises, while 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.
- 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, necessary to reduce the 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 opening hours beyond 23.30 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.
- 5.4.8 There will be a presumption that the Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for trading.
- 5.4.9 However, the Council may consider there are very good reasons for restricting hours for licensable activities, for example where representations are made by the police and/or local residents as interested parties in respect of shops in residential areas or shops which are known to be the focus of disorder and nuisance because young people gather there. Although the Council will treat each case on its individual merits, generally in such cases the Council will not grant permission for licensable activities beyond 2330 hours on Sunday to Thursdays and midnight on Friday and Saturday.
- 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.
- 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, and these may include Conditions drawn from the Model Pool of Conditions relating to ‘Public Nuisance’.
- 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.
- 5.5.7 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.
- 4.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.
- 4.3 An ordinance survey extract map of the area with the application premises shown at the centre is attached at Appendix A5.