REPORT TO: LICENSING COMMITTEE
29 September 2010

AGENDA ITEM: 9

SUBJECT: THE LICENSING ACT 2003 – STATUTORY REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY

LEAD OFFICER: Executive Director, Community Services Department

CABINET MEMBER: Cllr. Steve O’Connell, Cabinet Member for Community Safety

WARDS: ALL

CORPORATE PRIORITY/POLICY CONTEXT:

FINANCIAL SUMMARY:
The Licensing Act 2003 became fully operational on 24 November 2005. The local authority has been processing applications with regard to this legislation since 7 February 2005, which was the start of the conversion period under the Act.

There are no direct financial implications associated with this report. Potential risks are set out in the body of the report with regard to decision making by the licensing committee and full Council.

The costs of administering the functions associated with this report will be met from existing resources.

FORWARD PLAN KEY DECISION REFERENCE NO.:

For general release

1. RECOMMENDATIONS

   The Committee is asked to:

   1.1. Consider the outcome of the consultation on the statutory review of the Licensing Policy and proposed revisions to that Policy.

   1.2. Recommend the adoption of the revised Licensing Policy at Appendix 4 to Full Council at its meeting on 18 October 2010.
2. EXECUTIVE SUMMARY

2.1 The Licensing Act 2003 (the Act) came into force on 24 November 2005 and made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol
- The provision of regulated entertainment and
- The provision of late night refreshment

There are four licensing objectives which underpin the legislation and these are:

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

All decisions under the Act must be taken with a view to promoting these licensing objectives.

2.2 The local authority, as licensing authority, has been processing applications in relation to the Act since 7 February 2005, as this was the date from which licence/registration holders could apply to the Council to convert their then existing licence/registration into a premises licence or club premises certificate (as applicable) under the Act.

2.3 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. In each 3 year period thereafter, the Council must keep its policy under review and revise it as it considers appropriate. The Council therefore carried out its first review in 2007. In any event, before the conclusion of each 3 year period, the Act requires the Council to formally consult on its policy, amend it accordingly and re-publish it.

2.4 Parliament has prescribed 7 January 2011 as the date by which licensing authorities should have their revised licensing policies approved and published. This review has been undertaken to ensure that, before the conclusion of the next 3 year period, the Council has formally consulted on its policy, amended it as necessary and re-published it.

3. DETAIL

3.1 In issuing the policy consultation officers made some minor suggested amendments to take account of changes to legislation and practice since the last review. The proposed amended policy was sent out for consultation on 25th June together with a covering letter that gave detail of the suggested amendments. The consultation period was 10 weeks, ending on 3 September 2010.

3.2 A list of the bodies included in the consultation is attached at Appendix 1.
3.3 Two comments were received during the consultation and these are attached at Appendix 2.

3.4 Proposed amendments to the policy have been made to reflect the comments received where this has been considered necessary. A schedule of the specific comments made in each of the letters is attached at Appendix 3 to this report showing where the policy has been changed, or not, as a result of those comments.

3.5 Attached at Appendix 4 is a copy of the draft, updated licensing policy, with the proposed amendments incorporated. For ease of reading, the new or amended paragraphs have been highlighted in bold and italics.

4. CONSULTATION

4.1 The timetable leading up to the Licensing Policy being re published is as follows:

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>03.09.10</td>
<td>Deadline for consultation responses.</td>
</tr>
<tr>
<td>29.09.10</td>
<td>Licensing Committee</td>
</tr>
<tr>
<td>18.10.10</td>
<td>Full Council</td>
</tr>
<tr>
<td>07.01.11</td>
<td>Publication</td>
</tr>
</tbody>
</table>

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

There are no direct financial implications associated with this report, subject to the risks at 5.2.

5.2 Risks

The decision making process with regard to a review of the Council's licensing policy may be subjected to judicial review. A judicial review presents financial risks and risks to the reputation of the organisation which is subject to it. Any licensee or certificate holder under the Act has the right of appeal to the Magistrates' Court if they feel aggrieved over the Council's decision to grant, refuse or vary a licence/certificate. There is a risk that if the appellant wins, legal costs could be awarded against the Council.

5.3 Options

The options available are as detailed in the recommendations at paragraph 1 above.

5.4 Future savings/efficiencies

None identified.

(Approved by: Diane Pelling, Departmental Head of Finance)
6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

6.1 The Solicitor to the Council comments that the procedures associated with the implementation of the Licensing Act 2003 and review of the Policy are determined by regulations and statutory guidance.

6.2 The production and review of the Licensing Statement is a requirement under s.5 of the Act, which also specifies the bodies to be consulted as part of the review. Having so consulted the council must ensure it considers any responses to that consultation in deciding what amendments to the Statement that may be required.

(Approved by: Gabriel MacGregor, Head of Legal Services (Corporate) on behalf of the Solicitor to the Council).

7. HUMAN RESOURCES IMPACT

7.1 The workload associated with the review of the Licensing Policy has been undertaken within existing resources.

8. CUSTOMER IMPACT

8.1 The Licensing Act 2003 impacts on existing and potential licensed premises. By extension, the Council’s licensing policy also impacts on current and potential licence/certificate holders.

9. EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 There are no perceived inequalities associated with this report.

10. ENVIRONMENTAL AND DESIGN IMPACT

10.1 The provisions of the Licensing Act 2003 include consideration of the environmental impact of licensed premises.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 Three of the four licensing objectives in the Act relate to the prevention of crime and disorder and public nuisance and the protection of children from harm. The night time economy is a priority issue in the Council’s ‘crime and disorder reduction strategy’ and the licensing policy is a document that the Council, as licensing authority, should have regard to when deciding licence/certificate applications.

12. HUMAN RIGHTS IMPACT

12.1 The procedures implemented to determine the Council’s licensing policy are compliant with the provisions of the Human Rights Act.
13. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

13.1 The Licensing Policy will be accessible as part of the Council’s Publication Scheme maintained under the Freedom of Information Act.

CONTACT OFFICER: Michael Goddard, Licensing Team Leader
Tel. Ext. 61838

BACKGROUND DOCUMENTS: None
Appendix 1

LICENSING ACT 2003

Statutory 3 Year Review of Local Authority Licensing Policy

List of Consultees

Residents Associations

Addington Community Association
Addington Residents Association
Addington Village RA
Ashburton CA
Ashwood Gardens RA
Beech House RA
Broad Green RA
Canning & Clyde Road RA
Cedar House RA
Chase RA
The Coulsdon Forum
East Coulsdon RA
Coulsdon West RA
Croham Valley RA
Croydon African, Asian and Caribbean Tenants Association
Forestdale RA
GGL RA
Handcroft RA
Hartley & District RA
Holmesdale RA
H. O. M. E. RA
Kenley & District RA
LARA
Marion/Pawsons Estate RF
Monks Hill RA
Monks Orchard RA
North Downs RA
North Norbury RA
Park Hill RA
Parsons Pightle RA
Purley & Woodcote RA
Riddlesdown RA
Sanderstead RA
Scots Estate RA (SERA)
Selsdon RA
Shrublands RA
South Norwood RA
Spring Park RA
Upper Norwood CRA
Waddon RA
Wavell Court RA
Elected Representatives

All LB Croydon Ward Councillors and the 3 borough Members of Parliament
Local Business Groups

Shirley Business Association
Coulsdon Traders Association
The BME Forum
New Addington Central Parade Committee
Croydon BID
Croydon Chamber of Commerce & Industry
The Purley Forum
South London Ethnic Minority Business Association

Premises/Personal Licence and Club Premises Certificate Holders under the Licensing Act 2003

Twenty three holders of premises licences, personal licences and club premises certificates issued by LB Croydon.

Miscellaneous

The seven responsible authorities under the Licensing Act 2003, including Croydon Police and the London Fire Brigade
The British Beer & Pub Association
The British Institute of Innkeeping
Victim Support Croydon
Connexions
Croydon Women’s Support Group
Croydon Voluntary Youth Centre
Purley Youth Project
Croydon Resource Centre for Unemployed Adults
MIND in Croydon
Refuge
Ethnic Minority Advice Bureau Croydon
Association of Convenience Stores (National)
Association of Licensed Multiple Retailers (National)
NOCTIS (National)
National Pub Watch
The Portman Group
Federation of Licensed Victuallers Associations (National)
LB Croydon Access Officer
LB Croydon DAAT Co-ordinator
Churches Together in the Borough of Croydon
Croydon Primary Care Trust
The Greater London Authority
LB Merton, LB Sutton & LB Bromley
Appendix 2

From: Day, Andy
Sent: 12 July 2010 18:1b
To: Goddard, Michael
Cc: Fossett, Charlie; Macleod, Rory; Pink, Gina; Albrecht, Simon; Townsend, Nicola
Subject: draft Statement of Licensing Policy

Michael

Thank you for sending through the draft document “Statement of Licensing Policy” currently being reviewed by you. Team Managers have discussed the process with Rory Macleod and I have been asked to respond to your communication.

The Development Management service intends to change its role in the process but still maintaining its duty as a responsible consultee and supporting you in fulfilling the Council’s requirements under the Licensing Act 2003. In terms of process we invite you to regularly forward to Charlie Fossett a list of notifiable licensing applications. Rather than make these up into formal applications, the change in our process will be to identify from the list those sites that have planning implications (ie where there could be a potential conflict with the terms of an existing planning permission or where we consider a new planning permission might be required) and to then write direct to the applicant. A copy of the letter will be passed to you and other relevant consultees. For tracking purposes, we will then record the correspondence, possibly through the Enforcement and Trees Service. We will let you know our decision on this aspect of our process.

Given the above, kindly change the draft Statement of Licensing Policy as follows:

New Paragraph 6.12 – A list of new licensing applications will be forwarded to the Development Management service on a [insert your time frame] basis. Where there could be a potential conflict with the terms of an existing planning permission or where it is considered a planning permission might be required, the applicant will be informed and invited to respond accordingly. The Licensing Team Leader and other appropriate consultees will be copied in to the correspondence.

I hope this helps. Feel free to contact me if you wish to discuss the process changes.

Andy Day
Area Planning Manager
Appendix 2

From: Robert Faux [mailto:Robert.Faux@london.gov.uk]
Sent: 03 September 2010 17:17
To: LICENSING
Subject: Licensing Consultation for Croydon

Dear Michael,

Thank you for the opportunity to review and comment on the draft Licensing Consultation for Croydon.

As part of the City Operations programme, which is working to prepare the City and its services for 2012, we would like you to consider including the below paragraph in your Licensing Policy in the area of Events.

At Games time many functions will not be able to operate under business as usual conditions and it should be recognised that London will have a finite emergency services resource in 2012. This wording has been put together collaboratively by a number of Boroughs, the GLA, TFL, Olympic Security Directorate, NHS and the emergency services (LFB, LAS, MPS, BTP) as part of London’s 2012 planning and we think its inclusion will be one step in the preparations for the Games:

The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council’s policy] likely that such applications will not be granted.

If you would like any further information, please do not hesitate to contact me.

Kind regards,

Robert Faux
Back England’s bid to host the 2018 FIFA World Cup and London as a Candidate Host City. Visit www.england2018bid.com or Text 'England' to 62018

GREATER LONDON AUTHORITY
<table>
<thead>
<tr>
<th>Respondee</th>
<th>How / When</th>
<th>Comments incorporated in policy</th>
<th>Comments not incorporated into policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>LB Croydon Planning Department</td>
<td>e-mail 12 July 2010</td>
<td></td>
<td>Reason - We will attempt to facilitate the Planning Department request through internal administrative procedures but this is not felt to be a matter that needs to be reflected in the Council’s licensing policy.</td>
</tr>
<tr>
<td>The Greater London Authority (GLA)</td>
<td>e-mail 3 September 2010</td>
<td>Inserted as new para. 5.2.10</td>
<td></td>
</tr>
</tbody>
</table>
‘STATEMENT OF LICENSING POLICY’

PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE LICENSING ACT 2003 ON ** JANUARY 2011 FOLLOWING THE SECOND STATUTORY 3 YEAR REVIEW
## CONTENTS

<table>
<thead>
<tr>
<th>Introduction</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Legislation and the Council</td>
<td>1</td>
</tr>
<tr>
<td>Development of the Policy</td>
<td>2</td>
</tr>
<tr>
<td>Fundamental Principles</td>
<td>2</td>
</tr>
<tr>
<td>Need and Cumulative Impact</td>
<td>3</td>
</tr>
<tr>
<td>Licensing Objectives</td>
<td>7</td>
</tr>
<tr>
<td>Crime and Disorder</td>
<td>7</td>
</tr>
<tr>
<td>Public Safety</td>
<td>9</td>
</tr>
<tr>
<td>Prevention of Public Nuisance</td>
<td>11</td>
</tr>
<tr>
<td>Licensing Hours</td>
<td>11</td>
</tr>
<tr>
<td>Shops, stores and supermarkets</td>
<td>11</td>
</tr>
<tr>
<td>Prevention of Public Nuisance – Generally</td>
<td>12</td>
</tr>
<tr>
<td>Protection of Children from Harm</td>
<td>13</td>
</tr>
<tr>
<td>Access to licensed premises</td>
<td>13</td>
</tr>
<tr>
<td>Responsible authority</td>
<td>14</td>
</tr>
<tr>
<td>Packaging and promotion of alcoholic drinks</td>
<td>14</td>
</tr>
<tr>
<td>Access to cinemas</td>
<td>15</td>
</tr>
<tr>
<td>Children and regulated entertainment</td>
<td>15</td>
</tr>
<tr>
<td>Children in licensed premises – generally</td>
<td>15</td>
</tr>
<tr>
<td>Integrating Strategies and Avoiding Duplication</td>
<td>16</td>
</tr>
<tr>
<td>Crime prevention</td>
<td>16</td>
</tr>
<tr>
<td>Cultural strategies</td>
<td>17</td>
</tr>
<tr>
<td>Transport</td>
<td>17</td>
</tr>
<tr>
<td>Tourism and employment</td>
<td>17</td>
</tr>
<tr>
<td>Planning and building control</td>
<td>17</td>
</tr>
<tr>
<td>Promotion of race equality</td>
<td>18</td>
</tr>
<tr>
<td>Duplication</td>
<td>18</td>
</tr>
<tr>
<td>Live Music, Dancing and Theatre</td>
<td>18</td>
</tr>
<tr>
<td>Temporary Event Notices</td>
<td>19</td>
</tr>
<tr>
<td>Standardised Conditions</td>
<td>19</td>
</tr>
<tr>
<td>Enforcement</td>
<td>19</td>
</tr>
<tr>
<td>Administration, Exercise and Delegation of Functions</td>
<td>20</td>
</tr>
<tr>
<td>Appendices</td>
<td>20</td>
</tr>
<tr>
<td>1 Definitions</td>
<td>22</td>
</tr>
<tr>
<td>2 Map of Croydon town centre special saturation policy area</td>
<td>24</td>
</tr>
<tr>
<td>3 Contact details, advice and guidance</td>
<td>25</td>
</tr>
</tbody>
</table>
CROYDON COUNCIL – STATEMENT OF LICENSING POLICY

1. INTRODUCTION

1.1 The London Borough of Croydon covers an area of 86.5 sq kms and has a population of approximately 340,000.

1.2 The Borough is mainly urban in character being made up of a number of district retail and commercial centres each surrounded by residential accommodation.

1.3 Croydon town centre is a well-defined retail and commercial area with a large number of shops and offices. It also has the major concentration of premises providing regulated late night entertainment and the sale of alcohol, including theatres, cinemas, concert halls, night clubs, public houses, restaurants and night cafés.

1.4 The remainder of the 1000 or so licensed premises are spread throughout the Borough, with much smaller concentrations in the district centres and many individual public houses located within residential areas.

1.5 The number, diversity and success of open air concerts and other cultural events are increasing each year.

1.6 Premises and events that will require to be licensed under the Licensing Act 2003 do currently and will continue to make an essential contribution to the economic and cultural development of the Borough, through the provision of entertainment, leisure facilities and employment.

2. THE LEGISLATION AND THE COUNCIL

2.1 For the purposes of this ‘Statement of Licensing Policy’, the licensing authority under the Licensing Act 2003 (the 2003 Act) is the London Borough of Croydon (the Council) and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.

2.2 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

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

2.3 The 2003 Act further requires that the Council publishes a ‘Licensing Statement’ that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
3. DEVELOPMENT OF THIS POLICY

3.1 This ‘Licensing Statement’ has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued under Section 182 of the Act.

3.2 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all who have views and concerns that require consideration as part of the licensing function.

3.3 Before publishing this Licensing Statement, the Council consulted widely with the Chief Borough Police Officer, the Chief Officer of the London Fire and Emergency Planning Authority and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the Borough.

3.4 The Council also consulted with the Croydon NHS Primary Care Trust, local bodies representing consumers and promoting tourism and neighbouring authorities.

3.5 The Council has given proper weight to the views of all the persons/bodies consulted before publishing this finalised Licensing Statement.

3.6 The revised Licensing Statement will take effect on the 07 January 2011. It will remain in force for a period of not more than 3 years. Currently, it will be subject to review and further consultation by 7 January 2014 at the latest.

3.7 During that period it will be subject to review and revision, with necessary consultation, at such times as the Council considers appropriate.

4. FUNDAMENTAL PRINCIPLES

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.

4.2 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/variation of an existing licence on the promotion of the four licensing objectives. Also, if the representation is made by an interested party, it will not be relevant if the licensing authority considers it to be ‘vexatious or frivolous’, or in the case of a review, ‘repetitious’.

4.3 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.
4.4 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.

4.5 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.

4.6 Part 5 of this Statement gives guidance to applicants on some of the matters applicants may wish to consider when preparing their Operating Schedules.

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. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.

4.9 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.

**NEED and CUMULATIVE IMPACT**

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.

4.11 However, the Council recognises that the cumulative impact of the number, type and density of licensed premises concentrated in a particular area, leading to problems of nuisance and disorder outside and some distance from the premises, may be greater that usual. This cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider.

4.12 The Council acknowledges that representations may be received from a responsible authority/interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

4.13 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
4.14 In recent years Croydon town centre has been identified by the Police and Council under their respective crime and disorder prevention responsibilities, as well as some interested parties, as an area with serious nuisance and disorder problems arising from the large number of licensed premises situated in a small geographical area.

4.15 The implementation of the 2003 Act saw a significant number of licensed premises, which did not previously have public entertainment licences and/or extended drinking hours, applying for these as variations to their existing licences.

4.16 The Metropolitan Police and a number of bodies representing local residents have indicated that they consider a ‘special saturation policy’ necessary in respect of Croydon town centre area.

4.17 The Council therefore considers that it is appropriate to adopt a special policy of refusing new licences within the designated Croydon town centre area when it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities and interested parties and which it concludes after hearing the representations should lead to refusal, such that:

- there will be a presumption against granting new premises licences or material variations in respect of premises used exclusively or primarily as cafés/take-aways and/or mobile food vans providing late night refreshment, having regard to the crime, disorder and nuisance (including litter/food remains) generated;

- there will be a presumption against granting new premises licences or club premises certificates or material variations in respect of premises used exclusively or primarily for the sale/supply of alcohol and/or loud amplified recorded music;

- within this special policy each individual application will be determined on its merits, but favourable consideration will be given to encouraging more diverse types of premises, i.e. for an older clientele/over 21’s, live music, restaurants, etc, including giving careful consideration to any applications resulting from the proposals of the Cultural Strategy for a ‘cultural quarter’ within the designated town centre area.

The extent of the designated Croydon town centre area is set out in the map at Appendix ‘2’. Read in conjunction with the map, the area is bounded by the following roads: Crown Hill, Church Street, Old Palace Road, Church Road, Charles Street, Wandle Road, West Street, Mason’s Avenue, Edridge Road, The Croydon Flyover, Park Lane, Wellesley Road (to junction of Walpole Road/ across to junction with Dingwall Avenue) and George Street and includes the premises on BOTH sides of these roads.

4.18 The Council has taken the following steps when considering the adoption such a special saturation policy in Croydon town centre:

- identification of concern about crime and disorder or nuisance
• consideration of whether it can be demonstrated that crime and disorder and nuisance is arising as a result of customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent

• consultation with those specified by Section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy

• subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area within the terms of the Statutory Guidance in the Statement of Licensing Policy

• publication of the special policy as part of the Statement of Licensing Policy required by the 2003 Act

4.19 The Council will review the special policy regularly to see whether it has had the effect intended and whether it is still needed or whether it needs expanding.

4.20 The Council will not use this policy 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 a significant increase in the capacity limits.

4.21 The Council recognises though that where no relevant representations are made in relation to an application in the special policy area, the application must be granted in terms consistent with the applicants operating schedule.

4.22 Where representations based on the impact of individual premises creating exceptional problems are raised, the Council may consider whether the grant of the particular application in front of them may undermine one of the Licensing Objectives.

4.23 However, the onus will be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would create exceptional problems and produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.

4.24 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.

4.25 Where application is made for a new or transfer and variation of a licence, in respect of premises that have closed and been unused and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at
the premises, the Council would expect the applicant to make clear in their operating schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.

4.26 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

4.27 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.

4.28 In recognising the importance of such measures, the Council will continue to seek further improvements to those already achieved in many of the following areas:

- planning controls
- working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in these areas, including:
  - 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 Community Support Officers/street and litter wardens
  - designation of areas within the borough 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 authority, 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 have been designated as no drinking zones. 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 influencing 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 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.

5.2.6 The Licensing Authority recommends that for certain events (please see note below), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or
events (as defined below) the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

The Licensing Authority further recommends the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

Forms 696 and 696A are available on the Metropolitan Police web site at (www.met.police.uk). It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and licensing@croydon.gov.uk and ZD-licensing@met.police.uk. For information, the borough police licensing office telephone number is 020 8649 0167.

**Note: Metropolitan Police Definition of a ‘Promotion/Event’**

This definition relates to events that require a Promotion/Event Risk Assessment Form 696.

Such an event will be deemed to be one that is:

- promoted / advertised to the public at any time before the event, and
- predominantly features DJs or MCs performing to a recorded backing track, and
- runs anytime between the hours of 10pm and 4am, and
- is in a nightclub or a large public house.

Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event falls under the above.

5.2.7 Drugs, violent and 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
- participation in responsible management schemes such as the Croydon ‘Best Bar None’ accreditation/award scheme
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- adoption of existing and future best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Toolkit and other recognised codes of practice including those relating to drinks’ promotions, i.e. The Point of Sale Promotions published by the British Beer and Pub Association and cheap drinks deals/Happy Hours)
• acceptance of accredited ‘proof of age’ documentation, as recognised by the Council in consultation with the Police
• employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards
• provision of toughened or plastic glasses
• provision of secure deposit boxes for confiscated items as recognised by the Council in conjunction with the Police
• provision of litterbins and security measures, such as lighting outside premises

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

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

5.2.9 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 a promotion/event.

1. The licensee shall undertake a risk assessment of any promotion/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.

5.2.10 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council’s policy] likely that such
applications will not be granted.

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, cafés/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.

5.3.5 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, disability, etc)
- the use of special effects such as strobe lighting effects, 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
- 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/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, but in some cases additional matters may need addressing.

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 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 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 permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

**SHOPS, STORES AND SUPERMARKETS**

5.4.8 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.

**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.

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, but 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, and these may include Conditions drawn from the Model Pool of Conditions relating to ‘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 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.

PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

5.5.9 As an important element in the protection of children from harm, the Council recognises the need for alcoholic drinks to be named, packaged and promoted in such a manner as not to appeal to or attract those under 18 years old.

5.5.10 The Council therefore commends the Portman Group’s ‘Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks’ to licensees and expects that they will act on any Retailer Alert Bulletins issued under that Code.

ACCESS TO CINEMAS

5.5.11 The Council will expect licensees to include in their operating schedules the arrangements for preventing underage children from viewing age-restricted films.

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, but 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 and these may include Conditions drawn from the published Pool of Conditions relating to the ‘Protection of Children from Harm’ contained in the Statutory Guidance to the Act.

5.5.18 While the Council expects Licensees 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
6. INTEGRATING STRATEGIES and AVOIDING DUPLICATION

6.1 There are many stakeholders in the leisure industry covering a wide range of disciplines and although their strategies are not always directly related to the promotion of the licensing objectives, they often indirectly impact upon them.

6.2 The Council therefore acknowledges the importance of co-ordinating and integrating these policies, strategies and initiatives and will maintain multi-disciplinary working groups to ensure its licensing policy integrates with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies, as well as any other plans relating to the management of the town centre and the night-time economy.

CRIME PREVENTION

6.3 Conditions attached to Licences and Certificates will, so far as possible, reflect local crime prevention strategies. Examples of such conditions can be found in the Pool of Conditions relating to prevention of crime and disorder contained in the Statutory Guidance to the Act.

CULTURAL STRATEGIES

6.4 The Council will make arrangements to monitor the impact of licensing on regulated entertainment, particularly live music and dancing, ensuring that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.

6.5 Where there is any indication that such events are being deterred by licensing requirements, the statements of licensing policy will be examined to see if the situation might be reversed.

TRANSPORT

6.6 The Council will make arrangements with Croydon Borough Police and other licensing enforcement officers for reports to be made to the Council’s Traffic Management Cabinet Committee 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 normally expect applications for premises licences for permanent commercial premises to be from businesses having the relevant planning consent for the property concerned. 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 Council will ensure that regular reports are 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.

PROMOTION OF RACE EQUALITY

6.12 The Council recognises its legal obligation under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, to eliminate unlawful discrimination and promote equality of opportunity and good relations between different racial groups.

6.13 It will assess and consult on the likely impact and monitor for any adverse impact on the promotion of race equality which may arise as a result of the Policies contained in this Document and will publish the results as part of the requirement to produce a race equality scheme.

DUPLICATION

6.14 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 Fire Safety Regulatory Reform Order and the Disability Discrimination Act 1995.

6.15 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.

6.16 The Council acknowledges that bingo clubs are now 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, theatre and circus, 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.

8. **TEMPORARY EVENT NOTICES**

8.1 Certain temporary events do not require a licence and can be notified to the Council by a Temporary Event Notice giving a minimum of 10 working days notice.

8.2 However, bearing in mind the scale, location or timing of the event it is considered that this may not allow sufficient time for organiser to carry out full and proper discussion on the possible crime and disorder, public nuisance and health and safety issues with the Council, Police and any other interested parties.

8.3 The Council therefore recommends that, in order to ensure that events can take place with the minimum of risk, at least 28 days notice is given. Also, bearing in mind that it may be difficult to assess an event too far in advance, it recommends that normally, not more than 90 days notice is given.

8.4 The Council also recommends that where temporary event notices relate to promoted events at either existing licensed premises or non licensed premises, the premises user complies with the Metropolitan Police Service’s Music Promotion/Event Risk Assessment Scheme and submits the relevant risk assessment forms both pre and post the event. Further details on this scheme can be obtained by contacting the police licensing team at Croydon police station on 020 8649 0167.

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.

9.2 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Council will consider attaching Conditions drawn from the relevant Pools of Conditions contained in the Statutory Guidance to the Act.
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 the Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

10.2 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, approved by the Council’s substantive Licensing Committee on 21 June 2006, using the principles of risk assessment and targeting, 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.

10.3 The Council will carry out its regulatory functions in accordance with good enforcement practice in a fair, open and consistent manner in conformity with its own Licensing Enforcement Policy.

11. **ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

11.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

11.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

11.3 Further, where there are no relevant representations on an application for the grant of a premises licence or a club premises certificate or no police objection to a personal licence or to an activity taking place under a temporary event notice, delegated authority has been granted for these matters to be dealt with by Officers.

11.4 Licensing Committee will receive regular reports on decisions made by Officers so that they maintain an overview of the general licensing situation.

11.5 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<table>
<thead>
<tr>
<th>MATTER TO BE DEALT WITH</th>
<th>FULL COMMITTEE</th>
<th>SUB - COMMITTEE</th>
<th>OFFICERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a police objection made</td>
<td>If no objection made</td>
<td></td>
</tr>
<tr>
<td>Application for personal licence, with unspent convictions</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club</td>
<td>If a relevant representation made</td>
<td>If no relevant representation</td>
<td></td>
</tr>
<tr>
<td>MATTER TO BE DEALT WITH</td>
<td>FULL COMMITTEE</td>
<td>SUB-COMMITTEE</td>
<td>OFFICERS</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>----------------</td>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>premises certificate</td>
<td></td>
<td></td>
<td>made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td></td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td></td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td></td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Application for transfer of licences</td>
<td></td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application for interim authorities</td>
<td></td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review premises licence/club premises certificate</td>
<td></td>
<td>All cases</td>
<td>All cases</td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant, frivolous, vexatious, etc</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the relevant authority considering the application</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of a police objection to a temporary event notice</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>

11.6 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee or Full Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
DEFINITIONS

The following definitions have been included to provide an explanation of some of the terms included in this Licensing Statement. In some cases they have been abbreviated or interpreted from the format set out in the Licensing Act 2003 and reference should therefore be made to the Act for the full definition.

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will have been given day to day responsibility for running the premises by the holder of the Premises Licence or may be the Premises licence holder himself.

‘Interested Party’ means any of the following:
- a person living in the vicinity of the premises
- a body representing persons who live in that vicinity
- a person involved in a business in that vicinity
- a body representing persons involved in such businesses
- a member of the relevant licensing authority (any elected member of the Council)

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11pm and 5am.

‘Licensable Activities’ means:
- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed):
- the relevant Licensing Activities
- the times at which the Licensable Activities are to take place and any other times the premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

‘Regulated Entertainment’ means:
where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators
- a performance of a play
- an exhibition of a film
- an indoor sporting event
• a boxing or wrestling entertainment
• a performance of live music
• any playing of recorded music
• a performance of dance
• entertainment of a similar description to that falling in the previous three categories listed above
• Providing facilities for making music
• Providing facilities for dancing
• Providing facilities for entertainment of a similar description to making music and dancing

'Responsible Authority' means any of the following:
• the Chief Officer of Police
• the Fire Authority
• the enforcing authority for Health and Safety
• the local Planning Authority
• the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
• the body representing matters relating to the protection of children from harm
• The local trading standards department

'Temporary Event Notice' means the notification of a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:
• duration – limited to events lasting up to 96 hours
• scale – not more than 499 people present at any one time
• use of same premises – same premises cannot be used on more than 12 occasions in a calendar year, but subject to an aggregate limit of not more than 15 days irrespective of number of occasions
• number of notices by an individual – Personal Licence holder limited to 50 notices in one year, anyone else limited to 5 in a similar period
  - in all other circumstances a Full Premises Licence or a Club Premises Certificate will be required for the period of the event involved.
APPENDIX 2

MAP OF CROYDON TOWN CENTRE SPECIAL SATURATION POLICY AREA
CONTACT DETAILS, ADVICE and GUIDANCE

If you require advice on making an application or about making representations on an application or about seeking a review of a licence or certificate, please contact the Council's licensing team on 020 8760 5466 or at licensing@croydon.gov.uk.

Application forms are also available from the licensing team and details of:
• The names and addresses of Council, police and fire contacts able to give advice
• The responsible authorities under the legislation
• Advice on preparing operating schedules
• Pools of conditions
• Other guidance – for instance regarding personal licences, designated premises supervisors and temporary event notices

Alternatively, information, guidance and application forms can be obtained from the Department of Culture, Media and Sport website at www.culture.gov.uk.