1. **RECOMMENDATIONS**

1.1 The Sub-Committee is asked to determine whether to grant an application to vary the premises licence at The Derby, 44 Pitlake, West Croydon, to specify an individual, Mr. Nilesh Patel, as the designated premises supervisor.

2. **EXECUTIVE SUMMARY**

2.1 The purpose of this report is to advise the Sub-Committee that an application has been received to vary a premises licence to specify an individual as the designated premises supervisor under the Licensing Act 2003 (“the Act”). This application is the subject of an objection notice from the police, therefore a hearing is required.
3. DETAIL

3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06 and A/40/07 refer).

3.2 The applicant and the police have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 “the Regulations”. Information to accompany the notice of hearing was provided to the applicant and the police in accordance with “the Regulations”.

3.3 Appendix A to this report provides details of this application.

4. CONSULTATION

4.1 The police have been consulted on this application.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Revenue and Capital consequences of report recommendations

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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 as detailed in the recommendations at paragraph 1 above.

5 Future savings/efficiencies
None identified.

(Approved by: Paul Blacker, Interim Departmental Head of Finance)

6. COMMENTS OF THE COUNCIL SECRETARY AND SOLICITOR
6.1 The Solicitor to the Council comments that the sub-committee must determine the application, taking into account relevant representations, the Licensing Act 2003, statutory guidance and the Council’s own licensing policy.

6.2 (Approved by: Gabriel MacGregor, Deputy Council Solicitor (Corporate) on behalf of the Council Secretary, Solicitor and Monitoring Officer).

7. HUMAN RESOURCES IMPACT
7.1 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.

7.2 (Approved by: Pam Parkes, Head of Human Resources & OD)

8. CUSTOMER IMPACT
8.1 There are no specific customer services issues relating to this application

9. EQUALITIES IMPACT ASSESSMENT (EIA)
9.1 The arrangements for the Licensing Hearings seek to ensure that all applicants, licence/certificate holders and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

10. ENVIRONMENTAL AND DESIGN IMPACT
10.1 The effective implementation of the Licensing Act 2003 will contribute to an improved environment for local residents and other stakeholders.

11. CRIME AND DISORDER REDUCTION IMPACT
11.1 A copy of this application was forwarded to the Police Licensing Officer.
11.2 One of the licensing objectives is the prevention of crime and disorder and the police have the opportunity to make relevant representations if they so wish.

12. **HUMAN RIGHTS IMPACT**

12.1 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*.

12.2 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).

12.3 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 are subject to the principles of Natural Justice and the requirement for decisions to be ‘Wednesbury reasonable’.

13. **FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS**

13.1 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, Licensing Team Leader, Community Services Department, ext. 61838.

**BACKGROUND DOCUMENTS:** Application Forms, Licensing Hearings Protocol and Procedure.
APPENDIX A

1. The Application

1.1 This report concerns an application by Mr. Manojkumar Patel to vary the premises licence at The Derby, 44 Pitlake, West Croydon, to specify an individual, Mr. Nilesh Patel, as the designated premises supervisor (DPS). The application was received by the Licensing Team of the Community Services Department on 17 November 2008.

1.2 A premises licence, issued by the London Borough of Croydon, as licensing authority, exists for the premises. The holder of the premises licence is Mr. Manojkumar Patel.

1.3 Where a premises licence permits the sale by retail of alcohol, as a licensable activity, then there must be a designated premises supervisor named on that premises licence. The named designated premises supervisor immediately prior to this application being made was Mr. Manojkumar Patel, however, this application sought immediate effect from the time of application so Mr. Nilesh Patel is the designated premises supervisor on the licence, pending the decision of the licensing sub committee.

1.4 A designated premises supervisor will normally be the person having day to day responsibility for running the premises and must hold a personal licence, issued by the local authority in whose area they live, before alcohol can be sold under the premises licence on which they are named as DPS.

1.5 The application is made under section 37 of the Licensing Act 2003.

1.6 Under section 37(5) of the Licensing Act 2003, where the police are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, they must give the licensing authority a notice stating the reasons why they are so satisfied. The police have given such a notice concerning this application.

1.7 The application form from Mr. Manojkumar Patel is attached at Appendix A1.

1.8 The notice from the police is attached at Appendix A2.

1.9 A copy of the premises licence for The Derby, 44 Pitlake is attached as Appendix A3.

1.10 An ordinance survey extract map, showing the premises at 44 Pitlake at its centre, is attached at Appendix A4.
1.11 The Secretary of State has issued Statutory Guidance under Section 182 of the Licensing Act 2003 and for the sub committee’s assistance, the following paragraphs from that Guidance are considered relevant for their consideration:

SPECIFICATION OF NEW DESIGNATED PREMISES SUPERVISORS

4.19 In every premises licensed for the supply of alcohol, a personal licence holder must be specified as the ‘designated premises supervisor’, as defined in the 2003 Act. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

4.20 The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the designated premises supervisor so that any problems can be dealt with swiftly. For this reason, the name of the designated premises supervisor and contact details must be specified on the premises licence and this must be held at the premises and displayed in summary form.

4.21 To specify a new designated premises supervisor, the premises licence holder – perhaps a supermarket chain or a pub operating company – should normally submit an application to the licensing authority (including an application for immediate interim effect) with:

- a form of consent by the individual concerned to show that they consent to taking on this responsible role, and
- the relevant part (Part A) of the licence.

4.22 They must also notify the police of the application.

4.23 Only one designated premises supervisor may be specified in a single premises licence, but a designated premises supervisor may supervise more than one premises as long as they are able to ensure that the four licensing objectives are properly promoted and the premises complies with licensing law and licence conditions.

4.24 Where there are frequent changes of supervisor, the premises licence holder may submit the form in advance specifying the date when the new individual will be in post and the change will take effect.

POLICE OBJECTIONS TO NEW SUPERVISORS

4.25 The police may object to the designation of a new premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a particular designated premises supervisor is first appointed or transfers into particular premises and their presence in combination with particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence
despite convictions for selling alcohol to minors (a relevant offence) and then transfers into premises known for underage drinking.

4.26 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as designated premises supervisor immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.

4.27 The portability of personal licences from one premises to another is an important concept within the 2003 Act. The Secretary of State expects that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on un-exceptional grounds, they should raise the matter with the chief officer of police as a matter of urgency.

**Designated Premises Supervisor**

10.45 Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder.

10.46 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or their licence has been suspended.

10.47 The Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.
Application to vary a premises licence to specify an individual as designated premises supervisor 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/we:

[Signature]

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

<table>
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<th>Part 1 – Premises details</th>
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<tr>
<td>Postal address of premises or, if none, ordnance survey map reference or description</td>
</tr>
<tr>
<td>THE DENBY</td>
</tr>
<tr>
<td>44 ALICE</td>
</tr>
<tr>
<td>WEST CROYDON</td>
</tr>
<tr>
<td>Post town</td>
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<tr>
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<td>CR0 3RA</td>
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<tr>
<td>Telephone number (if any)</td>
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<td>020 8788 8674</td>
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Description of premises (please read guidance note 1)

LICENCED PUBLIC HOUSE

Consent form
Received 18/11/08

Emailed 24/11/08

Process 29/11/08
Part 2

Full name of proposed designated premises supervisor

MR NICESH RANA

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

10 NO 01975 LAMBETH

Full name of existing designated premises supervisor (if any)

MR MAHENDRA BHAT

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

☐

I have enclosed the premises licence or relevant part of it

☐

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

☐

Please tick yes

☐ I have made or enclosed payment of the fee

☐ I will give a copy of this application to the chief officer of police

☐ I have enclosed the consent form completed by the proposed premises supervisor

☐ I have enclosed the premises licence, or relevant part of it or explanation

☐ I will give a copy of this form to the existing premises supervisor, if any

☐ I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.
Part 3 – Signatures  (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 3). If signing on behalf of the applicant please state in what
capacity.

Signature

Date 17-11-08

Capacity PREMISES LICENCE HOLDER (MANAGER)

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other
authorised agent (please read guidance note 4). If signing on behalf of the
applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for
correspondence associated with this application (please read guidance note 5)

THE DURBY
AAP PLACE
WEST CROYDON

Post town SURREY
Post Code CR0 3RA

Telephone number (if any) 0208 688 5675

If you would prefer us to correspond with you by e-mail your e-mail address
(optional)
Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.
Consent of individual to being specified as premises supervisor

1. MR. NILES H. PATEL
   [full name of prospective premises supervisor]

of

[redacted]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

DPS AT THE DERBY PUB

[type of application]

by MR. M. PATEL

[name of applicant]

relating to a premises licence

OS/L008089/L/PR6

[number of existing licence, if any]

for

THE DERBY PUBLIC HOUSE

44 FINCHLEY ROAD

WEST CROYDON CR0 3RA

[name and address of premises to which the application relates]

18 NOV 2008
and any premises licence to be granted or varied in respect of this application made by

MR. MANOJ PAI	EC

[name of applicant]

concerning the supply of alcohol at

THE DERBY PUBLIC HOUSE
41 HEALE
WEST CROYDON
CRO 3RA

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

10 NO. 01975

[insert personal licence number, if any]

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Nilesh Patil

Name (please print)

Nilesh. PAI	EC

Date

17-11-08
Notification, on behalf of the Commissioner of the Metropolitan Police, under section 37 of the Licensing Act 2003.

- The Prevention of Crime and Disorder

Premises – The Derby, 44 Pitlake Road Croydon

Applicant – Mr. Nilesh Patel

I am satisfied, following a notification on the 17th November 2008 under section 37 of the Licensing Act 2003 that the exceptional circumstances of the case are such that granting the application would undermine the Crime Prevention Objective for the following reasons:

1. The police have requested a Review of the Premises Licence and the Licensing Sub-committee will hear this in December 2008 - a copy of the Police Representations are attached.

2. This applicant has been involved with the management of the premises along with his brother, who is the current DPS. The Police understand that they both jointly run the venue.

3. The intention of the Review is to ensure that the Licensing Objectives are supported in the management of the premises.

4. The police view is that an experienced manager, who has not been associated with the previous poor management, should be appointed to run this venue.

The Metropolitan Police have little confidence in the current management at the Derby. It is difficult to see how the policies of the company, the requirements of the Licensing Sub-Committee and the reasonable requests of the Metropolitan Police will be implemented in these circumstances.

I object to the grant of this application.

G.P. Cooper

PS792D

Croydon Borough Licensing Officer

24.11.2008
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.

Geoffrey P. Cooper PS79ZD on behalf of COMMISSIONER of Metropolitan Police (Insert name of applicant) apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
The Derby
44 Pilake Road

| Post town | Croydon | Post code (if known) CR0 3RA |

Name of premises licence holder or club holding club premises certificate (if known)
Mr Manoj Patel

Number of premises licence or club premises certificate (if known)
05/00745/LIPREM

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

☒
3) a member of the club to which this application relates (please complete (A) below)

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

Please tick
Mr [ ] Mrs [ ] Miss [ ] Ms [ ] Other title (for example, Rev)

Surname [ ] First names [ ]

I am 18 years old or over [ ]

Current postal address if different from premises address

Post town [ ] Post Code [ ]

Daytime contact telephone number [ ]

E-mail address (optional) [ ]

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any) [ ]

E-mail address (optional) [ ]
**C. Details of Responsible Authority Applicant**

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<tbody>
<tr>
<td></td>
<td>Croydon Police Station</td>
</tr>
<tr>
<td></td>
<td>71 Park Lane</td>
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<td>Croydon</td>
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<td>CR9 1BP</td>
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| Telephone number (if any) | 0208 649 0167              |
| E-mail address (optional) | geoffrey.cooper@met.police.uk |

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

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<td>2) public safety</td>
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<td>3) the prevention of public nuisance</td>
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<td>4) the protection of children from harm</td>
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Please state the ground(s) for review (please read guidance note 1)

I apply for a Review of this Premises Licence on the grounds that the Premises Licence Holder has failed to support the Licensing Objectives:

1. The prevention of Crime and disorder.

   - Four serious assaults have occurred at or near the premises whereby GBH injuries have been sustained by the victim on each occasion.

   - No other Licensed Premises in Croydon Borough has had this number of serious assaults since January 2008

   - On only one of these occasions was the DPS present.

   - Management and incident recording has been poor.

   - The Response to Police advice has been poor

   - The Premises Licence holder has not ensured compliance with the conditions

   - The CCTV system does not comply with the Premises Licence condition

   - The Metropolitan Police are concerned that, THERE IS A HIGH RISK that a further serious incident will occur
2. Public Safety

- Staff/Customers have repeatedly become victims of crime, sustaining serious injuries

- The CCTV system does not comply with the Premises Licence condition

- Management and incident recording has been poor

3. The Prevention of Public Nuisance

- Management and incident recording has been poor

- On at least four occasions there has been considerable disturbance in the vicinity of the premises when a serious assault has occurred at or near the premises concerning customers or staff from the Derby

The History of the Premises

In May 2007 Mr Manoj Patel applied to transfer the Premises Licence into his name. The pub became known as The Derby (formerly The Old Derby)

The DPS was Laura Cameron

In September 2007 Mr Patel applied to vary the Premises Licence to allow the sale of alcohol 24 hours a day and the Metropolitan Police objected to this application. The Police objections focused on the concern of the Local Safer Neighbourhood Sergeant that crime and disorder would occur at or in the vicinity of the premises if authorised hours were extended. Conditions were added to the Premises Licence and the latest terminal hour allowed by the Licensing Sub-committee was midnight.

In the early hours of Saturday the 17th of November 2007 police and Croydon Council Licensing Officers attended the premises and found that alcohol being sold and regulated entertainment occurring.

On the 20th of November 2007 an Objection Notice was served on Mr Manoj Patel by the Metropolitan in response to a Temporary Event Notice.

In December 2007 Mr Manoj Patel varied the Premises Licence to become the DPS himself.

In February 2008 Mr Manoj Patel applied to vary the premises Licence to extend the authorised hours to a latest finish of 3am and the Metropolitan Police objected to this application.

The Police objections focused on a serious assault at the premises where the victim had suffered a broken cheekbone. The local Safer Neighbourhood Sergeant specifically referred to the likelihood that if authorised hours were extended, assault of the type seen in the Town Centre at weekends would begin to be repeated at The Derby.

The current Premises Licence reflects the conditions added by the licensing sub-
Extensive written advice has been provided to the Premises Licence holder by the Metropolitan Police. Despite this the CCTV system is still not compliant with the Premises Licence condition upon submission of this application. PC Tony Rose has viewed a CCTV disc supplied to the police in late September 2008. His report is attached.

Crime and Disorder

01.02.2008 - 2350hrs - ABH - victim declines - facial injuries.

13.03.2008 - 2353hrs - GBH - victim declines - victim loses part of ear, cut with stanley blade.

06.06.2008 - 2305hrs - S18 GBH with intent - not proceeded - victim stabbed five times (2 chest/2 stomach/1back) during disturbance on patio where bottles and glasses were also smashed - very serious injuries.

18.07.2008 - 2350hrs - disturbance outside premises where a group of 6 males where refused entry by doorman.

05.09.2008 - 2355hrs - GBH - ongoing enquiry - head injury (lost part of ear) and part of tooth pierced lip - victim door supervisor. Second door supervisor sustained cuts and bruises - CCTV not useable and has been submitted to police laboratory to convert to useable format.

Police/Croydon Council Visits

The visit full reports appear as attached documents.

Police advice

The correspondence appears in the attached documents.

Conclusion

Considering the entire circumstances set out in this application I have grave concerns about the following:-

- Lack of support for the Licensing Objectives by the Premises Licence holder.

- Five serious incidents of crime and disorder, four of which have occurred in 2008.

- Given the lack of and adequate and committed response by the Premises Licence holder to Police advice by Licensing and Crime Prevention officers, THERE IS STILL A HIGH RISK THAT FURTHER SERIOUS CRIMES WILL BE COMMITTED AT THE PREMISES RESULTING IN SERIOUS INJURY TO CUSTOMERS AND/OR STAFF.

Recommendations

The purpose of this application is twofold,

Firstly, to set out the facts, so far as they are known to the Metropolitan Police
Secondly, to request that the committee takes such steps as they consider necessary to ensure that the Licensing Objectives are upheld by this Premises Licence Holder.

I request that the Licensing Sub-Committee forms their own opinion of the Premises Licence holder and his business associates and uses this to inform their decision in relation to this application.

It may be considered unusual to set out options for the steps to be taken in relation to the Review of a Premises Licence in this way. However, in this case it is my view that the Premises Licence holder cannot accept that he, in both roles that he fulfils in relation to this premises, is responsible for the poor record of crime and disorder at the Derby.

In addition Mr Manoj Patel's attitude has always appeared to be dismissive of police concerns, based on evidence concerning the Licensing Objectives and sceptical of his duty to actively manage the premises in such a manner to prevent serious crime and disorder.

To date no communication has been from the solicitor representing the DERBY and Manoj Patel.

The CCTV system is still not compliant with the Premises Licence condition.

Option 1.

If the Licensing Sub-Committee agrees that the Premises Licence holder, despite a change of DPS, is unable to support the Licensing Objectives and to bring forward reasonable steps to prevent a further serious crime occurring at the premises, I request that the Premises Licence is revoked.

It is worthy of note that the addition of conditions to the Premises Licence on two occasions by the Licensing Sub-Committee have not prevented further serious crimes being committed at the premises.

This is the preferred option of the Metropolitan Police.

Option 2.

If the Licensing Sub-Committee forms the opinion that the Premises Licence holder is able to deliver meaningful change in the management of the venue to support the Licensing Objectives, the following steps, in combination, may be considered sufficient:-

a] A change of DPS

b] Suspension of the Premises Licence until the existing conditions are complied with to the satisfaction of the Licensing Authority.

c] The reduction of the authorised hours, on a permanent basis, to a terminal hour of 2230hrs from Monday to Thursday and 2300hrs on Friday and Saturday.

G.P. Cooper
PS79ZD
Croydon Borough Licensing Officer
9th of October 2008
Please provide as much information as possible to support the application
(please read guidance note 2)

Please see attached index
Have you made an application for review relating to this premises before □

If yes please state the date of that application

Day
Month
Year

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

1. September 2007 - Objection to 24hr authorisation for Licensable Activities.
2. March 2008 - Objection to extension of authorised hours for Licensable Activities.
Please tick yes

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

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

Part 3 – Signatures  (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post Code</th>
</tr>
</thead>
</table>

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
# PREMISES LICENCE

<table>
<thead>
<tr>
<th>Premises licence number</th>
<th>05/00809/LIPREM</th>
</tr>
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</table>

**Part 1 – Premises details**

<table>
<thead>
<tr>
<th>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Derby Public House</td>
</tr>
<tr>
<td>44 Pittake</td>
</tr>
<tr>
<td>Croydon</td>
</tr>
<tr>
<td>CR0 3RA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone number</th>
<th>020 8688 5674</th>
</tr>
</thead>
</table>

Where the licence is time limited the dates

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol – On and Off the premises.

The provision of regulated entertainment namely a) live music b) recorded music c) anything of a similar description to live music, recorded music, or the performance of dance, d) the provision of facilities for dancing, e) the provision of facilities for entertainment of a similar description to making music and dancing.

The provision of late night refreshment.

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

The sale by retail of alcohol –

Monday to Sunday 0800 hours until 0100 hours on the days following

The provision of regulated entertainment namely a) live music b) anything of a similar description to live music, recorded music, or the performance of dance, c) the provision of facilities for dancing d) the provision of facilities for entertainment of a similar description to making music and dancing.

Monday to Sunday 0800 hours until 0100 hours on the days following

Recorded music may be provided throughout the premises without restriction on times.

The provision of late night refreshment (for non residents) –

Monday to Sundays 2300 hours to 2330 hours

*There are no restrictions upon the provision of food to residents of the premises.
The opening hours of the premises
Monday to Sunday 0800 hours until 0100 hours on the days following

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

Part 2
Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Mr. Manojkumar Jagdishchandra Patel
Croydon

Registered number of holder, for example company number, charity number (where applicable)
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Mr. Manojkumar Jagdishchandra Patel
Croydon

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.: 07/01248/LIPERS   Licensing authority: L B of Croydon

Date Original Licence Granted: 02.09.2005
Date this licence effective: 3.4.2008

Safety and Licensing Manager
Environment, Culture & Public Protection

05/00809/LIPREM
Date Licence effective 3.4.2008  2 of 6
Annex 1 - Mandatory conditions

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. Any door supervisor employed at the premises must be licensed by the Security Industry Authority (the SIA) and must wear their SIA authorisation badge in a prominent place on their person at all times whilst on duty.

4. Alcohol shall not be sold or supplied except during the permitted hours shown above.

The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours, the consumption of the alcohol on the premises;
(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meal;
(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises
(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
(f) the sale of alcohol to a trader or club for the purposes of the trade or club;
(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
(h) the taking of alcohol from the premises by a person residing there; or
(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

5. To allow children under 16 in the bar if accompanied by a parent /relative.

05/00809/LIPREM
Date Licence effective 3.4.2008
Annex 2 - Conditions consistent with the Operating Schedule

1. Zero tolerance to be operated towards drugs, weapons, disorderly conduct and the sale of pirated DVD’s or contraband goods. Signage to be displayed concerning these matters.

2. The premises shall participate in any police suggested crime prevention schemes such as pubwatch etc.

3. The premises will not participate in any irresponsible alcoholic drinks promotions.

4. A noise limiter shall be installed to prevent excessive amplified noise.

5. Signage to be displayed on exit points and the outside drinking area asking for respect for local residents.

6. Persons under the age of 14 years shall vacate the premises by 9pm.

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

1. The Licence Holder shall install and maintain a CCTV system, covering the external, entrance and internal areas of the Premises to the satisfaction of the Metropolitan Police Crime Prevention Officer and recorded images shall be retained for not less that 28 days and shall be delivered to the Police and Council Officers, in useable form on request.

2. No new persons shall be admitted to the premises after midnight.

3. The Licence holder is allowed another 20 occasions per year where the authorised hours can be extended with the agreement of the Police with at least 7 days notice. The Police would have a veto on any extension.

4. A challenge 21 policy shall be operated at the premises with appropriate signage displayed.

5. Contacts shall be maintained with the Croydon Council control room by means of a Safer Croydon Radio at all times when the premises is open to the public.

6. A suitable and sufficient number of door supervisors, licensed by the Security Industry Authority, shall be deployed at the premises, based on the risk, as agreed from time to time, in writing with the Metropolitan Police Service.

7. The Licence holder shall comply with the reasonable requests of the Metropolitan Police Crime Prevention Officer.

8. Records shall be kept by the DPS, at the premises, of the following details of any door supervisor employed at the premises:
   - name and date of birth
   - full 16 digit SIA badge number
   - dates and times employed

The records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.

05/00809/LIPREM
Date Licence effective 3.4.2008
Page 4 of 6
9. The Premises Licence holder shall maintain a comprehensive incident register, at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24 hours of any incident. The following details shall be recorded:

- date
- time
- location
- persons concerned
- summary of incident
- identification of any Emergency Services Personnel who attended.

These conditions must be met to the satisfaction of the Council's Licensing Officer before the premises can operate the variation to its licence.

Annex 4 – Plans

Attached x 2