

## **Licensing Committee**

**Meeting held on Thursday 27 April 2017 at 6.30 p.m. in Room F10, the Town Hall, Katharine Street, Croydon CR0 1NX**

### **DRAFT MINUTES - PART A**

**Present:** Councillor J Avis, Councillor R Canning, Councillor R Chatterjee, Councillor P Clouder, Councillor P Hay-Justice, Councillor B Khan, Councillor V Mohan, Councillor M Neal, Councillor B Quadir, Councillor S Winborn, Councillor C Young

**Also present:** Michael Goddard (Licensing Manager), Fiona Woodcock (Market Inspector) and James Derby (Solicitor and Legal Advisor to the Committee)

**Apologies:** Apologies for leaving early were received from Councillors Quadir and Chaterjee

### **MINUTES - PART A**

#### **A1 Minutes of the Licensing Committee**

The Committee **RESOLVED** to approve the minutes of the last meeting held on 16th November 2016.

#### **A2 Disclosure of Interest**

Although not a pecuniary interest, Councillor Canning disclosed that he occasionally drank at The George public house (considered at agenda item 7).

Also not a pecuniary interest, Councillor Avis disclosed that she occasionally drank coffee from the Chave Do Douro cafe (considered at agenda item 7).

#### **A3 Urgent Business (if any)**

There was no urgent business.

#### **A4 Exempt Items**

There were none.

**A5**

### **Minutes of the Licensing Sub-Committee**

The Committee **RESOLVED** to approve as a true and accurate record the minutes of the Sub-Committee meetings held since the last Licensing Committee, namely:

- 24 November 2016
- 15 December 2016
- 18 January 2017
- 26 January 2017

**A6**

### **London Local Authorities Act 1990: Applications for Street Designation Orders and Application for Variation to Street Trading Licence**

The Committee considered the application for a street designation order for **12a Suffolk House**.

The Licensing Manager introduced the item and led the Committee through the report and associated appendices. The application was for tables and chairs to be located outside the property - the measurements were fully set out in the report and associated appendices. The tables and chairs were located on a Council maintained highway and there were no other designated licences in use in the immediate vicinity. Advertisements had been placed in the local newspapers with no objections received, and no representations were received from any responsible authorities.

In response to a question from the Committee, the Market Inspector confirmed that the property above the premises was designated office space.

The Applicant had been informed of the meeting but was not present.

The Committee **RESOLVED**:

- 1.1 To designate 12a Suffolk House for the purposes of street trading.
- 1.2 To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order for a trading location on **North End, outside the entrance to the Centrale Shopping Centre, 21 North End**.

The Licensing Manager introduced the item and highlighted that the application was for a freestanding one metre by one metre section of North End and not attached to or directly outside a specific shop. This required two metres of clear space around the designated site for passage. The Applicant had previously held temporary licences for the location but was now applying for a permanent one. There

had been no comments received from any consultees on the application.

In response to questions from the Committee, the Licensing Manager provided the following information:

- A temporary licence would specify the days in which trade would take place, whereas the one year permanent licence did not.
- The carousel trader on North End operated using daily licences.
- The costings for a yearly licence were clarified for the Committee, the licences were costed on £4 per square metre per day. This was worked out as a lower rate compared to the neighbouring borough of Sutton. The fee structure had been agreed and considered at a previous Committee meeting.
- The de-designation of a site from street trading purposes would have to be considered by the Committee, and the reasons for de-designation could be found in statute.

The Applicant was present and delivered submissions to the Committee. The Applicant stated that the business had been operating in Croydon for a long time and did so through the previously available six month temporary licences to allow for flexibility of trading dates. The new licence procedure no longer allowed for this and therefore it was more commercially viable to obtain a permanent one year licence than daily licences.

The Solicitor advised the Committee that it had discretion over whether to grant a designation but the decision must be based on the principles of fairness, proportionality and reasonableness.

An objector was present on behalf of Croydon BID and, in addition to the written submissions previously circulated, delivered oral submissions to the Committee against the application. It was stated that the objection was not against the Applicant itself, which was noted as a long standing business in the borough. The objection was to the precedent the application would be setting for the designation of further areas of North End for street trading. This could create difficulties with the planned regeneration of the area as part of the Westfield Hammerson development.

The Solicitor advised the Committee that each application must be taken on its own merits, unless there was a relevant policy framework to take into consideration.

The Committee **RESOLVED:**

2.1 To designate a trading location on North End, 1 metre x 1 metre in dimension, outside the entrance to the Centrale Shopping Centre, 21 North End for the purposes of street trading.

2.2 To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order for **The George Public House, 17-21 George Street.**

The Licensing Manager introduced the item and highlighted to the Committee that the application was looking to increase the trading area that had already been granted by the Committee at a previous meeting. There was no request to change the hours of operation, only the area of operation – with a lengthways extension by an additional metre at one end of the current site. The highway in question was maintained by the Council. The application had been advertised with no objections received. No representations were received from any responsible authorities.

In response to a question from the Committee, the Licensing Manager confirmed that the issue of the proximity of the site to the tram stop had been raised when the Committee considered the original licence for the site and any related health and safety concerns had been addressed by officers at the time.

The Applicant was present, and in response to questions from the Committee stated the following:

- The purpose of the extension was to provide for a segregated smoking zone and a non-smoking tables and chairs area outside.
- The table and chairs would be displayed on a weather dependent basis.
- Investment had been made in new outside furniture and there would be an emphasis on ensuring that it would not be dominated by smokers as was previously the case.
- There was no space for table umbrellas or canapes, therefore the seating area would be uncovered.

The Committee **RESOLVED:**

3.1 To designate The George Public House, George Street for the purposes of street trading.

3.2 To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order for **281 South Norwood Hill.**

The Licensing Manager introduced the item and drew the Committee's attention to the appendices that detailed the measurements of the proposed site. The application had been advertised in the local newspaper and no objections had been received. There had been no representations received from any consultees.

The Market Inspector explained to the Committee that the first picture in Appendix D1 showed the tables laid out in compliance with

the site designations however the second photo showed a layout that was non-compliant.

In response to questions from the Committee, the following was stated:

- The measurement was taken from the bottom of the barrier pole base disk to the edge of the pavement curb.
- There was nothing to stop customers consuming alcohol on the premises, as consumption was not a licensable activity.

The Applicant was present and made submissions to the Committee. It was stated that there was no table service outside, customers were required to take their consumables with them if they wished to sit outside. The road opposite the café was quiet and there had currently been no issues raised by customers since the temporary licence had been in effect.

In response to questions from the Committee, the Applicant provided the following information:

- There was a residential property above the flat and there was a good relationship with the tenant.
- It was possible for customers to fit on the chairs despite the erected barrier; no concerns had been raised by customers. Although it was tight, it was the best compliant option available.
- The Applicant had a very good relationship with the customers and would have no issues in ensuring compliance with the requirements of the licence.
- The barrier was a rope-clip system which could be easily removed and re-applied to allow access to the chairs.
- Allegedly, the previous owner of the café displayed tables & chairs but did not hold a trading licence, this application was to ensure the business was legally compliant.

The resolutions as contained in the report were put to the vote.

The following Members voted in favour of the resolutions: Avis, Canning, Chatterjee, Bernadette Khan, Mohan, Neal, Quadir, Winborn, and Young.

The following Members voted against the resolutions: Clouder and Justice.

The Committee thus **RESOLVED** to:

4.1 To designate 281 South Norwood Hill for the purposes of street trading.

4.2 To grant a street trading licence to the Applicant.

At 7.43pm Councillors Chatterjee and Quadir left the meeting.

The Committee considered the application for a variation of a street trading licence for **Pizza Hut, 59-61 North End**.

The Licensing Manager introduced the item by stating that the site had already been designated as noted in the report. The application before the Committee was to vary that licence in relation to extension of the opening hours; no other variation was requested. It was confirmed that no representations had been made by consultees.

In response to a question from the Committee, the Licensing Manager confirmed that there were no other street designations in the immediate vicinity of the premises.

The Applicant was present at the meeting. In response to a question from the Committee, the Applicant stated that the extended opening hours allowed for the street furniture, stored inside the restaurant, to be displayed in the morning and thus allowing for cleaning of the premises to be an easier task.

The Committee **RESOLVED**:

5.1 To grant the application to vary the terms of the existing street trading licence for 59-61 North End as stated in the report.

## **A7**

### **Gambling Act 2005 - Setting of Premises Licence Fees**

The Licensing Manager introduced the item and stated that under the Gambling Act 2005 the Council was the licencing authority for issuing premises licences for betting shops, family entertainment centres, adult gaming centres and bingo halls.

As part of this process, the Council was entitled to set fees for such premises licences on the principle of cost recovery. There were maximum limits for such fees. The papers submitted for this item set out the proposed fees to be set, and the calculation process in coming to those figures was explained to the Committee. Appendix 1 illustrated the current fees and Appendix 2 the proposed new fees.

In response to questions from the Committee, the following was stated:

- The statement of principles for Licensing would be reviewed in 2018.
- Adult gaming centres were defined as premises containing higher stake and prize money category betting machines. Family gaming centres only provided for low stake and prize money category machines.
- There is no provision in the legislation or statutory guidance to create cumulative impact zones for betting shops, however there had been changes to planning law that regulated the conversion of some premises to betting premises.
- The fees set by other London boroughs were provided for the Committee

- It was explained that “reinstatement” of a licence referred to situations where a current licence lapsed due to the holder becoming insolvent or passing away.

The Committee **RESOLVED** to adopt the new fee structure as stated at Appendix Two of the associated report.

**A8**

**[The following motion is to be moved and seconded as the “camera resolution” where it is proposed to move into part B of a meeting]**

Not required.

### **MINUTES - PART B**

None

The meeting ended at 8.44pm