

Licensing Committee

Meeting of the Licensing Committee held on Wednesday, 19 December 2018 at 6.31 pm in Council Chamber - Town Hall

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Pat Clouder (Vice-Chair) and Councillor Michael Neal (Vice-Chair);
Councillors Patricia Hay-Justice, Maddie Henson, Karen Jewitt,
Niroshan Sirisena, Andrew Pelling, Margaret Bird, Steve O'Connell and
Robert Ward.

Also Present: Robert Newman (Applicant), Fiona Woodcock (Market and Street Trading Compliance Officer), Michael Goddard (Licensing Manager), James Derby (Solicitor and Legal Advisor to the Committee) and Kieran Pantry-Melsom (Democratic Services).

Apologies: There were none.

PART A

Before commencing the meeting, the Chair informed members that Councillor Andrew Pelling had been appointed in place of Councillor Toni Letts as a member of the Licensing Committee. This had been carried out in accordance with Part 2, Article 4.1F of the Constitution.

25/18 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21 November were agreed as an accurate record.

26/18 **Disclosure of Interests**

Councillors Clouder and Jewitt declared that they were local ward Councillors for Thornton Heath.

Councillors Clark and Sirisena declared that they were local ward Councillors for Fairfield.

Councillor Pelling declared that he was associated with a charity close to the freeholder of the premises being considered in item 5 of the agenda.

27/18 **Urgent Business (if any)**

There were no items of urgent business.

28/18 **Application for Variation to Street Trading Licence - London Local Authorities Act 1990**

The Committee considered the application to vary a street trading licence for **16-26 High Street, Croydon, CR0 1GT** (Appendix A).

The Licensing Manager introduced the item, explaining the process of applying for variation to street trading licences and the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

The applicant briefly explained to the Committee that extending the permitted trading hours would enable the premises to benefit from the pedestrianisation of the high street.

The Committee **RESOLVED** to vary (extend) the permitted trading hours for the current licence of 16-26 High Street, Croydon for the purposes of street trading.

29/18 **Application for Street Designation Order - London Local Authorities Act 1990**

The Committee considered the application for a street designation order for **32-34 High Street, Thornton Heath, CR7 8BF** (Appendix B).

The Licensing Manager introduced the item, explaining the process of applying for street designation orders and the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

The applicant was not present to provide any comment on the application.

In response to questions from the Committee it was confirmed by the licensing manager that the applicant was given 21 days' notice that their application would be reconsidered at the next available Licensing Committee following the Committee's decision to defer it on 21 November 2018. This was said to have been hand-delivered to the applicant and the manager of the premises had also assured officers the applicant would be in attendance.

Members of the Committee were disappointed that their questions regarding the safety of the public along the proposed display area, the size of the display area and its impact on the space in the pavement had remained unanswered.

The Committee **RESOLVED** to refuse the application of 32-34 High Street, Thornton Heath for the purposes of street trading on the basis that the issues regarding the safety of members of the public within close proximity of the proposed display area could not be ascertained. The Committee further noted that the premises is situated within a designated saturation area and the

Committee will generally be minded to refuse the application except the applicant can provide reasons why the Committee should grant an exception; however the despite having notice of the hearing the applicant was unavailable to attending the meeting and provide the Committee with reasons to enable them consider granting the application.

30/18 **Setting of Licence Fees: Skips and Scaffolds - Highways Act 1980 & Local Authorities (Transport Charges) Regulations 1998**

The Licensing Manager was invited by the Chair to present the report to the Committee. The Licensing Manager explained the purpose of the report and the provisions of the Highways Act 1980 and the Local Authorities (Transport Charges) Regulations 1998. The Licensing manager then addressed Members on the proposed recommendations as set out in Section 1 of the Report.

By specific reference to Appendices 1 & 2 the Licensing Manager explained, as set out in the report, the rationale for the manner in which the proposed fees had been calculated and the basis of those proposed fees. These were to come into effect on 1 February 2019 upon the Committee's approval.

The Chair invited members' questions on the report and presentation.

The Committee heard that the fee structures of other local authorities contained in Appendix 1 of the report were not considered when the London Borough of Croydon set their proposed fees. The cost recovery principle also had to be acknowledged by the Council when setting licence fees to ensure a reasonable charge is imposed on the applicant.

The Committee **RESOLVED** to agree the recommendations of the report and the setting of Licence fees under the Highways Act 1980 & Local Authorities (Transport Charges) Regulations 1998.

31/18 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 7.20 pm

Signed:

Date:

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