

Licensing Committee Agenda



To: 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, Toni Letts, Margaret Bird, Steve O'Connell, Badsha Quadir and Robert Ward

Reserve Members: David Wood, Sherwan Chowdhury, Pat Ryan, Robert Canning, Felicity Flynn, Jerry Fitzpatrick, Nina Degrad, Simon Brew, Helen Redfern, Sue Bennett, Scott Roche and Oni Oviri

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Wednesday, 19 December 2018** at **6.30 pm** in **Council Chamber - Town Hall**

JACQUELINE HARRIS BAKER
Director of Law and Governance
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Kieran Pantry-Melsom
020 8726 6000 x63922
kieran.pantry-melsom@croydon.gov.uk
www.croydon.gov.uk/meetings
Tuesday, 11 December 2018

Members of the public are welcome to attend this meeting.
If you require any assistance, please contact the person detailed above, on the righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Minutes of the Previous Meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 21 November as an accurate record.

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Application for Variation to Street Trading Licence - London Local Authorities Act 1990 (Pages 9 - 22)

Application for Street Designation Order - London Local Authorities Act 1990 (Pages 23 - 41)

6. Setting of Licence Fees: Skips and Scaffolds - Highways Act 1980 & Local Authorities (Transport Charges) Regulations 1998 (Pages 43 - 54)

7. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

Licensing Committee

Meeting of the Licensing Committee held on Wednesday, 21 November 2018 at 6.30 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 and Margaret Bird and Simon Brew.

Also Present: Councillor Hamida Ali, Michael Goddard (Licensing Manager), Jessica Stockton (Solicitor and Legal Advisor to the Committee), Fiona Woodcock (Market and Street Trading Compliance Officer), Director of Public Realm and Kieran Pantry-Melsom (Democratic Services).

Apologies: Councillors Steve O'Connell and Robert Ward (Cllr Simon Brew in attendance as substitute).

PART A

19/18 **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 October 2018 were agreed as an accurate record.

20/18 **Disclosure of Interests**

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

21/18 **Urgent Business (if any)**

There were no items of urgent business.

22/18 **Applications for Street Designation Orders - London Local Authorities Act 1990**

The Committee considered the application for a street designation order for **Waitrose Ltd, 112 Brighton Road, Coulsdon, CR5 2NB** (Appendix A).

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's representative made a brief statement to the Committee with regard to the display area of the site and indicated that he was available to answer any questions the Members may have.

In response to questions from the Committee it was confirmed that the street had not previously been designated for street trading.

The Committee **RESOLVED**:

1. To designate 112 Brighton Road, Coulsdon for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

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 each application for a street trading designation order had to be considered by the Committee based on its individual merits even though the application site was within the saturation area designated within the Street Trading Licensing Policy.

Members were advised that there had been no complaints about the premises' goods display from members of the public and the Committee could request for the applicant to reduce the size of their goods display as a condition for granting a street trading licence if they were satisfied that it was appropriate to do so having regard to the statutory parameters.

Members discussed the area and the display extensively and expressed disappointment that the applicant was not present in order to respond to their questions. In light of the size of the display and the remaining space in the street, Members expressed concern about the safe passage of members of the public along the pavement should the application be granted as applied for.

Councillor Jewitt proposed a motion to **DEFER** the application to allow a final opportunity for the applicant to attend before the Committee to speak about their application.

Councillor Clouder seconded the motion.

Councillor Neal proposed a motion to **REFUSE** the application on the grounds that the display area was too large.

Councillor Bird seconded the motion.

The motion to defer was put forward to the vote first as being the first completed motion and was carried with seven Members voting in favour. The second motion therefore fell.

The Committee **RESOLVED** to defer the application of 32-34 High Street, Thornton Heath for the purposes of street trading to allow a final opportunity for the applicant to attend before the Committee to speak about their application. Members wished it to be made clear to the Applicant that the application as currently presented to the committee, particularly the proposed size, raised concerns regarding safe passage for members of the public along the street where the display area was proposed to be sited.

23/18 **The Gambling Act 2005 - Review of London Borough of Croydon Statement of Principles**

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 changes that had been made to the Council's Statement of Principles set out in Appendix 5 of the report. Local authorities are required to publish a Statement of Principles under The Gambling Act 2005 and had to be reviewed every 3 years. The London Borough of Croydon published their first Statement of Principles on 3 January 2007. The Committee were recommended to approve the revised Statement of Principles so that the fourth statutory review could be completed before 31 December 2018.

The Licensing manager summarised some of the changes made to the Statement of Principles which included amendments to reflect the reform of the General Data Protection Regulation (GDPR) and population change.

Members were also informed of the comments made by Gambling charities and residents contained in Appendix 4 of the report.

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

In relation to the permittance of licenses under The Gambling Act 2005, the Committee heard that the Gambling Commission were responsible for licensing operators such as Online Gambling sites and the Council only issued licenses for premises on which gambling took place. This included establishments such as Betting Shops, Bingo Premises and Adult Gaming Centres.

The Committee also heard that the maximum stakes for Fixed Odds Betting Terminals (FOBT's) were being reduced from £100 to £2 by the government to reduce the risks of gambling.

The Committee **RESOLVED** to agree the revised Statement of Principles in Appendix 5 of the report under The Gambling Act 2005 and recommended them for adoption to full Council on 3 December 2018.

24/18 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 7.51 pm.

Signed:

Date:

.....

.....

Agenda Item 5

REPORT TO:	LICENSING COMMITTEE 19 December 2018
AGENDA ITEM:	
SUBJECT:	London Local Authorities Act 1990 Application for Street Designation Order x1 Application for Variation to Street Trading Licence x1
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Councillor Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council's Corporate Policies	
FINANCIAL SUMMARY: There are no direct financial implications arising from this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS

- 1.1 The Committee is asked to consider whether to grant the application to vary the terms of an existing street trading licence at the site detailed at Appendix A. The Committee is also asked to determine whether to designate the site detailed at Appendix B for the purposes of street trading and if designated to then determine whether to grant a street trading licence to the site.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate a site in the Borough as a 'licence street for street trading and the granting of a street trading licence under the provisions of the London Local Authorities Act 1990 (as amended.)
- 2.2 The report also seeks the Committee's decision on the proposal to vary an existing street trading licence to vary the hours the service is provided.

3. DETAIL

- 3.1 The London Local Authorities Act 1990 (as amended) (The Act) provides a legislative framework to control street trading in the Borough. Trading in respect of services as well as goods comes within the scope of the Act.
- 3.2 Licensed street trading may only take place in streets or parts of streets which have been formally designated as "licence streets".
- 3.3 Appendix B to this report provides details of the designation application. The applicant has been invited to attend the meeting.
- 3.4 If the site outlined in Appendix B is formally designated as a 'licence street' by the committee then the committee will decide whether to grant a street trading licence.
- 3.5 The measurements of the display area as outlined in Appendix B will allow for the required 2 metre clear distance between the edge of the display and the nearest item of street furniture which is the requirement for roads maintained by Croydon Council.
- 3.6 Appendix A to this report concerns an application to vary the times the particular existing street trading licence in question may be used.

4. CONSULTATION

- 4.1 The designation application was duly advertised in the Croydon Guardian and brought to the attention of the police, planning, highways, parking services and the food & safety team.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

There are no direct financial implications as a result of this report.

5.2 Risks

If an applicant is refused a licence on any of the grounds mentioned in paragraph 7.2 (a) - (g) he/she will have the right of appeal to the

Magistrates' Court against the decision. The decision of the Committee may also be subject to Judicial Review.

An appeal against a decision of the 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.

5.3 Options

The options available are: to grant the applications, to vary the applications, with or without further conditions, or to refuse the applications

5.4 Future savings/efficiencies

There are no savings or efficiencies arising directly from the recommendations in the report.

5.5 Approved by: Flora Osiyemi, Head of Finance, Place Department.

6. COMMENTS OF THE SOLICITOR AND MONITORING OFFICER

LICENCE STREET

6.1 If the borough council considers that street trading should be licensed in an area, they may pass a resolution designating any street within the borough as a "licence street" in accordance with Section 24 of the Act.

6.2 The first decision which has to be made is whether to designate the particular location as a "licence street", which in turn would permit the consideration of a licence application.

6.3 Under Section 24 of the Act, the designation of a location as a "licence street" is at the discretion of the Committee and this decision is not subject to any direct appeal.

6.4 Each application must be considered on its own merits.

6.5 STREET TRADING LICENCE

If a site has been designated as a 'licence street', the committee must then decide whether to grant a licence to trade at that site – a 'street trading licence'.

7. GROUNDS FOR REFUSAL

7.1 Under Section 25(4) of the Act, a street trading licence:

- (a) shall not be granted:
 - (i) to a person under the age of 17 years; or
 - (ii) except where the application is made by a company incorporated

under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of the Act but nothing in this paragraph shall prevent the renewal of such a licence; or

- (iii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a body corporate or to an unincorporated association;
 - (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
 - (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under Sub-Section 1) (b) of Section 24 of this Act, specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;
- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons or vehicular traffic using the street.

7.2 Under Section 25(6) of the Act, the Council may refuse an application on any of the following grounds:

- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposed to trade when street trading is not taking place;
- (f) that the application is for the grant (but not the renewal) of a street

trading licence; and

- (i) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
 - (ii) the articles, things or services mentioned in the application are sold or provided at the shop;
- (g) that
- (i) the application is for the grant (but not the renewal) of a street trading licence; and
 - (ii) the only available position in the street is within the curtilage of a shop; and
 - (iii) the applicant is not the owner or occupier of the premises comprising the shop.

7.3 (Approved for and on behalf of Jacqueline Harris-Baker, Director of Law and Monitoring Officer)

8. HUMAN RESOURCES IMPACT

8.1 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.

8.2 (Approved by: Jennifer Sankar, Head of Human Resources, Place Department)

9. CUSTOMER IMPACT

9.1 There are no specific customer services issues relating to these applications.

10 EQUALITIES IMPACT ASSESSMENT (EIA)

10.1 The arrangements for the Licensing Hearings seek to ensure that all applicants and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

11. ENVIRONMENTAL AND DESIGN IMPACT

11.1 There are no perceived environmental and design impacts relating to these applications.

12. CRIME AND DISORDER REDUCTION IMPACT

12.1 The Police Licensing Officer has been consulted on these applications.

13. HUMAN RIGHTS IMPACT

- 13.1 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*.
- 13.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing 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 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).
- 13.3 So, while it is good practice to make a hearing before the Licensing 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'.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 14.1 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.

CONTACT OFFICER: Michael Goddard, Licensing Manager, Place Department, ext. 61838.

BACKGROUND DOCUMENTS: Application Forms

APPENDIX A

Applicant: Robert Newman

Location: On the footway outside Milan Bar, 16-26 High Street, Croydon.

Measurements: This site has been previously designated for street trading by the licensing committee and the applicant currently holds a street trading licence. A copy is attached at Appendix A1.

This is an application to vary (extend) the permitted trading hours for the current licence. The current permitted terminal hour on the licence is 9pm (2100 hours). The application seeks to vary (extend) that to 11pm (2300 hours) each permitted trading day.

Proposed Times of Trading:

Monday to Sunday 0700 hours until 2300 hours.

To Provide/Sell: Provision of tables & chairs for customers

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix A2.
- 1.2 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services divisions were invited to comment on this application, no objections have been received.
- 1.3 The applicant/licence holder has been issued with a temporary licence, pending the committee decision. A copy is attached at Appendix A3.
- 1.4 Though this application does not relate to a change in size of the licensed area, to assist the committee, two photographs of the premises/licensed area are attached at Appendix A4.
- 1.4 If the application is granted, the licence holder will be issued with an amended street trading licence to reflect the new permitted hours of trading.

STREET TRADING LICENCE –

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

**HEREBY LICENCE
TO USE SITE KNOWN AS**

ROBERT NEWMAN
Milan Bar (Lloyds No 1)
16-26 High Street
Croydon
Surrey

TO DISPLAY

Tables and Chairs

SIZE OF DESIGNATED DISPLAY Length 9.5 m, Width 2.5 m, Height 1.0 m

PERMITTED DAYS & TIMES

Monday - Sunday
0700 hours until 2100 hours

This licence is issued subject to compliance with the licence conditions attached

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.**

Date Licence Valid From: 22.12.2017

Date Licence Expires: 22.12.2018

Licence Number: 18/00532/STTR



licensing Manager

Licence Conditions

Non Transport for London Maintained Roads

1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.

STREET TRADING LICENSING

APPLICATION FOR A VARIATION OF STREET TRADING LICENCE

Return completed form to: Place Department, Licensing Team 6th Floor, Zone B, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA
Telephone: 020 8760 5466

This application is required to be submitted if you would like to vary a current street trading licence.

Insert name

Insert home address

I Robert Newman..... of ~~.....~~

would like to vary the street trading licence No ... 18/00532/STTR.....which is valid for the following site.

Milan Bar, 16-26 High Street, Croydon

Please give details of the required variation:

... Variation of approved hours from 0700hrs - 2100hrs to 0700hrs – 2300hrs. Monday to Sunday.


I understand that this variation application will be referred to the Council's Licensing Committee for a decision.

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £365 which I understand is not refundable .

Please make cheques payable to Croydon Council or by credit or debit card calling 020 8760 5466

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:

 R. NEWMAN

Date 11.10.18

If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office use only Uniform No

Date application received:Receipt No.....

**TEMPORARY LICENCE –
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

HEREBY LICENCE
TO USE SITE KNOWN AS

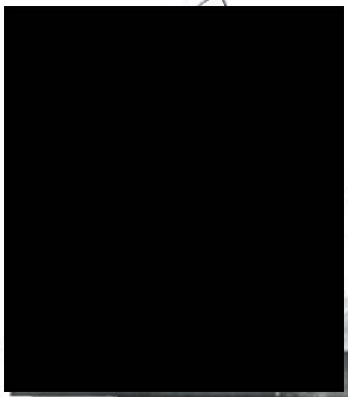
ROBERT NEWMAN
MR ~~XXXXXXXXXXXX~~
Milan Bar (Lloyds No 1)
16-26 High Street
Croydon
Surrey

TO DISPLAY Tables and Chairs
SIZE OF DESIGNATED DISPLAY Length 9.5 m, Width 2.5 m, Height 1.0 m
PERMITTED DAYS & TIMES Monday - Sunday
0700 hours until 2300 hours

This licence is issued subject to compliance with the licence conditions attached

Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.

Date Licence Valid From: 11.10.2018
Date Licence Expires: 22.12.2018 or (on date of Committee Decision)
Licence Number: 18/02971/STTR



Issued on Behalf of: Licensing Manager
Place Department

Licence Conditions

No.1 Transport for London Maintained Roads

1. The Licence shall ensure that there is a minimum clear passage of 2.0 metres between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.





APPENDIX B

- Applicant:** Shakeel Mohammed
- Location:** On the highway outside 32-34 High Street, Thornton Heath, CR7 8BF.
- Measurements:** The application seeks a trading area of length 3.4m (LHS 2m & RHS 1.4m, width 2m and height 2m. This would leave a clear pavement width of 2m from the edge of the proposed display to the edge of the nearest item of street furniture (telephone box shown in photograph). This area of highway is maintained by LB Croydon and the minimum required clear pavement width is 2 metres.

Appendix B1 shows a plan of the site. Appendix B2 shows photographs of the display and available pavement space and in addition, to assist Members, there are also photographs of the wider High Street, Thornton Heath street scene in that particular section.

Proposed Times of Trading:

Monday to Sunday 8am to 8pm

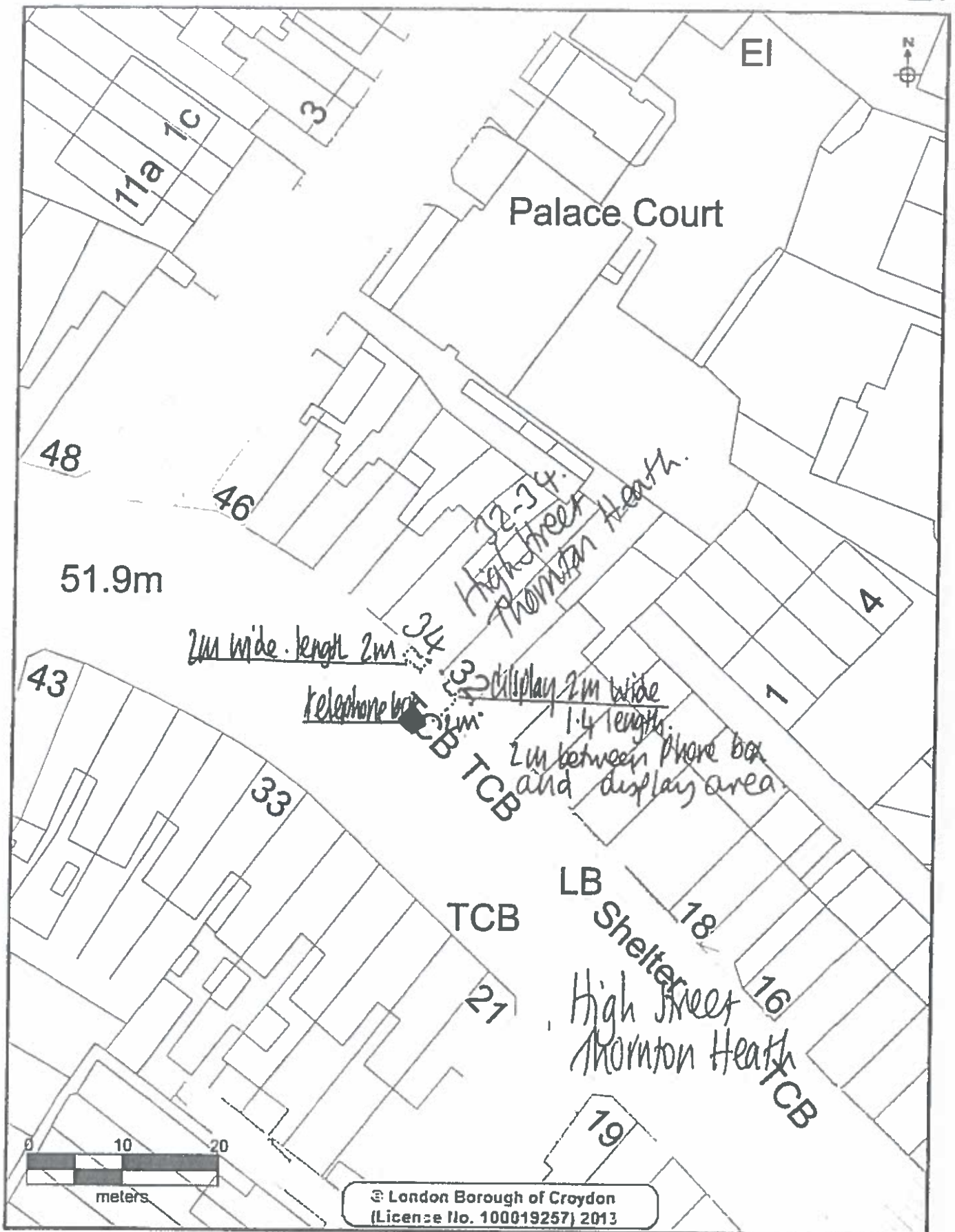
To Display: Display fruit & vegetables for sale

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix B3.
- 1.2 The application was duly advertised in the Croydon Guardian, no objections were received.
- 1.3 The Police Licensing Officer, Food Safety team, Planning, Highways and Parking Services were invited to comment on this application, no objections have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 22.12.2018 pending the committee's decision. A copy is attached as Appendix B4.
- 1.6 There are 10 other premises nearby already licensed for street trading. The relevant premises are marked on the map at Appendix B5.
- 1.7 Would committee members please note that the application premises fall within the Council's street trading policy saturation area. The applicant has

been made aware of this in writing. A copy of that letter is attached at Appendix B6.

- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year
- 1.9 This application was originally heard by the licensing committee at their meeting on 21 November 2018. The applicant did not attend that meeting and the committee decided to defer the matter to a later meeting date to allow a final opportunity for the applicant to attend before the Committee to speak about their application, as the application as currently presented to the committee, particularly the proposed size, raised concerns regarding safe passage for members of the public along the street where the display area was proposed to be sited. The applicant was written to on 29 November in this regard and a copy of that letter is attached at Appendix B7.



CROYDON
www.croydon.gov.uk

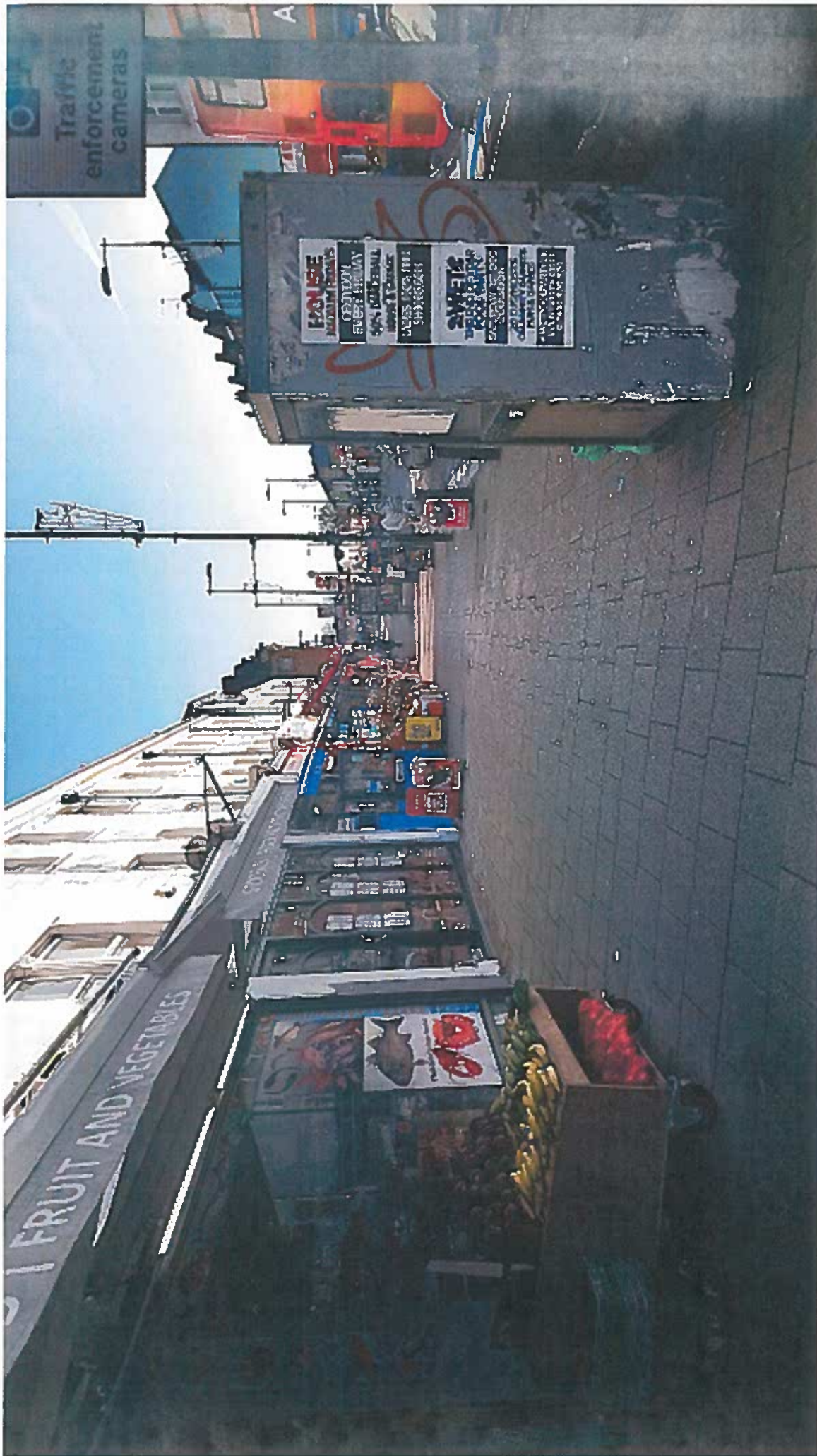
Crown Copyright Ordnance Survey (License No: 100019257) 2011

London Borough Croydon

Scale 1:500

30-Oct-2018





32 - 34 HIGH STREET LOOKING EAST



FROM 18 HIGH STREET
 LOOKING TOWARDS 26 (LOOKING WEST)
 WITH 32-34 DISPLAY IN
 DISTANCE



32-34 HSH STREET LOOKING WEST

B2



HIGH STREET / OAD NUMBERS / OPPOSITE SIDE
STREET SCENE / LOOKING EAST

BQ



35 HIGH STREET LOOKING TOWARDS 21
LOOKING EAST

B2



17 HIGH STREET LOOKING TOWARDS NUMBER 9
LOOKING EAST



B2

HIGH STREET / ODA NUMBERS / OPPOSITE
LOOKING WEST

APPLICATION FOR A STREET DESIGNATION ORDER

Return completed form to Place Department, Licensing Team, 6th Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Telephone: 020 8760 5466 .Fax no :0208 633 9410

PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM

1. APPLICANT (see note A)

- a) First Name MOHAMMED
- b) Last/Family Name SHAKEEL
- c) Full Home Address of Applicant ~~XXXXXXXXXXXXXXXXXXXX~~ THORNTON
..... HEATH SURREY ~~XXXXXXXXXXXX~~
- d) Home Tel No ~~XXXXXXXXXXXX~~ e) Mobile No ~~XXXXXXXXXXXX~~
- f) E mail address: ~~XXXXXXXXXXXXXXXXXXXX~~
- g) Date of Birth : ~~XXXXXXXXXX~~

2. SITE TO BE DESIGNATED (see Note B) For Mobile Vehicles/Trailers go to section 4

- a) Trading Name of Premises: HEATH SUPERMARKET
- b) Trading Address: 32-34 HIGH STREET, THORNTON HEATH
..... SURREY CR7-8LE
- c) Business Tel No : 02086659282

3. DISPLAY AREA (see note C)

a) Dimensions of display area (state whether measured in feet or metres)

Length 3.40 m Width 2m Height 2m

2m ⇒ left door
 1.4m ⇒ right door
 2m ⇒ width

E 70720
 156 year 75%
 E177

b) Hours that you would like to display the goods/services on the highway.

Sunday: from 8am to 8pm. Thursday: from 8am to 8pm

Monday: from 8am to 8pm. Friday: from 8am to 8pm

Tuesday: from 8am to 8pm. Saturday: from 8am to 8pm

Wednesday: from 8am to 8pm

c) Type of goods or services to be displayed : FRUIT & VEGETABLES

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch N/A

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.(see note D)

Office Use only Premises Licence No

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466.

Signature of applicant(s) or applicant's Solicitor or other duly authorised agent:

[Handwritten signature]

Date 22/05/18

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)

If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office Use Only Uniform No:

**TEMPORARY LICENCE –
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

**HEREBY LICENCE
TO USE SITE KNOWN AS**

MR SHAKEEL MOHAMMED
Heath Supermarket
32-34 High Street
Thornton Heath
CR7 8LE

TO DISPLAY

Fruit & Vegetable

SIZE OF DESIGNATED DISPLAY

Length 3.40 m, Width 2m - Left Door 2m, Right
Door 1.4m, Height 2m

PERMITTED DAYS & TIMES

Monday - Saturday 8 am - 8 pm
Sunday 8 am - 8 pm

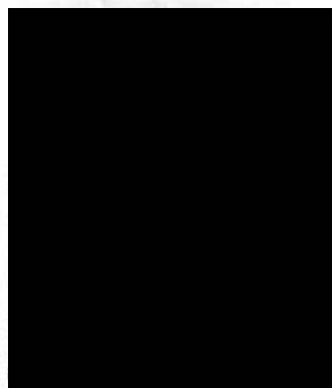
This licence is issued subject to compliance with the licence conditions attached

**Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.**

Date Licence Valid From: 22.05.2018

Date Licence Expires: 22.12.2018 or on date of Committee Decision

Licence Number: 18/01515/STT



**Issued on Behalf of : Licensing Manager
Place Department**

Licence Conditions

Non Transport for London Maintained Roads

1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.

Tel/Typetalk: 0208 726 6000 x 62457
Fax: 020 8760 5786
Minicom: 020 8760 5797
Please ask for/reply
to:licensing@croydon.gov.uk

Mr Shakeel Mohammed

~~XXXXXXXXXX~~

Thornton Heath

~~XXXXXXXXXX~~

Your Ref:
Our Ref:
Date: 6 July 2018

Dear

Subject: Street Designation Order

Address: 32 High Street Thornton Heath CR7 8LE

I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states;-

'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.

- Entire length of London Rd

-Entire length of High St Thornton Heath

Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list.'

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

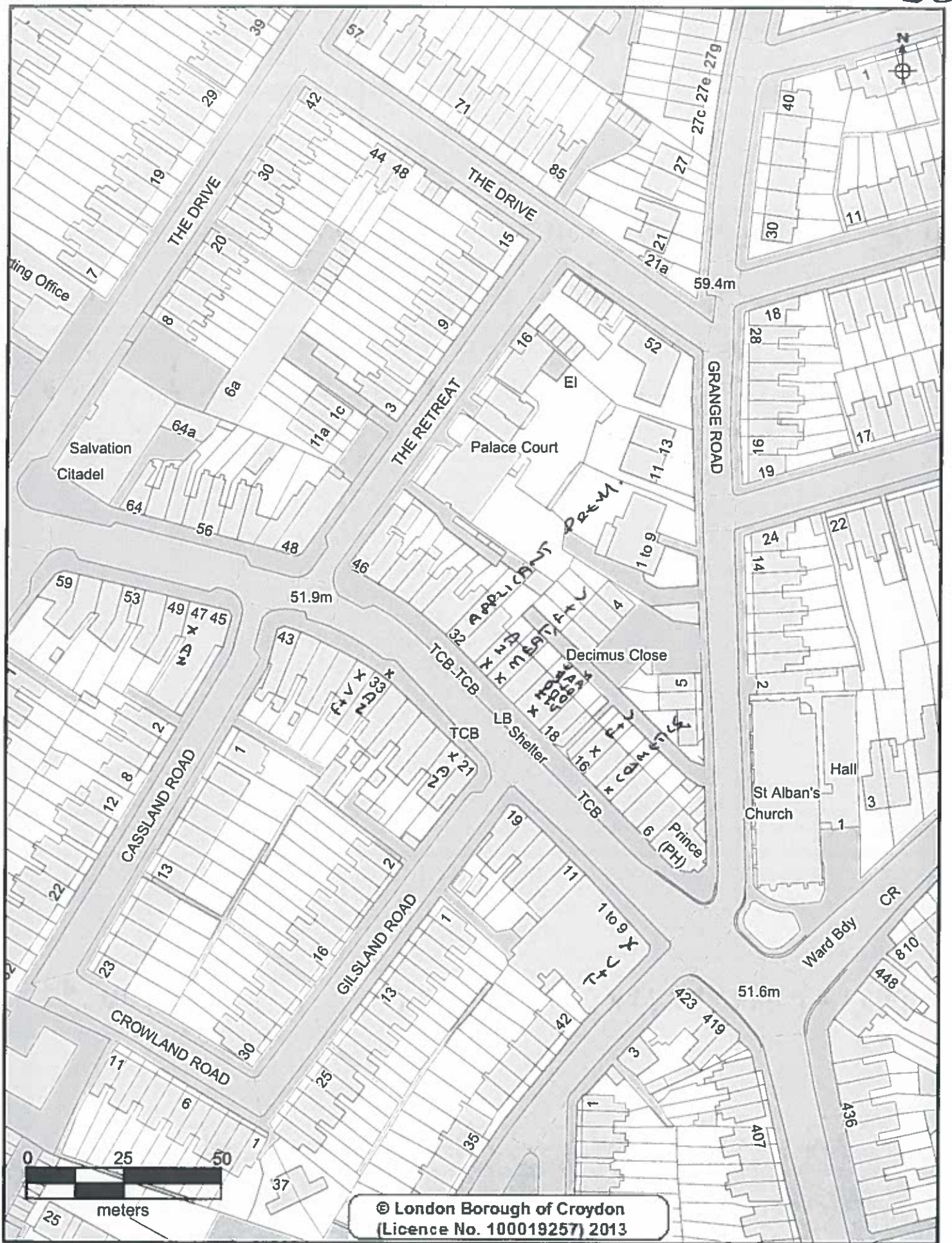
Please note that all fees paid are non refundable should the application be refused

Yours sincerely

E. Crassie

Eunice Crassie
Licensing Officer

Delivering for Croydon
Delivering for Croydon



CROYDON
www.croydon.gov.uk

Crown Copyright Ordnance Survey (License No: 100019257) 2011

London Borough Croydon

Scale 1:1250

12-Nov-2018
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Tel/Typetalk: 0208 726 6000 x 62457
Fax: 020 8760 5786
Minicom: 020 8760 5797
Please ask for/reply
to:licensing@croydon.gov.uk

Mr. Shakeel Mohammed
~~XXXXXXXXXX~~
Thornton Heath
~~XXXXXXXXXX~~

Your Ref:
Our Ref:
Date: 29 November 2018

Dear Mr. Mohammed,

Re: Application for Street Designation Order
Address: Outside 32-34 High Street Thornton Heath CR7 8LE
Legislation: London Local Authorities Act 1990

I refer to the application you made to designate an area of public highway outside 32-34 High Street, Thornton Heath for the purposes of street trading.

As previously notified, your application was listed to be heard by the Council's licensing committee on 21 November 2018 and you were invited in writing to attend that meeting.

The hearing went ahead on 21 November but you did not attend.

The Committee discussed your application and the area and the display extensively and expressed disappointment that you were not present in order to respond to their questions. Due to the size of the display and the remaining space in the street, Members expressed concern about the safe passage of members of the public along the pavement should the application be granted as applied for.

Members discussed whether it was appropriate to refuse the application but, in order to give you, as the applicant, a final opportunity to attend before the Committee to speak about your application, the Committee decided to defer consideration of your application to a future meeting.

The committee wished to make it clear to you that the application as currently presented to the committee, particularly the proposed size, raised concerns with them regarding safe passage for members of the public along the street where the display area was proposed to be sited.

Accordingly, your application will now be heard by the Council's licensing committee at their meeting on **Wednesday 19 December 2018**. The meeting will take place in the Town Hall, Katharine Street Croydon and will commence at **6.30pm**.

As the applicant, you are strongly advised to attend this meeting. You may also bring a legal representative with you if you wish.

May I take this opportunity to remind you of the following text that was in the letter sent to you on 6 July 2018 regarding your application -

B7

'I acknowledge receipt of your recent application for a street designation order and temporary licence to display goods on the highway at the above premises.

Your attention is drawn to the Council's Street Trading Policy which states;-

'In relation to the parts of the streets listed below the Council, having consulted with the officers responsible for food safety, planning, parking, street scene and district centre managers, the Highway Authority, Transport for London, Police and licence holders in those streets or trade bodies representing them, are of the view that there are enough existing designated sites. This is on the basis that any addition to the number of existing designated sites would have an overall detrimental impact on the safe and convenient passage of pedestrians in that part of the street. The Committee will therefore generally be minded to refuse any further requests for designation but will consider each request on its merits.

- ***Entire length of London Rd***
- ***Entire length of High St Thornton Heath***

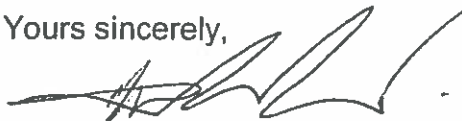
Where the Licensing Committee considers that, in any other parts of streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional parts of streets with those listed above. Similarly the Licensing Committee may from time to time determine that due to a change in circumstances parts of streets may be removed from that list. '

Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular reasons why you consider that your application should be granted.

Please note that all fees paid are non refundable should the application be refused.'

If you require further information or clarification on any point, please do not hesitate to contact my colleague, Eunice Crassie on eunice.crassie@croydon.gov.uk in the first instance.

Yours sincerely,



Michael Goddard
Licensing Manager

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REPORT TO:	LICENSING COMMITTEE 19 DECEMBER 2018
AGENDA ITEM:	
SUBJECT:	Setting of Licence Fees: Skips and Scaffolds: Highways Act 1980 Local Authorities (Transport Charges) Regulations 1998
LEAD OFFICER:	EXECUTIVE DIRECTOR, PLACE DEPARTMENT
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Safer Croydon and Communities
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
The setting of fees under the Highways Act 1980 and the Local Authorities (Transport Charges) Regulations is a discretionary power.	
FINANCIAL SUMMARY:	
The Council is the Licensing Authority for the purposes of the Highways Act 1980 and the provisions of the Highways Act, read with the Local Authorities (Transport Charges) Regulations 1998 give the Council the ability to impose charges for the processing of applications for licenses to place skips, scaffolds, hoardings & materials and other relevant items such as cherry pickers on the public highway. In setting such charges, the authority must have regard to the cost to them of such matters (cost recovery principle).	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

<p>1. RECOMMENDATIONS The Committee is recommended to:</p> <p>1.1 Adopt the fee structures set out at Appendices 1 & 2 to this report to come into effect on 1 February 2019. The new fee structures have been determined on the principle of cost recovery;</p> <p>1.2 Delegate to the Director of Public Realm authority, in consultation with the Chair of Licensing Committee, to undertake reviews of fees and fee setting in relation to skips under section 139 the Highways Act 1980 and the Local Authorities</p>

(Transport Charges) Regulations 1998. Such delegation does not preclude the Director from bringing the matter back before the Committee should the Director consider it appropriate to do so;

- 1.3 Delegate authority to the Director of Public Realm, in consultation with the Chair of the Licensing Committee, to undertake reviews of fees and fee setting in relation to scaffolding or other structures on the public highway under section 169 of the Highways Act 1980 and the Local Authorities (Transport Charges) Regulations 1998. Such delegation does not preclude the Director from bringing the matter back before the Committee should the Director consider it appropriate to do so.

2. EXECUTIVE SUMMARY

- 2.1 The Council is the Highways Authority and also the Licensing Authority for the purposes of the Highways Act 1980. Among other matters, this Act permits a person/body to apply for permission to place a Skip on the highway. It also permits a person/body to apply for a licence to erect or retain on or over a highway any scaffolding or other structure in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, which obstructs the highway. Such other structures would include hoardings, materials and the use of cherry pickers.
- 2.2 The Council must consider these types of applications and is entitled to charge for the work associated with consideration and granting of permission. Any charge would cover the consideration of an application, processing an application and issuing a permission, any site visits pre, during or post issue of licence and any ongoing monitoring that the Council is required to do regarding compliance with any terms attached to the permission.
- 2.3 This report specifically relates to the charges the Council may apply in relation to such applications for permission.

3. DETAIL

- 3.1 Section 139 of the Highways Act 1980 (the 'Act') permits a skip to be placed on the public highway. However, the person wishing to deposit the Skip must first obtain permission from the Council as the Highways Authority, by way of an application for permission (Licence). Skip licences will be issued for a period of 14 days. Similarly, Section 169 of the Act permits scaffolding or other structure to be erected or retained on the public highway in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building so long as the person wishing to do so has obtained a licence from the Council. Scaffold licenses will be issued for a period of 4 weeks.
- 3.2 When considering such applications and (where appropriate) issuing a licence for the activity sought, the Council must undertake certain tasks and is permitted to charge the applicant a fee to ensure that the costs it incurs in the process are recovered from the person/body that is requesting the service. This is the principle of cost recovery.

- 3.3 The relevant sections of the Act, as set out above, permit the activities described, subject to permission. The Act, read in conjunction with Regulations 3 & 4 of the Local Authorities (Transport Charges) Regulations 1998, allow the Council to charge the relevant fees for applications.
- 3.4 Regulation 3 provides as follows:
“3. — Power to impose charges
(1) Subject to regulation 5 of these Regulations, a relevant authority having a function mentioned in column (2) of an item in a table in the Schedule to these Regulations *may impose a charge in respect of their dealing in pursuance of that function with any matter of a description specified in that column of that item.*
(2) A charge imposed under this regulation in relation to any matter is payable by the person mentioned in column (3) of the item in the table in which the matter is specified.”
- 3.5 Regulation 4 sets out the amount of the charge and provides that subject to regulation 5 of these Regulations, the amount of the charge is to be at the relevant authority discretion and, in determining the amount, the *“authority shall have regard to the cost to them of dealing with matters of the description in question.”*
- 3.6 For Members’ information, Regulation 5 sets out that notwithstanding the provisions of regulations 3 and 4 of the above referenced Regulations, no charge shall be imposed by a London borough council or the Common Council of the City of London for the issue of—
(a) a travel concession permit; or
(b) a duplicate permit issued in replacement of a travel concession permit, unless all the London borough councils and the Common Council of the City of London have agreed to impose a charge and have agreed the amount of the charge.
- 3.7 In setting the proposed fees, an hourly rate for the particular role(s) that will undertake the particular task(s) has been calculated. This is the ‘on costed’ hourly rate for the particular role(s) that perform the task(s) and this also includes basic office administration such as resources, photocopying, postage, processing fees through the accounts department, recharges for payroll, accommodation, including heating and lighting, supplies and services connected with the licensing functions and management and supervision costs (where relevant).
- 3.8 With regard to skip licensing, Appendix 1 to this report then sets the associated processes out into a series of tasks and the relevant hourly rate was then multiplied by the amount of time, in minutes, that it was considered, based on previous experience that the individual tasks of that nature would take to complete. These figures were then added together to give a recommended fee for Members’ consideration.
- 3.9 With regard to scaffold, hoarding, materials and other items, such as cherry pickers, Appendix 2 to this report then sets the associated processes out into a series of tasks and the relevant hourly rate was then multiplied by the amount of time, in minutes, that it was considered, based on previous experience that

the individual tasks of that nature would take to complete. These figures were then added together to give a recommended fee for Members' consideration.

- 3.10 Members are asked to consider Appendices 1 & 2 - which set out the fees for the specific types of activity which may be licensed under the Act and which are recommended for approval.

4. POLICE COMMENTS

- 4.1 As this report relates to local authority fee setting, comments have not been sought from the Croydon Police licensing officer regarding this matter.

5. APPEALS

- 5.1 There are no direct appeal provisions within the legislation with regard to fee setting. However, the local authority must only set fees that the Authority considers necessary to cover the costs set out in Regulations 3 and 4 as set out more fully at paragraphs 3.4 and 3.5 above. An aggrieved party may seek judicial review if they believe the fees set are excessive or unreasonable. Judicial review proceedings present financial and reputational risk to the Council.

- 5.2 Pursuant to Section 169(3), if on an application for a licence in connection with a highway the highway authority refuse to issue a licence or issue a licence containing terms to which the applicant objects, the applicant may appeal to a magistrates' court against the refusal or terms; and on such an appeal the court may—
- (a) in the case of an appeal against a refusal, direct the highway authority to issue a licence in pursuance of the application;
 - (b) in the case of an appeal against the terms of the licence, alter the terms.

6. CONSULTATION

- 6.1 There are no statutory consultation or advertisement requirements with regard to fee setting under the Highways Act 1980 or the Local Authorities (Transport Charges) Regulations 1998. However, it is proposed that the new fees, if adopted should come into force on a date in the future, as detailed in 1.1 above and that details of the new fees, if adopted, are placed on the Council website as soon after adoption as possible.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 7.1 The Council is entitled to set fees that will generate income to offset the estimated cost to the Council of providing the service. The estimated fees from the standard hourly rates set will offset the costs to the Council of providing the service.

(Approved by: Flora Osiyemi, Head of Finance Place, Residents & Gateway)

8. COMMENTS OF THE COUNCIL SOLICITOR

- 8.1 The Solicitor to the Council comments that in the setting of fees associated with the proposed permission under Section 139(1) and (2) and a License under section 169 (1) and (2) of the Highways Act 1980, the Council shall have regard to the provisions of the Local Authorities (Transport Charges) Regulations 1998 as set out in more detail at paragraphs 3.4-3.6 above, and the requirement to have regard to the cost to the Council of dealing with matters set out respectively in sections 139(1) & (2) and 169(1) & (2)

(Approved by: Sandra Herbert, Head of Litigation and Corporate Law, for and on behalf of Jacqueline Harris-Baker, Director of Law and Governance and Monitoring Officer.)

9. HUMAN RESOURCES IMPACT

- 9.1 There are no human resources implications associated with this report.

10. CUSTOMER IMPACT

- 10.1 The Highways Act 1980 enables customers to obtain licenses to place skips, scaffolds, hoardings & materials and other relevant items, such as cherry pickers on the public highway to assist their business or home improvements etc. The Council must process applications and issue licences for these activities and also ensure compliance with any terms attached to a licence. The Council is also the Highways Authority and so must ensure the use of the highway is undertaken properly. The proposed fees represent an increase against the current fees but this review aims to ensure that the Council recovers all reasonable costs associated with the service. There is a risk that in increasing the license fees this may encourage unlicensed activity. Increase in unlicensed activity would require additional reactive investigation and enforcement by officers. However, the placing of such items on the public highway needs to be co-ordinated and managed so as not to create a negative impression of the street scene in the borough but also to contribute to a vibrant local economy.

11. EQUALITIES ANALYSIS (EA)

- 11.1 This report does not require a separate Equality Analysis.

12. ENVIRONMENTAL AND DESIGN IMPACT

- 12.1 The licensing of skip, scaffolds and other items placed on the public highway in Croydon will enhance the management of the local environment whilst at the same time enabling business continuity.

13. CRIME AND DISORDER REDUCTION IMPACT

13.1 There is the risk that in increasing the license fees this may encourage unlicensed activity. Increase in unlicensed activity would require additional reactive investigation and enforcement by officers.

14. HUMAN RIGHTS IMPACT

14.1 Article 1 of the First Protocol of the European Convention on Human Rights (“the Convention”) provides a right to peaceful enjoyment of possessions. Both a person’s business and an existing licence are a possession and cannot be taken away or interfered with unless the law allows it and the action is justified.

Further, when determining applications under the Highways Act 1980, it is necessary to ensure that, as far as possible, the Council’s procedures are compliant with the principles in Article 6 of the Convention – the right to a fair trial.

15. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

15.1 Information that is provided to or held by the Council in relation to applications must only be processed and disclosed strictly in accordance with the Freedom of Information Act 2000 and Data Protection Act 2018 and other appropriate legislation.

CONTACT OFFICER: Michael Goddard, Licensing Manager
Tel. Ext. 61838

BACKGROUND DOCUMENTS:
None

Skips

Licence Permit Fees Worksheet

On costed hourly rate of officer role performing tasks = £27.53 = 0.46p per minute (27.53 divided by 60) multiplied by time in minutes per task as set out below.

1. Download Skip permit application from website – 5 minutes (mins.) – 2.30
2. Download Skip permit payment receipt from website – 5 minutes (mins.) – 2.30
3. Check the applicant has valid up to date public liability insurance from supporting documents attached to the application – 5 minutes (mins.) – 2.30
4. Check the applicant has valid up to date waste carrier licence from supporting documents attached to the application – 5 minutes (mins.) – 2.30
5. Using google map check the location of proposed skip to ensure there are no safety/obstruction concerns (where uncertain, email NSO team to make site visit*) – 15 minutes (mins.) – 6.90
7. Check if proposed Skip location falls on one of the listed restricted roads in the borough (if yes, seek approval from Highways Team before processing further) – 10 minutes (mins.) – 4.60
8. Check London register of roadworks web site to ensure there are no proposed road works at the location of the proposed skip (if there is email applicant to inform them that permit cannot be issued – 15 minutes (mins.) – 6.90
9. Create permit on database – 30 minutes (mins.) – 13.80
10. Issue permit to applicant and load copy onto Skip Log database – 15 minutes (mins.) – 6.90
11. On Monday of each week email spreadsheet Skip Licence Log to the NSO teams for their notification whilst on patrol – 5 minutes (mins.) – 2.30

Total = £50.60 = proposed fee **£51** (rounded up).

*Skips can be placed on a single yellow line but not a double yellow line. On red routes the applicant applies to TFL not LB Croydon. Skips can only be placed in pay and display parking bays if the resident has applied for parking dispensation. In this scenario the applicant has to get parking dispensation or a parking suspension first and there are separate charges for this payable to Parking Services and it is also dependent on where in the borough the skip is to be sited. The dispensation/suspension number is then entered on the skip permit application. Dispensation/suspension can take up to 5 working days to process. However, experience indicates that due to the additional costs, not many applications are made for parking dispensation/suspension in this way.

Notes.

1. Skip Licence Permit Fees were last reviewed & set in 2008. The current fee is £36.
2. A skip shall not exceed 5 metres in length and 2 metres in width (unless specifically authorised otherwise). A skip permit is issued for a period of 14 days.
3. To assist the committee, though it has not influenced the workings for the proposed fees as set out above, the following are examples of current published skip permit fees (and duration) at some other London boroughs –
 - LB Sutton - £50 (2 weeks)
 - LB Merton - £60 (1 month)
 - LB Southwark - £78.80 (1 month)
 - LB Ealing - £50 (2 weeks)
 - LB Islington - £90 (1 month)
 - LB Camden - £54.81 (2 weeks)

Scaffold, Hoarding & Materials and other relevant items (ie. Mobile Scaffold, Cherry Picker, Scissor Lift), Container/Site Office

Licence Permit Fees Worksheet

On costed hourly rate of officer role performing tasks –

A = £27.53 = 0.46p per minute (27.53 divided by 60)

B = £31.36 = 0.53p per minute (31.36 divided by 60)

C = £74.43 = £1.24 per minute (74.43 divided by 60)

Multiplied by time in minutes per task as set out below –

1. Log onto the licence website and download new application – 5 minutes (mins.) – 2.30 (A)
2. Check correct fee payment has been made (if not contact customer for balance and take payment over the phone) – 10 mins. – 4.60 (A)
3. Check the applicant has valid up to date public liability insurance from supporting documents attached to the application* – 5 minutes (mins.) – 2.30
4. Check bond deposit (returnable) has been made (if not contact customer for payment deposit) – 10 mins. – 4.60 (A)
5. If payment received by cheque use relevant office documentation and record cheque details and take to cash control office for banking – 15 mins. – 6.90 (A)
6. Enter licence application information onto spreadsheet – 5 mins. – 2.30 (A)
7. Keep spreadsheet up to date with any changes to application and payments – 5 mins. – 2.30 (A)
8. Send details of application to Highways Department with request to check & comment on suitability of site/location – 5 mins. – 2.30 (A)
9. Highways Department to respond to enquiry at 7. – 15 mins. – 6.90 (A)
10. Send application to relevant Neighbourhood Safety Team to make site visit – 5 mins. – 2.30 (A)
11. NSO to visit site to check suitability & update processing officer – 75 mins. – 39.75 (B)
12. Once authorised produce licence using from database – 30 mins. – 13.80 (A)
13. Scan licence and send to authorised officer (Director) to review/sign – 5 minutes (mins.) – 2.30 (A)
14. Authorised officer (Director) to review, approve/sign licence permit and return for processing – 5 mins. – 6.20 (C)
15. Once received from authorised officer, enter details onto spreadsheet and send licence to the customer – 15 mins. – 6.90 (A)
16. If licence granted, NSO to make visits at the following frequency to check condition of structure and footway/roadway:
 - Scaffold/Hoarding/Container Or Site Office – licence duration 4 weeks – 1 minimum weekly visit – $31.36 \times 4 = 125.44$ (B)
 - Mobile Crane, Mobile Scaffold, Cherry Picker, Scissor Lift – licences granted per day so total fee dependent on duration:
 - 1 day – 31.36×1 (day) = 31.36 (B)
 - 2 days – 31.36×2 (days) = 62.72 (B)
 - 3 days – 31.36×3 (days) = 94.08 (B)
 - And the fee would increase by 31.36 on each additional day.

- Materials – ordinarily granted for a duration of 2 weeks with a minimum of 1 visit during licence period but daily rate issue also available
- 17. Check spreadsheet for expired licence, check with client to make sure scaffold/crane/materials/hoarding is down, if not inform client will have to renew immediately, take payment etc. if required – 10 mins. – 4.60 (A)
- 18. Send email to NSO team once licence has expired to confirm if structure/installation has ended and to make sure no damage has been made to the public highway – 5 mins. – 2.30 (A)
- 19. NSO to visit site to check & update processing officer – 75 mins. – 39.75 (B)
- 20. Return bond payment once NSO has confirmed removal (update spreadsheet then postal return of cheque or arrange refund via payment card via accounts payable team to action) – 15 mins. – 6.90 (A)

*Certain applicants for a Materials Licence do not need to supply detail of public liability insurance. See Notes below for further information.

Proposed Fees –

Scaffold/Hoarding/Container Or Site Office – 4 week licence – 282.44 = **£283**
(rounded up)

Mobile Crane, Mobile Scaffold, Cherry Picker, Scissor Lift –

1 day – 137.11 = **£137** (rounded down)

2 days – 168.47 = **£168** (rounded down)

3 days – 199.83 = **£200** (rounded up)

And the fee would increase by 31.36 on each additional day.

Materials

2 weeks = 137.11 – 2.30 (PLI check) = 134.81 = **£135** (rounded up)

Or at a daily rate of **£10** per day up to a maximum of 14 days

Notes.

1. Scaffold, Hoarding & Materials and other relevant items fees were last reviewed & set in 2008.
2. Only companies undertaking the relevant works may apply for a scaffold, hoarding or cherry picker etc. licence and must therefore show evidence on application of their public liability insurance.
3. Residents may apply for a materials licence and are therefore not subject to obtaining/showing proof of public liability insurance.
4. To assist the committee, though it has not influenced the workings for the proposed fees as set out above, the following are examples of current published scaffold/hoarding fees (and duration) at some other London boroughs –
 - LB Sutton - £225 (4 weeks)
 - LB Merton – £350 (2 months)
 - LB Southwark - £351 (1 month, up to 10 metres in length. Fees increase with duration)
 - LB Ealing - £180 (1 month)

- LB Islington - £340 (up to 3 months)
- LB Camden - £359.93 (lowest rate/minor works)

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