

Licensing Committee

Meeting held on Thursday 24 January 2019 at 6.33pm in the Council Chambers, Croydon
Town Hall, Katharine Street, Croydon, CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Pat Clouder (Vice-Chair) and Councillor Michael Neal (Vice-Chair);
Councillors Patricia Hay-Justice, Andrew Pelling, Niroshan Sirisena and
Margaret Bird, Jerry Fitzpatrick and Helen Redfern

Also Present: Michael Goddard (Licensing Manager)
Fiona Woodcock (Market and Street Trading Compliance Officer)
James Derby (Solicitor and Legal Advisor to the Committee)
Michelle Ossei-Gerning (Democratic Services)

Apologies: Councillors Maddie Henson, Karen Jewitt, Steve O'Connell, Badsha Quadir
and Robert Ward

PART A

1/19 Minutes of the Previous Meeting

The minutes of the meeting held on 19 December 2018 were approved as a true and accurate record of the decisions taken.

2/19 Minutes of the Last Sub-Committee Meeting

The minutes of the meeting held on 20 December 2018 were approved as a true and accurate record of the decisions taken.

3/19 Urgent Business (if any)

There were no items of urgent business.

4/19 Disclosure of Interests

There were no disclosures of interests.

Application for Street Designation Orders - London Local Authorities Act 1990

The Committee considered the application to designate a section of public highway outside **17 Central Parade, New Addington, CR0 0JB (Appendix B)**.

The Licensing Manager introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was Croydon Council maintained.

The Applicant was present and informed the Committee that the tables and chairs would be brought out every morning and packed away inside the shop every night.

In response to questions from the Committee it was confirmed by the Licensing Manager that the site was not within the saturation area for street trading.

The Committee **RESOLVED**:

1. To designate 17 Central Parade, New Addington for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **210A Selhurst Road, South Norwood, SE25 6XU (Appendix C)**.

The Licensing Manager introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was Croydon Council maintained.

The Applicant was present and provided further comment on the application.

In response to questions from the Committee it was clarified by the applicant that external food providers would only provide or sell the food within the licensed area as food was prepared off site; also safety glass was used for drinking on match days.

In response to questions from the Committee, it was confirmed by the Licensing Manager that the applicant would need to communicate with the caterers and the food team, as they would need to know where the food was being cooked and how it was being transported.

The Committee **RESOLVED**:

1. To designate 210A Selhurst Road, South Norwood for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to a street trading licence for **208-210 Brighton Road, Coulsdon, CR5 2NF (Appendix D)**.

The Licensing Manager introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was Croydon Council maintained.

The applicant had sent their apologies and was not able to be present to provide any comment on the application.

In response to questions from the Committee it was clarified by the Licensing Manager that there would be a request for the applicant to position the A board away from being directly outside the shop to provide a two metre flow for pedestrians.

The Committee **RESOLVED**:

1. To designate 208-210 Brighton Road, Coulsdon for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to a street trading licence for **Dingwall Road (near the j/w Caithness Walk), Croydon (Appendix E)**.

The Licensing Manager introduced the item, explaining the process of designation for street trading, applying for 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.

One representation had been received and details were in the bundle but the objector had sent their apologies and was unable to attend the meeting. In

addition, the Committee was informed that the objector had sent in some further correspondence in support of their objections and this had been provided to the Committee Members before the hearing started.

The section of highway in question was Croydon Council maintained.

The Applicant was present and informed that since they had the trailer they have made improvements to the health and safety of the generator and issues around the residences and commuters. In response to questions from the Committee on health and safety, the applicant stated that the generator, which was now in a box, was fuelled and packed safely away every night.

The Committee **RESOLVED**:

1. To designate the specific area of Dingwall Road requested in the application (near the j/w Caithness Walk), Croydon for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to a street trading licence for **17 High Street, Thornton Heath, CR7 8RU (Appendix F)**.

The Licensing Manager introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was Croydon Council maintained.

The Applicant was present and provided further comment on the application.

In response to the questions from the Committee the applicant highlighted that there had been no past disputes with the residences either side, and they were satisfied with the application.

The Licensing Manager advised the Committee that the application site fell within the saturation area in the Council's street trading policy. However, it was also pointed out that the site had been previously designated for street trading in 2013, albeit for a smaller area.

Councillor Clouder proposed a motion to refuse the application. Councillor Pelling seconded the motion.

The motion to refuse was put forward to the vote and was carried with five Members voting in favour and four Members voting against.

The Committee **RESOLVED**:

1. To refuse to designate 17 High Street, Thornton Heath for the purposes of street trading.
2. To refuse a street trading licence to the Applicant for the increased area.

6/19

Sex Establishment Licensing Fee Setting - Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

The Committee received the attached report from the Executive Director - Place and the item was introduced by the Licensing Manager. The Committee was informed that there was no application to consider, the matter for consideration was the fee structure as stated in Appendix 1 to the report.

Sex establishment licensing fees should cover the reasonable costs to the authority of providing the service. The fees should not cover the costs of external matters such as enforcement against unlicensed traders. The fee structure proposed was based on an hourly 'on costed' rate for officers involved in the process. It was a reflection of the amount of time certain tasks would take and that had been required for previous applications. The fees had on this occasion been slightly reduced. Costs for sex establishment licenses were the same regardless of what type of establishment was being applied for; all follow the same process.

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

The legal advisor for the Committee advised that the statutory requirement was for the local authority to set a "reasonable" fee; benchmarking against other authorities was not a legal requirement.

Councillor Clouder proposed, and Councillor Neal seconded, that the Committee adopt the fees set out in Appendix 1 of the attached report for the grant, renewal or transfer of a sex establishment licence; and also to delegate authority to the Director of Public Realm to undertake reviews and fee settings under the provisions of Schedule 3 of the Local Government (miscellaneous Provisions) Act 1982.

The motion was put to the vote and was carried with eight Members voting in favour of the motion. One Member abstained their vote.

The Committee **RESOLVED** to agree the recommendations of the report and the setting of licence fees under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

7/19

Exclusion of the Press and Public

This was not required.

The meeting ended at 8.49pm

Signed:

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Date:

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