

Licensing Committee

Meeting of held on Wednesday, 8 January 2020 at 6.30 pm in Council Chamber, Town Hall,
Katharine Street, CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Michael Neal (Vice-Chair);
Councillors Nina Degrads, Felicity Flynn, Karen Jewitt, Margaret Bird,
Steve O'Connell, Badsha Quadir and Robert Ward and David Wood.

Also Present: Michael Goddard (Head of Licensing)
Fiona Woodcock (Market and Street Trading Compliance Officer)
Jessica Stockton (Solicitor and Legal Advisor to the Committee)
Thomas Downs (Democratic Services)

Apologies: Councillors Pat Clouder and Stephen Mann and Bernadette Khan

PART A

1/20 Apologies for Absence

Apologies were received from Councillors Clouder and Khan.

Apologies were received from Councillor Sherwan Chowdhury, for whom
Councillor David Wood was in attendance as substitute.

2/20 Minutes of the Previous Meeting

The minutes of the meeting held on 11 September 2019 were agreed as an accurate record.

3/20 Minutes of previous Licensing Sub-Committee Meetings

The minutes of the following Licensing Sub-Committees were approved as an accurate record:

- 16 October 2019
- 25 November 2019
- 18 December 2019

4/20 **Urgent Business (if any)**

There were no items of urgent business.

5/20 **Disclosure of Interests**

There were no items of urgent business.

6/20 **London Local Authorities Act 1990: Application for Street Designation Order x5 & Application for Variation to Street Trading Licence x1**

The Committee considered the application to designate a section of public highway outside **112 Brighton Road, Coulsdon, CR5 2NB (Appendix A)**.

The Head of Licensing 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 heard that the site had an existing designation, but as the holder had sought to trade on a larger area of public highway, a new street trading designation was required. The Committee heard that the nearest designation was for tables and chairs outside of Nonna Rosa's Cafe on the same side of the street. 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 offered to provide responses to any questions which the Committee had but declined to provide further comment on the application.

A Committee Member commented that they were familiar with the site, and had been aware of customers experiencing difficulty taking trollies between the store and car park due to the kerb; they stated that they believed storing trollies in the proposed designation site would be beneficial in reducing this.

The Committee **RESOLVED**:

1. To designate 112 Brighton Road, Coulsdon, CR5 2NB for the purposes of street trading.
1. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **133 Wickham Road, Shirley, CR0 8TE (Appendix C)**.

The Head of Licensing 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 TfL maintained.

The Applicant was present and queried whether the designation would allow for the placement of an A-board. The Head of Licensing informed the Applicant that this was not a licensable activity, would not be covered by a street trading designation and would need to be pursued through Planning.

In response to a Member's question about whether shisha would be used within the designation, the applicant responded that it would be. In response to whether this would be acceptable, the Head of Licensing responded that it was, and as a tobacco product it must be used outside, either in the designated area, or in the premises' rear outdoor space.

In response to a Member's question, the Head of Licensing responded that they were happy with the distance of the designation from a nearby bike rack and it exceeded the distance required on TfL maintained highway, and that it was diagonal in relation to the designation. The Head of Licensing reminded the Committee that if the footpath layout changed meaning that it was having a detrimental impact on the ability of the public to have safe and convenient passage on the footpath then street trading designations could be considered for reduction in size, or revocation.

The Committee RESOLVED:

1. To designate 133 Wickham Road, Shirley, CR0 8TE 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 **24-26 London Road, Croydon, CR0 2TA (Appendix D)**.

The Head of Licensing 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 heard that the site was within a Saturation Area, and there were six nearby designations shown on page 63 of the agenda. 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's representative was present and offered to respond to any questions members may have but declined to provide further comment on the application.

A Member stated that they were concerned by the closeness of the site to a bus stop. In response to a query about whether the business normally closed at 23.00, the Applicant's representative responded that it usually closed at 21.00.

A Member stated that the photographs provided in the agenda did not give a good indication of the designation's clearance from the bus stop, Members were referred to and the Market and Street Trading Compliance Officer responded that the clearance was larger than two metres.

The Chair requested clarification on the impact of the Saturation Area on the application and the history regarding the introduction of the policy. The Head of Licensing stated that the Saturation Area did not mean that the application should not be granted as each application must be considered on its individual merits. The Market and Street Trading Compliance Officer stated that the policy had been in effect from 2009 due to a large proliferation of the number of mobile phone kiosks outside a variety of shops at that time; many had since ceased trading. The Legal Advisor informed the Committee that when considering whether to grant the current application they should consider whether the granting of the designation would have a detrimental impact on safe and convenient passage of pedestrians in that part of the street and this would include considering the overall impact to the street scene and how this affected the ability of pedestrians to use the footpath when making their decision.

A Member queried whether the Saturation Area should be revisited, and the Chair stated that this was not a decision that should be taken during this committee. The Chair stated that if there were issues with distance between the designation and the bus stop they would likely have come up under the temporary license, and that none had. A Member informed the Committee that there was a designation nearby that was also close to a bus stop, and it did not seem to cause any problems

The Committee **RESOLVED:**

1. To designate 24-26 London Road, Croydon, CR0 2TA 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 **83 Thornton Road, Thornton Heath, CR7 6BD (Appendix E)**.

The Head of Licensing 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. TfL had sent representations to the original application as they had felt it did not leave enough clear footpath. The applicant had reduced the designation being applied for and TfL had retracted their representation. No other representations had been received.

The section of highway in question was TfL maintained.

The Applicant was present and offered to respond to Members queries but declined to provide further comment on the application.

A Member stated that the designation obscured the Thornton Road road sign. The Head of Licensing stated that TfL had not had an issue with this but that it would be raised with them. Members noted that the sign was in an unusual position as it was not raised or even situated on the corner of the road.

A Member informed the Committee that they felt the designation would bring character to that part of the road.

The Committee **RESOLVED**:

1. To designate 83 Thornton Road, Thornton Heath, CR7 6BD 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 **15-17 Croham Road, South Croydon, CR2 7PB (Appendix B)**.

The Head of Licensing 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 not present to provide further comment on the application.

In relation to the layout of the footpath on which the proposed designation site was located, the Vice-Chair stated that they were familiar with the shop, as they were a regular customer; they also informed the Committee that the

public highway narrowed after the property, as it changed from commercial properties to residential, which had the effect of the shop being set back from the street scene.

In response to a query from a Councillor about whether the bin present in the picture on page 39 of the agenda was owned by the business, and if so where it would be stored once the designation was in effect, the Market and Street Trading Compliance Officer informed the committee that it would stay in situ with some clearance from the designation, as there was no other viable storage.

A Councillor commented that it was a shame there were no pictures available of the designation in use, as it was difficult to tell the quality and size of the proposed display. The Market and Street Trading Compliance Officer commented that the display would need to be narrow as it would need to be stored in the property at night.

The Committee **RESOLVED**:

1. To designate 15-17 Croham Road, South Croydon, CR2 7PB for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to vary the designation to a section of public highway outside **43-245 Lower Addiscombe Road, Croydon, CR0 6RD (Appendix F)**.

The Head of Licensing introduced the item, explaining the process of varying designation for street trading, applying for street trading licences and the details of the application before the Committee. The new occupier of the premises wished to display fruit and vegetables alongside chairs and tables; the previous designation had been for household goods. 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 not present to provide further comment on the application.

The Committee **RESOLVED**:

1. To vary the designation outside 43-245 Lower Addiscombe Road, Croydon, CR0 6RD.
2. To grant a variation to the street trading licence for the Applicant.

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7/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 19.24

Signed:

Date: