

Licensing Committee Agenda



To: Councillor Robert Canning (Chair)
Councillor Pat Clouder (Vice-Chair) and
Councillor Margaret Bird (Vice-Chair)

Councillors Chris Clark, Nina Degrads, Karen Jewitt, David Wood,
Maddie Henson, Jan Buttinger, Andy Stranack, Badsha Quadir and
Robert Ward

Reserve Members: Joy Prince, Bernadette Khan, Stephen Mann,
Alison Butler, Pat Ryan, Mike Bonello, Louis Carserides, Simon Brew,
Richard Chatterjee, Sue Bennett and Ola Kolade

A meeting of the **Licensing Committee** which you are hereby summoned to attend,
will be held on **Wednesday, 14 July 2021** at **6.30 pm** in **Council Chamber, Town
Hall, Katharine Street, Croydon CR0 1NX**

ASMAT HUSSAIN
Executive Director of Resources and
Monitoring Officer (Interim)
London Borough of Croydon
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Tuesday, 6 July 2021

Members of the public are welcome to attend this meeting, however we recommend
that you watch the meeting remotely via the following link:

<https://webcasting.croydon.gov.uk/croydon/meetings/12717>

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person please email democratic.services@croydon.gov.uk by 5pm the working day
prior to the meeting to register your interest.

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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 - 10)

To approve the minutes of the meeting held on Wednesday 17 March 2021 as an accurate record.

**3. Minutes of previous Licensing Sub-Committee Meetings
(Pages 11 - 24)**

To approve as an accurate record the minutes of the meetings of the Licensing Sub-Committee since the last Licensing Committee:

- 24 March 2021
- 29 April 2021
- 23 June 2021

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. 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.

6. London Local Authorities Act 1990: Application for Street Designation Order (Pages 25 - 54)

The purpose of this report is to seek the Committee's decision on the proposal to designate two sites 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.)

7. London Local Authorities Act 1990: Review of Trading Pitch Licence Fees - Surrey Street (Pages 55 - 72)

This report concerns a review of street trading pitch licence fees in Surrey Street and a proposal to increase them.

8. Pavement Licensing - The Business and Planning Act 2020 (Pages 73 - 78)

This report provides background to the request that the Committee delegate authority to the Interim Executive Director Place to do all things necessary to extend and operate the pavement licensing arrangements under the Business and Planning Act 2020 as amended.

9. Update of Proposed Training for Licensing Committee

A verbal update on training for Members of the Licensing Committee.

10. 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 held on Wednesday, 17 March 2021 at 6.30 pm. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Robert Canning (Chair);
Councillor Margaret Bird (Vice-Chair) and Councillor Pat Clouder (Vice-Chair);
Councillors Jan Buttinger, Chris Clark, Nina Degrads, Felicity Flynn,
Patricia Hay-Justice, Karen Jewitt, Badsha Quadir, Andy Stranack and
Robert Ward

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and
Licensing)
Fiona Woodcock (Market and Street Trading Compliance Officer)
Jessica Stockton (Solicitor and Legal Advisor to the Committee)
Michelle Gerning (Democratic Services Officer)

PART A

1/21 **Minutes of the Previous Meeting**

The Chair noted that Councillor Hay-Justice had been missed off the attendance list and the Disclosure of Interests should have read 'There were none'.

With these minor changes, the minutes of the meeting held on 9 December 2020 were agreed as an accurate record.

2/21 **Minutes of previous Licensing Sub-Committee Meeting**

The minutes of the 5 January 2021 Licensing Sub-Committee were approved as an accurate record.

3/21 **Urgent Business (if any)**

There were no items of urgent business.

4/21 **Disclosure of Interests**

There were none.

London Local Authorities Act 1990: Application for Street Designation Orders

The Committee considered the application to designate a section of public highway outside **Everfresh, 728 London Road, Croydon, CR7 7HW**.

The Head of Environmental Health, Trading Standards and Licensing introduced and outlined the [Application \(Appendix A\)](#). He explained the process of designation for street trading, applying for street trading licences and the details of the application for the Committee to consider as set out in the appendices.

The Chair invited Committee Members to ask questions of officers regarding the application.

In response to Councillor Stranack, the Markets & Street Trading Compliance Officer stated that there was a 9 m distance between the bus shelter and the shop display. In response to a follow up from the Chair asking in relation to how busy the bus stop is, the Markets & Street Trading Compliance Officer confirmed that it was a bus stand and the average number of passengers to alight was four, based on her site visit and the applicants' experience. There was a maximum of two buses which could stop and the stop tended to be where bus drivers swapped shifts.

Councillor Margaret Bird noted that the display was wide, spanning three sets of trolleys, and asked how that compared to nearby shops with a street trading license. In response, the Markets & Street Trading Compliance Officer stated that the applicant had a similar property to this proposal in Norbury, which also had a large display, describing it as tidy and composed of purpose made boxes. The size of the current display, as set out in the photographs in the agenda, was not 10 m. The proposal of 10 m was in keeping with a large size shop with two clear doorways.

Mr. Obadullah Khalid , the applicant, was introduced by the Chair and invited to make his representation. He made the following clarifications:

- The length of the trollies varied: 2.4 m and 1.8 m (approx.).
- The trollies were 0.9 m in width, however they had made an application for 1.2 m because it would be 2.8 m distance from the pavement kerb.
- The width of the two doorways were 1.8 m and 1.5 m.
- The bus stop outside the shop was a bus stand where passengers only alighted, not boarded, and drivers swapped. Crowds did not form.

In response to Councillor Ward asking how the trollies braked and expressing safety concerns, Mr. Obadullah Khalid said that the trollies were heavy duty structures with brakes on each wheel which were safe and could not move once brakes were applied.

Councillor Pat Clouder asked if it was usual for other shops selling the same type of merchandise to be open until midnight and asked for clarification on

what categorised 'household goods'. In response, the Head of Environmental Health, Trading Standards and Licensing stated he did not have that information to hand but stated that there were two nearby premises with street trading licenses, one of which was not currently displaying and the other sold fruit and vegetables. He invited the applicant to clarify what household goods were sold at the premises. Mr. Obadullah Khalid replied that he did not currently display household goods, however he intended to display buckets, mops, brushes, sponges etc. He added that he wanted to display these to showcase the shops offering to passers-by and added that few shops in the area sold household goods.

Councillor Bird asked the applicant if he was aware that his shop was situated in one of the council's designated saturation areas. Mr. Obadullah Khalid responded that he did not initially know, only when he made the application. He stated he made his application to meet all of the requirements and measurements required.

Councillor Bird asked for an explanation of saturation zones. The Head of Environmental Health, Trading Standards and Licensing replied that applicants were made aware of saturation zones when applying for a street designation order. In reference to A6 on Page 23, Appendix A, the Council's Street Trading Policy was set out to the applicant, which reads that the council is of the view that there are enough designated sites. This is on the basis that any addition to the number of existing designated sites would have a detrimental impact on the safe and convenient passage of pedestrians in that part of the street. This means there is a presumption to refuse any further requests for a designation. However, the licensing principle of judging an application on its merits still applies and the policy should not be used as a blunt tool.

In response to Councillor Bird, the Markets & Street Trading Compliance Officer stated that the space outside the shop had not previously been designated.

Councillor Nina Degrad asked where the nearest fruit and vegetable shop was which displayed similar goods as proposed by the applicant. The Head of Environmental Health, Trading Standards and Licensing responded it was at 772 London Road.

The Committee confirmed that they were satisfied that they had heard the entirety of the presentation and discussion and **RESOLVED**:

1. To **DESIGNATE** the highway outside **Everfresh, 728 London Road, Croydon, CR7 7HW** as detailed in the application 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 **Quality Shop, 1131 London Road, Norbury, SW16 4XD**.

The Head of Environmental Health, Trading Standards and Licensing introduced and outlined the [Application \(Appendix B\)](#). He explained the process of designation for street trading, applying for street trading licences and the details of the application for the Committee to consider as set out in the appendices.

The Chair invited Committee Members to ask questions of officers regarding the application.

In response to Councillor Bird, the Head of Environmental Health, Trading Standards and Licensing stated that the edge of the proposed display was 3.4 m from the curb and 2.8 m from the post.

In response to Councillor Degrad's asking how the position of the lottery A-board moved outside of the shop, the Head of Environmental Health, Trading Standards and Licensing confirmed that the A-boards were dealt with under Town and Country Planning Act 1990 and were not licensed under Licensing legislation. If there were to be a complaint lodged in relation to the A-board causing hazard or obstruction, the council's Health & Safety team would investigate this, or the issue could be picked up by TfL enforcement officers as it is a TfL road, who would approach the applicant directly.

Councillor Hay-Justice asked how close the nearest shops were which sold similar goods. The Head of Environmental Health, Trading Standards and Licensing responded there were not many shops in the vicinity of the application who had street trading displays; the closest veering towards Norbury and Thornton Heath pond.

Mr. Babiharan Mathiyaparanam, the applicant, was introduced by the Chair and invited to make his representations. He had nothing to add to the information detailed in the agenda.

Councillor Stranack asked how busy the highway was outside of the shop and if it was a residential area. Mr. Babiharan Mathiyaparanam responded that it was a quiet area.

Councillor Degrad's commented that speaking as a resident who had passed the location, the shop was convenient being one of the few places to sell fruit and vegetables in the area and also had a smart and attractive display.

The Committee confirmed that they were satisfied that they had heard the entirety of the presentation and discussion and **RESOLVED**:

1. To **DESIGNATE** to the area of highway outside **Quality Shop, 1131 London Road, Norbury, SW16 4XD** as detailed in the application for the purposes of street trading.
1. To **GRANT** a street trading licence to the Applicant.

6/21

Licensing Act 2003: Review of Cumulative Impact Zones/Policies within London Borough of Croydon Statement of Licensing Policy & Creation of Cumulative Impact Assessment

The Head of Environmental Health, Trading Standards and Licensing introduced the [Report](#). The consultation, agreed by the Committee at the last meeting in December, commenced on 30 December. This ran until 17 February, totalling seven weeks. The policy ([Appendix 1](#)) and accompanying letter ([Appendix 2](#)), setting out the rationale and the purpose of the consultation, was sent to the statutory list of consultees ([Appendix 3](#)). The outcome of the consultation produced one response from the West Thornton ward councillors ([Appendix 4](#)), who expressed their support for extending the Cumulative Impact Zone (CIZ) policy on London Road and Brigstock Road/Thornton Heath High Street.

The Chair thanked the Head of Environmental Health, Trading Standards and Licensing for his introduction and noted that the recommendations seemed sensible and practical given Covid circumstances, and that it was no surprise there was a limited response to the consultation. He opened the floor to Committee Member questions.

The Head of Environmental Health, Trading Standards and Licensing confirmed to the Committee that the principle of judging an application on its merits when it came to committee as an important consideration in conjunction with a presumption to refuse, as outlined earlier in the meeting in relation to saturation zones, could also be applied to cumulative impact in CIZs.

Following comments from Councillor Ward suggesting that a reduction in bureaucracy to make an application could be a good change, the Chair stated that these policies would be discussed in 2022 as set out in the report.

In response to Councillor Degrad's asking if South Norwood and Addiscombe were on the CIZ "watch list", the Head of Environmental Health, Trading Standards and Licensing confirmed they were and said this was detailed in the current policy.

The Head of Environmental Health, Trading Standards and Licensing clarified that applications not in CIZs, including variation applications, were still considered by members in the same manner as a CIZ application. If members

were not satisfied by those applications or representations for a premises not in a CIZ, then they were required to grant.

The Committee **RESOLVED** to:

- 1.1. Consider the response to the consultation on the proposal to maintain Cumulative Impact Areas as currently set out in the Licensing Statement of Policy 2018 and the reasons for this and
- 1.2. Agree that, as a result of the response to the consultation:
 - 1.2.1 no changes are currently required to the assessment of Cumulative Impact Areas which form part of the Licensing Statement of Policy 2018
 - 1.2.2 the Licensing authority remains of the opinion that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment of cumulative impact (cumulative impact zones) as part of the Statement of Licensing Policy 2018 is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in that part or those parts
- 1.3 Agree that the Council's Licensing Policy under the Licensing Act 2003, copy attached at Appendix 1 to this report, shall remain unchanged until a future review is conducted, as detailed in paragraph 3.10 of the report and as such, no reference to Full Council is required.

7/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 7.30 pm

Signed:

Date:

Licensing Sub-Committee

Meeting held on Wednesday, 24 March 2021 at 10.30 am.
This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Robert Canning (Chair)
Councillors Pat Clouder and Margaret Bird

Also Present: Councillor Badsha Quadir (Ward Councillor)
Michael Goddard (Licensing Manager)
Butta Singh (Solicitor and Legal Advisor for the Sub-Committee)
Michelle Gerning (Democratic Services)

PART A

6/21 **Appointment of Chair**

Councillor Margaret Bird nominated Councillor Robert Canning as Chair and Councillor Pat Clouder seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Robert Canning as Chair for the duration of the meeting of the Sub-Committee.

7/21 **Disclosure of Interests**

There were none.

8/21 **Urgent Business (if any)**

There were no items of urgent business.

9/21 **Licensing Act 2003: Application for a Premises Licence at Merryn, The South Border, Purley, CR8 3LD**

The recording of this meeting can be view by clicking [here](#).

Following the item being heard the Licensing Sub-Committee's decision was:

The Licensing Sub-Committee considered the application for a Premises Licence at **Merryn, The South Border, Purley, CR8 3LD** contained in the report of the Executive Director 'Place' and circulated prior to the meeting.

After considering the additional information received along with hearing from the Applicant and Other Persons at the meeting, the Sub-Committee having reference to the licensing objectives under the Licensing Act 2003 ("the Act"),

the statutory guidance issued under S.182 of the Act and the Council's Statement of Licensing Policy, **RESOLVED** to **GRANT** the premises licence application.

The application has been granted with the following proposed, amended and additional conditions, as outlined below, given that the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

i) Conditions, as agreed/proposed by the applicant that are set-out within the report and additional information received:

1. Monica Costa, Marcello Moscarello and Cock & Tails Ltd will operate a Challenge 25 and age-restricted sales policy.
2. Challenge 25 logos shall be prominently displayed in all advertising material associated with this premises, including any websites.
3. When placing orders for alcohol online, customers shall be reminded to provide acceptable ID - a Photo Driving Licence, Passport or PASS Card in order to take delivery of their purchase.
4. Products will be delivered by a third-party courier who will employ the Challenge 25 scheme when alcohol deliveries are made, accepting only a Photo Driving Licence, Passport or PASS Card as ID.
5. Failure to provide proof of age will result in any alcohol not being delivered to the customer and returned to the premises.
6. Records of all such refusals of delivery of alcohol, or declined sales, shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.
7. All product deliveries containing alcohol will be marked with a Challenge 25 (or similar) sticker by premises staff and the driver reminded that the customers photo ID (passport, photo driving licence or PASS proof of age card) must be requested and checked prior to fulfilling the delivery.
8. No member of the public is permitted on the premises at any time for the purpose of conducting business.
9. All sales will take place online, with the premises being used for storage and distribution only.
10. There will be no stock delivery to the premises from outside sources.
11. Collection of finished stock from the premises will take place no more than once a day, usually mid-afternoon.

ii) Condition 8 is amended by the Sub-Committee to read;

'No in-person sales will be made and no members of the public shall be permitted to enter the premises to purchase alcohol. All purchases will be by delivery only.'

iii) Additional condition, as suggested by the applicant at the hearing to read;

'The licensable activity, relating to sale and supply of alcohol off the premises, is only permitted when Cock & Tails Limited is the premises

licence holder and remains under the ownership of Monica Costa, with Mr Marcello Moscarello being responsible for the licensable activity taking place as the Designated Premises Supervisor.’

Reasons for the decision:

The Sub-Committee, took into account the following reasons, when making their decision:

1. The additional information provided both prior to and at the hearing, by the Applicant assisted the Sub-Committee in clarifying any misconception as to actual nature and scale of the application, proposed activity and the actual level of operation that was intended
2. It was noted that no Responsible Authority had either made or maintained any representation, after the submission of the applicant’s operating schedule and following discussions with the applicant
3. The concerns raised by the Other Persons as to the title deeds, restrictive covenants and the premises being in a conservation area along with the lack of planning permission and food registration were not relevant factors, per se, that the Sub-Committee could consider within the remit of the licensing regime. The Sub-Committee noted that their decision making function was mainly confined and surrounds that of the licensing objectives. It was felt that the issues raised was, if anything, confined to planning considerations, which is a separate regulatory process.
4. In relation to the concerns raised as to possibility of public nuisance, in terms of any disruption caused by the proposed licensable activity and as to the any issues relating to the protection of children from harm. The Sub-Committee were satisfied given the scale and level of the proposed operation, in addition to the intended measures including the delivery service to be used, that the extent of any possible negative impact on the licensing objectives would be minimal, if anything.
5. The remaining concerns relating to the possible crime and disorder issues were discussed and it was noted that CCTV was already in operation, as already outlined within the operating schedule, as such the Sub-Committee felt that the concerns raised did not attract the weight of evidence or the level of concern to deem it appropriate to attach or amend any relevant conditions that had already been proposed.

It is for the reasons, as set-out above, that the Sub-Committee approved the application having regard to the promotion of the four licensing objectives.

.....
Public Informative:

- i) Planning Informative; It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regards to any future planning application or permission, which may be made or sought by the applicant.
- ii) It should be noted for the public record that the applicant confirmed that at all times when the alcohol is not in use it would kept in a secure and locked location/room.

10/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11.40 am

Signed:

Date:

Licensing Sub-Committee

Meeting of held on Thursday, 29 April 2021 at 10.30 am.
This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillors Robert Canning (Chair)
Councillors Margaret Bird and Nina Degrads

Also Present: Councillor Chris Clark (Ward Councillor)
Michael Goddard (Licensing Manager)
Jessica Stockton (Solicitor and Legal Advisor for the Sub-Committee)
Shaun Hanks (Head of Quality Assurance and Safeguarding)
Anoushka Clayton-Walshe (Democratic Services)

PART A

11/21 **Appointment of Chair**

Councillor Nina Degrads nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Robert Canning as Chair for the duration of the meeting of the Sub-Committee.

12/21 **Disclosure of Interests**

There were none.

13/21 **Urgent Business (if any)**

There were no items of urgent business.

14/21 **Licensing Act 2003: Application for a Premises Licence at Units 53-57, Boxpark, 99 George Street, Croydon, CR0 1LD**

The recording of this meeting can be view by clicking [here](#).

Following the item being heard the Licensing Sub-Committee's decision was:

The Licensing Sub-Committee considered the Application for a Premises Licence at **Units 53-57 Boxpark, 99 George Street, Croydon, CR0 1LD** and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant prior to the hearing and incorporated in the supplementary information published as an addendum to the report.

The Sub-Committee noted that the Applicant had, in discussions with the Police licensing officer, amended their application to have the following condition added to the licence, if the Sub-Committee were to grant the application, namely:

“During events in Boxpark which the Metropolitan Police deem as high risk, given one month’s notice, the premises will operate as a bar only for the duration of that event.”

The Sub-Committee also considered the representations made by the Applicant and the objectors during the hearing.

During the course of the hearing, the applicant confirmed that they would like an additional condition to their operating schedule which would be applied as a condition to the license if the Sub-Committee were minded to grant the application. This additional condition was as follows:

“The doors opening to George Street shall be kept closed at all times except in respect of emergency access and emergency egress”

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended by the Applicant with the addition of a further condition imposed by the Sub-Committee which would supersede conditions 6 and 7 proposed by the Applicant in Annex A to Appendix A1 of the report. The Sub-Committee imposed this further condition on the basis that the Sub-Committee were satisfied that it was appropriate and proportionate and would support the Licensing Objectives, in particular the promotion of Protection of Children from Harm, to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee was mindful that axe throwing was not a licensable activity under the Licensing Act 2003 (“the Act”) but that the licensable activity they were tasked with considering was the sale of alcohol by retail.
2. The Sub-Committee noted that the Police had not raised any objections to the proposed application, whether from a crime and disorder perspective or in relation to any of the other Licensing Objectives under the Act and had been consulted by the applicants and in turn had visited the venue to assess the risks associated with the application. As part of this engagement, the police had suggested conditions be offered reflecting similar conditions imposed on the Wembley venue of the applicant’s premises as detailed in the report and in addition, a condition had been agreed with the police as detailed above.
3. The Sub-committee noted the concerns raised by Croydon Council’s Head of Quality Assurance and Safeguarding in relation to the

Protection of Children from Harm licensing objective, including the concerns about those under 18 being permitted on the premises and the associated concerns about safeguarding and protecting children in the context of the premises' operations and sale of alcohol within the Croydon context including concerns about youth knife crime and violence when compared to other London Boroughs.

4. The Sub-Committee were also mindful of the representations made by a ward councillor for the area in which the proposed premises would operate, including in relation to the protection of children from harm given the supply of alcohol and the perceived adult nature of the activity of axe throwing. The ward councillor also raised issues around ID checks for all patrons at the venue (not just in relation to the sale of alcohol) but the Sub-Committee considered that these were adequately addressed in relation to the Licensing Objectives by the imposition of the proposed condition detailed below.
5. In relation to the concerns raised by the objectors, the Sub-Committee noted that the applicant had prepared a risk assessment of the undertakings at the premises which was before members for their consideration and which the sub-committee considered addressed many of the potential concerns and risks they were mindful of, however they remained concerned around the promotion of the protection of children from harm in relation to the sale of alcohol given the proposed activities and the proposed presence of children on the premises even if that presence was subject to restrictions as suggested by the Applicant.
6. The Sub-Committee noted that the applicant had indicated that it considered that the activity of axe throwing was one which was suitable for those under 18 subject to the safety parameters they proposed for the premises and around the activities, including in relation to the requirement that all children would only be permitted onto the premises under the supervision of a responsible adult and that no children under 18 would be permitted on the premises after 21h00. It was noted however that Boxpark requires that all under 18's have left the Boxpark site by 20h00.
7. The applicant noted that axe skills and throwing were things taught to children as part of "forest" skills and scouts and the applicant considered it was appropriate for children in the context of this application. The Sub-Committee were not swayed by that analogy bearing in mind that they were considering a licensed premises in the centre of an urban area which was proposing the recreational throwing of axes whilst also proposing to sell alcohol to patrons and to which it was proposed to admit children.
8. The Sub-committee noted that the applicant's risk assessment had considered that it would be appropriate for 1 adult to supervise up to 6 children on the premises, some which could be as young as 8 and be

entitled to throw axes subject to coaching and supervision. The Sub-Committee also noted that the applicant had indicated that each group would have their own coach for axe throwing and while only two members of a group would be throwing axes at any one time the average group size at their other venue was 8 and they expected similar at Croydon. The Sub-Committee also noted that there would be 1 “floating” coach, not assigned to a group, to provide extra supervision.

9. The Sub-committee noted that the applicant had indicated that they didn't get many children in their other branch and didn't anticipate many in Croydon. Indeed the premises is anticipated by the applicant to be most busy on weekends and evenings with pre-booked groups.
10. The Sub-Committee considered whether or not it would be appropriate to impose a condition on the applicant requiring an obscuring of the windows through which activities within the premises, including the axe-throwing, could be viewed. There was concern that the ability for this activity to be viewed could lead to imitation by younger more impressionable residents, such as those under 18, but also that this ability would be seen to be glamourising or promoting the use of weapons in a borough which already has a significant knife crime and violence issue. The Applicant had indicated at the hearing that they were not aware that imitation had been an issue in other venues and did not consider, because of the stringent safety requirements and coaching that they provided as part of the axe-throwing, that it would be viewed as the use of a weapon rather than a sport and skill, the latter being how they promoted the activity. The applicant was also keen to ensure that those outside the premises could view the controlled way in which they operated the premises as it would act as a marketing mechanism for them to promote the business and as a small business, they did not have much in the way of marketing budget.
11. The Sub-Committee were mindful that, as provided for in the Statutory Guidance and in the Council's Licensing statement of Policy, protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms. The Sub-Committee were also mindful of the direction in the statutory guidance that significant weight should be given to representations about child protection matters.
12. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 regarding the imposition of conditions and noted that determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the

premises licence holder (such as the financial burden due to restrictions) as well as the potential benefit in terms of the promotion of the licensing objectives.

13. Finally the Sub-Committee was aware that licence conditions should not seek to duplicate other statutory provisions although licensees should be mindful of requirements and responsibilities placed on them by other legislation, including for example the Health and Safety at Work etc. Act 1974.

14. In light of the above matters, the Sub-Committee did not consider that it would be appropriate to impose a condition regarding obscuring the windows into the premises at this point in time but that the below condition was more appropriate to deal with the protection of children from harm objective. The Sub-Committee did however reach the conclusion that it was appropriate and proportionate to provide the following condition to address the protection of children from harm licensing objective:

“No children under the age of 18 (eighteen) shall be permitted on the premises”

This condition is to replace the proposed conditions 6 & 7 in the applicant’s operating schedule.

15. The Sub-Committee wished to thank all participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee’s consideration and wished the applicant well in their safe and successful operation of their business.

15/21 **Licensing Act 2003: Application for a Premises Licence at 22 Russell Hill Road, Purley, CR8 2LA**

This application was resolved ahead of the meeting following the withdrawal of the objecting representation.

16/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 12.10 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting held on Wednesday, 23 June 2021 at 10.30 am. This meeting was held remotely. To view the meeting, please use this link - [here](#).

MINUTES

Present: Councillor Robert Canning (Chair)

Councillors Karen Jewitt and Margaret Bird

Also Present: Councillor Robert Ward (Ward Councillor)

Michael Goddard (Head of Environmental Health, Trading Standards and Licensing)

Butta Singh (Solicitor and Legal Advisor for the Sub-Committee)

Cliona May (Democratic Services)

Tariq Aniemeka-Bailey (Democratic Services)

PART A

17/21 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Robert Canning as Chair for the duration of the meeting of the Sub-Committee.

18/21 **Disclosure of Interests**

There were none.

19/21 **Urgent Business (if any)**

There were no items of urgent business.

20/21 **Licensing Act 2003: Application for a Premises Licence at Addington Park, Croydon, CR0 5AR**

The recording of this meeting can be viewed by clicking [here](#).

Following the item being heard the Licensing Sub-Committee's decision was:

The Licensing Sub-Committee considered the application for a time limited Premises Licence at **Addington Park, Croydon, CR0 5AR** contained in the report of the Executive Director 'Place' and circulated prior to the meeting.

After considering the additional information received along with hearing from the Applicant's representative and Other Persons at the meeting, the Sub-Committee having regard to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S.182 of the Act and the Council's Statement of Licensing Policy, **RESOLVED to GRANT** the premises licence application.

The application has been granted with the following amendment and additional conditions, as outlined below, to those set-out within Appendix A2 and A3 within the Agenda given that the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

i) Amendment to the application:

The sale and supply of Alcohol will cease at 21.30 hours, on both days, to allow for a drinking up time before the event comes to an end on each day.

ii) Additional Conditions:

1. The event will be for no more than 4,000 patrons on any one day and will only be for those who are 18 years old or over and who have purchased pre-booked tickets in advance of the event.
2. A Police and/or Security presence will be made available outside of the premises until the dispersal of all patrons, with such a presence being available until at least 23.30 hours.
3. Butterfly Enterprise Ltd shall ensure there is continued dialogue with Residents and/or their Representatives, such as Ward Cllrs or Resident Associations in the lead up to the event and post the event to enable any concerns or issues to be adequately addressed and/or considered.
4. A dedicated telephone and email address shall be monitored throughout the two day period for which the licence is applicable and shall be in operation until 3 days after the event. This dedicated contact is to facilitate the cleansing team and to assist with any other related nuisance issues arising from the event taking place.

Reasons for the decision;

The Sub-Committee, took into account the following reasons, when making their decision:

1. The information provided both at the hearing and after the meeting, by the Applicant's representative, to assist the Sub-Committee in clarifying and demonstrating the level of thought, consideration and discussion that has gone into the planning of this event along with the appropriate measures and polices in place to ensure the licensing objectives are continually promoted.
2. It was noted that no Responsible Authority had either made and/or maintained any representation, after submission of the applicant's application and operating schedule. The Sub-Committee accept that this was due to the discussions that had taken place with the applicant both before their licence application and following on from the meetings with the Safety Advisory Group (SAG) and other regulatory partners, such as Transport for London and the British Transport Police.
3. The concerns raised by the Other Persons as to the perceived public nuisance and crime and disorder that may arise before, during and after the event were duly noted by the Sub-Committee. However, the Sub-Committee were satisfied that the event has been subject to extensive consultation with SAG and other related partners prior to the sub-committee hearing, as such it is believed that these concerns have already been identified with the necessary measures and steps taken or will be taken before, during and after the event.
4. The Sub-Committee noted that the following measures and polices include;
 - a) Management and Operating Plan
 - b) An Event Risk Assessment
 - c) Crowd Management Plan
 - d) Show Stop Procedure
 - e) Traffic Management Plan
 - f) Noise Management Plan
 - g) Child Protection Policy
 - h) Medical Plan
 - i) Major Incident Plan
 - j) Fire Management Plan
 - k) Drugs Policy
 - l) Weapons Policy
 - m) Amnesty Bins Policy
 - n) Terror & Attack Policies, and
 - o) Security Operating Plan
5. The Sub-Committee also noted that the event will also be overseen by;
 - a) Festival Directors
 - b) A Site Manager

- c) A Safety Manager, and
- d) A Security Manager

6. The Sub-Committee believed with the measures and polices that are in place, which are to be overseen by the personnel outlined above, along with the continued discussions with all relevant partners involved in SAG and with the additional conditions, which includes the applicant facilitating on-going dialogue with residents and/or their representatives, will ensure that the licensing objectives will not be unduly undermined.

It is for these reasons, as set-out above, that the Sub-Committee approved the application having regard to the promotion of the four licensing objectives.

21/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 12:24 pm

Signed:

Date:

REPORT TO:	LICENSING COMMITTEE 14 July 2021
SUBJECT:	London Local Authorities Act 1990 Application for Street Designation Order x2
LEAD OFFICER:	Interim Executive Director, Place Department
CABINET MEMBER:	Councillor Manju Shahul-Hameed, Cabinet Member for Communities, Safety and Business Recovery
WARDS:	Broad Green
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	

1.	RECOMMENDATIONS
1.1	The Committee is asked to determine whether to designate the sites detailed at Appendices A & B for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate two sites 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.)

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 Appendices A & B to this report provide details of the designation applications. The applicants have been invited to attend the meeting.
- 3.4 If the sites outlined in Appendices A & B are 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 areas as outlined in Appendices A & B will allow (as applicable) 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 or the 2.8 metre clear distance which is the requirement for roads maintained by TfL

4. CONSULTATION

- 4.1 Both applications were advertised in the Croydon Guardian and brought to the attention of the police, planning, highways or TfL (as applicable), 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.

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

6. LEGAL CONSIDERATIONS

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 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are no additional legal implications arising from the recommendations in the report other than those already set out within the body of the report.

(Approved by Sandra Herbert, Head of Litigation and Corporate law on behalf of the Director of Law and Governance and Deputy 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, Head of Environmental Health,
Trading Standards and Licensing, Place
Department, ext. 61838.

BACKGROUND DOCUMENTS: Application Forms

APPENDIX A

Applicant: Ms. Noemi Lengyel

Location: On the highway outside 288 London Road, Croydon, CR0 2TG.

Measurements: The application seeks a trading area of length 2.8 metres and width 0.9 metres. This would leave a clear pavement width of 4.7m from the edge of the proposed display to the post at the crossing shown in the photograph. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix A1 shows photographs of the display and available pavement space. Appendix A2 is a diagram of the site with relevant measurements marked on it.

Proposed Times of Trading:

Monday to Sunday 9am to 9pm.

To Display: Fruit & Vegetables

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix A3.
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments 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 14.07.2021. A copy is attached at Appendix A4.
- 1.6 There are eleven other premises in the immediate area that are already licensed for street trading, though all are on the opposite side of London Road running from Nos. 243 to 271. All are marked on the map at Appendix A5.
- 1.7 Would the committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware of this at the time of application and more recently by letter. A copy of that letter is attached at Appendix A6.

- 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





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PROPERTY
FOR 10%
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FRESH & FROZEN FISH DAILY

SMART MOBILE REPAIR CENTRE
BROKEN SCREEN REPAIR
REPAIRING • UNLOCKING • ACCESSORIES

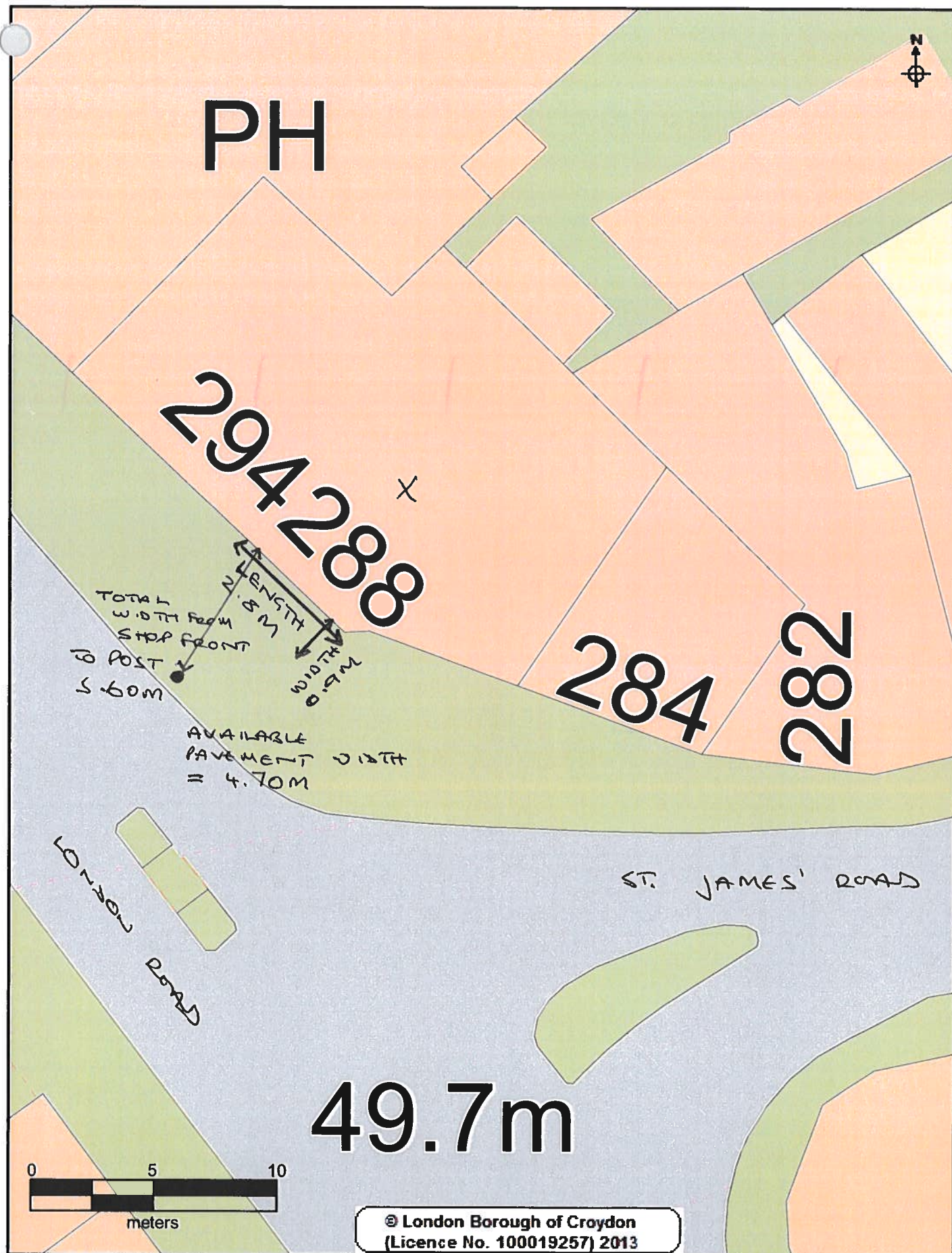
SEAFOOD & HALAL MEAT ~ SUPERMARKET ~

FRESH & FROZEN FISH WHOLESALE
KING PRAWNS • SEA BASS • GRODNER STEAK • SALMON • RED MULLET • HAKE FISH • TILAPIA • Haddock • CHICKEN • TURKEY • FRESH MEAT

017852 845665

BROKEN SCREEN REPAIRS





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 NOEMI
- b) Last/Family Name LENGYEL
- c) Full Home Address of Applicant
.....
.....
- d) Home Tel No e) Mobile No
- f) E mail address:
- g) Date of Birth :

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

- a) Trading Name of Premises: SEA WORLD AND AFRICAN FOOD CENTRE
- b) Trading Address: 288 LONDON ROAD
- c) Business Tel No :

3. DISPLAY AREA (see note C)

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

Length 2.80 Width 0.90 Height 0.90

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

Sunday: from 9 AM to 9 PM Thursday: from 9 AM to 9 PM

Monday: from 9 AM to 9 PM Friday: from 9 AM to 9 PM

Tuesday: from 9 AM to 9 PM Saturday: from 9 AM to 9 PM

Wednesday: from 9 AM to 9 PM

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

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch

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. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

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

Date 16/11/20

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**NOEMI LENGYEL****TO USE SITE KNOWN AS****Sea World African Food Centre
288 London Road
Croydon
CR0 2TG****TO DISPLAY****Fruit & Vegetable****SIZE OF DESIGNATED DISPLAY****Length 2.80 m, Width 0.90 cm, Height 0.90 cm****PERMITTED DAYS & TIMES****Monday - Saturday 9:00 am - 9:00 pm
Sunday 9:00 am - 9:00 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.**

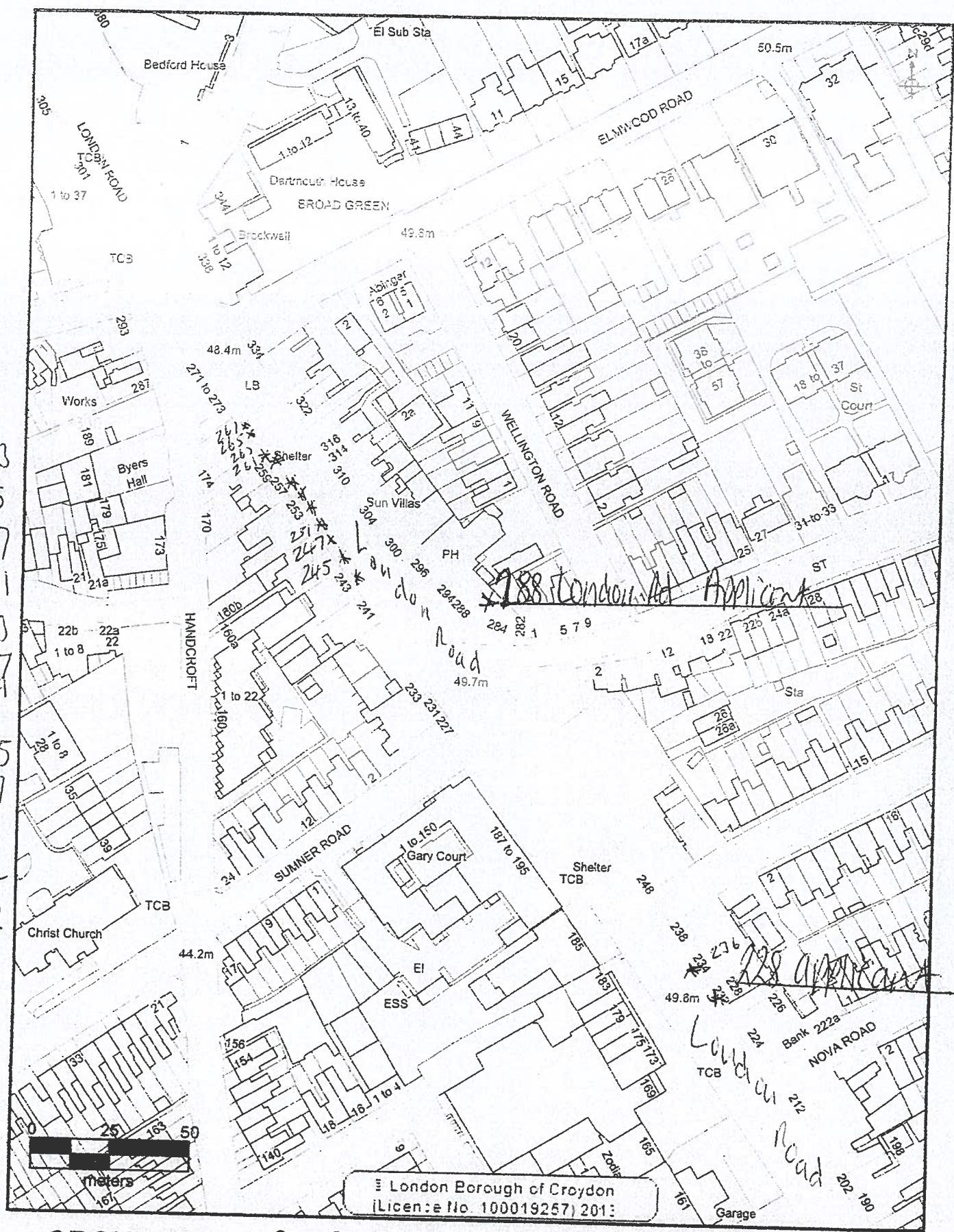
Date Licence Valid From: 16.11.2020**Date Licence Expires: 14.07.2021 or on Date of Committee Decision****Licence Number: 21/00126/STT**

**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.



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- 282

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 www.croydon.gov.uk

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London Borough Croydon

Scale 1:1500

25-Feb-2021

*-13 Previously designated areas for Street trading Nearby 288/228
 Page 41



Place Department
Licensing Team
6th Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

AB

Tel/Typetalk: 0208 726 6000 x 62457
Fax: 020 8760 5786
Minicom: 020 8760 5797
Please ask for/reply to: [redacted]

Noemi Lengyel

Your Ref:
Our Ref:
Date: 24 June 2021

Dear

Subject: Street Designation Order

Address: **288 London Road Croydon CR0 2TG**

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

[redacted]
Licensing Officer

APPENDIX B

Applicant: Mr. Anil Balakrishnan

Location: On the highway outside 228 London Road, Croydon, CR0 2TF.

Measurements: The application seeks a trading area of length 4.3 metres, width 0.8 metres and height 2.5 metres. This would leave a clear pavement width of 3.0 metres from the edge of the proposed display to the pay machine shown in the picture. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix B1 shows photographs of the display and available pavement space. Appendix B2 is a diagram of the site with relevant measurements marked on it.

Proposed Times of Trading:

Monday to Sunday 9am to 11pm.

To Display: Household items

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix B3.
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments 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 14.07.2021. A copy is attached at Appendix B4.
- 1.6 There are two other premises in the immediate area already licensed for street trading. The relevant premises, 232 and 234-236 London Road are marked on the map at Appendix B5.
- 1.7 Would the committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware of this at the time of application and more recently by letter. 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







Rec-277849

RECEIVED 25 NOV 2020 B3

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 ANIL
- b) Last/Family Name BALAKRISHNAN
- c) Full Home Address of Applicant
..... CROYDON
- d) Home Tel No e) Mobile No
- f) E mail address:
- g) Date of Birth :

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

- a) Trading Name of Premises:
- b) Trading Address: 228 LONDON ROAD
..... WEST CROYDON CR0 2TF
- c) Business Tel No :

3. DISPLAY AREA (see note C)

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

Length 4.30 m Width 0.8 m Height 2.5 m

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

Sunday: from 9am to 11pm Thursday: from 9am to 11pm

Monday: from 9am to 11pm Friday: from 9am to 11pm

Tuesday: from 9am to 11pm Saturday: from 9am to 11pm

Wednesday: from 9am to 11pm

c) Type of goods or services to be displayed : HOUSEHOLD ITEMS

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch

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. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

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

Date 16/11/2020

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:

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.

Place Department
Licensing Team
6th Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

36

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

Anil Balakrishnan

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

Your Ref:
Our Ref:
Date: 24 June 2021

Dear

Subject: Street Designation Order

Address: 228 London Road Croydon CR0 2TF

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

Licensing Officer

Agenda Item 7

REPORT TO:	LICENSING COMMITTEE 14 JULY 2021
SUBJECT:	LONDON LOCAL AUTHORITIES ACT 1990 (as amended) Review of trading pitch licence fees - Surrey Street
LEAD OFFICER:	Sarah Hayward, Interim Executive Director, Place
CABINET MEMBER:	Councillor Manju Shahul-Hameed Cabinet Member, Communities, Safety and Business Recovery
WARDS:	Fairfield
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
FINANCIAL IMPACT <p>This report concerns a review of street trading pitch licence fees in Surrey Street and a proposal to increase them. In summary, the Council is entitled to calculate fees so that the estimated income for the year covers the estimated costs to the Council of providing the service. The report identifies the current fees, which were set in 2006, the current estimated costs and the proposed revised fees. It is estimated that the additional income from the revised fees will be sufficient to balance current costs to the Council of providing a street trading service in Surrey Street.</p> <p>The implications of this report generate an additional £44k of income in a full year to mitigate the net cost of street trading in Surrey Street and contribute towards the savings relating to Fees and Charges set out in the Medium Term Financial Strategy approved in March</p>	

1. RECOMMENDATIONS

The Licensing Committee is asked to:

- 1.1. Consider the comments received in response to the giving of notice of the proposed new fees.
- 1.2. Determine that for the reasons detailed in paragraphs 4.2 & 4.3, the revised fees for trading pitch licenses on Surrey Street as set out below be adopted and agree the giving of public notice for these to be brought into effect on 1 August 2021:
 - £95 per week per trading pitch measuring 3m x 3m for permanent annual licence holders trading six days a week Monday to Saturday
 - £10 per day per trading pitch measuring 3m x 3m for the first four weeks

- of trading for new casual (start-up) temporary licence holders
- £20 per day per trading pitch measuring 3m x 3m after the first four weeks of trading for casual temporary licence holders including Sunday (this would also apply to any permanent licence holders who wish to apply for a temporary licence to trade on a Sunday).

2. EXECUTIVE SUMMARY

- 2.1 Under the London Local Authorities Act 1990 (as amended) a street trading licence, issued by the Council, is required to display goods for sale or to supply a service for gain, such as the placing of tables and chairs, on the public highway, including the pavement, or any other area that is within seven metres of any public highway. This includes stalls displaying goods for sale and mobile vehicles trading from a fixed position, such as food vendors. The Act allows the Council to charge fees to cover the costs of providing a street trading service.
- 2.2 In Surrey Street, the Council currently charges a fixed fee of £75.10 per week for an annual street trading licence and this permits the licence holder to trade six days a week, Monday to Saturday from a fixed pitch measuring 3m x 3m. In addition, casual traders are permitted to apply for temporary licenses to trade for one or more days per week on a 3m x 3m pitch at a cost of £10 per trading day for the first four weeks of trading (where they are new) and £15 per day thereafter. Temporary street trading licenses are also available to permanent and casual traders to trade on Sunday at £15 per day.
- 2.3 This report details the process followed by the Council in accordance with the London Local Authorities Act 1990 (the Act) to give notice of the proposed new fees, the comments received in response to the giving of that notice and the proposals for the new charges being recommended.

3. DETAIL

- 3.1 Surrey Street is long established as a location for street trading from stalls, primarily for the display of goods for sale, such as fresh fruit and vegetables and those who trade there are issued with annual street trading licenses by the Council as the local authority for the purposes of the London Local Authorities Act 1990 (as amended). In more recent years, a number of hot food vendors have also started trading in Surrey Street and these tend to operate as casual traders under a temporary street trading licence.
- 3.2 The Act allows the local authority to charge such fees for the grant or renewal of a street trading licence or for the grant of a temporary licence so that the fees are sufficient in aggregate to cover in whole or in part the reasonable administrative or other costs to the Council in connection with their functions under the Act. Other costs may include enforcement and compliance, the cleansing of streets in which street trading takes place and the collection and disposal of refuse.
- 3.3 Licenses are issued at the Councils discretion but there are fixed criteria for refusing an application and there are rights of appeal to the magistrates' court

where an application for a licence is refused. Street trading licenses in Surrey Street are granted for a year and then may be renewed. They renew on the anniversary of the grant and currently, all annual licenses expire on 31 March each year. The majority of the permanent traders in Surrey Street are long established.

- 3.4 The current fee charged for an annual licence to trade from a pitch measuring 3m x 3m in Surrey Street is £75.10 per week and this permits the licence holder to trade six days a week, Monday to Saturday. This fee was set in 2006 and has not been increased since. The current fee charged to 'casual' traders for a temporary licence to trade one or more days a week between Monday to Saturday is £10 per day for the first four weeks of trading (for new traders effectively as a business startup incentive) and £15 per day thereafter. In addition, temporary licenses are available to permanent and casual traders to trade on Sunday at a rate of £15 for the day. The market has been allowed to remain open throughout the covid-19 pandemic with traders classified as providing essential retail.
- 3.5 There are 67 available trading pitches on Surrey Street. There are currently 17 permanent licence holders trading over a total of 36.5 pitches and a further 8 casual traders who currently trade for an average of three days per week. There are a further small number of casual traders who trade on a more occasional basis.

4. CONSULTATION

- 4.1 In line with Section 32 of the London Local Authorities Act 1990 (as amended), following a review of the current fees charged, on 3 June 2021 the Council wrote to all permanent and casual traders to make them aware of the fee review and to invite their comments on the proposal to increase fees. A copy of that letter and the accompanying breakdown of income and costs is attached at Appendix 1. On the same day, a public notice was placed in the Croydon Guardian in connection with the fee review and proposals. A copy of that notice is attached at Appendix 2.
- 4.2 The current income from fees does not equal the costs the Council incurs in respect of the administrative, enforcement and compliance, cleansing and the collection and disposal of refuse duties in providing a street trading service in Surrey Street.
- 4.3 The administrative functions include raising invoices and receipting payments, taking payments over the phone, issuing pitch agreements, issuing licenses, issuing reminders, amending licenses, dealing with enquiries from potential traders and licence holders and also from other businesses in the vicinity of Surrey Street and members of the public, liaising with colleagues within the Council including the corporate debt recovery team and waste contract management officers and colleagues outside the Council such as staff at the Council's waste contractor. Enforcement and compliance functions include ensuring compliance by traders with licence terms and conditions, dealing with complaints and concerns from license holders, dealing with disputes between licence holders, investigating complaints from members of the public and other businesses in the vicinity about trading in Surrey Street or about a particular

trader and ensuring the general environment in Surrey Street is maintained to ensure trading can be conducted by traders safely and without interruption to them or the general public.

- 4.4 Administrative and enforcement/compliance duties also include ensuring as diverse a range of goods as possible are available but at the same time ensuring the market retains its traditional, historic role. Cleansing and refuse disposal duties focus on street sweeping and clearing landfill waste throughout the day, distributing bins and waste bags to traders, taking bins to the bin area, litter picks, monitoring waste bins, cleaning food waste bins, the attendance of a refuse lorry to remove all waste from bins and assisting in the final clearance of the market at the end of each trading day.
- 4.5 The Council received two written comments during the consultation period and copies of these are attached in the table at Appendix 3, together with advisory comments to assist members in respect of the proposals.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Revenue Budget available				
Expenditure	205	205	205	205
Income	161	205	205	205
Effect of decision from report				
Expenditure	205	205	205	205
Income	161	205	205	205
Remaining budget	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Capital Budget available				
Expenditure	0	0	0	0
Effect of decision from report				
Expenditure	0	0	0	0
Remaining budget	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

2 The effect of the decision

Should the decision be approved then there will be no change to the current budgets but it will ensure that the income budget should be met each financial year as opposed to the current yearly shortfall the council has. It should be noted that the new charges are not being introduced to increase the income budget but to ensure that the income achieved matches the expenditure incurred.

The setting of fees and charges at level to recover cost was included as a saving proposal approved as part of the MTFs approved in March. This proposal contributes to the delivery of that target

3 Risks

If the recommendations in this report are not approved the Council will continue to bear the additional costs of providing the service. This should be a cost neutral cost centre.

4 Options

This is a cost recovery exercise to ensure the Council recovers its expenditure incurred in providing the service so there are no additional options.

5 Future savings/efficiencies

As this service should be a net neutral position for the Council there are no further savings efficiencies planned as this report will achieve the cost neutral position.

Approved by: Matthew Davis, Deputy S.151 Officer

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that, as set out in Part 3 of the Constitution, the Licensing Committee is responsible for all licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. The functions relating to street trading licensing under the London Local Authorities Act 1990, as amended (“the Act”) are such licensing functions.
- 6.2 Street trading fees are governed by Part 3 of the London Local Authorities Act 1990, section 32.
- 6.3 The Council may charge such fees for the grant or renewal of a street trading licence under this Part of this Act, the grant of a temporary licence or for the variation at the request of the licence holder of the conditions of a street trading licence as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under this Part 3 of the Act, not otherwise recovered. The Council may recover from licence holders such charges as may be sufficient in the aggregate taking one year with another to cover the reasonable costs, not otherwise recovered, of –
- (a) the collection, removal and disposal of refuse or other services rendered by them to such holders; and
 - (b) the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; and
 - (c) any reasonable administrative or other costs incurred in connection with the administration of this Part of this Act; and
 - (d) the cost of enforcing the provisions of Part 3 of the Act.

- 6.4 The Council may determine the fees to be charged on the grant of a temporary licence under [section 31](#) (temporary licences) of this Act, and in doing so they shall have regard to the matters specified in 6.3 above.
- 6.5 Before determining charges to be made (whether originally or by way of variation of charges previously determined) the Council is required to give notice of the proposed charges to licence holders or to a body or bodies representative of them; and to publish notice of the proposed charges in a newspaper circulating in the area in which the licence street or streets in respect of which the charges will be applied is situated. Compliance with these requirements is detailed within the body of the report and in the appendices.
- 6.6 The Council is required to consider any such representations which are made to them within the period specified in the notice.
- 6.7 When the Council have determined fees or charges (whether originally or by way of variation of fees or charges previously determined) the Council must give notice of the fees or charges so determined and of the date on which those fees or charges are to be brought into effect.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 The purpose of this report is to ensure income from fees balances the current costs to the Council. It is intended that current levels of staff resource be maintained and focused on providing the street trading service.

Initially there are no HR impact issues to consider, if any should arise these will be managed under the Council's Policies and Procedures.

(Approved by: Jennifer Sankar, Head of HR Place & Housing for and on behalf of Sue Moorman, the Director of Human Resources)

8. EQUALITIES IMPACT

- 8.1 The Equality Act (2010) requires public bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 8.2 The protected characteristics covered by the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.3 There is no indication that the recommendations will have a disproportionate

impact on any individuals or groups with a shared protected characteristic. Public consultation was undertaken with no equality concerns raised.

Approved by: Gavin Handford, Director of Policy and Partnership

9. ENVIRONMENTAL IMPACT

- 9.1 There are no perceived environmental implications associated with this report, though it is important that suitable and sufficient cleansing and refuse collection & disposal measures are in place to limit the possibility of litter and pest (vermin) issues.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no perceived crime and disorder implications arising from this report.

11. DATA PROTECTION IMPLICATIONS

11.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

(Approved by: Steve Iles, Director of Public Realm)

CONTACT OFFICER: Michael Goddard, Head of Environmental Health, Trading Standards and Licensing

APPENDICES TO THIS REPORT

Appendix 1 – Consultation letter and breakdown of income & costs

Appendix 2 – Consultation newspaper advert

Appendix 3 – Table detailing comments received during consultation

BACKGROUND DOCUMENTS: *[Complete for Part A reports only - list documents which have not been published previously]*

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Place Department
Licensing Team
Floor 6, Zone A
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

Tel/Typetalk: 020 8760 5466
Fax: 020 8633 9661
Minicom: 020 8760 5797
E-mail: licensing@croydon.gov.uk

Your Ref:
Our Ref:
Date: 3 June 2021

Dear Trader,

Re: Proposed increase in Trading Licence Fees – Surrey Street
Legislation: London Local Authorities Act 1990 (as amended)

I am writing to you as the holder of a street trading licence, issued by the council under the above legislation, which permits you to trade in Surrey Street.

Street trading fees may be calculated so that the estimated income for the year balances the Council's estimated costs for enforcement, administration, cleansing and refuse services, as applicable to street trading. The charges which may be made are governed by Part 3 of the London Local Authorities Act 1990, s.32. This enables the Council to recover its reasonable costs.

Currently, the weekly charge for a permanent single trading pitch (3 metres by 3 metres) on Surrey Street is £75.10 for six days a week, Monday to Saturday. This fee has been the same since 2006, when the pitch fees were last reviewed and when pitches measured 2.75 metres by 2.14 metres. However, following a review, we are proposing to increase the weekly fee in line with a rise in costs as it has been calculated that the current fees do not cover the Council's reasonable administrative, enforcement, cleansing and refuse services costs that are incurred in respect of Surrey Street.

This letter is to give you notice of the proposed increases and provide the opportunity for you to make representations about them.

We are proposing that the rate for a permanent single pitch on Surrey Street is increased to £95 a week. This increase is still less than if the Retail Price Index (inflation) had been applied each year since the fees were last set in 2006. If that were the case, the current fee would be £114 per week.

In addition to permanent trading pitches, there are a number of casual or temporary traders, for example ready to eat food vendors, that operate on temporary licenses and who do not trade every day. The current charge for a temporary license is £10 per day for the first four weeks, then £15 per day

thereafter. In addition, temporary licenses are available to permanent and casual traders at £15 per day should they wish to trade in Surrey Street on a Sunday.

We are proposing to keep temporary licenses at the current charge of £10 per day for the first four weeks and thereafter, increase the daily charge to £20 per day, including Sunday.

A statement showing the costs and how the proposed fees have been computed is attached at Appendix A.

We propose to introduce these new charges from 1 August 2021.

If you wish to comment or make a representation on these proposals, email licensing@croydon.gov.uk or write to:

The licensing team
Place department
Floor 6, zone A
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Any representations must be received by 5pm on 1 July 2021. Representations will be considered by the council's licensing committee when it reviews the proposal.

If you'd like to speak to someone about this, the licensing team on 020 8760 5466 or at licensing@croydon.gov.uk

Yours faithfully,



Councillor Manju Shahul-Hameed
Cabinet Member for Communities, Safety and Business Recovery

Appendix A

Activity	Annual cost	Working days	Cost per day for Surrey Street
Collection, removal and disposal of refuse Cleansing of street (see breakdown of tasks in note below)	£158,000	304 (Monday to Saturday = 6 days a week, multiplied by 52 weeks minus 8 bank holidays)	£519.74
Reasonable administrative costs and enforcement costs	£47,416 Includes 50% of two posts: 1. one administrative officer (office based) 2. one enforcement officer (street based)	304 (Monday to Saturday = 6 days a week, multiplied by 52 weeks minus 8 bank holidays)	£155.97
Totals	£205,416*	304 (Monday to Saturday = 6 days a week, multiplied by 52 weeks minus 8 bank holidays)	£675.71
Traders	Current Income	Current costs	Proposed income
Current permanent – 17 traders trading over 36.5 pitches	$£75.10 \times 52 \times 36.5 =$ £142,539	£158,000	$£95 \times 52 \times 36.5 =$ £180,310
Current casual – 8 traders trading an average of 3 days per week	$£15 \times 52 \times 8 \times 3 =$ £18,720	£47,416	$£20 \times 52 \times 8 \times 3 =$ £24,960
Totals	£161,259*	£205,416**	£205,270***

*Current income = £161,259

**Current costs = £205,416

***Proposed income from new fees = £205,270

Note:

6am to 3pm - sweeper and loader sweep market (two operatives). Loader also distributes bins and waste bags to traders. Sweeping and clearing landfill waste throughout the day.

10am to 7pm - sweeper starts duty (3rd operative). Sweeps and litter picks. Monitors waste bins in basement and also cleans food waste bins.

3pm to 7pm - loader (4th operative) starts after early shift staff finish at 3pm. Clears waste to bin area. Takes bins to bin area. Assists final clearance of market.

4pm – refuse lorry takes all waste from bins assisted by loader.

SUTTON & CROYDON Guardian

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June 3, 2021

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the window doctor
the window doctor

Concerns after second attack on park animals

By Monica Charsley Reporter

POLICE have launched an appeal after two more animals were shot dead in Beddington Park over the weekend.

On Saturday (May 29), two baby swans, known as cygnets, were found dead at the park in the morning.

It comes after a wildlife organisation alerted authorities on May 1, to reports of two Canada geese being shot with a catapult.

A spokesperson for London Wildlife Protection said on Saturday: "The swans at the park welcomed four cygnets this year; the first I believe that have hatched successfully for some years."

"This morning (between 9am-10am) the bodies of two cygnets were discovered quite clearly shot through the head with a catapult."

"I'm aware there is very little evidence to go on, but this now seems to be an extremely worrying pattern of behaviour which is escalating."

"Beddington Park is a hub for families with young children and dog walkers and this kind of violence can not be brushed under the carpet."

"There maybe some that don't consider wildlife crime important, but the law is the law and must be followed without fear or favour."

A spokesperson for Sutton Police said: "We are appealing for information after two Canada geese and two cygnets were found dead in Beddington Park on 1st and 29th May."

"It is believed a missile fired by a catapult may have been used to kill them."

"These wild birds and their nests are protected in law and any offences against them should be reported to police."

If you have any information that could assist the investigation, contact police on 0207 230 8898 quoting reference 4005167/ 21.



Beddington Park by Kemal Atli



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Legal Notices

STREET TRADING – SURREY STREET CROYDON TRADING FEES

Notice under Section 32 London Local Authorities Act, 1990, as amended

Street trading fees may be calculated so that the estimated income for the year balances the Council's estimated costs for enforcement, administration, cleansing and refuse services, as applicable to street trading. The charges which may be made are governed by Part 3 of the London Local Authorities Act 1990 s.32. This enables the Council to recover its reasonable costs.

Currently, the weekly charge for a permanent single trading pitch (3 metres by 3 metres) on Surrey Street, Croydon is £75.10 for six days a week, Monday to Saturday. This fee has been the same since 2006 when the pitch fees were last reviewed and when pitches measured 2.75 metres by 2.14 metres. However, following a review, we are proposing to increase the weekly fee in line with a rise in costs as it has been calculated that the current fees do not cover the Council's reasonable administrative enforcement, cleansing and refuse services costs that are incurred in respect of Surrey Street.

We are proposing that the rate for a permanent single pitch on Surrey Street is increased to £95 a week. This increase is still less than if the Retail Price Index (inflation) had been applied each year since the fees were last set in 2006. If that were the case, the current fee would be £114 per week.

In addition to permanent trading pitches, there are a number of casual or temporary traders for example ready to eat food vendors, that operate on temporary licenses and who do not trade every day. The current charge for a temporary license is £10 per day for the first four weeks, then £15 per day thereafter. In addition, temporary licenses are available to permanent and casual traders at £15 per day should they wish to trade in Surrey Street on a Sunday. We are proposing to keep temporary licenses at the current charge of £10 per day for the first four weeks and thereafter, increase the daily charge to £20 per day, including Sunday.

A statement showing the costs and how the proposed fees have been computed is attached at Appendix A. We propose to introduce these new charges from 1 August 2021. Any representations relating to the above must be made in writing to the Council and must be submitted by 5pm on 1st July 2021. Representations may be sent to licensing@croymon.gov.uk or addressed to the following address –

The Licensing Team, Place Department
Floor 6, zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA
Sarah Hayward
Interim Executive Director – Place Department
London Borough of Croydon

Appendix A

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Totals	£161,259*	£205,416**	£205,270**

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10am to 7pm - sweeper starts duty (3 operatives). Sweeps and litter picks. Monitors waste bins in basement and also cleans food waste bins.
3pm to 7pm - loader (4th operative) starts after early shift staff finish at 3pm. Clears waste to bin area. Takes bins to bin area. Assists final clearance of market.
4pm - refuse lorry takes all waste from bins assisted by loader.

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APPENDIX 3

Respondee	How / When	Nature of comments from respondee	Comments to assist the members of the licensing committee
Market Trader	E mail received 29 June	<p>Subject: Market rent increase - objection</p> <p>Sir,</p> <p>As a trader in Surrey Street Market I object strongly to the proposed increase in rents, for the following reasons:-</p> <ol style="list-style-type: none"> 1. This is a hard time for market traders, due to Covid-19 and other factors. Business has been quiet most of the time and traders struggle to pay their rent and other bills. Other businesses have received support from the Council but street traders in general have not. 2. The increases are of more than 25% all in one go. Almost £5,000 a year is a lot of rent to pay for a street stall. 3. The Council's declared policy has been to protect and enhance the market, but this will not be achieved if there are large rent rises. On the contrary some traders are likely to have to cease trading. This will exacerbate the decline in the number of traders which we have seen in recent years, and threaten the future of the market. 4. The services the Council provides for traders are not of a high standard. Cleaning services are very poor. Traders end up cleaning their own pitch <p>I urge the Council to cancel the proposed increases.</p>	<p>Market Traders selling food have been able to continue trading throughout the covid-19 pandemic as they were classed as essential retail.</p> <p>The Additional Restriction Grant was available to market traders and the self employed if they could show a 10% loss on their income and they must also be able to show that they trade in the borough for a minimum of three days a week. Details of the availability of this grant was circulated to licensed market traders.</p> <p>Over the course of 52 weeks, it is acknowledged that the cost of a single pitch would be £4940, that being £95 x 52 weeks. The Council is however proposing the fee increase to ensure its costs in</p>

providing the service are met by the income from that service. The increase on a single pitch/stall per year if the fee of £95 is implemented would be £1035.

The following condition is attached to each pitch licence concerning their immediate pitch area:

8.7 All Licensed Street Traders and their assistants shall keep the internal and external environment of their pitch/s clean and clear of any waste, litter, slips, trips and hazards at all times during the trading day and sweep clean the pitch area and its environs free from litter and waste at the end of each trading day.

Yours sincerely

<p>Market Trader</p>	<p>E mail received 29 June</p>	<p>Subject: Market rent increase - objection":-</p> <p>Dear sir, As a trader in Surrey Street Market I object strongly to the proposed increase in rents, for the following reasons:-</p> <ol style="list-style-type: none"> 1. This is a hard time for market traders, due to Covid-19 and other factors. Business has been quiet most of the time and traders struggle to pay their rent and other bills. Other businesses have received support from the Council but street traders in general have not. 2. The increases are of more than 25% all in one go. Almost £5,000 a year is a lot of rent to pay for a street stall. 3. The Council's declared policy has been to protect and enhance the market, but this will not be achieved if there are large rent rises. On the contrary some traders are likely to have to cease trading. This will exacerbate the decline in the number of traders which we have seen in recent years, and threaten the future of the market. 4. The services the Council provides for traders are not of a high standard. Cleaning services are very poor. Traders end up cleaning their own pitch <p>I urge the Council to cancel the proposed increases.</p> <p>Yours sincerely</p>	<p>Market Traders selling food have been able to continue trading throughout the covid-19 pandemic as they were classed as essential retail.</p> <p>The Additional Restriction Grant was available to market traders and the self employed if they could show a 10% loss on their income and they must also be able to show that they trade in the borough for a minimum of three days a week. Details of the availability of this grant was circulated to licensed market traders.</p> <p>Over the course of 52 weeks, it is acknowledged that the cost of a single pitch would be £4940, that being £95 x 52 weeks. The Council is however proposing the fee increase to ensure its costs in providing the service are met by the income from that service. The increase on a single pitch/stall per year if the fee of £95 is implemented would be £1035.</p>
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REPORT TO:	Licensing Committee 14 July 2021
SUBJECT:	Pavement Licensing The Business and Planning Act 2020
LEAD OFFICER:	Sarah Hayward, Interim Executive Director, Place
CABINET MEMBER:	Councillor Manju Shahul-Hameed Cabinet Member, Communities, Safety and Business Recovery
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
<p>The Council's Corporate Plan 2018-2022 seeks to ensure that <i>Business moves here and invests, our existing businesses grow</i>. The covid pandemic has had a significant financial impact on business nationally, notably the hospitality sector. The Government introduced 'pavement licenses' via the Business and Planning Act 2020 in an effort to support hospitality businesses get back on their feet as they emerged from lockdown. Aiding the recovery (and therefore assisting with the growth) of the hospitality sector in the borough and supporting the extension of the 'pavement licensing' facility meets one of the aims of the Corporate Plan.</p>	
FINANCIAL IMPACT	
<p>The maximum cost for a pavement licence is £100 and this is less than the published fee that business would normally pay under the relevant street trading legislation which the Council issues licenses under however, the requirements of the Business and Planning Act 2020 are statutory rather than discretionary and so the Council must make the facility available.</p>	

1.	RECOMMENDATIONS
	That the Licensing Committee:
1.1	Delegate authority to the Interim Executive Director Place to do all things necessary to extend and continue to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020, as amended, including but not limited to the determination of standard conditions which apply, determining applications, revocation of licenses and authorising officers to enforce and exercise these functions.
1.2	Set the fee for an application for a pavement licence at £100, which is the maximum fee permitted under the legislation for these licenses, such licenses to be granted for a period up to and including 30 September 2022.

2. EXECUTIVE SUMMARY

- 2.1 This Report provides background to the request that the Committee delegate authority to the Interim Executive Director Place to do all things necessary to extend and operate the pavement licensing arrangements under the Business and Planning Act 2020 as amended.
- 2.2 Members will recall that Pavement Licensing under the Business and Planning Act 2020 was initially only in force until September 2021. However, the Government, by secondary legislation is seeking to extend the pavement licensing provisions until 30 September 2022 at which point it is then proposed they will cease.

3. DETAIL

- 3.1 The London Borough of Croydon is the licensing authority for a broad range of legislation and licensable activities.
- 3.2 The Business and Planning Act 2020 (the 'Act') was introduced on 22 July 2020. Due to the timing of the legislation and the last minute change from an executive function to a non-executive function, the Council Solicitor exercised powers under Article 15 of the Constitution (paragraph 15.2 (d)) to make changes to the Council's Constitution arising as a result of legislative changes brought about by the Business and Planning Act 2020 in relation to Pavement Licensing and changes necessitated by administrative convenience to delegate authority to the Executive Director Place to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020 when enacted. This was reported to Committee and the report can be accessed here:
<https://democracy.croydon.gov.uk/documents/g2198/Public%20reports%20pack%2030th-Sep-2020%2018.30%20Licensing%20Committee.pdf?T=10>
- 3.3 Accordingly, following the introduction of the Act, the Council, using the delegated powers authorised decision making and made provisions for the operation of the Pavement Licensing regime under the Act. The legislation was brought in specifically as a result of the covid pandemic, and was intended to be temporary in nature and so the delegation currently only has effect until 30 September 2021, when the legislation was originally intended to cease.
- 3.4 In light of the third lockdown and the continuation of the pandemic into 2021 and the ongoing impact this is having on the business sector, the Government have introduced secondary legislation which will see the pavement licence facility extended to 30 September 2022. As the current delegation expires on 31 September 2021, this requires a further consideration as to delegation of these functions. .
- 3.5 The Act permits premises to apply for a pavement licence to place furniture outside, adjacent to their premises on the public highway. In this context, furniture means stalls for selling or serving food or drink, tables and chairs and articles such as umbrellas, barriers and heaters.
- 3.6 The application process is intended to be streamlined and fast track in order to

- enable business to recover having reopened following lockdown by legally placing table and chairs and other furniture outside their premises to boost trade and assist with social distancing.
- 3.7 Part of the Act therefore introduced the concept of a fast track pavement licensing process which requires a 7 day consultation period and a 7 day determination period. This is different to the normally used street trading legislation which has a 28 day consultation period and thereafter sufficient time for determination. The implications for the authority if it fails to determine the matter within the 7 days is that the licence is deemed to be granted and the Council loses the ability to impose restrictions or bespoke conditions for the license applied for.
- 3.8 Accordingly it was imperative not only that the Council had its processes and procedures in place in advance of the commencement of these extended provisions but also that there is a sufficiently expedient means of allowing determinations to be made.
- 3.9 The Act caps the fee which may be charged for such applications to £100 and the guidance recommends that such licenses be granted for a period of 1 year. This is significantly less than the Council charges in respect of an annual street trading licence under existing legislation. It is proposed that all existing licence holders be invited to re-apply for a pavement licence in advance of the expiry of their current licence on 30 September 2021 and that all licenses issued as a result, both renewal and new, shall have an expiry date of 30 September 2022.
- 3.10 In determining the applications, the principal matters the Council need to consider are set out in the Act and guidance and include the amount of available pavement to allow passers-by free, clear access and egress to/from and access along the pavement, especially wheelchair users, those with reduced mobility and the visually impaired and ensuring that there is no obstruction of statutory undertakers, utility providers or operators of an electronic communications code network in having access to any apparatus of theirs kept, installed, under, in, on or over the highway.
- 3.11 As the expiry date for pavement licenses is to be extended by the Government from 1 October 2021 to 30 September 2022, this request seeks that decision making powers with regard to pavement licensing under the Act, be delegated to the Interim Executive Director of Place in order for the Council to continue to assist relevant businesses as they seek or continue to establish trade again following lockdown, whilst at the same time complying with the social distancing requirements set out by Government and the new legislative requirements by ensuring that the Council is able to publish and determine the applications within the very short time scale allowed for this purpose. It should be noted that the Act includes a requirement that publication by the authority take place by electronic means.
- 3.12 Accordingly authorisation is sought via a delegation of authority to the Interim Executive Director Place to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020, as amended, including but not limited to the determination of standard conditions which apply, determining applications made at the fee set by the licensing committee, revocation of licenses and authorising officers to enforce and exercise these functions.

4. CONSULTATION

4.1 There are no consultation requirements associated with this matter.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 1 year forecast (as temporary legislation due to end on 30 September 2022)	
	2021/22	2022/23	
	£'000	£'000	
Revenue Budget available			
Expenditure			
Income	100	100	
Effect of decision from report			
Expenditure			
Income	100	100	
Remaining budget	<u>0</u>	<u>0</u>	<u></u>
Capital Budget available			
Expenditure	0	0	
Effect of decision from report			
Expenditure	0	0	
Remaining budget	<u>0</u>	<u>0</u>	<u></u>

2 The effect of the decision

The £100k figure above is the current budgeted income for street trading across the borough. Should the decision be approved then there will be no change to the current budgets although it will mean a reduced income until legislation reverts back to Street Trading Licenses. As this a temporary change due to temporary changes in the Business and Planning Act 2020 there is no reason to reduce these budgets at this stage. The cost of administration of this scheme are amalgamated in other budget lines but again no change is anticipated in budgetary requirement or cost.

3 Risks

If the recommendations in this report are not approved the Council will be operating against statute as per the Business and Planning Act 2020 and would risk future income for the council.

4 Options

As this is a statutory requirement under the Business and Planning Act 2020 there are no current alternative options to be considered.

5 Future savings/efficiencies

Although there are no future anticipated efficiencies from this paper once the temporary legislation is replaced by the original legislation additional income will be gained but it is not thought to exceed the current budget.

(Approved by: Matthew Davis, Deputy S.151 Officer)

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that as set out in Part 3 of the Constitution, the Licensing Committee is responsible for all licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. The functions relating to pavement licensing under the Business and Planning Act 2020, as amended, are such licensing functions.
- 6.2 Unlike certain licensing matters, including certain functions under the Licensing Act 2003, the Licensing Committee is able to delegate the performance of the pavement licensing functions to officers to undertake and authority is sought by way of this report for such delegation particularly given the short time frames within which such decisions need to be made.
- 6.3 The remaining legal considerations are addressed within the body of the report.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 There are no perceived human resources implications associated with this report. If any should arise these will be managed under the Council's Policies and Procedures.

(Approved by: Jennifer Sankar, Head of HR Place and Housing for and on behalf of Sue Moorman, the Director of Human Resources)

8. EQUALITIES IMPACT

- 8.1 The Equality Act (2010) requires public bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

· foster good relations between people who share a protected characteristic and people who do not share it.

8.2 The protected characteristics covered by the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8.3 The recommendations are to extend delegated powers in relation to pavement licensing. There are no changes proposed to the licensing arrangements that have been operating under the Business and Planning Act 2020 since last summer. No equalities concerns have been raised under these licensing arrangements.

8.4 There is therefore no indication that the recommendations will have a disproportionate impact on any individuals or groups with a shared protected characteristic.

Approved by: Gavin Handford, Director of Policy & Partnership

9. ENVIRONMENTAL IMPACT

9.1 There are no perceived environmental impacts associated with this report.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 There are no perceived crime and disorder implications associated with this report.

11. DATA PROTECTION IMPLICATIONS

11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

(Approved by: Steve Iles, Director of Public Realm)

CONTACT OFFICER: Michael Goddard, Head of Environmental Health, Trading Standards and Licensing Ext. 61838

APPENDICES TO THIS REPORT

None

BACKGROUND DOCUMENTS: *[Complete for Part A reports only - list documents which have not been published previously]*