

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, Robert Ward and Oni Oviri

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

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Tuesday, 12 April 2022** at **6.30 pm** in **Room 1.01 and 1.02 - Bernard Weatherill House, Mint Walk, Croydon CR0 1EA**

Katherine Kerswell
Chief Executive and Head of Paid Service
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

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Monday, 4 April 2022

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If you require any assistance, please contact Jayde Watts
020 8726 6000 x52729 as detailed above.

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 23 November 2021 as an accurate record.

3. Minutes of previous Licensing Sub-Committee Meetings (Pages 11 - 22)

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

- 9 November 2021 (*To Follow*)
- 8 December 2021
- 15 December 2021
- 26 January 2022
- 8 March 2022 (*To Follow*)

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

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), another registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and

ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

6. London Local Authorities Act 1990 - Application for Street Designation x4 (Pages 23 - 82)

The purpose of this report is to seek the Committees decision on the proposal to designate 4 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. Exclusion of the Press and Public

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

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

PART B

Licensing Committee

Meeting of held on Tuesday, 23 November 2021 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX. To view the meeting, please click [here](#).

MINUTES

Present: Councillor Robert Canning (Chair);
Councillor Pat Clouder (Vice-Chair) and Councillor Margaret Bird (Vice-Chair);
Councillors Chris Clark, Karen Jewitt, David Wood, Maddie Henson, Simon Brew (In place of Councillor Robert Ward) Andy Stranack and Oni Oviri

Also

Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Jayde Watts (Trainee Democratic Services Officer) and Tariq Aniemeka-Bailey (Trainee Democratic Services Officer).

Apologies: Councillors Robert Ward, Nina Degrads and Jan Buttinger

PART A

17/21 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday, 14 July 2021 were agreed as an accurate record.

18/21 **Minutes of previous Licensing Sub-Committee Meetings**

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

- 15 July 2021
- 22 July 2021
- 25 August 2021
- 28 September 2021

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

There were no items of urgent business.

20/21 **Disclosure of Interests**

There were none.

21/21 **Dangerous Wild Animals Act 1976 - Setting of Licence Fees**

The Licensing Committee considered a report which detailed a proposal to adopt a new fee structure which had been determined on the principle of cost recovery and for the Committee to delegate authority to the Director of Sustainable Communities to undertake reviews of fees and fee setting in addition to making decisions regarding the determination of applications, including decisions as to whether to vary or revoke any condition attached to a licence. The Committee received an introduction from the Head of Environmental Health, Trading Standards & Licensing and Sustainable Communities who delivered a presentation which can be viewed [here](#).

In response to queries raised by the Committee, the following was clarified:

- *The Dangerous Wild Animals act did not include pets such as cats and dogs which had been domesticated.*
- *The premises would be inspected every time a resident applied for to renew their licence and public liability insurance was required.*
- *The premises of the applicant would be inspected by a vet rather than an animal health inspector.*
- *This act covered dangerous wild animals that residents kept in their premises.*
- *The licence was for two years and the vet and inspection fees which are quoted are the fees that the City of London would charge the Council for the inspection.*
- *If the Council received information that a dangerous wild animal was being kept that would require a licence, it would be followed up.*
- *The Head of Environmental Health, Trading Standards & Licensing and Sustainable Communities had temporarily removed the fees from the Councils website as they were under consideration during this item. He did also clarify that there were various different payment methods such as online or via the telephone.*
- *If there were any doubts about whether an animal qualified as a dangerous wild animal the Council would check with the City of London.*
- *There could be instances where an individual was suited to keep a dangerous wild animal but their premises wasn't. This was why vets would inspect the premises to ensure that the person and the premises were suitable for that animal.*
- *There was a percentage increase of the licence fee which was based on the workings and the inspection fee. There are different proposed fees for commercial or outside premises and domestic premises.*
- *The legislation gave an individual the right to apply for a licence, so there needed to be a fee which reflected that opportunity. Officers*

advised that prior to buying a potentially dangerous wild animal, residents are recommended to seek advice to ensure that they had all of the relevant information before they purchased the animal and applied for a licence.

- *The cost recovery principle was what was applied in setting the fees, the council covering the costs it incurs when it issues licenses.*
- *In the event that an applicant could no longer afford the fee for a licence, the council would help to ensure that the animals were housed in a suitable establishment where they could be kept safely.*
- *Once a licence had been issued, the primary issue concern is for the welfare of the animal and whether they are being kept safely and securely. If there was a complaint, then a visit would be made to check on the animals at that premises.*
- *Residents who own a dangerous wild animal could be reported if the animal had not been kept securely or had been mistreated which would be determined by a vet.*
- *If a situation arose where it was clear that a resident needed a licence for an animal that was in their possession, then enforcement action may be required.*
- *The Head of Environmental Health, Trading Standards & Licensing and Sustainable Communities suggested that people who were reporting an issue could contact the licencing team directly or the RSPCA as they would know whether an animal was on the dangerous wild animals list and would refer the case back to the Council.*
- *The current dangerous wild animals licence holder was not informed that the Council had planned to amend the fees, but it was noted that the holders' licence was not currently up for renewal.*
- *The purpose of the report is so that the council receive cost recovery for when applications are coming.*
- *During the consideration of the recommendations, the Committee discussed the following:*
- *Whether all responsibility would be delegated to the Director of Sustainable Communities to determine whether there would be any further increases in fees, as the committee had always set the fee structure.*
- *In future the Chairs responsibility would be to look over the calculations to ensure that they make sense, it would be open to the Chair or Director to refer it to the Licensing Committee if they deemed it necessary.*
- *The maximum fee that the Council could charge was based on cost recovery.*

The proposed recommendations were put to a vote with a request that officers would look at the information on the Councils website regarding the Dangerous Wild Animals act's applications, fees and payment arrangements. The motion to agree the recommendations with the new stipulation **carried** with **eight** Members voting in favour and **two** Members voting against.

The Gambling Act 2005 - Review Of London Borough Of Croydon Statement Of Principles

The Licensing Committee considered a report which detailed that the Gambling Act 2005 made local authorities, as licensing authorities, responsible for the administration of licences, registrations, permits, notices and notifications under the Act. The Committee received an introduction from the Head of Environmental Health, Trading Standards and Licensing and Sustainable Communities.

In response to queries raised by the Committee, the following was clarified:

- Over the past 15 years the landscape had changed, there used to be independent bookmakers which only had a single premises. More recently, the borough had become filled with many larger chains which had a corporate responsibility. These larger chains conduct their own test purchasing, so the Head of Environmental Health, Trading Standards and Licensing and Sustainable Communities recommended that residents should contact the branch directly or the head office of the particular gambling company if they are aware of any issues. However if a resident did not feel comfortable doing so then there was a review mechanism or they could contact the Licensing team and they would pass on any concerns.
- The Council is responsible for gambling at premises, which is what they would license. The Gambling Commission regulates online gaming, so the Council does not possess any regulatory powers in respect to online gaming. The focus of the Council, any responsible authorities, the police or any sub-committee should they receive an application for a license where there are representations, is whether the activity at the premises is supporting the licensing objectives.
- Every betting operator must receive an operating license from the Gambling Commission, they are unable to apply for a premises license unless they already possess an operating license from the Gambling Commission.
- If the manner in which a company operated nationally resulted in the loss of their operating license then that company would also lose their premises license.
- In the event of any police investigations, the Council would focus on whether the premises had been operated in a manner that made a source for crime and disorder, or had been associated with crime or disorder.
- If a gambling operator had multiple premises within the borough, then the Council would be assessing the activity at one particular branch under the review of their premises license. If the issues were replicated then the Gambling Commission would then review their operating license.

The proposed recommendations were put to a vote, the motion to agree the recommendations **carried** with **ten** Members voting in favour and **no** Members voting against.

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23/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 7.42 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting held on Wednesday, 8 December 2021 at 10.30 am. This meeting was held remotely.
To view the meeting, please use this link - [here](#).

MINUTES

Present: Councillor Karen Jewitt

Councillors Maddie Henson and Robert Ward

Also

Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) & Jayde Watts (Trainee Democratic Services Officer).

Apologies: Councillor Pat Clouder

PART A

47/21 **Appointment of Chair**

Councillor Maddie Henson nominated Councillor Karen Jewitt as Chair and Councillor Robert Ward seconded the motion.

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

48/21 **Disclosure of Interests**

There were none.

49/21 **Urgent Business (if any)**

There were no items of urgent business.

50/21 **LICENSING ACT 2003 - Application For a Premises Licence at 83-84 High Street, South Norwood, SE25**

The Licensing Sub-Committee considered the Application for a Premises Licence at **Oceanic Bar, 83-84 High Street South Norwood, SE25 6EA** and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant and Parties to the hearing prior to the hearing and incorporated in the supplementary information published as an addendum to the report. The

Sub-Committee also considered photographs and a video submitted by the Parties which was considered in private session.

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

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”) and the Council Licensing Policy, **RESOLVED to GRANT** the application subject to conditions detailed below which had been offered by the Applicant and the mandatory statutory conditions which apply to the sale of alcohol under a premises license issued under the Act, on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee considered that the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter.
2. The Sub-Committee noted that the premises are situated on the High Street in a parade of shops with residential premises above. There is also a parade of shops on the other side of the road, also with residential premises above them and two blocks of flats to the rear in reasonable proximity. The immediately surrounding area includes both residential and commercial premises.
3. The Sub-Committee had regard to the fact that there were no objections from the Police or from the noise nuisance team, both of whom had agreed sets of extensive conditions with the applicant.
4. The applicant had, in response to discussions with the police and the noise nuisance team amended their application in two important respects – to reduce the hours applied for as detailed in the report at page 9 and to include the numerous conditions proposed and set out at Appendix 2 to the report, in their application - so that these amendments will apply to the license granted. The offered conditions will be in addition to the mandatory statutory conditions which apply to premises licenses granted under the Licensing Act 2003 which authorise the sale of alcohol.
5. The Sub-Committee noted that there were other licensed premises in the area, some of which had comparable hours to those which, following amendment of the application, the applicant was seeking but were mindful that each application ought to be considered on its own merits and in light of the information presented to the Sub-Committee considering the matter and the representations before it.
6. The Sub-Committee considered that the applicant demonstrated a willingness to work with the community in operating a responsible

premises which is in compliance with the legal requirements placed on an operator. In this regard the Sub-Committee noted for example that the applicant has offered as part of their conditions to have SIA authorised door supervisors at the premises and applicant described how their door supervisors will monitor and address issues which might otherwise result in public nuisance, for example the management of smoking which the applicant indicated would take place to the rear of the premises. In addition the Sub-Committee noted that the premises had put in place a noise limiter which has been set by the noise nuisance team to appropriate levels and had expended the cost of sound proofing the venue, both of which are designed to reduce the negative impact of noise on those in the vicinity of the premises. The Sub-Committee also noted the applicants willingness to engage with and work with residents should issues arise around noise as explained to the Sub-Committee during the hearing.

7. In respect of prevention of public nuisance, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. The Sub-Committee noted that there was concern about the parking situation on the high street and surrounding roads. The Sub-Committee were mindful that parking and the provision thereof is not one of the licensing objectives but that the objective engaged is around public nuisance as it pertains to the provision of a licensable activity. There were, according to representations before the sub-committee, existing and current issues with parking in the area however, currently the premises is not providing a licensable activity under the Licensing Act therefore the parking issues in the area and surrounds could not be attributable to a failure by this premises to address the licensing objectives in the provision of a licensable activity – these are pre-existing issues which ought properly to be addressed by regimes other than Licensing. Despite this, the sub-committee noted that the applicant demonstrated a willingness to manage arrival at and departure from the premises to reduce negative impacts on the prevention of public nuisance objective when they are providing licensable activities.
8. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. The Sub-Committee noted that the

Applicant had already offered, as part of the proposed conditions to have such conditions on the license if granted.

9. Whilst the Sub-Committee were aware that the area in which the premises is situated is within what the Council's Statement of Licensing Policy terms a "special stress area", where concerns had arisen about the number of premises authorised for off sales (in other words sale of alcohol for consumption off the premises), the Sub-Committee was clear that this was not an application for off sales but for on sales (sales of alcohol for consumption on the premises) and therefore did not engage with the special stress area. In addition the Council had not taken the step to adopt a cumulative impact policy in relation to the area under consideration and this did not therefore impact their decision making.

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.

51/21 **Exclusion of the Press and Public**

The following motion was proposed to exclude the press and public during the course of a meeting:

Pursuant to the provisions of regulation 14 paragraph (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public. In light of the possibility of disclosing personal data if the photographs circulated by a party to the hearing were made available in public, members of the committee will be asked to agree to exclude the public from the hearing to enable members to view the photographs on the basis that doing so outweighs the public interest in that part of the hearing taking place in public.

The meeting ended at 11:45 am.

Signed:

Date:

Licensing Sub-Committee

Meeting held on Wednesday, 15 December 2021 at 10.30 am. This meeting was held remotely.
To view the meeting, please click [here](#).

MINUTES

Present: Councillor Margaret Bird

Councillors Karen Jewitt and Robert Ward

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Cliona May (Democratic Services)

Apologies: Councillor Pat Clouder

PART A

52/21 **Appointment of Chair**

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

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

53/21 **Disclosure of Interests**

There were none.

54/21 **Urgent Business (if any)**

There were no items of urgent business.

55/21 **Licensing Act 2003: An application for a Premises Licence at 100a George Street, Croydon**

The Licensing Sub-Committee considered the Application for a Premises Licence at **Unit 1, 100a George Street Croydon, CR0 1RJ** and the representations received as contained in the report of the Interim Corporate Director Sustainable Communities, Regeneration and Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant and whilst the objector was not in attendance, the Sub-Committee did have the benefit of their written representations to consider as part of the papers.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”) and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended subject to conditions detailed below which had been offered by the Applicant and the mandatory statutory conditions which apply to the sale of alcohol under a premises license issued under the Act, on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee considered that the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter.
2. The Sub-Committee noted that the premises are situated on George Street diagonally opposite the transport hub of East Croydon Station and Boxpark with residential premises above in two towers.
3. The Sub-Committee had regard to the fact that there were no objections from the Police or from the noise nuisance team, the former of whom had agreed a set of conditions with the applicant.
4. The applicant had, in response to discussions with the police, amended their application to reduce the hours applied for in respect of New Years Eve/Day as detailed in the report at page 9 and to include the conditions proposed and set out at Appendix A2 to the report, in their application - so that these amendments will apply to the license granted. The offered conditions will be in addition to the mandatory statutory conditions which apply to premises licenses granted under the Licensing Act 2003 which authorise the sale of alcohol and those conditions offered by the applicant as part of their operating schedule at page 38 of the agenda.
5. The Sub-Committee noted that there were other licensed premises in the area, some of which had comparable hours to those which, following amendment of the application, the applicant was seeking but were mindful that each application ought to be considered on its own merits and in light of the information presented to the Sub-Committee considering the matter and the representations before it.
6. The Sub-Committee considered that the applicant demonstrated a willingness to work with the community in operating a responsible premises which is in compliance with the legal requirements placed on an operator and that the applicant was also answerable to the management of the development in which the premises was situated and had been engaged in discussions with the development

management for some time to ensure that the premises would operate in such a manner as to not cause nuisance to the residents in the residential units above. In this regard the Sub-Committee noted that they had been advised that modular nature of the residential units and the towers themselves were specifically designed to minimize any noise nuisance from neighbours or indeed any commercial premises at the base of the towers. In addition, the Sub-Committee noted that the applicant's operating schedule had made clear that, in respect of prevention of public nuisance, a direct telephone number for management at the premises will be publicly available at all times the premises is open and be made available to residents in the vicinity to raise concerns. In addition, the area in the immediate vicinity of the premises shall be regularly cleared of rubbish.

7. In respect of prevention of public nuisance, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. The Sub-Committee noted that there was concern expressed by the objector about the "winter garden" or atrium being used by patrons of the venue for smoking or gathering late into the night which would cause nuisance however the Sub-Committee also noted that the objector had indicated that residents already used the "winter garden" for smoking and gathering purposes because of smoking restrictions in the residential units and that this did not have anything to do with the venue. Furthermore, the Sub-Committee noted that as part of the Applicants' security/egress policy, the main entrance and exit of the premises will be the doors onto George Street from 11am until closing and that the door leading to the winter gardens will only be used for morning trade prior to 12 noon after which point it is to be an emergency exit only. The security/egress policy referred to by the applicant is to direct customers away from using the winter garden for smoking or waiting.
8. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. The Sub-Committee noted that the Applicant had already offered, as part of the proposed conditions to have such conditions on the license if granted.

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The Sub-Committee wished to thank participants for the manner in which they engaged with and supported the hearing in providing information to allow the Sub-Committee's consideration.

56/21 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11:10 am

Signed:

Date:

Licensing Sub-Committee

Meeting of held on Wednesday, 26 January 2022 at 10.30 am in This meeting was held remotely.

MINUTES

Present: Councillors Robert Canning, Karen Jewitt and Robert Ward

Also

Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer) & Jayde Watts (Trainee Democratic Services Officer).

PART A

57/22 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Robert Canning as chair and Councillor Robert Ward seconded the motion.

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

58/22 **Disclosure of Interests**

There were none.

59/22 **Urgent Business (if any)**

There were no items of urgent business.

60/22

Licensing Act 2003 - Application For a Variation to a Premises Licence at 72 Westow Hill, Upper Norwood, SE19 1SB.

This application was withdrawn.

61/22

Licensing Act 2003 - Application For a Premises Licence at 890 London Road, Thornton Heath, CR7 7PB

The Licensing Sub-Committee considered the Application for a Premises Licence at 890 London Road, Thornton Heath, CR7 7PB and the representations received as contained in the report of the Interim Corporate Director, Sustainable Communities, Regeneration & Economic Recovery, Culture & Community Safety.

The Sub-Committee also considered the representations made by the Applicant, the Applicant's Licensing Agent and the objector during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing, they had the benefit of the written representations as part of the report.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, RESOLVED to REFUSE the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was relevant in relation to the consideration of the matter as well as the Cumulative Impact policy adopted by the Council which relates to high levels of alcohol related crime and alcohol related hospital admissions in areas where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the A23 in a parade of shops with a primary school diagonally opposite the premises. There was a petrol station and large retailer on the other side of the road. The Sub-Committee heard that there were a number of off-license premises in close proximity to the proposed premises.
2. In respect of prevention of public nuisance objective, the Sub-Committee noted the importance of focussing on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable, as is suggested by the Statutory Guidance. In this regard the Sub-Committee considered the concerns raised relating to anti-social behaviour arising in the area due to drunkenness and the associated harms.

3. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.

4. However, there are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough. As a result, the Council has considered it appropriate to designate areas within Croydon as being subject to a special Cumulative Impact Policy in respect of off licences and shops and supermarkets selling alcohol off the premises. The premises in question fall within a cumulative impact area as detailed within the Council's Statement of Licensing Policy.

5. The effect of this is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, there will be a presumption under the special policy that the application will be refused. The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Sub-Committee was clear that it considered each matter on its own merits and did not apply this policy inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.

6. To this end the Sub-Committee specifically drew the attention of the Applicant and the Applicant's Licensing Agent to the provisions in the policy and invited the opportunity to explain to the committee why they considered that their application could be an exception to the policy. In response, the Applicant and his agent made reference to what the applicant had set out in his operating schedule, how he would support the licensing objectives and indicated that customers had asked for alcohol to be sold which the applicant wished to do as it would improve income at the premises.

62/22

Exclusion of the Press and Public

This item was not required.

The meeting ended at 11:13am.

Signed:

Date:

REPORT TO:	LICENSING COMMITTEE 12 April 2022
AGENDA ITEM:	
SUBJECT:	London Local Authorities Act 1990 Application for Street Designation Order x4
LEAD OFFICER:	Interim Corporate Director, Sustainable Communities, Regeneration & Economic Recovery Department
CABINET MEMBER:	Councillor Manju Shahul-Hameed, Cabinet Member for Communities, Safety and Business Recovery
WARDS:	Thornton Heath, Norbury & Pollards Hill
CORPORATE PRIORITY/POLICY CONTEXT:	
This report is specific to this application and has no implications on the Council's Corporate Policies	
FINANCIAL SUMMARY:	
There are no direct financial implications arising from this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1.	RECOMMENDATIONS
1.1	The Committee is asked to determine whether to designate the sites detailed at Appendices A to D 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 4 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 to D 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 to D 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 to D 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 The 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.

5.5 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:** Shaban Aslam
- Location:** On the highway outside 46 High Street, Thornton Heath, CR7 8LE
- Measurement:** The application seeks a trading area of length 2 metres and width 2.4 metres. The total distance from the shop front to the kerb is 7.30m. The nearest obstruction is a post to the left of the display which gives 4.20m clear pedestrian movement. 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 a diagram showing available pavement space.

Proposed Times of Trading:


Monday to Saturday 9am to 9pm

Sunday 9am to 5pm

To Display: Fruit & Vegetables

1. Detailed Consideration

- 1.1 A copy of the application is attached at Appendix A2
- 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 01.05.2022. A copy is attached at Appendix A3
 - 1.6 There are 7 designated street trading sites nearby the applicant of which 6 are licensed to sell fruit and vegetables. In addition there are 3 private forecourt displays of fruit and vegetables. On the applicant side of the road there 4 designated street trading sites and on the opposite side there are 3 designated street trading sites and 3 private forecourt displays. All are marked on the map at Appendix A4
 - 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 at the time of application and more recently by letter. A copy of that letter is attached at Appendix A5.
 - 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.





A1



A1



THE RETREAT

46

*4.20m
clear for
pedestrians*

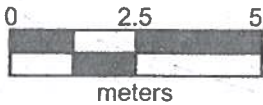
*2.4
width
1m L*

7.30m
HIGH STREET

*2.4 width from shop front into pavement
1.90m length across the pavement*

51.9m

High Street Thornton Heath



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Scale 1:141

23-Mar-2022

Monday: from 09:00 to 21:00 Friday: from 09:00 to 21:00.

Tuesday: from 09:00 to 21:00. |Saturday: from 09:00 to 21:00.

Wednesday: from 09:00 to 21:00 .

c) Type of goods or services to be displayed :...Fresh Fruits 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:

Mohammad Shaban aslam..... Date 24/01/2021.....

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:

Receipt No :.....Date received:.....

**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	MR ASLAM SHABAN
TO USE SITE KNOWN AS	One Pound Fish Monger 46 High Street Thornton Heath CR7 8LE
TO DISPLAY	Fresh Fruit and Vegetable
SIZE OF DESIGNATED DISPLAY	Length 2 m, Width 2.4 m, Height 1 m
PERMITTED DAYS & TIMES	Monday - Saturday 0900 hours - 2100 hours Sunday 0900 hours - 2100 hours

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

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

Date Licence Valid From: 01.04.2021

Date Licence Expires: 01.05.2022

Licence Number: 22/00311/STT



*Issued on Behalf of : Licensing Manager
Place Department*

Licence Conditions

Non Transport for London Maintained Roads

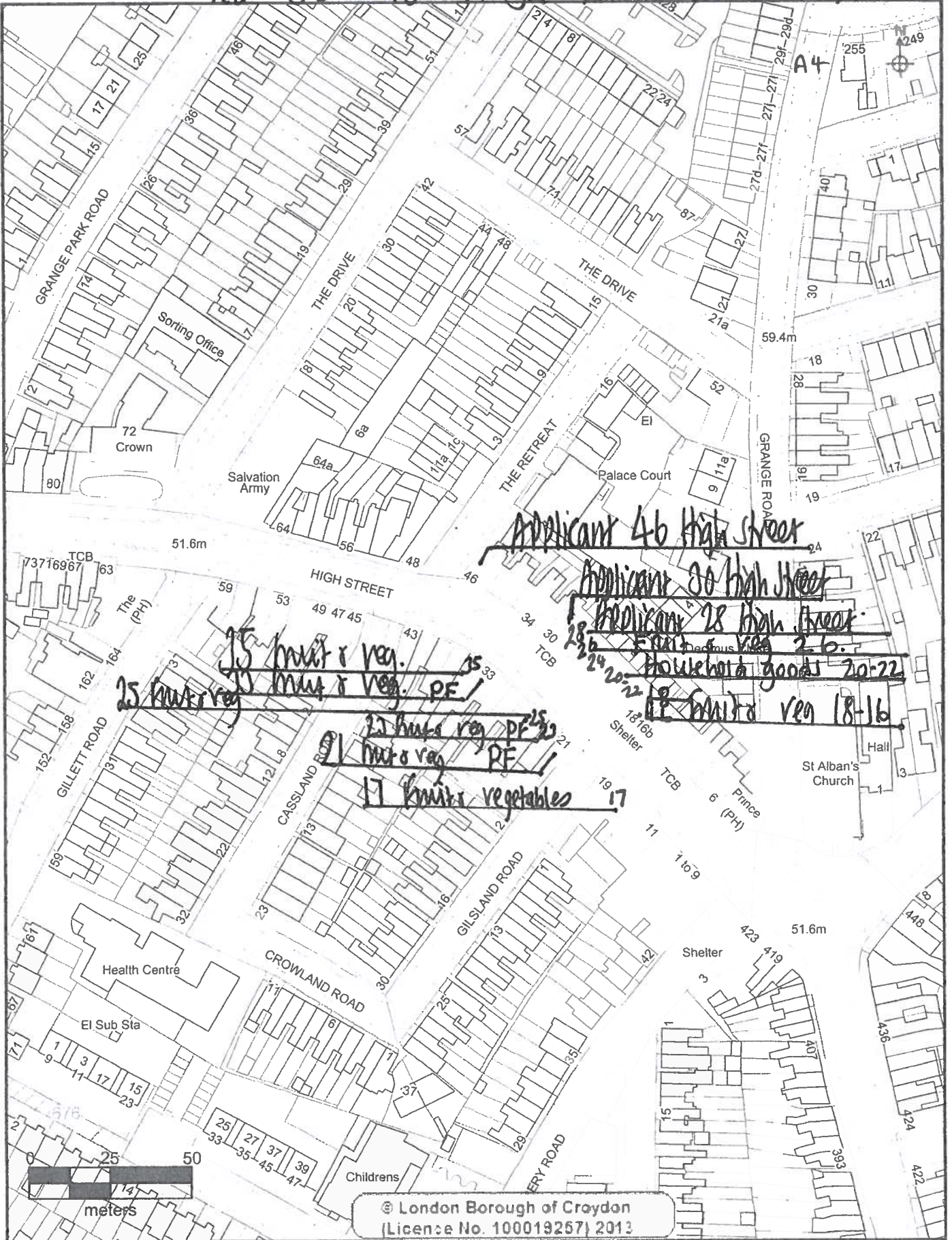
1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in 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.

Transport for London Maintained Roads

1. The licensee shall ensure that there is a minimum clear passage of **2.8 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp post 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.

28 30 46 High Street Thornton Heath



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London Borough Croydon

Scale 1:1500

3 Private forecourt displays

15-Mar-2022

7 Designated displays nearby applicants 28 30 + 46

A5

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

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

Shaban Aslam
[Redacted]
[Redacted]
[Redacted]

Your Ref:
Our Ref:
Date: 8 March 2022

Dear Sir

Subject: Street Designation Order

Address: 46 High Street Thornton Heath CR7 8LE

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

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

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

- Entire length of London Rd

-Entire length of High St Thornton Heath

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

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

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

Yours sincerely

[Redacted Signature]

[Redacted Name]
Licensing Officer

APPENDIX B

- Applicant:** Ziaullah Khan Niazi
- Location:** On the highway outside 30 High Street, Thornton Heath, CR7 8LE
- Measurement:** The application seeks a trading area of length 3.30 metres and width 2.20 metres. The total distance between the shop front and the nearest obstruction, in this case the posts along the kerbside is 5.20m. This leaves 3m clear pedestrian pavement. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix A1 shows photographs and a diagram showing the available pavement space.


Proposed Times of Trading:

Monday to Sunday 7am to 11pm

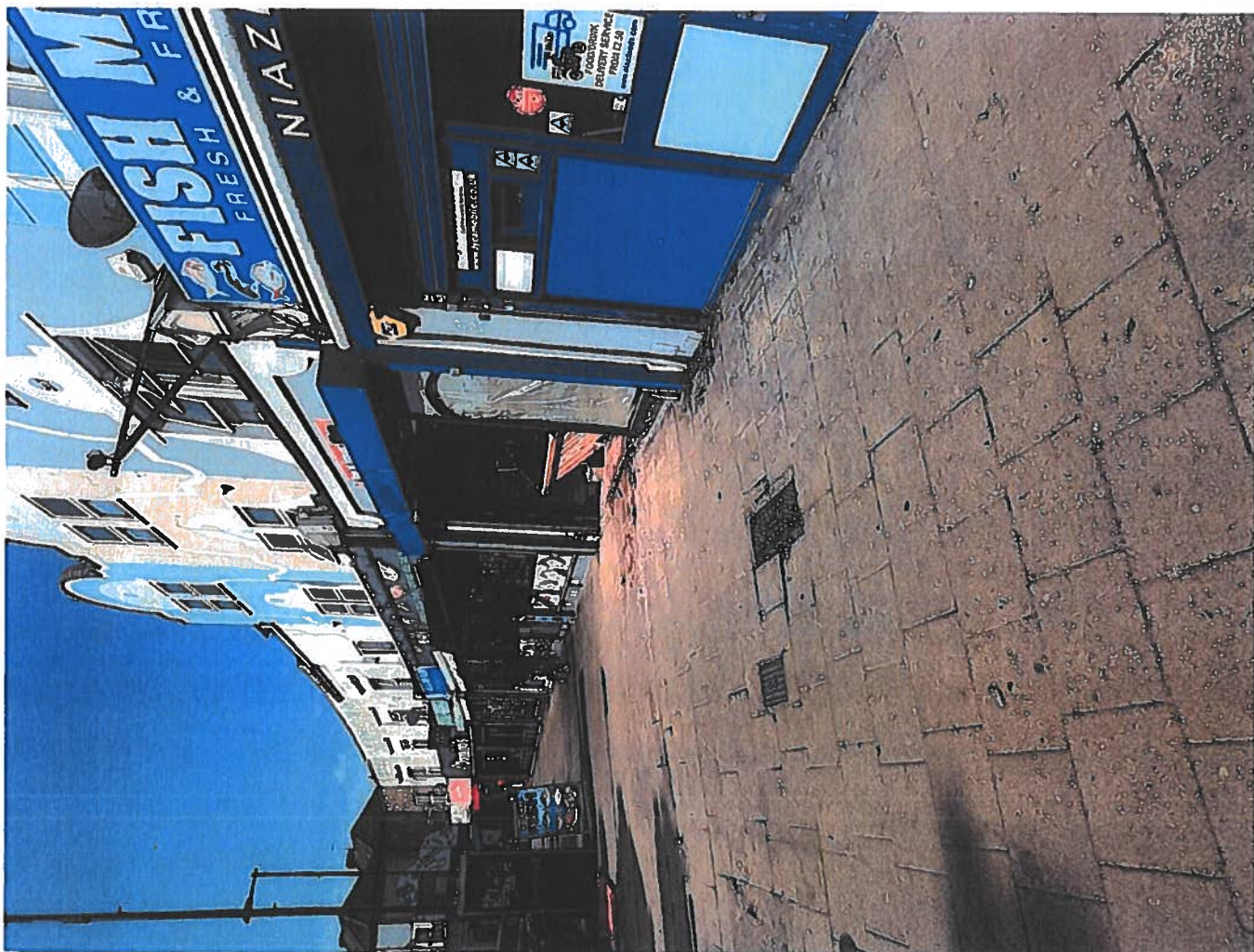
To Display: Fruit & Vegetables

1. Detailed Consideration

- 1.1 A copy of the application is attached at Appendix A2
- 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 18.06.2022. A copy is attached at Appendix A3
- 1.6 There are 7 designated street trading sites nearby the applicant of which 6 are licensed to sell fruit and vegetables. In addition there are 3 private forecourt displays of fruit and vegetables. On the applicant side of the road there 4 designated street trading sites and on the opposite side there are 3 designated street trading sites and 3 private forecourt displays. All are marked on the map at Appendix A4
- 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 at the time of application and more recently by letter. A copy of that letter is attached at Appendix A5.
- 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.

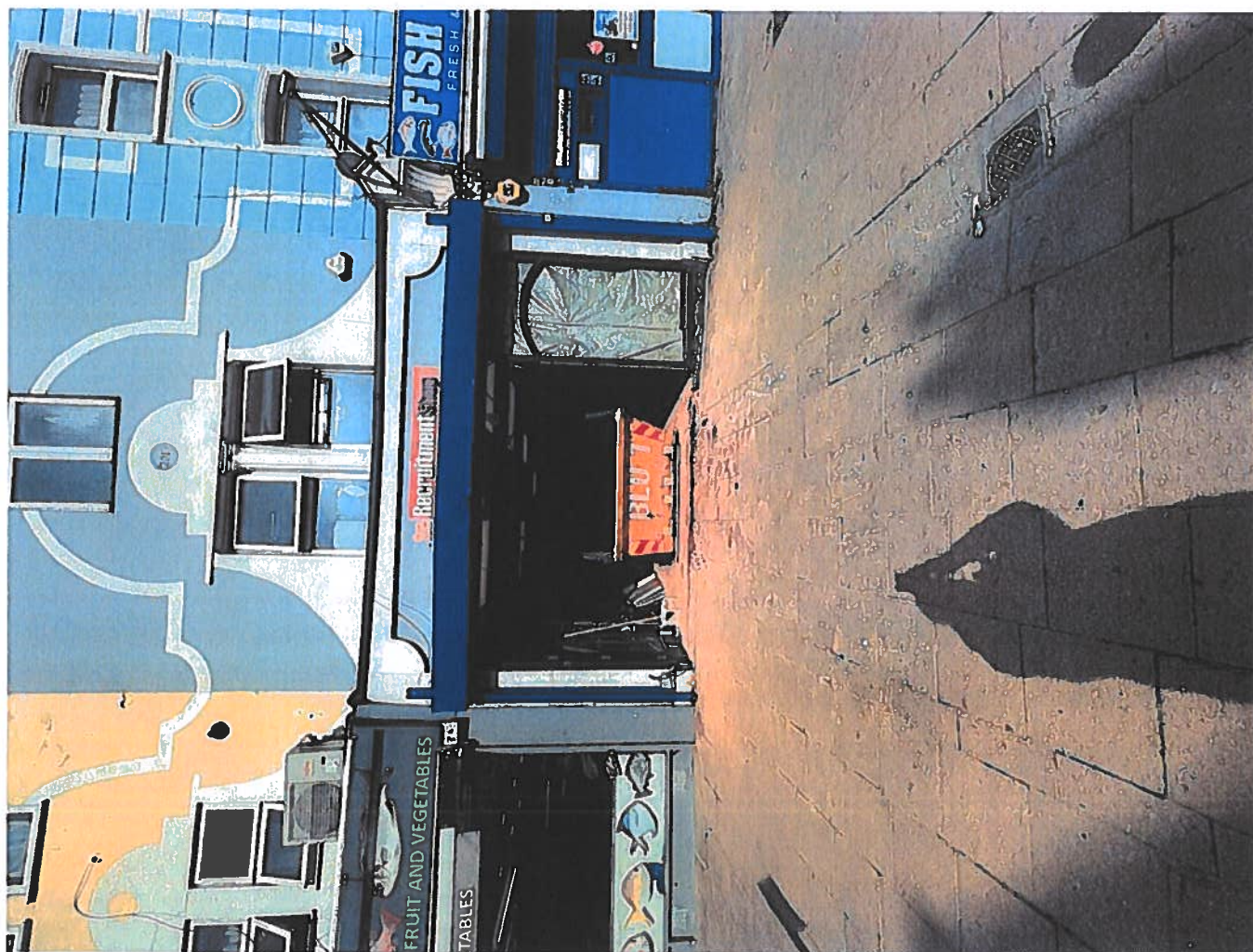




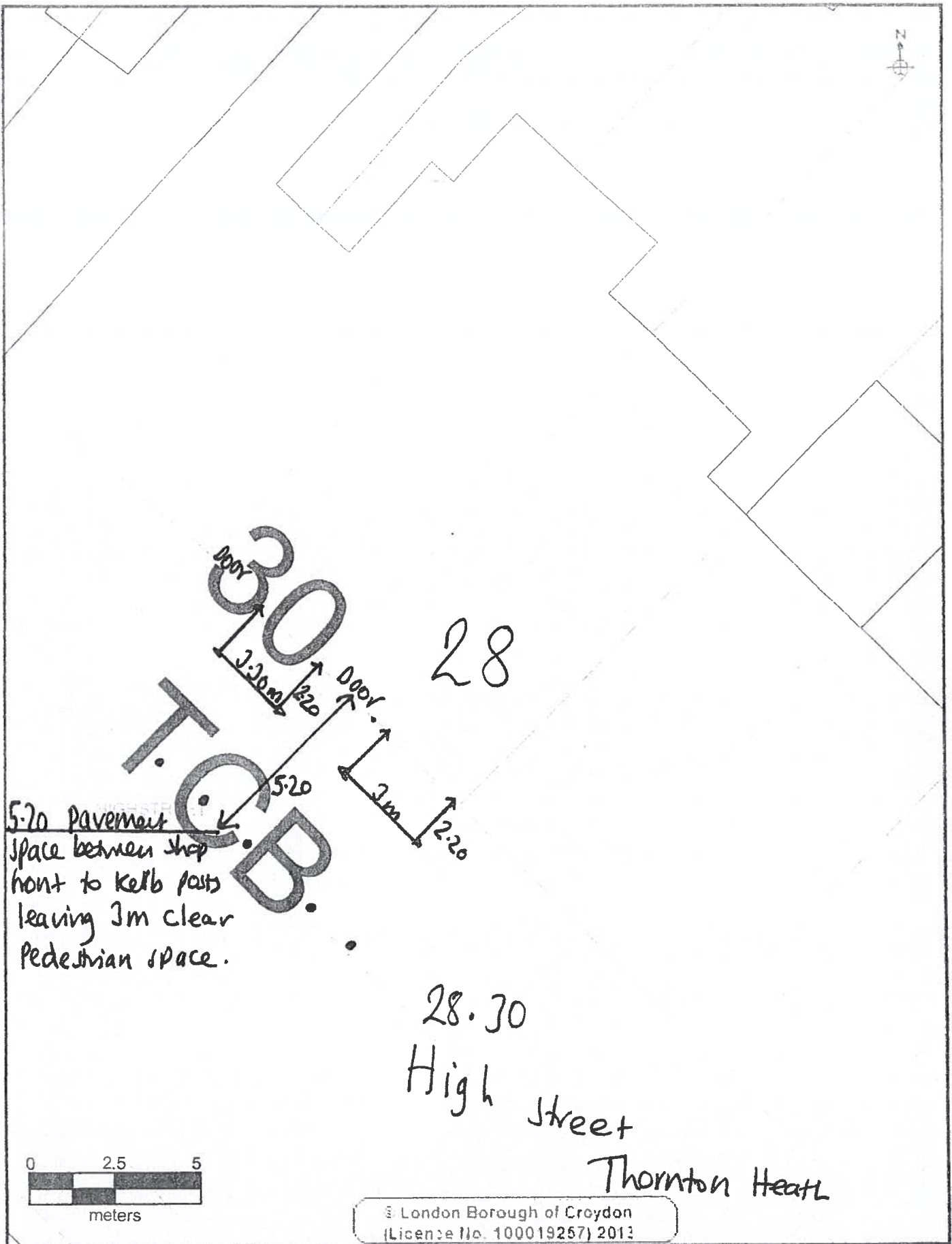




B1





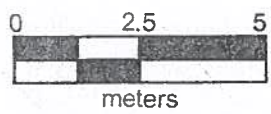


5.70 Pavement
 space between shop
 front to kerb posts
 leaving 3m clear
 Pedestrian space.

28

28.30
 High Street

Thornton Heath



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London Borough Croydon



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

Sunday: from 07:00 Am to 11:00 Pm Thursday: from 07:00 Am to 11:00 Pm

Monday: from 07:00 Am to 11:00 Pm Friday: from 07:00 Am to 11:00 Pm

Tuesday: from 07:00 Am to 11:00 Pm Saturday: from 07:00 Am to 11:00 Pm

Wednesday: from 07:00 Am to 11:00 Pm

c) Type of goods or services to be displayed :

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)

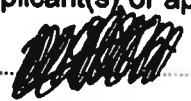
Office Use only Premises Licence No

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 / 0208 726 6000 Ext 64080

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



Date 18/12/2021

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:

Receipt No : Date received:.....

**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

MR ZIAULLAH KHAN NIAZI

TO USE SITE KNOWN AS

Niazi
30 High Street
Thornton Heath
CR7 8LE

TO DISPLAY

Fruit and Vegetable

SIZE OF DESIGNATED DISPLAY

Length 3.30 m, Width 2.20 m, Height 1.2 m

PERMITTED DAYS & TIMES

Monday - Saturday 0700 hours - 2300 hours
Sunday 0700 hours - 2300 hours

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

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

Date Licence Valid From: 18.12.2021

Date Licence Expires: 18.06.2022

Licence Number: 22/00217/STT



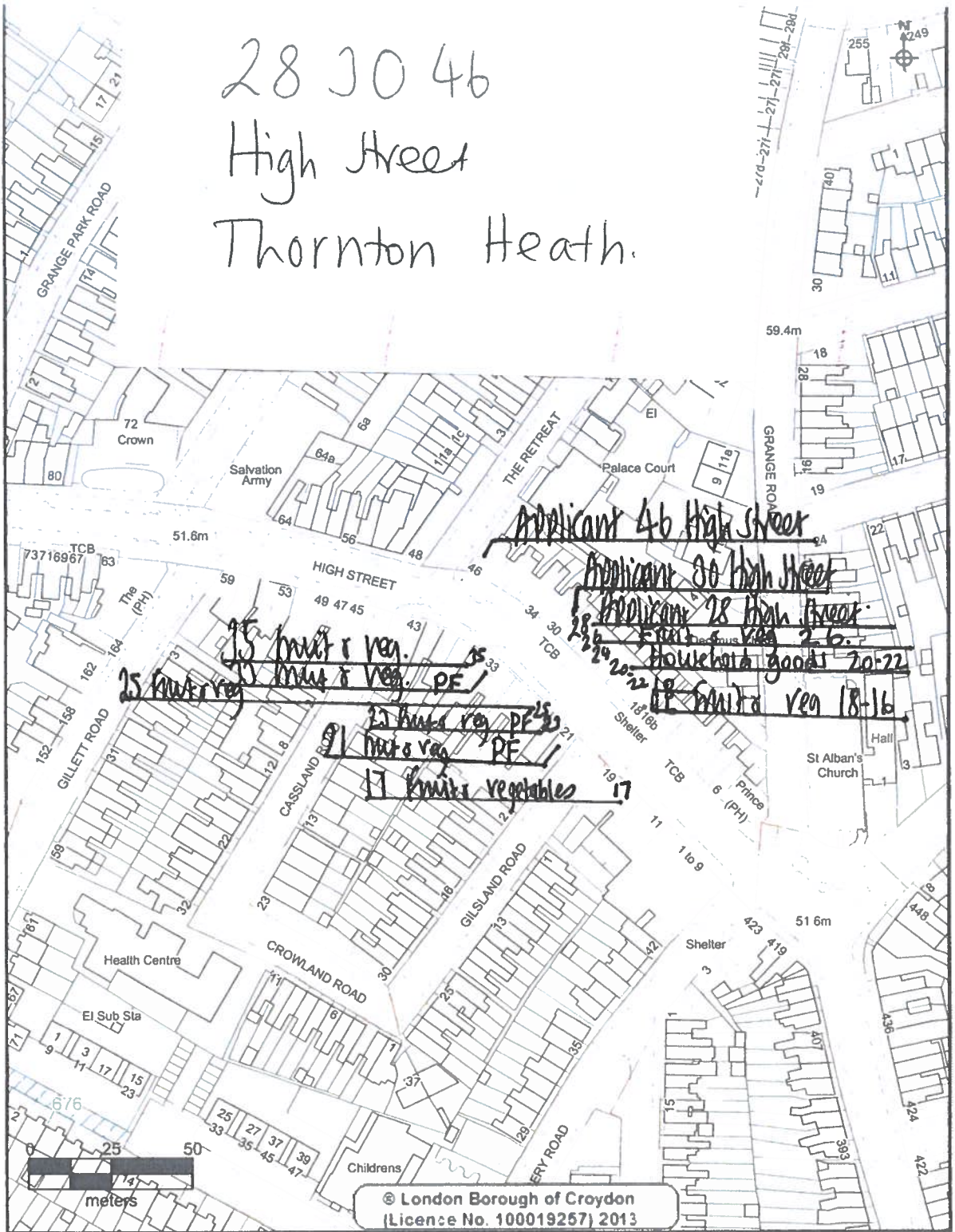
**Issued on Behalf of : Licensing Manager
Place Department**

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.

28 30 46
High Street
Thornton Heath.



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London Borough Croydon

Scale 1:1500

3 private forecourt displays

15-Mar-2022

7 Designated displays nearby applicants 28 20 + 46

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

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

Mr Ziaullah Khan Niazi
[Redacted]
[Redacted]
[Redacted]

Your Ref:
Our Ref:
Date: 8 February 2022

Dear Sir

Subject: Street Designation Order

Address: 30 High Street Thornton Heath CR7 8LE

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

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

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

- Entire length of London Rd

-Entire length of High St Thornton Heath

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

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

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

Yours sincerely

[Redacted Signature]

[Redacted Name]
Licensing Officer



APPENDIX C

- Applicant:** Mr Ziaullah Khan Niazi
- Location:** On the highway outside 28 High Street, Thornton Heath CR7 8LE
- Measurement:** The application seeks trading area of: Length 3m, Width 2.20m, Height 2m. The total distance between the shop front and the nearest obstruction, in this case the posts along the kerbside is 5.20m. This leaves 3m clear pedestrian pavement.

This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix C1 shows photographs and a diagram of the available pavement space.

Proposed Times of Trading:

Monday to Sunday 7am to 11pm

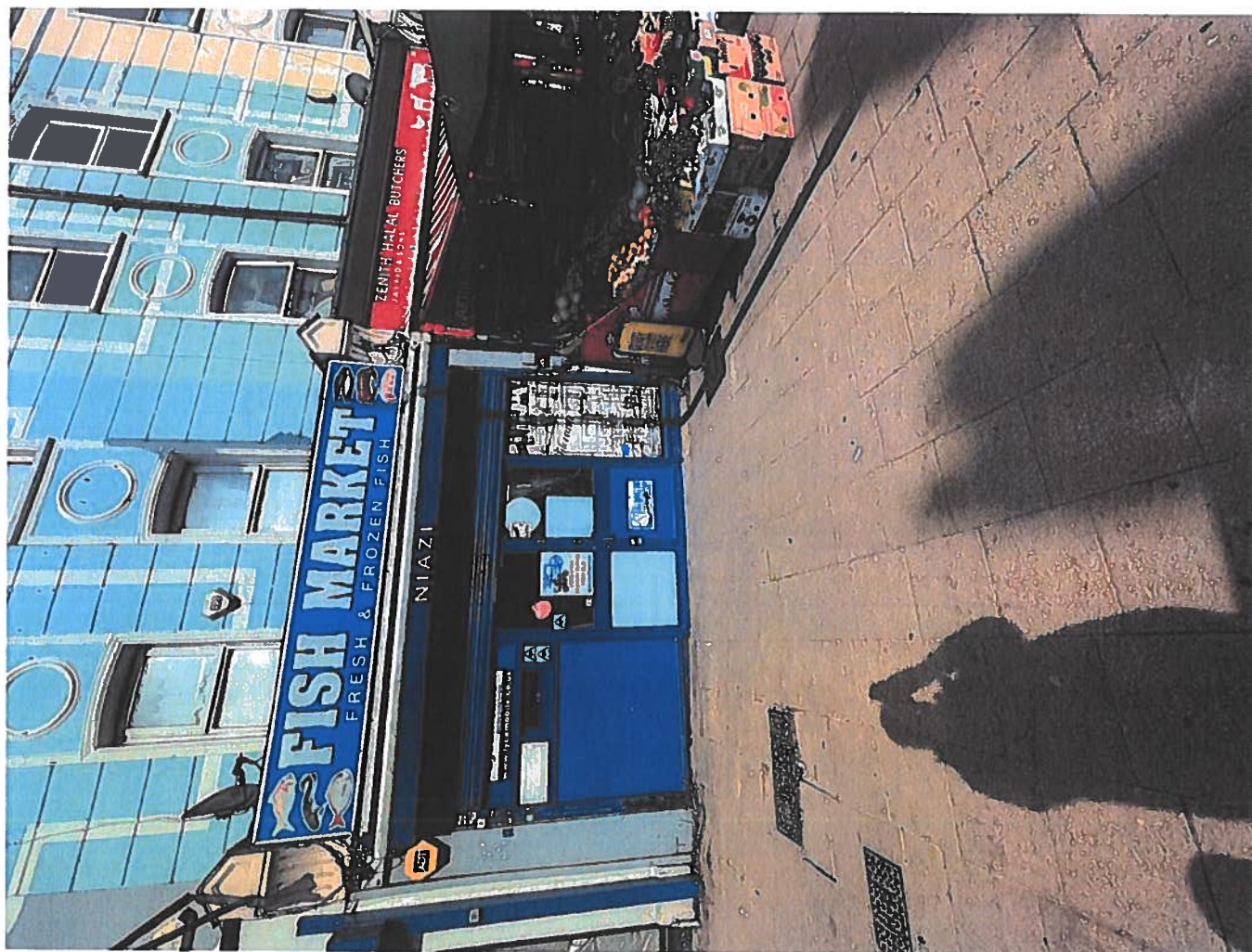
To Display: Fruit & Vegetables

1. Detailed Consideration

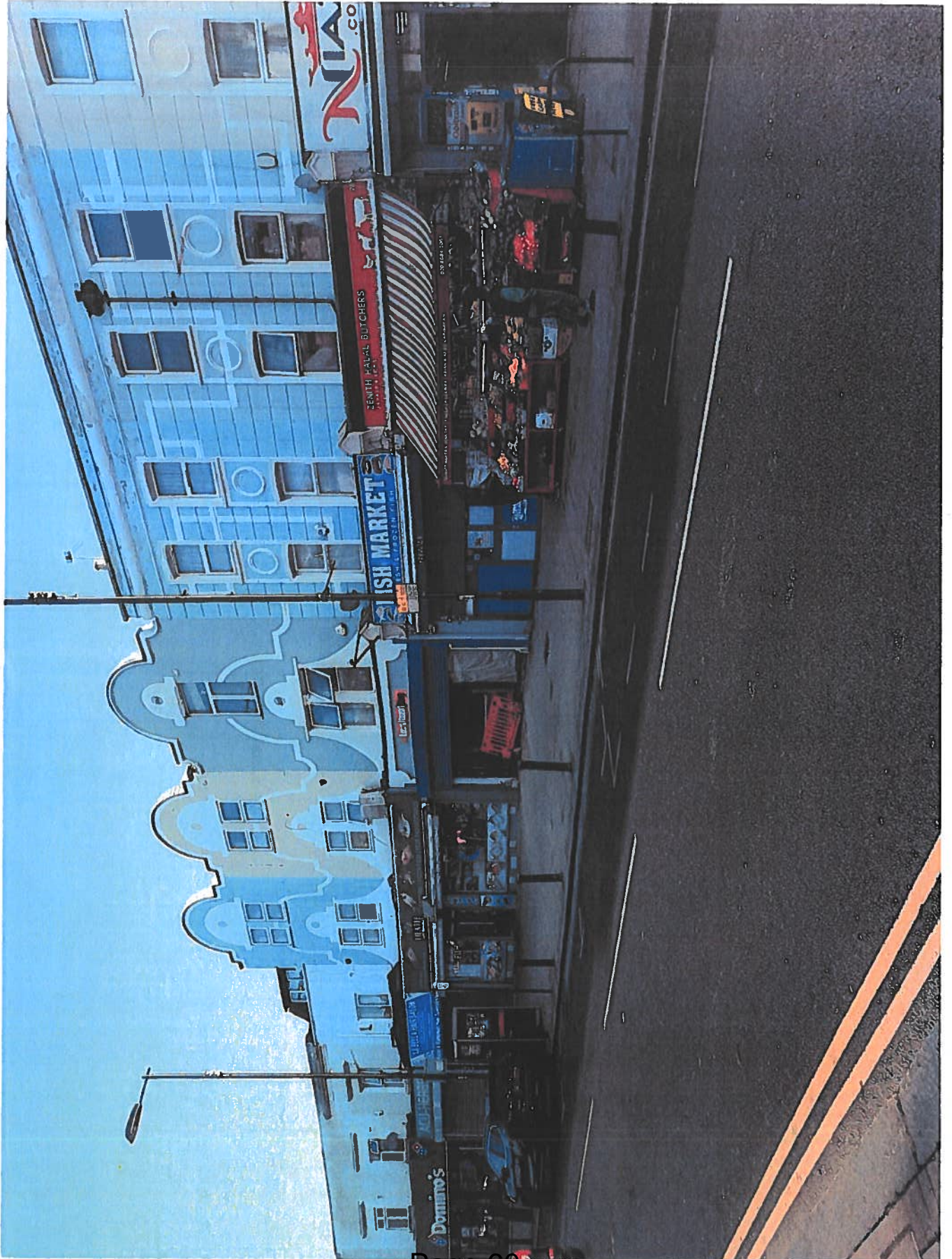
- 1.1 A copy of the application is attached at Appendix C2
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. 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 18.06.2022. A copy is attached at Appendix C3.
- 1.6 There are 7 designated street trading sites nearby the applicant of which 6 are licensed to sell fruit and vegetables. In addition there are 3 private forecourt displays of fruit and vegetables. On the applicant side of the road there 4 designated street trading sites and on the opposite side there are 3 designated street trading sites and 3 private forecourt displays. All are marked on the map at Appendix C4.
- 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 at the time of application and more recently by letter. A copy of that letter is attached at Appendix C5
- 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.





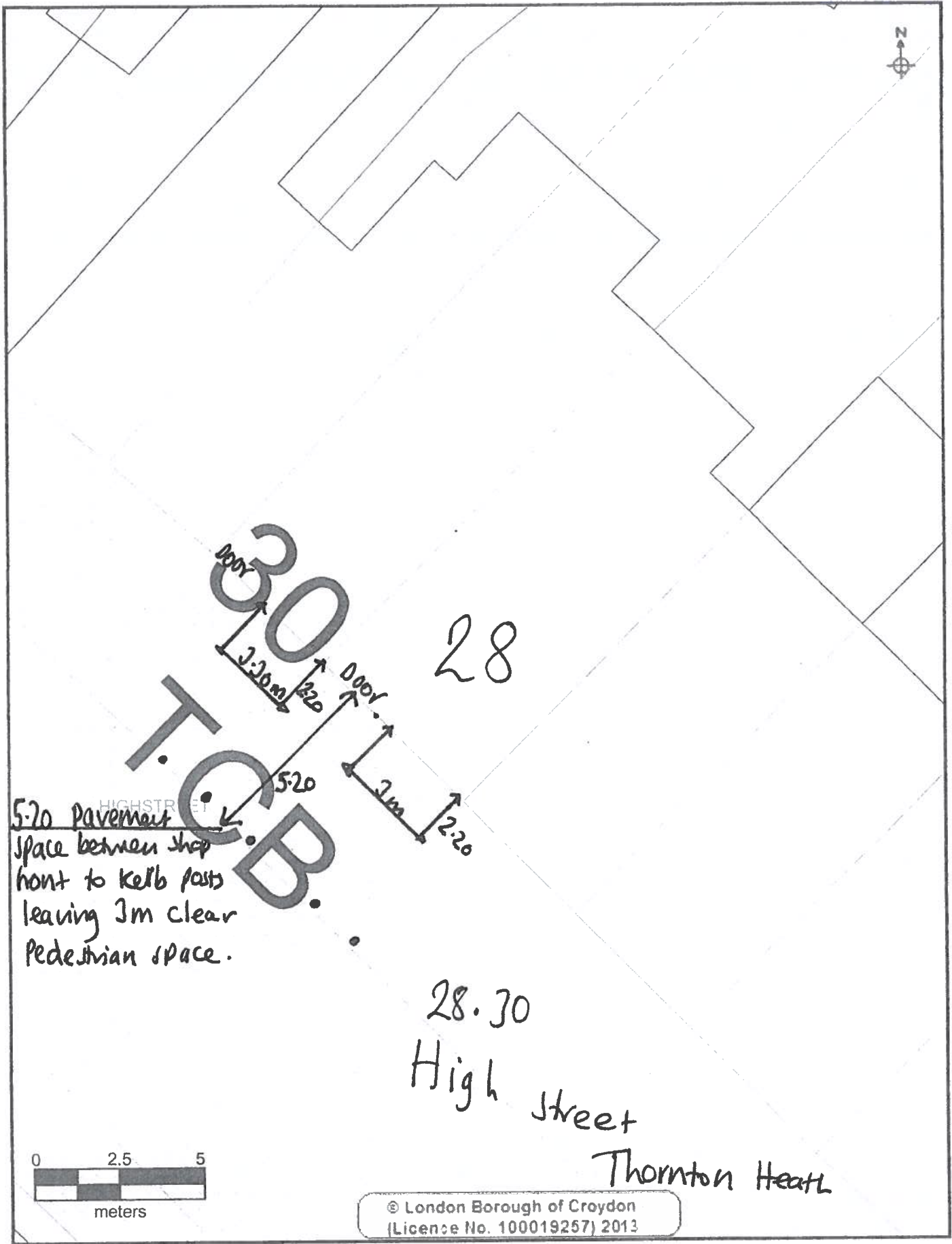


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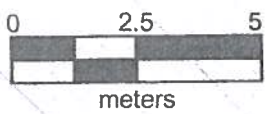








5.70 Pavement
 Space between shop
 front to kerb posts
 leaving 3m clear
 pedestrian space.



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London Borough Croydon



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

Sunday: from 07:00 Am to 11:00 Pm Thursday: from 07:00 Am to 11:00 Pm

Monday: from 07:00 Am to 11:00 Pm Friday: from 07:00 Am to 11:00 Pm

Tuesday: from 07:00 Am to 11:00 Pm Saturday: from 07:00 Am to 11:00 Pm

Wednesday: from 07:00 Am to 11:00 Pm

c) Type of goods or services to be displayed :

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 / 0208 726 6000 Ext 64080

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



Date 18/12/2021

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:

Receipt No : Date received:.....

**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

MR ZIAULLAH KHAN NIAZI

TO USE SITE KNOWN AS

**Niazi
28 High Street
Thornton Heath
CR7 8LE**

TO DISPLAY

Fruit and Vegetable

SIZE OF DESIGNATED DISPLAY

Length 3m, Width 2.20 m, Height 2 m

PERMITTED DAYS & TIMES

**Monday - Saturday 0700 hours - 2300 hours
Sunday 0700 hours - 2300 hours**

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

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

Date Licence Valid From: 18.12.2021

Date Licence Expires: 18.06.2022

Licence Number: 22/00212/STT



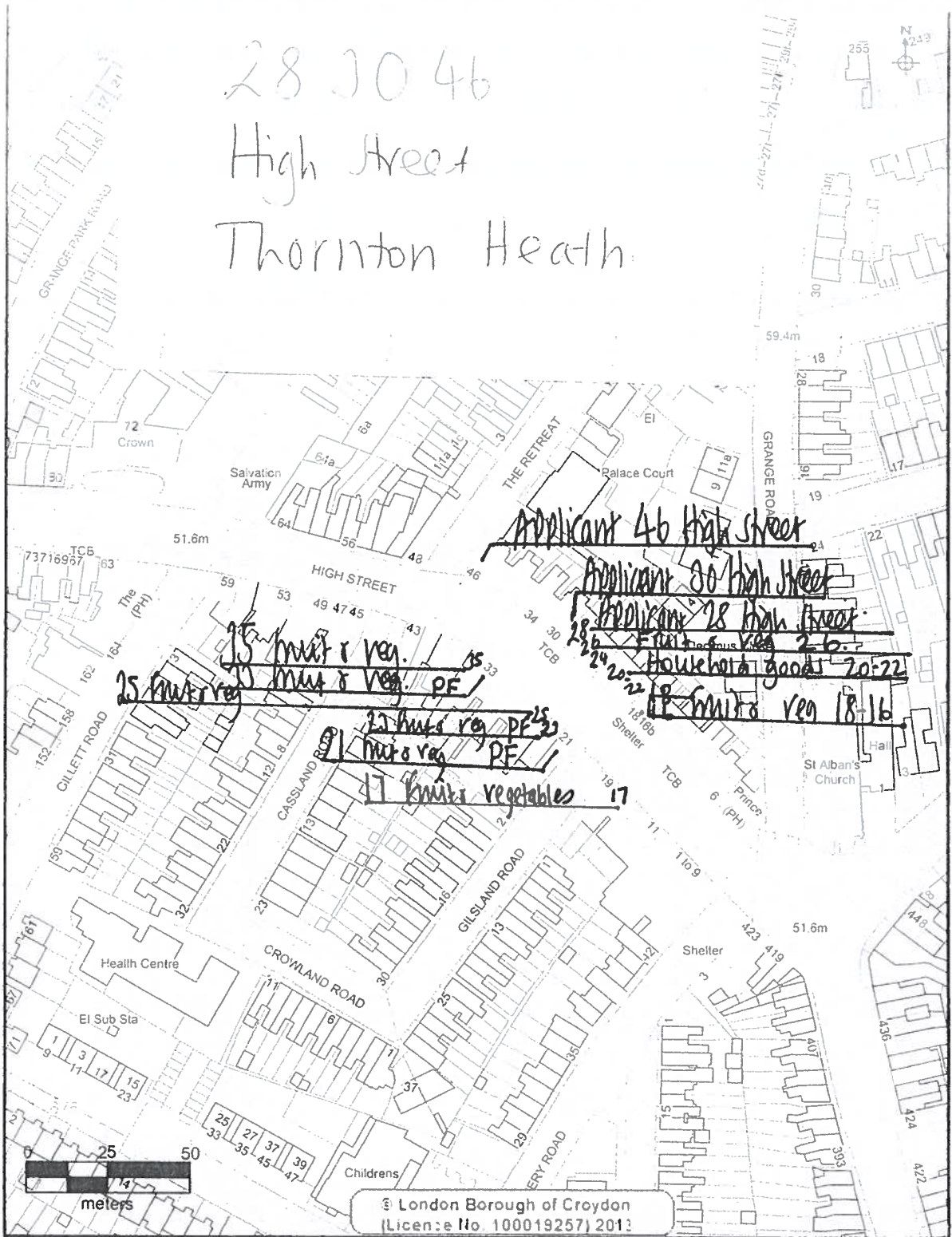
**Issued on Behalf of : Licensing Manager
Place Department**

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.

28 30 46
High Street
Thornton Heath



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Scale 1:1500

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London Borough Croydon

15-Mar-2022

3 Private forecourt displays
7 Designated displays nearby applicants 28 20 & 46

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

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

Mr Ziaullah Khan Niazi
[Redacted]
[Redacted]
[Redacted]

Your Ref:
Our Ref:
Date: 1 February 2022

Dear Sir

Subject: Street Designation Order

Address: 28 High Street Thornton Heath CR7 8LE

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

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

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

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

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

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

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

Yours sincerely

[Redacted Signature]
[Redacted Name]
Licensing Officer

APPENDIX D

- Applicant:** Mr Mohammad Bashir Basharat
- Location:** On the highway outside 1428 London Road, Norbury, SW16 4BZ
- Measurement:** The application seeks a trading area of:
Left Hand - Length 3m, Width 60cm
Right Hand - Length 1.70m, Width 60cm

The total distance of pavement between the shop front and the nearest obstruction, in this case the kerb side is 3m. This allows 2.40m clear pedestrian space.

This area of highway is maintained by Transport for London and the minimum required clear pavement width is 2.0 metres.

Appendix D1 shows photographs and a diagram of the display showing the available pavement space.


Proposed Times of Trading:

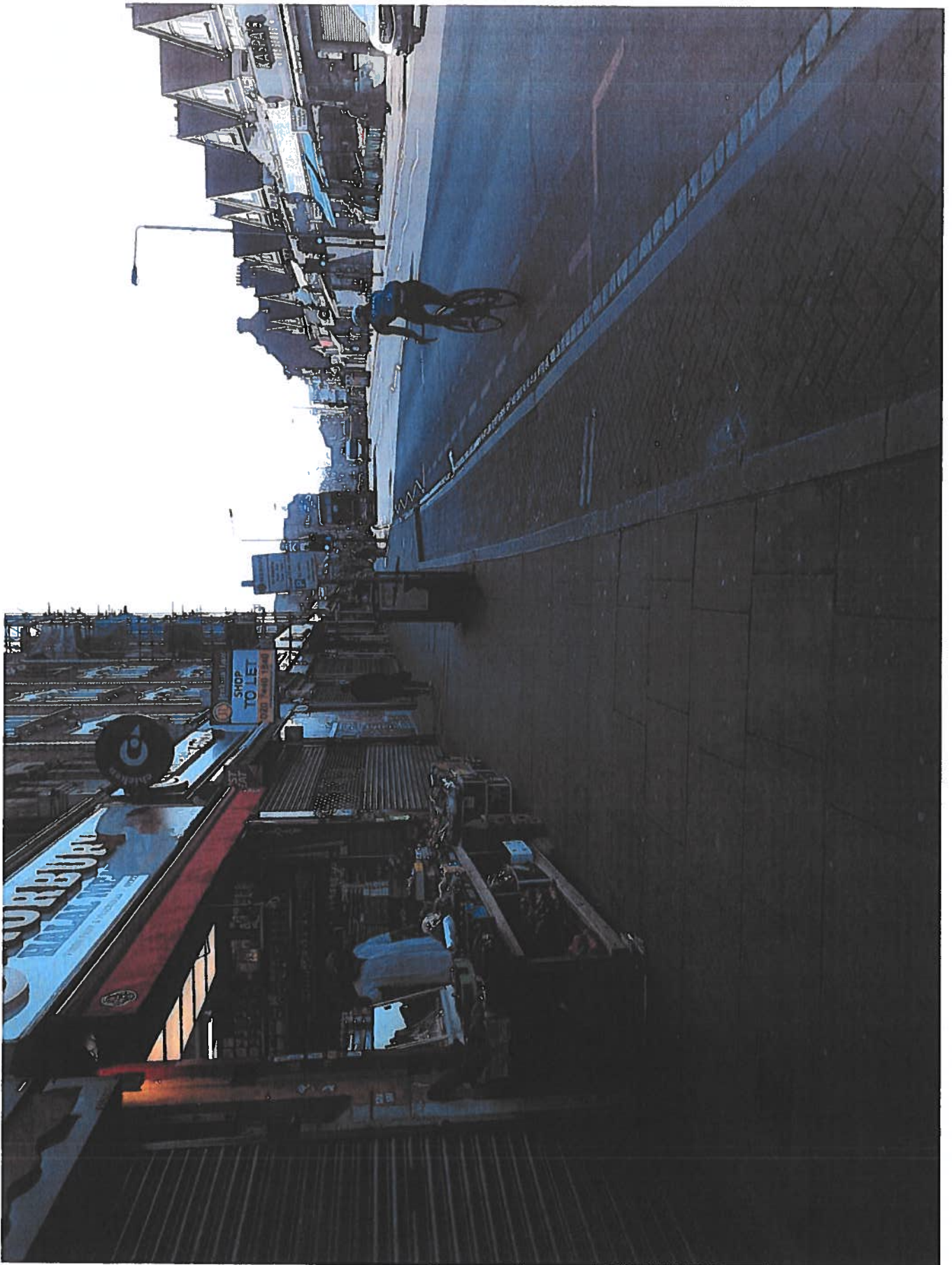
Monday to Sunday 8am to 11pm

To Display: Fruit & Vegetables

1. Detailed Consideration

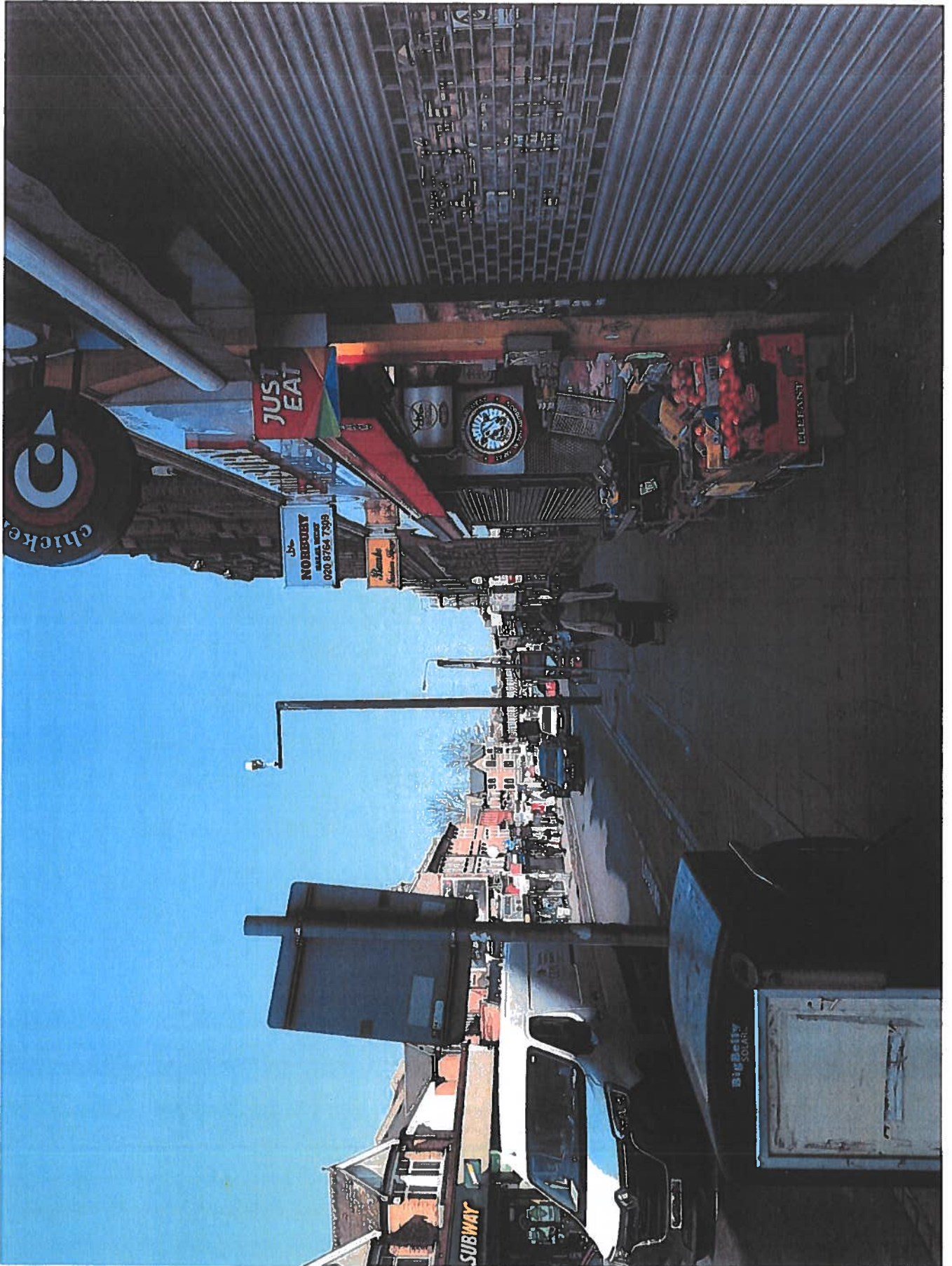
- 1.1 A copy of the application is attached at Appendix D2
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways (TfL) and Parking Services were invited to comment on this application. No comments have been received.

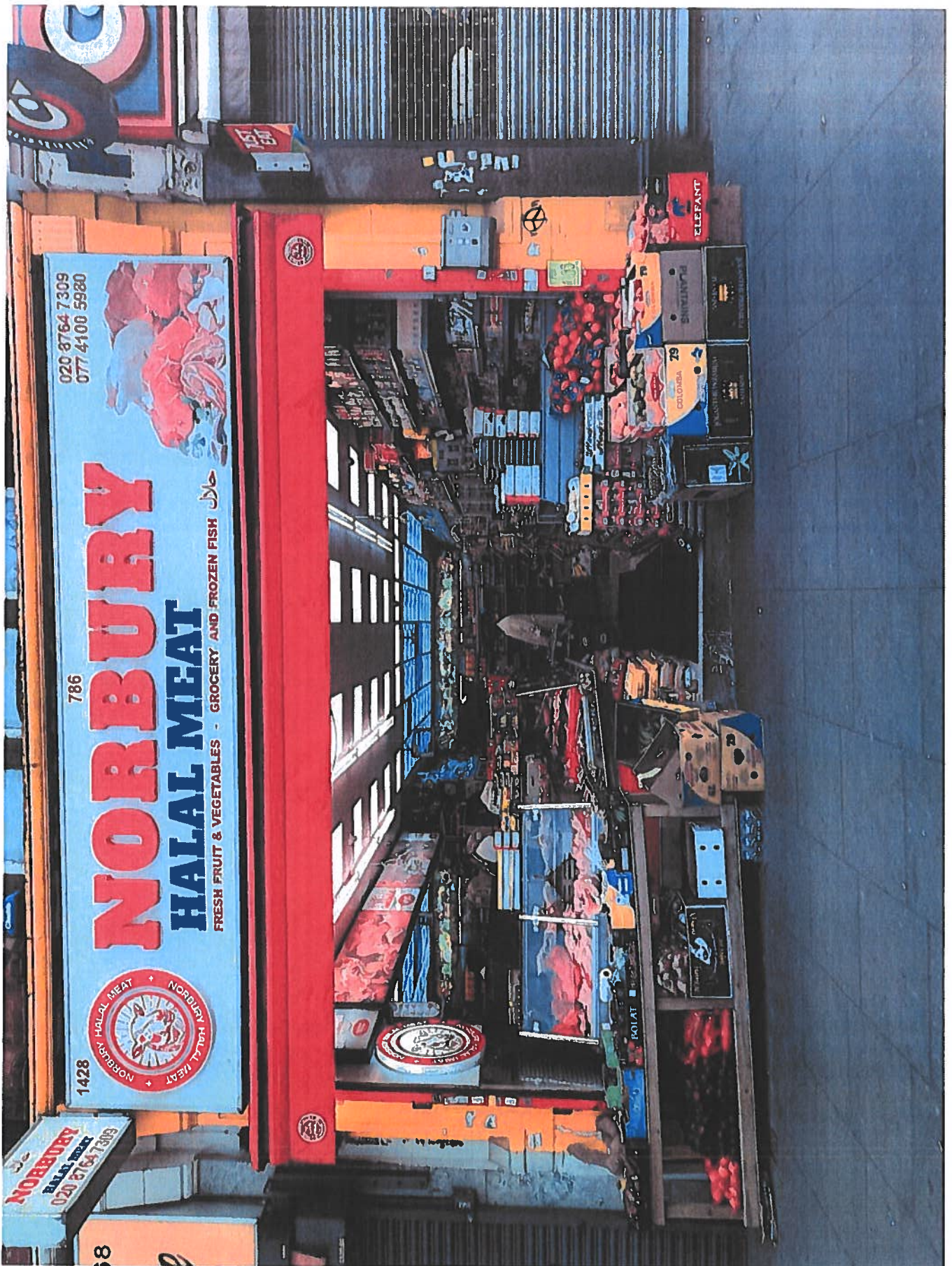
- 
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
 - 1.5 A temporary licence was made available to the applicant which is valid until 01.05.2022. A copy is attached at Appendix D3.
 - 1.6 For information, the applicant was found overspreading his licensed display area on 20.1.22. This was after a previous warning. Appropriate enforcement action was taken.
 - 1.7 There are 12 street trading displays in the area of this application. 8 are on the opposite side of the road and 5 on the same side of the road.
 - 1.8 The Applicant has indicated that if the application is approved, he will invest in purpose made stands that can be wheeled in and out of the shop at night.
 - 1.9 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 at the time of application and more recently by letter. A copy of that letter is attached at Appendix D4.
 - 1.10 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.

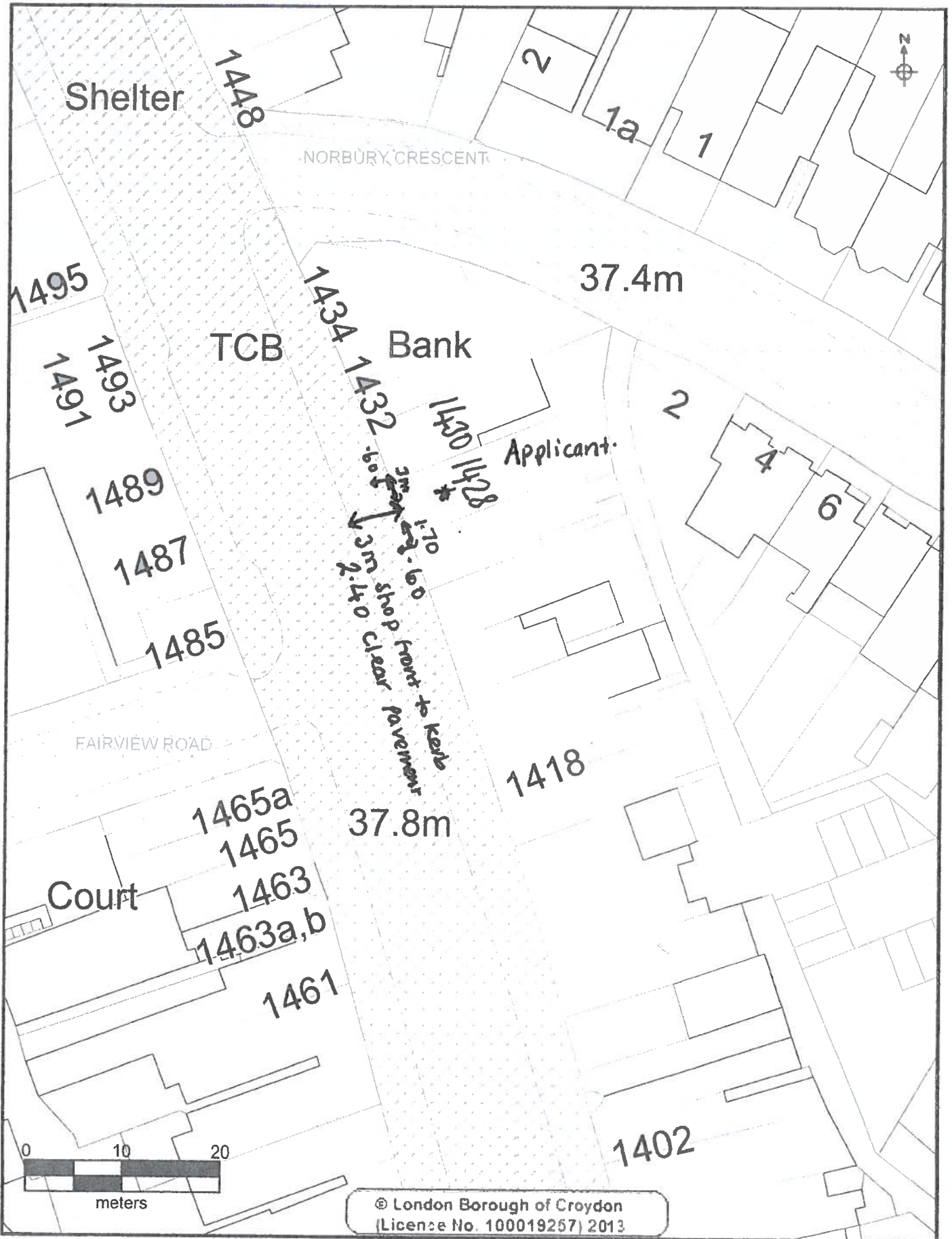




91







Monday: from 8am to 11pm Friday: from 8 to 11
 Tuesday: from 8 to 11 (Saturday from 8 to 11
 Wednesday: from 8 to 11

c) Type of goods or services to be displayed: Fruits 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.

The fee is £2 per sq metre per week for areas other than North End and £4 per sq metre per week for North End.

You will be notified of the fee once you have submitted your application

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

[Handwritten Signature]

Date 20/01/2022

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.

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:

Receipt No : Date received:

**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 **MR MOHAMMAD BASHIR BASHARAT**

TO USE SITE KNOWN AS **Norbury Halal Meat Ltd.**
1428 London Road
Norbury
London
SW16 4BZ

TO DISPLAY **Fruit & Vegetable**

SIZE OF DESIGNATED DISPLAY **Left Hand - Length 3m, Width 60cm, Height 1.5**
Right Hand - Length 1.70 m, Width 60cm

PERMITTED DAYS & TIMES **Monday - Saturday 8:00 am - 11:00 pm**
Sunday 8:00 am - 11:00 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: 01.11.2021

Date Licence Expires: 01.05.2022

Licence Number: 22/00462/STT

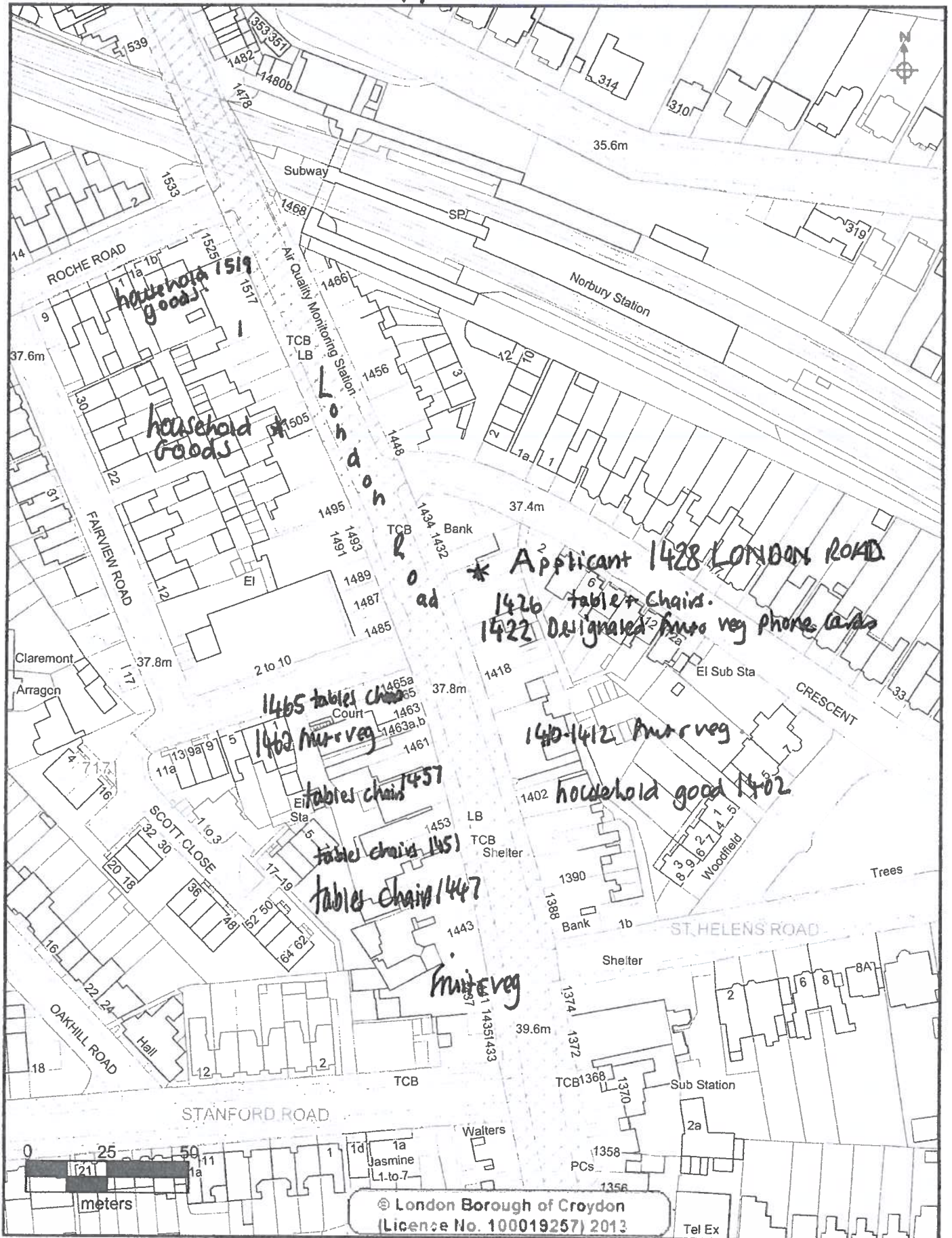
*Issued on Behalf of : Licensing Manager
Place Department*

D3

Licence Conditions

Transport for London Maintained Roads

1. The licensee shall ensure that there is a minimum clear passage of **2.8 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp post 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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London Borough Croydon

Scale 1:1500

15-Mar-2022

12 Designated Sites for Street trading Nearby 1428

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

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

Mr Mohammad Bashir Basharat
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

Your Ref:
Our Ref:
Date: 23 February 2022

Dear Sir

Subject: Street Designation Order

Address: 1428 London Road Norbury London SW16 4BZ

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. '

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

Yours sincerely

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

Licensing Officer