

Licensing Committee Agenda



To: Councillor Patsy Cummings (Chair)
Councillor Mohammed Islam (Vice-Chair)
Councillors Kola Agboola, Sue Bennett, Margaret Bird, Stuart Collins,
Nina Degrads, Danielle Denton, Patricia Hay-Justice, Ian Parker, Ria Patel
and Nikhil Sherine Thampi

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Tuesday, 12 September 2023 at 6.30 pm** in **Council Chamber, Town Hall, Katharine Street, CR0 1NX.**

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

Hannah Cretney, Democratic Services
Officer
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If you require any assistance, please contact Hannah Cretney, Democratic Services Officer 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 - 8)

To approve the minutes of the meeting held on 29 November 2022 as an accurate record.

3. Minutes of previous Licensing Sub-Committee Meetings (Pages 9 - 70)

To agree the minutes of the Licensing Sub-Committees meetings held on:

20 December 2022;
28 February 2023
14 April 2023
27 June 2023
12 July 2023
27 July 2023; and,
15 August 2023 as accurate records.

Minutes are created by attending officers from Democratic Services, and unless members have specific knowledge of any inaccuracies, Members of this Committee can approve minutes of previous meetings where they may not have attended.

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 are invited to declare any disclosable pecuniary interests (DPIs) they may have in relation to any item(s) of business on today's agenda.

6. Pavement Licensing - The Business and Planning Act 2020 (Pages 71 - 78)

This Report provides background to the request that the Committee

delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to extend and operate the pavement licensing arrangements under the Business and Planning Act 2020 as amended.

7. London Local Authorities Act 1990 - Application for Street Designation Order x2 (Pages 79 - 108)

The application detailed in Appendix A has been withdrawn.

The Committee is asked to determine whether to designate the site detailed at Appendix B for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

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Licensing Committee

Meeting of held on Tuesday, 29 November 2022 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Karen Jewitt (Chair);
Councillor Christopher Herman (Vice-Chair);
Councillors Kola Agboola, Patsy Cummings, Margaret Bird,
Richard Chatterjee, Ian Parker, Ria Patel and Tony Pearson

Apologies: Councillor Nina Degrads and Stella Nabukeera

PART A

16/22 **Minutes of the Previous Meeting**

The minutes of the meeting held on 26 September 2022 were agreed as an accurate record.

17/22 **Minutes of previous Licensing Sub-Committee Meetings**

The minutes of Licensing Sub-Committee hearings on 1 September 2022, 9 September 2022, and 23 September 2022 were agreed as accurate records.

18/22 **Disclosure of Interests**

There were no disclosures of interests.

19/22 **Urgent Business (if any)**

There were no items of urgent business.

20/22 **Licensing Act 2003 - Review of the London Borough of Croydon Statement of Licensing Policy and Cumulative Impact Areas within the London Borough of Croydon Statement of Licensing Policy**

Michael Goddard, Head of Environmental Health, Trading Standards, and Licensing, introduced the report to members. In response to members'

questions, Mr Goddard explained that applications for premises licenses only came to the sub-committee when relevant representations against the applications had been made. It was explained that, even if a premises applying for a licence under the Licensing Act was within a Cumulative Impact Area (CIA), the legislation and statutory guidance took precedence over the Statement of Licensing Policy, and that the Policy and designation of CIAs should not be used as blunt tools for refusing applications. They were intended to be used as an extra layer of support to the sub committee with their decision making and in the case of appeals over decisions not to grant licences.

Mr Goddard explained that the concept of a CIA was not to identify individual premises that could be causing negative impact on the licensing objectives in a location, but to identify whether the existence of multiple licensed premises had a collective negative impact on a location. Therefore, premises could not be refused licenses based on being located with a CIA. If the density of any type of licenced premises was felt to be compromising the licensing objectives members may find it appropriate to implement a CIA.

Members requested more information on what negative impacts had been identified in the Equalities Impact Assessment (EqIA), and how the Policy had sought to mitigate those. Officers explained that no changes had been made to the Policy based on the EqIA. A member asked for details as to what the mitigation was in relation to any negative impacts in relation to protected characteristics which had arisen as a result of the initial EqIA. (a second member indicated – as a general comment about the information in the Equalities section in reports generally – that they did not always include all the information which members might like). The officer explained that the Equalities section had been signed off by the Equalities Team having regard to the initial EqIA and the policy had to comply with statutory requirements and statutory guidance and that the proposals were in line with these. The proposed policy applied to premises and their operation rather than to individuals and individual conduct. The mitigation identified in the initial EqIA in relation to potential negative impacts was that to deal with/mitigate risk, licensed premises that were associated with crime and disorder could be dealt with by licence review or prosecution which were mechanisms provided for.

The Chair suggested that committee members could make ward councillors aware if an application was submitted in one of their wards if there was a CIA in place there.

The Chair MOVED the recommendations which were SECONDED by Councillor Christopher Herman. Councillor Ria Patel voted against the recommendations. Councillors Kola Agboola and Richard Chatterjee did not vote*.

RESOLVED, to:

- 1.1. Consider the outcome of the consultation on the review of Statement of Licensing Policy as summarised in the report and detailed in full at Appendices 3 and 4 and proposed revisions to that Policy as detailed in the report and set out in full at Appendix 8.
- 1.2. Consider the response to the consultation on the 5 potential Cumulative Impact Areas as set out in Appendix 4 and the reasons and evidence base for this (Appendix 1, 2, 3 and 4); and
- 1.3. Agree that, as a result of the response to the consultation and in light of the information within the draft assessment of cumulative impact:
 - 1.3.1 The Licensing authority remains of the opinion that the number of relevant authorisations (for the sale of alcohol for consumption off the premises from off-licenses, shops and supermarkets) in respect of premises in cumulative impact areas 1-4 described in the draft cumulative impact assessment at Appendix 7 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 cumulative impact areas 1-4;
 - 1.3.2 The Licensing authority is of the opinion that the number of relevant authorisations (for the sale of alcohol for consumption off the premises from off-licenses, shops and supermarkets) in respect of premises in cumulative impact area 5 described in the draft cumulative impact assessment at Appendix 7 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 the premises in cumulative impact area 5;
 - 1.3.3 That a summary of the draft cumulative impact assessment, which is set out in full at Appendix 7 be incorporated into the revised Statement of Licensing Policy to be recommended to Full Council for approval;
- 1.4. Recommend to Full Council the adoption and publication of the revised Statement of Licensing Policy 2023-2028 at Appendix 8.

- 1.5. Note that if the revised Statement of Licensing Policy is approved by Full Council, officers will make arrangements to ensure that the Statement of Licensing Policy and Cumulative Impact Assessment is published in accordance with statutory requirements. It is proposed that the revised policy and cumulative impact assessment will be operative from no later than February 2023.

Clerk's note* Cllr Chatterjee arrived at 7.16 pm.

Clerk's note* Cllr Agboola arrived at 7.20 pm.

The meeting ended at 7.23 pm

Signed:

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Date:

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Public Document Pack Agenda Item 3

Licensing Sub-Committee

Meeting of Licensing Sub-Committee held on Tuesday, 20 December 2022 at 10.30 am

MINUTES

Present: Councillors Margaret Bird, Patsy Cummings and Ria Patel

PART A

22/22 **Appointment of Chair**

It was **MOVED** by Councillor Margaret Bird and **SECONDED** by Councillor Ria Patel and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as chair for the meeting.

23/22 **Disclosure of Interests**

In the interests of openness and transparency, Councillor Cummings declared she had previously been ward councillor for South Norwood ward.

24/22 **Urgent Business (if any)**

There were no items of urgent business.

25/22 **LICENSING ACT 2003 - Application For Variation To A Premises Licence at 281 South Norwood Hill, SE25 6DP**

The Chair outlined the procedures for the licensing hearing in line with the Licensing Act, and then introduced the applicant and objector to the meeting.

The Head of Environmental Health, Trading Standards and Licensing described the various types of licensable activity that could be applied for, and stated that licences could be varied by application. The application in question was to vary the existing hours of a licensable activity and to include the provision of late-night refreshment.

Councillor Claire Bonham, objecting to the application on behalf of residents, informed the committee that she was happy with the conditions that had been

applied to the application since it had been made, and that she believed it would mitigate the concerns that residents had expressed.

The applicant then spoke and informed the committee that they were requesting the extended hours of licensable activity due to increased financial pressures. The applicant expressed that the business was keen to have positive relationships with its neighbours, and that they felt the conditions applied were stringent enough to ensure this. The applicant assured the sub-committee that they would encourage better dialogue with residents, and that they were keen to maintain an open dialogue with neighbours and the council to ensure the licensing objectives were protected.

In response to questions from members the applicant explained that:

- They would ensure that outside activity was limited to smoking past 10 pm;
- They would prevent patrons from congregating outside on the street past 10 pm;
- Only table service would be available after 10 pm; and,
- Security provision would be in place.

The sub-committee thanked the applicant and objector for attending and informed them that a decision would be made within the statutory time period.

After the hearing the sub-committee withdrew to the virtual deliberation room and **RESOLVED**, to **GRANT** the application subject to conditions detailed in the decision notice as follows:

**LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

**LICENSING ACT 2003 - APPLICATION FOR VARIATION TO A PREMISES
LICENCE AT 281 SOUTH NORWOOD HILL, SE25 6DP**

Details of decision:

The Licensing Sub-Committee considered the Application for a Variation of a Premises Licence at **281 South Norwood Hill SE25 6DP** and the representations received as contained in the report of the Corporate Director Sustainable Communities, Regeneration and Economic Recovery 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 also considered the representations made by the Applicant, their Agent and a ward councillor on behalf of residents 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 following discussions with the Police 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 noted that the premises are situated on the A215 in a small parade of shops with residential premises above. There is also a small parade of shops to the right of the premises on the other side of Spa Close also with residential premises above them and residential premises to the rear. The immediately surrounding area includes both residential and commercial premises, although predominantly residential.
2. The Sub-Committee had regard to the fact that there were no objections from the Police who had agreed a set of conditions with the applicant as set out in Appendix A3 to the report which were to be applied to the premises license in the event that the Sub-Committee

was minded to grant the variation. In addition, the Sub-Committee had regard to the fact that the Ward Councillor, having considered the proposed conditions at Appendix A3 was of the view that these dealt with the concerns raised and welcomed the offers from the manager of the premises to work with residents.

3. The offered conditions at Appendix A3 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.
4. 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 in front of the premises and in the 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, that was not shown to be attributable to a licensable activity being undertaken at the premises – pre-existing issues around parking ought properly to be addressed by regimes other than Licensing.
5. 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.

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.

Date of Decision:

20 December 2022

26/22

LICENSING ACT 2003 - Application For A Premises Licence at 83-84 High Street, South Norwood, SE25 6EA

The Chair then welcomed the applicant and objector to the hearing and outlined the protocol for the benefit of all parties. The Head of Environmental Health, Trading Standards and Licensing again described the types of licensable activity that could be applied for in line with the Licensing Act 2003, and informed the committee that this was an application for the sale by retail of alcohol Monday to Sunday 11 am to midnight, for the playing of recorded music with the same hours, and with a closing time of 0030 hours the following morning. Officers asked members to note that the applicant had amended their application to include certain conditions following discussion with the police, which would apply should the committee decide to grant the application. There were also some amendments to the requested hours, which were detailed in Appendix A2 to the report.

The Chair then invited the objector to speak, who informed that committee that:

- The premises had a history of breaching licensing conditions;
- There had been anti-social behaviour issues caused by patrons of the previously licensed premises;
- The area was saturated with bars and that patrons of these premises congregated in the narrow pavements drinking outside the premises, which intimidated residents;
- The high street on which the premises was situated was very narrow and the congregations of people drinking outside premises caused traffic issues, causing vehicles to sound their horns late at night;
- The venue was already promoting events that involved licensable activity even though it did not have a current alcohol licence;

- There had been instances of activity going on in the basement outside of licensed hours;
- Flat above the premises would suffer a lot of noise nuisance; and,
- People entering and leaving the premises also caused nuisance to residents.

The applicant was then offered the opportunity to speak to the sub-committee. On behalf of the applicant, the Applicant's Agent, Robert Sutherland informed the sub-committee that:

- The Applicant is a new operator of the premises and is separate from the former operator.
- The previous licence holder whose licence was revoked following a number of breaches of the licensing conditions would not have any involvement in the running of the business under the new licence should it be granted;
- There was a hatched area not included in the original plan submitted, subsequently agreed with Police which would cover part of the area where patrons could stand, despite the ground floor being predominantly table service only;
- Following discussions with police and the Local Authority robust licensing conditions as detailed in the Appendix to the report would be applied to the licence should it be granted, including reduction to the hours of licensable activity, and that regulated entertainment was restricted to take place in the basement only; and,
- The applicant had 25 years' worth of experience in the hospitality industry, and that they also worked in a hotel, meaning that a breach of conditions was not likely.

The sub-committee questioned the advertisements for ticket sales that were live on a website that promoted events, as it was not clear who had listed the events or when, since the premises did not have a licence for the activity advertised, and the Temporary Event Notices (TENs) that the applicant had been granted in the meantime did not cover all the hours of licensable activity shown on those advertisements. The applicant's representative explained that if there was any online information stating that licensable activity would be taking place outside of the hours sought by the application or that was allowed for by the TENs they would seek to remove those advertisements immediately. The representative also explained that the applicant did not list the advertisements.

The objector explained that, in addition to the online advertisement of the licensable activity, there was also a large banner outside the premises itself advertising the same events.

In response to questions from the sub-committee, officers explained that TENs were a means to lawfully undertake licensable activities at a premises and neither the police nor the council's noise team had objected to any of the TENs which the current Applicant had applied for, and that there was a maximum allocation of TENs per calendar year for any one applicant . Officers also explained that the cumulative impact areas (CIAs) in place at this time did not cover this area and in any event related only to off licences, and not to any other kind of premises in the area.

The applicant's representative summed up by assuring the sub-committee that there was an agreement in place to ensure that the previous licence holder would not be allowed to be present at the premises during the hours of licensable activity, and that they would not have any involvement with the daily running of the business.

The sub-committee withdrew to the virtual deliberation room and **RESOLVED** by majority to **GRANT** the application based on the conditions detailed in the decision notice as follows:

**LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

**LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE AT
83-84 HIGH STREET, SOUTH NORWOOD, SE25 6EA**

Details of decision:

The Licensing Sub-Committee considered the Application for a Premises Licence at **83-84 High Street South Norwood, SE25 6EA** and the representations received as contained in the report of the Corporate Director Sustainable Communities, Regeneration and Economic Recovery and the additional documentary and photographic evidence submitted by the objector prior to the commencement of the hearing. The Sub-Committee did not have regard to the information which the objector sought to share via the chat facility during the virtual meeting as this had not been shared with the Applicant or his Agent prior to the commencement of the hearing.

The Sub-Committee also considered the representations made by the Agent on behalf of the Applicant and the objector during the hearing. Whilst the Sub-Committee would have liked to have the Applicant present for the hearing, the Agent for the Applicant indicated that the Applicant had proposed to be present but was unfortunately unable to do so but he was able to proceed in the Applicant's absence. The Agent did indicate to the Sub-Committee that if they wished the Applicant's presence, that the consideration of the matter be adjourned to a later date which the Applicant could attend.

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 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.

2. The Sub-Committee had regard to the fact that there were no objections to the application from the Police on crime and disorder grounds nor from the noise nuisance team in respect of public nuisance. The Sub-Committee noted that, as per the Statutory Guidance, Licensing authorities should look to the police as the main source of advice on crime and disorder and the police had agreed a set of conditions with the applicant, in the event that the Sub-Committee was minded to grant the application.
3. The applicant had, in response to discussions with the police amended their application in a number of important respects – to reduce the hours applied for as detailed in Appendix A2 to the report and to include the conditions proposed and set out at Appendix A2 to the report - 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.
4. The Sub-Committee were mindful that all licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The Sub-committee took into account the provisions within the Statutory Guidance at paragraph 9.44 which provides 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 any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.
5. The Sub-Committee were addressed by the Objector in relation to historic issues at the premises which took place under the auspices

of a previous premises license holder and former DPS. The Sub-Committee were clear that the current Applicant was a new operator and new DPS (to whom the police had not objected) and could not be held responsible for the manner in which the previous operator had run the premises. The Agent for the Applicant indicated that the Applicant had 25 years worth of experience in the hospitality industry and would divide his time, at least initially, between his current role in a hotel and the premises with a view to growing the business at the premises. Despite not being responsible for previous running of this premises, the current Applicant had agreed a number of conditions with the Police (Appendix A2) which were designed to support the Licensing Objectives and a well run premises in light of historic concerns. These included conditions such as the ground floor operating as restaurant and bar with predominantly sit down service with no regulated entertainment being provided on the ground floor; the basement floor only being used for licensable activities for private functions and parties and these bookings be recorded and police notified as provided for in conditions 4 and 22 respectively. In particular, condition 22 offered by the Applicant (and supported by conditions 23 and 24) is quite restrictive in that it provides as follows:

a. *“At least 14 days, or such shorter period as may be agreed by the police, prior written notice shall be provided to the police of an event booking for the premises to include the date, name of person booking the event and any other details as requested by the police For the purpose of promoting the licensing objectives the police may have a right of veto in respect of events deemed high risk.”*

6. Allegations were also made that the premises was operating “without a license” following the revocation of the previous license. The Sub-Committee 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. The Sub-Committee were advised by the Agent for the Applicant that the Applicant had only this past weekend (16th December) commenced trading at the premises and that there was a Temporary Event Notice granted to the Applicant in place between the 16th - 19th December and that a further Temporary Event Notice had been granted for 21st - 27th December. The granting of the Temporary Event Notices for the above dates was confirmed by the Head of Environmental Health, Trading Standards and Licensing. The Temporary Event notices had a terminal hour for licensable activities of midnight and the Applicant had offered to

adhere to the conditions which are set out at Appendix A2 as part of those Temporary Event Notices. The Sub-Committee were clear that operating pursuant to a Temporary Event Notice was not operating an unlicensed event but were also mindful that they were not seized with making decisions in relation to the temporary event notices as part of the current application.

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 a 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 and there were no representations in relation to the current Applicant and their provision of licensable activities at the premises in this regard.
8. There was a significant amount of discussion around the advertisement of tickets for events at the premises which had terminal hours beyond what was currently applied for given the amendments made to the application to reduce the proposed hours of operation and provision of licensable activities at the premises. The Agent for the Applicant stated that the Applicant was not responsible for the advertisements, and it was unclear how long the advertisements had been online. The Sub-Committee were clear that if the application was granted, the Applicant would need to ensure that they abided by the permitted hours in the license otherwise it would be a breach of the license conditions and that the Applicant would need to take steps to attempt to remove those advertisements to avoid misleading potential patrons and the attendant issues which would arise as a result.
9. Concerns were also raised about the potential involvement of the previous proprietor of the premises in the new business. The Agent confirmed that there was a formal management agreement in place between the Applicant and the Leaseholder of the premises who is also the former proprietor of the premises. However, the Sub-Committee were also mindful of the conditions set out at Appendix A2, in particular the proposed condition 26 which was specifically designed to address these concerns by providing that the former proprietor and DPS not be on the premises whilst licensable activities are being undertaken and that they will not be involved in the day to

day management of the premises. This was also addressed by the Agent for the applicant who indicated to the Sub-Committee that the CCTV conditions (conditions 8, 9 10 and 11) would also support ensuring that condition 26 was adhered to.

10. 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.
11. Whilst the Sub-Committee were aware, and the objector made representations that the area in which the premises is situated is within what the Council's current Statement of Licensing Policy terms a "special stress area", the Sub-Committee were clear that the special stress area did not have any statutory weight but was merely an 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) but in respect of which there was insufficient evidence to put a cumulative impact area in place. 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 and furthermore that the special stress area did not delineate a cumulative impact area and only the latter had statutory force. The existence of a "special stress area" did not therefore impact their decision making on this matter.

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.

Date of Decision:

20 December 2022

27/22 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 12.12 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Tuesday, 28 February 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillors Karen Jewitt, Margaret Bird and Christopher Herman

PART A

28/22 **Appointment of Chair**

It was **MOVED** by Councillor Margaret Bird and **SECONDED** by Councillor Christopher Herman and **RESOLVED**, to:

Appoint Councillor Karen Jewitt as Chair for the meeting.

29/22 **Disclosure of Interests**

Councillor Karen Jewitt noted that she was a ward Councillor for Thornton Heath but had no previous involvement in the application.

30/22 **Urgent Business (if any)**

There were no items of urgent business.

31/22 **Licensing Act 2003 - Application for a premises licence at 61 High Street, Thornton Heath, CR7 8RY**

The Chair outlined the procedures for the licensing hearing in line with the Licensing Act 2003 and introduced the applicant, the applicant's agent and the objector to the meeting.

The Head of Environmental Health, Trading Standards and Licensing described the types of licensable activity that could be applied for and introduced the nature of the License Application as described in Appendix A, paragraph 1.2. They advised the sub-committee that following conversations with the police licensing officer and council noise pollution team, the closing hours presently requested were a reduction to those submitted in the original

application. In addition, a list of conditions detailed in Appendix A2 had been accepted by the applicant were the license to be granted.

The Chair invited the objector to speak who informed the sub-committee:

- The area was quiet, residential and densely populated.
- The premises did not have a car parking facility.
- A late-night venue would create noise, increase traffic and parking difficulty in the vicinity.
- They were relieved to see door staff in place for CPFC home fixture days and the conditions regarding closure of doors, windows and the installation of a noise regulator.
- There had been a loss of venues in the area and the development of the site was welcomed, however they felt the opportunity to create a family friendly venue had been missed.

The applicant was then offered the opportunity to speak, on behalf of the applicant their representative Robert Sutherland advised the sub-committee:

- The premises intended to be a family friendly venue, utilised by the local community.
- Several conditions to ensure no nuisance to residents had been agreed in conjunction with the police and council noise nuisance team.
- Regarding parking, online publicity material would encourage attendance by taxi or public transport and the night bus provision, nearby mini cab office and availability of Uber in the area was noted

The sub-committee queried the inclusion and observation of condition 33 in relation to the management responsibility and any involvement in the business by the previous owner of Oceanic Bar. The applicant's representative advised this had been agreed with the police in relation to their concerns and confirmed the applicant was solely responsible for management of the premises. The applicant advised the police would be contacted if the individual attended the premises.

In response to questions the applicant's representative advised:

- The double fronted outside areas would be maintained for cleanliness during the day and at close of business.
- Weekends would have both CCTV and door supervision to minimise noise nuisance and restrict numbers of smokers outside.
- The use of plastics had been discussed with police in relation to the reduction of crime and disorder and drinks would be prevented outside from 11pm.
- There would be further discussion with the police regarding the allocation of the venue to home or away fans on CPFC home match days and security provision would be in place.

The sub-committee queried limiting smokers outside to a maximum of 10. Officers advised smoking was not a licensable activity and therefore could not be regulated in this way.

The 150-person capacity of the venue was noted, specific CPFC home match day capacity had not been agreed. Officers advised it was not uncommon for capacity to not be included on a premises license, a fire risk assessment would be completed by the premises in conjunction with the fire brigade. Any overcrowding would be responded to by the police and fire brigade.

In response to questions the applicant's representative advised the 08.00 am opening time would allow provision of non-licensable refreshments in the morning. The applicant advised the sub-committee of their work with local community organisations and the lack of affordable community venues available for hire. Sunday to Thursday evenings would be bookable by local organisations or groups to host events.

In discussions with the police the applicant had agreed to provide a contact number to neighbours and suggested creating a WhatsApp group with local residents.

The sub-committee requested an amendment to the proposed weekend closing hours from 02.30 am to 02.00 am. The sub-committee agreed the applicant's proposal to amend of last sale of alcohol to 01.45 am with a 02.15 am closing time.

Officers and the applicant confirmed the wording for an additional condition regarding daily litter picking and specific litter picking provision on CPFC home match days.

The Chair advised the outcome of the hearing would be communicated within the statutory time period and thanked those present for their participation in the hearing.

The meeting ended at 11.43 am

Signed:

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Date:

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**LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION**

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT 61 HIGH STREET, THORTON HEATH, CR7 8RY

Details of decision:

The Licensing Sub-Committee considered the Application for a Premises Licence at **61 High Street, Thornton Heath, CR7 8RY** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee noted the revised conditions which were agreed with the Police and Council's Pollution Team as detailed in Appendix A2 which the Applicant had agreed would be placed on the License should the Sub-Committee be minded to grant the application.

The Sub-Committee also considered the representations made by the Applicant, their Agent and an objector during the hearing.

The Sub-Committee welcomed the further amendments made by the Applicant during the course of the hearing to reduce the hours for sale of alcohol Friday and Saturday so that the last sale takes place by 1.45am and to similarly reduce the opening hours Friday and Saturday to a 2.15am close. This would also therefore amend the terminal hour for late night refreshment on those days to 2.15am.

The Applicant also offered an additional condition around litter picking which would be imposed on the license should the Sub-Committee be minded to grant.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT**

the application as amended by the Applicant during the hearing as detailed below and incorporating the agreed conditions as set out in Appendix A2 to the report 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 most relevant in relation to their consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on the B266 which leads towards Thornton Heath Rail Station, in a parade of shops along the high street with residential premises above the premises and above the shops and the parade backed onto residential premises including a council block of flats to the rear. There was also a parade of shops on the other side of the road, also with residential premises above them and to the rear.
2. 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.
3. The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, that public nuisance 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, the Statutory Guidance makes clear that it would be perfectly reasonable for example, 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 leave quietly. 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.

4. 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 potentially engaged is around public nuisance as it pertains to the provision of a licensable activity. In this regard, the sub-committee noted that the applicant had offered conditions around having a written dispersal policy in place, ensuring patrons were managed when exiting and arriving at the premises to minimise noise disturbance and to maintain a dialogue with residents about noise nuisance matters arising as a result of operation of the premises with a view to mitigate impacts on the prevention of public nuisance objective when they are providing licensable activities.

5. The Sub-Committee noted the evidence on behalf of the Applicant that there had already been direct engagement with those residents living above the premises and that there were no objections from them. In addition, there were a number of proposed conditions specifically designed to address potential noise issues, in particular, these included the following:
 - After 21:00 hours, on any occasion regulated entertainment is being provided, all windows and doors will be closed save for access and egress
 - Patrons will be managed to ensure that noise from patrons entering and exiting is kept to a minimum
 - A sound limiter will be installed and set in conjunction with the Croydon Council environmental health team.
 - Regular contact with local residents will be maintained to address any concerns raised in respect of nuisance caused by the operation of the premises.

6. The Sub-Committee welcomed the further amendments made by the Applicant during the course of the hearing to reduce the hours for sale of alcohol Friday and Saturday so that the last sale takes place by 1.45am and to similarly reduce the opening hours Friday and Saturday to a 2.15am close. This would also therefore amend the terminal hour for late night refreshment on those days to 2.15am.

7. The Applicant also offered an additional condition around litter picking which will be added to the license, which was as follows:
The Premises License Holder shall ensure that there is a daily litter pick in the immediate vicinity of the premises; in addition on days on which matches are played at Selhurst Park there shall be litter picking during and after each home game.

8. 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.

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Public Document Pack

Licensing Sub-Committee

Meeting of held on Friday, 14 April 2023 at 10.30 am in MS Teams

MINUTES

Present: Councillor Karen Jewitt (Chair);
Councillors Margaret Bird and Ria Patel

PART A

32/22 **Appointment of Chair**

It was **MOVED** by Councillor Margaret Bird and **SECONDED** by Councillor Ria Patel and **RESOLVED**, to:

Appoint Councillor Karen Jewitt as Chair for the meeting.

33/22 **Disclosure of Interests**

There were no disclosures of interest.

34/22 **Urgent Business (if any)**

There were no items of urgent business.

35/22 **Licensing Act 2003 - Application for a Premises License at 29 Central Parade, New Addington, CR0 0JB**

The Chair outlined the procedures for the licensing hearing in line with the Licensing Act 2003 and introduced the applicant and the applicant's agent. It was noted that the objector Cllr Pearson was unable to attend the meeting.

The Head of Environmental Health, Trading Standards and Licensing described the types of licensable activity that could be applied for and introduced the nature of the Licence Application as described in Appendix A of the reports pack. The application was for a Premises Licence for sale by retail of alcohol for consumption off the premises, Monday to Sunday, 8am to 11pm.

Officers noted the representations received from Ward Councillor, Councillor Tony Pearson, remained relevant despite him not being in attendance. The Sub-Committee was advised the application was in a cumulative impact area and the ordnance survey map provided at Appendix A4 was noted.

The Sub-Committee queried whether the premises was currently trading with a temporary licence. Officers advised the previous owner had held a licence, but this was separate from the current licence application by the new owner. There was no temporary licence and the premises was not open at present. The applicant explained that the previous owner had been evicted and had not signed the licence transfer documents, requiring a new licence application to be made.

The Committee queried the issue of the application increasing the number of licensed premises in the cumulative impact area, a key aspect of the representation made by Cllr Pearson. Officers advised as the premises had previously had a licence, if granted, this application would not add to the number of licensed premises on the parade.

The Applicant's Agent advised the Sub-Committee the Applicant also owned shops at numbers 52 and 44 on the parade and had been in the area for two years. The Applicant had consulted with Police and agreed the police conditions. The Applicant shared the posters and incident books which would support the implementation of the condition and advised the shop would create two new jobs in the area.

In response to questions from the Sub-Committee the Applicant advised it was their intention to change the name from 'Booze Bank'. The shop would be a convenience store selling food, drink and household items with the nature of the shop being convenience, not solely focused on the sale of alcohol.

In response to questions from the Sub-Committee, Officers advised the police did not typically raise positive representations, so the absence of a police report was not unusual. As the Applicant had agreed the conditions there were no further concerns from the Police.

The Chair advised the outcome of the hearing would be communicated within the statutory time period and thanked those present for their participation.

LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT 29
CENTRAL PARADE, NEW ADDINGTON, CR0 0JB

The Licensing Sub-Committee considered the Application for a Premises Licence at **29 Central Parade, New Addington, CR0 0JB** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered representations made on behalf of the Applicant by their representative. The Sub-Committee noted that although no objector was 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, the Statutory Guidance (Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)) and the Council's Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** 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 Central Parade, New Addington, and that there were a number of off-license premises in close proximity to the proposed premises.

2. In respect of the 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 specified in 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. The Sub-Committee noted that there was no objection to the Application from the Police, and noted also that in accordance with the Statutory Guidance the Police should usually be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective.
5. The Sub-Committee noted that there was no objection to the Application from Environmental Health, which is the main source of advice in relation to the public nuisance licensing objective.
6. The Sub-Committee noted that the premises in question fall within Cumulative Impact Area 4: along the length of Central Parade, New Addington, as detailed within the Council’s Statement of Licensing Policy. 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 assessment that the application will be refused...The Cumulative Impact Assessment is intended to be strict, and will only be overridden in genuinely exceptional circumstances”. However, the Licensing Sub-

Committee was clear that 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.

7. The Sub-Committee also noted that as provided by the Statutory Guidance, whilst the Cumulative Impact Policy should be regarded as a “strong statement of intent” about its approach to considering such applications, it does not “change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact”.
8. In relation to the impact of the licensable activity, the Sub-Committee noted that there was an existing premises licence held by another party, and that the premises were previously occupied as an off-licence. The Sub-Committee heard that the Applicant had requested a transfer of the existing premises licence but this had been refused by the licence-holder, and this was why the Applicant was seeking a new premises licence. The Sub-Committee also heard that the Applicant occupied two other premises on Central Parade, that there was a premises licence in respect of one of those premises, and that the Applicant considered he had a very good record of serving the local community. The Sub-Committee also heard that “Booze Bank” was the previous name of the premises in question, and that this would be changed to “Lal Food and Wine”. The Sub-Committee was reassured that the premises in question would not operate purely as an off-licence, and that it was intended convenience food and other items would be “major sellers” with off-licence sales being a “plus point”.
9. Having regard to all of the above matters, the Sub-Committee concluded it was reasonable to make an exception to the Cumulative Impact Policy, and that this would be consistent with its duty to promote the licensing objectives.

10. 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.

36/22 **Licensing Act 2003 - Application for a Premises License at Addington Park, Croydon, CR0 5AR**

The Chair outlined the procedures for the licensing hearing in line with the Licensing Act 2003 and introduced the applicant, the applicant's agent and the objector to the meeting.

The Head of Environmental Health, Trading Standards and Licensing described the types of licensable activity that could be applied for and introduced the nature of the License Application as described in Appendix A of the reports pack. The applicant sought the following licensable activities on Saturday 29 and Sunday 30 July 2023; Provision of Regulated Entertainment, Recorded Music 13:00 – 21:30 and Sale by Retail of Alcohol (for consumption 'on' premises) 13:00 – 21:30.

Officers noted a copy of the Event Safety Management Plan included in the application for information, this document had been to the Safety Advisory Group. Following discussions with the Police Licensing Officer and the Applicant's acceptance of the Police conditions there had been no representations received from the Police. These conditions were detailed at Appendix A3. The Applicant had also set out how they intended to meet the four licensing objectives; these would be included on the license if granted. Representations had been received for the application and were included in the reports pack.

In response to questions from the Sub-Committee officers advised the application was made by the same applicant the previous year. Charles Marriott, Vice Chair of the Addington Village Residents Association and local resident, had raised representations and was given the opportunity to speak. They advised the Sub-Committee that:

- They had submitted a report on last year's event, that it had been well run and extremely successful from a local resident's perspective. There had been very good liaison between residents and the Made in the 90s staff;
- The application anticipated increased attendance of 3100 people, therefore appropriate security measures for both onsite and offsite should reflect that increase;

- Council liaison with Made in the 90s on traffic management issues such as coning of roads should be in place and made a condition of the license; and,
- Security at the end of the roads to manage resident access and parking restrictions should be in place.

The Chair commented that it was positive to hear the previous year's conditions had been met and for the Sub-Committee to receive positive feedback on a license application.

The Sub-Committee queried the inclusion of 2021 parking photographs submitted as part of other parties' objections. Charles Marriott advised the prevention of traffic issues had been significantly improved in 2022, and that meetings between residents and the police had taken place. Traffic management had been in place and the council had provided ticketing officers and a tow vehicle.

The Applicant was given the opportunity to speak and advised that:

- Their main objective was to ensure the four licensing objectives would be met;
- There had been lots of communication with residents and the police;
- The Police conditions based on feedback from the 2022 event had been accepted;
- The event's capacity had increased to 3100 including staff. Additional measures such as fencing would be in place to manage this;
- A Community Celebration Event would take place on the Friday before the event to recognise their appreciation of the community and use of the park; and,
- An external company would be contracted to manage health and safety issues.

In response to questions from the Sub-Committee, the Applicant advised they had been in contact with the Council to adopt the same traffic management plan as in 2022. Attendees would also receive three communications in the lead up to the event instructing them not to drive. Vehicles parked on residential roads would be towed and Croydon council had a sub-contractor in place to manage the vehicle towing.

The Sub-Committee queried how the parking restrictions would be communicated with attendees. The Applicant advised that residents would receive direct communications and information at the Community event. Attendees would receive three emails prior to the event and information via the Applicant's social media pages.

The Licensing Officer noted the capacity cited within the Event Safety Management Plan was 3000, the Applicant advised the 3100 included staff. The Committee clarified the plans included provision for 200 staff, making the total attendance 3200.

Charles Marriott suggested an increased number of toilets be made available at the exit points and noted the need to ensure appropriate checks were in place when selling alcohol. The Licensing Officer advised the Sub-Committee there would be a further Safety Advisory Meeting for the event, issues such as the position of toilets and steward placement could be discussed there. The Applicant advised the toilet numbers would be significantly increased and the festival would be completely plastic free.

The Chair advised the outcome of the hearing would be communicated within the statutory time period and thanked those present for their participation.

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT ADDINGTON PARK, CR0 5AR

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Addington Park Croydon CR0 5AR** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made on behalf of the Applicant, and several objectors 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 and had regard to them in their decision making.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”), the Statutory Guidance (Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)) and the Council Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** 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 application as granted is subject to the conditions offered by the applicant in

their operating schedule and amended application, and to the mandatory conditions which are imposed under the Licensing Act 2003.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the Applicant had sought to engage with and address concerns which had been raised by residents, well in advance of the proposed events. It was noted that during the hearing, the Applicant addressed the issues which were raised by those making representations, and addressed the questions of the sub-committee members.
2. The Sub-Committee noted there was no objection from the Police, and therefore it was reasonable to conclude the Police were satisfied with the application from a crime and disorder and public safety perspective.
3. There were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals.
4. The Sub-Committee were clear that there were a number of matters in respect of which issues had been raised but which were not within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes – this included in relation to traffic management and parking in neighbouring streets, and littering and anti-social behaviour in the local area. Despite this, the Sub-Committee noted that the applicant was making careful plans about how to prevent/deal with illegal parking, that residents would be notified about parking restrictions and would be provided with individual security codes, and that attendees would be sent 3 emails before the event which will contain warnings about the consequences of illegal parking. In addition, it was noted that liaison between the Applicant's security team and the Council and its contractors, had been effective in relation to last year's event, and that the Applicant intended to put in place similar arrangements for the proposed event.

5. In respect of prevention of public nuisance objective, the Sub-Committee were reassured as regards the increase in number of attendees, by the proposals to erect fencing and also to provide more toilets at exit points of the events space.
6. The Sub-Committee had regard to the Statement of Licensing Policy which provides that “Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.....However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses...Licensing is a balance and requires consideration of all these various needs”. In addition, these provisions mirror similar provisions in the Statutory Guidance which provides that “Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music”.
7. The Sub-Committee were aware of, 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 anti-social behaviour is accountable in their own right”. However, despite this the Sub-Committee noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour on site and in the surrounding area, including appropriate numbers of SIA trained security staff.
8. 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.

The meeting ended at 11.47 am

Signed:

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Date:

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Licensing Sub-Committee

Meeting of Licensing Sub-Committee held on Tuesday, 27 June 2023 at 10.38am in This meeting will be held remotely

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Nina Degrad

Also Present: Michael Goddard (Licensing Manager)
Jessica Stockton (Corporate Solicitor and Legal Advisor for the Sub-Committee)
Mr Andy Grimsby (Solicitor for Applicant)
Mr Sajeevan Velauthampillai (Applicant)
Edwin Sear (Metropolitan Police)
Deborah Storey (Metropolitan Police Service)

PART A

37/22 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Patsy Cummings
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Patsy Cummings as the Chair of the Sub-Committee.

38/22 **Disclosure of Interests**

Members were reminded of the requirements regarding Disclosure Pecuniary of Interests. There were no disclosures from the Members.

39/22 **Urgent Business (if any)**

There were no items of urgent business.

40/22 **Licensing Act 2003 - Application for a variation to a premises license at The Spread Eagle, Katharine Street, Croydon, CR0 1NX.**

The Licensing Sub-Committee considered the Application for a Variation to a Premises Licence at The Spread Eagle, 39-41 Katharine Street, Croydon, CR0 1NX and the representations received as contained in the report of the

Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee noted as detailed in Appendix A3, that following discussions with the police, the Applicant had included in their application the conditions at Appendix A3 as part of their operating schedule, which conditions will be added to the License should the Sub-Committee be minded to grant the application.

The Sub-Committee also considered the representations made by the Applicant and their Representative at the hearing. The Sub-Committee noted that although the objector was not present, they had the benefit of their written objections in the documentation before the Sub-Committee.

The Sub-Committee noted that the objector had yesterday indicated that he wished to make representations that the hearing be deferred on the basis that he had made a complaint about a council licensing officer who had corresponded with him but who was not present or making representations at the hearing. It was noted that this complaint was going through the corporate complaints process and the objector wanted the hearing deferred until the corporate complaint had been finalised. The other parties to the proceedings confirmed that given the late notice, they had not had an opportunity to consider the documentation which the objector had proposed to introduce and had therefore not had an opportunity to consent or otherwise to the late introduction of information to the proceedings.

The Sub-Committee were mindful that hearings under the Act and regulations were required to be held within a specified period of time and whilst the Sub-Committee was permitted to extend the time limits in certain circumstances, the Sub-committee had to be satisfied that it would be in the public interest to do so. The Sub-Committee also noted that the regulations provide that the authority shall disregard any information given by a party which is not relevant to their application/representations and relevant to the promotion of the licensing objectives.

The Sub-Committee were mindful of the interests of other parties to the proceedings which would be prejudiced if the matter were deferred, especially as they had not had sufficient time to consider the information which the objector wished to reference and had not consented to its introduction at the hearing. The Sub-Committee were also mindful of the fact that the complaint which the objector had made was going through the appropriate process as noted by the objector himself and would be dealt with under that process. Accordingly, the Sub-Committee were not minded to defer consideration of the matter.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED** to **GRANT** the application for **Variation** incorporating the agreed conditions as set out in Appendix A3 to the report 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 noted that the premises are situated on the corner of Katherine and High Street in the town centre.
- 2 The Sub-Committee noted that the Applicant and their representative had attempted to engage with the objector regarding their concerns to ascertain if they could be addressed but that the objector had declined to interact with them to discuss the matter.
- 3 The application for a variation itself (Appendix A2) and the Applicant's representative during the hearing made clear that despite the assertion in the objection, the variation was in respect of on sales only. In addition, whilst outside chairs and tables were governed by a separate licensing regime, the Applicant confirmed that currently patrons are not permitted outside with glasses or glass bottles at any point, even if they go out to smoke and this would remain the case if the variation was permitted.
- 4 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.
- 5 The Sub-Committee noted that they had not received any objections from trading standards or the Council's noise team raising concerns about potential noise disturbance emanating from the premises but were also reassured by the representations made about the upgrades to the premises during the recent refurbishment to support the prevention of public nuisance objective.
- 6 The Sub-Committee were also aware that whilst the operation of Public Spaces Protection Orders were not within the remit of the Licensing Sub-Committee; statutorily, a prohibition in a public spaces protection order on consuming alcohol does not apply to premises authorised by a premises licence to be used for the supply of alcohol; a place within the curtilage of such a premises or to premises which could have been so used within the 30 minutes before the relevant time.
- 7 The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, that public nuisance 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, the Statutory Guidance makes clear that it would be perfectly reasonable for example, 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 leave quietly. 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.

- 8 The Sub-Committee also noted the proposed conditions offered by the applicant in respect of CCTV, challenge 25 and the use of SIA door supervisors on certain days and at certain times. The Sub-Committee noted the Applicant's evidence at the hearing that the Applicant was already voluntarily using SIA door supervisors at the premises for its current operations.
- 9 In respect of the statement by the objector that the "Ask for Angela" scheme was not being used, the Sub-Committee noted that the venue did have the scheme posters displayed – the Applicant confirmed at the hearing that they are located in the Ladies bathroom and pictures of the scheme posters were included in the papers before the Members.

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.

41/22 **Licensing Act 2003 - Application for a premises licence at 100 Beulah Road, Thornton Heath, CR7 8JF.**

The Licensing Sub-Committee considered the Application for a Premises Licence at 100 Beulah Road, Thornton Heath, CR7 8JF and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

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

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance issued under Section 182 of 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 objectives of the prevention of public nuisance, prevention of crime and disorder and protection of children from harm were most relevant in relation to their consideration of the matter.

The reasons of the Sub-Committee were as follows:

- 1 The Sub-Committee noted that the premises are situated on the Beulah Road directly next to and backing onto Beulah Junior School and Beulah Infant and Nursery School and opposite the premises used by the local scout group. The premises is the last in a small parade of

shops with residential premises above the shops. There are also residential premises on the opposite side of the road to the premises. The premises is a short distance from a bus stop.

- 2 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.
- 3 The Sub-Committee were aware, and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, that public nuisance 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, as detailed below, the Statutory Guidance makes clear that operators should demonstrate knowledge and awareness of the area in which they propose to operate and show how their application will support the licensing objectives.
- 4 The Sub-Committee noted the provisions in the guidance which indicate that Licensing authorities should look to the police as the main source of advice on crime and disorder. In respect of Prevention of Crime and Disorder, the Sub-Committee were aware that any conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Whilst it is noted that the Applicant has suggested CCTV for the current premises, as described below, there are concerns by the Police as to the ability of the Applicant to adhere to this given conduct at other premises for which he is Designated Premises Supervisor (DPS).
- 5 The Statutory Guidance indicates that conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The DPS is the key person who will usually be responsible for the day-to-day management of the premises by the premises licence holder, including the prevention of disorder. However, in the current instance, the Premises License Holder is proposed to be the DPS.
- 6 The protection of children from harm objective 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 such as exposure to strong

language and sexual expletives. In this regard, the Sub-Committee were mindful of the Police evidence that the groups of street drinkers behaved in a particularly offensive manner towards women and girls (as detailed below) and the concern that locating an off-license next to a school would mean that there would no longer be a separation between the area where the issues were most prevalent and the school gates, thereby increasing the risk to the protection of children from harm objective as a result.

- 7 Whilst both the Applicant and the Police made reference to “need” for a premises or particular hours of operation, the Sub-Committee was mindful, as detailed in Statutory Guidance and the Council’s statement of licensing Policy, that “need” concerns the commercial demand for premise of a particular nature and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
- 8 The Sub-Committee were made aware, via the papers and the representations before them, that there is a substantial anti-social behaviour problem in the area with gatherings of street drinkers outside the off-license premises in the area. The police indicated as follows:
 - The anti-social behaviour is predominantly on the east side of the road outside existing off licenses and take away outlets and the groups mainly gather outside the off licenses.
 - There are two main groups which are present all year round but are more prevalent and gather in larger groups in the summer months. The first is an older group of males aged 30+ who appear to travel to the area to gather. The second is a younger group of males aged between 15-18 who appear to be from the area.
 - The anti-social behaviour presents a safety risk to residents, especially women and girls who are subject to harassment by the groups of males, the “majority of which is misogynistic, verbal and aimed at women”.
 - The gatherings of males are affecting the quality of life of the local residents and others using or moving through the location with the anti-social behaviour including unreasonable noise (individuals with sound systems and from vehicle sound systems), their behaviour towards women and girls and in respect of the litter created especially empty beer cans and alcohol bottles.
 - Shopkeepers in the area have been subject to intimidation to sell alcohol to the groups who gather to street drink.
 - During last summer the Safer Neighbourhood team (STN) in the area and the Council were sent emails and mobile footage from concerned residents almost every day as a result of the problems.
 - Recently the Thornton Heath SNT had two “AIRSPACES” running at the same time – one for each side of the road. AirSpace is the Metropolitan Police Service system for recording and managing Anti-Social Behaviour incidents.

- As a result of the issues highlighted above as well as other matters, the Council is currently consulting on introducing a Public Spaces Protection Order in Thornton Heath and if introduced this proposed PSPO would cover the area in which the application premises is.
- 9 Whilst the Applicant indicated he was aware of the issues, he did not appear particularly concerned about this and his expressed view was that they would not impact his business as they were further down the road and he would simply ask any people gathering outside his shop to leave. The Sub-Committee were concerned that this indicated a lack of awareness of the area and the problems in the surrounds where the premises was situated which had been highlighted by the Police. The Sub-Committee were also dubious as to the ability of a single shop keeper to relocate groups of street drinkers if they chose to gather when others in the area had been subject to intimidation and the residents were being harassed by the groups. In addition, the application in no way indicated that it was specifically tailored to engage with how these significant issues might impact on the operation of a premises in a manner which would support the Licensing Objectives, suggesting only standard provisions in the operating schedule which might be appropriate for a premises operating in an area without the same level of concerns or one which was not directly next to a junior and infants' school.
- 10 The Sub-Committee were aware, and had regard to the Statutory Guidance which provides that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area and must be aware of the expectations of the responsible authorities (such as the police) as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Paragraph 8.42 of the Statutory Guidance indicates that Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 11 In light of what is set out above about the police concerns and nature of anti-social behaviour in the area of the premises, the Sub-Committee did not consider that the Applicant had applied his mind to the area in

which the premises would be situated in suggesting how the licensing objectives could be supported through his operating schedule.

- 12 Whilst the applicant, during the hearing, offered to amend his application so that high strength beer and cider (which he defined as more than 7.5%ABV) was not sold at the store and not to sell individual cans of beer/cider, the Police made clear that although high strength beer and cider are often an issue for street drinkers, it was spirits which were mainly consumed by the groups of street drinkers in this area. The Sub-Committee also noted from the police representations that they consider high strength beer and cider to be anything above 6%ABV.
- 13 The Sub-Committee acknowledged, as provided for in both the Statutory Guidance and the Council's Licensing Statement of Policy that all parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. As detailed further below, there have been concerns about the Applicant's ability or willingness to work together in partnership with among others the Police, given their previous interactions with him at other premises in the Borough in respect of which he is the Premises License Holder and/or the Designated Premises Supervisor.
- 14 The Sub-Committee noted that the applicant offered, at the hearing, a reduction in the hours of sale of alcohol to be restricted between 10am and 10pm however the police highlighted that the issues were prevalent during the day and afternoon was when school children would be passing through the area on their way home so that the Police did not consider that such an amendment would assist with supporting the Licensing Objectives in the current circumstances.
- 15 The Sub-Committee were aware that their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 16 As set out in the Statutory Guidance, the Sub-Committee were mindful 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 any imposed condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the

licensing objectives and the track record of the business. In this instance, whilst the Sub-Committee did not have the benefit of details of the track record at this business as the Applicant had only recently taken over this premises, the Applicant is DPS at a number of other premises within the borough and the Police had highlighted, as detailed further below, a number of concerns with compliance with these premises which raise concerns about the Applicant's ability or willingness to successfully operate the business within the ambit of the Licensing Objectives in this area.

- 17 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder. Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The DPS must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy. In the current circumstances, the proposed premises license holder is also the proposed DPS.
- 18 Whilst the Sub-Committee were very clear that they were not considering a review or similar in relation to the Applicant's other premises, they did consider that the manner in which the Applicant operated those premises and the consequent concerns which the Police had, did have a bearing on the degree to which the Sub-Committee would be confident in how these proposed premises might be run in light particularly of the challenges and risks prevalent in this area.
- 19 The Police detailed issues with the Applicant's compliance at other premises which included:
 - In another area where street drinkers are prevalent and the Police have instigated a voluntary scheme with off licenses in the area to cease selling high strength and/or single cans of beer/cider the Applicant has not voluntarily chosen to stop selling single cans and/or high strength alcohol, unlike most other off licenses in that area. The Applicant noted to the Sub-Committee that it was not a requirement on his license to do so but then later indicated that it was because the staff there was selling stock which would soon be out of date. The Sub-Committee noted that the photographs from the police indicated that the fridges in that store were fully stocked with high strength beer/cider which were displayed in single cans so

were reluctant to accept that this was due to the need to sell soon to be out of date stock and were of the view that this indicated an unwillingness to work with the police and other off licenses in the area to combat a street drinking issue which would be of concern if the Applicant were to operate the current premises. The Police also noted that they had regularly seen intoxicated persons and street drinkers visiting that shop to purchase high strength beer/cider. It is contrary to the duties placed on premises to sell to those who are intoxicated and the Applicant has offered this as a condition on the current license application in his operating schedule. The Sub-Committee were concerned that this would not be adhered to at this premises if it is not supported at the Applicant's other premises.

- The Applicant has offered to operate "Challenge 25" at this premises in support of the protection of children from harm objective, however the Police cast doubt on the ability of the Applicant (and DPS) to adhere to this as there have been issues with the refusal register being operated successfully at other premises which he is the License Holder and DPS for. This included one premises where the shop assistant present was not only unable to locate a refusals register but did not know what it was required for or its importance in relation to alcohol sales among other things. At another premises visited by the Police, the refusals register (log) was only located after a "frenzied" search and then was covered in dust as it had not been used in some time, the last entry having been made more than a month prior. The Police indicated that it appeared that this log had only been acquired following a previous police visit when the premises was reminded that they needed to keep a record of refusals to sell age restricted products.
- At another of the Applicant's premises, it was found to be operating beyond its authorised hours contrary to the terms of the Premises License and contrary to Section 136 of the Licensing Act and it was necessary for the police to take engagement and enforcement action in that regard.
- At one of the Applicant's other premises, the Police, when conducting a compliance visit, noted that the member of staff in the premises was not able to operate the CCTV and was therefore unable to provide images from the CCTV at police request, contrary to a condition on the Applicants license there. In addition, the refusals register and training logs from staff training were not available on site.
- Although the Sub-Committee were aware that a DPS does not have to physically be present at a premises to authorise sales of alcohol, the Sub-Committee were concerned to hear that the Applicant as DPS at these other premises had not been on any of the premises during any of the Police visits detailed in the police representations. The Sub-Committee were also concerned to hear from the Police that they usually only found a single staff member on the premises when they visited and that they considered that the lack of onsite supervision of these staff members is a likely reason for the

generally poor compliance at individual premises compared to similar but unrelated off licenses around the borough.

- 20 The Sub-Committee noted the Police view that granting a premises license to permit the sale of alcohol at this premises “will move anti-social behaviour and problematic groups to outside the shop. This will risk potential clashes between parents/carers and children and the street drinkers, whilst currently they are separated by a safe distance to the nearest off license”
- 21 When having regard to what would be appropriate for the promotion of the Licensing Objectives, the Sub-Committee considered whether it would support the objectives to impose additional conditions or take the step of declining to name the Applicant as DPS on the premises License or both such measures short of refusal.
- 22 The Sub-Committee gave consideration to whether or not it could impose additional conditions on the license to deal with the concerns. In light of the issues raised by the Police in respect of compliance at other premises where the Applicant is DPS, the Sub-Committee were not satisfied that it would promote or support the licensing objectives to do so in the current circumstances and given the risk profile detailed by the Police, including the proximity of the local junior and infant school. As noted above, the Police had also cast doubt on the ability of conditions offered by the Applicant to not only be enforced but also, if they were enforced, to successfully deal with the concerns.
- 23 In respect of whether or not it would be appropriate to refuse to specify the Applicant as DPS for the premises as an alternative to refusal, the Sub-Committee were mindful that the Applicant would still be the premises license holder and would be responsible for management of the premises and appointment of a replacement DPS. The Sub-Committee were not confident, given the operation of other premises for which he was DPS, that there would be sufficient separation between the premises license holder and DPS such that a different DPS would ensure that the Licensing Objectives would be supported in the current circumstances at this locale. This concern of the Sub-Committee was exacerbated by the fact that during the hearing, the Applicant did not appear to consider that the problems described by the Police either in this area or at his other premises were particularly serious or give proper consideration to the impact this premises could have on existing issues.

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.

The meeting ended at 12.15 pm

Signed:

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Date:

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Licensing Sub-Committee

Meeting of held on Wednesday, 12 July 2023 at 10.30 am in

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Nina Degrad

PART A

42/22 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Degrad and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

43/22 **Disclosure of Interests**

There were no disclosures of interest.

44/22 **Urgent Business (if any)**

There were no items of urgent business.

45/22 **Licensing Act 2003 - Application for premises license at Addington Park, Croydon, CR0 5AR.**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and introduced the applicant, the applicant's agent and the objectors. The Head of Environmental Health, Trading Standards and Licensing explained the time limited nature of the licensing application from In the Park Events Ltd for Addington Park for Saturday 16 August 1.00pm to 9.30pm, for the provision of regulated entertainment and the sale and consumption of alcohol on the premises. The applicant had accepted the police conditions and the terminal hour had been reduced by 30 minutes since the initial application. Representations had been received and three of the objectors were present at the hearing. The applicant had submitted additional

information regarding the traffic management plan and a more detailed communications plan.

Cllr Ward, Councillor for Addington Park advised he was supportive of well managed events taking place in the park and noted the lessons learned from previous events particularly regarding parking. They advised many of the issues had been addressed in the agreed police conditions and queried the applicant's plans to engage with residents. It was noted that the event planned to use a different orientation and members of the public should still be able to use the park. There had previously been issues of people loitering and a dispersal policy would need to be in place to avoid this. Cllr Ward expressed that his main concern was the execution and effective management of the event.

Charles Marriott, Addington Village Residents' Association had similar concerns and cited the better liaison with residents by previous event organisers. In the Park Events had mistakenly contacted the wrong residents' association meaning communication had been delayed. Police presence at the event would be critical and concerns were raised about the site plans, noting the drawings depicted the perimeter breaching the pathway. Management of entry and exit points was key, including ensuring there were toilets available at exits.

Rosalind Halifax, Addington Palace explained the palace's position next door to the park and advised they had not been notified of the event. They raised concerns about the orientation of the stage and the impact that resulting noise levels could have on the palace. They explained the impact previous events held in the park had had on the business, its reputation and its clients. They were advised by the Chair they could not submit video recording as additional information during the hearing.

Darryl Crossman, the applicant's agent, summarised the nature of the event and addressed the issues raised by the objecting parties. The security plans included the presence of 58 SIA officers, some of whom would be plain-clothed, and a minimum of 60 support stewards. The traffic management plan had been developed by a previous event organiser and advertising would advise no parking was available. Residents would be contacted two weeks prior to event to advise of the traffic management arrangements. The noise level was being restricted to 65 decibels following consultation with the Council's noise team, the police and the police events team. The applicant did not wish to impact Addington Palace and the sound disturbance was expected to be minimal. Toilets would be positioned in queuing areas and immediately before the entrance and exit. The terminal hour would be 9.30pm with the event cleared by 10.30pm, allowing for staggered and marshalled exiting. The organisers had been in contact with PC Angel from the police events team and the safer neighbourhood teams.

In response to questions the applicant's agent advised that:

- Communication with residents would primarily regard parking and property access, and would include the provision of contact details and

provide reassurance of the arrangements. All resident engagement so far been via Addington Village Residents' Association;

- The event was aimed at 24 - 25 year olds and older and would be playing soulful chilled-house and garage music;
- All advertising would state no parking would be available on site, with vehicle removal in place and attendees would be encouraged to use the trams to travel to the event. Stewards would be positioned along the walking route;
- The number of toilets planned had increased to 40, with 25 static and additional urinals. There would be a minimum of 60 SIA stewards which could be increased to 70 or 80. There would be 50 support stewards and event organisers were looking to increase this but noted their focus was on the quality of stewards rather than quantity. The applicant was using a security company which had successfully supported their other events;
- There would be a traffic management order in place through the Council and In the Park Events had privately contracted vehicle relocation with no payment for release should there be any contraventions. Any Council-ticketed cars would remain in situ. The applicant and licensing team agreed to liaise with the Council's traffic team regarding the legality of private vehicle removal;
- Stewards using a password system would ensure parking access for residents.

In response to questions from the Committee the Licensing Officer confirmed it was the applicant's responsibility to display the site notices for events; not the Local Authority's.

In response to questions the applicant's agent advised;

- There would be ongoing communication with Addington Palace and the Residents' association including during the site walk, build and derig. The applicant's 20 years' experience of sound management was noted;
- Plain-clothed stewards would be covert and would not engage with the public;
- Engagement would be via letter/leaflet drop and would take place a minimum of 2 weeks before. Residents would be provided with a password and supported by stewards to access their properties on the day.

The Licensing officer advised that the Council's pollution team was the responsible authority for sound levels, part of the safety advisory group process and had not made representations on the application. Officers would generally liaise with the applicant, attend the sound check and return to make measurements during the day. Due to the time limited nature of the application, action for any sound breach would be taken on the day. It was noted any breach of a licence could result in prosecution depending on the seriousness.

In response to questions the applicant's agent advised that:

- The traffic management order included access to the Harvester restaurant and that they would liaise with Police to ensure police station parking was authorised;
- Contact would be made with Addington Palace;
- The 65-decibel limit had been agreed with the Council pollution team which would be attending to perform sound checks.

The applicant's agent offered an additional condition that should the sound exceed that limit the event would be terminated. The Licensing Officer agreed to discuss the noise level with Council pollution team and advised stopping an event with 2000 people would cause other issues. The applicant explained the positioning of the speakers would minimise sound and that speaker limiters meant the set sound level would not be breached.

Mr Marriot raised concerns about any parking being allowed outside the police station and the police presence anticipated on the day. The applicant's agent confirmed they would be in contact with Addington Palace regarding the traffic management plan and to provide contact details for use on the day.

The Chair advised the outcome of the hearing would be communicated within the statutory time period and thanked the participants for their attendance.

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT
ADDINGTON PARK, CROYDON, CR0 5AR

The Licensing Sub-Committee at the hearing held on Wednesday, 12th July 2023, considered the Application for a time limited Premises Licence at **Addington Park Croydon CRO 5AR** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made on behalf of the Applicant, and objectors during the hearing. The Sub-Committee noted that although some of the objectors were not present at the hearing, they had the benefit of their written

representations as part of the report and had regard to them in their decision making.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the Act”), the Statutory Guidance (Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)) and the Council Statement of Licensing Policy 2023-2028, **RESOLVED to GRANT** the application on the basis that the Sub-Committee were satisfied that it would be appropriate to promote the licensing objectives to do so, in particular, towards the promotion of the licensing objectives of prevention of crime and disorder, public safety and the prevention of public nuisance. The application as granted is subject to the conditions offered by the applicant in their operating schedule and amended application (including the condition that if during the event, the noise levels from the event exceeds 65 decibels as agreed between the applicant, Police, and the Council’s noise nuisance team, steps will be taken by the Council’s noise nuisance team to ensure the applicant including any of their agents reduce the excess noise levels to the agreed levels), and to the mandatory conditions which are imposed under the Licensing Act 2003.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the Applicant had sought to engage with and address concerns which had been raised by residents, well in advance of the proposed events. It was noted that during the hearing, the Applicant addressed the issues which were raised by those making representations

and addressed the questions of the sub-committee members; it is further noted that the applicant agreed to take further steps to engage more with the objectors before the date of the event.

2. The Sub-Committee noted there was no objection from the Police albeit the Police had agreed some conditions with the applicant, therefore it was reasonable to conclude the Police were satisfied with the application from a crime and disorder and public safety perspective.
3. There were no representations before the Sub-Committee from the Noise nuisance team objecting to the proposals.
4. The Sub-Committee were clear that there were a number of matters in respect of which issues had been raised but which were not within the authority of the Sub-Committee under the Licensing Act 2003 but were instead governed by other regimes – this included in relation to traffic management and parking in neighbouring streets and littering and anti-social behaviour in the local area. Despite this, the Sub-Committee noted that the applicant was making careful plans about how to prevent/deal with illegal parking, the applicant had informed the Sub-Committee they plan to obtain a Traffic Management Order to support their Traffic Management Plan which was submitted with their application and that residents would be notified about parking restrictions and would be provided with access information such as individual security codes/passwords, and that attendees would be informed on

the booking websites that there are no parking available in the area and also warned about the consequences of illegal parking.

5. In respect of prevention of crime and disorder, public safety and public nuisance objective, the Sub-Committee were reassured as regards the increase in number of Security Industry Authority (SIA) personnel in attendances and the increase in the number of support stewards in attendance; the authority also notes the changes to the style of fencing used and proposed position of the stage and equipment to mitigate noise pollution and also note the agreement by the applicant to provide more toilets including at exit points of the events space.

6. The Sub-Committee had regard to the Statement of Licensing Policy which provides that “Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.....However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses...Licensing is a balance and requires consideration of all these various needs”. In addition, these provisions mirror similar provisions in the Statutory Guidance which provides that “Licensing authorities should avoid inappropriate or disproportionate

measures that could deter events that are valuable to the community, such as live music”.

7. The Sub-Committee were aware of 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 anti-social behaviour is accountable in their own right”. However, despite this the Sub-Committee noted the arrangements which the applicant proposed to address concerns which had been raised by residents around anti-social behaviour on site and in the surrounding area, including appropriate numbers of SIA trained security staff.

8. 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.

The meeting ended at 12.15 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Thursday, 27 July 2023 at 1.00 pm in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Nina Degrads and Danielle Denton

PART A

46/22 **Appointment of Chair**

It was **MOVED** by Councillor Denton and **SECONDED** by Councillor Degrads and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

47/22 **Disclosure of Interests**

There were none.

48/22 **Urgent Business (if any)**

There were no items of urgent business.

49/22 **Licensing Act 2003 - Application for a premises licence at 77 Beulah Road, Thornton Heath, CR7 8JG**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and introduced the applicant, and the applicant's agent. The Head of Environmental Health, Trading Standards and Licensing explained the licensable activities and premise licence application process. The application sought a licence for the provision of regulated entertainment Monday – Sunday 11am to 11.30pm: the sale of alcohol for consumption on and off the premises Monday – Sunday 11am to 11.30am, and late-night refreshment Monday – Sunday 11.00pm to 11.30 pm. The applicant had amended the requested terminal hour following discussions with police and had included the proposed police conditions to be placed on the licence if granted. The application had received a representation from the ward councillor, Councillor Karen Jewitt. In response to questions officers

advised the opening hours now included in the application were 8.00am to 12.00 midnight Monday to Sunday.

The applicant's agent presented on behalf of the applicant. The applicant held a personal license and was seeking the premises license to enable the provision of drinks with meals. The applicant had hoped to open until 3.00am initially; however, following conversations with the police this had been altered to the 12.00 midnight terminal hour now detailed in the application. The objector's concerns regarding noise and late opening were noted. The applicant felt they had resolved these issues through acceptance of the police conditions and amending the terminal hour. Contact had been made with the objector; however there had been no response. Signage, CCTV, an incident book and a training manual would be in place to promote the four licensing objectives. SIA staff would be utilised for events, for example, birthday parties and wakes.

In response to questions from the Sub-Committee the applicant confirmed the capacity of the venue was 25-30 people seated or 60-70 people standing for functions, and that one SIA staff member would be used if at capacity. The applicant advised the premises had a balcony where patrons would smoke, with only 4-5 people outside the venue at any time. The applicant advised of their previous experience working as a cook in licensed premises and that this would be their first time holding a premises license.

In response to questions from the Sub-Committee the applicant advised the number of people outside smoking would be managed by the security staff. The applicant was responsible for the day to day running and management of the venue.

The applicant advised their mobile number was displayed in the premises and they were contactable if the local community had concerns, and that the building was also soundproofed. Any plans for temporary event notices would be discussed with the Police.

The Sub-Committee noted the anti-social behaviour issues in the area and queried how the applicant would manage this. The applicant advised they moved patrons on from their premises and could not stop people from loitering on the street.

The Sub-Committee queried whether 1 SIA would be sufficient and if this had been discussed with the Police. The Licensing officer noted Condition 18 did not specify the quantity of supervisors required and this would be based on a risk assessment by the applicant or at the request of the police 48 hours prior to the event. The premises licence conditions did not automatically attach to a Temporary Event Notice (TEN) submission. If a TEN submission was made, it would be seen by the police and council noise team, to consider, object or ask for additional conditions. It was noted that the applicant could undertake to comply with the premises license conditions at the time of a TEN submission; however, conditions could only be formally attached by a Licensing Sub-Committee. Events in the premises would be private bookings with invited

adult guests only. The applicant advised typically 1 SIA per 50 people would be applied.

The Council's legal advisor queried whether the 4-5 people allowed outside was being offered as a condition. The applicant's agent confirmed that not more than 5 people allowed outside was to be added as a condition to the application.

The Chair advised the parties they would be advised of the outcome within 5 working days and thanked those present for their participation.

LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING SUB-COMMITTEE DECISION

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE AT 77
BEULAH ROAD, THORNTON HEATH, CR7 7JG.

The Licensing Sub-Committee considered the Application for a Premises Licence at **77 Beulah Road, Thornton Heath, CR7 7JG** and the representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee also considered the representations made by the Applicant and their representative at the meeting and had the benefit of the written representations of the ward councillor objecting to the application.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED to GRANT** the application as amended, on the basis that the Sub-Committee were satisfied that it would be appropriate in order to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of public nuisance was most relevant in relation to their consideration of the matter.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee noted that the premises are situated on Beulah Road. The premises is the second to last in a small parade of shops with residential premises above the shops, to the rear of the premises and to the right. There are also a mix of shops and residential premises on the opposite side of the road to the premises.
2. 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.
3. The Sub-Committee were aware and had reference to the Statutory Guidance which provides that, beyond the immediate area surrounding the premises, that public nuisance 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, the Statutory Guidance makes clear that it would be perfectly reasonable for example, 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 leave quietly. 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.
4. The Sub-Committee noted the provisions in the guidance which indicate that Licensing authorities should look to the police as the main source of advice on crime and disorder. In respect of Prevention of Crime and Disorder, the Sub-Committee noted that following discussions with the Police, the applicant had amended their application to reduce the hours sought for licensable activities and

opening hours and had added to their application the conditions agreed with the police as detailed in Appendix A2 which would be imposed on the license should the sub-committee be minded to grant. These would be in addition to the conditions offered as part of the Applicants' operating schedule, the additional condition offered by the Applicant during the hearing as detailed in paragraph 6 below and the mandatory conditions which would apply by operation of law.

5. In respect of the concerns raised by the objector on behalf of residents that the premises would be operated as a "night club" and would potentially disturb residents late into the evening and early morning, the Sub-committee noted that not only had the applicant reduced the proposed hours (particularly on the weekend where the terminal hour would be midnight rather than the initially suggested 3am) the applicant had offered as part of their operating schedule, conditions which included the following which mitigated against these concerns:

- "All on sales of alcohol must be [sic] made with a substantial eat in meal";
- "All off sales must be ancillary to a takeaway meal";
- "No open vessels to be taken outside the curtilage of the premises at any time" ;

and in addition, in conditions agreed with the police the applicant has added:

- "No alcohol shall be permitted to leave the premises after 2000hrs";
- "No vertical drinking within the premises. Alcohol is to be served by table service only";
- "The premises will not use the raised outdoor area at the front of the premises for eating or drinking after 2000hrs save for customers who wish to smoke. No open vessels will be taken beyond this area at any time"; and
- "SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the license

holder's written risk assessment or requested by the Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other Events. The written risk assessment will be available on the premises for inspection by the police and authorised officers of the Licensing Authority".

6. In addition, during the course of the hearing, the Applicant offered a further condition to mitigate against potential noise nuisance as follows:
"No more than 5 persons shall be outside smoking in the smoking area at any one time"

7. 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.

The meeting ended at 1.50 pm

Signed:

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Date:

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Public Document Pack

Licensing Sub-Committee

Meeting of held on Tuesday, 15 August 2023 at 2.00 pm in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Nina Degrads and Danielle Denton

PART A

50/22 **Appointment of Chair**

It was **MOVED** by Councillor Denton and **SECONDED** by Councillor Degrads and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

51/22 **Disclosure of Interests**

There were none.

52/22 **Urgent Business (if any)**

There were no items of urgent business.

53/22 **Licensing Act 2003 - Application for a premises license at Unit 2202, Access Self Storage, 13 Whitestone Way, CR0 4WF.**

The representations received for Item 5 had been withdrawn.

54/22 **Licensing Act 2003 - Application for a Personal Licence**

RESOLVED that members of the Press and Public be excluded from the remainder of the meeting under Section 100A(4) of the Local Government Act 1972 on the grounds that: (i) it involved the likely disclosure of exempt information as defined in Paragraph(s) 1, 2 of Part 1 of Schedule 12A of the

Act: and (ii) that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The meeting ended at 4.00 pm

Signed:

Date:

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For General Release

REPORT TO:	Licensing Committee 12 September 2023
SUBJECT:	Pavement Licensing The Business and Planning Act 2020
LEAD OFFICER:	Corporate Director, Sustainable Communities, Regeneration & Economic Recovery
CABINET MEMBER:	Cllr. Scott Roche Streets & Environment
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
<p>One of the key Outcomes of the Mayor’s Business Plan 2022-2026 seeks to ensure that <i>Croydon is a place of opportunity for business, earning and learning</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 Mayor’s Business 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. This change based on 22/23 year end actuals is anticipated to cost the council £33k in lost income.</p>	

1. RECOMMENDATIONS

That the Licensing Committee:

- 1.1 Delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery 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.

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| 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 2024. |
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2. EXECUTIVE SUMMARY

- 2.1 This Report provides background to the request that the Committee delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery 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 2023. However, the Government, by secondary legislation (The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023) has further extended the pavement licensing provisions until 30 September 2024. At the same time, the Levelling Up and Regeneration Bill is currently passing through Parliament and this contains a proposal that Pavement Licensing shall be made permanent. A further report will therefore come before Members in due course when this Bill becomes law to update/seek further delegations as necessary.

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 (at that time) 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 made only had effect until 30 September 2021, when the legislation was originally intended to cease.
- 3.4 However, in light of the third lockdown and the continuation of the pandemic into 2021 and the ongoing impact that was having on the business sector, the Government introduced secondary legislation which saw the pavement licence facility extended to 30 September 2022. As the existing delegation was going to expire on 30 September 2021, this required a further consideration as to

delegation of the functions and on 14 July 2021, the Council's Licensing Committee further delegated the functions until 30 September 2022. The relevant Committee report can be accessed here:

<https://democracy.croydon.gov.uk/documents/s31242/Pavement%20Licensing%20Report.pdf>

- 3.5 Further amendments were then made to the Business and Planning Act 2022 to extend the legislative provisions until September 2023 with the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 coming into force and so on 26 September 2022, the Council's Licensing Committee further delegated the functions until 30 September 2023. The relevant Committee report can be accessed here:

<https://democracy.croydon.gov.uk/documents/s40340/LC12September22PavementLicensingFinalReport.pdf>

- 3.6 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. The Business and Planning Act 2020 specifies a minimum statutory duration of 3 months. To help support local businesses, the guidance indicates that the expectation is that local authorities are pragmatic and will grant licences for 12 months (or until 30 September 2024 if shorter), unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. This fee 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 2023 and that all licenses issued as a result, both renewal and new, shall have an expiry date of 30 September 2024.

- 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 2023 to 30 September 2024, this request seeks that decision making powers with regard to pavement licensing under the Act, be delegated to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery in order for the Council to continue to assist relevant businesses, whilst at the same time complying with the requirements set out by Government and the extended 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 Corporate Director, Sustainable Communities, Regeneration & Economic Recovery 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

	Previous year			
	2022/23	2023/24	2024/25	2025/26
	£'000	£'000		
Revenue Budget available				
Expenditure				
Income	(101)	(61)	(61)	(61)
Effect of decision from report				
Expenditure				
Income	(68)	(61)	(61)	(61)
Remaining budget	<u>33</u>	<u>0</u>	<u>0</u>	<u>0</u>

Capital Budget available

Expenditure	0	0	0	0
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Effect of decision from report

Expenditure	0	0	0	0
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Remaining budget	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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2 The effect of the decision

The £61k figure above is the current budgeted income for street trading across the borough. Budgets were realigned as part of the 23/24 budget setting process to consider the reduced income from the legislative changes but if the legislation had not changed this would not have been needed. It is anticipated as per Period 4 monitoring that the realigned £61k budget can be achieved.

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 the permanent change resulted in a loss of £33k in 22/23. Budgets have been realigned to take this into account which has been found within service budgets.

In 22/23 the Government paid a £12,978 compensatory amount to the authority and has indicated that this will be repeated in 23/24. Additional burdens funding has been requested for this change in legislation.

Going into future years if any compensatory income is available this again will be used to offset any other income pressures, but this is unknown at this time.

Additionally, there is an indication that a review of the £100 fee may be undertaken by the Government. Again any changes that increase income levels will be reflected in future budget setting exercises.

6 Approved by: Darrell Jones Acting Head of Finance Sustainable Communities, Regeneration & Economic Recovery (SCRER) 30th August 2023

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 Legal Services and Monitoring Officer

7. HUMAN RESOURCES IMPACT

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

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: Naseer Ahmad, for Equalities Manager.

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 Sustainable Communities)

CONTACT OFFICER: Michael Goddard, Head of Environmental Health, Trading Standards and Licensing Ext. 28259

APPENDICES TO THIS REPORT

None

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

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Agenda Item 7

REPORT TO:	LICENSING COMMITTEE 12 September 2023
AGENDA ITEM:	
SUBJECT:	London Local Authorities Act 1990 Application for Street Designation Order x2
LEAD OFFICER:	Corporate Director, Sustainable Communities, Regeneration & Economic Recovery
CABINET MEMBER:	Cllr. Scott Roche Streets & Environment
WARDS:	Fairfield, West Thornton
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 & 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 2 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 both Croydon Council and Transport for London (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. No comments/objections have been received.

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, Sustainable Communities 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. 28259.

BACKGROUND DOCUMENTS: Application Forms
Appendix A and B

APPENDIX A

- Applicant:** Mr Alireza Akbari Jondoghdoon El
- Location:** On the highway outside 16-18 South End, Croydon
CR0 1DN
- Measurement:** The application seeks trading area of:
Length 3m & Width 1m in front of 18 South End part of the premises.

The total distance of pavement between the shop front and the nearest obstruction, in this case the kerb is 4.27m. This would allow 3.27m clear pedestrian space.

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 and a diagram of the site.

Proposed Times of Trading:

Monday – Thursday 8:00am to 10:00 pm

Friday – Saturday 8:00am to 11:00 pm

Sunday 9:00am to 10:00 pm

To Display: Household items

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 has not been made available until the Committee decision. This is because a blanket designation in respect of South End was approved by the Licensing Committee in December 2014 to encourage premises in displaying table and chairs where appropriate. There are 9 designated sites currently in use. The report from 2014 can be found at the following link - [lic20141210 06 01 reportc63a.pdf \(croydon.gov.uk\)](#)
- 1.6 There are 9 street trading displays in the area of this application. The relevant premises are marked on the map at A3.
- 1.7 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.

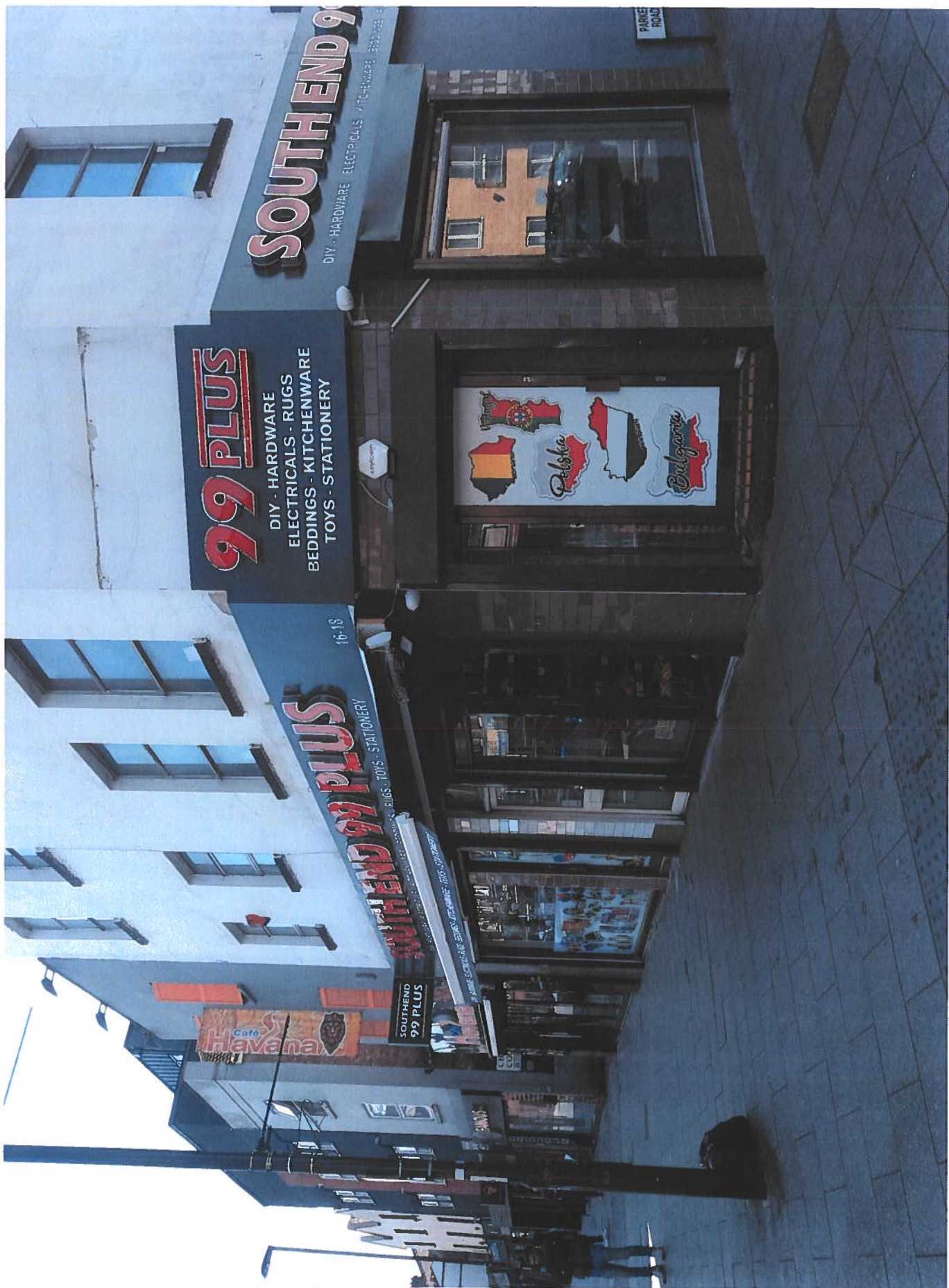


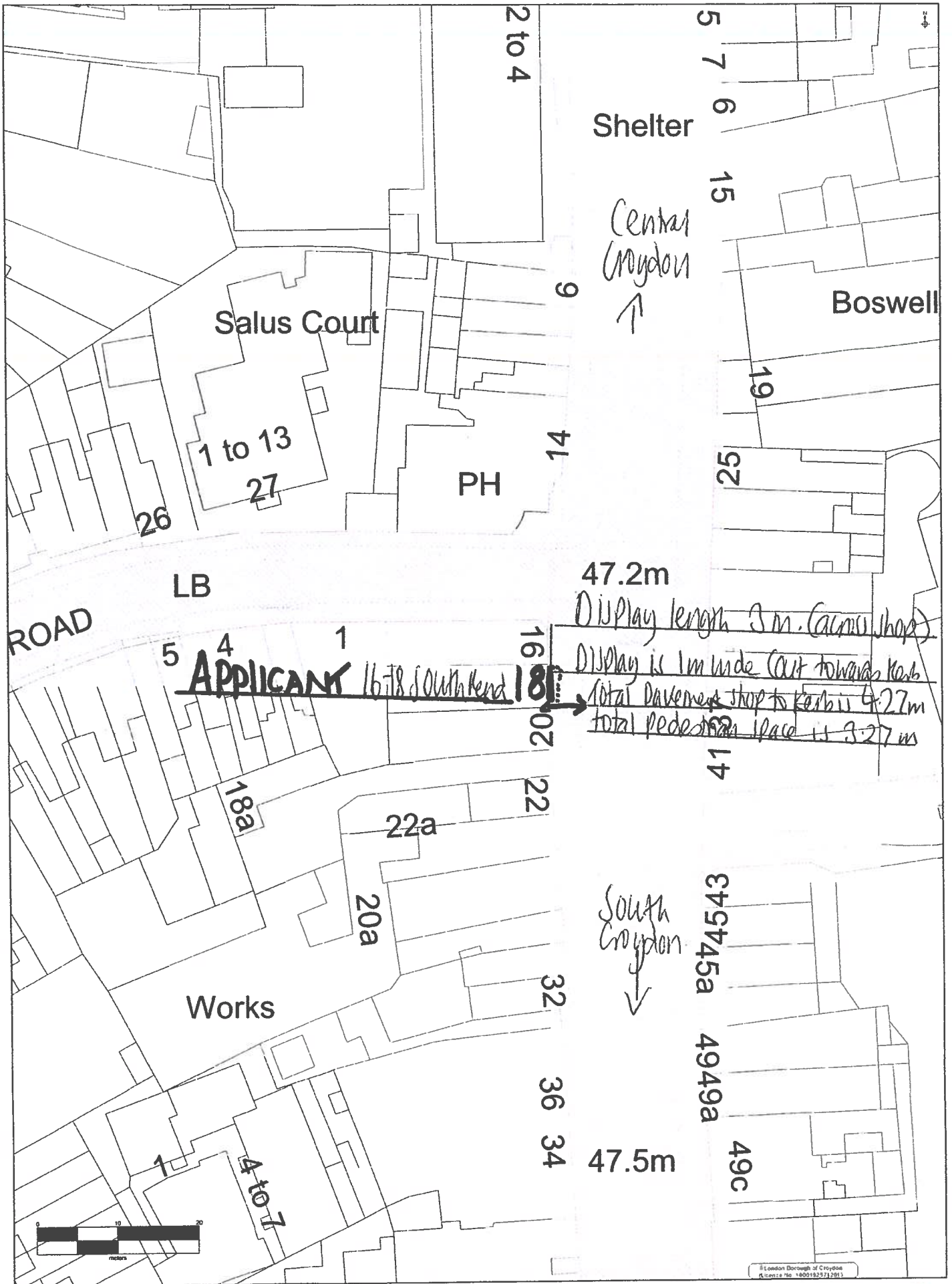
Fi



A1







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

Sunday: from 9 to 10 P.M Thursday: from 8 to 10 P.M
Monday: from 8 to 10 P.M Friday: from 8 to 11 P.M
Tuesday: from 8 to 10 P.M Saturday: from 8 to 11 P.M
Wednesday: from 8 to 10 P.M

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 12-1-23

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

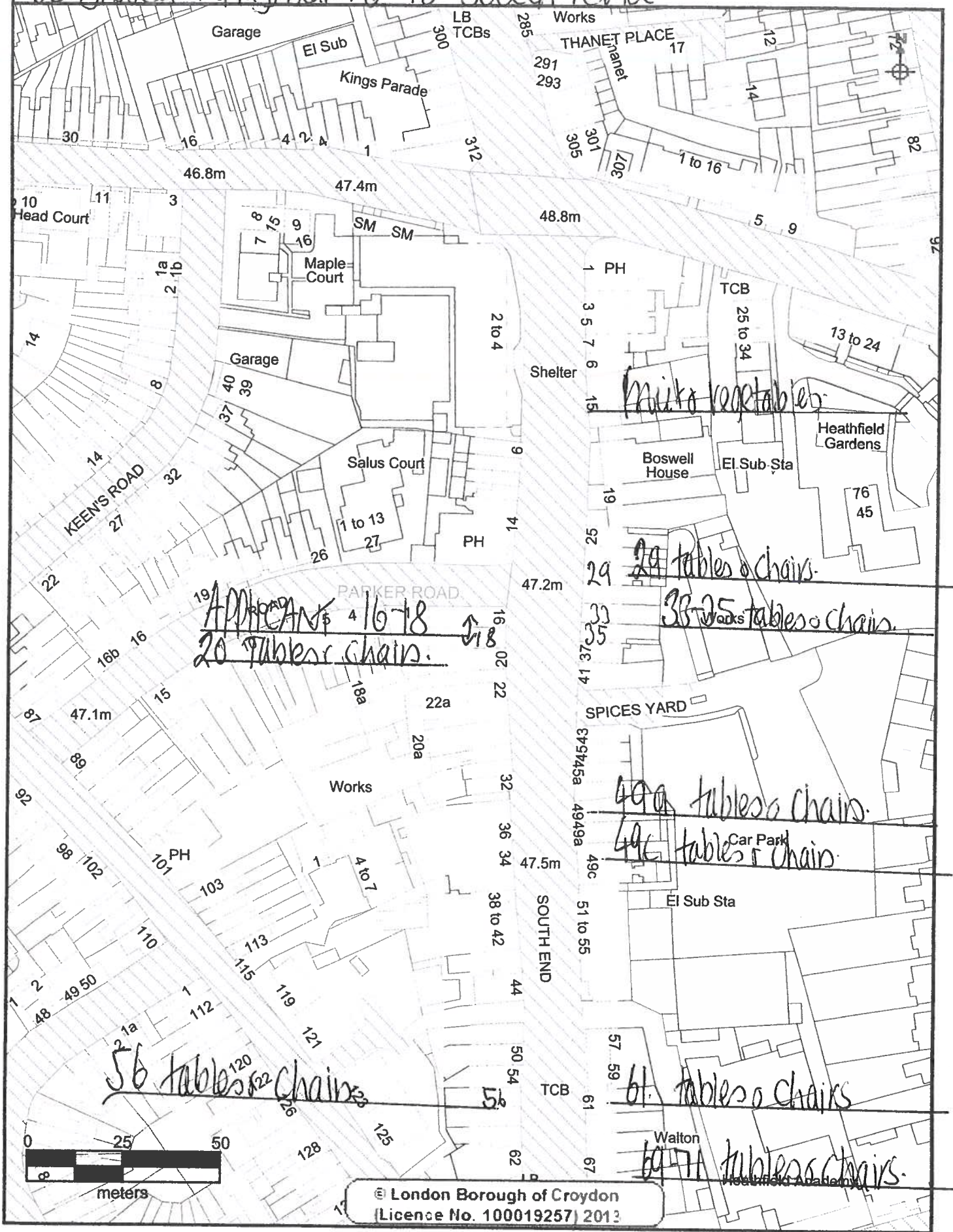
Office Use Only Uniform No:

Receipt No : Date received:

XC

9 Designated displays near 16-18 South End.

A3



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APPENDIX B

- Applicant:** Mr Afzall Ahmad
- Location:** On the highway outside 780 London Road, Thornton Heath, CR7 6JB
- Measurement:** The application seeks trading area of:
Length 3m, Width 90cm, Height 1.10m

The total distance of pavement between the shop front and the nearest obstruction, in this case the kerb is 3.40m. This allows 2.50m clear pedestrian space.

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 and a diagram showing the application site.

Proposed Times of Trading:

Monday to Sunday 8:00 am - 9:00 pm

To Display: Fruit & Vegetables

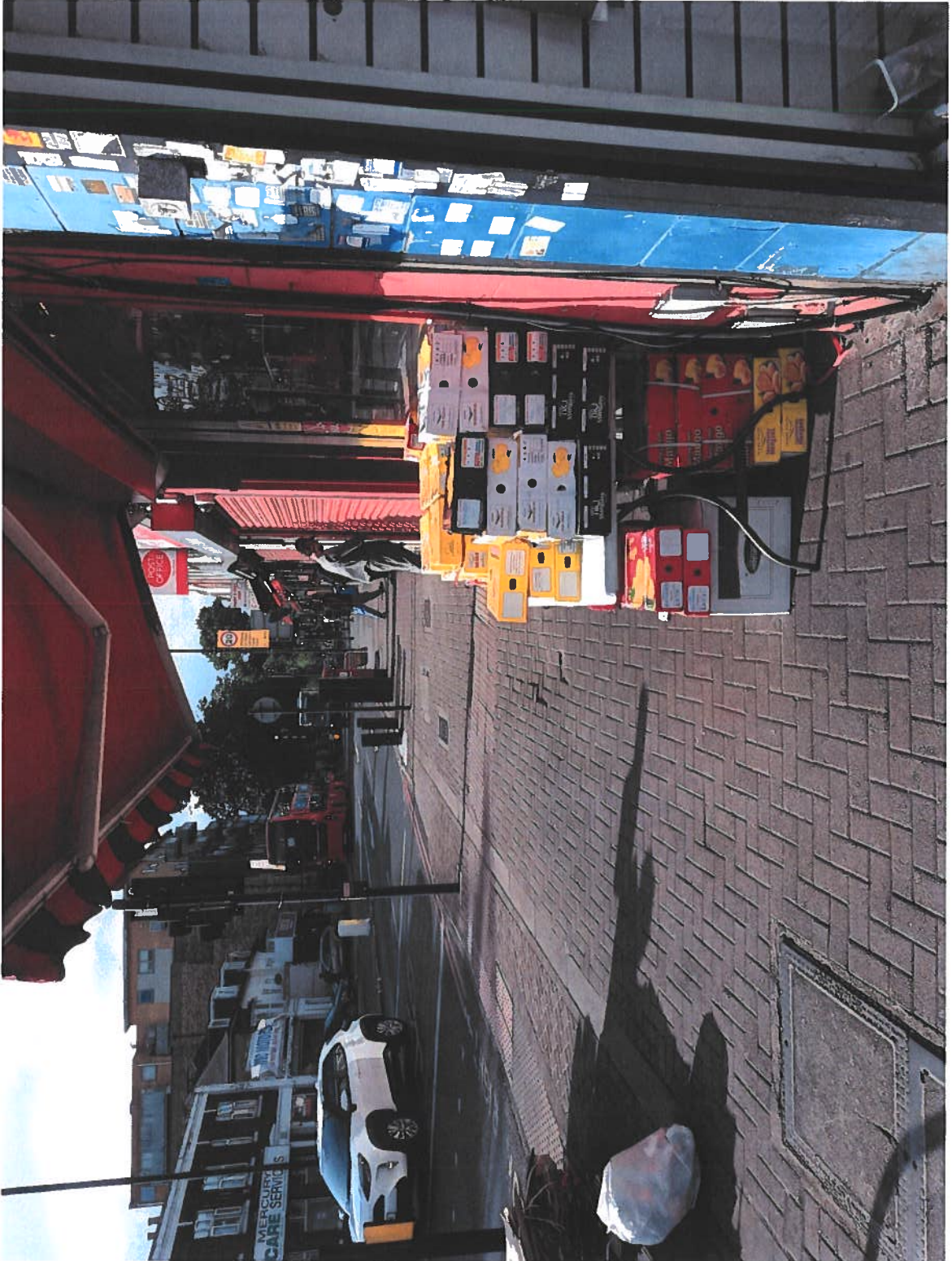
1. Detailed Consideration

- 1.1 A copy of the application is attached at Appendix B2
- 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 24.12.2023. A copy is attached at Appendix B3
- 1.6 There are 4 street trading displays in the area of this application. All on the same side of the road of the applicant's premises. A plan showing these premises is at Appendix B4.
- 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 B5.
- 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.



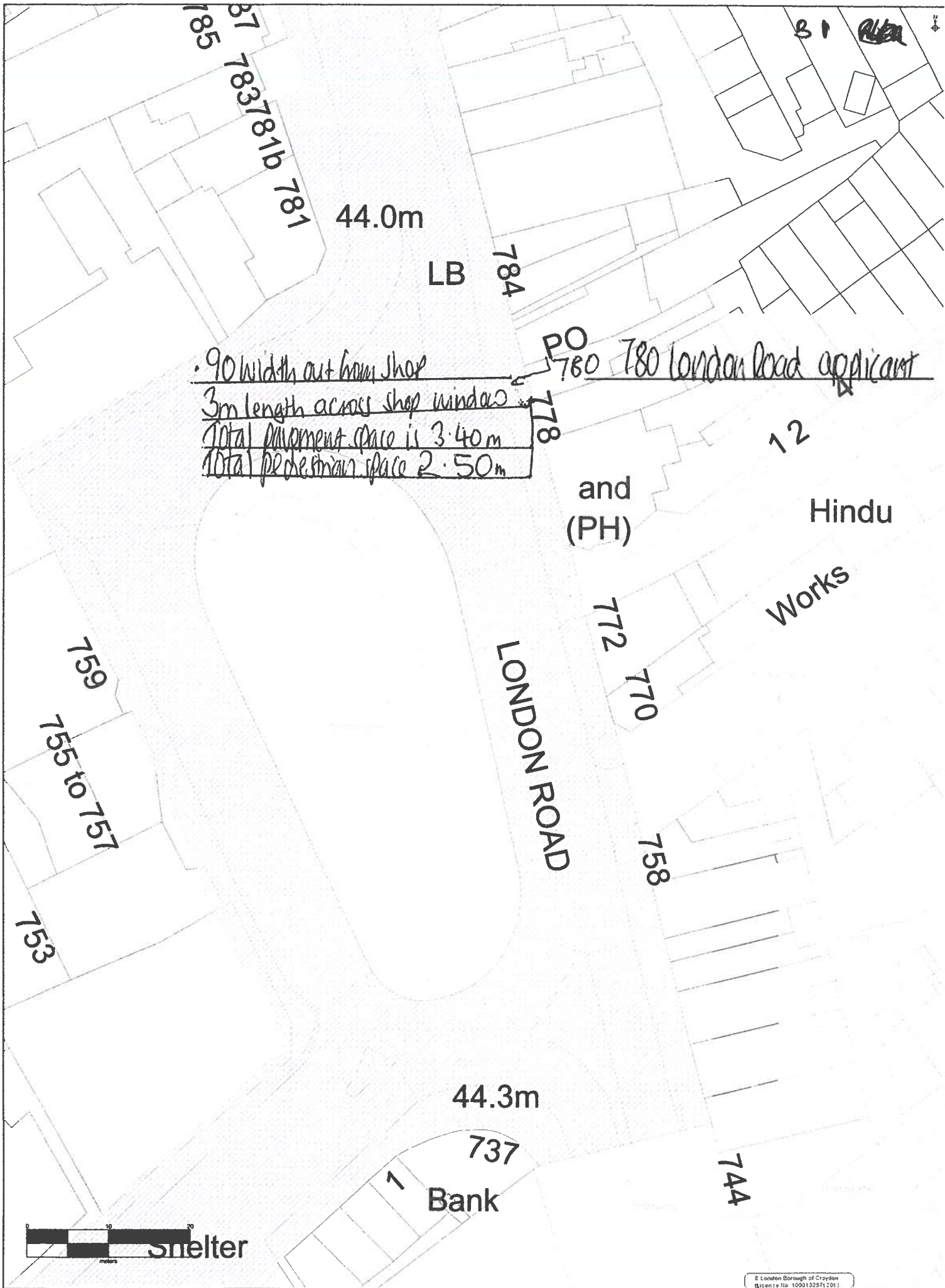












90 width out from shop
 3m length across shop window
 Total pavement space is 3.40m
 Total pedestrian space 2.50m



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

Sunday: from 8:00 am to 9:00 pm Thursday: from 8:00 am to 9:00 pm
 Monday: from 8:00 am to 9:00 pm Friday: from 8:00 am to 9:00 pm
 Tuesday: from 8:00 am to 9:00 pm Saturday: from 8:00 am to 9:00 pm
 Wednesday: from 8:00 am to 9:00 pm

c) Type of goods or services to be displayed ... 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 / 0208 726 6000 Ext 64080

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

[Handwritten signature]

Date 24-6-2023

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:.....

SF.C355/10/13

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 AFZAAL AHMAD

TO USE SITE KNOWN AS

A & B Halal Butcher
780 London Road
Thornton Heath
CR7 6JB

TO DISPLAY

Fruit and Vegetable

SIZE OF DESIGNATED DISPLAY

Length 3m, Width 90cm, Height 1.10m

PERMITTED DAYS & TIMES

Monday - Saturday 8:00 am - 9:00 pm
Sunday 8:00 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: 24.06.2023

Date Licence Expires: 24.12.2023

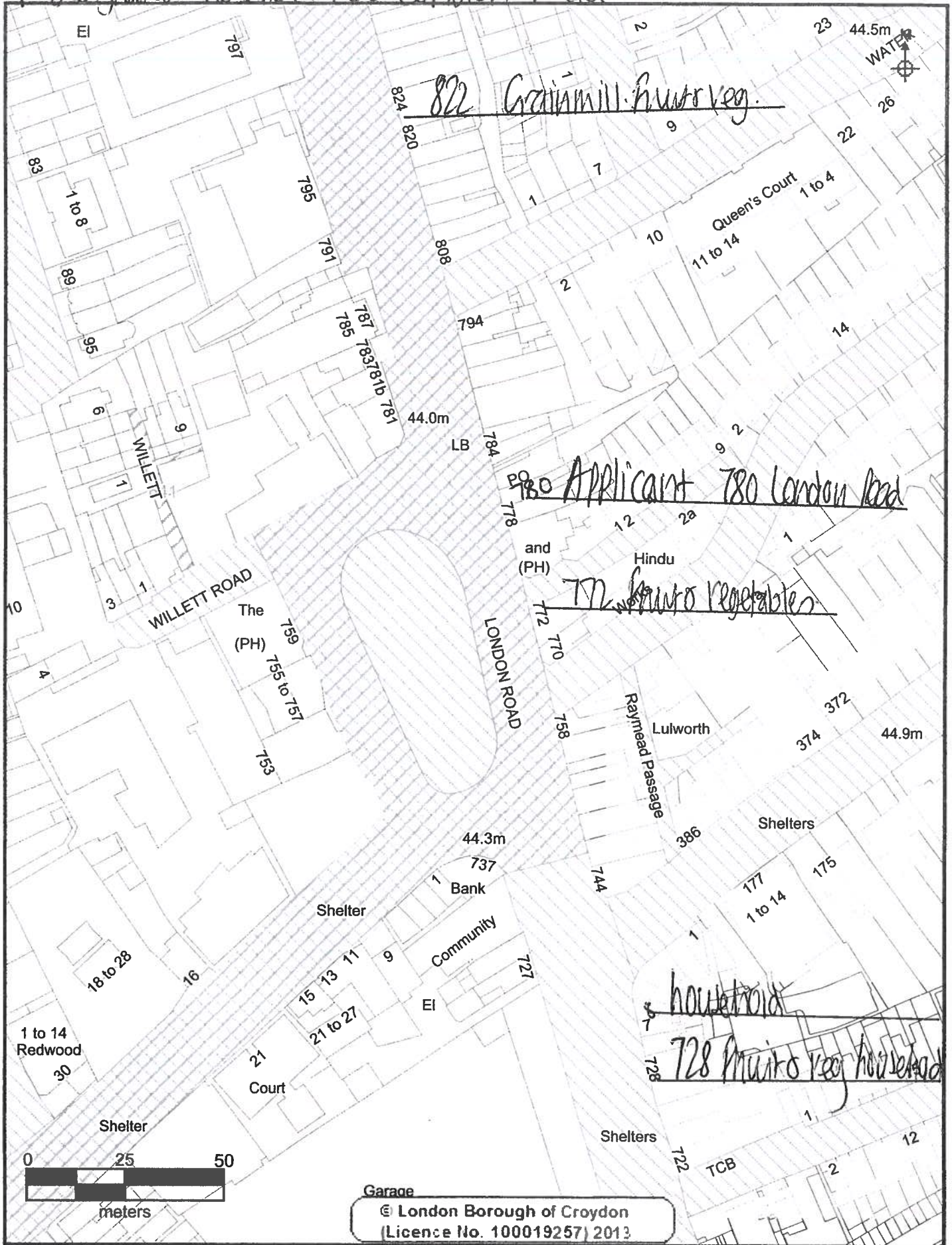
Licence Number: 23/01786/STT



Issued on Behalf of : Licensing Manager
Place Department

4 Designated Sites near: 780 London Road.

B4 ~~824~~



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Sustainable Communities Department
Licensing Team
3rd Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Tel/Tvnetalk: 0208 726 6000 x 62457

MR AFZAAL AHMAD

~~0208 726 6000 x 62457~~
~~0208 726 6000 x 62457~~
~~0208 726 6000 x 62457~~

Your Ref: 23/01786/STT

Our Ref: 23/01786/STT

Date: 15 July 2023

Dear Sir

Subject: Street Designation Order

Address: 780 London Road Thornton Heath CR7 6JB

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

~~0208 726 6000 x 62457~~

~~0208 726 6000 x 62457~~

Licensing Officer