

Licensing Committee

Meeting held on Tuesday, 16 July 2024 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillor Mohammed Islam (Vice-Chair);
Councillors Sue Bennett, Margaret Bird, Danielle Denton,
Jessica Hammersley-Rich, Patricia Hay-Justice, Endri Llabuti, Ian Parker and
Appu Srinivasan

Apologies: Councillors Stuart Collins and Nikhil Sherine Thampi

PART A

7/24 Minutes of previous Licensing Sub-Committee Meetings

Members approved the minutes of Licensing Sub-Committee meetings held on:

- 21 May 2024
- 10 June 2024

8/24 Urgent Business (if any)

There were no items of urgent business.

9/24 Disclosure of Interests

Councillor Srinivasan declared that he was familiar with the applicant and explained that the applicant was his tenant. Councillor Srinivasan was advised by the Deputy Monitoring Officer that he should not take part in the first item as he had a conflict of interest.

Councillor Srinivasan left the Council Chamber at 6.45pm.

10/24 London Local Authorities Act 1990 - Application for Street Designation Order

The Head of Environmental Health, Trading Standards and Licensing explained that if an individual wished to place goods for sale on the public highway, they needed to have a street trading licence. The Head of Environmental Health, Trading Standards and Licensing stated that before an annual street trading licence could be issued the site would need to be designated for the purpose of street trading.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that the application sought a trading area on the left-hand side of the door of 2.3m in length, 2.1m in width and on the right hand side of the door 2.2m in length and 2.1m wide. The Head of Environmental Health, Trading Standards and Licensing explained that the total distance from the store front to the nearest obstruction was 5.3m, this left a clear pavement width of 3.2m for pedestrians and the minimum required pavement width for street trading purposes was 2m.

The Head of Environmental Health, Trading Standards and Licensing stated that the requested times of trading was on Monday to Sunday from 9am to 9pm, the application was placed in the local newspaper and no comments had been received and there had been no comments from the police licensing officer, food safety team, planning, highways and parking services teams or food trading team.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that the measurements requested had been checked by an officer and during the site visit and a temporary licence was issued to the applicant.

The Head of Environmental Health, Trading Standards and Licensing stated that there were seven other designated street trading sites in the immediate vicinity of the premises and the premises fell within the Council's saturation policy for street trading.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that officers would not call specific Licensing Committee meetings to consider one application and if there were others then they also would have been considered at this meeting. The Markets and Street Trading Compliance Officer explained that the applicant was unsure on the dimensions of his display so there had been quite a few changes to the proposed display in the lead up to the application being submitted.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that officers had not received any complaints from members of the public or any other parties. The Head of Environmental Health, Trading Standards and Licensing stated that there were seven other sites designated for street trading in the immediate vicinity of the premises, the saturation policy was in place primarily on safety grounds. The Head of Environmental Health, Trading Standards and

Licensing informed Members that if the number of street trading sites had a negative impact on pedestrians, then the policy would come into effect.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that there was no specific design required for the display, if the display was unsafe then the Council could act, however, they could not act if it was simply untidy.

In response to questions the Markets and Street Trading Compliance Officer explained that the pavement sloped, however, the boxes had been well built with lockable wheels to ensure they did not roll. The Markets and Street Trading Compliance Officer stated that the display was considered safe by officers and if it was kept tidy, people would not have an issue entering and leaving the site. The Markets and Street Trading Compliance Officer explained that she had made several visits to the site and she was confident that the boxes were stable and safe.

The applicant, Mr Niazi, was given the opportunity to speak.

In response to questions from Members, Mr Niazi explained that he had two staff members working for him. The staff members would need to be trained fully to set up the display correctly, and if he hired any further staff members then he would ensure that they were also adequately trained.

In response to questions from Members, Mr Niazi stated that since he had begun using the outside display the amount of business at his shop had doubled. Mr Niazi confirmed that his shop was the only shop which only sold fruit and vegetables and not meat.

The Committee resolved to designate the site for the purposes of street trading.

The Committee resolved to grant a street trading licence to the applicant.

The Committee **RESOLVED**, to:

- 1.1 Designate the site for the purposes of street trading and to delegate authority to the Corporate Director, Sustainable Communities, Regeneration and Economic Recovery to comply with all legal requirements to determine whether to grant a street trading licence to 30 High Street, Thornton Heath, CR7 8LE.

11/24 **Pavement Licensing - The Business and Planning Act 2020, The Levelling Up and Regeneration Act 2023**

Councillor Srinivasan entered the Council Chamber at 7.02pm.

The Head of Environmental Health, Trading Standards and Licensing explained that for the last three years officers had brought an annual report in

respect of pavement licencing, this was introduced by the government as a result of the pandemic.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that the business and Planning Act 2020 included provision for pavement licensing and allowed premises such as cafes, restaurants and pubs to have tables and chairs on the public highway as people were unable not able to sit inside during the pandemic.

The Head of Environmental Health, Trading Standards and Licensing explained that the report was last brought to the Committee in September 2023, and the government had since made the act permanent.

The Head of Environmental Health, Trading Standards and Licensing stated that the chairs and tables had to be removeable.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that the first recommendation was to delegate authority to the Corporate Director of Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to implement and operate the pavement licensing arrangements on a permanent basis.

The Head of Environmental Health, Trading Standards and Licensing explained that the fee under the temporary provisions was £100, the duration was for 1 year and the consultation and determination periods were for seven days each (14 days in total).

The Head of Environmental Health, Trading Standards and Licensing stated that the government had introduced two new fee caps, £350 for a renewal of an existing licence and £500 for a new licence for a duration of up to 2 years. The government had also extended the consultation and determination periods to 14 days each.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that the recommendation was for the duration of the license to be set at 1 year, £350 for a renewal of an existing licence and the fee for a new licence set at £500. The Head of Environmental Health, Trading Standards and Licensing stated that these fees would not cover the Council's costs for administration in this area. The issuing of 1-year licences would give the Council greater oversight and control over the licence, so that they could ensure that the premises stayed complaint with the conditions attached to their licence.

The Head of Environmental Health, Trading Standards and Licensing explained that there were a number of existing pavement licences they're in place until the 30th September under the temporary provisions, the premises licence holders would be written to from the 1st October to see whether they wished to renew their licence.

The Head of Environmental Health, Trading Standards and Licensing stated that these provisions did not cover goods for sale they were specific to furniture being placed outside businesses on the pavement.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing informed the Committee that there were certain district centres where the pavements were not wide enough to have tables and chairs placed outside of premises.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing explained that there were 81 pavement licenses issued and under the Licensing Act 2003 there was no expiry date on those licenses, however there was an annual fee to be paid.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing explained that businesses would receive a reminder to renew their licence to avoid businesses trading without a licence.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing explained that the fees had not been increased as they were a statutory fee of £100; officers recommended the Committee agree to set the fee in line with the maximum allowed by the government.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing stated that there had not been any consultation with businesses regarding the increase, it had been in the trade news that pavement licensing would become permanent and the fees had increased.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing explained that the fees may have dictated the appetite for having tables and chairs outside of sites and now that the fees had increased there was not likely to be many more businesses applying.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing explained that £100 for the pavement licence was very cheap considering the costs to the Council and the space taken up on the public highway.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing stated that they had to be careful about charging big businesses more money than smaller ones. The work would be the same for officers regardless of the size of the business.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing informed Members that if the section where the tables and chairs were placed was on the public highway then a pavement licence would need to be issued, if the table and chairs did not sit on the public highway then a pavement licence was not required.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing explained that it may make more sense for certain businesses to go for a street trading licence rather than a pavement licence. Officers would be available to advise any business owners.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing informed the Committee that if it was a small display outside of the business then it may make more sense for them to apply for a street trading licence as it was charged per square metre.

In response to questions from Members, the Head of Environmental Health, Trading Standards and Licensing stated that the pavement licence fees were in statute and capped whereas the street trading licence was charged on a case-by-case basis.

Councillor Cummings moved to approve the recommendations and Councillor Parker seconded the motion.

The Committee **RESOLVED**, to:

- 1.1 Delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to implement and operate the permanent pavement licensing arrangements under The Business and Planning Act 2020 (as amended), including but not limited to the determination of standard conditions which apply, determining applications, revocation of licenses and authorising officers to enforce and exercise these functions.
- 1.2 Set the duration of a Pavement Licence at one year and set the fee for an application for a new pavement licence at £500 and the fee for a renewal of a pavement licence at £350.

The Chair thanked all participants for their contributions and for attending.

12/24 **Exclusion of the Press and Public**

This item was not required

The meeting ended at 7.37 pm

Signed:

Date:

.....
.....