

# Licensing Committee Agenda



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

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Tuesday, 16 July 2024** at **6.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

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

Tariq Aniemeka-Bailey,  
Democratic Services Officer  
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www.croydon.gov.uk/meetings  
Monday, 8 July 2024

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

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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 previous Licensing Sub-Committee Meetings (Pages 5 - 48)**

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

- Tuesday, 21 May 2024
- Monday, 10 June 2024

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.

**3. 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.

**4. 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.

**5. London Local Authorities Act 1990 - Application for Street Designation Order (Pages 49 - 70)**

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

**6. Pavement Licensing - The Business and Planning Act 2020, The Levelling Up and Regeneration Act 2023 (Pages 71 - 80)**

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 implement and operate the permanent pavement licensing arrangements under The Business and Planning Act 2020 (as

amended). It also recommends that the Committee set the duration of a pavement licence at one year and that the Committee sets the fee for an application for a new pavement licence at £500 and the fee for an application to renew a pavement licence at £350.

Members will recall that the temporary Pavement Licensing regime introduced under the Business and Planning Act 2020 was in force, following three extensions, until September 2024. However, the Government made amendments to the 2020 Act via The Levelling Up and Regeneration Act 2023 which has made the pavement licensing provisions permanent. This report details the permanent provisions.

In summary, the permanent provisions have an increased standard fee cap for both new and renewal licence applications, slightly increased consultation and determination periods relative to the temporary regime, a longer potential maximum duration of licenses and provides local authorities with new enforcement powers, including to remove unlicensed furniture.

## **7. Exclusion of the Press and Public**

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

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

## **PART B**

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## Licensing Sub-Committee

Meeting held on Tuesday, 21 May 2024 at 10.30 am. This meeting was held remotely.

### MINUTES

**Present:** Councillor Patsy Cummings (Chair);  
Councillors Margaret Bird and Danielle Denton

### PART A

12/24 **Appointment of Chair**

It was MOVED by Councillor Bird and SECONDED by Councillor Denton and RESOLVED to appoint Councillor Patsy Cummings as Chair of the meeting.

13/24 **Disclosure of Interests**

Councillor Patsy Cummings informed the Sub Committee that she received an email from an objector prior to the meeting, she shared the email with licensing team straight away. The licensing team had reached out to the objector but had not received a response. Councillor Cummings did check with legal officers whether it was appropriate for her to Chair the meeting and she had been informed that there was not an issue.

14/24 **Urgent Business (if any)**

There were no items of urgent business.

15/24 **Licensing Act 2003 - Application For a Premises Licence at Norbury Park, Norbury, SW16 3LY**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant, Josephine Williams-Brown was present.

Parties who had submitted representations Lisa Patient and Jenni Rodgers were also present.

The Head of Environmental Health, Trading Standards and Licensing introduced the application to the Sub Committee and explained that the application sought the sale by retail of alcohol for consumption on the premises, from 12pm-9pm and the provision of regulated entertainment including recorded and live music from 12pm-9pm on Saturday 3 and Sunday 4 August 2024 and this was a time limited premises licence. The applicant had also attached a copy of their event management plan to their application, this was an evolving document and it was the latest version of the document at the time of the Licensing Sub Committee hearing. Following discussions with the police licensing officer the applicant had agreed to make amendments to their application.

The first objecting party was given the opportunity to speak. Lisa Patient and Jenni Rodgers advised:

- The event was a nuisance for residents.
- They were unsure on whether any checks had been conducted on the plans that the organiser had planned to implement. They wanted assurance that there would be somebody monitoring whether the organiser delivered on their plans for the event, specifically plans regarding the health and safety of attendees of the event and residents.
- There had been inadequate supervision in previous years, particularly in the setting up phase of the event.
- Last year there had been huge lorries carrying equipment which arrived at 2am to set up the event and disturbed residents.
- There was no signage to direct people who were setting up the event and it was down to volunteers from the Friends of Norbury Park to help manage the situation.
- The clearing up after last year's event was inadequate.
- Many people could not afford the entrance fee so people would sit around the barriers and so the number of people sitting and drinking in the park was significantly larger than the capacity of the event.
- The sound level was not monitored, and the decibel level creeps up during the evening which was a nuisance to residents.
- There would often be people in the park after the event playing music and disturbing residents.
- The large vehicles carrying equipment to set up the event damaged the cricket pitch which cost a lot of money to be installed and maintained, and residents believed they should receive some compensation for the huge amount of work needed to be done afterwards.
- There was a lot of aggression from drivers who were trying to park at the event and they may need some cones from the Council to show drivers where they could and couldn't park.
- There would need to be an officer from the Council present throughout the event to keep the music at the agreed decibel level.

The applicant Josephine Williams-Brown was given the opportunity to speak and advised:

- The organisers of the event would set up on a Friday rather than Thursday as the objector suggested, and they would leave on Monday morning.
- The park was left in the same condition as it had been found.
- In previous years there had been someone from the Council present for the majority of the day to monitor the event.
- The organisers tried their best to stick to the agreed decibel levels.
- In previous years they had blocked off Heathersett and Hayfield road.
- The entry for the park had been moved for last years event to reduce the disturbance experienced by the residents.
- There had never been any complaints regarding the condition of the cricket pitch after previous events.
- Organisers were happy to abide by any rules that the Council and police had issued and they would ensure that people that they had employed worked within the agreed rules and regulations.

In response to questions from the Sub-Committee the applicant advised that there would be volunteers and SIA people placed outside of the park to monitor the movements of vehicles.

The Sub-Committee queried whether the applicant could work with residents and consult them once the park had been cleared so that they could verify, the applicant agreed and stated that they could take videos to show residents the condition of the park following the event.

In response to questions from the Sub-Committee the applicant advised that they would fence off the cricket pitch to prevent it from being damaged during the event and there was a parking plan in place, SIA and volunteers would direct traffic and signage would be implemented to show people where to park. The applicant explained that the only bottled drinks they possessed were spirits and these would be served in cups, there were bottles found in the park following the event as attendees would sneak them into the event. The Sub-Committee suggested that the security at the event could conduct bag searches to ensure that attendees did not manage to get glass bottles into the event, applicant agreed and stated that they had increased the amount of security at this years event.

In response to questions from the Sub-Committee the applicant explained that the Council had informed them Hatfield Road was in bad condition and was unsuitable for heavy vehicles, so they offered the organiser another entrance to the park. The applicant stated that during last years event they used cones to block off Heathersett road to prevent attendees from driving and parking along the road.

The Sub-Committee suggested that the security at the event could check to see whether the cones used to block off roads around the park were in place throughout the day.

The objectors informed the Sub-Committee that the event was right in the middle of the cricket pitch, so if the event ringfenced the cricket pitch and field then the event would not be able to go ahead. The objector explained that Heathersett Road had never been blocked off and the only reason that Harefield Road had not been used was because it was a private road which the residents had not given permission for people to use.

The applicant explained that that the Council had instructed the organiser that they should fence off the wicket on the cricket pitch to prevent it from being damaged but were content for the rest of the field to be used for the event. In response to questions from the Sub-Committee the applicant stated that they would have between 40 and 50 SIA officers in attendance to help manage the event and they confirmed that they expected between 4000-5000 attendees for the event.

The Sub-Committee queried the number of toilets which would be available to the attendees and the applicant confirmed that there would have been 30 toilets at the event.

The applicant informed the Sub Committee that many of the concerns that had been raised by the residents had been discussed at the Safety Advisory Group (SAG) meeting and the event management plan had been amended accordingly.

The applicant confirmed that they had agreed to a condition imposed by the police regarding a dispersal plan once the event had finished.

In response to questions from the Sub Committee the applicant stated that they would begin setting up the event at 8am rather than 7am and would amend the event management plan to reflect this change. The applicant also agreed to implement signage which would direct attendees to the public car park and other suitable parking locations.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED** to **GRANT** the application to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub Committee decision as follows:

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Norbury Park, Norbury, SW16 3LY** on Saturday 3 August and Sunday 4 August 2024 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 Other Person during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 (“the 2003 Act”), the Statutory Guidance issued under Section 182 of the 2003 Act 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 following discussions and agreement with the Police (Appendix A3), the mandatory conditions which are imposed under the Licensing Act 2003 and the additional condition outlined in paragraph 11 below which was agreed by the Applicant at the hearing.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee appreciated that there had been concerns raised by objectors about the management of previous events in Norbury Park which had been delivered but noted that the current Applicant had sought to engage with and address resident concerns in advance. It was encouraging to see a willingness by the Applicant to work with the residents' association (objector) to undertake a successful event and address the concerns that had been raised.
2. Whilst it was noted that prior to and during the hearing, the Applicant sought to engage with and address the issues which were raised by those making representations and addressed the questions of the Sub-Committee members, the Sub-Committee were clear that the successful delivery of the event would require ongoing engagement with impacted parties, to ensure that matters of concern would be addressed, including as part of the Safety Advisory Group (SAG) process for events. The remit of the SAG is to advise on whether an event should proceed on safety grounds. The core members of the SAG are Croydon Council (Food Safety Team, Events Team, Noise, Parking/Traffic Management and Licensing), Metropolitan Police, British Transport Police, London Fire Service, London Ambulance Service and transport providers such as TfL.
3. 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 an extensive set of conditions with the applicant (as set out in Appendix A3), which the applicant had amended their application to include, in the event that the Sub-Committee was minded to grant the application.
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. 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. The Statutory guidance also makes clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities – in other words it is a matter which ought to be considered on a case-by-case basis. The Guidance goes on to indicate that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, including live music.
6. The Sub-Committee noted that one of the concerns raised by the objectors related to noise and disturbance being caused to nearby residents by large heavy vehicles arising from access to and egress from the premises particularly when setting up before the start of the event. The Applicant advised that with regard to setting up, this would normally start from 0700 hours on the day prior to the event, however the Applicant offered a later start for this to take place from 0800 hours.
7. As part of the conditions to be imposed on the licence, if granted, the Sub-Committee noted that the Applicant had offered conditions as set out in Appendix A3 pertaining to noise management as follows:
  - a direct telephone number (mobile to be held by duty manager) will be provided to neighbouring premises to be used in the event of a complaint of noise nuisance.
  - a Noise Management Plan is to be produced and agreed with the relevant Council Officers from the Noise Pollution Team, in advance of the event taking place.
  - Information will be produced for nearby residents giving them advanced notification about the event and who to contact with any

noise concerns. The dedicated telephone and/or email address shall be monitored throughout the period for which the license is applicable and shall be in operation until 3 days after the event. This dedicated contact is also to facilitate and assist with any other related nuisance issues arising from the event taking place.

8. With regard to concerns regarding people loitering in the park after the event, the Applicant confirmed that there would be a dispersal policy in place and the licensable activities would cease at 2100 hours, and patrons attending the event would vacate by 2200 hours followed by event organisers vacating the premises by 2230 hours.
9. As part of the conditions to be imposed on the licence, if granted, the Sub-Committee noted that the Applicant had offered a condition pertaining to public safety which indicated that there would be a minimum ratio of SIA trained security staff to patrons of 1:100 and Body Worn Video would be worn by all SIA door staff deployed at entry points and those dealing with the eviction of patrons from the event.
10. 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 – these included issues in relation to the cricket pitch within the proposed licensed premises, traffic management and parking in neighbouring streets. Despite this, the Sub-Committee noted that the Applicant had engaged in detailed discussions with the residents' association and was making careful plans about how to prevent and deal with illegal parking. This included having a traffic management plan, increased presence of SIA security staff and support stewards both inside and outside the event and ensuring that residents would be notified about parking restrictions and how they would be provided with access. These discussions were ongoing and would be addressed further as part of the overarching Event Management Plan which would be considered, and if appropriate, approved under the SAG process.
11. In addition to this, the Sub-Committee had regard to the additional condition that was agreed by Applicant at the hearing namely:

*'The Applicant shall ensure that appropriate signage is erected directing patrons travelling to the event via private motor vehicles to the nearby public carpark',*

which the Sub-Committee considered would be appropriate to support the licensing objectives, particularly in relation to prevention of public nuisance and public safety.

12. In response to issues pertaining to litter, rubbish and metal objects left in the park after the event, the Applicant confirmed that the site is cleared in

accordance with the measures and polices set out in the Event Management Plan which includes contracting Veolia to undertake waste management, additional bin provision and litter picks of the site throughout the event, to ensure that the park is handed back in the same condition that it was given. The Sub-Committee noted the Applicant's willingness to continue to work with the residents' association in supporting this process.

13. 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".
14. In respect of the licensing objectives of prevention of crime and disorder, protection of children from harm, promotion of public safety and prevention of public nuisance, the Sub-Committee noted the following conditions in Appendix A3 which had been agreed by the Applicant:
  - All children under the age of 16 years will be accompanied by parent/guardian.
  - Operate an anti-drugs policy in conjunction with a search and seizure policy. This will also include storage and disposal procedures. Signage will be displayed throughout the premises. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
  - Operate an anti-weapons policy in conjunction with the search and seizure policy. This will also include storage and disposal procedures. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
  - Operate an anti-theft policy, which will include the reporting of theft, safe storage of found items, storage and disposal procedures for all items of property found or discarded at the premises. Signage will be on display in prominent places advising customers to safeguard their property. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
  - Operate a search policy which includes searching everyone who enters the event including all staff and artists. All bags will be searched and all those entering will pass through a metal detector and/or wands search area.
  - A clear visible notice shall be placed at the entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that police will be informed if anyone is found in possession of controlled substance or weapons.

- There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodge with the Police Licensing team. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
- A challenge 25 scheme will be operated to ensure that any person attempting to purchase alcohol who appears to be under 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving license, military card or a card bearing the PASS hologram.
- Ensure that polycarbonate drinking vessels are used for all alcoholic and soft drinks and all drinks supplied in glass bottles will be decanted into polycarbonate serving or drinking vessels.
- No alcohol will be brought into the event by customers and any alcohol found will be seized and disposed of by security.
- Ensure that customers are prevented from leaving the event site with bottles or open containers.
- The premises shall run each event with the latest Event Management Plan (EMP) that has been agreed in writing at the latest SAG meeting.
- The EMP for the event shall include the following information as a minimum; site plans, steward/security plans to include regular weapon sweeps before, during and post egress, crowd management plans, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, possible noise nuisance plans and ingress/egress plan.
- The event will operate a vulnerable person policy, this must include Welfare And Vulnerability Engagement (WAVE) training for all members of staff.

15. 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 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.

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.

**Licensing Act 2003 - Application For a Premises Licence at Addington Park, Croydon, CR0 5AR**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The Head of Environmental Health, Trading Standards and Licensing explained the time limited nature of the licensing application for Addington Park on Saturday 27 and Sunday 28 July. The application sought the provision of regulated entertainment and live music from 6pm – 9pm, recorded music from 1pm – 10pm, the sale by retail of alcohol for consumption on the premises on Saturday 27 and Sunday 28 July from 1pm – 9.30pm. The Head of Environmental Health, Trading Standards and Licensing informed the Sub Committee that following discussions with the police, the applicant had amended their application to have the conditions at appendix A2 placed on the licence if it was granted.

The Head of Environmental Health, Trading Standards and Licensing informed the Sub Committee that the representations received on the application could be found at appendix A3 and the applicant had been provided with a written copy on the representations made. The Head of Environmental Health, Trading Standards and Licensing also noted that appendix A4 was an ordinance survey extract which showed the location of the venue.

The objecting party Charles Marriott was given the opportunity to speak. They thanked the Sub-Committee for the opportunity to object to the proposals and advised:

- Residents were very familiar with the applicant and have had in person discussions with them regarding their events.
- As the applicant had applied for a licence for an event which would host considerably more attendees than in previous years, the police presence and the safety and security on and off site was of deep concern to the residents.
- Charles Marriott and Councillor Robert Ward had submitted concerns over the instance on individuals trying to park, despite the applicant trying to encourage visitors not to drive to the event.
- Attendees who attempted to park on residential roads close to Addington Park in the past had exhibited aggressive and threatening behaviour towards residents. This issue would be exacerbated further at this year's event as there would be more people attending the event.
- There were no proportions on the ordinance survey map at appendix A4.
- There was greater concern for the potential issues which may occur off site than on site.

The objecting party Councillor Robert Ward was given the opportunity to speak. They thanked the Sub-Committee for the opportunity to object to the proposals and advised:

- Councillor Ward had submitted a lessons learned document from previous events which had been submitted as part of his representations.
- The applicant had previously ran events in the park and had conducted themselves professionally.
- Whilst the event proposed in the application would be larger than previous events, it would be ran in a similar manner.
- The issue which would have the largest impact on residents would be the aggression from attendees trying to park close to the park. However, appropriate security arrangements had been put in place recently to help manage the situation.
- Some attendees may attempt to arrive early to secure a parking space so restrictions needed to be implemented in advance of the event.
- A Traffic Management Orders (TMO) should be in place ahead of the event and Councillor Ward had attached a list of the streets that would be affected in his representation.
- A parking officer and a towaway truck needed to be available and appropriately active.
- As the application was for a greater number than previous events, attention needed to be paid to long queues forming and managing egress after the event to prevent loitering.
- There were two dangerous bends outside of Addington Village Church and poor parking could cause a problem for drivers, properly managed TMO's and security staff could help to mitigate this risk.

In response to questions from the Sub Committee, Councillor Ward explained that the towaway truck did not belong to the Council and the applicant stated that they used a company recommended by the Council to obtain a towaway truck for the event, and they would be doing so again for this event. Councillor Ward confirmed there would be another event in Addington Park on the 6 July.

In response to questions from the Sub Committee, Councillor Ward stated that there may also be other events scheduled to be held in Addington Park which did not require a license.

The Head of Environmental Health, Trading Standards and Licensing explained that an officer from the Council would be present at events to take noise readings to ensure that the music was kept at the agreed decibel level; members the police and the Safer Neighbourhood Team may also be present at the event.

The Head of Environmental Health, Trading Standards and Licensing stated that the use of a towaway truck was a private arrangement which the Council had no involvement with.

Councillor Ward stated that the council officer present, monitoring noise. He was also present.

The Head of Environmental Health, Trading Standards and Licensing confirmed that a noise officer would go out to the event and take readings to ensure that the sound levels were within the agreed levels.

The security manager Delroy Edwards was given the opportunity to and advised:

- The event would have up to 5000 attendees.
- There were 13 security officers outside and 65 security officers inside the event.

The applicant Junior Akinsame was given the opportunity to speak and advised:

- This was the applicants 3<sup>rd</sup> year holding their event at Addington Park, they had always worked with Charles Marriott to ensure that the residents' concerns were noted.
- The applicant had not experienced many issues at their events in the previous two years.
- The increase in the number of attendees had been taken into account in the applicants event management plan.
- There was a need to increase the visibility of the event management staff inside and outside of the event.
- Members of the event management team would be easy to contact should any problems occur before or during the event.

Chantelle Mensa was given the opportunity to speak and advised:

- The event organisers had taken the residents' concerns onboard.
- The event organisers would work with the police to ensure the safety of the community.
- The TMO would be made available.
- The event organisers would ensure that any vehicles that were incorrectly parked would be removed.
- The event organisers would assess the timings that the restrictions would be implemented to prevent individuals arriving early to park before the event.

The Head of security was given the opportunity to speak and advised:

- Aggressive parking had been discussed in detail amongst staff members and there would be a manager deployed outside of the park to ensure that people parked correctly.
- Some of the internal security would come outside the event to ensure that there was no loitering after the event.



In response to a question from an objector, the applicant stated that guests were not expected to drive to the event and there would be notices sent out prior to the event on social media pages and emails reminding guests of this. The applicant explained that if any guests did not adhere to this advice and drove to the event then they would have the ability to tow away cars where necessary.

In response to questions the applicant advised there was a reporting system where people could report an issue and a security response team would be available to provide assistance. The applicant believed that the security outside the event helped to take away the angst of the residents.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED** to **GRANT** the application to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub Committee decision as follows:

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Addington Park Croydon CR0 5AR** on Saturday 27 July and Sunday 28 July 2024 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 objectors during the hearing. The Sub-Committee noted that although one of the objectors was 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 2003 Act"), the Statutory Guidance issued under Section 182 of the 2003 Act 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 following discussions and agreement with the Police (Appendix A2), 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 appreciated that there had been concerns about prior events in Addington Park which had been delivered by other applicants but noted that the current Applicant had better liaison with residents than some other event organisers and had sought to engage with and address resident concerns in advance. It was encouraging to see a willingness by the Applicant to work with the residents' association and Ward Councillor to undertake a successful event and address the concerns that had been raised.

2. Whilst it was noted that prior to and during the hearing, the Applicants sought to engage with and address the issues which were raised by those making representations and addressed the questions of the Sub-Committee members, the Sub-Committee were clear that the successful delivery of the event would require ongoing engagement with impacted parties, to ensure that matters of concern would be addressed, including as part of the Safety Advisory Group (SAG) process for events. The remit of the SAG is to advise on whether an event should proceed on safety grounds. The core members of the SAG are Croydon Council (Food Safety Team, Events Team, Noise, Parking/Traffic Management and Licensing), Metropolitan Police, British Transport Police, London Fire Service, London Ambulance Service and transport providers such as TfL.
3. 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 an extensive set of conditions with the Applicant (as set out in Appendix A2), which the Applicant had amended their application to include, in the event that the Sub-Committee was minded to grant the application.
4. As part of the conditions to be imposed on the licence, if granted, the Sub-Committee noted that the Applicant had offered a condition pertaining to public safety which indicated that there would be a minimum ratio of SIA trained security staff to patrons of 1:65 deployed inside the perimeter of the venue and 13 SIA staff deployed outside the perimeter to provide enhanced security.
5. With regard to the issues raised in relation to traffic management and parking in neighbouring streets, although these matters were not directly within the authority of the Sub-Committee under the Licensing Act 2003, the Sub-Committee noted that the Applicant had engaged in detailed discussions with the residents' association and was making careful plans about how to prevent and deal with illegal and "aggressive parking". This included, having access to a private tow truck company and providing a direct mobile contact number of the security team to alert them of any issues so that they can be dealt with quickly. The Applicant also advised that all advertising published prior to the event would clearly state that there is no parking available in the area and attendees would be advised to use public transport to travel to the event. These discussions were acknowledged to have been constructive on both sides and were ongoing and would be addressed further as part of the overarching Event Management Plan which would be considered, and if appropriate, approved under the SAG process.
6. 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 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.

7. The Sub-Committee noted that whilst there were no representations before the Sub-Committee from the Noise nuisance team objecting to the current application which they would have been entitled to do as a responsible authority, the Applicants had advised that a Noise Pollution officer from the Council would be involved in pre-event sound testing and setting of the noise limits and that once sound levels were agreed and set, these would be adhered to.
  
8. In respect of prevention of crime and disorder, protection of children from harm, promotion of public safety and prevention of public nuisance objectives, the Sub-Committee noted the following conditions in Appendix A2 which had been agreed by the Applicant:
  - No persons under the age of 18 years will be permitted to attend the event;
  - Body Worn Video (BWV) will be worn by a number of SIA door staff.
  - CCTV will be operated on site to cover the entrance and exit points, bars, stage and other areas identified through a risk assessment.
  - CCTV must be retained for up to 31 days after the event and made available to the Police or council upon request.
  - During the event, CCTV recordings requested by the Police must be provided in a usable digital format within 2 hours.
  - There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Police Licensing team. Any amendments to the policy must be agreed in writing with the Croydon Police Licensing team 30 days prior to any event.
  - A challenge 25 scheme will be operated to ensure that any person attempting to purchase alcohol who appears to be under 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving license, military card or a card bearing the PASS hologram. Refusals shall be recorded by bar staff and these records shall be viewable to the public.
  - All drink will be served to members of the public in plastic or polycarbonate containers without screw cap lids.
  - Ensure that customers are prevented from leaving the event site with bottles or open containers.
  - The premises shall run the event in line with the latest Event Management Plan (EMP) that has been agreed in writing at the latest SAG meeting.

- The EMP for the event shall include the following information as a minimum; site plans, stewarding/security plans to include regular weapon sweeps before, during and post egress, crowd management plans, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, noise nuisance plans and ingress/egress plan.
9. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences. The Statutory Guidance indicates that it is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus 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. The Statutory guidance also makes clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities – in other words it is a matter which ought to be considered on a case-by-case basis. The Guidance goes on to indicate that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, including live music.
10. 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.
11. 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”.

12. The Sub-Committee were satisfied of the measures and policies that were being put in place by the Applicant to address the concerns to mitigate the impact on residents and the continued engagement of the parties in working together in promoting the licensing objectives.

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.

17/24      **Exclusion of the Press and Public**

This was not required.

The meeting ended at 12.57 pm

**Signed:**

**Date:**

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## Licensing Sub-Committee

Meeting held on Monday, 10 June 2024 at 10.30 am. This meeting was held remotely.

### MINUTES

**Present:** Councillor Patsy Cummings (Chair);  
Councillor Mohammed Islam (Vice-Chair);  
Councillors Margaret Bird

### PART A

18/24 **Appointment of Chair**

It was MOVED by Councillor Bird and SECONDED by Councillor Islam and RESOLVED to appoint Councillor Patsy Cummings as Chair of the meeting.

19/24 **Disclosure of Interests**

There were none.

20/24 **Urgent Business (if any)**

There were no items of urgent business.

21/24 **Licensing Act 2003 - Application For a Premises Licence at Wandle Park, Croydon, CR0 3RD**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant, Ramone Roper was present.

Parties who had submitted representations Leah Shuttleworth was also present.

The Licensing Officer introduced the application to the Sub Committee.

The Head of Environmental Health, Trading Standards and Licensing explained that the application sought a premises licence for July 2024. There were two licensable activities, liver music and sale by retail of alcohol for consumption on the premises. In addition to application, the applicant

submitted an event management plan, this was an evolving document. The event management plan was more for the safety advisory group process, which was a separate process where someone who wanted to put on a public event went to this multi agency safety group where they assess the safety management of the event.

The applicant had amended their application. The applicant set out how they would meet the four licensing objectives. They would not look to contradict or duplicate any agreements that had been made with other responsible authorities. Once the 28-day consultation period had ended the applicant may submit further information to support their application. A copy of the further information was circulated to all parties.

The first objecting party was given the opportunity to speak. Leah Shuttleworth advised:

- They had submitted information via email in previous years.
- Some of the residents had to close their windows on hot days due to the loud music.
- The continued noise prevent residents from enjoying peace.
- Many people would park outside of their home.
- It was impossible for residents to park outside their homes.
- She had been abused by somebody trying to park on Vicarage road.
- There would often be rubbish and vomit in the street.
- The event would be a drain on the police and council resources.
- Lloyd park and other parks would be more appropriate.
- They did not feel safe during the event and it was very disruptive.

In response to questions from the Sub-Committee the objector advised that they were 5 doors away from the Wandle park tram stop and there was a lot of footfall outside of their home. The sound at the event was very disruptive.

The objector stated that she would often see police and stewards directing vehicles on where to park, however the parking stewards were allowing too many people through.

In response to questions from the Sub-Committee the objector advised that the vouchers were put through residents letter boxes but she was unsure on where the came from.

In response to questions from the Sub-Committee the objector advised that the residents had a resident parking permit but there was also a parking ticket machine.

The Head of Environmental Health, Trading Standards and Licensing explained that the vouchers were ordinarily given out by the event organiser as part of the traffic management plan.

The Head of Environmental Health, Trading Standards and Licensing and confirmed that residents in the area would have permits to park on their street.



The applicant Ramone Roper and Calvin hanks, health and safety officer was given the opportunity to speak and advised:

- Asked for consideration that parking was not a licensing objective. They focused on the actual objectives.
- The applicant had sought to engage with residents to explain the event.
- He had worked hard to agree a set of conditions and they stuck to them.
- They had an agreement with environmental health on the noise at the event.
- They gave residents a letter with a number to the noise hotline.
- They were there to protect the event and the residents.
- They had an in depth security plan, this event would work on a 1:50 ratio.
- They would be willing to secure the perimeter but they would need to engage with the council to ensure that they were conducting themselves in the correct way.
- They had agreed conditions with responsible authorities and they were the ones who could flag any issue with the event managers ability to adhere to these conditions.
- They were looking to engage with the responsible authorities and residents.
- The event would be finished until 9pm.
- They were within the noise limits for regulations for events before 11pm.
- If there were additional conditions that others wished to introduce then they were willing to discuss it.
- They only had control over the event in agreement of the event conditions.

In response to questions from the Sub-Committee the applicant advised that they would work on the basis of 1 SIA person to 50 attendees. They applied for a licence for 5,00 people so they would have 100 SIA. They had a deployment plan, there was a designated head of security who oversaw this.

The Sub-Committee queried whether the applicant could prevent attendees could prevent them from coming in with glass bottles. The applicant explained that nobody would allowed with a bag bigger than an a4 sheet of paper. The security would search everyone and they would have security dogs. They were prepared to confiscate anything that was against the licensing objectives.

The Head of Environmental Health, Trading Standards and Licensing explained that the two amendments to the police's statement, condition 10 was worded 'to ensure that customers did not leave the event with open bottles or containers' and 'no members of the public would be able to enter the event after 6pm'.

In response to questions from the Sub-Committee the applicant advised that everyone would buy their ticket online, once the ticket was scanned upon entry it could not then be re-used.

In response to questions from the Sub-Committee the applicant explained that if somebody appeared to be underage and were challenged at the gate the SIA staff would have the authority to refuse them entry. The security manager would have the details on the number of SIA staff at the front gate in their plan.

Tanvi Patel, the event manager explained that in relation to the ticketing, the only way someone share the ticket would be via email therefore there would be traceability. Once a ticket was scanned it became void. On relation to the age of attendees, anyone without valid ID security had their instructions to prevent people from entering. There would be around 20 SIA at the front of the event and two senior security staff and minimum of 4 rapid response security staff. It would be a staggered entrance, there would be teams at the first stage where they would be asked to show their ticket then they would be searched before having their tickets scanned. There will be police presence on the day and there would be amnesty bin and they would have sniffer dogs and response dogs around the perimeter. If they found any illegal contraband, then they would refer that individual to the police. There was an ingress and egress plan but they would liaise with the traffic management team. They would have a minimum of two people on each road but were yet to finalise their plans. The teams would be tasked with limiting who is allowed to enter the premises.

They would need to assess how to manage the access to particular roads as the residents do not have visible permits. This is why the parking vouchers had been posted to residents prior to the event. There was only one entrance point but multiple exit points but there would be staff outside of those exit points.

In response to questions from the Sub-Committee the applicant explained that they had advertised for people not to drive as there was no parking, they would restate this via their communication channels with attendees and they had shared potential public transport routes.

In response to questions from the Sub-Committee the applicant explained that they were in discussions with traffic management but they would need to figure out a way to liaise with the residents. They were unable to prevent residents from selling the vouchers to attendees.

They had discussed emailing the vouchers with the cars registration on them to prevent them from being re-sold.

The Legal Advisor explained that there were data protection issues with taking too much information about residents hence why it may have been indiscriminately been issued in the past.

The Sub-Committee queried whether the applicant could state whether they had the noise hotline and the residents experience with it. The applicant explained that it was standard with their events and they would have to have an external party who took readings of the noise at the event to the agreed level.

The applicant confirmed that there was a block of flats close by the event but they would point the stage in the opposite direction to the flats.

The applicant confirmed that the agreed noise level for the event was 60db.

In response to questions from the Sub-Committee the applicant stated that there would be a waste management team who would clear up as the event went along and then there would be a team who would clean the perimeter and the park after the event. They would also be able to clean any side roads if they were pointed in that direction.

The objector queried whether the main entrance would be close to the tram stop, the event manager explained that the main entrance would be by Cromwell road so it would be the opposite end from where the tram stop was directed.

The applicant explained that the noise would be directed to the right of the tram stop and most of the noise would dissipate due to the distance so it would not offer too much distraction.

In response to questions from the Sub-Committee the applicant stated that there would be two main bars and one for VIP guests. There would be a personal license holder at each one, all staff would be trained and experienced in handling larger crowds.

The applicant stated that price of the tickets ranged from £45 - £120.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and **RESOLVED** to **GRANT** the application to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub Committee decision as follows:

The Licensing Sub-Committee considered the Application for a time limited Premises Licence at **Wandle Park Croydon CR0 3RD** on Saturday 20 July 2024 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 and on behalf of the Applicant, and an objector during the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the 2003 Act"), the Statutory Guidance issued under Section 182 of the 2003 Act 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 following discussions and agreement with the Police and with Trading Standards (set out at Appendix A3), and to the mandatory conditions which are imposed under the Licensing Act 2003. The Sub-Committee also noted the updated conditions as detailed in paragraph 4 to correct typographical errors in their contents as agreed between the Applicant and the Police.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee appreciated that there had been concerns about prior events in the Park which had been delivered by other applicants but were mindful that the current Applicants not be judged by previous applicants' conduct in respect of which they had no control or responsibility. The Applicants had not previously undertaken an event at Wandle Park and each application had to be judged on its own individual merits.
2. The Sub-Committee noted that the Applicants had produced publicity to engage with and address concerns which could arise from residents and the Applicant himself had personally visited residents to provide information about the proposed event and identify concerns. Any engagement with residents and regulatory authorities would need to be an ongoing process to ensure that matters of concern would be addressed, including as part of the Safety Advisory Group (SAG) process for events. The remit of the SAG is to advise on whether an event should proceed on safety grounds. The core members of the SAG are Croydon Council (Food Safety Team, Events Team, Noise, Parking and Licensing), Metropolitan Police, British Transport Police, London Fire Service, London Ambulance Service and transport providers such as TfL.
3. 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 an extensive set of conditions with the applicant (as set out in Appendix A3), which the applicant had amended their application to include, in the event that the Sub-Committee was minded to grant the application. In addition, Trading Standards had similarly recommended conditions which the applicant had amended their application to include (as set out in Appendix A3), in the event that the Sub-Committee were minded to grant the application.
4. In respect of two of the conditions agreed with the Police (at Appendix A3), namely condition 10 and condition 25, the sub-committee noted that prior to the commencement of the hearing, these were updated to correct typographical errors and should read as follows:

Condition 10: “Ensure that customers are prevented from entering or leaving the event site with bottles or open containers.”

Condition 25: “Entry for members of the public shall be by non-transferable tickets which have been purchased no later than 1800 hours on the day of the festival. No members of the public shall be permitted to enter the festival after 1800 hours.”

5. With regard to the issues raised in relation to traffic management and parking in neighbouring streets, whilst the Sub-Committee was sympathetic to the concerns which had been raised by the objector in this regard, they were clear that these matters were not directly within the authority of the Sub-Committee under the Licensing Act 2003. Despite this the Applicant had provided details as to how they proposed to mitigate these concerns and there were plans in place to support safe and appropriate access to and from the site (ingress and egress policy) , the security deployment plan which indicated how security resources would be deployed to support the licensing objectives (including detailing how entry would be staggered, where SIA security would be stationed and in what numbers at the main entrance and at all the exit points, the searches which were planned, how contraband would be dealt with, the use of sniffer dogs at the entrance and response dogs along the perimeter and how ID checks would take place) as well as a traffic management plan which would be finalised through the SAG process and which would detail which road closures were proposed, where traffic wardens would be placed to regulate access to those roads. There was discussion around the permit process which involved residents being given permits by the organisers of previous events and the concerns which the objector raised that in the past two such permits had been placed through letterboxes and some residents had obviously shared these with others not residing in the roads in question which meant that non-residents had sought and gained access at previous events. Whilst there are resident only parking restrictions in the closest roads impacted, residents do not have to display a permit on their vehicles meaning monitoring this had proved difficult previously. There were suggestions of seeking the details of the residents from the Council to email residents directly and add car registration details to specific permits issued, but there were potential data protection implications of doing so and residents may not wish to disclose their information for these purposes. The final version of the traffic management plan presented to SAG for consideration will set out how this will be managed for this event.
6. At the hearing the objector raised concerns around noise nuisance and residents feeling as if they could not have peaceful enjoyment of their own homes due to the noise disturbance as a result of events taking place in the park. On behalf of the Applicant, measures were described which would be put in place regarding noise management to address concerns of residents regarding noise nuisance. In addition, as part of the operating schedule and conditions to be imposed on the licence, if granted, the applicant had offered conditions pertaining to noise management These included in relation to:

- ensuring that as part of the Event Management Plan (which would be considered at, and if satisfied, agreed by the Safety Advisory Group) there would be in place as a minimum, site plans, stewarding/security plans to include regular weapons sweeps before, during and post egress, crowd management plans, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, noise nuisance plans and ingress/egress plan.
  - A direct telephone number (mobile to be held by a duty manager) will be provided to neighbouring premises to be used in the event of a complaint of noise nuisance.
  - All event management, staff, stewards, and security employed at the event must carry out reasonable requests by police officers to ensure the licensing objectives are met.
  - Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by SIA door supervisors to ensure that there is no nuisance or obstruction to the public highway and footpaths.
  - There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Police Licensing Team.
  - Deliveries and site build will be carried out at a time or in such a manner as to not disturb neighbours.
  - Prominent clear and legible notices will be displayed at the exit points requesting the public to respect the needs of nearby neighbours and residents and to leave the premises and area quietly.
6. The Sub-Committee noted that the Applicants draft noise nuisance plan submitted as part of the event management plan (in addition to the submissions on behalf of the Applicant before the sub-committee) indicates that the applicant proposes having noise consultants involved in pre-event noise testing and positioning of speakers and that noise management consultants will be in attendance at the live event from 13h00 to 21h00 to undertake noise monitoring and respond to noise complaints as notified. Operational control over all the sound levels throughout the event and that of all other parties, including artists, production managers and sound engineers will be instructed not to increase any sound levels unless specifically agreed by the consultant responsible for sound control and must keep volume levels to those agreed.
7. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences. The Statutory Guidance indicates that it is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus 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. The Statutory guidance also

makes clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities – in other words it is a matter which ought to be considered on a case-by-case basis. The Guidance goes on to indicate that Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, including live music.

8. 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.
9. In respect of the Protection of Children from Harm objective, the Sub-Committee noted that no persons under the age of 18 would be permitted to attend the event and entry for members of the public would be by non-transferrable tickets which have been purchased no later than 1800 hours on the day of the festival. There was discussion as to how the non-transferrable ticketing would operate and on behalf of the Applicant it was confirmed that this would be through use of Eventbrite and that once a ticket was scanned on entry, it would become void and not able to be reused. On behalf of the Applicant, details were provided to the sub-committee as to how ID checks would be made prior to entry and the acceptable forms of ID for this purpose and for Challenge 25 purposes.
10. In this regard, the applicant had also agreed various conditions pertaining to the operation of Challenge 25 and the forms of acceptable ID as proof of age, including that “A challenge 25 scheme will be operated to ensure that any person attempting to purchase alcohol who appears to be under 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving license, military card or a card bearing the PASS hologram.” In addition, as agreed with the Police, each bar within the premises shall be individually managed by a personal license holder, during licensable hours.

11. 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”.

13. In respect of prevention of crime and disorder, protection of children from harm, promotion of public safety and prevention of public nuisance, the Sub-Committee noted that the Applicant indicated that they proposed an SIA trained staff to patron ratio of 1:50 which had been recommended by the Police.

14. In addition, conditions had been agreed that:

- SIA security who are frontline license holders will be deployed inside and around the perimeter of the event at a minimum ratio of 1.50 to members of the public attending. SIA security staff involved in searching and ejections will wear body worn video (BWV)
- Operate a crime prevention policy, part of which will encompass search and seizure policy that includes searching everyone who enters the event, including all staff and artists. All bags will be searched and all those entering the event enclosure will pass through the metal detector and/or wands search area.
- Public signage will be displayed throughout the premises regarding contraband and that it is a condition of entry that customers agree to be searched and that the police will be informed if anyone is found in possession of a controlled substance or weapons.
- CCTV will operate at the site to cover the entrance and exit points, bars, stage and other areas identified in the risk assessment.
- During the event, CCTV recordings requested by the Police must be provided in a usable digital format within 2 hours.

14. In respect of the concerns raised by the objector about drug use and anti-social behaviour in the area and concerns that events in the park would exacerbate the situation, 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 via conditions as previously detailed, appropriate numbers of SIA trained security staff, the ingress and egress policy explained during the hearing, the drugs and alcohol policy and ensuring that all publicity made clear that the preferred and



recommended means of getting to and from the venue was via public transport.

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.

22/24 **Licensing Act 2003 - Application For a Premises Licence at 18 Central Parade, New Addington, Croydon, CR0 0JB**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant, Mr Vijay Komar and his agent Mr Surendra Panchal were present.

Parties who had submitted representations Caroline Dawson was also present.

The Head of Environmental Health, Trading Standards and Licensing explained that the application sought the sale by retail of alcohol from Monday – Sunday between of 8am – 11pm and following discussions with police licensing officer and the applicant had amended their application and now sought a licence for 8am – 11pm which differed slightly to their original application. The Head of Environmental Health, Trading Standards and Licensing informed the Sub-Committee that following discussions with the police licencing officer, the applicant has also amended their application to have the following conditions included, to ensure that no beer, larger or cider was stocked, exposed for sale or sold that exceeded 6.5 ABV and to ensure that between the hours of 6:00 AM to 8:00 AM daily alcohol for display in the premises was covered. The Head of Environmental Health, Trading Standards and Licensing stated that the application premises fell within a cumulative impact area and that representations had been received from the Council's Trading Standards team as the responsible authority.

The Head of Environmental Health, Trading Standards and Licensing informed the Sub Committee.

The objecting party Caroline Dawson was given the opportunity to speak. They thanked the Sub-Committee for the opportunity to object to the proposals and advised:

- On the 17 April 2024, the Council received a new application from Mr Kumar for the premises at 18 Central Parade, New Addington.

- The applicant was applying to be designated premises supervisor, which would give him significant control of all licensable activities at the premises.
- There was a discrepancy with the title of the business which needed to be amended before the application could be progressed.
- The applicant was the same person who is the sole Company Director of Muhuru International Limited who runs the premises at 15 Central Parade, New Addington.
- On the 25th of May March, 2024, Croydon Trading Standards prosecuted Mahuru International Limited for the possession or exposure for supply of non-compliant vapes contrary to the Tobacco and Related Products Regulations, 2016.
- The company was fined for £7,071.
- The criminal conviction was contrary to the prevention of crime and disorder.
- The applicant continued to sell the vapes despite being warned by the trading standards team at the Council.
- There were concerns that the applicant would adhere to the licensing objectives to prevent crime and disorder and public safety.
- Selling illegal oversized vapes compromised consumer safety and encouraged addiction to nicotine which could lead to antisocial behaviour.

The Head of Environmental Health, Trading Standards and Licensing explained that the Council license was for the premises (address) not the trading name of the company.

The applicant Mr Vijay Komar and his agent Mr Manpreet Singh Kapoor was given the opportunity to speak and advised:

- The application was for Go Local, the discrepancy in the papers was a spelling mistake.
- The applicant was not prosecuted it was the company which he was a director for. When the CRB check was done there was no criminal conviction against his name.
- They would amend the application to make the premises more reliable. There was a new DPS for the company.
- There would be a training manual on the premises and there would be regular training for staff. The refusal book would be there to be followed as well as an incident book and all of the posters required by law.
- The premises was bought by the applicant and they were re-applying as the previous owners had not informed Mr Kumar that the company had shut down hence why they were currently applying.
- They were happy to amend the application to adhere to the licensing objectives. They were happy to agree to a condition which prevented Mr Kumar from having any involvement in the purchase of any goods. The incoming DPS would have full knowledge and the full guidance on management of the premises.

The Trading Standards Officer stated that the company was prosecuted but the applicant was the sole director and controlling mind of the company.

The Legal Advisor asked how the applicant was going to manage the operation of the business given that was in a cumulative impact area. The applicant said that the police had liaised with them, and they had agreed that there would be no beer, larger, or cider would be stocked, exposed, or sold. Alcohol would not be on display between 6am-8pm daily. The shop had been there for 15 years although it has changed ownership in that time. The applicant would be willing to work alongside the responsible authorities to ensure that the licensing objectives were met and they would ensure that none of the street drinkers would be served alcohol.

In response to questions from the Sub-Committee the applicant stated that he was a sole trader and there were 5 staff members working alongside him. The applicant was unaware that illegal vapes were sold within the UK and that vapes had to be TPD compliant. The individual who sold the vapes to the applicant was not prosecuted.

The Head of Environmental Health, Trading Standards and Licensing explained that the prosecution related to another premises that the applicant owned rather than the premises that for which the current application was for.

In response to questions from the Sub-Committee the applicant stated that there was a condition for the products that they were selling to be obtained from legitimate suppliers and they would ensure that the invoices would have the VAT paid. The applicant explained that he would buy their products from a cash and carry's who were VAT registered rather than sole traders.

The Trading Standards Officer explained that the reason that the supplier of the vapes had not been prosecuted because he was untraceable, Mr Kumar had been informed that he was in possession of illegal vapes and in 2023 he was found to still be in possession of hundreds of illegal vapes.

In response to questions the applicant advised that there were liaising with responsible authorities to ensure that they complied with licensing objectives. The applicant also stated that one of his members of staff would not serve anyone they saw drinking on the street.

The applicant stated that there were 10 off licenses on the parade and they would offer Oriental, Afghan and African foods to separate themselves from other shops in the area.

The Head of Environmental Health, Trading Standards and Licensing explained that there were 9 other off licences which sold alcohol in the area and in respect to cumulative impact, Members had to consider the sale of alcohol rather than any other aspect of the business.

The legal advisor stated that the application was new, and the cumulative impact assessment dictated that the applicant needed to demonstrate how this application should be an exception to the policy which the Council has adopted and which applied in this area.

The Sub Committee queried what exceptional circumstances would allow the application to be granted. The applicant advised that if the application was not

granted then the shop may close, and no other responsible authority had an issue with the application and the police had agreed to the conditions in the application. The applicant's legal representative explained that the approval of the application would not lead to an increment of an extra off licence as it was already present in the area for over 10 years.

In response to questions the applicant advised that the shop has been operating for around a month without an alcohol license.

The Trading Standards Officer explained that the license had lapsed since December 2022. The applicant's legal representative explained that the company was dissolved by the previous owner and the applicant was unaware of this.

The Sub Committee explained that there was a responsibility that if the applicant needed to trade alcohol, they needed to have a license and ignorance of the law was not a defence when it came to licensable activities.

The applicant explained that the additional amendments were the change of the name should be 'Go Local' and the change of DPS and hiring a new one who would have sole responsibility for purchases, they were willing to agree that Mr Kumar would play no role in the purchases for the company. If the license was granted the new DPS would undergo a course before the licensable activity was conducted.

The Head of Environmental Health, Trading Standards and Licensing stated that there was a formal application process where the Police would need to agree the to the appointment of a new DPS before the change could be implemented. The Head of Environmental Health, Trading Standards and Licensing explained that Members could approve the current license with the current DPS removed from the license, this would mean that the applicant would not be able to sell alcohol on the premises until a DPS had been appointed.

All parties to the hearing were given the opportunity to give final comments.

The Trading Standards Officer stated that the applicant had displayed negligence and had failed to do due diligence checks when he purchased the business. The Trading Standards Officer believed that the applicant had not met the cumulative impact assessment test, as he failed to explain how it was exceptional circumstance.

The applicant stated that they would ensure that they adhered to licensing objectives and the new DPS would help them meet the conditions.

After the hearing the Sub-Committee withdrew to the virtual deliberation room and RESOLVED to REFUSE the application to the premises licence. The reasons for this decision are set out in the Statement of Licensing Sub Committee decision as follows:

The Licensing Sub-Committee considered the Application for a Premises Licence at **18 Central Parade New Addington Croydon CR0 0JB** and the

representations received as contained in the report of the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery.

The Sub-Committee considered the representations made by the Applicant and their agent during the hearing. The Sub-committee also had the benefit of verbal representations on behalf of Trading Standards objecting to the application at the hearing. The Sub-Committee noted that following discussions with the Police, the Applicant had reduced the proposed hours for licensable activities as detailed in paragraph 2 in the reasons below and had amended their application to have two further conditions placed on the license should the sub-committee be minded to grant the application (see paragraph 2 below).

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 in order to promote the licensing objectives to do so. The Sub-Committee considered that the objective of the prevention of crime and disorder, was most relevant in relation to their consideration of the matter given the matters raised by Trading Standards and the information which came to light during the hearing. In addition, the Cumulative Impact Assessment adopted by the Council as Licensing Authority, 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, is applicable to the application in question.

The reasons of the Sub-Committee were as follows:

- The Sub-Committee noted that the premises are situated on Central Parade in a lengthy parade of shops with residential premises above the shops. The Sub-Committee heard that there were a number of off-license premises in close proximity to the proposed premises on the parade, with the Applicant indicating that there were 9 or 10 such premises.
- Following discussions with the Police, the applicant has amended his application to have the following conditions placed on the license if the application is granted:
  - Ensure no Beer, Lager, Cider or Perry is stocked, exposed for sale or sold that exceeds 6.5% ABV apart from craft or artisan products.
  - Ensure that between the hours of 0600 and 0800 hours daily, alcohol for display in the premises will be covered so not accessible to customers.

In addition, the applicant, following discussion with the police, reduced their proposed hours of licensable activities as follows: Sale by retail of alcohol – Monday to Sunday 0800 hours until 2300 hours.

3. The Applicant is proposed to be proprietor and the designated premises supervisor at the premises of 18 Central Parade, although the Applicant's Agent indicated during the hearing that the Applicant would apply to have another DPS appointed. The Sub-Committee noted that this could not be done as part of the current application and would need to be subject to a separate application in respect of which the police would be notified and have an opportunity to object as part of the normal process. The Sub-Committee were however mindful that one of the options available to them at this hearing was to decline to specify the proposed person as DPS. Unless and until a DPS is in place at a licensed premises, it would not be permitted to undertake alcohol sales.
4. In addition to being specified as the DPS in the current application, the Applicant is also the sole director of Waheguru International Ltd which owns and runs a licensed premises at 15 Central Parade (called "AM to PM") which also sells vapes. Trading standards made submissions to the sub-committee about a previous successful prosecution, on 25<sup>th</sup> March 2024, of the company undertaking business at 15 Central Parade for the possession or exposure for supply of non-compliant vapes contrary to the Tobacco and Related Products Regulations 2006. Trading Standards also confirmed that the Applicant in this matter was the proprietor and sole director this business at the time and had previously been warned by Trading Standards about non-compliance but continued to act in disregard to that advice and knowingly continued to sell illegal vapes, which in turn led to the prosecution. As a result, Trading Standards have a lack of confidence in the Applicant's ability to implement and adhere to the objective of prevention of crime and disorder in relation to the current application premises and the successful prosecution, despite previous warnings, shows a propensity to compromise legal duties and requirements and therefore undermine one of the Licensing Objectives, namely that of prevention of Crime and Disorder. Concerns were also raised by Trading Standards in relation to public safety (due to the nature of some of the vapes in respect of which Waheguru was prosecuted) and the protection of children from harm objectives (due to the lax attitude of the controlling mind of the company - the applicant here - in respect of legal compliance).
5. The Sub-Committee were aware, and had regard to the fact that the offences in respect of which there had been a successful prosecution, were not "relevant offences" under the Licensing Act 2003, nor were they in relation to the Applicant and would not trigger a need to

consider whether or not the Applicant could retain a personal licence and that was not the matter before the sub-committee at this hearing. The Applicant's agent did confirm that the convictions were in respect of the company and not the applicant and that nothing detrimental had come back on the Applicant's DBS (Disclosure and Barring Service) check in that regard. The Applicant's Agent also submitted that there were no objections from the police and made reference to the Statutory Guidance which indicates that the Licensing authorities should look to the police as the main source of advice on crime and disorder, the suggested implication being that in the absence of objections from the police, this objective was not engaged. Whilst it is acknowledged that the police are the main source of advice in relation to crime and disorder, this does not mean they are the only source or that other responsible authorities (or indeed other persons) should not or could not make relevant representations in relation to Crime and Disorder or indeed any of the other licensing objectives if they feel that the application would compromise those objectives. That is a role all responsible authorities share. The Sub-committee was not considering whether or not the Applicant was still eligible to hold a personal licence as a result of the successful prosecution of the company of which he was sole director. Such a matter would, in any event, be within the remit of the authority which granted the applicant his personal licence (Ealing), rather than Croydon. The Sub-Committee were considering how and the degree to which the previous actions of the Applicant that had been brought to their attention would or could impact on the Licensing objectives being fulfilled in relation to the current premises license application.

6. The Sub-Committee noted that the Applicant was both the proposed owner of the business and proposed to be Designated Premises Supervisor ("DPS") should the premises be authorised for the sale of alcohol. The DPS is the key person who will usually be responsible for the day to day management of the premises, including the promotion of the licensing objectives.
7. 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. As indicated above, 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 crime and disorder. However, in the current instance, the Premises Licence Holder has applied to be the DPS; whatever future plans the Applicant's agent has indicated are in train for a replacement DPS should the license be granted, these are not part of this current application.

8. 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, there have been concerns about the Applicant's ability or willingness to work together in partnership with among others, Trading Standards who are one of the responsible authorities under the Licensing Act 2003, given their previous interactions with him at another premises in the same area and the subsequent conviction of the company (of which he was sole director) for criminal offences relating to Tobacco Sales and the Trading Standards evidence about failure to keep appropriate records detailing where the products for sale were purchased, again contrary to legal requirements. Whilst it is acknowledged that the sales did not pertain to licensable activities under the Licensing Act, it nevertheless raises concerns around the ability and willingness of the Applicant to properly manage the application premises in this locale in compliance with legal requirements and in turn the licensing objectives under the Act.
9. In addition, during the course of representations made by the Applicant and the Applicant's agent, it became apparent that the Applicant had been operating the business at 18 Central parade for some time and that the premises license for that premises which permitted the sale of alcohol by the previous company that had owned the premises, had in fact been surrendered in 2022. Therefore the Applicant had been operating the premises and selling alcohol without verifying that a valid premises license was in place. The Applicant's Agent confirmed that once the Applicant found out that the premises license had been surrendered, he ceased trading in alcohol, but that was only a month and a half ago so there was a substantial amount of time during which alcohol sales were ongoing in the absence of a premises license. Naturally, the Sub-Committee were very concerned about this turn of events and the detrimental impact that had on promoting the licensing objectives. The Applicant's Agent explained that it was usual in the Asian community for businesses to swap hands quite quickly in the manner in which had happened here and for a new proposed owner to take over and operate the business before the sale was finalised. Whilst that may have been the manner in which things were done in the Asian community as suggested, and the Sub-Committee made no finding in that regard, it did nothing to allay their concerns about legal compliance and due diligence which would be expected of any responsible operator who was running a premises where sales of alcohol were taking place. It was clear from the information provided by and on behalf of the Applicant that proper checks were not undertaken and there was a lax attitude towards ensuring legal compliance given the substantial delay in ascertaining whether or not the relevant licenses and permissions were in place to allow the Applicant to trade as he had been. The applicant is also in charge of other licensed



premises so would not have been unaware of his responsibilities in that regard in relation to the Licensing Act 2003 and alcohol sales. This information compounded the concerns which Trading Standards had raised about this applicant and the willingness and ability to uphold the Licensing Objectives, particularly in an area which was already the subject of a cumulative impact assessment.

10. 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, all the relevant legal requirements around alcohol sales, including around ensuring that only age appropriate sales are made, appropriate records are kept, including in relation to refusals. In the current circumstances, the proposed premises license holder is also the proposed DPS and had, on his own admission, been operating the premises without verifying that the proper permissions were in place for a significant amount of time before proper checks were made and an application made for this premises license in a late attempt to regularise the position.
11. 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.
12. The Sub-Committee gave consideration to whether or not it could impose additional conditions on the license to deal with the concerns. In this regard, the Applicant's agent had offered a condition to require the DPS to undertake additional training – namely to complete a DPS level 2 training course which would be a higher level of training required that that which was needed in order to qualify as a DPS. In light of the issues raised by Trading Standards in respect of compliance at other premises where the Applicant is sole director and the acknowledged operation of this premises selling alcohol contrary to legal requirements (and in the absence of permission to do so) which came to light during the hearing, the Sub-Committee were not satisfied that it would promote or support the licensing objectives to do so in the current circumstances especially given the risk profile of the area

because it is within one of the Cumulative Impact Assessment areas as detailed in the Council's Statement of Licensing Policy. In addition, because of previous interactions with the Applicant, Trading Standards had also cast doubt on the ability of conditions offered by the Applicant to be adhered to. This was sadly compounded by the Applicant's admitted conduct in running a business for a substantial amount of time in the absence of a license to do so and through failure to properly check whether or not he had the legal authority to do so. This was solely within the Applicant's control and the failure did not give the sub-committee confidence that the licensing objectives would be upheld by imposing additional conditions, even in relation to additional training of a DPS.

13. 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 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, whilst the Applicant and his agent acknowledged that the applicant had acted contrary to legal requirements, an attempt was made to excuse the behaviour on the basis that this was how the Asian community transferred and did business but that the Applicant was now learning about his responsibilities. This was very disconcerting in circumstances where the Applicant is already operating other licensed premises and had interactions with responsible authorities regarding adherence to legal requirements and duties. The Sub-Committee were therefore concerned that the Applicant did not appear to consider that the problems described by Trading Standards, or the operation of the premises before applying for this license was a sufficiently serious issue. Nor did the Applicant or his agent appear to have had proper regard to the impact of the Council's Statement of Licensing Policy in respect of the Cumulative Impact Assessment in this area or give proper consideration to the impact this premises could have on existing issues, as detailed further below.
14. The Sub-Committee noted that the location of the premises was within one of the areas in which the Cumulative Impact assessment adopted by the Council is in place, which applies in respect of off licences and shops and supermarkets selling alcohol for consumption off the premises (Cumulative Impact Area 4 which runs along the length of Central Parade, New Addington). The Cumulative impact policy was introduced due 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 Council assessment indicates that reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.

15. The effect of the Cumulative impact assessment 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 that the application will be refused. The Cumulative Impact assessment is intended to be strict, and will only be overridden in genuinely exceptional circumstances. The statement of licensing policy makes clear that the Licensing authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the license, or that are or will be generally well managed because of the reputation or good character of the license holder or operator. This is expected in the conduct of all licensed premises.
16. To this end the Sub-Committee specifically drew the attention of the Applicant and the Applicant's Licensing Agent to the provisions in the cumulative impact assessment and invited them to explain to the committee why they considered that the application could be an exception to the assessment. In response, the Applicant and his agent made reference to what the applicant had set out in his operating schedule, how he would support the licensing objectives, the two additional conditions agreed with the Police and set out earlier and indicated that customers had asked for alcohol to be sold which the applicant wished to do as it would improve income at the premises. The Applicant and his agent referred to a substantial drop in business during the time frame when he had ceased selling alcohol at the premises. The Applicant's Agent also referred to the Statutory Guidance at 10.15 which indicates that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours". Whilst this reference may be the suggested approach where a licensing authority did not have a cumulative impact assessment in place for the locale in question, this authority, as clearly set out in its Licensing Statement of Policy, had such an assessment in place which created an additional burden on an applicant to demonstrate why, in this particular locale, it was appropriate to grant a license despite the published and publicised concerns which the assessment addresses and to provide assurance to the Sub-Committee that granting a license to this premises would not exacerbate existing concerns. There was a failure by the Applicant or his agent to adequately address this at the hearing or to seek to engage properly in the application documentation itself, with the impacts. The Applicant's agent suggested that because there had previously been a license at this premises for a number of years (which

was surrendered in 2022), the operation of this premises would not or should not fall within the cumulative impact considerations. The Sub-Committee were not persuaded that this was correct. This was a new application which needed to be considered on its merits at the time and against the policy and legislative objectives which were in place at the time this application was made. That included the cumulative impact assessment and its implications.

17. The Sub-Committee, whilst sympathetic to the expressed desire by the Applicant to generate more income and improve revenue by making sales of alcohol from the premises, were clear that commercial need is not a matter which is a relevant consideration for the sub-committee to take into account in determining whether or not the licensing objectives would be satisfied or indeed if the application could be considered exceptional so that the cumulative impact policy ought not to be applied. In this regard the Sub-committee had regard to the statutory guidance at paragraph 14.19 which provides that “Need” concerns the commercial demand and is a matter for the planning authority and for the market and not a matter for a licensing authority in discharging its licensing functions.
18. The Licensing Sub-Committee re-iterated that it considers each matter on its own merits and would not apply this cumulative impact assessment inflexibly. It considered the individual circumstances of the application.
19. The Sub-committee were clear that the cumulative impact assessment could not be used as a blanket ban on any premises seeking to sell alcohol for consumption off the premises in the area. Each application must be considered on its merits and in light of the representations received. In addition, the cumulative impact assessment must be considered in context and against other policy aims which form part of the Council’s Statement of Licensing Policy. The Sub-Committee were also clear that they had to have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 in exercising their functions.
20. The Statutory guidance sets out that where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy (paragraph 8.43). The Applicant and his agent were invited to do so during the hearing.
22. A cumulative impact area does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application in a cumulative impact area where it

considers it is appropriate and where the applicant has demonstrated in their operating schedule that they would not be adding to the cumulative impact.

23. In addition to the requirements of the Licensing Act 2003, the Sub-Committee were aware and had regard to the Council's statement of Licensing Policy. In respect of the objective of preventing Crime and Disorder the Sub-Committee had regard to the following provisions which form part of the Council's Statement of Licensing Policy:

*5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.*

*5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.*

*5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.*

24. The Sub-Committee considered, as provided for by the Statutory Guidance (paragraph 8.42) that applicants are, in making an application and setting out their operating schedule, 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 which may help to mitigate potential risks.

25. The Applicant had not demonstrated, either in his application, or in representations before the Sub-Committee that proper consideration had been given to these matters, given the area of proposed operation or in light of the cumulative impact assessment relating to this area.

26. The evidence of the Applicant before the sub-committee also gave rise to concerns about the degree to which the Applicant had demonstrated that he understood the impact of the Licensing Objectives and the risk profile of the locale in which he was seeking to operate. This indicated to the Sub-Committee that the licensing objectives would potentially be compromised in an area already highlighted as having a greater risk profile by virtue of the Cumulative Impact Assessment.

27. Taking into account all the relevant circumstances of this matter, the Sub-Committee were not satisfied that the application in question was such that it could be regarded as exceptional within the meaning of the Cumulative impact assessment, nor were the suggested conditions offered by the Applicant in his operating schedule more than the Sub-Committee would expect a responsible operator to enact at a premises which was required to comply with and support the Licensing Objectives in its operation. The further two conditions agreed with the Police, did not, in the Sub-Committees view, take the matter far enough in view of what they had heard during the hearing relating to the Applicant's conduct and operation of the premises without a license for a significant amount of time and the in light of the Trading Standards representations. Accordingly, the Sub-Committee did not consider that this was an appropriate application to override the presumption set out in the Statement of Licensing Policy Cumulative Impact Assessment.
28. Furthermore, the previous recent conviction and failure to comply with advice from relevant authorities regarding operation of another premises in accordance with legal requirements as well as the failure to exercise due diligence in checking the circumstances at this premises (as detailed earlier) indicated that there were concerns about the ability and willingness of the Applicant to abide by the Conditions offered as part of the proposed premises and to promote the licensing objectives, particularly that of crime and disorder under the Licensing Act 2003.
29. Finally, 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 is suggested by the Statutory Guidance.
30. 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.

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.

23/24 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 1.18 pm

**Signed:**

**Date:**

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# Agenda Item 5

<b>REPORT TO:</b>	<b>LICENSING COMMITTEE</b> <b>16 July 2024</b>
<b>SUBJECT:</b>	<b>London Local Authorities Act 1990</b> <b>Application for Street Designation Order</b>
<b>LEAD OFFICER:</b>	<b>Corporate Director, Sustainable Communities, Regeneration &amp; Economic Recovery</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Scott Roche</b> <b>Streets &amp; Environment</b>
<b>WARDS:</b>	<b>Thornton Heath</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> This report is specific to this application and has no implications on the Council's Corporate Policies	
<b>FINANCIAL SUMMARY:</b> There are no direct financial implications arising from this report.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> N/A	

For general release

## 1. RECOMMENDATIONS

- 1.1 The Committee is asked to determine whether to designate the site detailed at Appendix A to this report for the purposes of street trading and if designated to then determine whether to grant a street trading licence to the site.

## 2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate a site 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 Appendix A to this report provide details of the designation application. The applicant has been invited to attend the meeting.
- 3.4 If the site outlined in Appendix A is 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 area as outlined in Appendix A will allow 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 application was advertised in the Croydon Guardian and brought to the attention of the police, planning, highways, parking services and the food & safety team.

### **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

#### **5.1 The effect of the decision**

There are no direct financial implications as a result of this report.

#### **5.2 Risks**

If an applicant is refused a licence on any of the grounds mentioned in paragraph 7.2 (a) - (g) he/she will have the right of appeal to the Magistrates' Court against the decision. The decision of the Committee may also be subject to Judicial Review.

An appeal against a decision of the Committee or a Judicial Review of the application process may present financial risks to the Council with regard to any award of costs against it.

#### **5.3 Options**

The options available are: to grant the application, to vary the application, with or without further conditions, or to refuse the application.

#### 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.

Comments approved by Kiri Bailey, Head of Commercial, Housing and Litigation and Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer (8 July 2024).

## **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 this application.

## **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.

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**CONTACT OFFICER:** Michael Goddard, Head of Environmental Health,  
Trading Standards and Licensing, Place  
Department, ext. 28259.

**BACKGROUND DOCUMENTS:** Application Forms

## APPENDIX A

**Applicant:** Mr Ziaullah Khan Niazi  
**Location:** On the highway outside 30 High Street, Thornton Heath, CR7 8LE  
**Measurement:** The application seeks trading area of:

Left Hand Side: Length: 2.30m Width: 2.10m  
Right Hand Side: Length: 2.20m Width: 2.10m

The total distance of pavement between the shop front and the nearest obstruction, in this case the posts is 5.30m. This allows 3.20m 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 showing the available pavement space and a diagram of the site.

### **Proposed Times of Trading:**

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

### **To Display: Fruit & Vegetables**

#### **1. Detailed Consideration**

- 1.1 A copy of the application is attached at Appendix A2
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.

- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 30 July 2024. A copy is attached at Appendix A3.
- 1.6 There are 7 designated street trading displays in the immediate vicinity of the application premises. These are marked on the map at Appendix A4.
- 1.7 Would the Committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware at the time of application and more recently by letter. A copy of that letter is attached at Appendix A5.
- 1.8 If the application for a street designation order is granted the applicant will be invited to apply for a street trading licence which will then be valid for a year.



3.10pm  
13/3/24



PI

3.10pm  
13.3.24

41





3.10pm  
13/3/24

A1





6.10pm  
4/7/24

A1





6.10pm  
4/7/24

4





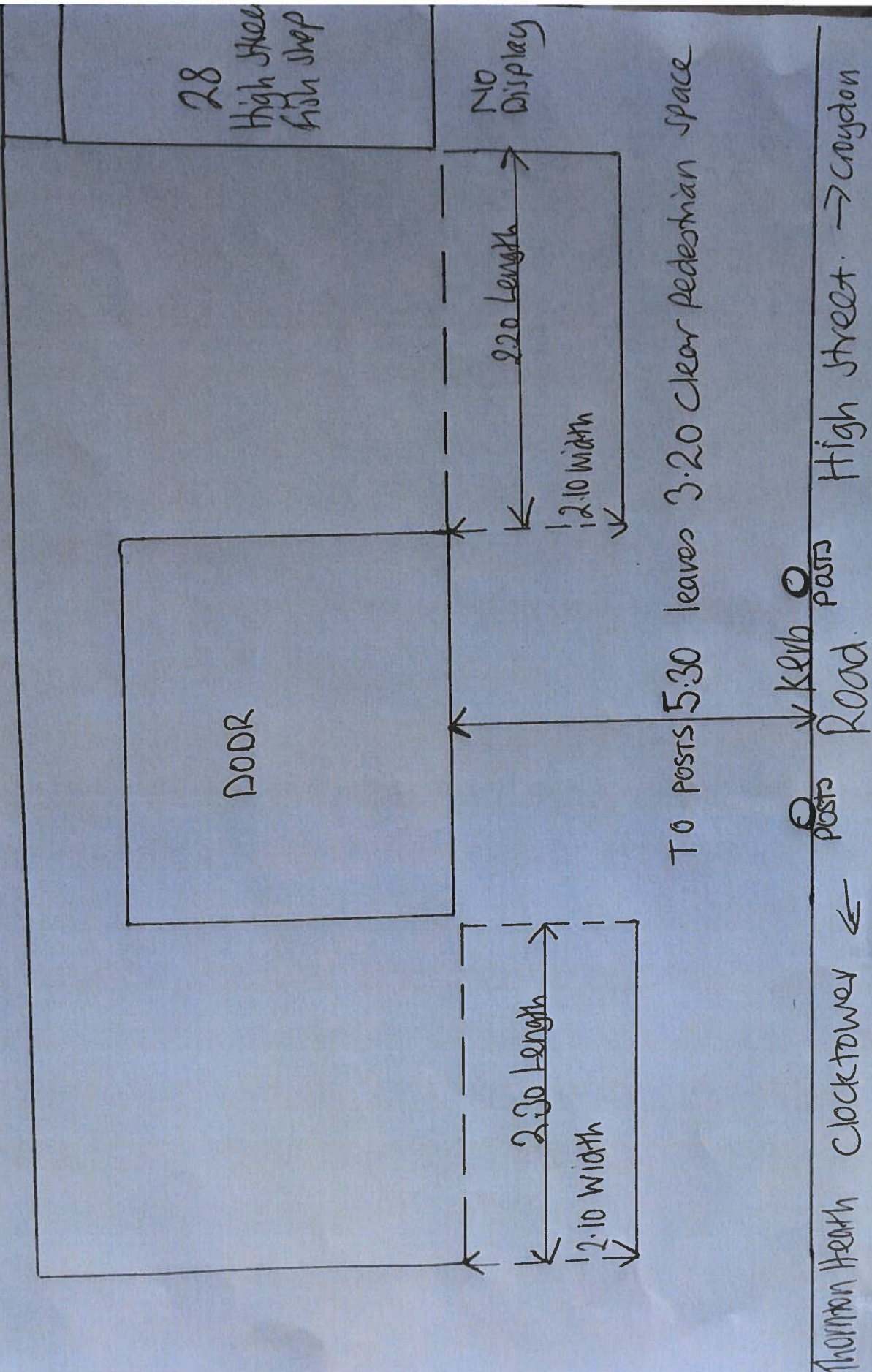
6.10pm  
4/7/24

A1





30 High Street Thornton Heath





Return completed form to: Licensing Team, 6<sup>th</sup> Floor, Zone A, Environmental Health Trading Standards and Licensing, Sustainable Communities Regeneration and Economic Regeneration  
Telephone: 020 876 6000 Ext 64080 or 07707 257161 / 07747118668 / 020 8760 5466

**PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM**

**1. APPLICANT (see note A)**

a) First Name ..... Z IANUCCI IChan ~~IChan~~

b) Last/Family Name ..... N IANUCCI

c) Full Home Address of Applicant ..... ~~21000~~ ~~10000~~ ~~10000~~  
10000

d) Home Tel No ..... e) Mobile No ..... ~~07777777777~~

f) E mail address: ..... ~~zianucci@icloud.com~~

g) Date of Birth ..... ~~10/10/1980~~

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

a) Trading Name of Premises: ..... HALA MEATH MARKET

b) Trading Address: ..... 30 HIGH STREET

c) Business Tel No : ..... ~~020 876 6000~~

**3. DISPLAY AREA (see note C)**

a) Dimensions of display area (state whether measured in feet or metres )  
LHS L 2.30  
Length RHS L 2.20 ..... Width ..... 2.10 ..... Height ..... 1.5

b) Total pavement area from shop to nearest obstruction or edge of pavement ..... 5.30

c) Provide proof of landlords permission if renting shop or operating on private forecourt  
(please attach proof to application form)



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

Sunday: from 9:00 to 21:00 Thursday: from 9:00 to 21:00  
Monday: from 9:00 to 21:00 Friday: from 9:00 to 21:00  
Tuesday: from 9:00 to 21:00 Saturday: from 9:00 to 21:00  
Wednesday from 9:00 to 21:00

c) Type of goods or services to be displayed : FRUIT & VEGETABLE

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

Date 15/04/2024

I understand that by signing this application form I confirm that I have been made aware of the 'Council's Street Trading Policy' in relation to the saturation areas in London Road and High Street Thornton Heath (see Note E on the attached guidance notes)

If you require any assistance with the completion of this form please contact the Licensing Team on 0208 760 5466

Office Use Only Uniform No:

Receipt No :

Date received:

**TEMPORARY LICENCE  
STREET TRADING**

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

**HEREBY LICENCE**

**MR ZIAULLAH KHAN NIAZI**

**TO USE SITE KNOWN AS**

Niazi  
30 High Street  
Thornton Heath  
CR7 8LE

**TO DISPLAY**

Fruit and Vegetable

**SIZE OF DESIGNATED DISPLAY**

Left Hand Side: Length: 1m Width: 2.2m  
Right Hand Side: Length: 2.3m, Width: 2.2m

**PERMITTED DAYS & TIMES**

Monday - Saturday 0700 hours - 2100 hours  
Sunday 0900 hours - 2100 hours

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

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

**Date Licence Valid From: 30.12.2023**

**Date Licence Expires: 30.07.2024**

**Licence Number: 23/02079/STT**

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

**Licence Conditions**

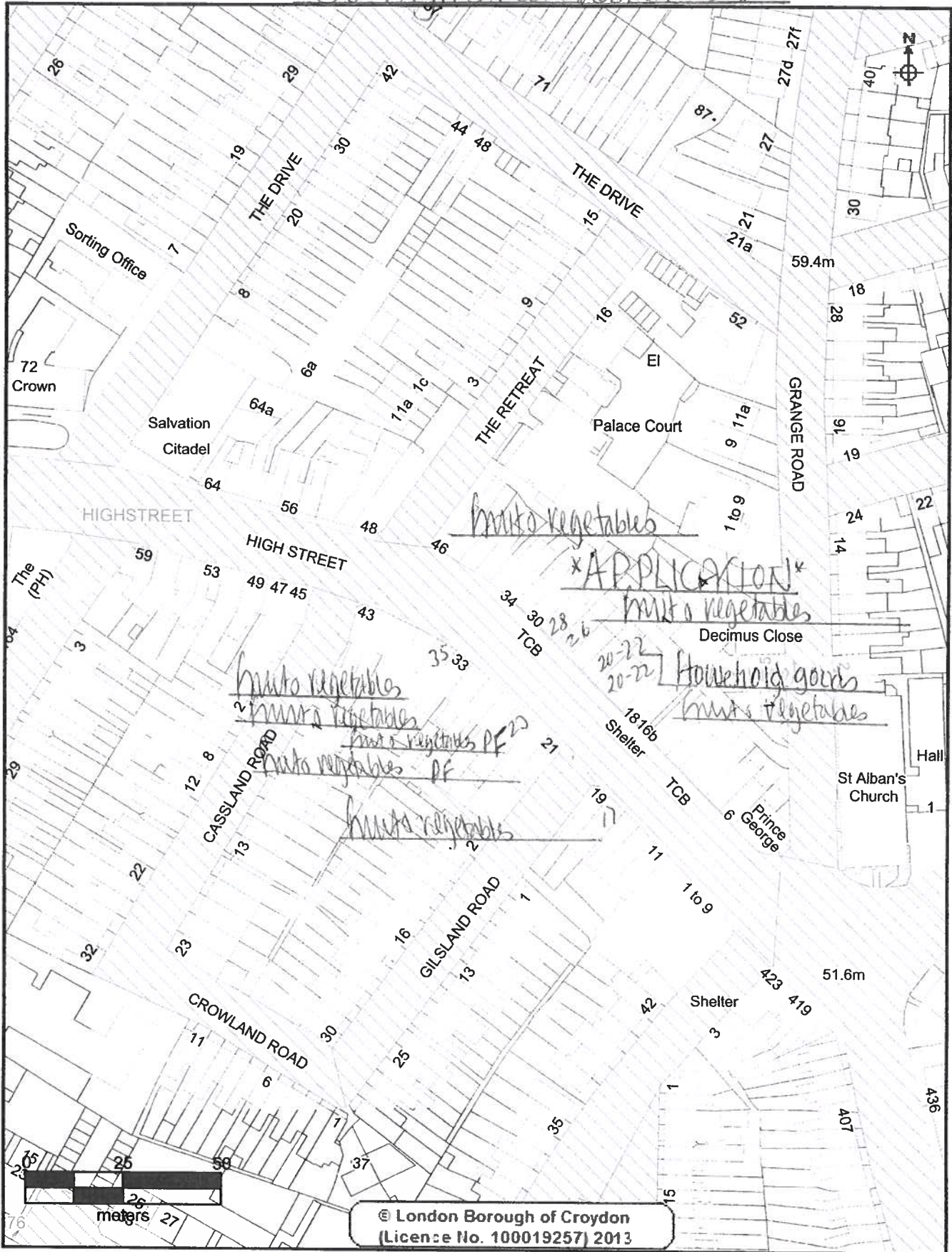
**Non Transport for London Maintained Roads**

1. The Licence shall ensure that there is a minimum clear passage of **2.0 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) – whichever is the nearer to the display
2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers – by.
3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times.  
This licence may not be transferred to any other person.
4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
6. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.



30 High Street Norton Heath

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**CROYDON**  
www.croydon.gov.uk

Crown Copyright Ordnance Survey (License No: 100019257) 2011

**London Borough Croydon**

Scale 1:1250

9 Designated Sites  
2 private forecourt  
8 fruits & vegetables

08-Apr-2024

1 household goods

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

Tel/Tvoetalk: 0208 726 6000 x 62457

Mr Ziaullah Khan Niazi

~~30 High Street~~  
~~Thornton Heath~~  
~~Croydon~~

Your Ref:  
Our Ref:  
Date: 15 July 2023

Dear Sir

**Subject: Street Designation Order**

**Address: 30 High Street Thornton Heath CR7 8LE**

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

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

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

**- Entire length of London Rd**

**-Entire length of High St Thornton Heath**

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

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

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

Yours sincerely

~~Signature~~

~~Signature~~

Licensing Officer

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<b>REPORT TO:</b>	<b>Licensing Committee</b> <b>16 July 2024</b>
<b>SUBJECT:</b>	<b>Pavement Licensing</b> <b>The Business and Planning Act 2020</b> <b>The Levelling Up and Regeneration Act 2023</b>
<b>LEAD OFFICER:</b>	<b>Corporate Director, Sustainable Communities, Regeneration &amp; Economic Recovery</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Scott Roche</b> <b>Streets &amp; Environment</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<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 had a significant financial impact on business nationally, notably the hospitality sector. The Government introduced ‘pavement licenses’ via the Business and Planning Act 2020 (“the 2020 Act”) in an effort to support hospitality businesses get back on their feet as they emerged from lockdown. This was a temporary provision. The Government, through The Levelling Up and Regeneration Act 2023 (“the 2023 Act”) has now made the availability of pavement licenses permanent.</p>	
<b>FINANCIAL IMPACT</b>	
<p>Under the permanent provisions in the amendments to the Business and Planning Act 2020, the maximum fee which may be set for a new pavement licence is £500. The maximum fee which may be set for the renewal of a licence is £350. These fees are less than the cost of provision of a licence however, the requirements of the 2020 Act and amendments made by the 2023 Act are statutory rather than discretionary and so the Council must make the facility available within the legislative parameters.</p>	

<b>1.</b>	<b>RECOMMENDATIONS</b>
That the Licensing Committee:	
1.1	<p>Delegate authority to the Corporate Director, Sustainable Communities, Regeneration &amp; 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.</p>

- |     |   |
|-----|---|
| 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. |
|-----|---|

## **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 implement and operate the permanent pavement licensing arrangements under The Business and Planning Act 2020 (as amended). It also recommends that the Committee set the duration of a pavement licence at one year and that the Committee sets the fee for an application for a new pavement licence at £500 and the fee for an application to renew a pavement licence at £350.
- 2.2 Members will recall that the temporary Pavement Licensing regime introduced under the Business and Planning Act 2020 was in force, following three extensions, until September 2024. However, the Government made amendments to the 2020 Act via The Levelling Up and Regeneration Act 2023 which has made the pavement licensing provisions permanent. This report details the permanent provisions.
- 2.3 In summary, the permanent provisions have an increased standard fee cap for both new and renewal licence applications, slightly increased consultation and determination periods relative to the temporary regime, a longer potential maximum duration of licenses and provides local authorities with new enforcement powers, including to remove unlicensed furniture.

## **3. DETAIL**

- 3.1 The London Borough of Croydon is the licensing authority for a broad range of licensing legislation and licensable activities.
- 3.2 Members will be aware from previous reports to this committee in 2020, 2021, 2022 and 2023 (which can be accessed via the meeting pages on [www.croydon.gov.uk](http://www.croydon.gov.uk)) that the Business and Planning Act 2020 (the '2020 Act') was introduced on 22 July 2020 with arrangements for temporary pavement licensing, specifically as a result of the covid pandemic. These temporary arrangements were subsequently extended on three occasions and the current temporary arrangements cease on 30 September 2024 when they will be fully replaced by the permanent regime under amendments to the 2020 Act.
- 3.3 The legislation 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. Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink is not permitted by a pavement licence nor is placement of furniture, other than as specified in the Act, covered by a pavement licence. For example, items such as advertising boards are not included in the definition of furniture within the pavement licensing regime. It should also be noted that pavement licenses can only be granted in respect of certain types of highways - generally, these are footways restricted to pedestrians or are roads and places to which vehicle



access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

- 3.4 The application process for pavement licensing is intended to be streamlined and fast track compared to the process used for Street Trading but as indicated above, has statutory parameters for the types of premises and types of furniture which can be licensed under the pavement licensing regime. For member's information, Street Trading within London is predominantly regulated under the London Local Authorities Act 1990. Outside of London, the Highways Act 1980 and the Local Authorities (Miscellaneous Provisions) Act 1982 are relied upon.
- 3.5 Under the temporary regime there was a 7 day consultation period and a 7 day determination period. The permanent regime under the amended 2020 Act has increased the consultation and determination periods to 14 days each respectively, which means that the Council now has 28 days from the day after the application is made (excluding public holidays) to publish, consult on and determine an application. This is still significantly shorter than 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 time frame is that the licence is deemed to be granted for a period of 2 years and the Council loses the ability to impose restrictions or bespoke conditions for the license applied for.
- 3.6 Accordingly, it is imperative not only that the Council has its processes and procedures in place in advance of 30 September 2024 but also that there is a sufficiently expedient means of allowing determinations to be made. It is for this reason, and the unfeasibility of setting up and undertaking a Licensing Committee meeting within the 14 days for determination for each and every such application, that a delegation to the Corporate Director is recommended as part of this report.
- 3.7 The 2020 Act now caps the fee which may be charged for applications at £500 for a new application and £350 for a renewal application. In addition, the maximum duration of licenses under the permanent regime is two years. Government guidance suggests that to help support local businesses, the expectation is that local authorities will grant licences for the maximum two years unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. The new maximum fees are still lower in most cases than the fee the Council charges in respect of an annual street trading licence under existing legislation.
- 3.8 It is proposed that all existing pavement licence holders be invited to re-apply for a pavement licence in advance of the expiry of their current licence on 30 September 2024. The legislation anticipates that businesses who have had a temporary licence under the previous regime and are seeking a new licence should be treated as a renewal application if it is made by the same licence-holder, it is in respect of the same premises and it is on the same terms as the temporary licence. This means that the majority of pavement licenses are likely to be renewals.

Setting of fees:

- 3.9 To ensure that the Council can promote growth and protect the public which is inherent in the delivery of regulatory services such as Licensing, there is a need to ensure that regimes are adequately resourced. This requires funding, and it is an accepted principle that licensed activities should be paid for by those benefiting from the licensed activity, rather than drawing on the public purse. Where the Council has the flexibility to set local fees, it is done on a cost recovery basis so that the fees set reflect the costs to the authority of delivering the service in question. With a capped fee, as is the case for this regime, there is less flexibility to ensure that the fee charged reflects the cost to the Council.
- 3.10 In recommending the proposed fees, officers have considered the statutory guidance from the Department of Business, Energy and Industrial Strategy (BEIS) "UK Guidance on the Provision of Services Regulations" March 2021 and the non-statutory guidance from the LGA on locally set licensing fees. The former provides, in respect of fee setting by competent authorities under the regulations (such as the Council in relation to licensing fee setting), that the fees charged by a competent authority under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities (regulation 18(4) of the Regulations). The latter non-statutory guidance recommends that in setting licence fees, matters such as administration, initial visits, liaising with other interested parties, management costs, local democracy costs (such as member decision making), on costs, the costs of developing policies and the setting and reviewing of fees are matters which impact on the administration costs of applying for a license.
- 3.11 It is proposed that the fee for a new pavement licence be fixed at £500 and that the fee for a renewal of a pavement licence be fixed at £350. These application fees are non-refundable even where an application is refused as they represent the costs for the Council in processing and considering the applications. These figures are recommended due to the cost to the Council of the time involved by relevant staff members in managing the overall application process (as detailed more fully in paragraph 3.13) which includes such matters as receiving and checking relevant forms and supporting information, associated correspondence, the consultation process, the consideration of the application and any relevant representations and the work around notifications which is relevant whether or not the application is granted.
- 3.12 Fees should be broadly cost neutral in budgetary terms, so that, over the lifespan of the licence, the budget should balance. Those benefitting from the activities permitted by the various licences should not, so far as there is discretion to do so, be subsidised by the general fund. To ensure that fees remain reasonable and proportionate it is necessary to establish a regular and robust review process. This has particular advantages in the early stages of a new licensing regime, where fees have been set on best guess estimates of the number of applications that will be received. Annual reviews allow for the fine tuning of fees and allow the council to take steps to avoid, subject obviously to the cap, either a surplus or deficit in future years. This will not immediately benefit licence holders where the licence has been granted for a number of years and paid for in a lump sum and for that reason, along with the reasons detailed in paragraph 3.13 it is recommended in this report that all licenses issued under the permanent pavement regime, both renewal and new, shall be granted for a duration of one

years.

#### Setting the length of licenses:

- 3.13 The pavement licensing provisions require input from different Council staff and this includes office based staff providing advice and processing applications, staff in other Council teams considering applications and deciding whether comments or objections are necessary and compliance officers visiting premises and checking the suitability of proposed display areas to ensure they are compliant with the terms of the application made, for example in respect of the area of public highway taken and also to ensure that the furniture to be used will be of suitable construction to ensure there are no risks to the safety of the public or the condition of the public highway and that there is no detrimental impact on the street scene. In addition, Croydon is undergoing significant change through regeneration and as part of this, roads and pavements are often subject to modification. With the drive towards more people friendly streets and less highway clutter, it is more important that licences are more frequently reviewed. Also, businesses can change hands frequently, so more regular renewals will help keep track of who is occupying premises and that the premises will not be compromising the non-obstruction statutory requirement as the street scene changes. In addition, as detailed in paragraph 3.12 above, more regular renewals will allow for reviews of the costs impacts to be taken at regular intervals and will provide scope to monitor and allow for the fine tuning of fees and allow the council to take steps to avoid, subject obviously to the cap, either a surplus or deficit in future years

#### Conditions and determinations:

- 3.14 The Council is able to establish and publish local conditions subject to which the Council proposes to grant pavement licenses. It is recommended in this report that the establishment and publication of these conditions be delegated to the Corporate Director in order that these arrangements can be in place in good time for those seeking to avail themselves of the permanent pavement licensing regime. In addition to any locally agreed conditions, the 2020 Act sets out two statutory conditions which apply to pavement licences which are granted or deemed to be granted; these are: a no-obstruction condition and a smoke-free seating condition. There are also powers for the Secretary of State to publish regulations setting out national conditions in addition to the statutory conditions. As yet, no national conditions have been published.
- 3.15 In determining applications, the main 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. The guidance published regarding pavement licensing also recommends that when considering public health and safety, local authorities should seek to ensure a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. The impact of several pavement licences in an area may result in larger, distributed, or dense crowds

of people. Local authorities should factor this into the security planning process and ensure the overall security arrangements for an area are adapted as appropriate. Examples of appropriate measures could include increased CCTV surveillance, manned guarding, vehicle security barriers and ACT (Action Counters Terrorism) training for businesses.

- 3.16 The current expiry date for temporary pavement licenses granted by the Council is 30 September 2024. For the reasons detailed earlier in this report, this report seeks authorisation, 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 by The Levelling Up and Regeneration Act 2023, including but not limited to the determination of standard conditions which apply, arrangements for publication as required under the Act, determining applications made (at the fees and at the duration 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**

The Revenue from pavement licence applications is used to support the provision of the service. The current fee of £100 is not sufficient to cover the Council's administrative costs in processing & issuing licenses. The Council currently has 81 pavement licenses issued. The new maximum fee for the renewal of a pavement licence is £350 and the maximum fee for a new licence application is £500. The administrative costs to the Council of processing renewal and new applications are greater than these figures and so the recommendation is that these maximum fees are charged. There are no Capital considerations.

##### **2 The effect of the decision**

If the recommendations in the report are approved the Council will recover a greater amount of its costs in administering pavement licence applications. If the recommendations are not approved the Council will continue to subsidise licence holders but to a greater degree.

##### **3 Risks**

If the recommendations in this report are not approved the Council will not be able to process applications through the delegated authority sought and the time permitted to process applications will be insufficient to bring applications before the Council's licensing committee. If the Council fails to consider applications within the statutory timeframe licenses will be granted by default for two years. The Council will also lose the ability to attach bespoke conditions. The Council would not be fulfilling its statutory duty and would risk future income for the council.

#### **4 Options**

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

#### **5 Future savings/efficiencies**

There are no future anticipated efficiencies from this paper. The fees are fixed at a statutory maximum of £350 and £500 and this report recommends that fees are set at those levels and it will be necessary to assess future financial impacts.

Approved by: William Zellerbach, Finance Manager SCRER, on behalf of Zaber Ahmed, Head of Finance SCRER 08/07/2024.

### **6. LEGAL CONSIDERATIONS**

6.1 Part 1 of The Business and Planning Act 2020, as amended by the Levelling Up and Regeneration Act 2023, sets out the statutory parameters of the permanent pavement licensing regime (Sections 1-10). These detail the types of matters which the regime is designed to cover, the application process, maximum fees and durations, the publication of applications, the time frames within which publication, notification and determination must take place as well as the statutory conditions which apply to such applications if granted and the ability for the Secretary of State to impose national conditions by regulation. No such regulations have been published to date. The statutory provisions also allow the Council to determine local conditions which apply to such pavement licenses. These may be either standard local conditions or, if the circumstances warrant, bespoke local conditions for the license in question. These provisions are detailed more fully in section 3 of the body of the report above.

6.2 In undertaking the functions under the 2020 Act, the Council is required to have regard to the guidance issued under Section 8 of the Act by the Secretary of State. The Guidance "Pavement Licenses: Guidance" was updated on 2 April 2024.

6.3 The permanent provisions (pursuant to section 7A to the 2020 Act) introduces new enforcement powers for local authorities in respect of notices for failure to comply with the regime requirements, removal of unauthorised furniture and associated matters.

6.4 Section 7 of the Act sets out the effects of the permanent pavement licensing regime which include that:

- a pavement licence authorises the restriction, by anything done by the licence-holder pursuant to the licence, of public access to the part of the relevant highway to which the licence relates.
- a pavement licence constitutes deemed planning permission for anything done by the licence-holder pursuant to the licence—(a) which is development requiring planning permission under Part 3 of the Town and Country Planning Act 1990, and (b) for which there would otherwise not be planning permission or deemed planning permission.

- anything done by the licence-holder pursuant to a pavement licence is not street trading for the purposes of — (a) Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading), (b) Part 3 of the London Local Authorities Act 1990 (street trading), or (c) any other enactment under or by virtue of which street trading without a licence or other form of permission is unlawful.
- 6.5 The statutory guidance indicates that when setting local conditions and determining applications, issues authorities will also want to consider include:
- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted;
  - public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, and litter;
  - accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
    - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people;
    - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
    - whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and
    - other users of the space, for example if there are high levels of pedestrian or cycle movements.
- 6.6 Pursuant to 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 ("Functions and Responsibilities Regulations"). The functions relating to pavement licensing under the Business and Planning Act 2020, as amended, are such licensing functions (paragraph 73 of Schedule 1).
- 6.7 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 to avoid the consequences of a deemed grant which would not have any local conditions attached and would automatically be granted for a period of two years (see paragraph 3.5 above).
- 6.8 The remaining legal considerations, in particular around fee setting (see paragraphs 3.9 to 3.12) are addressed within the body of the report.

Comments approved by Kiri Bailey, Head of Commercial, Housing and Litigation and Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer (8 July 2024).

## **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, in the exercise of their functions, 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

(generally referred to as the Public Sector Equality Duty).

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 guidance issued by the Secretary of State in respect of pavement licensing regime indicates that, in addition to Local authorities having regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the regime, any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

8.3 The recommendations are to set fees, the term of licenses and to authorize, on a permanent basis, the exercise of delegated authority by the Corporate Director in relation to pavement licensing.

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.

Comments approved by Ken Orlukwu, Senior Equalities Officer, on behalf of Helen Reeves, Head of Strategy & Policy on 27/06/2024.

## **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: Karen Agbabiaka, Director of Streets & Environment)

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

**APPENDICES TO THIS REPORT**

**None**

**BACKGROUND DOCUMENTS: None**