

Licensing Committee

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

MINUTES

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

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

PART A

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

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

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

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

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

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

There were no items of urgent business.

4/21 **Disclosure of Interests**

There were none.

London Local Authorities Act 1990: Application for Street Designation Orders

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. To **DESIGNATE** the highway outside **Everfresh, 728 London Road, Croydon, CR7 7HW** as detailed in the application for the purposes of street trading.
2. To **GRANT** a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **Quality Shop, 1131 London Road, Norbury, SW16 4XD**.

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

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

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

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

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

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

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

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

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

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

6/21

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

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

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

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

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

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

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

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

The Committee **RESOLVED** to:

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

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

This item was not required.

The meeting ended at 7.30 pm

Signed:

Date: