

# Licensing Committee Agenda



To: Councillor Chris Clark (Chair);  
Councillor Pat Clouder (Vice-Chair) and Councillor Michael Neal  
(Vice-Chair);

Councillors Patricia Hay-Justice, Maddie Henson, Karen Jewitt,  
Andrew Pelling, Niroshan Sirisena, Margaret Bird, Steve O'Connell,  
Badsha Quadir and Robert Ward

Reserve Members: Robert Canning, Sherwan Chowdhury, Nina Degrad,  
Jerry Fitzpatrick, Felicity Flynn, Pat Ryan, David Wood, Sue Bennett,  
Simon Brew, Oni Oviri, Helen Redfern and Scott Roche

A meeting of the **Licensing Committee** which you are hereby summoned to attend,  
will be held on **Thursday, 24 January 2019** at **6.30 pm** in **Council Chamber -  
Town Hall**

JACQUELINE HARRIS BAKER  
Director of Law and Governance  
London Borough of Croydon  
Bernard Weatherill House  
8 Mint Walk, Croydon CR0 1EA

Kieran Pantry-Melsom  
020 8726 6000 x63922  
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[www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)  
Wednesday, 16 January 2019

Members of the public are welcome to attend this meeting.  
If you require any assistance, please contact the person detailed above, on the  
righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at [www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)

## **AGENDA – PART A**

**1. Apologies for Absence**

To receive any apologies for absence from any members of the Committee.

**2. Minutes of the Previous Meeting (Pages 5 - 8)**

To approve the minutes of the meeting held on 19 December as an accurate record.

**3. Minutes of the Last Sub-Committee Meeting (Pages 9 - 14)**

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

- 20 December 2018

**4. Urgent Business (if any)**

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

**5. Disclosure of Interests**

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

**6. Application for Street Designation Orders - London Local Authorities Act 1990 (Pages 15 - 76)**

**7. Sex Establishment Licensing Fee Setting - Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (Pages 77 - 90)**

**8. Exclusion of the Press and Public**

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

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

**PART B**

## Licensing Committee

Meeting of the Licensing Committee held on Wednesday, 19 December 2018 at 6.31 pm in Council Chamber - Town Hall

### MINUTES

**Present:** Councillor Chris Clark (Chair);  
Councillor Pat Clouder (Vice-Chair) and Councillor Michael Neal (Vice-Chair);  
Councillors Patricia Hay-Justice, Maddie Henson, Karen Jewitt,  
Niroshan Sirisena, Andrew Pelling, Margaret Bird, Steve O'Connell and  
Robert Ward.

**Also Present:** Robert Newman (Applicant), Fiona Woodcock (Market and Street Trading Compliance Officer), Michael Goddard (Licensing Manager), James Derby (Solicitor and Legal Advisor to the Committee) and Kieran Pantry-Melsom (Democratic Services).

**Apologies:** There were none.

### PART A

**Before commencing the meeting, the Chair informed members that Councillor Andrew Pelling had been appointed in place of Councillor Toni Letts as a member of the Licensing Committee. This had been carried out in accordance with Part 2, Article 4.1F of the Constitution.**

25/18 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21 November were agreed as an accurate record.

26/18 **Disclosure of Interests**

Councillors Clouder and Jewitt declared that they were local ward Councillors for Thornton Heath.

Councillors Clark and Sirisena declared that they were local ward Councillors for Fairfield.

Councillor Pelling declared that he was associated with a charity close to the freeholder of the premises being considered in item 5 of the agenda.

27/18 **Urgent Business (if any)**

There were no items of urgent business.

28/18 **Application for Variation to Street Trading Licence - London Local Authorities Act 1990**

The Committee considered the application to vary a street trading licence for **16-26 High Street, Croydon, CR0 1GT** (Appendix A).

The Licensing Manager introduced the item, explaining the process of applying for variation to street trading licences and the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

The applicant briefly explained to the Committee that extending the permitted trading hours would enable the premises to benefit from the pedestrianisation of the high street.

The Committee **RESOLVED** to vary (extend) the permitted trading hours for the current licence of 16-26 High Street, Croydon for the purposes of street trading.

29/18 **Application for Street Designation Order - London Local Authorities Act 1990**

The Committee considered the application for a street designation order for **32-34 High Street, Thornton Heath, CR7 8BF** (Appendix B).

The Licensing Manager introduced the item, explaining the process of applying for street designation orders and the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

The applicant was not present to provide any comment on the application.

In response to questions from the Committee it was confirmed by the licensing manager that the applicant was given 21 days' notice that their application would be reconsidered at the next available Licensing Committee following the Committee's decision to defer it on 21 November 2018. This was said to have been hand-delivered to the applicant and the manager of the premises had also assured officers the applicant would be in attendance.

Members of the Committee were disappointed that their questions regarding the safety of the public along the proposed display area, the size of the display area and its impact on the space in the pavement had remained unanswered.

The Committee **RESOLVED** to refuse the application of 32-34 High Street, Thornton Heath for the purposes of street trading on the basis that the issues regarding the safety of members of the public within close proximity of the proposed display area could not be ascertained. The Committee further noted that the premises is situated within a designated saturation area and the

Committee will generally be minded to refuse the application except the applicant can provide reasons why the Committee should grant an exception; however the despite having notice of the hearing the applicant was unavailable to attending the meeting and provide the Committee with reasons to enable them consider granting the application.

30/18 **Setting of Licence Fees: Skips and Scaffolds - Highways Act 1980 & Local Authorities (Transport Charges) Regulations 1998**

The Licensing Manager was invited by the Chair to present the report to the Committee. The Licensing Manager explained the purpose of the report and the provisions of the Highways Act 1980 and the Local Authorities (Transport Charges) Regulations 1998. The Licensing manager then addressed Members on the proposed recommendations as set out in Section 1 of the Report.

By specific reference to Appendices 1 & 2 the Licensing Manager explained, as set out in the report, the rationale for the manner in which the proposed fees had been calculated and the basis of those proposed fees. These were to come into effect on 1 February 2019 upon the Committee's approval.

The Chair invited members' questions on the report and presentation.

The Committee heard that the fee structures of other local authorities contained in Appendix 1 of the report were not considered when the London Borough of Croydon set their proposed fees. The cost recovery principle also had to be acknowledged by the Council when setting licence fees to ensure a reasonable charge is imposed on the applicant.

The Committee **RESOLVED** to agree the recommendations of the report and the setting of Licence fees under the Highways Act 1980 & Local Authorities (Transport Charges) Regulations 1998.

31/18 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 7.20 pm

**Signed:**

**Date:**

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## Licensing Sub-Committee

Meeting of the Licensing Sub-Committee held on Thursday, 20 December 2018 at 10.32 am in Council Chamber - Town Hall

### MINUTES

**Present:** Councillor Karen Jewitt (Chair);  
Councillors Pat Ryan and Margaret Bird

**Also Present:** Michael Goddard (Licensing Officer), Roberta Wilkins (Licensing Officer), Nicola Thoday (Legal Advisor), Kieran Pantry-Melsom (Democratic Services), Applicant, Representative of the Applicant and Metropolitan Police representatives.

**Apologies:** There were none.

### PART A

7/18 **Appointment of Chair**

Councillor Pat Ryan nominated Councillor Karen Jewitt.  
Councillor Margaret Bird seconded the motion.

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

8/18 **Disclosure of Interests**

There were none.

9/18 **Urgent Business (if any)**

There were no items of urgent business.

10/18 **Licensing Act 2003: Application for a Premises Licence**

The Licensing Sub-Committee considered the Application for a Premises Licence at **89 Lower Addiscombe Road, Croydon, CR0 6PT** and the representations received as contained in the report of the Executive Director 'Place' as well as the additional information provided by the Applicant via email on 18 December 2018.

The Sub-Committee also considered the oral representations of the Metropolitan Police, in particular that they confirmed that they were satisfied that the amended proposed conditions (attached) offered by the Applicant would prevent crime and disorder. They were also of the view that the amendments would result in a food led and family restaurant, rather than a Club.

Further, the Council's Licensing officer confirmed that Councillor Jerry Fitzpatrick (ward councillor) had withdrawn his comments given the Police are satisfied with the new conditions offered.

The Sub-Committee agreed to the amended times of the licensable activities as set out in 1.2 of Appendix A. Also, that that the relevant conditions in the Application and the new conditions offered by the Applicant today (attached) would be included on the Licence.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy the Sub-Committee **RESOLVED** to Grant this application with the Licence conditions mentioned below.

11/18 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 11.43 am.

**Signed:**

**Date:**

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.....

**Les Calices Restaurant, 89 Lower Addiscombe Road, CROYDON.**

**Hours for licensable activities**

Monday – 11:00-23:00

Tuesday – 11:00-23:00

Wednesday – 11:00-23:00

Thursday – 11:00-23:00

Friday – 11:00-00:00

Saturday – 11:00-00:00

Sunday – 11:00-23:00

**Closing Times**

Monday to Thursday – As above

Friday and Saturday – As above

Sunday – As above

**PROPOSED CONDITIONS**

1. The Licensee will install comprehensive CCTV coverage at the premises and ensure it is operated and maintained at the premises.  
The cctv system shall be operational at all times, motion sensor equipment may be used if needed to assist with storage space. The licence holder will have 3 months from the date of grant of the premises licence to implement this condition.
2. The CCTV system shall conform to the following points:
  1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
  2. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
  3. A good quality Head & Shoulders image should be recorded and stored as per CCTV conditions.
  4. Provide a linked record of the date, time and place of any image.
  5. Provide good quality images -colour during opening times.
  6. Operate under existing light levels at the premises.

7. Have the recording device located in a secure area or locked cabinet.
  8. Have a monitor to review images and recorded picture quality.
  9. Be maintained annually to ensure continuous quality of image *and* capture retention.
  10. Have signage displayed in the customer area to advise that CCTV is in operation.
  11. Digital images must be kept for 31 days.
  12. Police and licensing officers will have access to images at any reasonable time in accordance with the Data Protection Act 2018.
  13. The equipment must have a suitable export method e.g. CO/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CO can be replayed by the police on a standard computer. Copies must be made available to Police on request.
3. Food will be available at all times that sale of alcohol is authorised up to 30 minutes before close. Alcohol will be ancillary to food.
  4. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the London Borough of Croydon. The log will record the following:
    - Date,
    - Time,
    - Location,
    - Persons concerned,
    - Summary of incident,
    - Identification of emergency personnel concerned
    - All crimes reported to the venue
    - All ejections of customers or refusal of entry
    - Any incidents of disorder (disturbance caused by either one person or a group of people). (There is no requirement to record the above incidents where they do not relate to a licensable activity).
    - Any faults in the CCTV system or searching equipment or scanning equipment
  5. All customers will be asked to leave quietly.
  6. Clear and legible notices will be prominently displayed at the exit to remind customers

to leave quietly and have regard to our neighbours.

7. Save for private pre booked functions alcohol will be sold or supplied to persons seated at a table or counter by waiter/waitress. With regard to pre booked functions, the booking will be recorded with full name, address and contact details of the person booking and proof of identification and address is to be obtained.
8. A challenge 25 or equivalent system will be adopted at the premises.
9. Children will only be permitted on the premises under the supervision of an adult at all times.
10. Staff dealing with the sale or supply of alcohol will be trained on the challenge 25 policy and on the premises licence conditions. Such training will be provided at induction and refreshed on a 6 monthly basis.
11. A record of staff training required under condition 10 will be retained at the premises and produced to the licensing officer and police on request.

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| <b>REPORT TO:</b>  | <b>LICENSING COMMITTEE</b><br>24 January 2019  |
| <b>AGENDA ITEM:</b>  |  |
| <b>SUBJECT:</b>  | <b>London Local Authorities Act 1990</b><br><b>Applications for Street Designation Orders (x5)</b> |
| <b>LEAD OFFICER:</b>   | <b>Executive Director, Place Department</b>  |
| <b>CABINET MEMBER:</b>   | <b>Councillor Hamida Ali, Cabinet Member for Safer</b><br><b>Croydon &amp; Communities</b>         |
| <b>WARDS:</b>  | Fairfield, New Addington South, Thornton Heath, South<br>Norwood, Coulsdon Town                    |
| <b>CORPORATE PRIORITY/POLICY CONTEXT:</b><br>This report is specific to this application and has no implications on the Council's Corporate Policies |  |
| <b>FINANCIAL SUMMARY:</b><br>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 sites detailed at Appendices B - F for the purposes of street trading and if designated to then determine whether to grant a street trading licence to the sites.

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate five sites in the Borough as 'licence streets' for street trading and the granting of street trading licences under the provisions of the London Local Authorities Act 1990 (as amended.)

## **3. DETAIL**

- 3.1 The London Local Authorities Act 1990 (as amended) (The Act) provides a legislative framework to control street trading in the Borough. Trading in respect of services as well as goods comes within the scope of the Act.
- 3.2 Licensed street trading may only take place in streets or parts of streets which have been formally designated as "licence streets".
- 3.3 Appendices B-F to this report provide details of the designation applications. The applicants have been invited to attend the meeting.
- 3.4 If the sites outlined in Appendices B-F are formally designated as 'licence streets' by the committee then the committee will decide whether to grant street trading licences
- 3.5 The measurements of the individual display areas as outlined in Appendices B-F will allow for the required 2 metre clear distance between the edge of the display and the kerb which is the requirement for roads maintained by Croydon Council or the required 2.8 metre clear distance for roads maintained by Transport for London (TfL), whichever is applicable.

## **4. CONSULTATION**

- 4.1 Applications B-F were duly advertised in the Croydon Guardian and brought to the attention of the police, planning, highways/TfL (as applicable), parking services and the food & safety team.

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

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

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

### **5.2 Risks**

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

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

### **5.3 Options**

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

#### **5.4 Future savings/efficiencies**

There are no savings or efficiencies arising directly from the recommendations in the report.

5.5 Approved by: Flora Osiyemi, Head of Finance, Place Department.

### **6. COMMENTS OF THE SOLICITOR AND MONITORING OFFICER**

#### **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 (Approved for and on behalf of Jacqueline Harris-Baker, Director of Law and Monitoring Officer)

## 8. HUMAN RESOURCES IMPACT

8.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.

8.2 (Approved by: Jennifer Sankar, Head of Human Resources, Place Department)

## 9. CUSTOMER IMPACT

9.1 There are no specific customer services issues relating to these applications.

## 10 EQUALITIES IMPACT ASSESSMENT (EIA)

10.1 The arrangements for the Licensing Hearings seek to ensure that all applicants and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

## 11. ENVIRONMENTAL AND DESIGN IMPACT

11.1 There are no perceived environmental and design impacts relating to these applications.

## 12. CRIME AND DISORDER REDUCTION IMPACT

12.1 The Police Licensing Officer has been consulted on these applications.

## 13. HUMAN RIGHTS IMPACT

13.1 The Human Rights 1998 (HRA) requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. **Article 6 (A6)** of the European Convention on Human Rights (ECHR) is the right to a fair trial. The key elements of this include

- The right to a *fair* hearing;
- The right to a *public* hearing;

- The right to a hearing before an *independent and impartial tribunal*;
- The right to a hearing *within a reasonable time*.

13.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Committee to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).

13.3 So, while it is good practice to make a hearing before the Licensing Committee as A6 compliant as possible, it will not be a breach of the HRA if it is not. Further, the hearing of all applications are subject to the principles of Natural Justice and the requirement for decisions to be 'Wednesbury reasonable'.

#### **14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS**

14.1 Protocols agreed in relation to Licensing Hearings are within the Council's Constitution and will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

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**CONTACT OFFICER:** Michael Goddard, Licensing Manager, Place  
Department, ext. 61838.

**BACKGROUND DOCUMENTS:** Application Forms

## APPENDIX B

**Applicant:** Salvatore Notturmo

**Location:** On the highway outside 17 Central Parade, New Addington, CR0 0JB.

**Measurements:** The application seeks a trading area of length 4.8m (LHS 2m & RHS 2.8m) and width 1.6m. This area of highway is maintained by LB Croydon and these measurements would ensure that the minimum required width from the edge of the proposed display to the nearest item of street furniture (the lamppost shown in the photograph) of 2m would be available.

Appendix B1 shows photographs of the display and available pavement space.

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

Monday to Friday 6.30am to 6.30pm

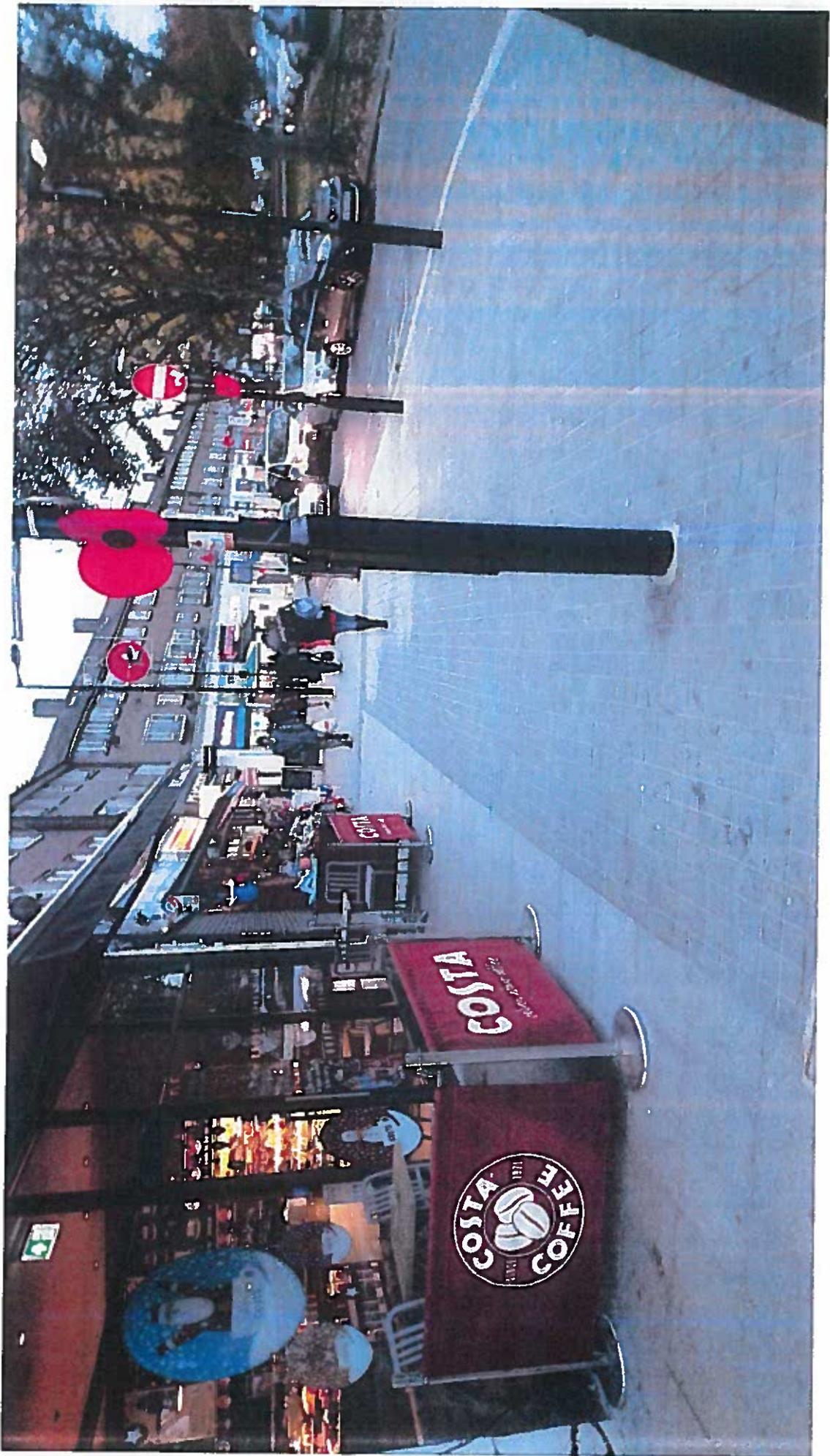
Saturday 7.30am to 6.30pm

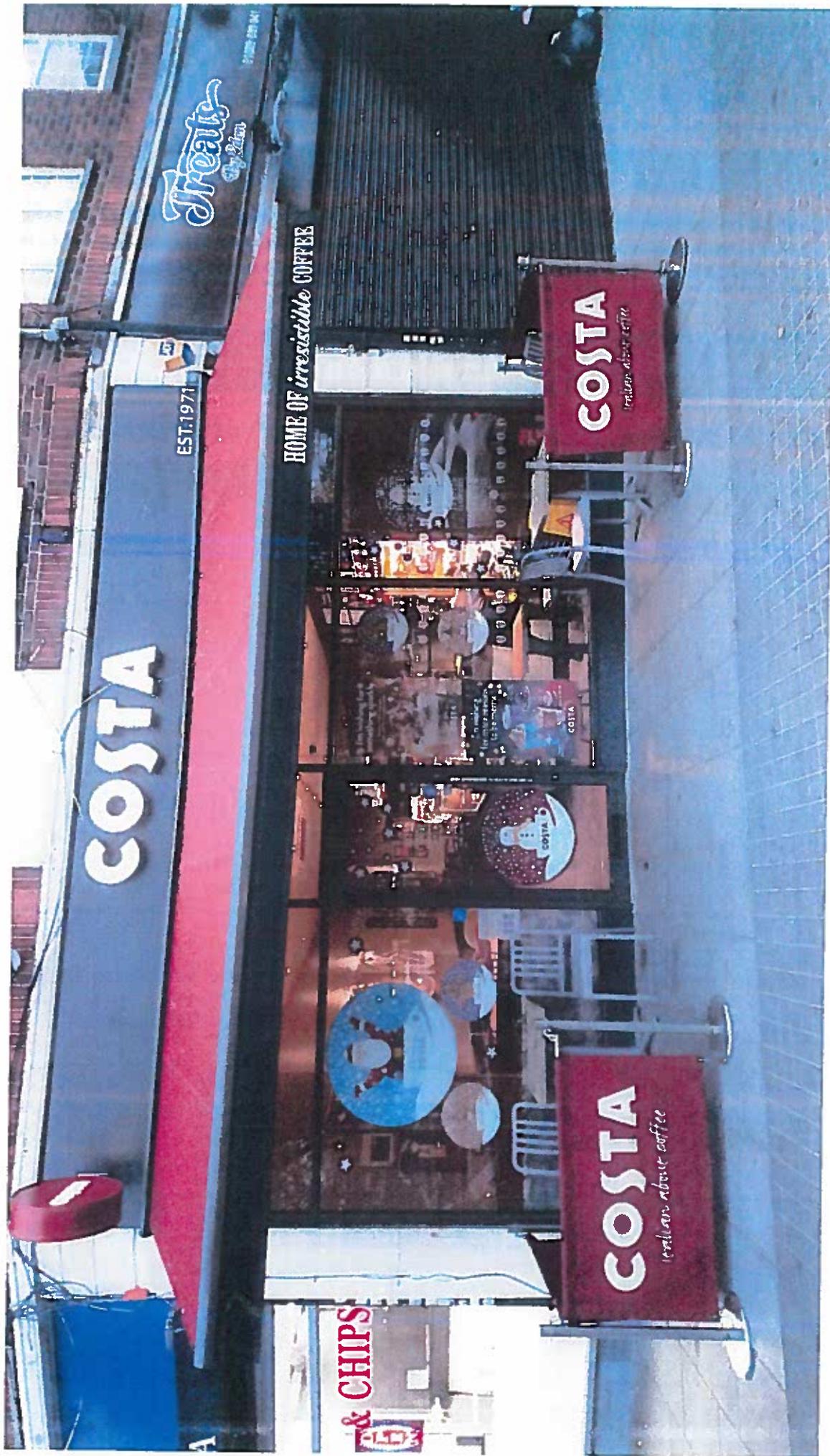
Sunday 8am to 5.30pm

### **To Provide:** Tables & Chairs

#### **1. Detailed Considerations**

- 1.1 A copy of the application is attached at Appendix B2.
- 1.2 The application was duly advertised in the Croydon Guardian, no objections were received.
- 1.3 The Police Licensing Officer, Food Safety team, Planning, Highways and Parking Services were invited to comment on this application, no objections 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 25.01.2019 pending the committee's decision. A copy is attached as Appendix B3.
- 1.6 There are 8 other premises nearby already licensed for street trading, though some do not currently display. The relevant premises are marked on the map at Appendix B4.
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year





B1



Sunday: from 08:00 to 17:30

Thursday: from 06:30 to 18:30

Monday: from 06:30 to 18:30

Friday: from 06:30 to 18:30

B2

Tuesday: from 06:30 to 18:30

Saturday: from 07:30 to 18:30

Wednesday: from 06:30 to 18:30

c) Type of goods or services to be displayed :...Tables and Chairs...

**4. MOBILE VEHICLE/TRAILER (See note D )**

a) Address of proposed pitch .....

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No .....

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.( see note D)

Office Use only Premises Licence No .....

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

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



Date 04.07/13

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  
TO USE SITE KNOWN AS**

**MR NOTTURNO SALVATORE**  
COSTA COFFEE  
17 Central Parade  
Croydon  
CR0 0JB

**TO DISPLAY  
SIZE OF DESIGNATED DISPLAY**

Tables and Chairs  
Length 2 metres, Width 1.60 metres, (Left hand side)  
Length 2.80 metres, Width 1.60 metres (Right hand side)

**PERMITTED DAYS & TIMES**

Monday-Saturday 0630 Hours - 1830 Hours  
Sunday 0730 Hours - 1830 Hours

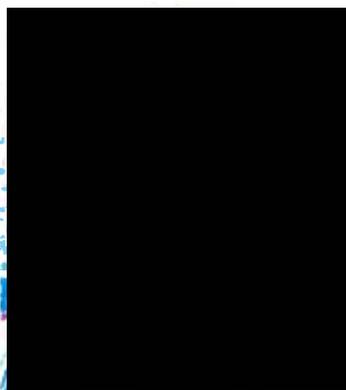
**This licence is issued subject to compliance with the licence conditions attached**

**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: 09.07.2018**

**Date Licence Expires: 25.01.2019 (or on date of Committee Decision)**

**Licence Number: 18/01909/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.



## APPENDIX C

**Applicant:** Nicholas Thomas

**Location:** On the highway outside 210A Selhurst Road, South Norwood, SE25 6XU.

**Measurements:** The application seeks a trading area of length 3m, width 3m and height 3m. This area of highway is maintained by LB Croydon and these measurements would ensure that the minimum required width from the edge of the proposed display to the kerb of 2m would be available.

Appendix C1 shows photographs of the display and available pavement space.

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

Monday to Wednesday 2pm to 8pm

Thursday 2pm to 10pm

Friday 12pm (noon) to 10pm

Saturday 11am to 10pm

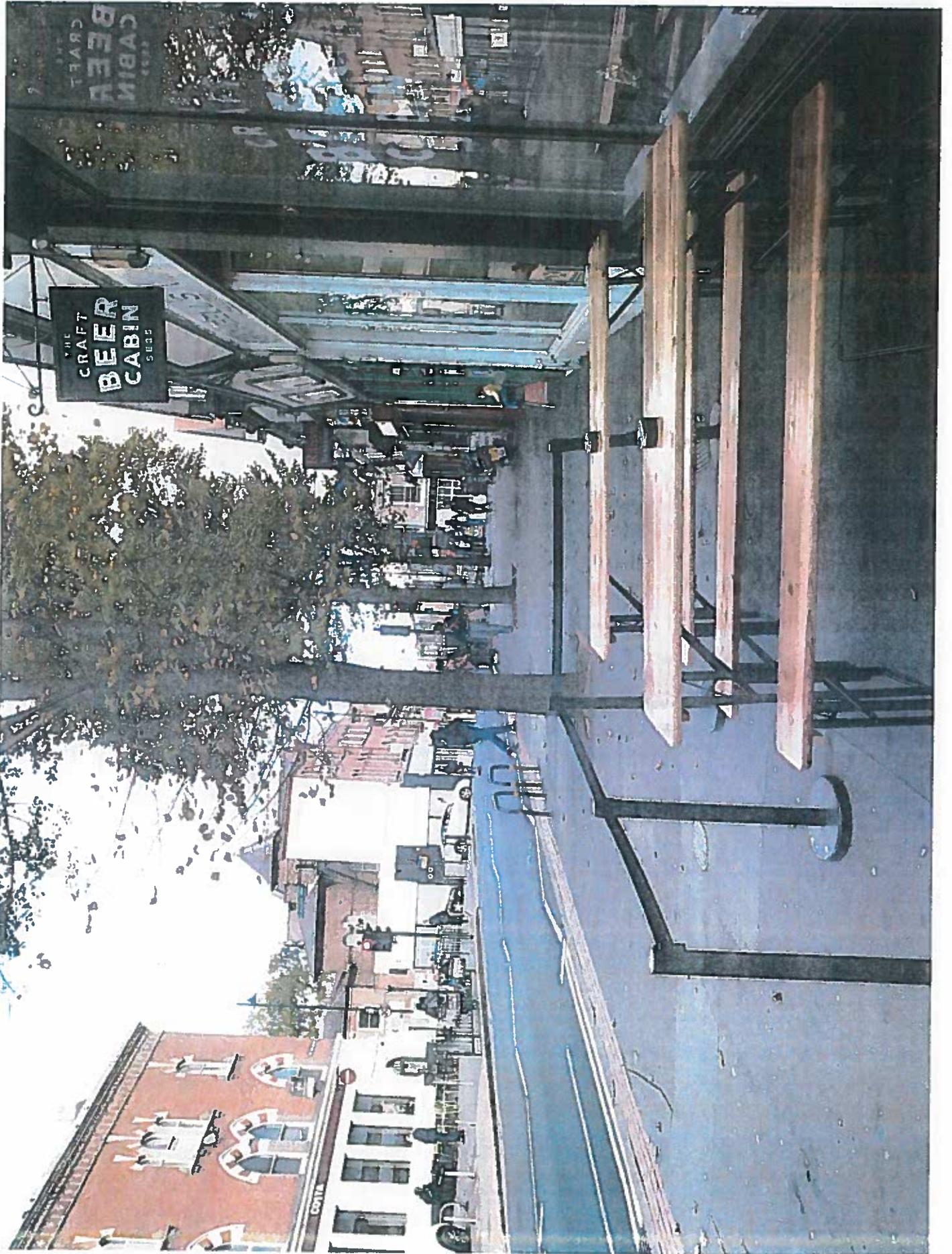
Sunday 2pm to 9pm

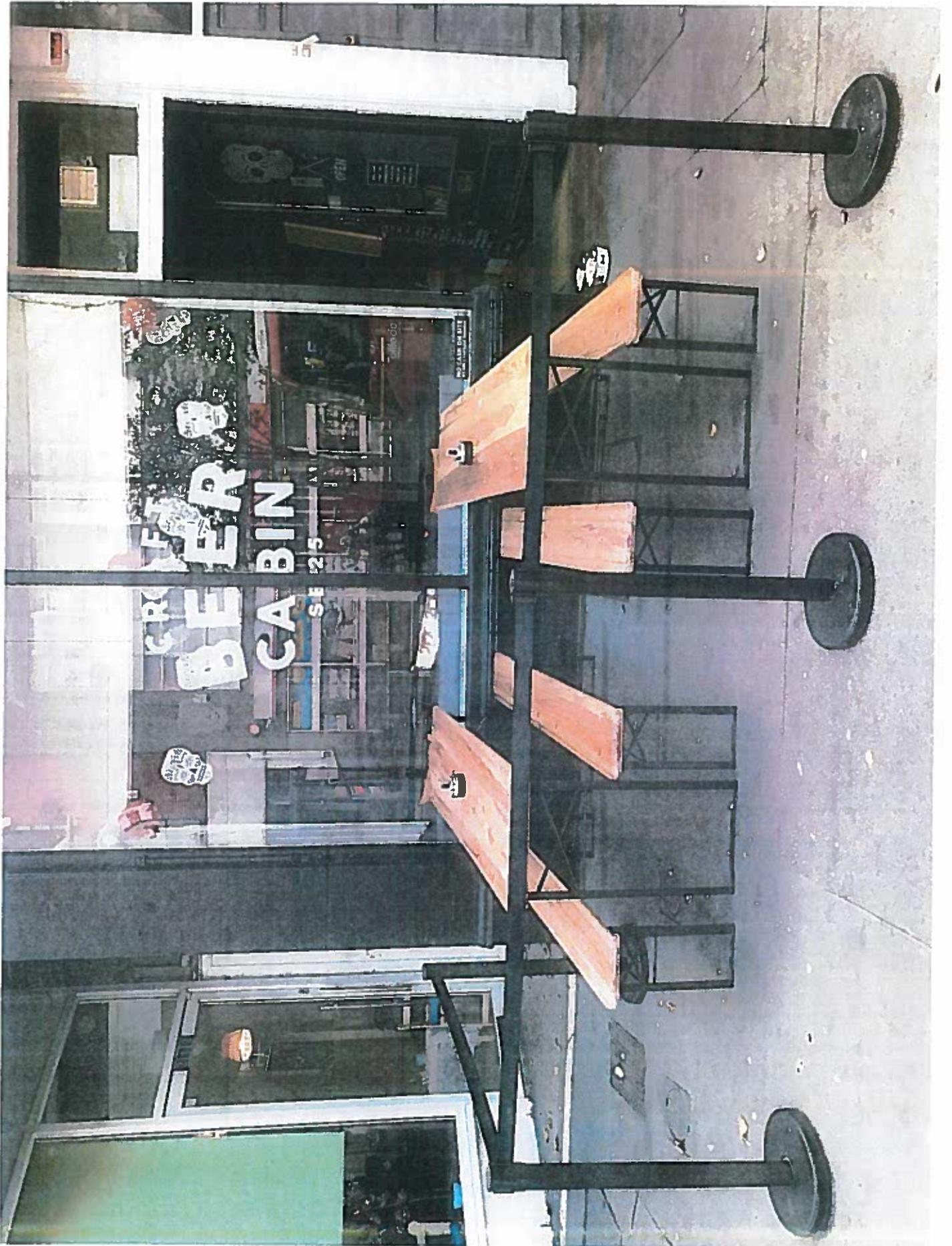
**To Provide:** Tables & Chairs & Pop Up Food Stalls

### **1. Detailed Considerations**

- 1.1 A copy of the application is attached at Appendix C2.
- 1.2 The application was duly advertised in the Croydon Guardian, no objections were received.
- 1.3 The Police Licensing Officer, Food Safety team, Planning, Highways and Parking Services were invited to comment on this application, no objections 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 25.01.2019 pending the committee's decision. A copy is attached as Appendix C3.
- 1.6 There are no other premises nearby already licensed for street trading. The relevant premises are marked on the map at Appendix C4.
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year









C2

Wednesday: from 1400 to 2000

c) Type of goods or services to be displayed: TABLES + CHAIRS + POP-UP FOOD STALLS

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch N/A

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No .....

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.( see note D)

Office Use only Premises Licence No .....

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

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

Date 09/07/2018

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: .....  
SFC355/10/13

GUIDANCE NOTES

You are required to apply for a street designation order if you propose to display goods or services on the public highway, or trade from a mobile vehicle on the public highway. A street designation order is only required if no one else has previously traded from the proposed site/pitch.

You should also contact the Planning Department on 0208 726 6800 or by email [development@london.gov.uk](mailto:development@london.gov.uk) as a change of use application may be required.

All applications will be referred to the Council's Licensing Committee for a decision, you will be notified of the date of the next hearing once your application is made.

If you are taking over a site/pitch from someone who has previously traded then you should apply for a street trading licence – contact 020 8760 5466 for more information

C3

**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  
TO USE SITE KNOWN AS**

**MR NICHOLAS THOMAS**  
The Craft Beer Cabin  
210A Selhurst Road  
South Norwood  
London  
SE25 6XU

**TO DISPLAY  
SIZE OF DESIGNATED DISPLAY**

Tables & Chairs and Pop up Food Stalls  
Length 3 metres, Width 3 metres, Height 3 metres

**PERMITTED DAYS & TIMES**

Monday – Thursday 02:00 pm - 08:00 pm  
Friday 12:00 pm - 10:00pm  
Saturday 11:00 am - 10:00 pm  
Sunday 11:00 am - 09:00 pm

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

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

**Date Licence Valid From: 20.07.2018**

**Date Licence Expires: 25.01.2019**

**Licence Number: 18/01848/STT**

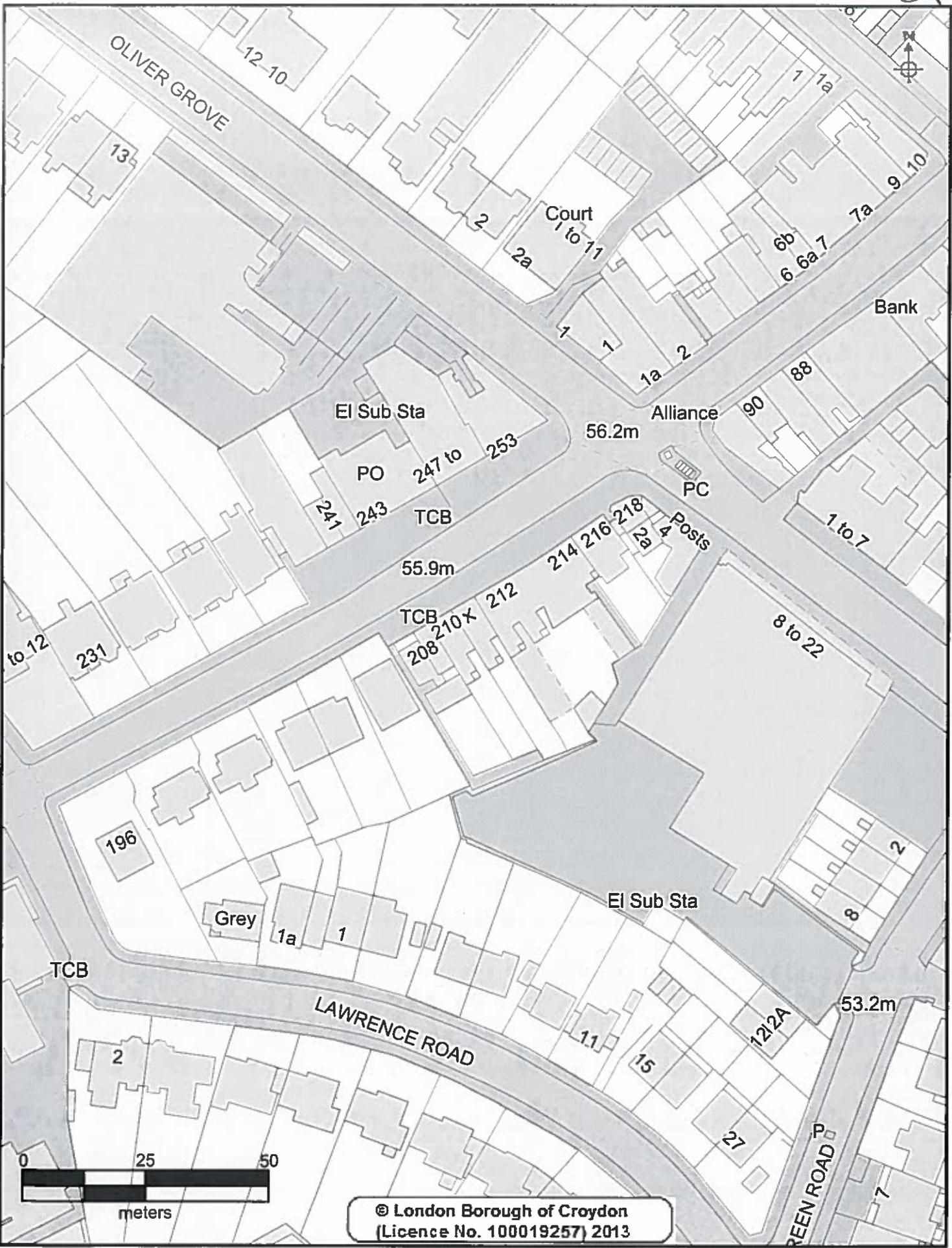


**Issued on Behalf of : Licensing Manager  
Place Department**

## 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.



## APPENDIX D

- Applicant:** Izabela Sagan-Wasilewska
- Location:** On the highway outside 208-210 Brighton Road, Coulsdon, CR5 2NF.
- Measurements:** The application seeks a trading area of length 9.35m (LHS 5.6m & RHS 3.75m) and width LHS 1.4m & RHS 1.85m. This area of highway is maintained by LB Croydon and these measurements would ensure that the minimum required width from the edge of the proposed display to the nearest item of street furniture (the bicycle stands shown in the photograph) of 2m would be available.
- Appendix D1 shows photographs of the display and available pavement space.

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

Monday to Saturday 7am to 9pm  
Sunday 8am to 8pm

### **To Provide:** Tables & Chairs

#### **1. Detailed Considerations**

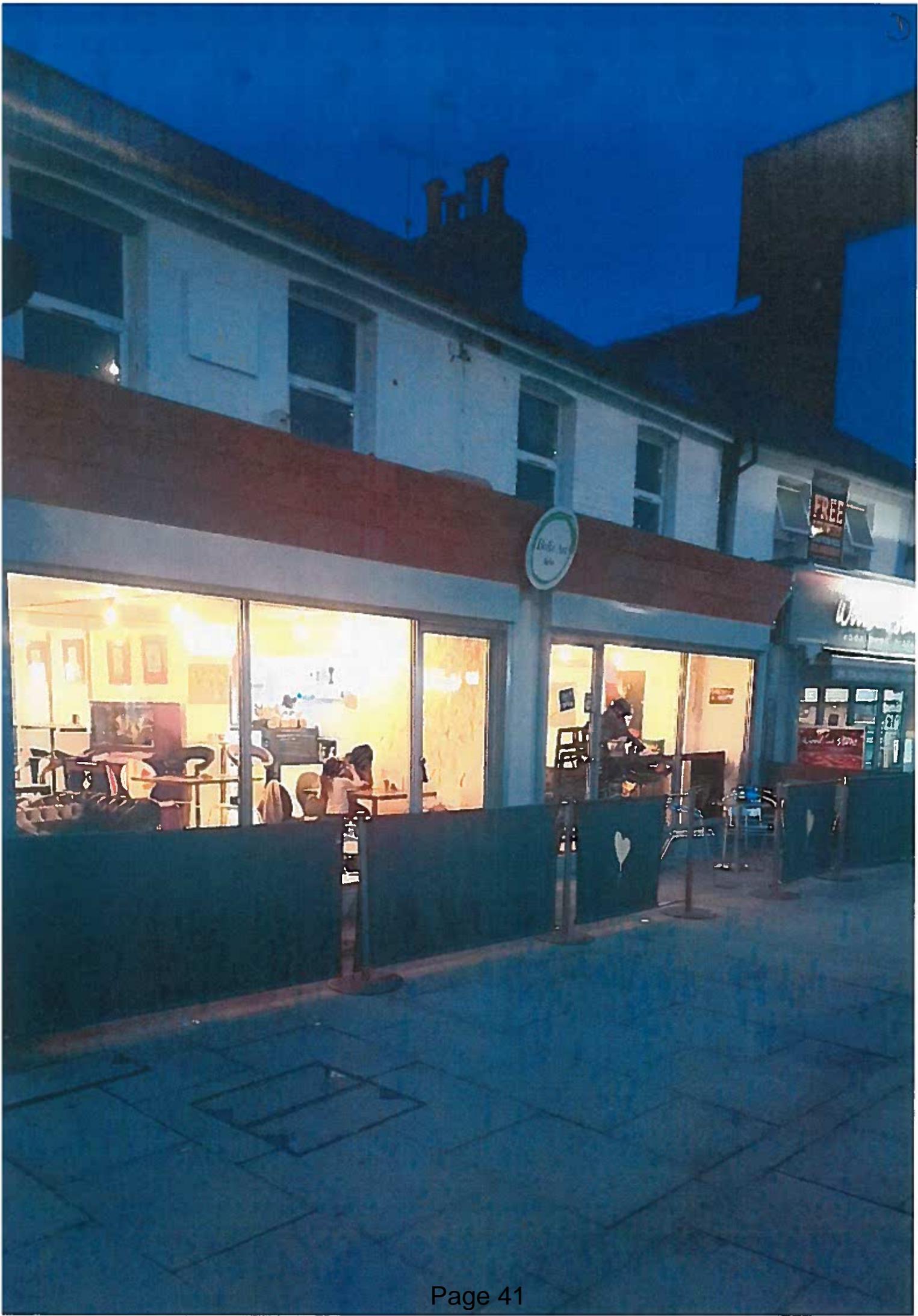
- 1.1 A copy of the application is attached at Appendix D2.
- 1.2 The application was duly advertised in the Croydon Guardian, no objections were received.
- 1.3 The Police Licensing Officer, Food Safety team, Planning, Highways and Parking Services were invited to comment on this application, no objections 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 15.03.2019 pending the committee's decision. A copy is attached as Appendix D3

\* The committee will note that the temporary licence has a start time of 8am Monday to Saturday though the designation application seeks 7am. In a subsequent telephone conversation, the applicant stated they were happy with 8am for the temporary licence but the committee is invited to consider the original hours sought.

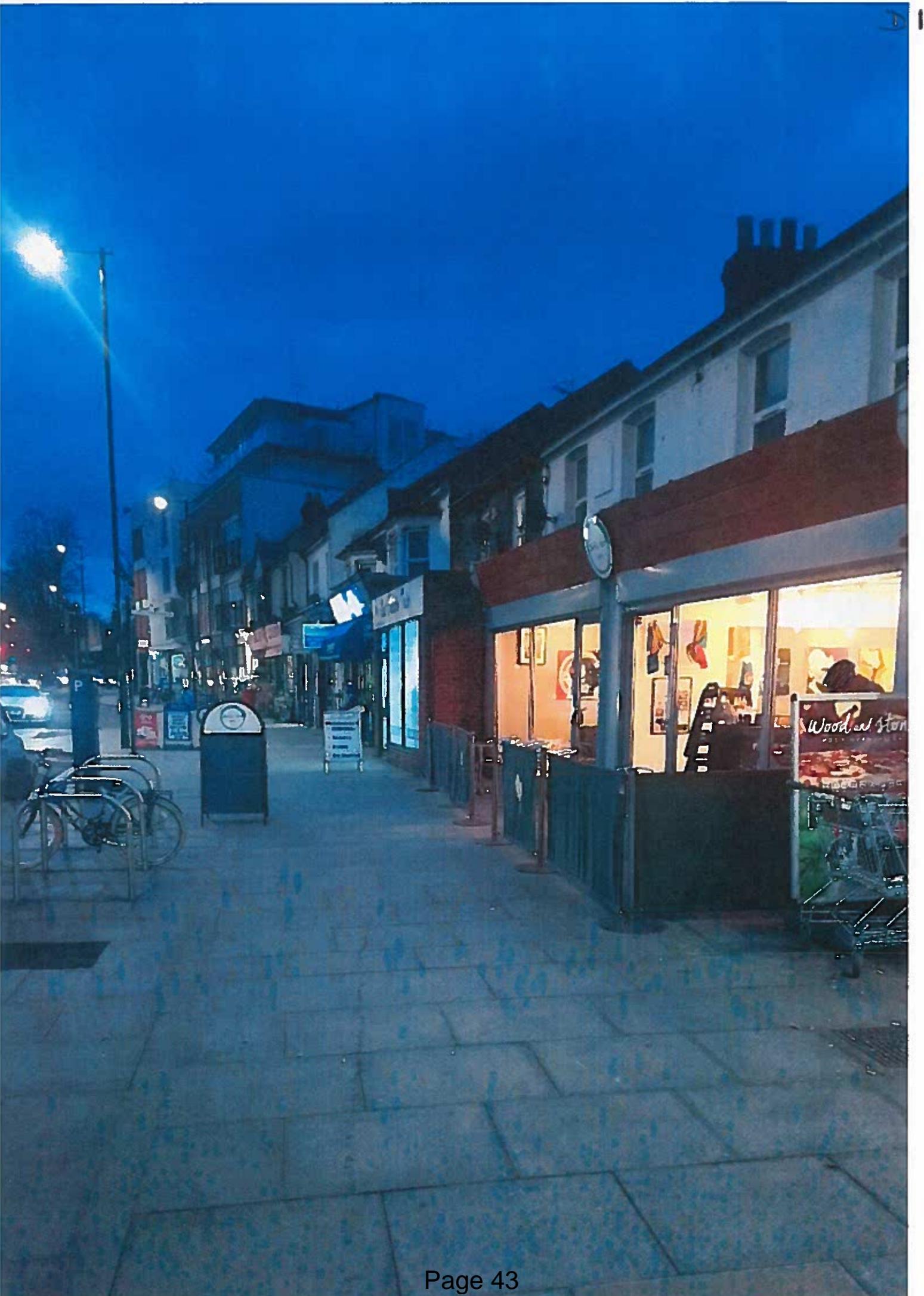
- 1.6 There are 2 other premises nearby already licensed for street trading, though 1 does not currently display. The relevant premises are marked on the map at Appendix D4.
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year



DI









**APPLICATION FOR A STREET DESIGNATION ORDER**

Return completed form to Place Department, Licensing Team, 6<sup>th</sup> Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Telephone: 020 8760 5466 .Fax no :0208 633 9410

D2

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

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

- a) First Name *Izabela*
- b) Last/Family Name *Sagan - Wasilewska*
- c) Full Home Address of Applicant ~~2020tham House, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000~~ Surrey,
- d) Home Tel No *N/A* e) Mobile No ~~07957 123456~~
- f) E mail address: ~~izabela.sagan@bellaartcafe.co.uk~~
- g) Date of Birth : ~~01/01/1980~~

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

- a) Trading Name of Premises: *Bella Art Caffe*
- b) Trading Address: *208 – 210 Brighton Road, Coulsdon, CR5 2NF*
- c) Business Tel No : ~~0208 633 9410~~

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

- a) Dimensions of display area (state whether measured in feet or metres )

LHS *1.4 w x 5.60 L = 6.90 sq m*

RHS *1.85w x 3.75 L = 7.84 sq m*

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

*Sunday. from 0am to 8pm Thursday: from 7am to 9pm*

Monday: from 7am to 9pm Friday: from 7am to 9pm

Tuesday: from 7am to 9pm Saturday: from 7am to 9pm

Wednesday: from 7am to 9pm

D2

c) Type of goods or services to be displayed : Coffee and Pop Art

**4. MOBILE VEHICLE/TRAILER (See note D )**

a) Address of proposed pitch .....

.....

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)

Length.....Width.....Height.....

c) Registration No .....

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.( see note D)

Office Use only Premises Licence No .....

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

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

*[Handwritten Signature]*

Date 15/10/2018

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  
TO USE SITE KNOWN AS**

**MISE IZABELA SAGAN-WASILEWSKA**  
Bella Art Cafe  
208 - 210 Brighton Road  
Coulsdon  
CR5 2NF

**TO DISPLAY  
SIZE OF DESIGNATED DISPLAY**

Coffee and Pop Art  
Length 5.60m, Width 1.4m (Left Hand Side)  
Length 3.75m, Width 1.85m (Right Hand Side)

**PERMITTED DAYS & TIMES**

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

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

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

**Date Licence Valid From: 15.10.2018**

**Date Licence Expires: 15.03.2019 or (On date of Committee Decision)**

**Licence Number: 18/02943/STT**

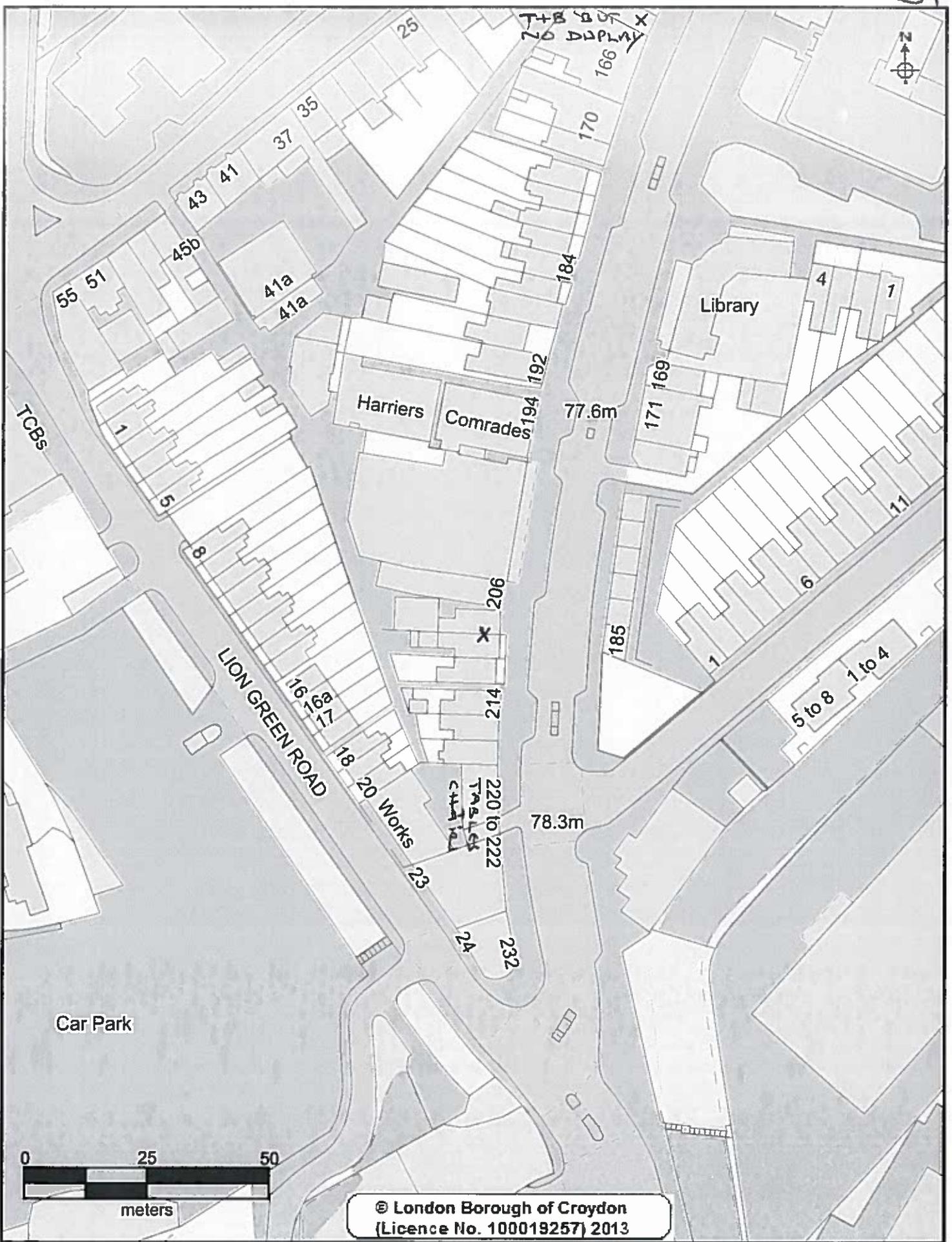


**Issued on Behalf of : Licensing Manager  
Place Department**

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.



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

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**London Borough Croydon**

Scale 1:1000

16-Jan-2019  
Page 49

X = 208-210 BRIGHTON ROAD



## APPENDIX E

**Applicant:** Francisco Rivero

**Location:** On the highway on Dingwall Road near the j/w Caithness Walk, Croydon.

**Measurements:** The application seeks a trading area of length 5.6m, width 3m and height 2.5m. This would leave clear pavement passage past the proposed display. This area of highway is maintained by LB Croydon and the minimum required clear pavement width is 2 metres.

Appendix E1 shows photographs of the display and available pavement space.

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

Monday to Sunday 6am to 6pm.

**To Provide:** A mobile vehicle selling coffee, pastries, sandwiches, drinks, soup, snacks.

### **1. Detailed Considerations**

- 1.1 A copy of the application is attached at Appendix E2.
- 1.2 The application was duly advertised in the Croydon Guardian. This application has drawn an objection and a copy is attached at Appendix E3.
- 1.3 The Police Licensing Officer, Food Safety team, Planning, Highways and Parking Services were invited to comment on this application, no objections have been received from these teams. However, to assist the committee, colleagues from Strategic Transport provide the following comments with regard to the nature of any installation –

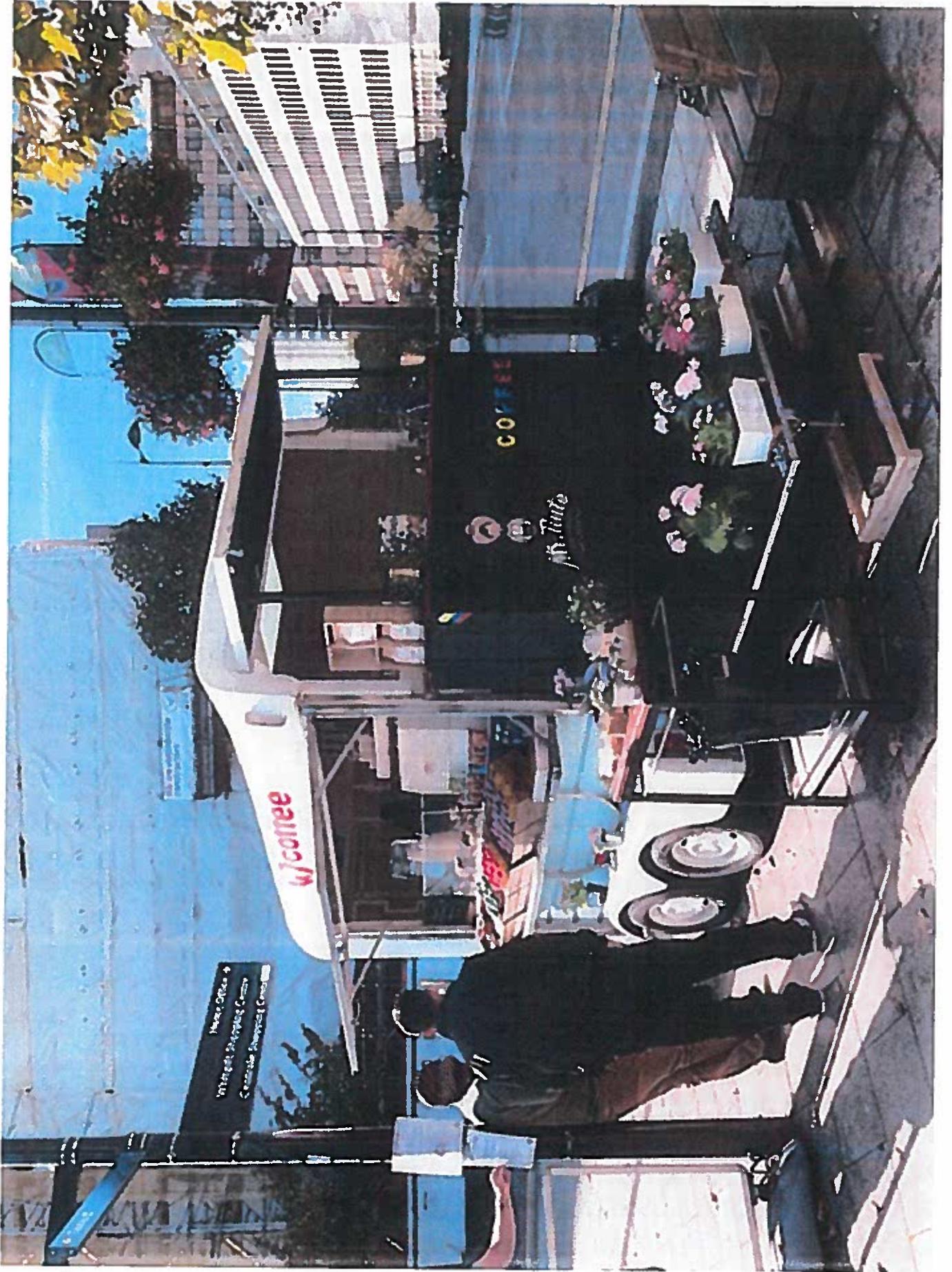
The redevelopment proposals for the Whitgift site involve the creation of a new public pedestrian link between North End and Wellesley Road, along with the provision of a new surface level pedestrian crossing across Wellesley Road connecting this new link directly to Landsdowne Road. These changes will mean that the nature of pedestrian movements along Landsdowne Road will increase significantly over the next few years.

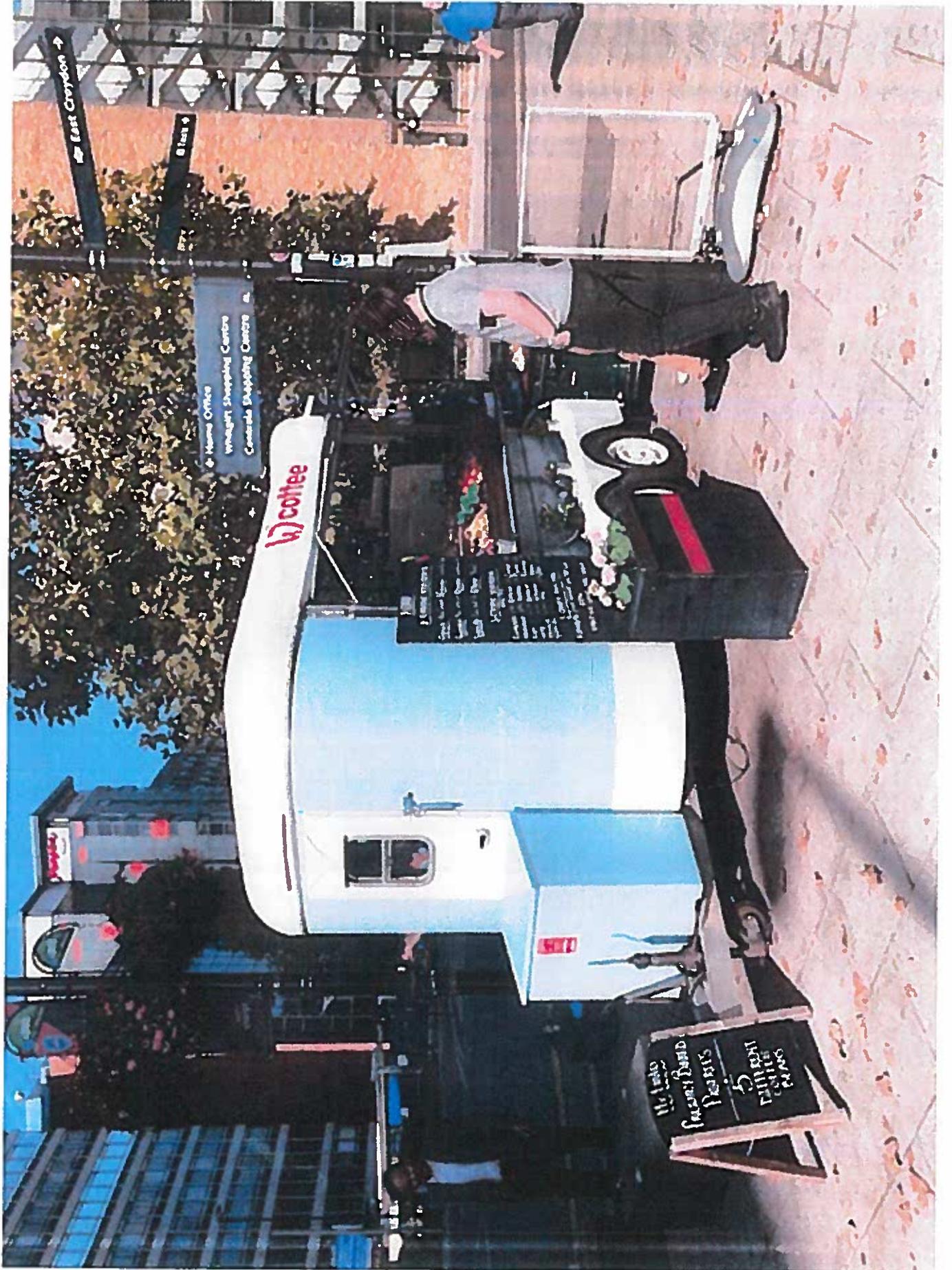
Temporary, mobile, pop-up stalls are suitable from a transport planning perspective but it is essential to avoid the construction of a permanent or semi-permanent structure in this very prominent position and what will be a key desire line for thousands of pedestrians.

In addition, Transport for London (TfL), is assessing options to increase capacity on the tram network. One such possible option involves building a

new loop to the east of the town centre, commonly referred to as the Dingwall Road Loop. The scheme would involve tram services being introduced along Dingwall Road and Lansdowne Road, resulting in major changes to the street environment.

- 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 19.02.2019 pending the committee's decision. A copy is attached as Appendix E4.
- 1.6 There are no other premises nearby already licensed for street trading. The map at Appendix E5 shows the location of the site at the roundabout which is at the junction of Lansdowne Road and Dingwall Road.
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year







F1









**APPLICATION FOR A STREET DESIGNATION ORDER**

Return completed form to Place Department, Licensing Team, 6<sup>th</sup> Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Telephone: 020 8760 5466 .Fax no :0208 633 9410

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

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

a) First Name **Francisco**  
.....

b) Last/Family Name **Rivero**  
.....

c) Full Home Address of Applicant ~~112 BROADWAY~~  
.....  
.....

d) Home Tel No ~~0208 8923211~~ ..... e) Mobile No  
.....

f) E mail address:  
~~francisco.rivero@bt.com~~.....

g) Date of Birth ~~12/08/1988~~.....

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

a) Trading Name of Premises: **Mr Tinto**  
.....

b) Trading Address **Caithness Walk**  
:.....  
.....

c) Business Tel No : ~~0208 8923211~~  
.....

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

a) Dimensions of display area (state whether measured in feet or metres )

Length <sup>60</sup>5 metres ..... Width 3 Metres ..... Height 2.5 Metres .....

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

Sunday: from 6:00.....to 18:00..... Thursday: from 6:00.....to 18:00.....

Monday: from 6:00..... to 18:00..... Friday: from 6:00..... to 18:00 .....

Tuesday: from 6:00..... to 18:00..... |Saturday: from: 6:00 to: 18:00.....

Wednesday: from 6:00 to: 18:00

c) Type of goods or services to be displayed Coffee, Pastries, sandwich, drinks, soup, snacks. ....

4. MOBILE VEHICLE/TRAILER (See note D )

a) Address of proposed pitch .....

b) Approx dimensions of vehicle/trailer (state whether measured in feet or metres)  
Length.....Width.....Height.....

c) Registration No .....

d) Proposed hours and days of trading:.....

If you propose to sell hot food and drink after 2300 hours then you will require a premises licence under the Licensing Act 2003.( see note D)

Office Use only Premises Licence No .....

I declare that all the information given on this form is accurate to the best of my knowledge.

I enclose a fee of £ 365.

Please make cheques payable to Croydon Council. Alternatively payment can be made by debit or credit card on 0208 760 5466. There is an additional surcharge of 1.65% for credit card payments. There is no additional charge for debit card payments.

From: ~~Robert Woodcock~~ [mailto:~~Robert.Woodcock@Croydon.gov.uk~~]  
 Sent: 18 October 2018 16:37  
 To: Crassie, Eunice <Eunice.Crassie@croydon.gov.uk>  
 Cc: Woodcock, Fiona <Fiona.Woodcock@croydon.gov.uk>; Goddard, Michael <Michael.Goddard@croydon.gov.uk>  
 Subject: RE: Street Designation Order Applications as at October 2018

Hello Eunice,

I am assuming that the site identified as Dingwall Road / Caithness Walk is that which has had my attention previously. If so, I am objecting to the current temporary arrangement on the following grounds and in my capacity as ~~Robert Woodcock~~ Director of ~~the Croydon Shopping Centre~~, representing some 90 tenants in the town centre :-

- Earlier correspondence on this site identified the fact that the then temporary structure was inconsistent with the high design standards demanded in the development of the adjacent Ruskin Square , presenting an incongruous anomaly to the town's visitors/users in what is supposed to be a high standard " gateway" to the town.
- The occupiers of the site subsequently commissioned a purpose built kiosk that went some way to meet the design/operating principles of the above , and whilst this was in situ I found it an acceptable short-term solution, on the proviso that at any stage their permission to operate could be withdrawn by yourselves on review, if the highest standards of presentation and operation were not maintained.
- The entirety of their operation was contained within the purpose built kiosk.
- I note that recently the kiosk has disappeared, to be replaced by a converted horse box, which has a paraphernalia of display items placed around it , including two generators on full view, which are often accompanied by two jerry cans of petrol . The latter are not contained in any controlled environment and are not marked as containing hazardous material.
- The appearance of the site has become shambolic once more and I have a concern that once again there is the potential to top and tail Dingwall Road with third rate structures ( Fruit /vegetable retailer in the container at the other end) , both of which are on and in opposition to Jo Negrini's designated golden routes .
- In its current format the operation adds nothing to the retail experience within the town centre and in my opinion gives a poor first impression when leaving the station on route to the town's core, which is detrimental to my retailers and to those on North End struggling to maintain their business in a very challenging business environment.
- For all of the above reasons, I object to the site being designated for street trading.

Regards

~~Robert Woodcock~~

**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  
TO USE SITE KNOWN AS**

**MR FRANCISCO RIVERO**  
Tinto Coffee  
Street BLP for  
Dingwall Road / Cathiness Walk  
Croydon  
Surrey

**TO DISPLAY**

Coffee, Pastries, Drinks, Sandwiches, Soup,  
Snacks

**SIZE OF DESIGNATED DISPLAY**

Length 5.60 metres, Width 3 metres,  
Height 2.5m

**PERMITTED DAYS & TIMES**

Sundays 06:00 - 18:00 hours  
Monday - Saturday 06:00 hours - 18:00 hours

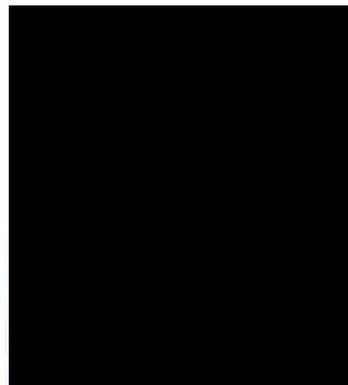
**This licence is issued subject to compliance with the licence conditions attached**

**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: 19.12.2018**

**Date Licence Expires: 19.02.2019**

**Licence Number: 18/02561/STT**

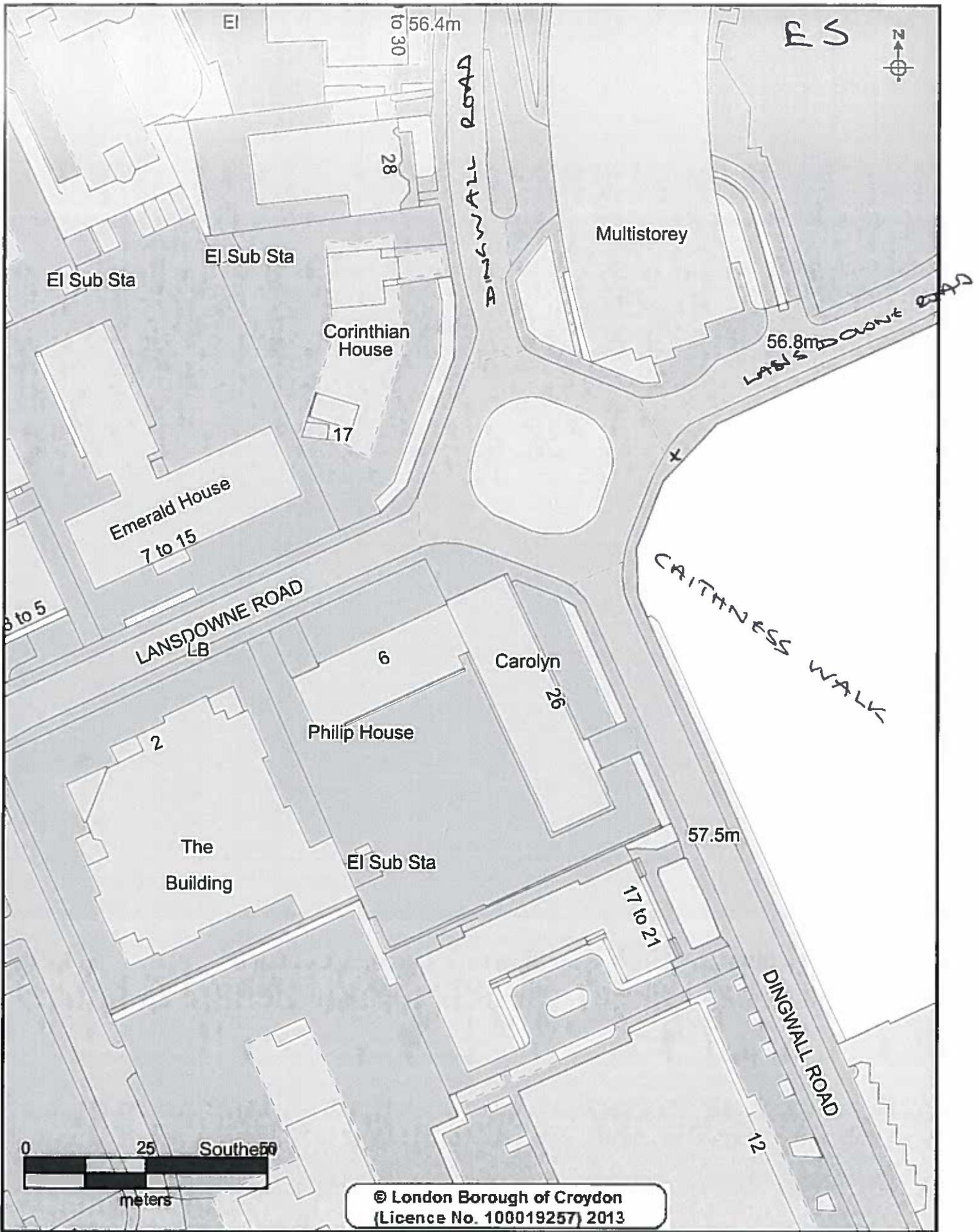


Issued on Behalf of : **Licensing Manager**  
**Place Department**

**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.



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X = MOBILE VENDOR LOCATION



## APPENDIX F

**Applicant:** Sulamain Maja

**Location:** On the highway outside 17 High Street, Thornton Heath, CR7 8RU.

**Measurements:** The application seeks a trading area of length 1.7m, width 1m and height 2m. This area of highway is maintained by LB Croydon and these measurements would ensure that the minimum required width from the edge of the proposed display to the kerb of 2m would be available.

The Licensing Committee previously designated this site for street trading in 2013 but for a smaller area – L 1.7m, W 0.5m and H 2m. As the applicant seeks a larger trading area of public highway (width), this requires a fresh designation application.

Appendix F1 shows photographs of the display and available pavement space.

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

Monday to Saturday 9.30am to 8pm  
Sunday 11am to 6pm

**To Display:** Fruit & Vegetables

### **1. Detailed Considerations**

- 1.1 A copy of the application is attached at Appendix F2.
- 1.2 The application was duly advertised in the Croydon Guardian.
- 1.3 The Police Licensing Officer, Food Safety team, Planning, Highways and Parking Services were invited to comment on this application. No objections have been received to this application.
- 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 31.01.2019 pending the committee's decision. A copy is attached as Appendix F3.
- 1.6 Would committee members please note that the application premises fall within the Council's street trading policy saturation area. The applicant has been made aware of this in writing. A copy of that letter is attached at Appendix F4. The Committee is however reminded of the comments above at 'Measurements'.

- 1.7 There are 7 other premises nearby already licensed for street trading, though one does not currently display. The relevant premises are marked on the map at Appendix F5.
- 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



f1

f1



WHOLESALE & RETAIL  
AFRO CARIBBEAN



**JUS FOOD**

07958683548  
GROCERS 17

N°17

Soups • Moi Moi • Pepper Soup • Snails • Banku • Fish • Kenkey • Etc



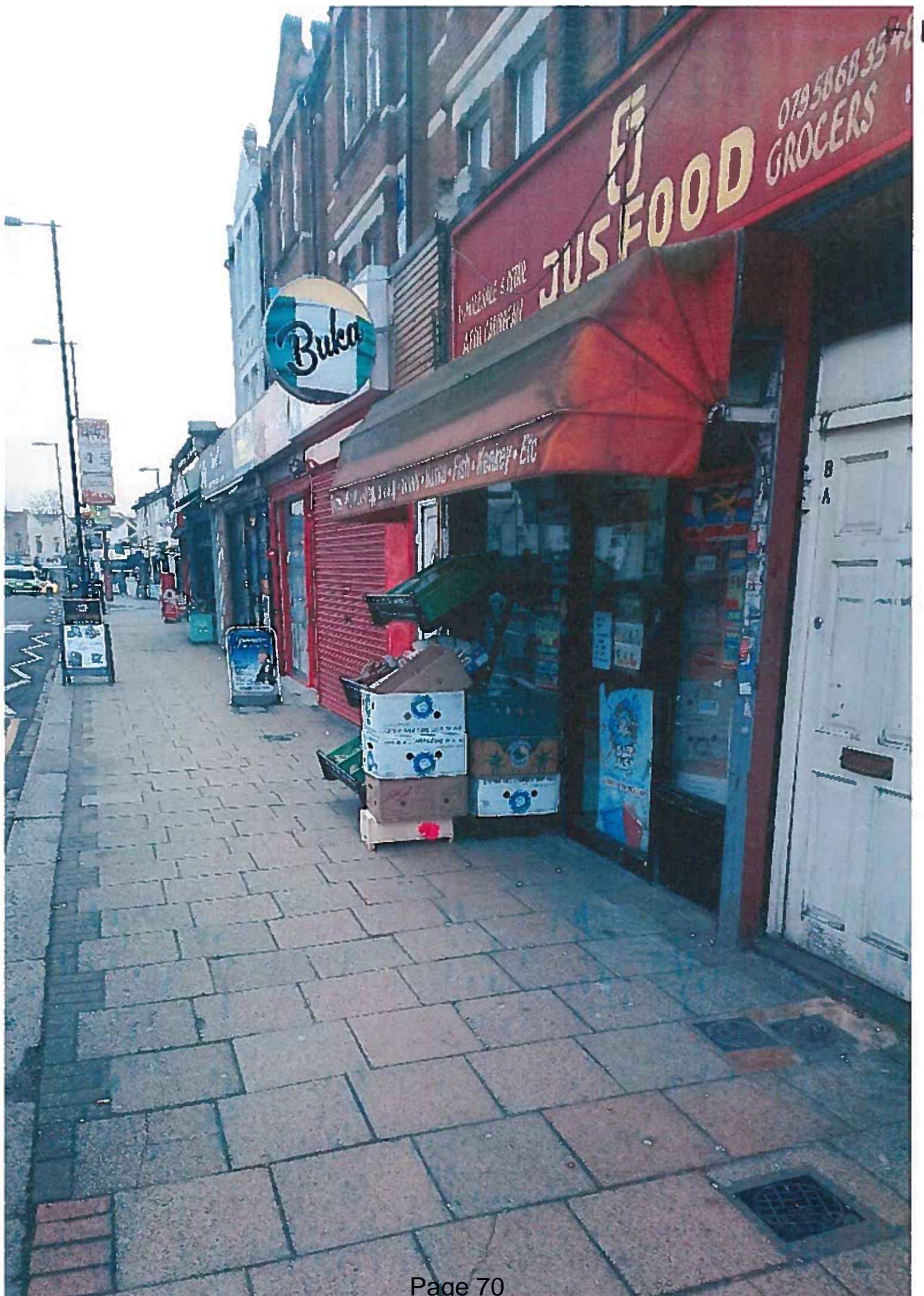
IAN FOOD  
KE ANN

WHOLESALE AND  
AFIO CANNON  
JUS FOOD



TCHEERS 68





**APPLICATION FOR A STREET DESIGNATION ORDER**

Return completed form to Place Department, Licensing Team, 6<sup>th</sup> Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Telephone: 020 8760 5466 or 07707 257161 [licensing@croydon.gov.uk](mailto:licensing@croydon.gov.uk) .98

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

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

- a) First Name Sulaiman
- b) Last/Family Name Maja
- c) Full Home Address of Applicant 17 High Street
- d) Home Tel No ~~07922333223~~ e) Mobile No. ~~07922333223~~
- f) E mail address: ~~ius@juselectra.com~~
- g) Date of Birth : ~~29/04/1980~~

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

- a) Trading Name of Premises: JUS Food
- b) Trading Address: 17 High Street CR7 8RU
- .....
- c) Business Tel No : .....

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

- a) Dimensions of display area (state whether measured in feet or metres )  
Length 1.70m Width 1 m Height 2m
- b) Total pavement area from shop to nearest obstruction or edge of pavement .....
- c) Provide proof of landlords permission if renting shop or operating on private forecourt  
(please attach proof to application form)  
  
N/A
- d) Hours that you would like to display the goods/services on the highway.

|  |                                   |
|--|-----------------------------------|
| Sunday: from 11 am to 6 pm                                   | Thursday: from 9.30 am to 8.00 pm |
| Monday: from 9.30 am to 8.00 pm                              | Friday: from 9.30 am to 8.00 pm   |
| Tuesday: from 9.30 am to 8.00 pm                             | Saturday: from 9.30 am to 8.00 pm |
| Wednesday: from 9.30 am to 8.00 pm                           |                                   |
| c) Type of goods or services to be displayed : Fresh Produce |                                   |

**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 07707 257161 or 0208 760 5466 or 0208 726 6000 Ext 64080

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

Sulaiman Maja

Date 19 November 2018

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  
TO USE SITE KNOWN AS**

**MR SULAIMAN MAJA**  
Divine Glory Afro Caribbean Food  
17 High Street  
Thornton Heath  
Croydon  
CR7 8RU

**TO DISPLAY**

Fruit and Vegetables

**SIZE OF DESIGNATED DISPLAY**

Length 1.7m, Width 1.00m, Height 2m

**PERMITTED DAYS & TIMES**

Monday - Saturday 0930 hours - 2000 hours  
Sunday 1100 hours - 1800 hours

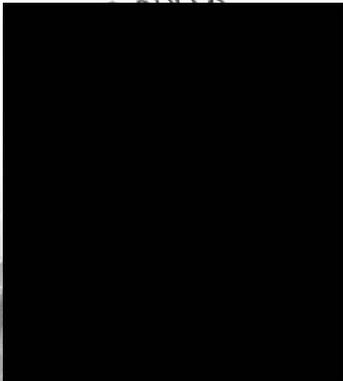
**This licence is issued subject to compliance with the licence conditions attached**

**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: 31.07.2018**

**Date Licence Expires: 31.01.2019 (or on date of Committee Decision)**

**Licence Number: 18/03416/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.

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

F4

Tel/Typetalk: 0208 726 6000 x 64080  
Fax: 020 8760 5786  
Minicom: 020 8760 5797  
Please ask for/reply to: Eunice Crassie

Sulaiman Maja  
17 High Street  
Thornton Heath  
CR7 8RU

Your Ref:  
Our Ref:  
Date: 8 January 2019

Dear Sir

**Subject: Street Designation Order**

**Address: 17 High Street Thornton Heath Croydon Surrey CR7 8RU**

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. '***

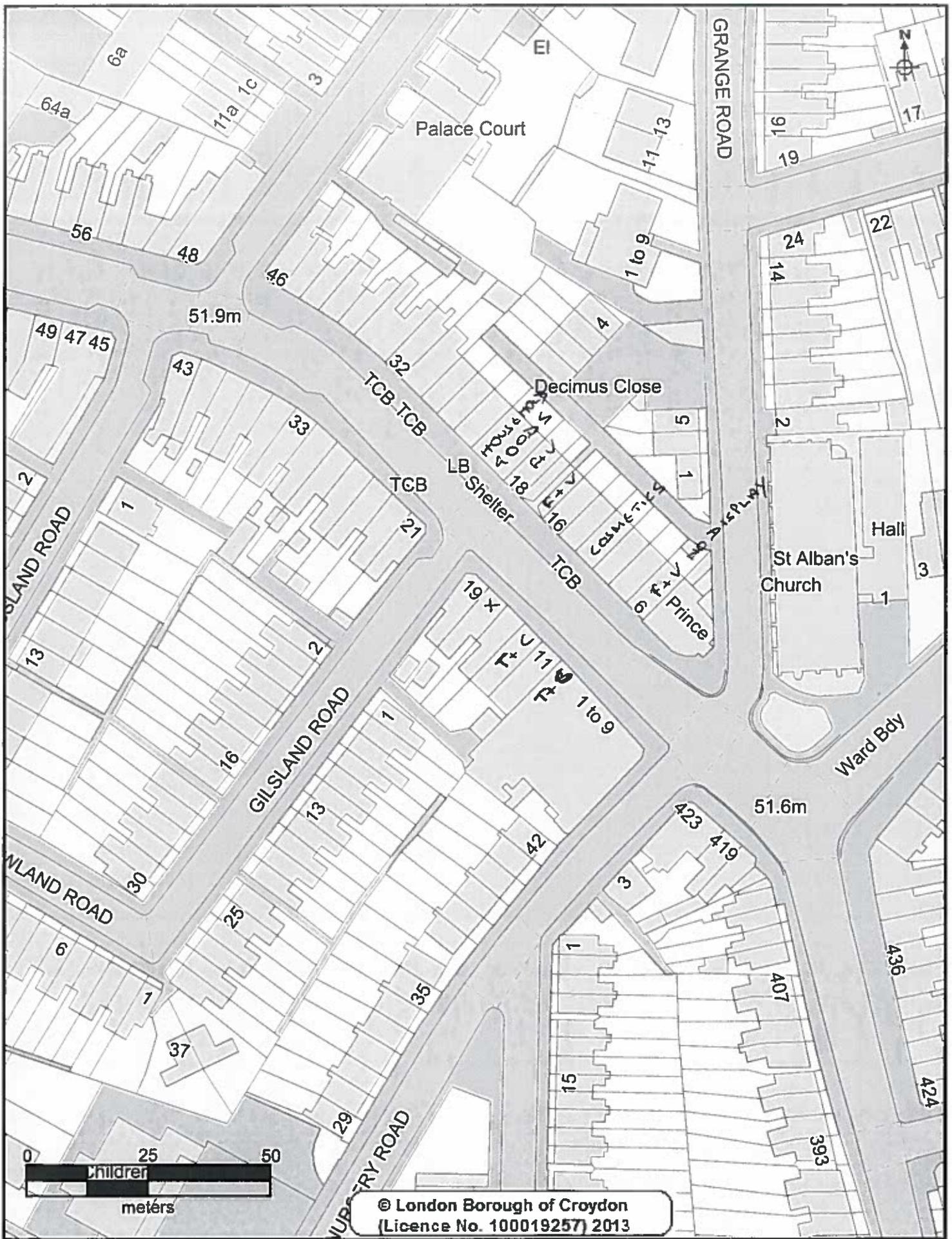
Your application will be heard by the Licensing Committee at a meeting to be arranged and as your application falls within the specified area outlined in the policy, the committee will be minded to refuse the application. You should therefore attend the meeting to explain to the committee the particular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

*E. Crassie*

Eunice Crassie  
Licensing Officer



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T+C = TABLES + CHAIRS  
 F+V = FRONT + VGS.

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X = 17 HIGH STREET TORNTON HT



## Croydon Council

|   |  |
|---|--|
| <b>REPORT TO:</b>   | <b>LICENSING COMMITTEE</b><br>24 January 2019  |
| <b>AGENDA ITEM:</b>   |  |
| <b>SUBJECT:</b>   | <b>Sex Establishment Licensing Fee Setting –<br/>Schedule 3 Local Government (Miscellaneous<br/>Provisions) Act 1982</b> |
| <b>LEAD OFFICER:</b>  | <b>Executive Director, Place Department</b>  |
| <b>CABINET MEMBER:</b>  | <b>Councillor Hamida Ali</b><br><b>Cabinet Member for Safer Croydon &amp; Communities</b>                                |
| <b>WARDS:</b>   | <b>All</b>   |
| <b>CORPORATE PRIORITY/POLICY CONTEXT: N/a</b>   |  |
| <b>FINANCIAL SUMMARY:</b><br><br>This report concerns the setting of fees for sex establishment licensing in the borough of Croydon. The Council is entitled to calculate fees that will generate income to offset the estimated costs to the Council of providing the service. The estimated income from fees will offset the costs of the service. There are no other financial implications. |  |
| <b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b>   |  |

**For general release**

### **1. RECOMMENDATIONS**

The Committee is asked to:

- 1.1 Adopt the fees set out in Appendix 1 to this report for the grant, renewal or transfer of a sex establishment licence.
- 1.2 Delegate authority to the Director of Public Realm to undertake reviews and fee setting under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Such delegation shall not preclude the Director from bringing the matter back before the Committee should the Director consider it appropriate to do so.

## 2. EXECUTIVE SUMMARY

2.1 The purpose of this report is to ask the committee to determine the fees for the grant, renewal or transfer of a sex establishment licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act").

## 3. DETAIL

3.1 Section 2 of the Act enables a local authority to adopt, by resolution, the provisions in Schedule 3 of the Act for the licensing control of Sex Establishments. The London Borough of Croydon has previously adopted these provisions.

3.2 'Sex shop' is defined, in paragraph 4 (1) of Schedule 3 as "any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating (a) sex articles; or (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging - (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity".

3.3 In the same paragraph, 'sex article' is defined at paragraph 4 (3) (a) as "anything made for use in connection with, or for the purpose of stimulating or encouraging – (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity; and (b) anything to which the following applies – 4 (4) (a) "to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and (b) to any recording vision or sound".

3.4 There are three types of sex establishment, namely –  
a) sex shop  
b) sex cinema  
c) sexual entertainment venue (SEV)

3.5 Para. 6 of Schedule 3 provides that premises may only be used as a sex establishment under and in accordance with the terms of a licence granted under Schedule 3.

3.6 There are currently two licensed sex establishments in the borough of Croydon. They are:

- Private Shop, 20c Selsdon Road (sex shop)
- Larry Flynt's Hustler Club (sexual entertainment venue)

3.7 The Council is the licensing authority under the Act and is responsible for the grant and renewal of sex establishment licences. Paragraph 19 of Schedule 3 states 'An applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority'.

3.8 Licensing is an integral part of councils' broader regulatory services. While economic growth is a priority for every council in the country, there is also the need to ensure that licensing regimes can continue to protect communities and visitors; manage public health risks; and remain responsive to local concerns.

All of this work requires funding and it is an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse. However, in setting the fees under this and many other Licensing regimes which the Council is required to operate, the Council is required to have regard to a number of different considerations and legislative requirements and parameters, including in relation to the European Services Directive ("the Directive"). This Directive, which remains applicable in the UK, aims to make it easier for service and retail providers to establish a business anywhere within Europe. It includes the principle of ensuring that regulation is transparent and that the burdens placed on businesses are kept to a minimum. The legal requirements in the Directive do have practical implications for local licensing regimes, including fee setting.

- 3.9 The general principles of the Services Directive apply to all processes and administrative procedures that need to be followed when establishing or running a service or retail business, including the setting, charging and processing of fees for licenses. The core principles of the Directive: non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent and accessible, apply to fee setting.
- 3.10 Whilst the majority of the principles are self-explanatory, in the context of fee setting, the principle of 'non-discrimination' requires a little more explanation. In the Directive it is defined as meaning 'the general conditions of access to a service, which are made available to the public at large by the provider [and] do not contain discriminatory provisions relating to the nationality or place of residence of the recipient'.
- 3.11 This applies to the Council when considering fee setting meaning that all applicants must be treated equally irrespective of location and/or nationality. The Council should not, for instance, seek to subsidise businesses operating in one geographical area by offering comparatively lower fees than required of those operating in another. Such an approach discriminates against those businesses located elsewhere in the locality.
- 3.12 In the licensing context, the importance of this approach has also been established by case law on taxi and PHV (Private Hire Vehicles) licensing. *Cummings v Cardiff* ruled that the charges within a licensing regime for different categories of licence should not subsidise each other; so a surplus gained on hackney carriage licenses should not reduce the cost of a private hire vehicle licence. Guidance in this area indicates that this analogy be extended to mean that the fees received under one licensing regime must not subsidise fees charged under another. For instance, a surplus generated by taxi fees must be reinvested back into taxi licensing and not used to reduce the cost of, for instance, a scrap metal dealer's licence.
- 3.13 Under the Directive Councils need to ensure that details of any fees are easily accessible online, including the ability to make payments online. Councils should be able to separate out the cost of processing an initial application from those costs associated with the ongoing administration of a scheme, because this latter element cannot be charged to unsuccessful licence applicants.

- 3.14 This was a key issue in the *Hemming v Westminster* case, in which the Supreme Court asked the European Court of Justice (ECJ) to rule on how Westminster applied its licence fees. The Supreme Court identified two different approaches to charging fees:
- (a) Whereby a council charged a fee upon application (covering the costs of authorisation procedures) and a subsequent fee to successful applicants (covering the cost of administering and enforcing the framework) - the 'type A' approach;
  - (b) Where a council charged a single fee on application covering all costs, on the basis that the relevant proportion of the fee would be refunded to unsuccessful applicants – the 'type B' approach.
- 3.15 The ECJ published its ruling on the issue on 16 November 2016, following an earlier opinion by the Advocate General in July 2016. The ECJ ruled that the type B approach of fee setting is not compatible with the Services Directive, arguing that the Directive 'precludes the requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of an authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused.'
- 3.16 Therefore, in setting the current fees the Council will need to ensure that the fee structures for fees covered by the Services Directive relate solely to the cost of authorisation procedures (i.e. the costs associated with reviewing an application and granting/refusing a licence). Under the type A approach, on which the Supreme Court ruling is still relevant, successful licence applicants could subsequently be charged an additional fee relating to the costs of administering and enforcing the relevant licensing framework. The Court in *Hemming* ruled that licensing authorities are entitled, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 to impose fees for the grant or renewal of licenses covering the running and enforcement costs of the licensing scheme in relation to sex entertainment. As set out in paragraph 3.7 above, the relevant charging provisions for the 1982 Act are set out in paragraph 19 of Schedule 3.
- 3.17 The Directive also includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.
- 3.18 The Guidance anticipates that 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.
- 3.19 To ensure that fees remain reasonable and proportionate the Council considers it appropriate to undertake a review and to establish a review process. It is for this reason, and due to the fact that it will entail an administrative assessment of the costs to be recovered rather than an engagement of discretion by Members', that a delegation is sought to the Director of Public Realm to

undertake reviews and fee setting under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Such delegation should not preclude the Director from bringing the matter back before the Committee should the Director consider it appropriate to do so. In addition, if members are minded to agree the delegation, exercise of this delegation could be reported back to members for information following the annual fee review.

- 3.20 In recommending the proposed fees set out at Appendix 1, officers have had regard to the Open for business: LGA guidance on locally set license fees and this guidance includes information on what could be considered reasonable fees. These considerations are reflected below within the body of this report for members' consideration. Reference has also been had to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard should also be had to the principles in the Regulators' Code.
- 3.21 In this regard, the LGA guidance makes a number of suggestions as to which elements (subject to legislative restrictions) the Council may wish to consider including within the fees set. In accordance with the Case law set out above, these suggested fees are broken down into two separate elements: initial application costs ("Application fee" – Part A) and further compliance and enforcement costs ("Grant/Enforcement fee" – Part B).
- 3.22 The Guidance suggests that initial application costs ("Application fee") could include:
- Administration – this could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.
  - Initial visit/s – this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on costs' include travel costs and management time.
  - Third party costs – some licensing processes will require third party input from experts, *such as is the case for animal related premises where veterinary attendance during licensing inspections is required for certain license types.*
  - Liaison with interested parties – engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.
  - Management costs – councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time referenced below.

- Local democracy costs – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.
- On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.
- Development, determination and production of licensing policies – the cost of consultation and publishing policies can be fully recovered where they pertain to the licensing regime in question.
- Web material – the EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.
- Advice and guidance – this includes advice in person, production of leaflets or promotional tools, and online advice.
- Setting and reviewing fees – this includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

3.23 The Guidance suggests that further compliance and enforcement costs (“Grant/Enforcement fee”) could include:

- Additional monitoring and inspection visits – councils may wish to include a charge for risk based visits to premises in between licensing inspections and responding to complaints. As with the initial licensing visit, councils can consider basing this figure on average officer time, travel, administration, management costs and on costs as suggested above.
- Local democracy costs – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to review existing licences or respond to problems.
- Registers and national reporting – some licensing schemes require central government bodies to be notified when a licence is issued. The costs of doing this can be recovered.
- Charging for action against unlicensed traders Councils’ ability to charge for these costs as part of a licensing scheme depends on the licensing scheme in question. The Animal Welfare Regulations make specific provision in regulation 13 to recover such costs.

3.24 In setting the proposed fees, an hourly rate for the particular role(s) that will undertake the particular task(s) has been calculated. This is the ‘on costed’ hourly rate for the particular role(s) that perform the task(s) and this also includes basic office administration such as resources, photocopying, postage, processing fees through the accounts department, recharges for payroll, accommodation, including heating and lighting, supplies and services connected with the licensing functions and management and supervision costs (where relevant). Appendix 1 then sets the associated processes out into a series of tasks and the relevant hourly rate was then multiplied by the amount

of time, in minutes, that it was considered, based on previous experience that the individual tasks of that nature would take to complete. These figures were then added together to give a recommended fee for Members' consideration. Members will note that the proposed fees have been split between application (Part A) and enforcement (Part B) parts. When someone applies for a licence, they will be asked to pay the application portion when they apply (Application fee) and then, if their application is granted, they will be asked to pay the enforcement part (Grant/Enforcement fee) prior to the licence being issued to them.

- 3.25 The council will aim to undertake a regular review of the sex establishment licensing regime fees. When considering the fees the council will take into account the costs that it has incurred from the previous year/s and set a fee based on those costs. If the council does, in reviewing the fees identify a surplus or a deficit it will adjust the fees accordingly to either reduce the fee levels to reduce the surplus or increase the fee levels to repay that deficit in costs from previous years. This means that the fees may fluctuate each time the fees are set based on the review of income and cost associated with that relevant licensing regime and when having regard to officers' "on costed" hourly rates at that point in time. Members will note from Appendix 1 that there has been a reduction overall in the proposed fees and this represents officers' assessment of the costs incurred in administering the sex establishment licensing regime since the fees were last set by Members.
- 3.26 In light of the above and the referenced guidance, Members are asked to consider Appendix 1 - which sets out the proposed fees for the types of establishment which may be licensed under the Act and the component elements of the fees, which are recommended for approval.
- 3.27 The guidance referenced particularly in paragraphs 3.20-23 above regarding fee setting considerations can be accessed via the below links -

LGA Guidance:

[https://local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness\\_02\\_web.pdf](https://local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf)

BEIS guidance:

<http://webarchive.nationalarchives.gov.uk/20121205034810/http://www.bis.gov.uk/files/file53100.pdf>

Regulator's Code:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

- 3.28 In determining the fees to be set, Members are referred to the High Court case of *Hemming v Westminster City Council* which established that authorities, in setting/determining sex establishment fees to be charged could not include within the fees set an element for enforcement against unlicensed operators. In addition, one of the effects of the EU Services Directive, which remains in force, is that fees determined may encompass the reasonable costs of reimbursing the Council for the administrative processes of dealing with an application but

may not include costs of broader enforcement. However, compliance of the licensed premises can be taken into account when fee setting.

- 3.29 In the light of the above the Council's fees for sex establishment licence applications under the Act have been reviewed and the fees set out in Appendix 1 attached are recommended for approval by Members.

#### **4. POLICE COMMENTS**

- 4.1 As this report relates to local authority fee setting, comments have not been sought from the Croydon Police licensing officer regarding this matter.

#### **5. APPEALS**

- 5.1 There are no direct appeal provisions within the legislation with regard to fee setting. However, the local authority must only set fees that cover administrative and other reasonable costs and an aggrieved party may seek judicial review if they believe the fees set are excessive. Judicial review proceedings present financial and reputational risk to the Council.

#### **6. CONSULTATION**

- 6.1 There are no statutory consultation or advertisement requirements with regard to fee setting under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

#### **7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 7.1 The Council is entitled to calculate fees that will generate income to offset the estimated costs to the Council of providing the service. The estimated income from fees will offset the costs of the services.

Approved by: Flora Osiyemi, Head of Finance Place, Gateway, Engagement & Strategy

#### **8. COMMENTS OF THE COUNCIL SOLICITOR**

- 8.1 The Solicitor to the Council comments that there are no additional legal implications arising from the recommendations in the report other than those already set out within the body of the report.

(Approved by Sandra Herbert, Head of Litigation and Corporate law for and on behalf of Jacqueline Harris-Baker, Director of Law and Governance, Council Solicitor and Monitoring Officer).

#### **9. HUMAN RESOURCES IMPACT**

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

## **10. CUSTOMER IMPACT**

- 10.1 The Local Government (Miscellaneous Provisions) Act 1982 impacts on existing and potential licence holders. Well managed licensed premises attract customers and contribute to a vibrant local economy.

## **11. EQUALITY ANALYSIS (EA)**

- 11.1 This report does not require a separate Equality Analysis to be undertaken.

## **12. ENVIRONMENTAL AND DESIGN IMPACT**

- 12.1 Fee setting in respect of licensed sex establishments in Croydon are not considered to adversely impact on the local environment.

## **13. CRIME AND DISORDER REDUCTION IMPACT**

- 13.1 There are not considered to be any local crime and disorder implications associated with this report.

## **14. HUMAN RIGHTS IMPACT**

- 14.1 Article 1 of the First Protocol provides a right to peaceful enjoyment of possessions. Both a person's business and an existing licence are a possession and cannot be taken away or interfered with unless the law allows it and the action is justified.

Further, when determining applications under the Local Government (Miscellaneous Provisions) Act 1982, it is necessary to ensure that, as far as possible, the Council's procedures are compliant with the principles in Article 6 of the Convention – the right to a fair trial.

## **15. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS**

- 15.1 Information that is provided to or held by the Council in relation to applications must only be processed and disclosed strictly in accordance with the Freedom of Information Act and Data Protection Act 1998 and other appropriate legislation.

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**CONTACT OFFICER:** Michael Goddard, Licensing Manager, X61838.

**BACKGROUND DOCUMENTS:** None

Local Government (Miscellaneous Provisions) Act 1982 – Schedule 3

Sex Establishment Licensing – Fees

Full cost hourly rates for specific roles (rounded up) shown against each task:

- i £59 = Licensing Officer
- ii £98 = Legal Officer
- iii £50 = Democratic Services Officer

Application for New Licence

A

- Handle initial enquiry and send relevant application forms - £59 (1 hour) *i*
- Receipt application, check forms, processing of relevant fee through finance team - £118 (2 hours) *i*
- Acknowledge application and enquiries of applicant - £118 (2 hours) *i*
- Load application onto premises database - £59 (1 hour) *i*
- Check site public notice - £118 (2 hours) *i*
- Check newspaper notice - £59 (1 hour) *i*
- Liaise with Police re correct receipt of application - £29.50 (30 mins.) *i*
- Handle enquiries and receive, check & acknowledge objections from residents/business & police - £501.50 (Assumes 16 public objections and Police = 17 x 0.5 hour each = 8.5 hours) *i*
- Liaise with Democratic Services to arrange Licensing Committee hearing - £29.50 (30 mins.) *i*
- Notify all parties of hearing - £531 (Assumes 16 public objectors and Police and applicant = 18 x 0.5 hour each = 9 hours) *i*
- Prepare report for hearing - £354 (6 hours) *i*
- Legal Officer consideration of, liaison with author & comment on report - £294 (3 hours) *ii*
- Democratic Services Officer arrange Chair pre meeting & application hearing (including rooms and materials), prepare paperwork, summons of committee members and DS officer attendance at pre meet & hearing - £500 (10 hours) *iii*
- Hold pre meeting with Chair of Licensing to appraise of application and legal framework - £157 (Licensing Officer & Legal Officer 1 hour each) *i & ii*
- Hold hearing – £471 (Licensing Officer & Legal Officer, preparation and attendance 3 hours each) *i & ii*

B

- Democratic Services Officer prepare minutes of meeting and decision notice - £100 (2 hours) *iii*
- Legal Officer check, comment on and approve decision notice - £98 (1 hour) *ii*
- Notify objectors of outcome of hearing - £501.50 (Assumes 16 public objections and Police = 17 x 0.5 hour each = 8.5 hours) *i*
- Draft licence with appropriate conditions and send to applicant and copy to Police - £177 (3 hours) *i*
- Annual premises compliance visits - £472 (4 visits at 2 hours each) *i\**

*\*This does not include enforcement against other premises or against unlicensed operators.*

**Fee = £4747** (Part A = £3398.50 & Part B = £1348.50)

#### Application for Renewal or Variation of Licence

##### A

Handle initial enquiry and send relevant application forms - £59 (1 hour) *i*

Receipt application, check forms, processing of relevant fee through finance team - £59 (1 hour) *i*

Acknowledge application and enquiries of applicant - £59 (1 hour) *i*

Load application onto premises database - £59 (1 hour) *i*

Check site public notice - £118 (2 hours) *i*

Check newspaper notice - £59 (1 hour) *i*

Liaise with Police re correct receipt of application - £29.50 (30 mins.) *i*

Handle enquiries and receive, check & acknowledge objections from residents/business & police - £59 (Assumes 1 public objection and Police = 2 x 0.5 hour each = 1 hour) *i*

Liaise with Democratic Services to arrange Licensing Committee hearing - £29.50 (30 mins.) *i*

Notify all parties of hearing - £88.50 (Assumes 1 public objector and Police and applicant = 3 x 0.5 hour each = 1.5 hours) *i*

Prepare report for hearing - £118 (2 hours) *i*

Legal Officer consideration of, liaison with author & comment on report - £98 (1 hour) *ii*

Democratic Services Officer arrange Chair pre meeting & application hearing (including rooms and materials), prepare paperwork, summons of committee members and DS officer attendance at pre meet & hearing - £500 (10 hours) *iii*

Hold pre meeting with Chair of Licensing to appraise of application and legal framework - £157 (Licensing Officer & Legal Officer 1 hour each) *i & ii*

Hold hearing – £314 (Licensing Officer & Legal Officer, preparation and attendance 2 hours each) *i & ii*

##### B

Democratic Services Officer prepare minutes of meeting and decision notice - £100 (2 hours) *iii*

Legal Officer check, comment on and approve decision notice - £98 (1 hour) *ii*

Notify objectors of outcome of hearing - £59 (Assumes 1 public objection and Police = 2 x 0.5 hour each = 1 hour) *i*

Draft licence with appropriate conditions and send to applicant and copy to Police - £88.50 (1.5 hours) *i*

Annual premises compliance visits - £472 (4 visits at 2 hours each) *i\**

*\*This does not include enforcement against other premises or against unlicensed operators.*

**Fee = £2624** (Part A = £1806.50 & Part B = £817.50)

## Application to Transfer licence

### A

- Handle initial enquiry and send relevant application forms - £59 (1 hour) i
- Receipt application, check forms, processing of relevant fee through finance team - £59 (1 hour) i
- Acknowledge application and enquiries of applicant - £59 (1 hour) i
- Load application onto premises database - £59 (1 hour) i
- Check site public notice - £118 (2 hours) i
- Check newspaper notice - £59 (1 hour) i
- Liaise with Police re correct receipt of application - £29.50 (30 mins.) i
- Receive and handle enquiries from residents/business & police - £59 (1 hour) i

### B

- Draft licence with appropriate conditions and send to applicant and copy to Police - £59 (1 hour) i
- Annual premises compliance visits - £472 (4 visits at 2 hour each) – i\*
- \*This does not include enforcement against other premises or against unlicensed operators.

**Fee = £1033** (Part A = £501.50 (£502 rounded up) & Part B = £531)

The above 'new application' fee would apply to an application for a new sex establishment licence for –

- Sex Shop (Whole Use)
- Sex Cinema
- Sexual Entertainment Venue

A Whole Use licence would be issued to premises whose gross sales of 'sex articles' is considered to be a significant % part of the operation.

The Council also issues Part Use licences to Sex Shops. This would be where the premises sells R18 DVD's/Videos but only in a specific part of the shop, with the rest of the shop given over to the sale of non licensable articles. The sale of any quantity of R18 DVD's/Videos, regardless of their % to gross shop sales, requires a licence.

The fees for Part Use licences are as follows –

## Application for New Licence - Sex Shop (Part Use)

### A

- Handle initial enquiry and send relevant application forms - £59 (1 hour) i
- Receipt application, check forms, processing of relevant fee through finance team - £59 (1 hour) i
- Acknowledge application and enquiries of applicant - £59 (1 hour) i
- Load application onto premises database - £59 (1 hour) i
- Check site public notice - £118 (2 hours) i
- Check newspaper notice - £59 (1 hour) i
- Liaise with Police re correct receipt of application - £29.50 (30 mins.) i

Handle enquiries and receive, check & acknowledge objections from residents/business & police - £59 (Assumes 1 public objection and Police = 2 x 0.5 hour each = 1 hour) *i*

Liaise with Democratic Services to arrange Licensing Committee hearing - £29.50 (30 mins.) *i*

Notify all parties of hearing - £88.50 (Assumes 1 public objector and Police and applicant = 3 x 0.5 hour each = 1.5 hours) *i*

Prepare report for hearing - £118 (2 hours) *i*

Legal Officer consideration of, liaison with author & comment on report - £98 (1 hour) *ii*

Democratic Services Officer arrange Chair pre meeting & application hearing (including rooms and materials), prepare paperwork, summons of committee members and DS officer attendance at pre meet & hearing - £500 (10 hours) *iii*

Hold pre meeting with Chair of Licensing to appraise of application and legal framework - £157 (Licensing Officer & Legal Officer 1 hour each) *i & ii*

Hold hearing – £314 (Licensing Officer & Legal Officer, preparation and attendance 2 hours each) *i & ii*

## B

Democratic Services Officer prepare minutes of meeting and decision notice - £100 (2 hours) *iii*

Legal Officer check, comment on and approve decision notice - £98 (1 hour) *ii*

Notify objectors of outcome of hearing - £59 (Assumes 1 public objection and Police = 2 x 0.5 hour each = 1 hour) *i*

Draft licence with appropriate conditions and send to applicant and copy to Police - £88.50 (1.5 hours) *i*

Annual premises compliance visits - £354 (3 visits at 2 hours each) *i\**

*\*This does not include enforcement against other premises or against unlicensed operators.*

**Fee = £2506** (Part A = £1806.50 & Part B = £699.50)

### Application for Renewal or Variation of Licence - Sex Shop (Part Use)

**Fee = £1103** (Part A = £794 & Part B = £309)

To assist the Committee, the current LB Croydon Sex Establishment fees are shown in the left hand column in the table below, with the proposed fees, as detailed above, set out in the right hand column in the table below –

| Current Fee               | Proposed Fee              |
|---------------------------|---------------------------|
| Whole Use New - £5299     | Whole Use New - £4747     |
| Whole Use Renewal - £2872 | Whole Use Renewal - £2624 |
| Part Use New - £2229      | Part Use New - £2506      |
| Part Use Renewal - £1204  | Part Use Renewal - £1103  |
| Transfer - £1040          | Transfer - £1033          |

To assist the committee, though it has not influenced the workings for the proposed fees as set out above, the following are examples of current published sex establishment licensing fees at some other London boroughs –

- LB Lambeth –  
New licence £3500, Renewal £2500
- LB Westminster –  
New 'sex shop' licence £4297, Renewal £3348  
New 'SEV' licence £3960, Renewal £3268
- RB Greenwich –  
New licence £22946.42, Renewal £22946.42
- LB Camden –  
New 'sex shop' licence £10452.86 (£6162.37 refundable if refused)  
Renewal £10443.30 (£6162.37 refundable if refused)  
New 'SEV' licence £10000 (£2670 refundable if refused)  
Renewal £6960 (£2670 refundable if refused)  
Variation application £5190
- LB Islington –  
New licence £7845 (£1345 refundable if refused)  
Renewal £2680 (£1345 refundable if refused)
- LB Bromley –  
New licence £14514, Renewal £14514
- LB Ealing –  
New licence £2984, Renewal £2984
- LB Wandsworth –  
New 'sex shop' licence £4906  
Renewal £4205  
New 'SEV' licence £5738  
Renewal £4786  
Variation application £1700
- LB Sutton –  
New licence £3280, Renewal £3280
- LB Kingston -  
New licence £3280, Renewal £3280
- LB Merton –  
New licence £28,575, Renewal £28,575
- LB Richmond upon Thames –  
New 'sex shop' licence £13380  
Renewal £6464  
New 'SEV' licence £13380  
Renewal £6464